



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

Call and Notice of Special Meeting

Santa Clara Stadium Authority

03/23/2021

4:00 PM

Virtual Meeting

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented methods for the public to participate remotely:

- Via Zoom:

- o <https://santaclaraca.zoom.us/j/99706759306>

Meeting ID: 997-0675-9306 or

- o Phone: 1(669) 900-6633

- Via the City's eComment (now available during the meeting)

- Via email to PublicComment@santaclaraca.gov

As always, the public may view the meetings on SantaClaraCA.gov, Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City's YouTube channel or Facebook page.

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the Governing Board of the Stadium Authority to commence and convene on March 23, 2021, at 4:00 pm for a Special Meeting to be held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

4:00 PM CLOSED SESSION

Call to Order

Mayor/Chair Gillmor called the meeting to order at 4:13 PM.

Roll Call

Present: 7 - Council/Boardmember Kathy Watanabe, Vice Mayor/Chair Raj Chahal, Council/Boardmember Karen Hardy, Council/Boardmember Kevin Park, Council/Boardmember Suds Jain, Council/Boardmember Anthony Becker, and Mayor/Chair Lisa M. Gillmor

Public Comment

Public Speaker(s): Joe Spaulding

- 1.A [21-322](#) Pursuant to California Government Code Section 54956.9(d)(2) and (e)(3) and Section 54956.9(d)(4):
CONFERENCE WITH CITY'S OUTSIDE ATTORNEY - ANTICIPATED LITIGATION
One (1) item of anticipated litigation
- 1.B [21-483](#) 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)
- 1.C [21-494](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Sommers, et al., v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:17-cv-04469-BLF

Convene to Closed Session

Mayor/Chair Gillmor convened to Closed Session at 4:17 PM and reconvened the meeting at 5:34 PM.

5:30 PM COUNCIL REGULAR/SPECIAL STADIUM AUTHORITY MEETING

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Hardy recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel recited the AB 23 announcement and the Behavioral Standards.

Mayor/Chair Gillmor requested a moment of silence in honor of those who have lost their lives from the **March 17, 2021 Atlanta Spa Shooting** and the victims from the **March 22, 2021 shooting at Kings Soopers Supermarket in Boulder, Colorado**.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Doyle noted that there was no reportable action from Closed Session.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

None.

SPECIAL ORDER OF BUSINESS

2.A [21-349](#) Presentation by State Senator Bob Wieckowski on 2021 Legislation and State COVID-19 Response

State Senator Bob Wieckowski provided a PowerPoint Presentation on 2021 Legislation and State COVID-19 Response.

Council expressed comments of support and gratitude for State Senator Bob Wieckowski and his representation for City of Santa Clara.

2.B Items from the Task Force Diversity, Equity, and Inclusion

- a. [21-171](#) Verbal Quarterly Report from the Task Force on Diversity, Equity and Inclusion

Mayor Gillmor introduced Task Force on Diversity, Equity, and Inclusion members: **Chair Darius Brown, Member Joyce Davis, Member Mark Gilley, Member Dianna Zamora-Marroquin, and Member Andrew Knaack.**

Chair Brown provided a quarterly update on the Task Force on Diversity, Equity and Inclusion Sub-Committees and Annual Workplan and addressed **Council** comments and questions.

- b. [21-460](#) Adopt a Resolution Affirming the City's Commitment to Stand Against and Condemn Violence and Hate Crimes Against Asian Americans and Pacific Islanders

Recommendation: Adopt a Resolution affirming the City's commitment to stand against and condemn violence and hate crimes against Asian Americans and Pacific Islanders.

Task Force on Diversity, Equity, and Inclusion Member Knaack gave a verbal presentation regarding the Resolution Affirming the City's Commitment to Stand Against and Condemn Violence and Hate Crimes Against Asian Americans and Pacific Islanders.

Public Speaker(s): Debbie Algieri
Deborah Bress
Debra von Huene

Member Knaack, City Manager Santana, Chief of Police Nikolai addressed **Council** comments and questions.

Mayor Gillmor introduced **Vice Chair Neil Datar** who provided an update on the progress on the Task Force Diversity, Equity, and Diversity.

A motion was made by Councilmember Watanabe, seconded by Councilmember Hardy, to adopt Resolution No. 21-8953 affirming the City's commitment to stand against and condemn violence and hate crimes against Asian Americans and Pacific Islanders.

Aye: 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

2.C [21-430](#) Verbal Report from City Manager regarding COVID-19 Pandemic

Chief Emergency Services Officer Schoenthal gave a PowerPoint Presentation on the COVID-19 Update as Santa Clara County moves into the Orange Tier 3 (State of California BluePrint for Safer Economy) effective on March 24, 2021. **Chief Emergency Services Officer Schoenthal** noted the following City services that will expand:

- Remote work is still required in Santa Clara County;
- City has hired Crossing Guard staff to support schools opening on March 29, 2021;
- Libraries expanding hours available for in-lobby services and book pick-ups;
- Low-Contact Sports will begin through the Parks & Recreation Department;
- Emergency Rental Assistant Program available for eligible residents;
- Santa Clara County expecting additional vaccines for more vaccinations available to residents in April and May; and
- Free COVID-19 Testing is still available at Santa Clara Central Park Library.

Chief Emergency Services Officer Schoenthal addressed Council questions.

CONSENT CALENDAR

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve the Consent Calendar.

Aye: 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

3.A [21-07](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Santa Clara Tourism Improvement District Advisory Board - July 7, 2020
Santa Clara Tourism Improvement District Advisory Board - July 9, 2020
Santa Clara Tourism Improvement District Advisory Board - August 13, 2020
Santa Clara Tourism Improvement District Advisory Board - September 10, 2020
Senior Advisory Commission - January 25, 2021
Youth Commission - February 9, 2021
Audit Committee - December 3, 2020
Bicycle and Pedestrian Advisory Committee - October 26, 2020
Economic Development, Communications, and Marketing Committee - November 18, 2020
Task Force on Diversity, Equity, and Inclusion - January 11, 2021
Task Force on Diversity, Equity, and Inclusion - February 25, 2021
Historical and Landmarks Commission - February 4, 2021

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.

3.B [21-285](#) Action on Council & Authorities Concurrent Meeting Minutes of January 12, 2021 & January 26, 2021, Special City Council & Stadium Authority Meeting Minutes of January 19, 2021, and Special City Council & Successor Agency to the City of Santa Clara Redevelopment Agency Meeting Minutes of February 8, 2021

Recommendation: Approve the meeting minutes of:
Council & Authorities Concurrent Meeting - January 12, 2021
Special City Council & Stadium Authority Meeting - January 19, 2021
Council & Authorities Concurrent Meeting - January 26, 2021
Special City Council & Successor Agency to the City of Santa Clara Redevelopment Agency - February 8, 2021

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.

3.C [21-261](#) Action on the Single Audit Report for Fiscal Year 2019-20

Recommendation: Note and file the City of Santa Clara Single Audit Report for the year ended June 30, 2020, as recommended by the Council Audit Committee.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.

3.D [21-192](#) Approval of the Annual Investment Policy Statement for the City of Santa Clara, its Agencies and Corporations

Recommendation:

Alternative 1:

Approve the Investment Policy for the City of Santa Clara, its agencies and corporations with Sustainable Investing Option #3 Industry and Subindustry Exclusions.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

STADIUM AUTHORITY GENERAL BUSINESS ITEMS

4. [21-360](#) Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending December 31, 2020 and Related Budget Amendments

Recommendation: 1. Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending December 31, 2020; and
2. Approve Budget Amendments to the 2020/21 Santa Clara Stadium Authority Budget.

Stadium Authority Treasurer Lee gave a Powerpoint Presentation.

A motion was made by Boardmember Watanabe, seconded by Boardmember Hardy, to (1) note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending December 31, 2020; and (2) approve Budget Amendments to the 2020/21 Santa Clara Stadium Authority Budget.

Aye: 7 Boardmember Watanabe, Vice Chair Chahal, Boardmember Hardy, Boardmember Park, Boardmember Jain, Boardmember Becker, and Chair Gillmor

5. [21-46](#) Action on the Proposed Santa Clara Stadium Authority Fiscal Year 2021/22 Budget, Stadium Operation and Maintenance Plan, and 2021 Marketing Plan (Not to be heard prior to 6:00 PM)

Recommendation: Staff recommends Alternatives 1, 2, 3, 4, 5, 6, and 7:

1. Adopt the Santa Clara Stadium Authority Fiscal Year 2021/22 Operating, Debt Service, and Capital Budget
2. Direct the Stadium Manager to provide a procurement plan and schedule of all the required repairs at the Stadium
3. Direct the Stadium Manager to submit the budget to the Trust that is inclusive of the SCSA G&A budget of \$5.1 million
4. Direct the Stadium Manager to respond to the questions outlined in the December 1, 2020 letter from Kenn Lee
5. Delegate authority to the Executive Director to approve budget amendments that move funds from the Legal Contingency to Shared Expenses after the review of adequate documentation for costs
6. Take No Action on the 2021 Marketing Plan
7. If the Board wants to pursue an independent third-party consultant to review and assess the Non-NFL Events Marketing Plan, delegate authority to the Executive Director to conduct a competitive Request for Proposal, enter into an agreement for such services, and approve any budget amendments associated with this action. Staff will report on all actions related to this recommendation to the Board on a quarterly basis, as part of the quarterly financial report.

Executive Director Santana provided a verbal report on the background and interactions with the Stadium Management Company.

Stadium Authority Treasurer Lee gave a Powerpoint Presentation.

Stadium Authority Board comments and questions followed.

Executive Director Santana, Stadium Authority Counsel Doyle, and Stadium Authority Treasurer Lee addressed Board questions and comments.

Forty Niners Vice President of Finance David Fong and Forty Niners Attorney Charmaine Yu gave a Powerpoint Presentation and addressed Board and Stadium Authority Staff questions.

Executive Director Santana, Stadium Authority Counsel Doyle, and Stadium Authority Treasurer Lee responded comments made by the Forty Niners Representatives.

A motion was made by **Boardmember Watanabe**, seconded by **Boardmember Jain**, to (1) adopt the Santa Clara Stadium Authority Fiscal Year 2021/22 Operating, Debt Service, and Capital Budget, (2) direct the Stadium Manager to provide a procurement plan and schedule of all the required repairs at the Stadium, (3) direct the Stadium Manager to submit the budget to the Trust that is inclusive of the SCSA G&A budget of \$5.1 million (4) direct the Stadium Manager to respond to the questions outlined in the December 1, 2020 letter from Kenn Lee (5) delegate authority to the Executive Director to approve budget amendments that move the Legal Contingency to Shared Expenses after the review of adequate documentation for costs, (6) take No Action on the 2021 Marketing Plan, and (7) direct the Executive Director to pursue an independent third-party consultant to review and assess the Non-NFL Events Marketing Plan, delegate authority to the Executive Director to conduct a competitive Request for Proposal, enter into an agreement for such services, and approve any budget amendments associated with this action. Staff will report on all actions related to this recommendation to the Board on a quarterly basis.

Executive Director Santana, Stadium Authority Counsel Doyle, and Stadium Authority Treasurer Lee addressed Board questions.

Forty Niners Vice President of Finance David Fong addressed Board questions.

Public Speaker(s): Deborah Bress

Forty Niners Attorney Charmaine Yu addressed Board questions.

A motion was made by **Boardmember Watanabe**, seconded by **Boardmember Jain**, to (1) adopt the Santa Clara Stadium Authority Fiscal Year 2021/22 Operating, Debt Service, and Capital Budget, (2) direct the Stadium Manager to provide a procurement plan and schedule of all the required repairs at the Stadium, (3) direct the Stadium Manager to submit the budget to the Trust that is inclusive of the SCSA G&A budget of \$5.1 million (4) direct the Stadium Manager to respond to the questions outlined in the December 1, 2020 letter from Kenn Lee (5) delegate authority to the Executive Director to approve budget amendments that move the Legal Contingency to Shared Expenses after the review of adequate documentation for costs, (6) take No Action on the 2021 Marketing Plan, and (7) direct the Executive Director to pursue an independent third-party consultant to review and assess the Non-NFL Events Marketing Plan,

delegate authority to the Executive Director to conduct a competitive Request for Proposal, enter into an agreement for such services, and approve any budget amendments associated with this action. Staff will report on all actions related to this recommendation to the Board on a quarterly basis.

Aye: 6 - Boardmember Watanabe, Vice Chair Chahal, Boardmember Hardy, Boardmember Jain, Boardmember Becker, and Chair Gillmor

Nay: 1 - Boardmember Park

Mayor/Chair Gillmor called for a recess at 10:48 PM and reconvened at 10:54 PM.

PUBLIC HEARING/GENERAL BUSINESS

7. [21-497](#) Discussion on Consideration of the Sale of the Loyallon Ranch Property (Continued from March 16, 2021)

Recommendation: Staff has no recommendation and is seeking Council direction.

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to continue this item to April 6, 2021 Council and Authorities Concurrent Meeting.

Aye: 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

6. [21-271](#) Public Hearing: FY 2021-2022 DRAFT Annual Action Plan for the use of Federal Housing and Urban Development Grant Funds, and CDBG Guidelines

Recommendation: 1. Approve the 2021-2022 DRAFT Annual Action Plan, and direct staff to incorporate all public comments into the final version to be presented before council on May 4, 2021; and
2. Approve the CDBG Policies & Procedures Manual and CDBG Monitoring Manual.

Mayor Gillmor declared the Public Hearing Open.

Housing Development Officer Calleja gave a Powerpoint Presentation.

Council comments and questions followed.

Housing Development Officer Calleja, City Manager Santana, Housing & Community Services Division Manager Veach, and Director of Community Development Crabtree addressed **Council** questions.

Public Speaker(s): Jordan Dancer Pilar Fulong
Ann Marquart Georgia Bacil
Teresa Johnson Angelica Holguin
Ann Peterson

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Chahal, to close the Public Hearing.

Aye: 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

Council comments and questions followed.

Housing Development Officer Calleja, Director of Community Development Crabtree, and City Attorney Doyle addressed **Council** questions.

A motion was made by Councilmember Watanabe, seconded by Councilmember Hardy, to (1) note and file Public Comment on the 2021-2022 Draft Annual Action Plan for U.S. Department of Housing and Urban Development Funds (CDBG & HOME); (2) approve the 2021-2022 Draft Annual Action Plan, and direct staff to incorporate all public comments into the Final versions to be presented to City Council on May 4, 2021 prior to submission to HUD by May 15, 2021; and (3) approve the CDBG Policies & Procedures and Monitoring Manuals.

Aye: 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

8. [21-98](#) Accept the 2020 General Plan Annual Progress Report

Recommendation: Accept the General Plan Annual Progress Report as presented by staff.

Director of Community Development Crabtree provided a verbal report on the 2020 General Plan Annual Progress Report and addressed **Council** questions and comments.

A motion was made by Councilmember Jain, seconded by Councilmember Watanabe, to accept the General Plan Annual Progress Report as presented by staff.

Aye: 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

None.

[21-440](#) Update on City Council and Stadium Authority Staff Referrals

[21-498](#) Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

The meeting was adjourned at 11:54 PM.

A motion was made by Councilmember Watanabe, seconded by Councilmember Jain, to adjourn the meeting.

Aye: 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

The next regular scheduled meeting is on Tuesday evening, April 6, 2021.

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)

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@santacruz.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."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.

ATTEST:


Assistant City Clerk/Secretary

APPROVE:


Mayor/Chairperson