

RESPONSE TO COUNCIL QUESTIONS RE: 6/9/20 CITY COUNCIL AGENDA

Agenda Item #5 (20-78)

Adoption of a Resolution Overruling Protests and Ordering that the Alternative Method for the Levy of Benefit Assessment be Made Applicable to the City of Santa Clara Parking Maintenance District No. 122 - Franklin Square

Excerpt from Report to Council 20-78 states:

“From 1965 - 2002, the cost of maintenance and operation of Parking Maintenance District No. 122 was divided between the City and property owners. In 2002, the City Council passed a motion at a public hearing in which the City assumed all future costs for operation and maintenance. Under this alternative collection method, the property owners contribute annually to pay for capital repairs of the parking lot and associated walkways. The annual contribution totals \$14,200 less the earned interest on the accumulating balance. The City, through the General Fund, is responsible for covering the annual maintenance. “

Council Question: What was the arrangement of sharing the maintenance expenses before 2002? Like 50 -50 % or 60–40% or whatever?

Staff Response: The previous cost arrangement was 75% property owners and 25% City.

Council Question: Why is this arrangement is different than the Santa Clara Convention Center Maintenance District No. 183 - Santa Clara Convention Center Complex, where every party contributes proportionately according to usage?

Staff Response: Of the amount to be shared by the property owners, the current assessment methodology is weighted based on each parcel’s square footage. Properties that have a larger building footprint are assessed higher annual amounts. Regarding the 2002 change, the City Council minutes/record indicate that there was an effort to revisit the allocation of maintenance and operations cost for this district for a few years and that Council approved a motion that the property owners contribute \$14,200 annually. Attached are the minutes from the July 9, 2002 City Council meeting. Please see pages 8 and 9 (areas highlighted).

**MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA
FOR MEETING HELD ON TUESDAY EVENING, JULY 9, 2002**

The City Council met at 6:00 p.m., on the above-mentioned date, in the reception lobby area for interviews to fill a vacancy on the Cultural Advisory Commission for the term ending June 30, 2006.

The Council then met at 7:10 p.m. for a regular session in the City Hall Council Chambers. The meeting was opened with the recitation of the Pledge of Allegiance and the reading of an Invocation-Prayer.

Present: Council Members Rod Diridon, Jr., Patrick Kolstad, Patricia M. Mahan, Jamie L. Matthews, John L. McLemore, Aldyth Parle and Mayor Nadler.

Staff present: City Manager, Assistant City Manager, Director of Planning and Inspection, Director of Public Works/City Engineer, City Attorney and City Clerk.

MOTION was made by Matthews, seconded and unanimously carried, that the Minutes for the meeting held on June 4, 2002 be adopted as written.

MOTION was made by Matthews, seconded and unanimously carried, that the Council **find** that the need to take action arose after the posting of the agenda regarding the request submitted by Wolf Camera for a Special Permit to conduct an outdoor sale on July 10-15, 2002, and **direct** that the matter be heard at this evening's meeting.

MOTION was made by Mahan, seconded and unanimously carried, that the Council **direct** that consideration of the Minutes of the Parks and Recreation Commission for the meeting of June 18, 2002 be considered earlier than agendized at this evening's meeting under Special Order of Business.

As a Special Order of Business, the Council proceeded with the appointment of a commissioner to fill a vacancy on the Cultural Advisory Commission for the term ending June 30, 2006. The Mayor informed the audience that the Council had interviewed the following applicants earlier this evening, in a meeting open to the public: Sheilah Altomare and Dr. Shahid K. Siddiqui. Applicants John Erwin, Jr. and Bradley S. Tice were not present

for the interviews. Applicant Natalie McKelvy withdrew her application. **MOTION** was made by Matthews, seconded and unanimously carried, that the Council **appoint Sheilah Altomare** to fill the vacancy on the Cultural Advisory Commission for the term ending June 30, 2006. **[File: Board and Commissions Miscellaneous]**

Also as a Special Order of Business, the Mayor, on behalf of the Council, accepted a **plaque** from Arthur Vences, **Santa Clara Latino Handball Club**, in appreciation of the newly constructed Santa Clara Handball Courts. Mr. Vences presented a plaque to Joe Lenhardt, thanking him for his efforts in starting the handball program and raising funds to construct the courts that were formerly located at Wilson School. **[File: Parks and Recreation Department Miscellaneous]**

MOTION was made by Matthews, seconded and unanimously carried, that, per the recommendations contained in the **Minutes of the Parks and Recreation Commission** for the meeting of June 18, 2002, the Council **approve** the name of "**Santa Clara Handball Courts**" for the new handball courts at Buchser Middle School and that one of the handball courts be named in honor of former Wilson Middle School teacher Joe Lenhardt who began the program. The **Minutes** were then duly **noted and filed**. **[File: Parks and Recreation Commission Minutes]**

Also as a Special Order of Business, the Council proceeded with the presentation of **"52 Ways to Celebrate" - Highlighting Santa Clara's Sesquicentennial Year 1852-2002**. The Mayor indicated that this week's item of note is the joint Santa Clara University / City of Santa Clara Sesquicentennial lecture series volume, *Telling the Santa Clara Story*. The Mayor informed the audience that one of the projects to commemorate the City's 150th anniversary was the publication of the collection of lectures given at the University on the City's history. The lecture series was related to a series of recent sesquicentennial observances: California Statehood (1850 - 2000), Santa Clara University (1851 - 2001) and the incorporation of the City of Santa Clara (1852 - 2002). The booklet was edited by Russell Skowronek, an associate professor of Anthropology at the University. The variety of authors included in the volume gives many perspectives on our history from the earliest Ohlone residents and the Mission history to current Silicon Valley and thoughts of the future. **[File: Sesquicentennial Celebration 1852-2002]**

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Public Works/City Engineer (6/26/02), the Council **accept** the public improvements, including asphalt, curb, gutter, sidewalk, underground utilities and median landscaping, performed by **Rudolph & Sletten, Inc.** for **Site No. 5984** located at Agnew Road, Montague Expressway, Lafayette Street - Sun Development and **authorize** the filing of a Notice of Completion (portion of APN 097-08-044). **[File: Sites]**

MOTION was made by Matthews, seconded and unanimously carried, that, per the Housing and Community Services Division Manager (6/19/02), the Council **pass and adopt Resolution No. 6947** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA FINDING THAT THE USE OF THE REDEVELOPMENT AGENCY'S LOW AND MODERATE INCOME HOUSING FUND FOR HOUSING SERVICES TO BE PROVIDED IN FISCAL YEAR 2002-03 OUTSIDE OF THE REDEVELOPMENT PROJECT AREAS BY SILICON VALLEY INDEPENDENT LIVING CENTER, CATHOLIC CHARITIES, COUNCIL ON AGING OF SANTA CLARA COUNTY, EMERGENCY HOUSING CONSORTIUM, WOMEN AND THEIR CHILDREN'S HOUSING AND PROJECT SENTINEL WILL BENEFIT THE REDEVELOPMENT PROJECT AREAS" which resolution finds benefit to the Redevelopment Agency's project areas from use of the **Agency's Low and Moderate Income Housing Fund** for housing services to be provided in fiscal year 2002-03 by Silicon Valley Independent Living Center, Catholic Charities, Council on Aging of Santa Clara County, Emergency Housing Consortium, Women and Their Children Housing and Project Sentinel. **[File: Housing and Community Services Division Miscellaneous]**

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Water and Sewer Utilities (6/26/02 and 6/28/02), the Council **approve** the use of **City Solar Utility forces** for the installation of facilities at 3061 Mark Avenue, 172 Kerry Drive, 2401 Nobili Avenue and 735 Garner Court. **[File: City Forces]**

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Parks and Recreation (6/26/02), the Council **accept** the worked performed by **Jones Brothers Enterprises, Inc.** on the **Buchser Handball Court Project** and **authorize** the filing of a Notice of Completion (PK 01-02-01). **[File: Jones Brothers Enterprises Inc. Buchser Handball Court Project]**

MOTION was made by Matthews, seconded and unanimously carried, that, per the Housing and Community Services Division

Manager (6/18/02), the Council **pass and adopt Resolution No. 6948** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, MAKING CERTAIN FINDINGS WITH RESPECT TO AN AFFORDABLE HOUSING LOAN AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA AND COMMUNITY HOME PARTNERS, LLC, PROVIDING FOR THE DEVELOPMENT OF AN ASSISTED LIVING RESIDENTIAL FACILITY WHERE TWENTY BEDS WILL BE AFFORDABLE TO VERY LOW, LOW, AND MODERATE INCOME PERSONS; AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE LOAN AGREEMENT" which resolution makes findings of benefit to the Redevelopment Project Area by supporting the development of the Pacific Gardens Assisted Living Community project located at **2384 Pacific Drive**. [File: **Community Home Partners Inc. Pacific Gardens Assisted Living**]

MOTION was made by Matthews, seconded and unanimously carried, that, per the City Clerk/City Auditor (6/27/02), the Council **note and file the Departmental Activity Report** for the month of January 2002. [File: **Departmental Activity Report**]

MOTION was made by Matthews, seconded and unanimously carried, that, per the City Clerk/City Auditor (6/27/02), the Council **note and file the Departmental Activity Report** for the month of February 2002. [File: **Departmental Activity Report**]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Streets and Automotive Services (6/27/02), the Council **approve the Plans and Specifications** for the **Street Corporation Yard Bunker Drainage Improvements / Vector Washout Area Improvements** and **authorize** minor modifications and to advertise for bids (CE 02-03-03). [File: **Street Corporation Yard Bunker Drainage Vector Washout Area**]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Streets and Automotive Services (7/9/02), the Council retroactively **authorize** the transmittal of letters to Senator Sher and Senator Romero supporting **Senate Bill 1523 (Sher)** and **Senate Bill 1619 (Romero)** to implement advance disposal fees on Cathode Ray Tube (CRT) devices. [File: **Legislation**]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Planning and Inspection (6/25/02), the Council retroactively **authorize** the transmittal of letters to local legislators in opposition to **Assembly Bill 468 (Firebaugh)** which would strip cities of the authority to enforce local zoning regulations regarding the placement of wireless telecommunications services on State-owned property. [File: Legislation]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Human Resources (6/28/02), the Council retroactively **authorize** the transmittal of letters of opposition to **Assembly Bill 1890 (Horton)** which removes local control of appointments to the City Civil Service Commission and raises legal issues regarding how commission decisions are made. [File: Legislation]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Human Resources (6/25/02), the Council **approve** the modified **Job Description** for Executive Assistant to Mayor and City Council. [File: Human Resources Department Miscellaneous]

MOTION was made by Matthews, seconded and carried with Diridon abstaining (lives in the area), that, per the Director of Streets and Automotive Services (6/6/02), the Council **approve** the **Plans and Specifications** for the **2001-02 Street Resurfacing / Hilmar Neighborhood Improvement Project** and **authorize** minor modifications and to advertise for bids (CE 01-02-16). [File: Street Resurfacing Hilmar Neighborhood Improvement CE 01-02-16]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Finance (7/1/02), the Council **accept** the **Outstanding Debt Schedule** as of June 30, 2002 for the City of Santa Clara, its Agencies and Corporations including the City's share of various Joint Power Agency debt. [File: Outstanding Debt Schedule]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Executive Assistant, Mayor/Council Offices (7/5/02), the Council **set** July 16, 2002 for presentation of a **proclamation to Robert S. Kieve, President and General Manager of Empire Broadcasting Corp (KARA)**, in recognition of his service to the community, congratulating him on the sale of KARA radio station and wishing him continued success. [File: Proclamations]

MOTION was made by Matthews, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Youth Commission** for meeting of May 14, 2002 and for the **Neighborhood Enhancement Committee** for the meeting of December 7, 2001. [Files: Youth Commission Minutes and Neighborhood Enhancement Committee Minutes]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Deputy City Manager (6/21/02), the Council **approve** and authorize the City Manager to execute **Amendment No. 5** to the **Agreement** with **McNutt & Company, Inc.** in an amount not to exceed \$30,000 for public relations consultant services. [File: McNutt & Company Public Relations Consultant Services]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Deputy City Manager and Director of Information Technology (6/24/02), the Council **approve** and authorize the City Manager to execute **Amendment No. 6** to the **Agreement** with **Alpha Internet Systems, Inc.** in an amount not to exceed \$45,000 for maintenance and improvement of the Internet based City website using the consultant's software program City Hall Online[™] through June 30, 2003. [File: Alpha Internet Systems City Hall Online Software]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Chief of Police (7/1/02), the Council **approve** and authorize the City Manager, or her designee, to execute an **Agreement for Services** with the **County of Santa Clara** in an amount not to exceed \$73,608 for the services of one Deputy Probation Officer to administer the Police Department Youth Outreach Program for fiscal year 2002-03. [File: Santa Clara County Deputy Probation Officer Services]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Senior Staff Aide (7/25/02), the Council **approve** and authorize the City Manager to execute the **Contribution Agreement** with the **Santa Clara Chamber of Commerce/Convention and Visitors Bureau** in an amount not to exceed \$1,378,703 to support the organization's operation during fiscal year 2002-03. [File: Santa Clara Chamber Commerce Convention and Visitors Bureau]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Administrative Analyst (6/26/02), the Council **approve** and authorize the City Manager to execute the **Contribution Agreement** with the **Triton Museum of Art** in an amount of \$289,573 for general operating expenses for fiscal year 2002-03. **[File: Triton Museum of Art Contribution Agreement]**

MOTION was made by Matthews, seconded and unanimously carried, that, per the Housing and Community Services Division Manager (6/21/02), the Council **pass and adopt Resolution No. 6949** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA MAKING CERTAIN FINDINGS WITH RESPECT TO THE USE OF ADDITIONAL LOW AND MODERATE INCOME HOUSING FUNDS FOR THE PROPOSED 42-UNIT SENIOR CITIZEN RENTAL COMPLEX TO BE KNOWN AS GATEWAY SANTA CLARA SENIOR HOUSING" which resolution determines benefit of the project to the Redevelopment Project Areas and **approve** and authorize the City Manager, or her designee, to execute the **Amendment** to the **Option Agreement** with **Gateway Santa Clara, LLC** for the development of the **Gateway Santa Clara Senior Housing Project** on City land located at El Camino Real at Washington Street. **[File: Gateway Santa Clara Senior Housing Project Option Agreement]**

MOTION was made by Matthews, seconded and unanimously carried, that, per the Director of Electric Utility (6/26/02), the Council **approve** and authorize the City Manager to execute a **Call Agreement** and **Call #02-2** with **Carter Israel Advertising & Public Relations** for marketing and communications services and the implementation of the proposed 2002-03 Marketing Communication Plan in an amount not to exceed \$497,570. **[File: Carter Israel Advertising & Public Relations Call Agreement]**

MOTION was made by Matthews, seconded and unanimously carried, that the Council **note and file** the following **Informational Memos**: Selection of Santa Clara City Library Foundation Executive Director Jack Alotto (City Librarian - 6/27/02) **[File: Library Miscellaneous]**; Legal Challenge to Federal Economic Growth and Tax Relief Reconciliation (Director of Finance - 6/28/02) **[File: Finance Department Miscellaneous]** and Santa Clara County Civil Grand Jury Final Report of Examination of Audits and Financial Reports (Director of Finance - 6/28/02) **[File: Finance Department Miscellaneous]**.

MOTION was made by Matthews, seconded and unanimously carried, that, per the Chief of Police (5/29/02), the Council **approve**, subject to conditions, the request submitted by **Avon** for the **Avon Breast Cancer 3-Day Walk** on July 12-14, 2002 at 7:30 a.m., beginning at the Santa Clara Convention Center and ending in San Francisco. [File: Police Department Miscellaneous]

PUBLIC HEARING: The Mayor declared the hearing open regarding **Parking Maintenance District No. 122 Fiscal Year 2002/03 Determination of the Allocation of Maintenance and Operation Costs and Annual Assessments** and the **Minutes** of the **Parking Maintenance District No. 122 Council Committee** of May 22, 2002. The City Manager informed the Council that this item is an important City policy issue regarding whether the Franklin Square property owners should continue to pay for maintenance of the parking lots which serve the property owners and, if so, how much they should pay. She strongly recommended that the Council continue the current City policy of the property owners paying a fair share and the City paying a fair share. She indicated that the parking areas at the Franklin Square serve the property owners, tenants and businesses and their customers and employees. She also indicated that in addition to parking, the costs include landscaping, security lighting, fountains and other amenities. Although the City owns the land, the land is used primarily for parking for Franklin Square property owners to benefit their businesses. The property owners and businesses have had the use of the City land for more than 37 years; have had the benefit of tax-exempt bonds for the original construction of the improvements and do not pay property taxes on the parking lot. They also have shared in the ongoing maintenance during that time. She further informed the Council that this is a fairness issue because other businesses elsewhere in the City do not receive this advantage and to not charge the Franklin Square property owners for the benefits sets a precedent that is not advisable. The following property owners/merchants addressed the Council in opposition to the staff recommendations: Dave DeLozier, Ramiro Hermosillo, George Archaubeau (Project Hire), Jim Ruffo and Cheuk-Sang Chan. There being no further public input, **MOTION** was made by Mahan, seconded and unanimously carried, that the hearing be closed. A **MOTION** made by Mahan, and seconded, to approve the Parking Maintenance District No. 122 Council Committee's recommendation that the Parking Maintenance District No. 122 (PMD No. 122) be dissolved, have no future assessment of the property owners; and, after dissolution, whatever funds remain on balance for

PMD No. 122 would be placed in a reserve account including all interest that accrues in the account and be used to maintain the parking lots **failed to pass** with Kolstad, Matthews, McLemore and Nadler dissenting. **MOTION** was then made by McLemore, seconded and carried with Diridon, Nadler and Parle dissenting, that the Council **approve** Option 4 where the City assumes all future costs for operation and maintenance of PMD No. 122 and **the property owners contribute \$14,200** annually to pay for capital repairs of the parking lots and associated walkways; existing excess funds and interest to be maintained with the assessment to be reduced over time. **[File: Parking Maintenance District No. 122]**

The Council recessed at 9:10 p.m. and reconvened at 9:30 p.m.

PUBLIC HEARING: The Mayor declared the hearing open for reconsideration of the Council's action of March 26, 2002 in denying the request submitted by Herb Silva/Richard Haro Inc. for a Tentative Parcel Map to divide two single family parcels into three at 3396 Forest Avenue and 112 Tyler Avenue (Subdivision Committee Minutes of February 25, 2002). The Director of Planning and Inspection reviewed his memo (7/3/02) and informed the Council that the hearing conducted on April 23, 2002 regarding the request was not properly noticed, which resulted in the invalidation of the action taken. He showed overhead slides of the zoning map, an aerial photograph of the area, site plan and photographs of adjacent properties and the proposed site. He reviewed the project and referred to a letter and petition (4/24/02) submitted by applicant Richard Haro, on behalf of the property owner, in support of the project. He referred to a letter (6/29/02) submitted by Gail Tiberi and Jim Flanegin (136 Douglane Avenue) in opposition to the project. James Rowen addressed the Council on behalf of the residents of the Tyler Avenue area and reviewed his letter (7/3/02) in opposition to the request. Applicant Haro and property owner Herb Silva addressed the Council regarding the project. Mr. Kirsch, Maria Rabadon, Chuck Packer, Anthony Piazza and Debra Bowman addressed the Council in opposition to the project. Ms. Rabadon submitted petitions in opposition. **MOTION** was made by Matthews, seconded and unanimously carried, that the public hearing be closed. **MOTION** was then made by Mahan, seconded and carried with Kolstad dissenting, that the Council **deny** the request for the Tentative Parcel Map to divide the two single family parcels into three and **refer** to the City Manager the issue of fees incurred by the applicant. **[File: Tentative Maps]**

The Council proceeded to consider the Written Petition (6/13/02) submitted by John Baptista regarding parking problems on Harrison Street and the State Uniform Housing Code regarding the number of individuals who can live in a single family dwelling. The City Manager reviewed the Administrative Analyst's report (7/3/02) regarding Mr. Baptista's request and the Director of Planning and Inspection's memo in response to the request. She referred to the City Attorney's memo (3/18/02) to the Neighborhood-University Relations Committee concerning Mr. Baptista's request regarding housing and zoning concerns. Mr. Baptista addressed the Council and reviewed his concerns. A Council discussion followed. MOTION was made by Mahan, seconded and unanimously carried, that the Council **refer** Mr. Baptista's concerns to the City Manager to include in the consultant's parking study. [**File: Written Petitions**]

Council Member Mahan left the Council dais.

MOTION was made by Matthews, seconded and unanimously carried (Mahan absent), that, per the recommendations contained in the Minutes of the Youth Commission for the meeting of June 17, 2002, the Council **approve** the name of "Teen Center" for the new City's Teen Center. The Minutes were then duly **noted and filed**. [**File: Youth Commission Minutes**]

MOTION was made by Matthews, seconded and unanimously carried (Mahan absent), that the Council **note and file** the Minutes of the Planning Commission for the meeting of June 26, 2002. [**File: Planning Commission Minutes**]

Council Member Mahan returned to the Council dais.

As a Public Presentation, Spreck Rosekrans, Environmental Defense, addressed the Council and requested that the City withdraw its support of litigation related to the joint Tribal-Federal plan to restore the Trinity River.

The City Manager informed the Council that Joyce Shanda submitted a Public Presentation form (7/9/02) regarding Doma Estates Mobile Home Park issues, however, had left due to the late hour. [**File: Doma Estates Mobile Home Park 3600 Flora Vista Drive**]

MOTION was made by McLemore, seconded and unanimously carried, that, per the Director of Public Works/City Engineer (6/26/02), the Council **approve** the establishment of accounts for **Transportation Development Act Article 3 Fiscal Year 2001-02 projects** and **approve** the appropriation of \$50,000 for Transit Area Improvements (Santa Clara Caltrain Transit Area Study account 533-4431-8030-1310) and \$50,739 for Bicycle and Pedestrian Improvements (Bicycle & Pedestrian Improvements at Various Locations account 533-4431-8030-1311) and estimated Transportation Development Act revenue in the amount of \$50,000 (Santa Clara Caltrain Transit Area Study account 533-4431-5550-1310) and in the amount of \$50,739 (Bicycle & Pedestrian Improvements at Various locations account 533-4431-5550-1311). [File: Metropolitan Transportation Commission]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Chief of Police (6/19/02), the Council **authorize** the City Manager and the Chief of Police to submit the grant proposal for **Federal Local Law Enforcement Block Grant funds**, **accept** the agreement reached between the County Executive's Office and the County Chiefs to rectify the disparate funding allocation for period of October 1, 2002 through September 30, 2004; **approve** estimated revenue in the amount of \$63,145 (account 001-7722-5550), appropriations in the amount of \$63,145 (Patrol Overtime account 001-7722-8703) and matching funds not to exceed \$7,016; and **authorize** unexpended appropriations to be reappropriated each fiscal year over the life of the grant. [File: Police Department Miscellaneous]

MOTION was made by Matthews, seconded and unanimously carried, that, per the Assistant City Attorney (6/26/02), the Council **pass and adopt** **Resolution No. 6950** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, CONCERNING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE FOR THE PURPOSE OF GRANTING THE CONSENT OF THE CITY COUNCIL TO THE ASSIGNMENT AND TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISEE AND CABLE TELEVISION SYSTEM FROM AT&T CORPORATION TO AT&T COMCAST CORPORATION" which Resolution approves the transfer of the **City's Cable Franchise** to **AT&T Comcast Corporation (AT&T)** and approves the merger with conditions, including a **Change of Control Agreement** between the City of Santa Clara, **TCI Cablevision of Georgia, Inc.** and **AT&T Comcast Corporation**, which protects customer service and requires compliance with the Franchise Agreement and Ordinance. [File: Comcast Formerly At&T Formerly TCI Cablevision of Georgia Cable Franchise]

MOTION was made by Matthews, seconded and unanimously carried, that the Council **approve** the payment of Bills and Claims (6/27/02 and 7/5/02) and Progress Payments (7/2/02 and 7/9/02) as submitted.

MOTION was made by Matthews, seconded and unanimously carried, that, per the recommendation of the Neighborhood-University Relations Committee on May 20, 2002, the Council **approve** the policy to refer any letters or speakers concerning University / neighborhood issues to the Committee and acknowledge that the Committee, through its minutes, will have the opportunity to bring issues to the Council and to make specific recommendations. [File: Planning and Inspection Department Miscellaneous]

MOTION was made by Matthews, seconded and carried with Nadler abstaining (she is honoree), that, per Vice Mayor Matthews (6/17/02), the Council **approve** holding a special recognition event in honor of Judy Nadler for her 25 years of public service to the Santa Clara community and **appoint** Vice Mayor Matthews and Council Members McLemore and Parle to the committee to discuss the arrangements. [File: City Council Miscellaneous]

MOTION was made by Matthews, seconded and unanimously carried, that, per Vice Mayor Matthews (7/3/02), the Council **refer** to the City Manager for discussion at the goal setting meeting with the newly formed City Council in 2003 the development of a concept for establishment of a policy to protect City parks and open space. [File: City Council Miscellaneous]

Having previously determined at this evening's meeting that the need to hear the following item arose after the posting of the agenda, MOTION was made by Mahan, seconded and unanimously carried, that, per the Director of Planning and Inspection (7/9/02), the Council **approve**, subject to conditions, the request (7/3/02) submitted by Wolf Camera to conduct an outdoor sale on July 10-15, 2002 at 3581 El Camino Real (PLN2002-03059). [File: Special Permits]

There being no further business, the meeting was adjourned at 11:00 p.m. to Tuesday evening, July 16, 2002, at 6:00 p.m. in the Reception Lobby Area for **interviews to fill a vacancy on the International Exchange Commission** and thence to the regular meeting scheduled for Tuesday evening, **July 16, 2002** at 7:00 p.m. in the City Hall Council Chambers.

ATTEST: _____
City Clerk

APPROVE: _____
Mayor