

# City of Santa Clara

## Meeting Minutes

Draft



### Council and Authorities Concurrent Meeting Call and Notice of Special Meeting Santa Clara Stadium Authority Successor Agency to the City of Santa Clara Redevelopment Agency

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05/25/2021

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 of the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency to commence and convene on May 25, 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 4:05 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):** Lisa Biesemeyer

- 1.A**     [21-707](#)     Conference with Legal Counsel-Existing Litigation (CC, SARDA)  
Pursuant to Gov. Code § 54956.9(d)(1)  
County of Santa Clara, et al., v. City of San Jose, et al.  
Santa Clara County Superior Court Master Case Number (consolidated)  
105CV046005
- 1.B**     [21-712](#)     Conference with Real Property Negotiators (CC)  
Pursuant to Gov. Code § 54956.8  
Properties: 890 Walsh Avenue, Santa Clara, APN: 224-04-057  
City/Authority Negotiator: Deanna J. Santana, City Manager/Executive  
Director (or designee)  
Negotiating Parties: L.A.W. LLC  
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property  
(provisions, price and terms of payment)
- 1.C**     [21-786](#)     Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(1)  
City of Santa Clara v. Diana J. Alman, Trustee of the Douglas S. Alman  
Family Trust, et al., Santa Clara County Superior Court Case Number  
21CV377630
- 1.D**     [21-787](#)     Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(1)  
City of Santa Clara v. Jitendra G. Patel and Shashi J. Patel, et al., Santa  
Clara County Superior Court Case Number 21CV377579
- 1.E**     [21-788](#)     Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(1)  
City of Santa Clara v. Dollinger Lafayette Associates, et al., Santa Clara  
County Superior Court Case Number 20CV374460

## Convene to Closed Session

**Council** convened to Closed Session at 4:09 PM.

## **6:00 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 AB23  
Announcement and the Behavioral Standards.

**Mayor/Chair Gillmor** requested a Moment of Silence remembering the life  
of George Floyd who was murdered one year ago today.

[21-799](#)

Moment of Silence at the May 25, 2021 City Council Meeting Post Meeting  
Material

## REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

**City Attorney Doyle** noted that **Vice Mayor Chahal** recused himself from  
discussion on Item 1.E (RTC 21-788) due to a potential conflict of interest  
as his property is within a 1000 ft. of this item.

## CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

2. [21-721](#) Action to Continue the Discussion on Consideration of the Sale of the  
Loyalton Ranch Property to August 17, 2021

**Recommendation:** Continue the Discussion on Consideration of the Sale of the Loyalton  
Ranch Property to August 17, 2021.

**A motion was made by Councilmember Watanabe, seconded by  
Vice Mayor Chahal, to continue the Discussion on Consideration of  
the Sale of the Loyalton Ranch Property to August 17, 2021.**

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

3. [21-702](#) Action to Continue the Adoption of Ordinance No. 2030 to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission - Continued to August 17, 2021

**Recommendation:** Continue the adoption of Ordinance No. 2030 to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission to August 17, 2021.

**A motion was made by Vice Mayor Chahal, seconded by Councilmember Jain, to continue the adoption of Ordinance No. 2030 to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission to August 17, 2021.**

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

- 6.L [21-673](#) Written Petition submitted by Amrit S. Kulkarni requesting the City Council hear appeals regarding permit and environmental process determinations regarding three Use Permit Applications for Bloom Fuel Cell Power System projects filed for 2960 Corvin Drive, 2970/3000 Corvin Drive, and 2200 Mission College Boulevard

**Recommendation:** Staff recommends that no action be taken.

**A motion was made by Councilmember Park, seconded by Councilmember Watanabe, to continue the consideration of the Written Petition submitted by Amrit S. Kulkarni requesting the City Council hear appeals regarding permit and environmental process determinations regarding three Use Permit Applications for Bloom Fuel Cell Power System projects filed for 2960 Corvin Drive, 2970/3000 Corvin Drive, and 2200 Mission College Boulevard to June 8, 2021 as requested by the Petitioner.**

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

**City Manager Santana** noted for the record that Consent Calendar Item 6.M should have been placed under the Stadium Authority Consent Calendar.

- 6.Q [21-722](#) Action on a Written Petition submitted by Robert Mezzetti, II Requesting to Discuss Amendment No. 3 to the Exclusive Negotiation Agreement by and between the City, VTA and Republic Metropolitan an LLC for the proposed project located at 500 S. Benton Street (APN 230-08-061 and 230-08-078)

**Recommendation:** That Council take no action on the petition and do not place the item on a future agenda.

**City Manager Santana** noted the Petitioner for Item 6.Q requested to withdraw the petition citing violation of Council Policy 030. **City Manager Santana** noted that there was not a violation of Council Policy 030 as the policy states that there should be no staff analysis and no staff recommendation.

**Councilmember Jain** noted that he had conversations with the petitioner.

**A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to withdraw this item from consideration per the request of the petitioner.**

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

### **SPECIAL ORDER OF BUSINESS**

- 5.A [21-710](#) Proclamation of Asian American and Pacific Islander Heritage Month

**Mayor Gillmor** proclaimed May 2021 as Asian American and Pacific Islander Heritage Month. Mayor Gillmor presented the proclamation to **Elise Pham (Santa Clara University Asian Pacific Islander Student Union Co-Chair)**.

**5.B**     [21-743](#)

Recognize Local Student for Achievement in the Telugu Book of Records and Super Kids of India

**Mayor Gillmor** presented a Special Mayoral Recognition to local student **Akyuta Batchu** for her achievement in the Telugu Book of Records and Super Kids of India for the fastest recital of all 50 United States of America and all 196 Countries.

**Mayor Gillmor** introduced a video of **Akyuta Batchu** reciting the 50 United States of America.

**Councilmember Watanabe** congratulated **Akyuta Batchu** on her accomplishment and gratitude.

**Ms. Williams (Akyuta Batchu's Teacher)** expressed her gratitude **Akyuta's** accomplishment and the City's recognition of local student talent.

**5.C**     [21-646](#)

Verbal Report from City Manager regarding COVID-19 Pandemic

**Chief Emergency Services Officer Schoenthal** provided a PowerPoint Presentation on the COVID-19 pandemic:

- May 19, 2021 the City of Santa Clara was placed in the Yellow Tier in the State of California Blueprint for Safer Economy;
- California expected to fully reopen on June 15, 2021;
- Summary of May 19, 2021 Santa Clara County updates to the Health Order;
- 7 Day rolling average is 45 new cases;
- Only 5% of ICU hospital beds contained COVID-19 cases;
- 60% of residents 12 and older have received the vaccination; and
- 191 Households received Rental Assistance through the Emergency Rental Assistance Program.

**Chief Emergency Services Officer Schoenthal** addressed **Council** questions.

**STUDY SESSION**

4. [21-524](#) Joint Study Session to review Proposed FY 2021/22 and FY 2022/23 Biennial Operating Budget and FY 2021/22 Capital improvement Program Budget Adjustments and to review the Proposed FY 2021/22 Municipal Fee Schedule

- Recommendation:**
1. Review and provide input on the Proposed FY 2021/22 and FY 2022/23 Biennial Operating Budget and FY 2021/22 Capital Improvement Program Amendments.
  2. Review and provide input on the Proposed FY 2021/22 Municipal Fee Schedule.
  3. Provide direction on the implementation of a Transient Occupancy Tax rate increase that received voter approval in November 2020.
  4. Provide direction to the City Manager to return to Council with a Parks and Recreation fee cost recovery policy for Council consideration.

**City Manager Santana** and **Director of Finance Lee** gave a Powerpoint Presentation.

**Council** comments and questions followed.

**City Manager Santana, Director of Finance Lee, and Director of Community Development Crabtree** addressed **Council** questions and comments.

**Public Speaker(s):**

Michelle Schmitz	Gabby Landaveri
Will Kennedy	Annabel Gong
Danielle Schmitz	Katie Ratermann
Olivia Orr	Hannah
Ben Caldwell	Kirk Vartan
Jen Maillo Nunes	Kathy Smith
Lina Souto	Kimberly Vernon (E-Comment)
Anthony Pascoal	Sophia McDaniel (E-Comment)
Claire Stone (E-Comment)	

**City Manager Santana** noted that staff will return on June 8, 2021 and June 22, 2021 compiling responses to Council inquiries and funding options for Council to consider.

**Councilmember Jain** inquired regarding the Related Companies contribution to Central Park North and when budget should be allocated to do a study on the design.

**City Manager Santana** noted that **Council** could provide direction on a workplan at the June 22, 2021 Council & Authorities Concurrent Meeting.

## **CONSENT CALENDAR**

**Mayor Gillmor** noted that she will be recusing herself from Item 6.H due to a potential conflict of interest as her office is in Franklin Mall.

**Councilmember Jain** recused himself from Item 6.H due to a potential conflict of interest due to a Fair Political Practices Commission ruling.

**A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve the balance of the Consent Calendar (except Item 6.N, 6.P, and 6.V).**

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

**6.A**     [21-11](#)     Board, Commissions and Committee Minutes

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

Santa Clara Tourism Improvement District - March 18, 2021  
Santa Clara Tourism Improvement District - April 16, 2021  
City-School Liaison Committee - March 3, 2021  
City-Mission College Liaison Committee - November 30, 2020  
Cultural Commission - April 5, 2021  
Board of Library Trustees - April 5, 2021  
Historical and Landmarks Commission - April 1, 2021  
Planning Commission - April 28, 2021

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

**6.B**     [21-583](#)     Action on Bills and Claims Report (CC, SA) for the period April 10th, 2021 - April 23rd, 2021

**Recommendation:** Approve the list of Bills and Claims for April 10, 2021 - April 23, 2021.

**A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve staff recommendation.**



- 6.C [21-427](#) Action on Agreements for Sales, Use, Tax Audit and Recovery Services; Property Tax Audit and Management Services; and Transient Occupancy Tax Audit Services

- Recommendation:**
1. Authorize the City Manager to execute an agreement with MuniServices, LLC, doing business as Avenu MuniServices LLC, for Sales, Use and Transactions Tax Audit and Recovery Services for a five-year term starting July 1, 2021 and ending on June 30, 2026, with maximum compensation not to exceed \$1,500,000, subject to the appropriation of funds;
  2. Authorize the City Manager to execute an agreement with HdL Coren & Cone for Property Tax Audit and Management Services for a five-year term starting July 1, 2021 and ending on June 30, 2026, with maximum compensation not to exceed \$100,000, subject to the appropriation of funds;
  3. Authorize the City Manager to execute an agreement with MuniServices, LLC, doing business as Avenu MuniServices LLC, for Transient Occupancy Tax Audit Services for a five-year term starting July 1, 2021 and ending on June 30, 2026, with maximum compensation not to exceed \$150,000, subject to the appropriation of funds; and
  4. Authorize the City Manager to execute amendments to each of the agreements to add funds as required in the event revenues recovered exceed staff's estimates and/or additional related audit services are required, subject to the appropriation of funds.

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

- 6.D [21-1078](#) Action on Agreement for Services with NAZ & CO., doing business as True Blue Automation Services, for Electrical Support Services for the City's Water, Sewer and Storm Assets

- Recommendation:**
1. Authorize the City Manager to execute an agreement with NAZ & CO., doing business as True Blue Automation Services, for electrical support services for the City's water, sewer, and storm assets, for an initial one-year term starting on or about July 1, 2021 and ending on June 30, 2022, with maximum compensation not-to-exceed \$300,000 and to make minor adjustments to the agreement to facilitate execution; and
  2. Authorize the City Manager to exercise up to four one-year options to extend the term of the agreement after the initial one-year term through June 30, 2026, subject to the annual appropriation of funds.

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

- 6.E [21-508](#) Action on an Agreement and Covenant Running with the Land to Allow Private Improvements within the Public Right-of-Way at 801 Martin Avenue

- Recommendation:**
1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land allowing the installation and maintenance of private improvements within the public right-of-way at 801 Martin Avenue [APN 224-04-090 SC 19,351];
  2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if necessary; and
  3. Authorize the recordation thereof.

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

- 6.F [21-519](#) Action on an Agreement with Business Recovery Services, Inc., dba Bank Up Corporation, for Remittance Lockbox Processing Services for Utility Payments

- Recommendation:**
1. Authorize the City Manager to execute an agreement with Business Recovery Services, Inc., dba Bank Up Corporation, for Remittance Lockbox Processing Services with an initial term starting on July 1, 2021 and ending on June 30, 2024 for a total maximum not-to-exceed amount of \$120,000, subject to the appropriation of funds;
  2. Authorize the City Manager to execute amendments over the initial term of the agreement, not-to-exceed \$20,000 as contingency to cover any unanticipated service requirements including additional checks for processing, subject to the appropriation of funds; and
  3. Authorize the City Manager to execute up to two (2) additional one-year options to extend the term through June 30, 2026, subject to the appropriation of funds.

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

- 6.G**     [21-528](#)     Action on Agreements with the County of Santa Clara for the Countywide AB 939 Implementation Fee and Countywide Household Hazardous Waste Collection Program

- Recommendation:**
1. Approve and Authorize the City Manager to execute the Agreement for Countywide AB 939 Implementation Fee to collect and distribute the AB 939 Implementation Fee over the three-year term of the agreement;
  2. Approve and authorize the City Manager to execute the Agreement for Countywide Household Hazardous Waste Collection Program with the County of Santa Clara to enable residents to participate in the Countywide Household Hazardous Waste Collection Program for a three-year term;
  3. Authorize the City Manager to execute future amendments to the Agreement for Countywide Household Hazardous Collection Program with the County of Santa Clara to adjust the annual augmentation over the baseline 4 percent participation level; and
  4. Authorize the City Manager to execute future license agreements with the County of Santa Clara that enable drop-off events to be conducted on the Public Works Corporation Yard premises.

**Public Speaker(s):** Adolfo Garcia (E-Mail)

**Director of Public Works Mobeck** noted that he will report back to **Council** and communicate with the Public Speaker regarding responses to his questions.

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

- 6.H [21-667](#) Authorize the City Manager to execute an Amendment to the Agreement with Wallace Roberts & Todd, LLC for Downtown Precise Plan Consultant Services pending funding proposed as part of the FY 2021/22 and FY 2022/23 Proposed Operating Budget

- Recommendation:**
1. Authorize the City Manager to execute and amend the agreement with Wallace Roberts & Todd, LLC to provide added Downtown Precise Plan Consultant Services, subject to modifications as agreed to by the City Manager in coordination with the City Attorney; increase the maximum compensation not to exceed amount by \$300,000 (from \$578,346 to \$878,346), subject to the annual appropriation of funds; and
  2. Authorize the City Manager to execute an amendment to increase maximum compensation in the event that additional services are required, subject to the annual appropriation of funds.

**Mayor Gillmor** noted that she will be recusing herself from Item 6.H due to a potential conflict of interest as her office is in Franklin Mall.

**Councilmember Jain** recused himself from Item 6.H due to a potential conflict of interest due to a Fair Political Practices Commission ruling.

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

**Aye:** 5 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, and Councilmember Becker

**Recused:** 2 - Councilmember Jain, and Mayor Gillmor

- 6.I [21-545](#) Action to Amend the Agreement Between TruePoint Solutions, LLC, and the City of Santa Clara

- Recommendation:**
1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement between TruePoint Solutions, LLC, and the City of Santa Clara to extend the term of the agreement ending on June 30, 2022, and increase the maximum compensation amount by \$215,436 for a total maximum compensation of \$1,100,518 to provide additional services for data conversion, continued system configuration, and project management consultation hours, subject to the appropriation of funds; and
  2. Authorize the City Manager to exercise the option to extend the term of the Agreement between TruePoint Solutions, LLC, and the City of Santa Clara for one year after June 30, 2022; and increase the not to exceed amount by \$50,000, if necessary, subject to the appropriation of funds.

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

- 6.J [21-561](#) Action on 2021 Q1 Legislative Update and Proposed Amendments to the 2021 Energy Legislation, Regulations, and Issues and Public Safety Legislative Advocacy Positions

**Recommendation:** 1. Note and file the 2021 Q1 Legislative Update; and  
2. Approve the amended 2021 Energy Legislation, Regulations, and Issues and Public Safety Legislative Advocacy Positions.

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

- 6.K [21-568](#) Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for April 5 - May 9, 2021

**Recommendation:** Note and file the Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for April 5 - May 9, 2021.

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

- 6.M [21-581](#) Informational Report on Dates and Purpose of Stadium Authority and Stadium Manager Meetings and Corresponding Minutes for the Period January 1, 2021 to March 31, 2021

**Recommendation:** Note and file the quarterly report on Stadium Authority and Stadium Manager Meetings and Corresponding Minutes for the period of January 1, 2021 to March 31, 2021.

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

- 6.O [21-767](#) Action to Approve/Ratify Agreement with Management Partners for Executive Evaluation Facilitation

**Recommendation:** Approve/ratify the agreement with Management Partners for facilitation of the City Attorney performance evaluation process.

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

- 6.R [21-778](#) Action on Stadium Authority & Special City Council Meeting Minutes of March 2, 2021 and Council & Authorities Concurrent and Special Stadium Authority Minutes of March 9, 2021

**Recommendation:** Approve the Stadium Authority & Special City Council Meeting Minutes of March 2, 2021 and Council & Authorities Concurrent and Special Stadium Authority Minutes of March 9, 2021.

**A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve staff recommendation.**

## **STADIUM AUTHORITY CONSENT CALENDAR**

6.S [21-485](#) Action on Stadium Authority Bills and Claims for the Month of March 2021

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

**A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve staff recommendation.**

6.T [21-1137](#) Action on an Agreement with KPMG LLP to provide auditing services for the Santa Clara Stadium Authority

**Recommendation:** Approve and authorize the Executive Director to execute an agreement with KPMG LLP to provide auditing services for the Santa Clara Stadium Authority for FY 2020/21 through FY 2024/25 in the amount not-to-exceed \$754,554.

**A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve staff recommendation.**

## **6.U Request from the Stadium Manager for Authority to Execute Amendment No. 1 to Concessions Operating Agreement with Levy Premium Foodservice Limited Partnership**

A. [21-740](#) Request from the Stadium Manager for Authority to Execute Amendment No. 1 to Concessions Operating Agreement with Levy Premium Foodservice Limited Partnership

B. [21-742](#) Report from the Stadium Authority Regarding the Stadium Manager's Request to Execute Amendment No.1 to Concessions Operating Agreement with Levy Premium Foodservice Limited Partnership

**Recommendation:** Alternative 1

1. Approve the Stadium Manager's request for authority to execute Amendment No. 1, with the redlined changes outlined in Attachment 3, to the Concessions Operating Agreement with Levy which will extend the term of the agreement by one year and modify the Investment Use Fee Schedule and the amortization schedules for the Capital Investment, Innovation, Refresh Investment, and Hub for Next Generation Sports Entertainment Funds to align with the new agreement term, at no cost to the Stadium Authority;

**A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve staff recommendation.**

**Mayor/Chair Gillmor** called for a recess at 8:54 PM and reconvened the meeting at 9:10 PM.

## **PUBLIC PRESENTATIONS**

**Bob O'Keefe** expressed comments of concern regarding **Councilmember Hardy** potential violation of the City Charter by having a private attorney prepare Resolutions to Censure **Councilmember Watanabe** and to Admonish **Mayor Gillmor**.

**Kirk Vartan** expressed comments of gratitude for City's dedication to the Worker Cooperative Program.

[21-805](#) Public Presentations eComment

## **PUBLIC HEARING/GENERAL BUSINESS**

7. [21-155](#) Public Hearing: Adoption of a Resolution of Formation of the Santa Clara Tourism Improvement District under the Property and Business Improvement District Law of 1994

**Recommendation:** Alternative 1: Adopt a Resolution of Formation to establish the Santa Clara Tourism Improvement District (SCTID) for five years starting July 1, 2021 if there is no legally sufficient protest.

**Assistant to the City Manager Thome** gave a Powerpoint Presentation.

**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 Watanabe, to adopt Resolution No. 21-8964 of Formation to establish the Santa Clara Tourism Improvement District (SCTID) for five years starting July 1, 2021 as no legally sufficient protest were received.**

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

8. [21-701](#) Adopt a Resolution Approving the Proposed Charter Amendment to enact Council District elections and Introduction of an Ordinance Establishing District Boundaries to conduct By-District Elections in Santa Clara

**Recommendation:** Staff recommends:

1. Adopt Resolution directing the City Clerk to bring back a resolution to call for a Special Municipal Election on June 7, 2022 for the purpose of placing one measure on the ballot that, if passed, would amend the Santa Clara City Charter sections 600, 700.1 and 700.2, as set forth in Exhibit A, in accordance with the requirements of section 10403 of the California Elections Code; and
2. Approve introduction of an Ordinance for the Council District Boundary Map for Councilmember elections as the map to be used for elections beyond 2020, subject to changes required by the redistricting process.

**City Attorney Doyle** and **City Clerk Haggag** gave a verbal report regarding proposed Charter Amendment.

**Council** comments and questions followed.

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

**A motion was made by Councilmember Becker, seconded by Vice Mayor Chahal, to adopt Resolution No. 21-8965 directing the City Clerk to bring back a resolution to call for a Special Municipal Election on June 7, 2022 for the purpose of placing one measure on the ballot that, if passed, would amend the Santa Clara City Charter sections 600, 700.1 and 700.2, as set forth in Exhibit A, in accordance with the requirements of section 10403 of the California Elections Code with corrections to clerical errors.**

**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 approve the introduction of Ordinance No. 2031 for the Council District Boundary Map for Councilmember elections as the map to be used for elections beyond 2020, subject to changes required by the redistricting process.**

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



9. [21-1163](#) Public Hearing: Adoption of a Resolution Setting Rates for Overall Solid Waste Services and Annual Clean-up Campaign in the Exclusive Franchise Area

- Recommendation:**
1. Adopt a Resolution setting the overall rates to be charged to rate payers for the collection and disposal of garbage, refuse, yard trimmings, recycling, annual Clean-up Campaign, and Household Hazardous Waste in the exclusive franchise area, effective for the utility bills issued for services rendered on and after July 1, 2021;
  3. Authorize the City Manager to incorporate the transfer of \$33,600 from the General Fund to the Solid Waste Fund into Biennial FY 2021/22 and FY 2022/23 Operating Budget and each subsequent operating budget; and
  4. Direct the City Manager to bring forward an amendment to the Proposed Biennial FY 2021/22 and 2022/23 Operating Budget that allocates \$75,000 from the Solid Waste Fund unrestricted ending fund balance in FY 2021/22 to hire a consultant to develop alternatives to the current annual Clean-up Campaign format and conduct a customer survey.

**Director of Public Works Mobeck** gave a Powerpoint Presentation.

**Council** comments and questions followed.

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

**Vice Mayor Chahal** gave a PowerPoint Presentation.

**Public Speaker(s):** Qian Huang  
Frank Lemmon  
Adolfo Garcia

**A motion was made by Councilmember Park, 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

**Council** comments and questions followed.

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

**Vice Mayor Chahal** made a motion to (1) halt residential garbage rate increase for six months and (2) request staff agendaize the action to re-negotiate the contract.

**City Manager Santana** noted that rate increases cannot be halted, **Council** would need to provide a source of funding to subsidize the rate increase.

**Assistant City Clerk Pimentel** noted City received 79 Written Protests.

**Council** comments and questions followed.

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

**A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to approve Alternative 1: adopt a Resolution setting the overall rates to be charged to rate payers for the collection and disposal of garbage, refuse, yard trimmings, recycling, annual Clean-up Campaign, and Household Hazardous Waste in the exclusive franchise area, effective for the utility bills issued for services rendered on and after July 1, 2021.**

**Aye:** 3 - Councilmember Watanabe, Councilmember Hardy, and Mayor Gillmor

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

**Motion Fails.**

A motion was made by **Councilmember Hardy**, to approve Alternative 3: authorize the City Manager to incorporate the transfer of \$33,600 from the General Fund to the Solid Waste Fund into Biennial FY 2021/22 and FY 2022/23 Operating Budget and each subsequent operating budget; Alternative 4: direct the City Manager to bring forward an amendment to the Proposed Biennial FY 2021/22 and 2022/23 Operating Budget that allocates \$75,000 from the Solid Waste Fund unrestricted ending fund balance in FY 2021/22 to hire a consultant to develop alternatives to the current annual Clean-up Campaign format and conduct a customer survey; and in addition add this topic for discussion at the next January Priority Setting Session.

**Council** questions and comments followed.

**City Manager Santana** and **Director of Public Works Mobeck** addressed **Council** comments.

**Councilmember Watanabe** made a motion to continue this item to June 8, 2021.

**A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to continue this item to June 8, 2021.**

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

10. [21-760](#) Public Hearing: Action on a Resolution Establishing the Average Per-Acre Land Values and Updating the Parkland In-Lieu Fee Schedule for FY2021/22 for New Residential Development

**Recommendation:** Adopt a Resolution to Establish the Parkland In-Lieu Fee Schedule for New Residential Development for FY2021/22 In Accordance with Title 17 (“Development”) Chapter 35 (“Park and Recreational Land”) of the City Code using the December 31, 2020 land valuation report.

**Mayor Gillmor** opened Public Hearing.

**Public Speaker(s):** Susan Hinton

**A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to continue the Public Hearing: Action on a Resolution Establishing the Average Per-Acre Land Values and Updating the Parkland In-Lieu Fee Schedule for FY2021/22 for New Residential Development to June 8, 2021.**

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

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

**6.N**     [21-662](#)     Informational Report Regarding Bi-yearly Project Status Report of the GIS Services Program

**Recommendation:** Note and file the Informational Report regarding the Bi-yearly Project Status Report of the GIS Services Program.

**A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to continue the Informational Report Regarding Bi-yearly Project Status Report of the GIS Services Program to June 8, 2021.**

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

**6.P**     [21-729](#)     Report from the City Attorney on California Voter Rights Act (CVRA) Litigation

**Recommendation:** Note and file report.

**A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to continue the Report from the City Attorney on California Voter Rights Act (CVRA) Litigation to June 8, 2021.**

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

#### **6.V Request from the Stadium Manager for Approval to Add Stadium Builder Licenses to Field Seating in the North and South Endzones of Levi's Stadium**

**A motion was made by Boardmember Watanabe, seconded by Boardmember Becker, to continue the Request from the Stadium Manager for Approval to Add Stadium Builder Licenses to Field Seating in the North and South Endzones of Levi's Stadium to June 8, 2021.**

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

- A. [21-745](#) Request from the Stadium Manager for Approval to Add Stadium Builder's Licenses to Temporary Field Seats in the North and South Endzones of Levi's Stadium
- B. [21-736](#) Stadium Authority Response Regarding the Stadium Manager's Proposal to Add Stadium Builder's Licenses to Temporary Field Seats in the North and South Endzones of Levi's Stadium

**Recommendation:**

Alternatives 1 and 2:

1. Take no action on the Stadium Manager's proposal to add Stadium Builder Licenses to the 64 temporary field seats in the North and South endzones of Levi's Stadium; and
2. Direct the Stadium Manager to present revenue options, based on previous direction, within three months for the Board to consider.

**Deferred to the June 8, 2021 Council and Authorities Concurrent Meeting.**

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**Deferred to the June 8, 2021 Council and Authorities Concurrent Meeting.**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

**Deferred to the June 8, 2021 Council and Authorities Concurrent Meeting.**

[21-717](#)

Update on City Council and Stadium Authority Staff Referrals

**ADJOURNMENT**

The meeting was adjourned at 12:40 AM in memory of **John G. Darouze** (Lifetime Santa Clara Resident) and **Mateus R. Vargas** (Long term Santa Clara resident and father of Ana Vargas Smith, Historical and Landmarks Commissioner and President of the Santa Clara Parade of Champions).

**A motion was made by Councilmember Hardy, seconded by Councilmember Park, 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

[21-798](#)

Adjournment of the May 25, 2021 City Council Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, June 8, 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."

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