



# City of Santa Clara

## Joint Meeting Minutes

### Council and Authorities Concurrent and Stadium Authority Meeting

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04/24/2018

4:00 PM

City Hall Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

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**Closed Session - 4:00 PM | Study Session - 5:00 PM | Regular Meeting - 7:00 PM**

#### **4:00 PM CLOSED SESSION**

##### **Call to Order in the Council Chambers**

**Mayor Gillmor** called the Closed Session to order at 4:00 PM.

##### **Confirmation of a Quorum**

**Acting City Clerk** confirmed a quorum.

##### **Public Comment**

None.

##### **18-531**

Conference with Legal Counsel-Anticipated Litigation  
Pursuant to Gov. Code § 54956.9(e)(2) - Exposure to litigation  
Number of potential cases: 1  
(Facts and Circumstances)  
City as potential defendant: Extension of Tolling Agreement with Santa Clara Firefighters Association, IAFF, Local 1171

##### **18-533**

Conference with Legal Counsel-Anticipated Litigation  
Pursuant to Gov. Code § 54956.9(e)(2) - Exposure to litigation  
Number of potential cases: 1  
(FACTS AND CIRCUMSTANCES)  
Claim of Cindy North filed with the City Clerk's Office 9/5/17

##### **18-534**

Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(1)  
Santa Clara Public Safety Non-Sworn Employees Association v. City of Santa Clara, PERB Charge No. SF-CE-1570-M, filed 03/30/18

[18-535](#)

Conference with Labor Negotiators (CC)  
Pursuant to Gov. Code § 54957.6  
City representative: Deanna J. Santana, 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)

[18-538](#)

Conference with Legal Counsel-Anticipated Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation  
Number of potential cases: 1

#### **5:00 PM STUDY SESSION**

##### **Call to Order in the Council Chambers**

**Mayor Gillmor** called the Study Session to order at 5:03 PM.

##### **Confirmation of a Quorum**

**Acting City Clerk** confirmed a quorum.

[18-303](#)

5:00 PM Discussion on current city infrastructure needs including project options, costs, and possible funding opportunities.

**Public Speaker(s):** Suds Jain

[18-335](#)

6:00 PM 2019 College Football Playoff National Championship at Levi's Stadium (Stadium Authority)

#### **7:00 P.M. REGULAR MEETING**

**Mayor Gillmor** called the meeting to order at 7:49 PM.

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**Roll Call**

**Present:** 6 - Council Member Patricia M. Mahan, Council Member Dominic J. Caserta, Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Council Member Debi Davis, and Vice Mayor Kathy Watanabe

**Absent:** 1 - Council Member Patrick Kolstad

**A motion was made by Council Member Caserta, seconded by Council Member Mahan, to excuse Council Member Kolstad from the meeting.**

**Aye:** 6 - Council Member Patricia M. Mahan, Council Member Dominic J. Caserta, Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Council Member Debi Davis, and Vice Mayor Kathy Watanabe

**Absent:** 1 - Council Member Patrick Kolstad

[18-370](#) Roll Call Memo

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**City Attorney** announced that there was no reportable action from Closed Session.

**SPECIAL ORDER OF BUSINESS**

- 1.A [18-216](#) Goals for a Cure Fundraising Presentation
- 1.B [18-516](#) Proclamation of Autism Awareness Month
- 1.C [18-276](#) Cultural Commission Presentation of Upcoming Events in May and June 2018

**CONSENT CALENDAR**

**A motion was made by Council Member Davis, seconded by Council Member Caserta, to approve the Consent Calendar (except items 2.I and 2.N).**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

- 2.A [18-121](#) Stadium Authority Meeting Minutes of February 27, 2018

**Recommendation:** Note and file Stadium Authority Meeting Minutes of February 27, 2018.

**2.B**      [18-348](#)      Board, Commissions and Committee Minutes

**Recommendation:** Note and file the Minutes of:  
Youth Commission Minutes - February 13, 2018  
Parks & Recreation Commission - February 20, 2018  
Senior Advisory Commission - February 26, 2018  
Board of Library Trustees - March 5, 2018  
City School Liaison Committee - January 10, 2018  
City School Liaison Committee - February 7, 2018  
Ad Hoc Stadium Audit Committee - November 25, 2017 (Stadium Authority)

**2.C**      [18-227](#)      Bills and Claims Report (CC) for the period March 9th - March 22nd

**Recommendation:** Approve the list of Bills and Claims for March 9, 2018 - March 22, 2018.

**2.D**      [18-384](#)      Bills and Claims for the month of March 2018 (Stadium Authority)

**Recommendation:** Approve the list of Bills and Claims for March 2018.

**2.E**      [18-417](#)      Accept a Resignation and Declare a Vacancy on the Cultural Commission

**Recommendation:**

1. Accept the resignation of Kendra Fehrer and declare one vacancy on the Cultural Commission for the partial term ending June 30, 2021.
2. Set a May 23, 2018 applications deadline.
3. Schedule the Cultural Commission interviews for Tuesday, June 12, 2018 at 5:00pm.

- 2.F [18-074](#) Adoption of a Resolution of Intention for Parking Maintenance District 122 - Franklin Square

**Recommendation:** Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122; set a hearing date of June 12, 2018 to approve the Director's Report FY 2018/19; and authorize the publication, mailing, and posting of the notice of public hearing as stated in the Resolution of Intention.

**A motion was made by Council Member Davis, seconded by Council Member Caserta, to adopt Resolution No. 18-8512, set a hearing date of June 12, 2018 to approve the Director's Report FY 2018/19, and authorize the publication, mailing, and posting of the notice of public hearing as stated in the Resolution of Intention.**

**Aye:** 5 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

**Recused:** 1 - Mayor Gillmor

- 2.G [18-113](#) Adoption of a Resolution of Intention for Maintenance District 183 - Santa Clara Convention Center Complex

**Recommendation:** Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183; set a hearing date of June 12, 2018 to approve the Director's Report FY 2018/19; and authorize the publication, mailing, and posting of the notice of public hearing as stated in the Resolution of Intention.

**A motion was made by Council Member Davis, seconded by Council Member Caserta, to adopt Resolution No. 18-8513, set a hearing date of June 12, 2018 to approve the Director's Report FY 2018/19, and authorize the publication, mailing, and posting of the notice of public hearing as stated in the Resolution of Intention.**

- 2.H [18-089](#) Agreement with Daniel L. Sun Inc. dba Sun-Net Consulting for the Purchase and Configuration of an Electronic Generation Operation Logbook Software

**Recommendation:** Approve an Agreement for the Performance of Services with Daniel L. Sun Inc. dba Sun-Net Consulting to provide a Generation Module to the integrated Tools and Operations Application (iTOA) Suite in an amount not-to-exceed \$180,400 over a two (2) year term.

- 2.J      [18-170](#)      Agreement for Services with Precision IceBlast Corporation for Cleaning of Heat Recovery Steam Generators at the Donald Von Raesfeld Power Plant

**Recommendation:** Approve an Agreement for the Performance of Services with Precision IceBlast Corporation for Cleaning of the Heat Recovery Steam Generators (HRSGs) at the Donald Von Raesfeld Power Plant, in an amount not-to-exceed \$190,000 the first (1) year, with a total not-to-exceed amount of \$401,539 over the three (3) year term.

- 2.K      [18-225](#)      Monthly Financial Status and Investment Reports for February 2018

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for February 2018.

- 2.L      [18-254](#)      Set a Public Hearing to Consider the Proposed Rate for Small Cell Attachments to City Owned Electric Wooden Utility Poles

**Recommendation:** Set June 12, 2018 as a public hearing to consider the proposed rate for small cell attachments to City owned electric wooden utility poles.

- 2.M      [18-288](#)      Accept Kaiser Permanente Donation for Annual Senior Center Health & Wellness Faire and Related Budget Amendment

**Recommendation:** Accept donation from Kaiser Permanente and approve appropriation of \$500 for the annual Senior Center Health & Wellness Faire, and authorize the transmittal of a letter of appreciation signed by the Mayor and City Manager.

- 2.N**      [18-389](#)      Approve the 2017-2020 Memorandum of Understanding between the City of Santa Clara and American Federation of State, County and Municipal Employees (AFSCME) Local 101

**Recommendation:** Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and AFSCME Local 101 (Unit 6) 2017-2020.

- 2.O**      [18-438](#)      Adopt Ordinance No. 1978 Approving Amendment No. 2 to the Development Agreement with SI 55, LLC, for 2200, 2211 and 2231 Lawson Lane

**Recommendation:** Adopt Ordinance No. 1978 Approving Amendment No. 2 to the Development Agreement with SI 55, LLC, for 2200, 2211 and 2231 Lawson Lane, Santa Clara.

**A motion was made by Council Member Davis, seconded by Council Member Caserta, to adopt Ordinance No. 1978.**

- 2.P**      [18-440](#)      Dates and Purpose of Stadium Authority and ManCo Staff for the period January 1, 2018 to March 31, 2018 (Stadium Authority)

**Recommendation:** Note and file the quarterly Stadium Authority and ManCo Staff Meetings for the period of January 1, 2018 to March 31, 2018.

## **PUBLIC PRESENTATIONS**

**Chris Moylan** announced local events organized by Congressman Ro Khana's Office.

**Kirk Vartan** expressed general comments of concern on EIR and the Agrihood Project.

**Ramesh Challa** expressed general comments.

[18-981](#)      Public Presentation

## **CONSENT ITEMS PULLED FOR DISCUSSION**

- 2.I      18-091      Note and File the Parks and Recreation Facilities Condition Assessment Report (Kitchell, 2017)

**Recommendation:** Note and File the Parks and Recreation Facilities Condition Assessment Report (Kitchell, 2017)

**A motion was made by Council Member O'Neill, seconded by Council Member Caserta, to note and file the Parks and Recreation Facilities Condition Assessment Report (Kitchell, 2017).**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

- 2.N      18-389      Approve the 2017-2020 Memorandum of Understanding between the City of Santa Clara and American Federation of State, County and Municipal Employees (AFSCME) Local 101

**Recommendation:** Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and AFSCME Local 101 (Unit 6) 2017-2020.

**Public Speaker(s):** Carol McEwan

**A motion was made by Council Member Caserta, seconded by Council Member Davis, to approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and AFSCME Local 101 (Unit 6) 2017-2020.**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

**PUBLIC HEARING/GENERAL BUSINESS**



3. [18-258](#) Continuance of the Appointment of an Applicant to the Planning Commission

**Recommendation:** Continue the appointment of an applicant to fill the vacancy on the Planning Commission to serve a partial term ending June 30, 2021 to the May 8 Council meeting or the next meeting where a full Council is scheduled to be present.

**A motion was made by Council Member Caserta, seconded by Council Member Mahan, to continue the appointment of an applicant to the Planning Commission to the next meeting.**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

4. [18-426](#) Discussion and Possible Action related to Rajeev Batra's Requested Supplemental Retirement Benefit

**Recommendation:** Staff makes no recommendation, as the combination of the City Attorney's legal opinion and City Council's legislative record prohibit action (e.g., motion from the evening of March 7, 2017 and Resolution No. 17-8419, which speaks to the entirety of the employment terms and correspondence confirming acceptance of it).

***Motion #1*** **A motion was made by Council Member Mahan, seconded by Council Member Caserta, to continue this item to May 15.**

**Aye:** 3 - Council Member Mahan, Council Member Caserta, and Council Member O'Neill

**Nay:** 3 - Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

***Motion #2*** **A motion was made by Council Member O'Neill, seconded by Council Member Watanabe, to deny the request for supplemental retirement benefit.**

**Aye:** 4 - Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Nay:** 2 - Council Member Mahan, and Council Member Caserta

**Absent:** 1 - Council Member Kolstad

5. [18-451](#) Written Petition received by Vivek Khandelwal: Opposition to proposed traffic lights at the intersection of Pruneridge and Cronin

**Recommendation:** There is no staff recommendation for this issue.

**A motion was made by Council Member Davis, seconded by Council Member Caserta, that this item be continued to a future meeting date.**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

6. [18-226](#) Adoption of the Fiscal Year 2018-19 Municipal Fee Schedule and 2018-19 Park In Lieu Fee Schedule for New Residential Development

**Recommendation:** Alternative 1):  
Adopt a resolution for the "City of Santa Clara 2018-19 Municipal Fee Schedule" and a resolution establishing the "2018-19 Parkland In Lieu Fee Schedule for New Residential Development", each of which 1) set new fees, rates, and charges (collectively "fees"), 2) amend existing fees; 3) delete certain fees; and (4) retain unchanged fees for various City departments effective on July 1, 2018.

**Opened Public Hearing**

**A motion was made by Council Member Mahan, seconded by Council Member Caserta, to continued this item to May 8, 2018.**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

7. [18-189](#) Vesting Tentative Subdivision Map at 2961 Corvin Drive

**Recommendation:** Adopt Resolution to approve Vesting Tentative Subdivision to create 7 buildable lots and 2 non-buildable lots to allow the development of up to 38 residential condominium units consistent with the Lawrence Station Area Plan at 2961 Corvin Drive (PLN2017-12865), subject to conditions of approval.

**Opened Public Hearing**

**Motion #1** **A motion was made by Council Member Caserta, seconded by Council Member Mahan, to close public hearing.**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1- Council Member Kolstad

**Motion #2**                    **A motion was made by Council Member Caserta, seconded by Council Member Mahan, to adopt Resolution No. 18-8514 to approve the Vesting Tentative Subdivision to create 7 buildable lots and 2 non-buildable lots to allow the development of up to 38 residential condominium units consistent with the Lawrence Station Area Plan at 2961 Corvin Drive (PLN2017-12865), subject to conditions of approval.**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

8.        [18-398](#)                    Approve the Introduction of an Ordinance Regulating Dark Money

**Recommendation:** Approve Introduction of an Ordinance amending Chapter 2.130 of the Santa Clara City Code to enact regulations regarding contributions influencing local City elections (Dark Money)

**A motion was made by Council Member Mahan, seconded by Council Member Caserta, to approve the introduction of Ordinance No. 1979 with the amendment to include "provisions of law in which all parties to such contract are subject" in section 2.130.360 (b).**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

9A.        [18-461](#)                    Action on the Santa Clara Stadium Authority (SCSA) Auditor Appointment (Stadium Authority)

**Recommendation:** Alternative 2):

Direct the Executive Director to bring forward for the Board's consideration the appointment of a City employee serving as a Stadium Authority appointee to the position of Stadium Authority Auditor.

**A motion was made by Board Member Mahan, seconded by Board Member Caserta, to direct the Executive Director to bring forward the Board's consideration criteria and selection process for the appointment of a firm or person to assume the role of Auditor of the Stadium Authority and to eliminate the stipend associated with the Auditor.**

**Aye:** 6 - Board Member Mahan, Board Member Caserta, Board Member O'Neill, Chairperson Gillmor, Board Member Davis, and Board Member Watanabe

**Absent:** 1 - Board Member Kolstad

- 9B. [18-168](#) Options Related to the Position and Compensation of the City Council  
Appointed City Auditor

**Recommendation:** Staff makes no recommendation on this issue.

**A motion was made by Council Member Mahan, seconded by Council Member Caserta, to direct the City Manager to bring forward for the Council's consideration criteria and selection process for the appointment of a firm or person to assume the role of City Auditor and to eliminate the stipend associated with the Auditor.**

**Aye:** 6 - Council Member Mahan, Council Member Dominic J. Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

10. [18-499](#) Discussion and Council Direction on Assigned Responsibilities and Commensurate Salary Options for Elected City Clerk

**Recommendation:** Staff makes no recommendation on this issue.

**A motion was made by Council Member Mahan, seconded by Council Member Caserta, to continue this item to a future Special Council Meeting to be held at 7:00 PM.**

**Aye:** 6 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

**Absent:** 1 - Council Member Kolstad

**Public Speaker(s):** Public Speaker (1)

## **REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**Council Member O'Neill** reported on her attendance at North West Public Power Association in Washington D.C. with **Council Member Kolstad** and **City Manager Santana**.

## **CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

**City Manager** announced that the Council's position on Measure A will be scheduled on a future meeting and appear on the Tentative Meeting Agenda Calendar (TMAC).

[18-416](#)

Tentative Meeting Agenda Calendar

## **ADJOURNMENT**

[18-980](#)

Adjournment

The next regular scheduled Council and Authorities Concurrent meeting is on Tuesday evening, May 8, 2018 and the next regular scheduled Stadium Authority meeting is on Tuesday evening, May 29, 2018 in the City Hall Council Chambers.

The meeting was adjourned at 11:27 PM in **Memory of James Strong** (Long Time Santa Clara Resident), **Lucy F. Colaizzi** (volunteer of St. Justin's Catholic Church), **Helen Louise Silveria** (Community Volunteer), **Barbara Bush** (Former First Lady of the United States), the **Victims of the Shooting** in Nashville, TN, **Sergeant Noel Ramirez** and **Deputy Sheriff Taylor Lindsey** (Gilchrist County Sheriff's Office, Trenton, FL), and the **Victims of the Van Attack** in Toronto, ON.

**MEETING DISCLOSURES**

AB23 ANNOUNCEMENT: Members of the Santa Clara Stadium Authority, Sports and Open Space Authority and Housing Authority are entitled to receive \$30 for each attended meeting.

Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

LEGEND: City Council (CC); Stadium Authority (SA); Sports and Open Space Authority (SOSA); Housing Authority (HA); Successor Agency to the City of Santa Clara Redevelopment Agency (SARDA)

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.