



## Agenda Report

18-717

Agenda Date: 5/22/2018

### REPORT TO COUNCIL

#### SUBJECT

Appointment of an Applicant to the Planning Commission

#### BACKGROUND

At the January 23, 2018 Council meeting, Council declared a vacancy on the Planning Commission for a partial term ending June 30, 2021 and interviews were subsequently set for a Special Council Meeting to be held April 10, 2018. Interviews were held on April 10, and because a full Council was not present at the April 24, 2018 or May 8, 2018 Council meeting, Council continued the appointment of an applicant to the Planning Commission to the May 15, 2018 Council meeting. At the May 15, 2018 Council meeting, Council continued interviews to May 22, 2018.

Attached are the voting guidelines for the appointment of applicants to Boards and Commissions, which outline the process for conducting interviews and casting votes by the Council for applicants. It should be noted that the City Clerk's Office is currently reviewing how other cities appoint members to Boards and Commissions and expects to bring forward a policy that reflects best practices and efficiencies, particularly since the current guidelines have been in place since 2004 and due to the steady increase in the number of applications received for vacancies over the past few years. A revised policy will be brought through the Governance Committee and then the full Council for adoption in the upcoming months.

#### DISCUSSION

On April 10, 2018, a total of 10 candidates were interviewed (two applicants withdrew after applications were received) for one Planning Commission vacancy. Following the interviews, Council took action to allow three votes per Council Member versus the guidelines-established two votes per Council Member. As a result, Jeremy Hicks received a total of four votes and three candidates received three votes each for the second place candidate: Anthony Becker, Kevin Park and Martin Schuler. Council then had one vote each to break the second place tie and Anthony Becker received the majority vote. Finally, the Council then had one vote each to either cast for Mr. Becker or Mr. Hicks, which resulted in a tie vote (Mayor Gillmor had an excused absence due to City-related business). Due to the tie, per the guidelines, the appointment of an applicant to the Commission was continued to the next regular scheduled Council meeting, April 24; however, there was an excused absence at that Council meeting, as well. Therefore, the appointment of a Commissioner was continued to the Council meeting of May 8, or to the next Council meeting where a full Council is present. At the May 8, Council meeting a full Council was not present due to an excused absence and the Council continued the appointment to May 15. However, at the May 15 Council meeting Council continued the interviews to May 22.

Mr. Becker and Mr. Hicks have been notified of the April 24, May 8 and May 15 continuances, and have been invited to the May 22 meeting where the Council will be able to re-interview them as the

top two candidates. Their applications are attached to this report for reference. Per the guidelines, each candidate will be offered 3 minutes for an opening statement. Council may then ask questions of the candidate and then, the candidate will receive 1 minute for a closing statement. Each Council Member will receive one vote to cast on the candidate of their preference. In turn, the Council may then entertain a motion to appoint the applicant that received the highest number of votes.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

### **FISCAL IMPACT**

There is no cost with the appointment of a candidate for the partial term ending June 30, 2021 except for the related staff time.

### **COORDINATION**

This report has been coordinated with the City Attorney’s Office.

### **PUBLIC CONTACT**

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.

### **ALTERNATIVES**

1. Appoint an applicant to fill the vacancy on the Planning Commission to serve a partial term ending June 30, 2021.
2. Continue the appointment of an applicant to fill the vacancy on the Planning Commission to a future meeting when a full Council is present.

### **RECOMMENDATION**

Alternative 1: Appointment of an applicant to fill the vacancy on the Planning Commission to serve a partial term ending June 30, 2021.

Reviewed by: Jennifer Yamaguma, Acting City Clerk

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Applications
2. Voting Guidelines for Appointments to Boards and Commissions