



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

03/06/2018

4:30 PM

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

Closed Session - 4:30 PM | Joint Dinner - 5:00 PM | Regular Meeting - 7:00 PM

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.

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)

A complete agenda packet is available on the City's website and in the City Clerk's Office beginning the Thursday evening before the Tuesday meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santacalaraca.gov, or at the public information desk at any City of Santa Clara public library.

4:30 PM CLOSED SESSION

Vice Mayor Watanabe called the meeting to order at 4:31 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a quorum.

18-203

CLOSED SESSION AGENDA March 6, 2018

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (CC)

Pursuant to Gov. Code § 54956.8

Property: APN 269-22-096, 1060 Benton Street

City Negotiator: Deanna J. Santana, City Manager (or designee)

Negotiating Parties: Prometheus Partners

Under Negotiation: Purchase of public use easement or fee interest in a portion of 1060 Benton Street to accommodate a possible future extension of Franklin Street (32,000 SF) and Washington Street (4300 SF)

B. 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)

C. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (CC, SA, SOSA, SARDA)

Pursuant to Gov. Code § 54956.9(d)(1)

Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al., Sacramento County Superior Court Case No. 34-2013-80001396

D. 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

E. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (CC, SARDA)

Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 2

Public Comment

No Public Speakers.

Convene to Closed Session (Council Conference Room)

5:00 PM JOINT DINNER MEETING

Confirmation of a Quorum

Acting City Clerk confirmed a quorum.

18-055

Informational Joint Dinner Meeting with the Historical and Landmarks
Commission

7:00 P.M. COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the meeting to order at 7:01 PM.

Pledge of Allegiance and Statement of Values

18-264

Roll Call Memo

Roll Call

**A motion was made by Council Member O'Neill, seconded by
Council Member Caserta, to excuse Council Member Mahan.**

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

Absent: 1 - Council Member Mahan

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Senior Deputy City Attorney reported Closed Session Item E, that the Council unanimously voted to approve the settlement with Wells Fargo Bank and the County of Santa Clara Housing Authority relating to lost interest on guaranteed funds provided by the City on two County Multi-Family Housing Bonds, issued in 2001 for the John Burns and RiverTown Projects as follows:

- Wells Fargo Bank will pay a lump sum of \$363,998.74 to the guarantee account on the RiverTown Bond and will make periodic payments through 2032 on the RiverTown Project
- Wells Fargo Bank will pay a lump sum of \$357,016.70 to the John Burns Bond and make periodic payments through 2035 on the John Burns Project

Both Projects will reflect earned interest per year. Taken together the lump sums and periodic payments will make the City guaranteed funds whole.

SPECIAL ORDER OF BUSINESS

- 1.A [18-079](#) Recognition of Mission City Creamery
- 1.B [18-092](#) Presentation by Santa Clara Relay for Life

CONSENT CALENDAR

Approval to pull Agenda Items # 2.H, 2.I and 2.J.

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

Absent: 1 - Council Member Mahan

Approve the balance of Consent Calendar (except items 2.H, 2.I, and 2.J).

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

Absent: 1 - Council Member Mahan

2.A [18-114](#) City Council Meeting Minutes

Recommendation: Note and file the Minutes of January 30, 2018.

A motion was made by Council Member O'Neill, seconded by Council Member Kolstad, that this item be approved as part of the Consent Calendar.

2.B [18-026](#) Board, Commission and Committee Minutes

Recommendation: Note and file the Youth Commission Minutes of January 9, 2018.

A motion was made by Council Member O'Neill, seconded by Council Member Kolstad, that this item be approved as part of the Consent Calendar.

2.C [18-086](#) Continuance of the Interviews and Appointment to the Planning Commission

Recommendation: Continue the interviews and appointment to fill the vacancy on the Planning Commission for the partial term ending June 30, 2021 to a future Council meeting date.

A motion was made by Council Member O'Neill, seconded by Council Member Kolstad, that this item be approved as part of the Consent Calendar.

2.D [18-067](#) Resolution for the Use of City Forces

Recommendation: Adopt a Resolution approving the use City Water Utility forces for the installation of service connections and or upgrades at 2880 Lakeside Drive, 2806 Addison Place, 2294 Warburton Avenue, 2800/2810 Bowers Avenue, and 2800 Scott Boulevard.

A motion was made by Council Member O'Neill, seconded by Council Member Kolstad to adopt Resolution No. 18-8497 as part of the Consent Calendar.

2.E [18-198](#) Championship Team Funding for Wilcox Robotics

Recommendation: Approve the Contribution Agreement with Wilcox Robotics for Championship Team Funding in an amount not-to-exceed \$2,000 for fiscal year 2017-2018.

A motion was made by Council Member O'Neill, seconded by Council Member Kolstad, that this item be approved as part of the Consent Calendar.

2.F [18-036](#) Annual Investment Policy Review and Approval

Recommendation: Approve the Investment Policy for the City of Santa Clara, its agencies and corporations.

A motion was made by Council Member O'Neill, seconded by Council Member Kolstad, that this item be approved as part of the Consent Calendar.

2.G [18-037](#) Debt Management Policy Review and Approval

Recommendation: Approve the Debt Management Policy for the City of Santa Clara, its agencies and corporations.

A motion was made by Council Member O'Neill, seconded by Council Member Kolstad, that this item be approved as part of the Consent Calendar.

2.H [18-150](#) Various Revisions to Sections within the Personnel and Salary Resolution

Recommendation: Adopt a Resolution approving the revisions to the Personnel & Salary Resolution, including but not limited to (1) the amendment of Section 9(b) of the Personnel and Salary Resolution to eliminate the control point salary structure and establish a salary range for Unclassified Employees and (2) the amendment of Section 12 of the Personnel and Salary Resolution to authorize the City Manager to hire Classified and Unclassified employees above the entry level salary.

Public Speakers: Public Speaker (1)

A motion was made by Council Member O'Neill, seconded by Council Member Watanabe, to adopt Resolution No.18-8498 and refer to the City Manager for review of the feasibility for providing a Hiring/Separation Employee Report.

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

Absent: 1 - Council Member Mahan

2.I [18-191](#) Revised Job Descriptions for Assistant City Clerk and Public Information Officer

Recommendation: Approve the revised job descriptions for Assistant City Clerk and Public Information Officer; and the new Control Point range for the Public Information Officer to approximately \$13,541 to \$17,523 (85% to 110% of the Control Point).

Public Speakers: Public Speaker (1)

A motion was made by Council Member O'Neill, seconded by Council Member Davis to approve staff recommendation.

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

Absent: 1 - Council Member Mahan

2.J [18-117](#) Healthier Kids Foundation FY2017-18 Second Quarter Report

Recommendation: Note and file the Healthier Kids Foundation FY 2017-18 Second Quarter report.

Public Speakers: Public Speaker (1)

A motion was made by Council Member O'Neill, seconded by Council Member Watanabe, that this item be approved.

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

Absent: 1 - Council Member Mahan

PUBLIC PRESENTATIONS

Public Speaker: Comments of concern regarding having the draft budget presented to the Citizens Advisory Committee CAC.

Annika McClure (Government Affairs Associate - Silicon Valley Leadership Group) encourages participation in the Heart & Soles Run/Walk event in Santa Clara.

UNFINISHED BUSINESS

PUBLIC HEARING/GENERAL BUSINESS

3. [18-025](#) Early Consideration of Proposed General Plan Amendment Application for the Project Located at 4249 Cheeney Street

Recommendation: Direct the City Manager to continue processing the General Plan Amendment application for the project located at 4249 Cheeney Street south of Agnew Road [PLN2017-12975].

Public Speakers: Public Speakers (2)

A motion was made by Council Member Davis, seconded by Council Member Caserta, to continue processing the General Plan Amendment application for the project located at 4249 Cheeney Street south of Agnew Road [PLN2017-12975].

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

Absent: 1 - Council Member Mahan

4. [18-050](#) 1075 Pomeroy Avenue Four Units Development Project

Recommendation: Adopt Resolution(s) to implement Alternatives #1, #2, and #3:

- a) Adopt the Mitigated Negative Declaration and Adopt the Mitigation Monitoring and Reporting Program for the 1075 Pomeroy Avenue Residential Subdivision Project;
- b) Approve the rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD); and
- c) Approve a Tentative Parcel Map to subdivide the subject property to four parcels.

Public Speakers: Public Speakers (4)

Shalini Venkatesh
Ken Kratz and on behalf of Diane Harbor & Horst Govin
Diane Harrison
Roy Shenfield
Horst Govin

A motion was made by Council Member Watanabe, seconded by Council Member O'Neill to close the public hearing.

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

Absent: 1 - Council Member Mahan

A motion was made by Council Member O'Neill, seconded by Council Member Caserta, to adopt the Mitigated Negative Declaration Resolution No. 18-8499 and the Mitigated Monitoring and Reporting Program for the project.

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

Absent: 1 - Council Member Mahan

A motion was made by Council Member Watanabe, seconded by Council Member Caserta, to refer to the Architectural Review Committee for review and bring a recommendation back to Council for consideration.

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

Absent: 1 - Council Member Mahan

5. 18-187 Consider Alternative Options Related to the City Clerk Vacancy and Potential One-time Budget Amendment

Recommendation: There is no staff recommendation relative to the alternatives for the City Clerk vacancy.

Public Speakers: Public Speaker (3)

A motion was made by Council Member O'Neill, seconded by Council Member Caserta, that the Council take no action on the vacancy of the elected City Clerk position, call an election for November 2018 to fill the vacancy, and direct the City Manager to return to Council with information on professional standards qualifications and salary information for the position of City Clerk as a Study Session as soon as possible.

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

Absent: 1 - Council Member Mahan

Public Speakers: Public Speaker (1)
Margaret Okuzumi

A motion was made by Council Member Caserta, seconded by Council Member O'Neill, that (1) the ballot measure read: "Shall the City Charter be amended: to establish two districts starting in 2018 to be represented by three Council Members each; and when available, used ranked choice voting to allow voters to select candidates in order of choice to determine the winners of elections of all city elected officers?" and (2) adopt Resolutions No. 18-8500, 18-8501, 18-8502 ordering the submission of the ballot question, calling a Special Election and requesting consolidation with the Gubernatorial Primary Election on June 5, 2018.

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

Absent: 1 - Council Member Mahan

Public Speakers: Public Speaker (1)

A motion was made by Council Member Caserta, seconded by Council Member Davis, that the Council authorize Mayor Gillmor and Council Members Caserta and O'Neill to draft the ballot argument.

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

Absent: 1 - Council Member Mahan

- 18-221 Informational Memo: Additional Options for Ballot Questions relative to the District Election/Voting Method and Elective City Clerk

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Council Member O'Neill gave an electronic presentation on her recent visit to Washington D.C. for the American Public Power Association (APPA) Legislative Rally.

Council Member Davis reflected on her guest performance along with Council Member O'Neill and Council Member Watanabe at *Showtime* written and directed by former City of Santa Clara staff members Rick Mauck (Writer) and Robin Burdick (Director).

18-266 Reports of Members & Special Committees

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager noted, as previously mentioned, the Stadium Authority Budget presentation has been postponed and stated that the College Football National Championship Study Session will be held on April 24, 2018 and the related agreements will be brought to Council for consideration on May 29, 2018.

ADJOURNMENT

Mayor Gillmor adjourned the meeting at 9:44 PM.

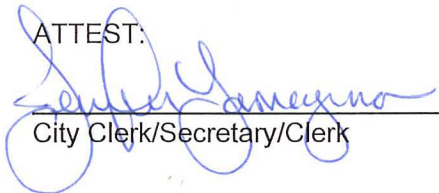
A motion was made by Council Member O'Neill, seconded by Council Member Caserta to adjourn the meeting.

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

Absent: 1 - Council Member Mahan

The next regular scheduled meeting is on Tuesday evening, March 20, 2018 in the City Hall Council Chambers.

ATTEST:


City Clerk/Secretary/Clerk

APPROVE:


Mayor/Chairperson