

# City of Santa Clara



## Meeting Minutes

Draft

### Council and Authorities Concurrent Meeting

### Call and Notice of Special Meeting

### Santa Clara Stadium Authority

### Public Facilities Financing Corporation

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05/04/2021

4:00 PM

Virtual Meeting

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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](mailto:PublicComment@santaclaraca.gov)

As always, the public may view the meetings on [SantaClaraCA.gov](http://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 and Public Facilities Financing Corporation to commence and convene on May 4, 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 4:01 PM.

#### **Roll Call**

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

## Public Comment

**None.**

1. [21-505](#) Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(1)  
Omar Gomez v. City of Santa Clara, et al., United States District Court,  
Northern District of California Case No. 5:19-cv-05266-LHK
2. [21-655](#) Conference with Legal Counsel-Anticipated Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation  
Number of potential cases: 1  
Facts and Circumstances: Consideration of recommendations contained  
in the TAP International Financial Audit Titled "Contract Close Out Review:  
Convention and Visitor's Bureau"  
(Continued from April 20, 2021)
3. [21-656](#) Conference with Legal Counsel-Existing Litigation (CC, SA)  
Pursuant to Gov. Code § 54956.9(d)(1)  
Lawrence E. Stone, Santa Clara County Assessor, Petitioner v. Santa  
Clara County Assessment Appeals Board No. 1, Respondent (Forty Niners  
SC Stadium Company LLC, Real Party in Interest), Santa Clara County  
Superior Court No. 19CV347946

## Convene to Closed Session

**Council** convened to Closed Session at 4:02 PM and reconvened to Open  
Session at 6:31 PM.

## **6:30 PM COUNCIL/SPECIAL STADIUM AUTHORITY & PUBLIC FACILITIES FINANCING CORPORATION 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 Behavioral Standards.

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

**City Attorney Doyle** reported that for Item 3 (21-656) *Lawrence E. Stone, Santa Clara County Assessor, Petitioner v. Santa Clara County Assessment Appeals Board No. 1, Respondent (Forty Niners SC Stadium Company LLC, Real Party in Interest), Santa Clara County Superior Court No. 19CV347946*, the **Council** unanimously authorized the filing of two separate Amicus Briefs by Stadium Authority and the City of Santa Clara to support the County's position that the decision of the Appeal's Board should be overturned.

## **CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS**

**City Manager Santana** noted that the following items should be acted on tonight on this agenda as they are time sensitive and necessary for continuity of City Business: Items 7.A, 5, 6 and 8.

**Public Speaker(s):** Wesley K Mukoyama

Harbir  
Charanjit  
#2222  
Tom Freitas  
Jean

**Councilmember Park** requested to move Item 9 earlier and clarification on the order agenda items.

A motion was made by **Councilmember Park**, seconded by **Councilmember Jain**, to move Item 9 after Item 5.

**City Manager Santana** and **City Attorney Doyle** addressed **Council** questions.

**A motion was made by Councilmember Park, seconded by Councilmember Jain, to move Item 9 after Item 5.**

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

**Public Speaker(s):** Deborah

**A motion was made by Councilmember Jain, seconded by Councilmember Park, to move Item 4 after Item 8.**

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

**SPECIAL ORDER OF BUSINESS**

**2.A**     [21-481](#)     Proclamation of National Public Works Week 2021

**Mayor Gillmor** proclaimed National Public Works Week 2021 and expressed comments of gratitude for the Public Works Department, Parks & Recreation Department, Water & Sewer Utilities, and Silicon Valley Power for all that they do for the City of Santa Clara Residents.

**2.B**     [21-518](#)     Recognize Local Students for Community Wellness Initiative “Active Circle”

**Mayor Gillmor** presented a Special Mayoral Recognition to local students for their actions to promote community wellness through the initiative "Active Circle." Local Students Aanya, Nivriti, and Tanish gave a PowerPoint Presentation regarding "Active Circle."

**Council** expressed comments and questions followed.

**City Manager Santana** addressed **Council** questions.

**Public Speaker(s):** Harbir

Wesley K Mukoyama

2.C [21-587](#)

Verbal Report from City Manager regarding COVID-19 Pandemic

**City Manager Santana** provided the PowerPoint Presentation report on COVID-19 Pandemic:

- Expressed gratitude to the City Public Works staff for Public Works Week;
- Santa Clara County remains in the Orange Tier;
- Vaccinations are attributing to lower COVID-19 cases and hospitalizations;
- County of Santa Clara two-thirds of residents 16 years old or older are vaccinated;
- Drop-in vaccinations locations available;
- County of Santa Clara still encourages COVID-19 Testing;
- Emergency Rental Assistance Program has provided \$824,670 rental assistance and staff continues to review applications;
- Parks Playgrounds, Sports, and Open Space fields are open with Social Distancing;
- Registration open for Summer Recreation Program;
- Senior Nutrition Programs and Foods for Families are still available;
- Senior Services to increase in June and July;
- May 9, 2021 is Mother's Day and Special hours at Mission City Memorial Park; and
- the City kicked off the Annual Clean-Up Campaign this week.

**Chief Emergency Services Officer Schoenthal** provided information on the COVID-19 Tier Status and slowly going towards yellow, and Santa Clara County is #2 in the State of California in how many residents are vaccinated.

**Council** comments followed.

**CONSENT CALENDAR**

**A motion was made by Councilmember/PFFC Director Jain, seconded by Councilmember/PFFC Director Becker, to approve the Balance of the Consent Calendar (Items 3.F and 3.H).**

**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

**A motion was made by Councilmember Jain, seconded by Vice Mayor Chahal, to move Item 3.H after Item 8.**

**Aye:** 6 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, and Councilmember Becker

**Abstained:** 1 - Mayor Gillmor

**3.A**     [21-10](#)     Board, Commissions and Committee Minutes

**Recommendation:** Note and file the Minutes of:

Planning Commission - August 26, 2020  
Planning Commission - September 23, 2020  
Planning Commission - February 24, 2021  
Planning Commission - April 14, 2021  
Parks & Recreation Commission - March 16, 2021  
Senior Advisory Commission - March 22, 2021

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

**3.B**     [21-676](#)     Action on Council and Authorities Concurrent Meeting Minutes of February 23, 2021

**Recommendation:** Approve the Council and Authorities Concurrent Meeting Minutes of February 23, 2021.

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

**3.C**     [21-214](#)     Action on Bills and Claims Report (CC,HA) for the period March 20th, 2021 - April 9th, 2021

**Recommendation:** Approve the list of Bills and Claims for March 20, 2021 - April 9, 2021.

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

- 3.D [21-531](#) Agreement with the County of Santa Clara for Reimbursement of COVID19 Emergency Meals for the City of Santa Clara Senior Nutrition Program

- Recommendation:**
1. Approve and authorize City Manager to execute the Agreement with the County of Santa Clara for the Senior Nutrition Program to provide emergency meals for an amount not to exceed \$209,280 for FY 2020/21;
  2. Consistent with City Charter Section 1305, *“At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,”* approve the related FY 2020/21 budget amendment in the Parks and Recreation Operating Grant Trust Fund to increase the Other Agencies Revenue and the Senior Nutrition Program by \$209,280 (**five affirmative Council votes required to appropriate additional revenue**); and
  3. Authorize the City Manager to negotiate and execute amendments and minor modifications to the Agreement for emergency meals, subject to Council appropriation of funds.

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

- 3.E [21-442](#) Action on an Agreement for Services with AECOM Technical Services, Inc. for Renewable Energy Microgrid Feasibility Study and Design Services

- Recommendation:**
1. Authorize the City Manager to execute an Agreement with AECOM Technical Services, Inc. for renewable energy microgrid feasibility study and design services, for an initial term starting on or about May 1, 2021 and ending on April 30, 2023 for total maximum amount not-to-exceed \$461,564, subject to the annual appropriation of funds; and
  2. Authorize the City Manager to execute up to two one-year options to extend the term of the Agreement after the initial term, ending April 30, 2025 assuming all options are exercised, subject to the annual appropriation of funds.

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

- 3.G [21-653](#) Continuance on the Federal and State Income Tax Exempt Reporting for Fiscal Year 2019/2020 (Continued from April 20, 2021)

**Recommendation:** Authorize the City Manager, or her designee, to file the 2019 Internal Revenue Service Form 990 (Return of Organization Exempt from Income Tax) and the State of California Form 199 (Exempt Organization Annual Information Return) on behalf of the City of Santa Clara Public Facilities Financing Corporation.

**A motion was made by Councilmember/PFFC Director Jain, seconded by Councilmember/PFFC Director Becker, to approve staff recommendation.**

### **PUBLIC PRESENTATIONS**

**Kirk Vartan** expressed comments of concern regarding Councilmembers not displaying their video during the Council meetings.

**Tom Freitas** expressed comments of concern regarding the trees being cut down in the neighborhoods and for the City to reconsider its Tree Ordinance.

**Jean** requested information regarding the request for Council meetings to return to beginning at 6:00 PM.

**Betsy Megas** noted that May is Bike Month, the City promote the E-Bike incentive program, and more plants and trees amongst bike paths.

**Wesley K Mukoyama** noted that May is Asian Pacific Heritage Month, expressed gratitude for Councilmembers attending Anti-Asian Hate Rally, and recited a poem regarding Asian-American Hate Violence.

**Gabby Landaveri** noted that May is Bike Month and requested Councilmembers to encourage residents to ride more bikes.

**Carol** expressed comments of concern regarding **Councilmember Park** behavior during meetings.

[21-713](#) Public Presentations Post Meeting Material and eComment

### **CONSENT ITEMS PULLED FOR DISCUSSION**



3.F [21-628](#)

Actions to Approve a New Class Specification Titled Assistant Director of Community Development (Job Code 038) and Adopt a Resolution Approving and Adopting the Updated Unclassified Salary Plan

**Recommendation:**

1. Approve the creation of the Assistant Director of Community Development (Job Code 038) Class Specification; and
2. Adopt a Resolution to approve the revised unclassified salary plan to satisfy the requirements of California Code of Regulations Section 570.5.

**Councilmember Becker** pulled this item for clarification on the need for the new management position during budget cuts and hiring freeze.

**City Manager Santana** gave a PowerPoint Presentation addressing **Council** questions.

**Council** questions and comments followed.

**Director of Community Development Crabtree** addressed **Council** questions.

**Public Speaker(s):** Jean  
Lori Garmany  
Charanjit

**Councilmember Park** proposed a friendly amendment to add the City Manager to commit to an open recruitment.

**Councilmember Hardy** requested clarification from **City Manager Santana** on the impact to the recruitment process.

**City Manager Santana** addressed **Council** comments and questions.

**Councilmember Hardy** declined the friendly amendment.

**Council** questions and comments followed.

**City Manager Santana** addressed **Council** comments and questions.

**A motion was made by Councilmember Hardy, seconded by Councilmember Jain, (1) approve the creation of the Assistant Director of Community Development (Job Code 038) Class Specification; and (2) adopt Resolution No. 21- 8961 to approve the revised unclassified salary plan to satisfy the requirements of California Code of Regulations Section 570.5.**

**Aye:** 5 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Jain, and Mayor Gillmor

**Nay:** 2 - Councilmember Park, and Councilmember Becker

5. [21-597](#) Action on a Resolution Authorizing the City Manager to Award and Execute Agreements, Amendments, Purchase Orders, and Change Orders, with Various Vendors as Required to Complete Emergency Repairs, Corrective and Preventative Maintenance at the Gianera Generating Station Increasing Previous Authorization to an Aggregate Amount Not-to-Exceed \$10,000,000

**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate, award and execute agreements, amendments, purchase orders, and change orders with various vendors as required to complete emergency repairs, corrective and preventative maintenance at the Gianera Generating Station increasing previous authorization to an aggregate amount not-to-exceed \$10,000,000 and directing staff to provide Council with a report on contracts awarded and work performed once the repairs have been completed.

**Chief Electric Utility Officer Pineda** gave a PowerPoint Presentation.

**Council** comments and questions followed.

**Chief Electric Utility Officer Pineda** addressed **Council** questions.

**A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution No. 21-8962 authorizing the City Manager to negotiate, award and execute agreements, amendments, purchase orders, and change orders with various vendors as required to complete emergency repairs, corrective and preventative maintenance at the Gianera Generating Station increasing previous authorization to an aggregate amount not-to-exceed \$10,000,000 and directing staff to provide Council with a report on contracts awarded and work performed once the repairs have been completed.**

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

## **PUBLIC HEARING/GENERAL BUSINESS**

9. Action on Two (2) Written Petitions received regarding Council Policy #47 (Censure and Admonition)

- a. [21-586](#) Action on a Written Petition (Council Policy 030) Submitted by Councilmember Hardy Requesting a Discussion on Council Policy 047 (Admonition and Censure)

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

**Councilmember Hardy** provided a verbal report on her request to agendize the Consideration of Censuring **Councilmember Watanabe** and **Admonishing Mayor Gillmor**.

**City Attorney Doyle** gave a presentation noting the process of Council Policy 047 - Admonition and Censure Policy.

**Council** questions and comments followed.

**Mayor Gillmor** requested **Councilmember Hardy** to recite the charges against her.

**Councilmember Hardy** recited the Resolution to admonish **Mayor Gillmor** and censure **Councilmember Watanabe**.

**Council** questions and comments followed.

<b>Public Speaker(s):</b> Bob O'Keefe	Debbie Algieri
Lori Garmany	#2222
Charanjit	R. Konda
Harbir	Divjot Sandhu
Benjamin Cooley	S.D.
Kirk Vartan	Aasees Sandhu
Camela Algieri	Edward Strine
Wesley K Mukoyama	Noname Given
Sabi Singh	Robin Burdick (e-mail)
Jean	Carol (e-mail)
Gabriela Garzon Gupta	Dorothy (e-mail)
Mike Walke	Debbie Tyforos (e-mail)

**Council** questions and comments followed.

**A motion was made by Councilmember Hardy, seconded by Vice Mayor Chahal, to agendize the consideration to censure Councilmember Watanabe on a future agenda.**

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

**Nay:** 3 - Councilmember Watanabe, Councilmember Jain, and Mayor Gillmor

**A motion was made by Councilmember Hardy, seconded by Vice Mayor Chahal, to agendize the consideration of admonishing Mayor Gillmor on a future agenda.**

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

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

**Mayor Gillmor** called for a recess at 9:48 PM and reconvened the meeting at 10:00 PM.

- b. [21-630](#) Action on a Written Petition (Council Policy 030) submitted by Gabriela Gupta Requesting the Censure of Councilmember Watanabe and Admonishment of Mayor Gillmor - Council Policy 047

**Recommendation:** Staff makes no recommendation.

6. [21-588](#) Discussion and Consideration to Establish a Boards and Commission Eligibility List Policy

**Recommendation:** Staff makes no recommendation and seeks Council direction.

**Assistant City Clerk Pimentel** gave a verbal presentation on Establishing an Eligibility List Policy for Board/Commissions/Committee Recruitments.

**Council** comments and questions followed.

**Assistant City Clerk Pimentel** addressed **Council** questions.

**Public Speaker(s):** Jean  
Benjamin Cooley

**A motion was made by Councilmember Becker, seconded by Councilmember Watanabe, to establish an eligibility list for the upcoming Board/Commission recruitment for up to six months.**

**Aye:** 6 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

**Nay:** 1 - Councilmember Park

**7. Council Discussion and Direction on: Proposed Charter Amendment to Enact Council District Elections, Court-Ordered Six District Map Ordinance, and 2021 Redistricting Process**

- b. [21-546](#) Council Discussion and Direction on the 2021 Redistricting Process Based Receipt of 2020 Census Data

**Recommendation:** Staff recommends City Council discuss the key elements of a redistricting process and provide direction to staff on items that will inform an ordinance establishing a public process for redistricting that will be brought back to City Council for consideration at a future meeting.

**A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to move Item 7.B to May 25, 2021 or June 8, 2021 Council and Authorities Concurrent meeting.**

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

- a. [21-671](#) Council Discussion and Direction on proposed Charter Amendment to enact Council District elections and direction to return to the Council with an Ordinance to Enact the Court-Ordered Six-District Map

**Recommendation:** Staff recommends:

1. City Council discuss the key elements of a Charter amendment and provide direction on the language to be included in a ballot measure for final approval at the Council's May 25, 2021 meeting:
  - a. Charter text changes to eliminate at large election of Councilmembers except the Mayor and to establish six single-member districts
  - b. Include 30-day residency requirement (optional)
  - c. Require Independent Redistricting Committee in the Charter (optional); and
2. City Council direct staff to bring back an ordinance to establish the court-ordered six district map for Councilmember elections as the map to be used for elections beyond 2020, subject to changes required by the redistricting process.

**City Clerk Haggag** and **City Attorney Doyle** gave a Powerpoint Presentation.

**Council** questions and comments followed.

**City Clerk Haggag** and **City Attorney Doyle** addressed **Council** questions.

**Public Speaker(s):** Benjamin Cooley  
Jean

**Council** questions and comments followed.

**City Clerk Haggag** and **City Attorney Doyle** addressed **Council** questions.

**A motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to include language in the Charter amendment ballot measure to adopt the six districts map based on the Yumori - Kaku Settlement Agreement (7a.1).**

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

**City Clerk Haggag** and **City Attorney Doyle** continued the PowerPoint Presentation.

**Council** questions and comments followed.

**City Clerk Haggag** addressed **Council** questions.

**Public Speaker(s):** A

Edward

Jean

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to include language in the Charter amendment ballot measure to have a 30 day residency requirement (7.a.1b).**

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

**City Clerk Haggag** continued the PowerPoint Presentation.

**Council** questions and comments followed.

**City Clerk Haggag** and **City Attorney Doyle** addressed **Council** questions.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, that the City Council direct staff to bring back an ordinance to establish the court-ordered six district map for Councilmember elections as the map to be used for elections beyond 2020, subject to changes required by the redistricting process and to include the 2022 Census process for redistricting (7a.2).**

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

8. [21-540](#) Public Hearing: Final version of the FY21/22 Annual Action Plan for the use of Federal Housing and Urban Development Grant Funds

**Recommendation:** 1. Approve the FY21/22 Annual Action Plan, and direct staff to incorporate all public comments into the final version to be submitted to HUD on or before May 15, 2021.

**Housing Development Officer Calleja** gave a PowerPoint Presentation.

**Council** questions and comments followed.

**Housing Development Officer Calleja** and **Director of Community Development Crabtree** addressed **Council** questions.

**Public Speaker(s):** Jean  
Georgia Bacil (e-mail)  
Wanda Hale (e-mail)

**A motion was made by Councilmember Becker, seconded by Councilmember Watanabe, to close the Public Hearing.**

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

**A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to (1) note and file Public Comment on the 2021-2022 Annual Action Plan for U.S. Department of Housing and Urban Development Funds (CDBG & HOME) and (2) approve the 2021-2022 Annual Action Plan, and direct staff to incorporate all public comments into the Final prior to submission to HUD by May 15, 2021.**

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

### 3.H Parking Maintenance District #122 - Franklin Mall Square Items



- a. [21-544](#) Informational Report Responding to Council Questions Regarding Parking Maintenance District No. 122 - Franklin Square
- b. [21-648](#) Adoption of a Resolution of Intention for Parking Maintenance District No. 122 - Franklin Square

- Recommendation:**
- 1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122;
  - 2. Set a hearing date of June 22, 2021 to approve the Director's Report FY 2021/22; and
  - 3. Authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

**Mayor Gillmor** recused herself from this item due to a potential conflict of interest as her office is in Franklin Square.

**Vice Mayor Chahal** presided over this item.

**City Manager Santana** and **Director of Public Works Mobeck** provided verbal report on the urgency of this item.

**Councilmember Jain** pulled this item for further discussion.

**Council** questions and comments followed.

**Director of Public Works Mobeck** addressed **Council** questions.

A motion was made by **Councilmember Watanabe** to (1) adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122; (2) set a hearing date of June 22, 2021 to approve the Director's Report FY 2021/22; and (3) authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

**Motion failed due to a lack of second.**

**City Manager Santana**, **City Attorney Doyle**, and **Director of Public Works Mobeck** addressed **Council** comments and questions.

A motion was made by **Councilmember Jain**, seconded by **Councilmember Hardy**, to (1) not adopt staffs recommendation, (2) direct staff to engage with property owners, (3) return with adoption of a resolution to dissolve the Parking Maintenance District No. 122 - Franklin Square, and (4) proposal to reinstate the District.

**Councilmember Watanabe** recommended adopting staff recommendation and if **Councilmember Jain** wants to do an amendment to have staff work on an amendment to the existing agreement while continuing to collect money with the current agreement.

**Councilmember Watanabe** withdrew her request as there is a motion on the table.

**Councilmember Jain** withdrew his motion and made a new motion.

**A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to (1) adopt Resolution No. 21-8963 of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122; (2) set a public hearing date of June 22, 2021 to approve the Director's Report FY 2021/22; and (3) authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention, and (4) levy the assessment and direct staff to engage and negotiate with property owners about options (reserve the right to dissolve the Parking Maintenance District No. 122 at any time).**

**Aye:** 6 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, and Councilmember Becker

**Recused:** 1 - Mayor Gillmor

**Mayor Gillmor** presided over the remainder of the meeting.

4. [21-495](#) Discussion on Consideration of the Sale of the Loyalton Ranch Property (Continued from April 20, 2021)

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

**A motion was made by Councilmember Park, seconded by Councilmember Jain, to defer this Item to May 25, 2021 Council and Authorities Concurrent Meeting.**

**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.

[21-639](#)

Update on City Council and Stadium Authority Staff Referrals

[21-554](#)

Tentative Meeting Agenda Calendar (TMAC)

**ADJOURNMENT**

The meeting was adjourned at 1:00 AM.

**A motion was made by Councilmember Becker, 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, May 25, 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); Bayshore North Project Enhancement Authority (BNPEA); Public Facilities Financing Corporation (PFFC)

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) <<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.

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.