

**MINUTES OF THE REGULAR CONCURRENT MEETING  
OF THE CITY OF SANTA CLARA  
CITY COUNCIL  
SANTA CLARA STADIUM AUTHORITY  
SPORTS AND OPEN SPACE AUTHORITY  
CITY OF SANTA CLARA HOUSING AUTHORITY  
PUBLIC FACILITIES FINANCING CORPORATION  
TUESDAY, FEBRUARY 23, 2016**

The Council, Sports and Open Space Authority (SOSA), Housing Authority and the Successor Agency to the Redevelopment Agency, with a quorum present, met at 5:03 pm, on the above-mentioned date, in the City Hall Council Chambers for a **Joint Study Session** regarding **input on budget priorities and review of items identified at the February 16, 2016 meeting**. The Director of Finance/Assistant City Manager/Director of Finance for SOSA/Housing Authority Treasurer introduced the item and reviewed his report. A Council/Authority/Successor Agency discussion followed and the City Manager/Contract Administrator for SOSA/ Executive Director for Housing Authority/Executive Officer to Successor Agency and the Director of Finance/Assistant City Manager/Director of Finance for SOSA/Housing Authority Treasurer answered Council/Authority/Successor Agency questions. Kirk Vartan and Sudhanshu Jain provided general comments regarding budget priorities. The Council/Authority/Agency also noted emails from Debbie Sparks (02/23/16) and Elizabeth Megas (02/23/16).

The Council proceeded with a **Study Session** regarding a **Review of the Proposed Final Schematic Design of the International Swim Center, Community Recreation Center, and International Swimming Hall of Fame Project**. The Director of Parks and Recreation reviewed his report and began an electronic presentation regarding the history and community benefits of the International Swim Center, Community Recreation Center and the International Swimming Hall of Fame Project. He then introduced Clarence Mamuyak, Jr., Principal at ELS Architecture and Urban Design, who continued the electronic presentation providing an update on the progress made on the proposed final schematic design of the International Swim Center, Community Recreation Center and International Swimming Hall of Fame Project. A Council discussion followed and Mr. Mamuyak Jr., the Director of Parks and Recreation and the City Manager answered Council questions. The City Manager and the Director of Parks and Recreation provided different budget options for completing the project. John Elwood, Rudolph and Sletten General and Engineering Contractors, addressed the Council regarding a Cost Estimate conducted in June 2015 by their firm. Kevin Moore and Jennifer Stuckey made comments in favor of the project.

The Council then met at 6:00 pm in the City Hall reception lobby adjacent to the City Clerk's Office for **Interviews to fill a vacancy on the Cultural Commission** for the partial term ending June 30, 2016.

The Council, with a quorum present, then met in the Council Conference Room for a **Closed Session**. The Council met for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit #4 - City of

Santa Clara Professional Engineers; Units #5, 7 & 8 – City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit #9 - Miscellaneous Unclassified Management Employees; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association); Conference with Legal Counsel-Existing Litigation Pursuant to Government Code Section 54956.9(d)(1), *Garcia v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 10-CV-2424-SF(NJV); and Conference with Legal Counsel-Existing Litigation Pursuant to Government Code Section 54956.9(d)(1), *Moneeb et al. v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 15-CV-1987 NC.

The City Council, Stadium Authority, Sports and Open Space Authority, Housing Authority and Public Facilities Financing Corporation met at 7:02 pm in the City Hall Council Chambers and the regular Concurrent Meeting was opened with the recitation of the Pledge of Allegiance and Statement of Values.

Present: Members Dominic J. Caserta, Debi Davis, Patrick Kolstad, Jerry Marsalli and Teresa O'Neill and Mayor/Chairperson Lisa M. Gillmor.

Staff present: City Manager, City Attorney and City Clerk/Auditor.

**MOTION** was made by Caserta, seconded and unanimously carried, that the **Minutes** for the Concurrent Meeting of **January 26, 2016** be adopted as written.

As an exception to the agenda, **MOTION** was made by Caserta, seconded and unanimously carried, that the Council **consider earlier than agendized** the Acting Director of Planning and Inspection's report regarding the **Public Hearing for the Mission Town Center Project located at 575 Benton Street, et al.** and **direct** that the item be considered under Special Order of Business.

The Council proceeded to consider the Acting Director of Planning and Inspection's report **requesting a continuance of the Public Hearing to consider the appeal submitted by Paul Bosman, Oakland Realty Loan Service, et al.**, of the Planning Commission's denial of a Conditional Use Permit to allow a drive-through restaurant in conjunction with a new 4,629 square foot commercial building at 2277 El Camino Real (PLN2015-11377). The City Manager answered Council questions. **MOTION** was made by Caserta, seconded and unanimously carried, that the **Public Hearing be continued to a date to be determined by the Planning and Inspection Department.**

As a Special Order of Business, the Council proceeded to consider the City Clerk/Auditor's report regarding the **appointment to fill one vacancy on the Cultural Commission** for the partial term ending June 30, 2016. The Mayor stated that earlier in the evening, in the reception lobby adjacent to the City Clerk's Office, the Council interviewed the following applicants: Harbir K. Bhatia, Michelle Castro, Krystal Elms, Patricia Harris, Lynn Marinero, Yesenia Villa and Ammy Woodbury. Applicant Sarabjit Singh was not interviewed as she had rescinded her application. Following Council comments, **MOTION** was made by O'Neill, seconded and unanimously carried, that the Council **appoint Harbir K. Bhatia** to the Cultural Commission for the partial term ending June 30, 2016.

**PUBLIC HEARING:** The Mayor declared the Public Hearing open for the **Mission Town Center Project** located at **575 Benton Street, et al.** The Acting Director of Planning and Inspection reviewed her report and recommendation for adoption of Resolutions to: 1) approve and certify a Final Environmental Impact Report (FEIR) and adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program (MMRP); 2) approve the General Plan Amendment from Santa Clara Station High Density Residential and Santa Clara Station Low Density Residential to Santa Clara Station Very High Density Residential and include a definition of the Santa Clara Station Very High Density Residential land use designation and a policy to allow limited neighborhood commercial within the Santa Clara Station Focus Area; 3) approve the rezone from Light Industrial (ML), Single Family (R1-6L), Duplex (R2-7L) and Thoroughfare Commercial (CT) to Planned Development (PD) to allow the development of 370 apartment units, 27,000 gross square feet (gsf) of retail space, and 10,000 gsf of amenity and leasing space; 4) approve the Vesting Tentative Parcel Map for the Project site; and 5) pass to print an Ordinance approving the Development Agreement with 575-675 Benton Street LLC for the project located at 575 Benton Street, et al. The Council noted the memo from the Planning Manager (02/23/16) providing a revised Vesting Tentative Map and an amended Exhibit G depicting the "Vacated Street Area" to the Development Agreement. The Acting Director of Planning and Inspection gave an electronic presentation regarding the project and the community benefits. A Council discussion followed and the Acting Director of Planning and Inspection, the Planning Manager, and the City Manager answered Council questions. Carlene Matchniff, Vice President of Entitlements and Public Affairs, Irvine Company, addressed the Council and provided two handouts depicting alternative proposals to the development plan including two corresponding maps depicting new alternative heights for the project. Steve Kellenberg, Irvine Company, addressed Council and gave an electronic presentation. Ms. Matchniff continued the electronic presentation and answered additional Council questions. Robert Eckols, Fehr and Peers, a Transportation, Planning and Engineering Organization, addressed the Council and answered questions relating to transportation issues surrounding the project. The following members of the community made comments in support of the project: Roy Truitt, Lou Mariani, Colin Heyne, Tim Blue, Twinky Chai, Mick Strangover, Steve Kelly, Clyde Hammond, Michael Briski, Matthew Thomas, Dave DeLozier, David Tobkin, Cynthia Owens, Tracey Infantino, Brandon Reinhardt, Brian Goldenberg, Kevin Fox, Peter Yoon, Dr. Mohammed Nadeem, Mike Fox, Robert Fitch, Christina Domingo, David LeBaron, Robert Simmons, Carl Guardino, Ruben Camacho, Myron Von Raesfeld, Steven Dutra, Elizabeth Megas, Joe Siecinski, Mario Bouza and Stan Carlson. The following community members expressed comments of concern regarding the project: Noreen Carlson, Janet Stevenson, Howard Myer, Richard Bonito, Michael Hyams, Don Soukup, Sarah Doty, Jeannie Mahan, Lorie Garcia, Kay Ammon, Donna Marenica, Paul Rebello, Joanne G. Bruna, Kevin Park, Deborah Bress, Liz (last name unknown), Vicky Fairchild, Gabby Seagrave, Laura Mahan, and Judy Tucker. The Council noted the Executive Assistant to Mayor and Council's report regarding correspondence received relating to the project (02/23/16) and an email with attached letter from David Vierra supporting the project (02/23/16). Ms. Matchniff addressed comments of concern provided by the public and she and the City Manager answered additional Council questions. **MOTION** was made by Caserta, seconded and unanimously carried, to close the Public Hearing. **MOTION** was made by O'Neill, seconded and carried, Kolstad dissenting, to require 10% affordable housing, of which, 7% shall be moderate income units and 3% shall be low income units. **MOTION** was then made by Caserta, seconded and unanimously carried, that the Council adopt **Resolution No. 16-8293** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA,

CALIFORNIA, APPROVING AND CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS WITH RESPECT THERETO, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE RESIDENTIAL/MIXED USE PROJECT LOCATED AT 575 BENTON STREET, ET AL, SANTA CLARA” which approves and certifies a **Final Environmental Impact Report (FEIR)** and adopts a **Statement of Overriding Considerations and the Mitigation Monitoring or Reporting Program (MMRP)**; **Resolution No. 16-8294** entitled “A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING THE GENERAL PLAN AMENDMENT FROM SANTA CLARA STATION HIGH DENSITY RESIDENTIAL AND SANTA CLARA STATION LOW DENSITY RESIDENTIAL TO SANTA CLARA STATION HIGH DENSITY RESIDENTIAL ON A 5.8-ACRE SITE FOR THE PROPERTY LOCATED AT 575 BENTON STREET, ET AL, SANTA CLARA AND ADDING A POLICY TO ALLOW LIMITED NEIGHBORHOOD COMMERCIAL USES WITHIN THE SANTA CLARA STATION FOCUS AREA” which approves the **General Plan Amendment** from Santa Clara Station High Density Residential and Santa Clara Station Low Density Residential to Santa Clara Station High Density Residential on a 5.8-acre site for the property located at 575 Benton Street, et al, Santa Clara and adding a policy to allow limited neighborhood commercial uses within the Santa Clara Station Focus Area; **Resolution No. 16-8295** entitled “A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REZONING FROM LIGHT INDUSTRIAL (ML), SINGLE FAMILY (R1-6L), DUPLEX (R2-7L), AND THOROUGHFARE COMMERCIAL (CT) TO PLANNED DEVELOPMENT (PD) FOR THE PROPERTY LOCATED AT 575 BENTON STREET, ET AL, SANTA CLARA” which approves the **Rezone** from Light Industrial (ML), Single Family (R1-6L), Duplex (R2-7L), and Thoroughfare Commercial (CT) to Planned Development (PD) to allow the development of 318 apartment units, 22,000 gross square feet of retail space, and 10,000 gross square feet of amenity and leasing space; and **Resolution No. 16-8296** entitled “A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING THE VESTING TENTATIVE PARCEL MAP FOR THE PROPERTY LOCATED AT 575 BENTON STREET, ET AL, SANTA CLARA” which approves the **Vesting Tentative Parcel Map** and pass to print **Ordinance No. 1952** entitled “AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA CLARA AND IRVINE COMPANY FOR THE PROPERTY LOCATED AT 575 BENTON STREET, ET AL, SANTA CLARA” which approves the Development Agreement with 575-675 Benton Street LLC for the project located at 575 Benton Street, et al. (APNs: 230-07-002, 004, 009, 00, 013, 029, 031, 034, 038, 053, 059, and 060)(PLN2015-10980, PLN2015-10981, PLN2015-10982 and PLN2015-10983, CEQ2015-01188, SCH#2015032076), **with the following modifications and conditions:** Reduce the project unit count from 370 units to 318 units to bring the project into the density range for Santa Clara Station High Density Residential after a 10% density increase for LEED Gold or greater equivalent standards; reduce the retail space to 22,000 square feet; set the maximum height along The Alameda to three stories, to be constructed in a Craftsman style; set the maximum height along Benton Street at three stories closest to The Alameda, four stories in the middle of the block, and five stories closest to El Camino Real; set the maximum height along the paseo between El Camino Real and The Alameda to three and four stories; require that the relocation of the two Queen Anne homes be completed within one year; require the developer to provide for both pre- and post-construction inspections of the Historic Pena Adobe on The Alameda, with any costs of damages to be paid by the developer; require that the developer and City staff communicate with representatives of the Santa Clara Women’s Adobe Club regarding their concerns; prohibit the unbundling of parking; require that prior to the sale of City

roadways, a third party appraisal be conducted; and require 10% affordable housing, of which 7% shall be moderate income units and 3% shall be low income units.

- Under Unfinished Business, the Council proceeded to consider the Deputy City Manager's report requesting authorization to publish a **notice of intent to sell a public right-of-way located on a portion of Franklin Street from Lafayette Street to The Alameda and a portion of Alviso Street from Franklin Street to Benton Street** pursuant to Charter Section 714 and to set April 5, 2016 as the date to accept bids for consummation of the sale. The City Manager introduced the item and the Deputy City Manager reviewed her report and gave an electronic presentation describing the background of the project, public benefit, parking, and the conditions and process for the sale. Mike Hindery, Vice President of Finance and Administration, Santa Clara University, gave an electronic presentation regarding the University's proposal to purchase Franklin Street and create an outdoor Pedestrian Mall on the site. A Council discussion followed with Mr. Hindery answering Council questions. The following community members expressed comments in support of the sale: Dr. Mohammed Nadeem, David LeBaron, Gary Filizeth, Kevin Moore, Kathy Kelsey, Mark Kelsey and Myron Von Raesfeld. The following members of the community expressed comments of concern: Sarah Doty, Joanne G. Bruna, Noreen Carlson, Chris Stanton, Hosam Haggag, Paul Rebello and Deborah Bress. The Planning Manager and Mr. Hindery answered additional Council questions. **MOTION** was made by Caserta, seconded and unanimously carried, that the

Council **authorize** publication of a notice of intent to **sell a public right-of way located on a portion of Franklin Street from Lafayette Street to The Alameda and a portion of Alviso Street from the south side of Franklin Street to Benton Street** pursuant to Charter Section 714 and set April 5, 2016 as the date to accept bids for consummation of the sale.

Member Caserta left the dias.

**PUBLIC HEARING:** The Mayor declared the Public Hearing open for consideration of adoption of a **Resolution ordering the abatement of a nuisance consisting of growing weeds in the City.** Awais Ahmed and Larry Moberly addressed the Council expressing concerns regarding weed abatement. A Council discussion followed and the Fire Chief answered Council questions. By Council consensus, both Mr. Ahmed and Mr. Moberly's matters were referred to the City Manager for follow up. Moe Kumre, Manager of the Santa Clara County Weed Abatement Program, addressed the Council and answered Council questions. **MOTION** was made by Marsalli, seconded and unanimously carried, Caserta absent, that the Council close the Public Hearing. **MOTION** was made by Marsalli, seconded and unanimously carried, Caserta absent, that the Council **adopt Resolution No. 16-8297** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ORDERING THE ABATEMENT OF A NUISANCE CONSISTING OF GROWING WEEDS IN THE CITY OF SANTA CLARA" which orders the abatement of a nuisance consisting of growing weeds in the City in association with the County Weed Abatement Program for 2015-2016.

Member Caserta returned to the dias.

The Council proceeded to consider the City Attorney and City Clerk/Auditor's report regarding the **declaration** of **City Council Seat No. 6** as **vacant** (after recent appointment of Mayor Gillmor) and approval of one of the following options for the filling

of the vacancy: 1) Appointment of a new City Council Member at tonight's meeting; 2) Acceptance of applications and letters of interest, and holding interviews to appoint a new Council Member at the City Council meeting of March 8, 2016 or March 22, 2016, or at a special meeting, or; 3) Direct that after the 30 day period, the vacancy be considered with the November 8, 2016 General Municipal Election, or; 4) Direct the City Manager to return with additional information regarding the viability and costs of an all-mailed ballot special election. The Council noted the Executive Assistant to Mayor and Council's report regarding correspondence received relating to the vacant Council seat (02/23/16). Vickie Fairchild and Sarah Doty made general comments. **MOTION** was made by Davis, seconded and unanimously carried, that the Council **declare** Council Seat No. 6 as vacant, **set** March 4, 2016 at 12:00 pm as the deadline for receipt of applications and letters of interest and **set** a Special Meeting on Monday, March 7, 2016 at 7:00 pm for interviews with the appointment of the new City Council Member to take place at the Regular Meeting of March 8, 2016 at 7:00 pm. Michael Helms made comments in support of the motion.

The Council and Public Facilities Financing Corporation (PFFC) then considered the Director of Finance/Assistant City Manager, Director of PFFC and Director of Water and Sewer Utilities' report recommending adoption of a City Resolution and a PFFC Resolution authorizing the financing of the **Trimble Road Trunk Sanitary Sewer Improvement Project**, approving the final form and execution of financing documents and authorizing certain other related actions consistent with the financing; and authorizing the execution of all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved and to make any minor non-substantive or routine changes to complete the financing transaction. The Director of Finance/Assistant City Manager, Director of Finance for PFFC addressed the Council/PFFC and reviewed his report. **MOTION** was made by Marsalli, seconded and unanimously carried, that the Council **adopt Resolution No. 16-8298** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING INSTALLMENT SALE FINANCING IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000 FOR THE TRIMBLE ROAD TRUNK SANITARY SEWER IMPROVEMENT PROJECT, AND APPROVING FINAL FORM OF FINANCING DOCUMENTS AND OFFICIAL ACTIONS" and that the Public Facilities Financing Corporation **adopt Resolution No. 16-01 (PFFC)** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA PUBLIC FACILITIES FINANCING CORPORATION APPROVING INSTALLMENT SALE FINANCING IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000 FOR THE TRIMBLE ROAD TRUNK SANITARY SEWER IMPROVEMENT PROJECT, AND APPROVING FINAL FORM OF FINANCING DOCUMENTS AND OFFICIAL ACTIONS" which authorizes the financing of the Trimble Road Trunk Sanitary Sewer Improvement Project, approving the final form and execution of financing documents and authorizing certain other related actions consistent with the financing and **authorize** the City Manager/Executive Director, Director of Finance/Assistant City Manager, Director of Finance for Public Facilities Financing Corporation to execute all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved under the Resolutions and to make any minor non-substantive or routine changes to complete the financing transaction.

The Council proceeded to consider the Deputy City Manager's report requesting adoption of Resolutions to support the **Housing Task Force of Santa Clara County supporting regional coordination towards addressing homelessness to endorse the Destination:Home Community Plan to End Homelessness in Santa Clara**

**County 2015-2020.** The Deputy City Manager reviewed her report and gave an electronic presentation describing the request from the Cities Association of Santa Clara County to adopt resolutions to end homelessness. A Council discussion followed. Sudhanshu Jain, Robert Fitch, Raania Mohsen, Executive Director of the Cities Association of Santa Clara County, Deborah Bress and Hosam Haggag expressed comments in support of the Resolutions. **MOTION** was made by Marsalli, seconded and unanimously carried, that the Council **adopt Resolution No. 16-8299** entitled “A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA TO SUPPORT THE HOUSING TASK FORCE OF SANTA CLARA COUNTY TO END HOMELESSNESS” which supports regional coordination towards addressing homelessness and the housing needs of our communities and **adopt Resolution No. 16-8300** entitled “A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA TO ENDORSE THE DESTINATION:HOME COMMUNITIY PLAN TO END HOMELESSNESS IN SANTA CLARA COUNTY 2015-2020” which endorses the Destination:Home Community Plan to End Homelessness in Santa Clara County.

The Council then considered the Deputy City Manager’s report recommending approval of the Exclusive Negotiating Rights Agreement with Core Affordable Housing, LLC for the development of Senior Housing at 90 N. Winchester Boulevard on approximately six acres of Housing Authority owned land and the revised agenda report amending the recommendation to include the language “in substantially the form presented”. The City Manager introduced the item and the Deputy City Manager reviewed her report and gave an electronic presentation. A Council discussion followed and Christopher Stanton, Alrie Middlebrook and Barbara Perzigian made comments in support of the agreement. The Council noted an email from Kirk Vartan (02/22/16) expressing general comments. A Council discussion followed and the City Manager answered Council questions. **MOTION** was made by Caserta, seconded and unanimously carried, that the Council **approve the Exclusive Negotiating Rights Agreement** substantially in the form presented with **Core Affordable Housing, LLC** for the **development of Senior Housing at 90 N. Winchester Boulevard** on approximately six acres of Housing Authority owned land.

The Council proceeded to consider the Fire Chief’s informational report regarding the **non approval for mobile fuel dispensing services in the City of Santa Clara.** The Fire Chief reviewed his report and addressed the Council regarding the Fire Department’s non approval of the mobile fuel services. A Council discussion followed with the Fire Chief and the City Manager answering Council questions. The Council noted the Executive Assistant to Mayor and Council’s report regarding correspondence received relating to mobile fuel dispensing services (02/23/16). Frank Mycroft, founder and Chief Executive Officer of Booster Fuels, Denise Helm, Chegg Co. representative, David Wu, Maveron Venture Capital Firm, Mike Halligan, Safety Consultant for Booster Fuels, and Deborah Bress expressed comments of concern regarding the non approval of the service. **MOTION** was made by Caserta, seconded and carried, Marsalli dissenting, that the Council **refer** the matter to the **City Manager to work with Booster Fuels and return to Council with a report within six to eight weeks.**

**MOTION** was made by Caserta, seconded and unanimously carried, that the Council and Stadium Authority **continue** the consideration of Director of Finance/Assistant City Manager, Finance Director/Treasurer/Auditor for Stadium Authority’s report requesting that the Council/Authority note and file the **Santa Clara Stadium Authority Financial Status Report** for the quarter **ending December 31, 2015.**

**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the Director of Electric Utility's report, the Council **approve** the use of **City Electric forces** for the installation of facilities at 3200 Tannery Way; Bellomy Street at Buscher Middle School; 941 Laurelwood Drive; 697 Los Olivos Drive; and Great America Theme Park.

**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the Director of Finance/Assistant City Manager's report, the Council **note and file** the **Santa Clara Convention Center and Convention-Visitor's Bureau Activity Report for Fiscal Year 2015-16 second quarter**, as submitted by the Santa Clara Chamber of Commerce and Convention-Visitor's Bureau.

**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the Director of Finance/Assistant City Manager's report, the Council **note and file** the **Monthly Financial Status Reports for December 2015** as presented.

**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's report, the Council **accept** the work performed by **Golden Bay Construction, Inc.** on **Removal of Barriers to the Physically Challenged Project** Fiscal Year 2015-16 and **authorize** the recordation of the **Notice of Completion** with the County Recorder (CE-15-16-01).

**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the Fire Chief's report, the Council **approve** the **establishment** of the **Unified Program Agency Administrative Enforcement Penalties Expendable Trust Fund** in Fund 079 for the accounting of administrative enforcement penalties receipts and related expenditures under California Health and Safety Code Section 25404.1.1, with automatic carryover of unspent funds to the next fiscal year; **approve** appropriations of \$150,000 in (account 079-7833-87870-(A)78612-(G)00704) funded by unanticipated revenue from recently collected administrative enforcement penalties (account 079-7833-57800-(A)78612-(G)00704) and **authorize** future receipts from Unified Program Agency Administrative Enforcement Orders in account 079-7833-57800-(A)7862-(G)00704 and appropriations in account 079-7833-87830-(A)78612-(G)00704 and **authorize** reapportionment of Environmental Enforcement Expendable Trust Fund to reflect amendments to California Health and Safety Code Section 25192.

**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the Director of Human Resources' report, the Council **approve** the changes to the **List of Designated Positions, including Disclosure Categories**, which require the incumbents to file a Conflict of Interest Statement, Form 700.

**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the Director of Electric Utility's report, the Council **approve** and authorize the City Manager to execute the **Electric Service Agreement** with **Applied Materials, Inc.** for the sale of electricity at a discounted rate in exchange for a long-term commitment to purchase electrical energy from Silicon Valley Power beyond the year 2016.

**MOTION** was made by Kolstad, seconded and unanimously carried, that the Council **approve** the payment of the **Bills and Claims and Progress Payments**.

**MOTION** was made by Kolstad, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Cultural Commission** for the meeting of January 4, 2016.



**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the Acting Director of Planning and Inspection's report, the Council **approve**, subject to conditions, the request submitted by **Lou Mariani, Mariani Inn and Hotel** for a **Special Permit** to allow a temporary chain link fence for one year at 2570 El Camino Real (PLN2015-11642). The Council noted the email submitted by Howard Meyers (02/20/16) expressing general comments.

**MOTION** was made by Kolstad, seconded and unanimously carried, that, per the recommendations contained in the **Minutes** of the **Board of Library Trustees** for the meeting of December 7, 2015, the Council **approve** the revisions to the Library Policy "Policy for Use of Second Floor". The **Minutes** were duly **noted and filed**.

Under Public Presentations, Deborah Bress expressed general comments of concern.

The Council proceeded to consider the Deputy City Manager's report regarding the **Ethics Committee's request for direction to determine the financial implications for developing the processes for the City to implement livestreaming and online agendas of Planning Commission meetings.** The City Manager reviewed the report and answered Council questions. The Council noted the Executive Assistant to Mayor and Council's report (02/23/16) regarding correspondence received relating to the Ethics Committee's request. By Council consensus, the matter was referred to the City Manager to come back with a report at the next meeting.

The Council then considered the Mayor's report recommending approval of the amendments to the City Council Committee List. **MOTION** was made by Caserta, seconded, and unanimously carried, that the Council **approve Council Member O'Neill** as the **City's representative on the Santa Clara Valley Transportation Authority (VTA)** and **continue the remainder of the amendments to the City Council Committee List** until a date after City Council Seat No. 6 has been filled.

The City Attorney reported that the Council met earlier in the evening for a **Closed Session** for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit #4 - City of Santa Clara Professional Engineers; Units #5, 7 & 8 - City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit #9 - Miscellaneous Unclassified Management Employees; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association) and that the Council **approved** unanimously the terms of a **successor Memorandum of Understanding (MOU) between the City and the Professional Engineers, Unit #4,** which terms take effect this evening, and include retroactivity for wage, health and dental changes and that the terms were already ratified by Unit #4 and became effective by the Council's approval tonight. The key points are: a 3-year term from December 2015 to December 2018; a wage increase ranging from 6% to 11% in the first year depending on the classification, from 6% to 11% in the second year of the MOU, and 5% in the third year of the MOU; the City will pay the Kaiser employee only amount plus \$200 per month toward employees' health premiums, with a cap on the cash-in-lieu amount for employees not participating in the City's health plan; the parties will suspend use of the

Salary Adjustment Form for the term of the MOU; the City will contribute to employee's dental premiums the lowest cost employee only premium amount; the City will contribute to employee's vision premiums the lowest cost employee only premium amount; and a reduced overtime rate for Senior Engineers effective in December 2017. The terms of the parties' MOU agreement are set forth in a package tentative agreement, signed on 02/16/16, copies of which are available from the City Clerk's Office. The Council also met for a Conference with Legal Counsel-Existing Litigation Pursuant to Government Code Section 54956.9(d)(1), *Garcia v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 10-CV-2424 (NJV) and a Conference with Legal Counsel-Existing Litigation Pursuant to Government Code Section 54956.9(d)(1), *Moneeb et al. v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 15-CV-1987 NC and there was no reportable action.

The City Manager addressed the Council regarding upcoming educational sessions on an Environmental Impact Report (EIR) and transactional documents related to the Golf Course site.

There being no further business, **MOTION** was made by Davis, seconded and unanimously carried, to adjourn the meeting on February 24, 2016 at 12:50 am. A Special meeting is scheduled for Monday evening, **March 7, 2016** in the City Hall Council Chambers. The next regular scheduled meeting is on Tuesday evening, **March 8, 2016** in the City Hall Council Chambers.

-  
ATTEST: \_\_\_\_\_  
City Clerk/Secretary/Clerk

APPROVE: \_\_\_\_\_  
Mayor/Chairperson