



City of Santa Clara

Draft

Meeting Minutes of June 10, 2021 Meeting Adjourned from June 8, 2021 Council and Authorities Concurrent & Santa Clara Stadium Authority Meeting

06/10/2021

6:00 PM

Virtual Meeting

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

As always, the public may view the meetings on 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.

6:00 PM COUNCIL/STADIUM AUTHORITY MEETING

Call to Order

Mayor/Chair Gillmor called the meeting to order at 6:00 PM.

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 Behavioral Standards.

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

Mayor/Chair Gillmor announced that Santa Clara High School Boys Varsity and Wilcox High Boys Varsity basketball teams won their playoff games and will be moving on to the next round.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

None.

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING/GENERAL BUSINESS

1. [21-854](#) 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 (Continued from May 25, 2021 and Adjourned from June 8, 2021- RTC 21-804)

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.

Director of Parks and Recreation Teixeira gave a PowerPoint Presentation.

Council comments and questions followed.

Director of Parks and Recreation Teixeira, Director of Community Development Crabtree, and City Manager Santana addressed **Council** questions.

Public Speaker(s): Dennis Martin

A motion was made by Councilmember Jain, 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 Jain, seconded by Councilmember Chahal, to adopt Resolution No. 21-8970 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.

Aye: 4 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Jain, and Councilmember Becker

Nay: 3 - Councilmember Hardy, Councilmember Park, and Mayor Gillmor

2. [21-855](#) Public Hearing: Adoption of a Resolution Setting Rates for Overall Solid Waste Services and Annual Clean-up Campaign in the Exclusive Franchise Area (Continued from May 25, 2021 and Adjourned from June 8, 2021 - RTC # 21-810)

- 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.

City Manager Santana provided a verbal report regarding the Setting Rates for Overall Solid Waste Services and Annual Clean-up Campaign in the Exclusive Franchise Area.

Director of Public Works Mobeck gave a PowerPoint Presentation.

Council comments and questions followed.

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

Public Speaker(s): Qian
Kirk Vartan
Bob O'Keefe

Director of Public Works Mobeck addressed public comments and questions.

A motion was made by **Councilmember Hardy**, seconded by **Councilmember Jain**, 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; (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.

Councilmember Park requested a friendly amendment to the motion on the floor to drop Alternative #4 from the motion.

Councilmember Hardy did not accept the friendly amendment to drop Alternative #4 from the motion from **Councilmember Park**.

Vice Mayor Chahal suggested to consider each motion (Alternative #1, 3, and 4) separately.

Councilmember Hardy accepted the suggestion to consider each motion (Alternative #1, 3, and 4) separately.

Council comments followed.

A motion was made by Councilmember Hardy, seconded by Councilmember Jain, to approve Alternative #1: adopt Resolution No. 21-8971 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: 4 - Councilmember Watanabe, Councilmember Hardy, Councilmember Jain, and Mayor Gillmor

Nay: 3 - Vice Mayor Chahal, Councilmember Park, and Councilmember Becker

A motion was made by Councilmember Hardy, seconded by Councilmember Jain, 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.

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

A motion was made by Councilmember Hardy, seconded by Councilmember Jain, to approve **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.**

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

Nay: 2 - Councilmember Park, and Councilmember Becker

Mayor Gillmor called for a recess at 8:41 PM and reconvened the meeting at 9:01 PM.

3. [21-858](#) Public Hearing: Adoption of a Resolution Approving the Levy of Benefit Assessment Upon the Santa Clara Convention Center Complex - Maintenance District No. 183 (Adjourned from June 8, 2021 - RTC # 21-1167)

Recommendation: Alternative 1:

Adopt a resolution approving the levy of benefit assessment upon the Santa Clara Convention Center Complex - Maintenance District No. 183, and approving, confirming, and adopting the Director's Report for FY 2021/22.

Director of Public Works Mobeck gave a verbal report on approving the levy of benefit assessment upon the Santa Clara Convention Center Complex - Maintenance District No. 183.

Council questions followed.

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

A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to approve **Alternative #1: adopt Resolution No. 21-8972 approving the levy of benefit assessment upon the Santa Clara Convention Center Complex - Maintenance District No. 183, and approving, confirming, and adopting the Director's Report for FY 2021/22.**

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

4. [21-859](#) Action on a Written Petition Submitted by Councilmember Becker Requesting a Public Apology to the Residents of Santa Clara for the CVRA Lawsuit (Adjourned from June 8, 2021 - RTC # 21-647)

Recommendation: Staff has no recommendation and seeks Council direction.

Councilmember Becker gave a verbal report on his written petition requesting a Public Apology to the Residents of Santa Clara for the CVRA Lawsuit.

Council questions followed.

Councilmember Becker addressed **Council**.

City Attorney Doyle addressed **Council** questions.

A motion was made by Vice Mayor Chahal, seconded by Councilmember Jain, to place the Written Petition submitted by Councilmember Becker requesting a Public Apology to the Residents of Santa Clara for the CVRA Lawsuit on a future agenda for discussion and possible action.

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.

ADJOURNMENT

The meeting was adjourned at 9:17 PM in memory of **Ron R. Dunham** (Long Term Santa Clara Resident and Father of Rod Dunham, one of the founders of the Santa Clara Parade of Champions and Reclaiming our Downtown).

A motion was made by Council/Boardmember Hardy, seconded by Council/Boardmember Jain, 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

[21-877](#)

**Adjournment of the June 10, 2021 City Council Meeting Post Meeting
Material**

The next scheduled meeting is a Special Meeting on Tuesday, June 15, 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>> 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.