

City of Santa Clara

Draft



Meeting Minutes Santa Clara Stadium Authority Call and Notice of Special Meeting City Council

03/02/2021

3:30 PM

Virtual Meeting

****Revision:**

Added List of Names for Negotiating Parties for Item 21-301

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) 900-6833

- **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 Mayor calls for a Special Meeting of the City Council of the City of Santa Clara to commence and convene on March 2, 2021, at 3:30 pm for a Special Meeting to be held virtually zoom, to consider the following matter(s) and to potentially take action with respect to them.

3:30 PM CLOSED SESSION

Call to Order

Mayor/Chair Gillmor called the meeting to order at 3:35 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

Vice Mayor/Chair Chahal noted that he will be recusing himself from Closed Session Item 1.A due to his property in close proximity to 960 Central Expressway.

None.

- 1.A** [21-301](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: Please see below listing for APNs and addresses
City/Authority Negotiator: Deanna J. Santana, City Manager/Executive Director (or designee)
Negotiating Parties: Please see below listing for names for negotiating party(ies)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)
- 1.B** [21-341](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
City of Santa Clara v. IA Lodging Santa Clara, LLC, et al., Santa Clara County Superior Court Case No. 19CV340507
- 1.C** [21-373](#) Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 07/26/2019
- 1.D** [21-374](#) Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Jesse Scott, on behalf of himself and all others similarly situated v. Santa Clara Stadium Authority and Legends Sales and Marketing LLC, Santa Clara County Superior Court Case No. 20CV368911

- 1.E [21-375](#) Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Forty Niners Stadium Management Company LLC and Forty Niners SC
Stadium Company LLC v. Santa Clara Stadium Authority, et al., Santa
Clara County Superior Court Case No. 17CV304903 and 19CV355432
(consolidated under lead case 17CV304903)
- 1.F [21-353](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
City of Santa Clara v. Yumori Kaku, et al., California Sixth District Court of
Appeal Case No. H046105

Convene to Closed Session

Council/Stadium Authority Board convened to Closed Session at 3:38 PM
and reconvened at 5:19 PM.

STADIUM AUTHORITY/SPECIAL COUNCIL MEETING

Pledge of Allegiance and Statement of Values

Council/Stadium Authority Board recited the Pledge of Allegiance.

Council/Boardmember Hardy recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel recited the AB23
Announcement and Behavioral Standards.

Mayor/Chair Gillmor expressed condolences to the Callejon Family for
the recently passing of Don Callejon. **Mayor/Chair Gillmor** noted the
impact Don Callejon had on Santa Clara and requested a moment of
silence in his memory.

Council also expressed condolences to the Callejon Family and the
gratitude they have for his service to Santa Clara.

Public Speaker(s): Donna Callejon
Rick Callejon

[21-411](#)

Moment of Silence in honor of Don Callejon Post Meeting Material

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Mayor Gillmor requested Item 7 be heard prior to Item 4 as members of the public requested this item be heard sooner.

A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to move Item 7 up before Item 4.

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Councilmember Jain requested Item 6 be heard following Item 7 as it was continued from the previous meeting and high school students joined this meeting to comment on that item.

A motion was made by Councilmember Jain, seconded by Councilmember Becker, to move Item 6 up to be heard following Item 7.

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

SPECIAL ORDER OF BUSINESS

2. [21-342](#) Verbal Report from City Manager regarding COVID-19 Pandemic

City Manager Santana introduced this item and **Chief Emergency Services Officer Schoenthal** provided the following PowerPoint Presentation on the COVID-19 Pandemic:

- Santa Clara County will move into the Red Tier beginning March 3, 2021;
- Encouraged everyone to continue to get tested;
- In-door dining can reopen while complying with the County of Santa Clara and State of California guidelines;
- County of Santa Clara noted to continue remote work if possible;
- In-door Worship Services can open at 20%;
- County of Santa Clara continues with Vaccination efforts; and
- Libraries providing drive-up and walk-up lobby services.

Chief Emergency Services Officer Schoenthal addressed Council questions.

City Manager Santana played a video on Big Foot on continuing Social Distancing.

CONSENT CALENDAR

A motion was made by Boardmember Jain, seconded by Boardmember Watanabe, 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 [21-274](#) Action on Stadium Authority Bills and Claims for the Month of January 2021

Recommendation: Approve the list of Stadium Authority Bills and Claims for January 2021.

A motion was made by Boardmember Jain, seconded by Boardmember Watanabe, to approve staff recommendation.

3.B [21-327](#) Action on Agreement with DemandStar Corporation for E-procurement Services

Recommendation: Authorize the Executive Director to execute an agreement with DemandStar for procurement services, at no cost to the Stadium Authority.

A motion was made by Boardmember Jain, seconded by Boardmember Watanabe, to approve staff recommendation.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

PUBLIC HEARING/GENERAL BUSINESS

7. [21-370](#) Continuance of FY 2020/21 Budget Rebalancing Actions to Address COVID-19 Pandemic Impacts (Continued from February 23, 2021)

- Recommendation:**
1. Approve the FY 2020/21 budget amendments detailed in Attachment 1 for all Departments and Offices, except the Mayor and Council and the City Auditor's Office and City Attorney's Office appointees, as recommended by the City Manager (five affirmative Council votes required for revenue actions only); and
 2. Consider and approve the FY 2020/21 budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor's Office, and City Attorney's Office appointees.

City Manager Santana introduced this item and addressed **Council** questions.

Director of Finance Lee gave a PowerPoint Presentation and addressed **Council** questions.

Public Speaker(s): Patrick Walsh
Chris Jackson
Rob Jerdonek
Anthony Pascoal
Gail Carter
Michael Aken
Alex Torke
Carlos Lamas (e-Comment)
Jesse Kerns (e-Comment)
Laura Fanelli (e-mail)

Council discussion and questions continued.

A motion was made by **Councilmember Hardy**, seconded by **Vice Mayor Chahal**, to accept staff recommendation 1 and 2: (1) approve the FY 2020/21 budget amendments detailed in Attachment 1 for all Departments and Offices, except the Mayor and Council and the City Auditor's Office and City Attorney's Office appointees, as recommended by the City Manager (five affirmative Council votes required for revenue actions only); and (2) consider and approve the FY 2020/21 budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor's Office, and City Attorney's Office appointees with the amendments to (a) freeze all vacant positions instead of eliminating; and (b) do not brown out of the Fire Engine in Phase 1 and return with the possible brown out of the Fire Engine in Phase 2.

Council discussion continued.

Councilmember Watanabe proposed the following friendly amendment to the motion made by **Councilmember Hardy**:

Add to the original motion as proposed by Councilmember Hardy to include additional funding from the reserves to fund the Police Department with the Police Field Training Staff, Community Service Officer, and Task Force through June 2021.

Councilmember Hardy declined the friendly amendment.

Councilmember Watanabe proposed the following amended motion:

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to accept staffs recommendation 1 and 2 with two changes: freezing all positions instead of elimination and to put off the brown out of the fire engine and place it in phase 2 and add additional funds from the reserves to cover the police field training staff, CSO and Task Force to get us through June 2021.

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to add to the original motion as proposed by Councilmember Hardy to include additional funding from the reserves to fund the Police Department with the Police Field Training Staff, Community Service Officer, and Task Force through June 2021.

Aye: 3 - Councilmember Watanabe, Councilmember Becker, and Mayor Gillmor

Nay: 4 - Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, and Councilmember Jain

Motion Fails.

A motion was made by Councilmember Hardy, seconded by Vice Mayor Chahal, to accept staff recommendation 1 and 2: (1) approve the FY 2020/21 budget amendments detailed in Attachment 1 for all Departments and Offices, except the Mayor and Council and the City Auditor's Office and City Attorney's Office appointees, as recommended by the City Manager (five affirmative Council votes required for revenue actions only); and (2) consider and approve the FY 2020/21 budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor's Office, and City Attorney's Office appointees with the amendments to (a) freeze all vacant positions instead of eliminating; and (b) do not brown out of the Fire Engine in Phase 1 and return with the possible brown out of the Fire Engine in Phase 2.

Aye: 4 - Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, and Councilmember Jain

Nay: 3 - Councilmember Watanabe, Councilmember Becker, and Mayor Gillmor

Motion Fails.

After discussion regarding the Charter Amendment requirement needing Five Affirmative Votes for budget revenue and expenditures, **Councilmember Watanabe** proposed to continue this item to the next meeting for further discussion.

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to continue this item to March 9, 2021.

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

Mayor Gillmor called for a recess at 8:05 PM and reconvened the meeting at 8:15 PM.

6. [21-371](#) Actions for Target Setting and Priority Strategies for Climate Action Plan (CAP) Update (Continued from February 23, 2021)

Recommendation: The goal of this meeting is to get Council's confirmation on the recommended GHG target for the CAP update. The staff also seek the Council's input on strategies and the initial action list to indicate their top priority actions and to indicate if there are actions that should not be included in the CAP Update.

Director of Community Development Crabtree, Andrea Martin and Walker Wells (Consultant from Cascadia Consulting Group) gave a PowerPoint Presentation

Director of Community Development Crabtree addressed Council questions.

Public Speaker(s): Jeff Houston	Josie Gaillard
Carolyn Zhao	Alexis
Bruce Karney	Dashiell Leeds
Betsy Megas	Vanessa S.
Kristel Wickham	Bruce Naegel
Sindhu Saggeri	Suzanne Emerson

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to confirm the recommended Green House Gas target for the Climate Action Plan update and set the city's target to be more aggressive than the State of California Guidelines including the all electric reach code and add the following: intermediate goal target of 80% emissions reduction by 2035 while keeping the proposed 100% by 2045 target, and 25% VMT reduction from Active Measures aside from proximity to public transit, one secured biking parking spot per unit with electrical outlets for charging electric bikes, City to adopt a policy for City buildings to replace gas furnace with an electric equivalent on burnout, implement an Emissions Tracking Dashboard, facilitate Work-From-Home by improving the City's internet access & fiber, and to adopt an all Electric Reach code and changing the proposed EV charging 75% Level 1 requirement to Level 2 light at 3.8 Kw using an automatic load management software to balance the loads. (update it from proposed 25% level 2 and 75% level 1 to 25% level 2 and 75% light level 2 at 3.8kW).

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Becker noted his attendance at the Caltrain Modernization Local Policymaker Group meeting.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana noted that Council Committee meetings begin on March 3, 2021 with City/School Liaison Committee Meeting and Economic Development, Communications, and Marketing Committee Meeting.

4. [21-50](#) Study Session: Draft 2021 Non-NFL Events Marketing Plan for Levi's Stadium in Accordance with Section 4.10 of the Stadium Management Agreement

Recommendation: Stadium Authority Board discussion and possible action on ManCo's draft 2021 Marketing Plan.

Public Speaker(s): Jeff Fong

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to continue Item 4 and Item 5 to a future meeting.

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

5. [21-44](#) Discussion of the Proposed Santa Clara Stadium Authority Fiscal Year 2021/22 Budget, Compliance and Management Policies

Recommendation: Review and provide input, or possible Board action, on the Santa Clara Stadium Authority Fiscal Year 2021/22 Operating, Debt Service, and Capital Budget and Stadium Authority Budget, Compliance and Management Policies.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to continue Item 4 and Item 5.

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

ADJOURNMENT

The meeting was adjourned at 10:13 PM in memory of **Don Callejon**.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adjourn the meeting.

Aye: 7 - Council/Boardmember Watanabe, Vice Mayor/Chair Chahal, Council/Boardmember Hardy, Council/Boardmember Park, Council/Boardmember Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

The next regular scheduled meeting is on Tuesday evening, March 9, 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@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."

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.

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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.