



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

03/20/2018

4:30 PM

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

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

4:30 PM CLOSED SESSION

Mayor Gillmor called the Closed Session to order at 4:30 PM.

Confirmation of Quorum

Acting City Clerk confirmed a quorum.

18-307

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)

- [18-309](#) 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
- [18-310](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
A.C., by and through his Guardian Ad Litem Mark Calhoun v. Mike Horn, et al., Santa Clara County Superior Court Case No. 115CV288073
- [18-312](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
In re Todd Siegfried, Workers Compensation Appeals Board Case No. ADJ7619697
- [18-313](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
In re Terry Ryan, Workers Compensation Appeals Board Case No. ADJ7605113
- [18-314](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
In re David Tanquary, Workers Compensation Appeals Board Case Nos. ADJ9923375, ADJ9820047, ADJ9820053
- [18-321](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 1

Public Comment

None

5:30 PM STUDY SESSION

Confirmation of Quorum

Acting City Clerk confirmed a quorum.

- [18-235](#) Overview of CityPlace Santa Clara project located on 240-acres north of Tasman Drive

Recommendation: Note and file the report on the overview and next steps related to the CityPlace Santa Clara project located on 240-acres of City-owned property north of Tasman Drive.

Public Speaker: Public Speaker (1)

7:00 P.M. COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the meeting to order at 7:15 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 7 - Council Member Patricia M. Mahan, Council Member Dominic J. Caserta, Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Council Member Debi Davis, Council Member Kathy Watanabe, and Council Member Patrick Kolstad

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney reported that the City unanimously voted (7-0) to approve all three settlements in the worker's compensation claims, as follows:

- a) Todd Sigfreed in the settlement amount of \$85,000;
- b) Terry Ryan in the settlement amount of \$125,000; and
- c) David Tanquary in the settlement amount of \$70,000, including that the City will be liable for future medical care.

SPECIAL ORDER OF BUSINESS

- 1.A [18-128](#) Presentation by the Historic Preservation Society of Santa Clara and the Old Quad Residents Association Tour Committee on Funds Raised from 2017 Historic Home Tour

Recommendation: Accept the donation in the amount of \$1,975 to support Santa Clara Senior Center Health and Wellness Program (\$475), Santa Clara Mission City Library Renovation Project (\$1,000), and Santa Clara Preservation Month Walking Tour Brochure (\$500) without additional costs incurred by the City.

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

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

- 1.B [18-138](#) Cultural Commission Presentation of Upcoming Events in April and May 2018

- 1.C [18-184](#) Triton Museum of Art Update on Theodore Wores Art Exhibition

- 1.D [18-215](#) Proclamation of Red Cross Month

- 1.E [18-233](#) Proclamation of Women's History Month

CONSENT CALENDAR

A motion was made by Council Member Caserta, seconded by Council Member O'Neill, to approve the balance of the Consent Calendar (excludes 2.C, 2.F, & 2.K).

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

- 2.A [18-249](#) Council and Authorities Concurrent Meeting Minutes

Recommendation: Note and file the Council and Authorities Concurrent Meeting Minutes of February 6, 2018, February 13, 2018 and February 20, 2018.

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

2.B [18-222](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Parks & Recreation Commission - January 16, 2018
Senior Advisory Commission - January 22, 2018
Planning Commission - January 24, 2018
Housing Rehabilitation Loan Committee - December 21, 2017
Housing Rehabilitation Loan Committee - February 8, 2018
Historical and Landmarks Commission - January 4, 2018 Board
of Library Trustees - February 5, 2018
Cultural Commission - February 5, 2018
Bicycle and Pedestrian Advisory Committee - January 25, 2018.

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

2.C [18-024](#) Bills and Claims Report for the period of February 2nd - February 22nd

Recommendation: Approve the list of Bills and Claims for February 2, 2018 - February 22, 2018.

Public Speaker: Public Speaker (1)

**A motion was made by Council Member Caserta, seconded by
Council Member Davis to approve staff recommendation.**

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

2.D [18-029](#) Monthly Financial Status and Investment Reports for January 2018

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

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

2.E [18-160](#) Single Audit Report for Fiscal Year 2016/17

Recommendation: Note and file the City of Santa Clara Single Audit Report for the year ended June 30, 2017, as recommended by the Council Audit Committee.

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

2.F [18-004](#) Agreement with the California Department of Transportation Division of Rails and Mass Transportation and Related Budget Amendment

Recommendation: 1) Adopt a Resolution approving and authorizing the City Manager to Execute an Agreement with the California Department of Transportation Division of Rails and Mass Transportation to Provide Funds Under the Railroad/Highway At-Grade Crossing Program (Section 130) for the Agnew Road At-Grade Crossing Project; and 2) Establish the Agnew Road At-Grade Crossing Project and appropriate funds in the amount of \$573,750, from the California Department of Transportation Division of Rails and Mass Transportation on a reimbursement basis (Five Affirmative Council Votes Required).

A motion was made by Council Member Watanabe, seconded by Council Member O'Neill to adopt Resolution #18-8504 and approve staff recommendation.

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Watanabe, and Council Member Kolstad

- 2.G [18-059](#) Agreement for Construction and Repair Work with Belfor USA Group, Inc. and Related Budget Amendment

Recommendation: Approve and authorize the City Manager to execute an Agreement with Belfor USA Group, Inc. to repair damage caused by a fire at the Santa Clara Convention Center for a not-to-exceed amount of \$1,650,000 subject to the provision of those funds by the City's property damage insurer; and 2) Approve appropriations in the amount of \$1,650,000 in the Convention Center Repairs and Upgrades CIP project (6018) to be funded by insurance proceeds and a transfer from the Special Liability Insurance Fund (Requires Five Affirmative Council Votes).

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

- 2.H [18-062](#) Use of City Electric Forces At Various Locations

Recommendation: Adopt a Resolution approving the use of City Electric forces for the installation of facilities at 2200 Martin Avenue; 3215 Stevens Creek Boulevard; 2800, 2820, 2840, 2860 and 2880 San Tomas Expressway; and 1807 Pruneridge Avenue.

A motion was made by Council Member Caserta, seconded by Council Member O'Neill to adopt Resolution No. 18-8503 approving the use of City Electric forces for installation of facilities at the locations listed in the staff recommendation.

- 2.I [18-099](#) Contract Award for the 2018 Pavement Surface Treatment Project and Approval of a Related Budget Amendment

Recommendation: Award the Public Works Contract for the 2018 Pavement Surface Treatment Project (CE 16-17-09) to the lowest responsive and responsible bidder, Interstate Grading & Paving, Inc., in the amount of \$4,666,675 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; 2) Authorize the City Manager to execute change orders up to approximately 10% of the original contract price, or \$466,674, for a total not to exceed amount of \$5,133,350; 3) Approve a budget amendment in the amount of \$350,000 of CalRecycle Grant to the Annual Street Maintenance and Rehabilitation Program (CIP 1356) (Five Affirmative Council Votes Required).

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

2.J [18-135](#) Santa Clara Golf and Tennis Club Report

Recommendation: Note and file the Status Report for the Fiscal Operation of the Santa Clara Golf and Tennis Club for the second quarter ended December 31, 2017.

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

2.K [18-136](#) Santa Clara Convention Center and Convention-Visitor's Bureau (SCCC-CVB) 2nd Quarter Financial Status Report

Recommendation: Note and file the Santa Clara Convention Center and Convention-Visitor's Bureau Financial Status Report for Second Quarter Ended December 31, 2017, as submitted by the Santa Clara Chamber of Commerce and Convention-Visitor's Bureau.

Public Speaker: Public Speaker (1)

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

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

2.L [18-147](#) Insurance Compliance Services Contract Amendment

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement with EBIX Inc., BPO Division to provide insurance compliance services in an amount not-to-exceed \$48,000 for a total amount not-to-exceed \$246,334 and to extend the expiration date to March 27, 2019.

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

PUBLIC PRESENTATIONS

Ken Kim expressed comments of concern on the Korean Commerce along El Camino Real. Mayor Gillmor referred back to staff to follow-up with Ken Kim's participation in the El Camino Specific Plan and Placemaking.

Kirk Vartan expressed general comments on developments in Santa Clara and Silicon Valley.

Stephen Hazel expressed general comments of concern.

Ana Vargas-Smith expressed comments on revitalizing Downtown Santa Clara with possibly adding signage along the streets.

Mary Grizzle expressed comments on Downtown Santa Clara by adding signage, archways, other historical items.

Council Member Mahan noted two meetings (open to the public) on Thursday, March 22, 2018 regarding Reclaiming Downtown at City Lights and Taplands.

Public Speaker expressed general comments of concern.

PUBLIC HEARING/GENERAL BUSINESS

3. [18-271](#) Approve Miscellaneous Management (Unit 9) 2017-2019 MOU containing the 4% compensation increase in December 2017 and 4% in December 2018; and approve the same increases to the City Manager's compensation, as required by Employment Agreement

Recommendation: 1. Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and Miscellaneous Management 2017-2019 retroactive to December 17, 2017; and
2. Adopt a Resolution approving the Salary Schedule for Unclassified Employees and for the City Manager, per Employment Agreement, that contains the following adjustments: (1) a 4% wage increase retroactive to December 17, 2017 and (2) a 4% salary increase effective December 16, 2018.

Public Speakers: None

A motion was made by Council Member Kolstad, seconded by Council Member Davis to approve the Memorandum of Understanding with Miscellaneous Management 2017-2019 retroactive to December 17, 2017 and adopt Resolution No. 18-8505.

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

Nay: 1 - Council Member Caserta

4. [18-102](#) Fiscal Year 2018-19 Annual Plan for the use of Federal Housing and Urban Development Funds

Recommendation: Alternatives 1 and 2:
1. Approve the Funding Proposal Summary as detailed in Attachment 1.
2. Note and file the oral and written testimony received at the public hearing on March 20, 2018 for consideration of Fiscal Year 2018-19 funding recommendations.

Public Speakers: Jennifer Herb
Georgia Bacil
Jordan Dancer
Wanda Hale
Pai Venegas
Pilar Furlong
Colleen Hudgen
Dennis Moore
Public Speaker (2)

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

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

5. [18-132](#) International Council on Local Environmental Initiatives Appointment of Elected Liaison

Recommendation: Staff makes no recommendation.

Public Speaker: Kirk Vartan

A motion was made by Council Member Mahan (no second required) to designate Mayor Gillmor to the International Council on Local Environmental Initiatives.

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

6. [18-167](#) Consideration of a Rain Barrel Rebate Program

Recommendation: Alternative 1: Approve the Rain Barrel Rebate program and \$10,000 in program funding.

Public Speaker: None

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

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

7. [18-324](#) Actions on the Elected Chief of Police's Cost of Living Request and on the Elected Chief of Police and City Clerk Compensation Setting Process

Recommendation:

1. Provide direction to staff based on policy options for the salary setting process for the Elected Chief of Police and City Clerk. The City Manager has no recommendation.
2. Provide direction on the authorization of a 5% cost-of-living adjustment and benefits adjustment effective December 18, 2016 and an additional increase of 3% effective December 17, 2017 commensurate with the Unit 9A adjustments for 2016 and 2017. The City Manager has no recommendation.
3. City Manager recommends the City Council approve changes to the current salary setting process, as follows:
 - a. Repeal the previous City Council action to delegate authority to the City Manager to administer merit increases to elected officials;
 - b. Discontinue the practice of granting "merit" increases to elected officers;
 - c. Discontinue the practice of granting any increases, including automatic cost-of-living increases linked to Unit 9A and Unit 9 MOU negotiations, without proper public disclosures at noticed regular meetings of the City Council.

Motion #1:

Public Speakers: Public Speaker (1)
Kirk Vartan

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, and failed with four Council Members dissenting, that the Council direct the Salary Review Committee to discuss the policies and procedures & past practices and bring back recommendations to the Council for consideration (including Charter amendment, Ordinance, and other policy options)

- Aye:** 3 - Council Member Mahan, Council Member Caserta, and Council Member Kolstad
- Nay:** 4 - Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

Motion #2:

Public Speakers: Public Speaker (1)
Kirk Vartan

A motion was made by Council Member Mahan, seconded by Council Member Davis, and carried unanimously, that the Council refer the item to staff to return at a future study session with the options for salary setting policy options for both the City Clerk and the Chief of Police, including a Charter Amendment, Ordinance, and utilizing the Charter Section 702 - Salary Setting Commission.

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Motion #3:

Public Speakers: None

A motion was made by Council Member Caserta, seconded by Council Member Mahan, and carried unanimously, that the Council approve changes to the current salary setting process, as follows:
a.) Repeal the previous City Council action to delegate authority to the City Manager to administer merit increases to elected officials;
b.) Discontinue the practice of granting "merit" increases to elected officers; and
c.) Discontinue the practice of granting any increases, including automatic cost-of-living increases linked to Unit 9A and Unit 9 MOU negotiations, without proper public disclosures at noticed regular meetings of the City Council.

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 #4:

Public Speakers: Kirk Vartan

Public Speaker (1)

A motion was made by Council Member Mahan, seconded by Council Member Kolstad, and carried with three Council Members dissenting, that the Council approve Chief Seller's salary request to align with the 2017 Unit 9A MOU wage increase and 5% POST pay and 2018 Unit 9A MOU wage increase and 5% POST pay; approve partial payment already received by Chief Sellers for the 2017 Unit 9A MOU year, in the amount of \$14,443 in wage and POST pay and \$522 in benefits, which aligns with Unit 9A MOU 5% wage increase and 5% POST pay from December 18, 2016 through July 15, 2017; and approve the retroactive pay for the 2017 Unit 9A 5% wage increase and 5% POST pay enhancements from July 2, 2017 through December 16, 2017 (12 pay periods), in the amount of \$12,617, and retroactive pay for the 2017 Unit 9A 5% wage increase and 2018 Unit 9A 3% wage increase from December 17, 2017 to March 24, 2018 (7 pay periods), in the amount of \$9,941, for the total retroactive pay in the amount of \$22,558.

Aye: 4- Council Member Mahan, Council Member Caserta, Council Member O'Neill and Council Member Kolstad

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

[18-333](#) Email from Chief Sellers received March 16, 2018

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager announced that the District Boundaries maps are now available on the City's website and the next District Boundaries Public Hearing will be on March 26 at 6:00 PM at Northside Branch Library. The **City Manager** also announced the City Council Special Meeting regarding the City Clerk position will be held on March 29.

Acting City Clerk confirmed educational materials on the ballot measure and how to read the district maps is available on the City's website.

[18-298](#) Tentative Meeting Agenda Calendar

A motion was made by Council Member Caserta, seconded by Council Member Mahan to Note and File the Tentative Meeting Agenda Calendar (TMAC).

Aye: 7 - Council Member Mahan, Council Member Caserta, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

ADJOURNMENT

[18-369](#) Adjournment

The meeting was adjourned at 11:41 PM in **Memory of the Victims of Florida International University pedestrian bridge collapse in Sweetwater, Florida.**

The next regular scheduled meeting is on Tuesday evening, April 3, 2018 in the City Hall Council Chamber.

MEETING DISCLOSURES

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@santaclaraca.gov, or at the public information desk at any City of Santa Clara public library.

ATTEST:



City Clerk/Secretary/Clerk

APPROVE:



Mayor/Chairperson



**City of
Santa Clara**
The Center of What's Possible

City Attorney's Office
Memorandum

Date: March 28, 2018

To: Acting City Clerk

From: City Attorney

Subject: Correction of 3/20/18, Reports of Action Taken In Closed Session Matters

Please note that the verbal report of action taken in closed session on March 20, 2018, regarding *In re David Tanquary* (Workers Compensation Appeals Board Case Nos. ADJ9923375, ADJ9820047, ADJ9820053), RTC 18-314, was inadvertently stated incorrectly. The approved settlement figure was verbally stated to be \$70,000 while the actual settlement amount approved in closed session by the City Council by unanimous vote was \$78,662.50.

Please include this Memorandum as an attachment to the Report to Council for approval of the meeting minutes such that the Council Members and the public are made aware of the correction. Thank you.

A handwritten signature in black ink, appearing to read "Brian Doyle", written over a horizontal line.

Brian Doyle
City Attorney

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