



City of Santa Clara

Special Meeting Minutes

City Council Special Meeting

07/16/2018

4:30 PM

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

Closed Session - 4:30 PM | Special Meeting - 5:00 PM

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 July 17, 2018, at 4:30 pm for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 4:30 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a quorum.

Public Comment

Public Speaker(s): David Cary
Charles Sedlacek

[18-1011](#)

Conference with Legal Counsel-Existing Litigation (CC)
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

Convene to Closed Session (Council Conference Room)

5:00 PM COUNCIL SPECIAL MEETING**Call to Order**

Mayor Gillmor called the Special Meeting to order at 5:04 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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

A motion was made by Council Member Mahan, seconded by Council Member O'Neill, to hear Item #7 before Item #6.

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

SPECIAL ORDER OF BUSINESS

1. [18-1020](#) Recognition of Outgoing D.A.R.E. Officer Lauren Larsen

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING/GENERAL BUSINESS

2. [18-951](#) Action on Filling the Planning Commission Vacancy

Recommendation: Staff makes no recommendation on filling the vacancy to the Planning Commission.

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to open the recruitment for the Planning Commission Vacancy for the partial term ending June 30, 2019.

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

4. [18-639](#) Action on the Annual Report and Resolution of Intention for Levy of Annual Assessment for the Santa Clara Tourism Improvement District (TID)

Recommendation:

1. Approve the Annual Report for the Santa Clara Tourism Improvement District;
2. Adopt a Resolution of Intention to levy and collect assessments with the Santa Clara Tourism Improvement District area for Fiscal Year 2018/19 at the current rate of \$1.00 fee from hotel guests on each occupied hotel/motel room night;
3. Set the date for the Public Hearing for August 28, 2018.

A motion was made by Council Member Mahan, seconded by Council Member Watanabe, to approve staff recommendation and adopt Resolution No. 18-8568.

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

5. [18-637](#) Actions Related to Revenue Opportunities for a November 2018 Ballot Measure - Cannabis Business Tax

Recommendation:

1. Adopt Resolution calling for a Special Municipal Election on November 6, 2018 for a vote on a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure which would amend Title 3 "Revenue and Finance" of the Code of the City of Santa Clara adding a new Chapter 3.60 entitled "Cannabis Business Tax";
2. Adopt Resolution requesting the consolidation of a Special Municipal Election with the Statewide General Election to be held on November 6, 2018 for the purpose of submitting a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure related Cannabis Business Tax;
3. Adopt Resolution ordering the submission of a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure to qualified electors of the City related to Cannabis Business Tax;
4. Authorize three members of the Council to author and submit an Argument in Favor of the ballot measure, and if necessary, a Rebuttal to an Argument Against the ballot measure; and,
5. Direct the City Attorney to prepare an Impartial Analysis for submission to the City Clerk.

Public Speaker(s): Public Speakers (8)
Benjamin Cooley

A motion was made by Council Member Watanabe, seconded by Council Member Kolstad, to approve staff recommendation and authorize the Mayor to designate one additional Council Member in addition to Council Member Kolstad and Council Member Watanabe to author the ballot argument and rebuttal, as needed, and adopt Resolution No. 18-8569, 18-8570, 18-8571.

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

3. [18-988](#) Action on Sponsorship of the Korean American Chamber of Commerce of Silicon Valley's Korea Day Event on August 11, 2018

Recommendation: There is no staff recommendation for this issue, other than staff support not be included in the City Council's action for purpose of not setting precedent.

Public Speaker(s): Ken Kim (Applicant)

A motion was made by Council Member Mahan, seconded by Council Member O'Neill, to approve the sponsorship of the required City permit fees and services (e.g., rental of equipment needed, public safety, and portable restrooms) and delegate authority to the City Manager to authorize up to \$10,000 for permit fees and services as part of the sponsorship only for the August 11, 2018 Korea Day event at no cost to the Korean American Chamber of Commerce of Silicon Valley on the conditions that (1) staff not be involved in the event; (2) there be no lending of City equipment; (3) the event planner provide sufficient insurance to indemnify the City; and (4) the event is feasible before permits need to be pulled.

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

7. [18-974](#) Public Hearing to Receive Input on Potential District Maps for the Election of Council Members.

Public Speaker(s): Paul Cregor
David Cary
Charles Sedlacek
Teresa Sulcer
Public Speakers (3)

A motion was made by Council Member Davis, seconded by Council Member O'Neill, 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

6. [18-1001](#) Action on Submitting a Ballot Measure(s) for a Charter Amendment on the November 6, 2018 Election regarding District Elections

Recommendation: Staff makes no recommendation on this issue.

Public Speaker(s): Yuki Ikezi
Anthony Becker
Steve Chessin
David Cary
Shirley O.
Paul Cregor
Public Speaker (3)

A motion was made by Council Member Watanabe, seconded by Council Member O'Neill, to adopt Resolutions No. 18-8572, 18-8573, and 18-8574 to submit an advisory ballot measure on November 6, 2018 to seek whether Santa Clara voters want to elect Council Members by district and delegate authority to the Mayor to designate three Council Members to author the ballot argument.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

Nay: 1 - Council Member Kolstad

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Council Member Mahan was excused from the remainder of the meeting at 9:13 p.m.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

8. [18-997](#) Informational Report on the Management Agreement with Santa Clara Chamber of Commerce/Convention-Visitors Bureau for Management of the Santa Clara Convention Center

City Manager announced that a website will be created to give information on the Santa Clara Chamber of Commerce.

A motion was made by Council Member O'Neill, seconded by Council Member Davis, to note and file the report.

Aye: 5 - Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Mahan

ADJOURNMENT

A motion was made by Council Member O'Neill, seconded by Council Member Davis, to adjourn the meeting.

Aye: 5 - Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Mahan

The meeting was adjourned at 9:20 PM.

The next regular scheduled meeting is on Tuesday evening, July 17, 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."