



City of Santa Clara

Draft

Joint Meeting Minutes

Council and Authorities Concurrent

Santa Clara Stadium Authority Meeting

05/08/2018

4:30 PM

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

Closed Session - 4:30 PM | Joint Dinner - 5:00 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 4:32 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a quorum.

Public Comment

None.

Convene to Closed Session (Council Conference Room)

[18-614](#)

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

[18-615](#)

Conference with Real Property Negotiators (CC, SARDA)
Pursuant to Gov. Code § 54956.8
Property: 5001-5201 Great America Parkway, Santa Clara (Convention Center property) (APNs 104-55-12, 104-55-13, 104-55-16, 104-55-17)
City Negotiator: Deanna J. Santana, City Manager (or designee)
Negotiating Parties: Steve Eimer, Related Santa Clara
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

City Attorney reported to eliminate the first two APNs 104-55-12 and 104-55-13, as these two will not be discussed.

[18-625](#)

Conference with Legal Counsel-Existing Litigation
Pursuant to Gov. Code § 54956.9(d)(1)
Yumori-Kaku v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 17CV319862

5:00 PM JOINT DINNER

Call to Order in the Council Chambers

Mayor Gillmor called the Joint Dinner to order.

Confirmation of a Quorum

[18-186](#)

Informational Joint Dinner Meeting with the Housing Rehabilitation Loan Committee

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Study Session to order at 6:02 PM.

Confirmation of a Quorum

Acting Assistant City Clerk confirmed a quorum.

Study Session

[18-273](#)

Review of the Proposed FY 2018/19 & FY 2019/20 Biennial Capital Improvement Program Budget

Recommendation: Review and provide input on the FY 2018/19 & FY 2019/20 Biennial Capital Improvement Program Budget.

7:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the regular meeting to order at 7:03 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 6 - Council Member Patricia M. Mahan, Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Council Member Debi Davis, Vice Mayor Kathy Watanabe, and Council Member Patrick Kolstad

Absent: 1 - Council Member Dominic J. Caserta

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

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

Excused: 1 - Council Member Caserta

[18-983](#)

Roll Call Memo

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

SPECIAL ORDER OF BUSINESS

- 1.A** [18-553](#) Presentation of a Proclamation for Foster Care/Resource Parent Awareness Month
- 1.B** [18-545](#) Presentation of a Proclamation for Lupus Awareness Month
- 1.C** [18-552](#) Update on Mission College Activities
- 1.D** [18-054](#) Proclamation of Municipal Clerks Week

CONSENT CALENDAR

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve the balance of the consent calendar (except 2.B & 2.H).

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

Excused: 1 - Council Member Caserta

2.A [18-349](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Youth Commission Minutes - March 13, 2018
Historical and Landmarks Commission Minutes - March 1, 2018
Planning Commission Minutes - March 14, 2018
Cultural Commission Minutes - March 5, 2018

A motion was made by Council Member Davis, seconded by Council Member Watanabe to Note and File the minutes as part of the Consent Calendar.

2.C [18-255](#) Accept the California Library Literacy Services Grant and Approve the Related Budget Amendment

Recommendation: 1. Accept California Library Literacy Services grant award of \$47,596 into the Library Adult Literacy Grant Fund; and
2. Approve a budget amendment in the amount of \$47,596 to Adult Literacy accounts for As-Needed Salary, Salary Overtime, Contractual Services and Operating Supplies. (Requires five affirmative votes by the City Council)

A motion was made by Council Member Davis, seconded by Council Member Watanabe to approve staff recommendation as part of the Consent Calendar.

2.D [18-372](#) Resolution for the 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 2720 Sonoma Place and 3770 and 3775 Flora Vista Avenue.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to adopt Resolution No. 18-8515.

- 2.E [18-387](#) Adopt a Resolution Approving the Use of City Public Works Forces at the Central Park Library

Recommendation: Adopt a Resolution approving the use of City Public Works forces for the alteration of facilities at the Central Park Library, 2635 Homestead Road.

A motion was made by Council Member Davis, seconded by Council Member Watanabe to adopt Resolution No. 18-8516.

- 2.F [18-163](#) Action on the 2017 Annual Report Related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System

Recommendation: Note and File the 2017 Annual Report for the Santa Clara County Multi-Jurisdictional Program for Public Information related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System.

A motion was made by Council Member Davis, seconded by Council Member Watanabe to approve staff recommendation as part of the Consent Calendar.

- 2.G [18-201](#) Action on proposed Contract Streamlining Practice and Provide Direction Regarding Amending City Code

Recommendation:

1. Authorization to rescind the requirement for the notarization of the Ethical Standard Exhibits for City contracts.
2. If the Council is interested in having a statement of Ethical Standards in the City Code, provide direction on the types of standards that should be enacted.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the consent calendar.

PUBLIC PRESENTATIONS

J.O. Ogle expressed general comments on representation.

Will Kennedy expressed comments regarding attempted recall of Judge Aaron Persky.

Rajeev Batra requested to reconsider the action on item 18-426 (April 24, 2018). No motion was made by Council to reconsider the action.

Kirk Vartan expressed comments on costs of development.

Public Speakers (3) expressed comments of concern regarding allegations of Council Member Caserta's conduct.

Public Speaker expressed comments on No on Measure A flyers.

Dan Ondrasek (Gloria Goldsberry & Michelle Sandoval seeded their time to Dan) expressed comments on the support for Reclaiming our Downtown.

Frank Lemmon expressed comments of coordinating on the future of Downtown Santa Clara.

Ana Vargas-Smith (Connie Costa seeded her time to Ana) expressed gratitude to City Management in their involvement in the Revitalizing Downtown and request Urban Planning Experts to assist in the planning of the project.

Patti Allmon gave examples of successful downtowns and requested to not make any changes to Downtown until a Precise Plan is established.

Donna West announced the revenues neighboring cities are receiving from their Downtowns.

Rod Dunhum request to return to an upcoming Council meeting to take the next steps for Downtown Precise Plan.

Elena Radding and Taylor Kee (SCU students - letters submitted - read aloud) expressing the vision of Santa Clara University students vision of a Downtown.

Mary Grizzle expressed support of Prometheus being an important of the Plan and returning Franklin Street back to the City.

Public Speaker expressed the desire to have a Downtown to visit with his family and request that Prometheus partner with the City.

Council Member Davis referred to staff for a future study session.

City Manager reported the funding allocated in the Operating Budget and to continue deliberation on the Operating Budget and put together a task force on the Precise Plan.

CONSENT ITEMS PULLED FOR DISCUSSION

2.B [18-155](#) Bills & Claims Report (CC and SA) for the period of March 23rd - April 12th

Recommendation: Approve the list of Bills and Claims for March 23, 2018 - April 12, 2018.

SC Chamber of Commerce - Agreement for Operation
page 145 California Highway Patrol - \$81,000 - Invoice late from outside agencies. Contract is with the City.
NFL event - March - Sheriff's Department

A motion was made by Council Member O'Neill, seconded by Council Member Mahan to approve the list of Bills and claims for March 23, 2018 - April 12, 2018.

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

Excused: 1 - Council Member Caserta

- 2.H [18-510](#) Action on a Purchase and Sale Agreement with Jamestown Realty Co., LLC and Other Documents as Necessary Related to the Sale of North-South Parking Parcel located at 4911 Great America Parkway (APN: 104-43-051)

Recommendation: Council acting as the governing body of the Successor Agency to the Former Redevelopment Agency of the City of Santa Clara adopt a Resolution:

1. Approving the sale and transfer of the North South Parcel property located at 4911 Great America Parkway (APN: 104-43-051) and authorizing the City Manager/Executive Officer to execute a Purchase and Sale Agreement with Jamestown Realty Co., LLC for a purchase of \$5,150,000.49.
2. Approving and authorizing the City Manager/Executive Officer to execute minor amendments to the Agreement as necessary in coordination with the City Attorney and all documents necessary to accomplish the transfer.

Public Speakers: Kirk Vartan
Public Speaker (1)

A motion was made by Council Member O'Neill, seconded by Council Member Davis, to continue and return with City options at a future meeting.

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

Excused: 1 - Council Member Caserta

PUBLIC HEARING/GENERAL BUSINESS

8. [18-332](#) Introduction of an Ordinance Establishing District Boundaries and Sequencing related to Implementing By-District Elections in Santa Clara; Information on Voter Education for Measure A; and, Consideration by the City Council of adopting a resolution to endorse Measure A

Recommendation: Alternative 1:

1. Approve introduction of an Ordinance implementing the Ad Hoc Advisory Districting Committee's Recommendation for the Council District Boundary Map and Designation of Districts 1 and 2.
2. Staff makes no Recommendation regarding the adoption of a Resolution indicating Council's endorsement of Measure A.

Public Speakers: Michelle Hua
Lorna Sumaraga
Steve Chessin
Public Speaker (4)

A motion was made by Council Member Mahan, seconded by Council Member O'Neill, to approve the introduction of Ordinance No. 1980 - implementing the Ad Hoc Advisory Districting Committee's recommendation for the Council District Boundary Map and Designation of Districts 1 and 2.

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

Excused: 1 - Council Member Caserta

Public Speakers: Steve Chessin
Public Speaker (3)

A motion was made by Council Member Watanabe, seconded by Council Member Davis, to adopt Resolution No. 18-8517 to endorse Measure A.

Aye: 4 - Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

Nay: 2 - Council Member Mahan, and Council Member Kolstad

Excused: 1 - Council Member Caserta

3. [18-351](#) Appointment of an Applicant to the Planning Commission

Recommendation: Alternative 1: Appointment of an applicant to fill the vacancy on the Planning Commission to serve a partial term ending June 30, 2021.

A motion was made Council Member Davis, seconded by Council Member Watanabe, to continue this item to May 15, 2018.

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

Excused: 1 - Council Member Caserta

4. [18-296](#) Written Petition Submitted by American Legion Santa Clara Post 419:
Request to be placed on a future agenda to discuss American Legion Car
Show Sponsorship - City Permits

Recommendation: There is no staff recommendation for this issue.

Public Speaker: Marty McCormick (Applicant)

**A motion was made by Council Member Mahan, seconded by
Council Member Davis, to return to the May 15 Council Meeting.**

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

Excused: 1 - Council Member Caserta

5. [18-337](#) FY 2018-2019 Annual Action Plan for the Use of Federal Housing and
Urban Development Funds

Recommendation: Alternatives 1 and 2:
1. Approve the 2018-2019 Annual Action Plan for the Use of Federal
Community Development Block Grant (CDBG) and Home Investment
Partnerships Act (HOME) Entitlement Funds (Attachment 1).
2. Authorize the City Manager, or her designee, to execute the documents
for submission to the U.S. Department of Housing and Urban Development
(HUD) by May 15, 2018 unless otherwise directed by HUD.

Public Speaker (1)

**A motion was made by Council Member Davis, seconded by
Council Member Watanabe, to approve the 2018-2019 Annual Action
Plan for the use of Federal Community Development Block Grant
(CDBG) and Home Investment Partnerships Act (HOME) Entitlement
Funds.**

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

Excused: 1 - Council Member Caserta

6. [18-572](#) Action on the Terms for Assignment and Venue Agreements between Santa Clara Stadium Authority and Forty Niners Stadium Management Company for the College Football Playoff National Championship (Stadium Authority)

Recommendation: Alternatives 1 and 3:
1. Approve the terms proposed by the Santa Clara Stadium Authority Executive Director for the Assignment and Venue Agreements for the CFP 2019 National Championship Game Agreement as presented to the Board on April 24, 2018 and summarized in the above report; and
3. Direct the Santa Clara Stadium Authority Executive Director to pursue and enter into a four party agreement to allow contracted public service providers to directly invoice the Bay Area Host Committee for all CFP related expenses.

Chairperson Gillmor opened the Stadium Authority meeting.

Public Speaker(s): Public Speakers (2)
Kirk Vartan

A motion was made by Board Member Davis, seconded by Board Member Mahan, to approve staff recommendation.

Aye: 6 - Board Member Mahan, Board Member O'Neill, Chairperson Gillmor, Board Member Davis, Board Member Watanabe, and Board Member Kolstad

Excused: 1 - Board Member Caserta

7. [18-563](#) Adopt the Fiscal Year 2018-19 Municipal Fee Schedule to Set New Fees, Rates and Charges; Amend Existing Fees; Delete Certain Fees; and Retain Unchanged Fees for Various City Departments Effective July 1, 2018 and July 8, 2018 for Development Impact Fees

Recommendation: Alternative 1:
Adopt a resolution for the "City of Santa Clara 2018-19 Municipal Fee Schedule" which 1) set new fees, rates, and charges (collectively "fees"), 2) amend existing fees; 3) delete certain fees; and (4) retain unchanged fees for various City departments effective on July 1, 2018 and July 8, 2018 for Development Impact fees.

Public Speaker: Suds Jain

A motion was made by Council Member Mahan, seconded by Council Member Davis, to close the public hearing.

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

Excused: 1 - Council Member Caserta

A motion was made by Council Member Mahan, seconded by Council Member Davis, to adopt Resolution 18-8518 and refer back to the City Manager to return with options to include public art fees.

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

Excused: 1 - Council Member Caserta

9. [18-591](#) Direction on the Management Fee for the Santa Clara Chamber of Commerce & Convention-Visitors Bureau for Management of the Santa Clara Convention Center

Recommendation: Staff makes no recommendation on any of options for payment of a management fee, as all options presented are feasible; however, staff does make a recommendation that an option be selected so that if there is a desire to continue in this arrangement, there is a legitimate agreement that authorizes the City Manager to issue public funds for this purpose, which is not the case right now.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to continue this item to May 15, 2018.

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

Excused: 1 - Council Member Caserta

10. [18-437](#) Action related to the Elected Police Chief's Benefit Request

Recommendation: The City Manager has no recommendation. However, if the City Council desires to make the Chief of Police's benefits track Unit 9A benefits, the following should be approved: Alternative #3 - Approve retroactive benefits for the Police Chief equivalent to the Unit 9A 2016-18 MOU for the period December 18, 2016 through May 7, 2018, and moving forward from May 8, 2018, for the duration of the 2016-18 MOU.

Public Speaker: Public Speaker (1)

Motion #1: **A motion was made by Council Member Mahan, seconded by Council Member Kolstad, to approve Alternative #3.**

Aye: 2 - Council Member Mahan, and Council Member Kolstad

Nay: 4 - Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

Excused: 1 - Council Member Caserta

Motion #2: **A motion was made by Council Member Mahan, seconded by Council Member Kolstad, to approve Alternative 3, without 40 hours of leave.**

Aye: 3 - Council Member Mahan, Council Member O'Neill, and Council Member Kolstad

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

Excused: 1 - Council Member Caserta

Public Speaker(s): Public Speaker (1)

Motion #3: **A motion was made by Council Member Mahan, seconded by Council Member Kolstad, to continue the item to a future meeting when a full Council is in attendance.**

Aye: 2 - Council Member Mahan, and Council Member Kolstad

Nay: 4 - Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

Excused: 1 - Council Member Caserta

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Council Member Watanabe reported on Council Member Mahan stance on previous ballot measures.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager reported on an email she received today (May 8, 2018) from 49ers Stadium Company (STADCO) requesting refinancing, which would require Board action with short notice. She expressed her disappointed for the short notice and organization.

City Manager also reported on changes to the Tentative Meeting Agenda Calendar (TMAC).

[18-636](#) Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned in **memory** of **Ildefonsa Ragadio Esposo** (mother and longtime Santa Clara resident) and **Andrew William Fitch** (longtime Santa Clara resident).

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to adjourn the meeting.

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

Excused: 1 - Council Member Caserta

[18-982](#) Adjournment

The next regular scheduled meeting is on Tuesday evening, May 15, 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)

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."