



# City of Santa Clara

## Meeting Agenda

### Council and Authorities Concurrent Meeting

Tuesday, March 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

#### Confirmation of 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

*The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*

### **5:30 PM STUDY SESSION**

### Confirmation of 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.

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

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

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

**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.

- 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**

*[Items listed on the CONSENT CALENDAR are considered routine and will be adopted by one motion. There will be no separate discussion of the items on the CONSENT CALENDAR unless discussion is requested by a member of the Council, staff, or public. If so requested, that item will be removed from the CONSENT CALENDAR and considered under CONSENT ITEMS PULLED FOR DISCUSSION.]*

- 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.

**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.

**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.

**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.

**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.

**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).

**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).

**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.

**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).

**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.

**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.

**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.

## **PUBLIC PRESENTATIONS**

*[This item is reserved for persons to address the Council or authorities on any matter not on the agenda that is within the subject matter jurisdiction of the City or Authorities. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on the speaker card available in the Council Chambers.]*

## **PUBLIC HEARING/GENERAL BUSINESS**

1.     **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.

2.     **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.

3. 18-132 [International Council on Local Environmental Initiatives Appointment of Elected Liaison](#)

**Recommendation:** Staff makes no recommendation.

4. 18-167 [Consideration of a Rain Barrel Rebate Program](#)

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

5. 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.

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

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**



**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

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

**ADJOURNMENT**

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

**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](mailto:clerk@santaclaraca.gov), or at the public information desk at any City of Santa Clara public library.