



# CITY OF SANTA CLARA

www.santaclaraca.gov



## SANTA CLARA STADIUM AUTHORITY

### AGENDA

A complete agenda packet with back-up reports is available at either City Library beginning Saturday before the Tuesday meeting or at the City Clerk's Office on weekdays. A complete agenda packet is also available at the City Council meeting and on the City's website.

**April 21, 2015**

#### **SPECIAL ANNOUNCEMENTS**

#### **REGULAR MEETING**

**7:00 PM in the City Hall Council Chambers**

APPEAL OF HEARING DECISIONS OF THE STADIUM AUTHORITY MUST BE MADE TO THE SUPERIOR COURT WITHIN 90 CALENDAR DAYS OF FINAL ACTION. BECAUSE OF THE AGENDA PROVISION FOR RECONSIDERATION, FINAL ACTION IS DEEMED TO OCCUR AT THE END OF THE NEXT REGULAR MEETING PURSUANT TO CITY COUNCIL POLICY (P&P 042). (CODE OF CIVIL PROCEDURE SECTION 1094.6)

AB23 ANNOUNCEMENT: MEMBERS OF THE SANTA CLARA STADIUM AUTHORITY BOARD ARE ENTITLED TO RECEIVE \$30 FOR EACH ATTENDED MEETING.

**6:00 PM**

**Closed Session**

**Council Conference Room**

**Conference with Real Property Negotiator**

**Pursuant to Government Code Section 54956.8**

**Property: APN 104-43-056**

**Authority Negotiator: Julio J. Fuentes, Executive Director (or designee)**

**Negotiating Party: Al Guido, 49ers Stadium Co., LLC**

**Under Negotiation: Proposed Parking Agreement**

**and**

**Conference with Legal Counsel - Existing Litigation**

**Pursuant to Government Code Section 54956.9(d)(1)**

***Vinod K. Sharma, et al. v. Successor Agency to the***

***Redevelopment Agency of the City of Santa Clara, et al.***

**Sacramento County Superior Court Case No. 34-2013-80001396**

- 1. ROLL CALL:**
- 2. APPROVAL OF MINUTES:**

- A. March 24, 2015.
- 3. CONTINUANCE/EXCEPTIONS:**
- 4. UNFINISHED BUSINESS:**
- A. Possible Reconsideration of Actions Taken at Immediately Preceding Meeting. (See Summary of Actions for potential reconsideration, which is attached to the posted Agenda and is in the Agenda Packet Binder in the Council Chambers.)
- 5. PUBLIC PRESENTATIONS:**
- This item is reserved for persons to address the Stadium Authority on any matter not on the agenda that is within the subject matter jurisdiction of the City. The law does not permit Stadium Authority action on, or extended discussion of, any item not on the agenda except under special circumstances. The Stadium Authority, or staff, may briefly respond to statements made or questions posed, and the Stadium Authority may request staff to report back at a subsequent meeting. Although not required, please submit to the Stadium Authority Secretary your name and subject matter on forms available by the door in the Council Chambers.
- 6. REPORTS OF STADIUM AUTHORITY MEMBERS AND SPECIAL STADIUM AUTHORITY COMMITTEES:**
- A. Reports regarding conference attendance, if any.
- 7. CLOSED SESSION MATTERS:**
- A. Stadium Authority Counsel Reports:
- 8. ADJOURNMENT:**
- A. To Tuesday evening, **May 5, 2015**, at 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

4-21-15

# CLOSED SESSION NOTICE

Santa Clara Stadium Authority

6:00 pm  
SA

Santa Clara



The **GOVERNING BOARD OF THE STADIUM AUTHORITY** will meet in closed session on **Tuesday, April 21, 2015**, at **6:00 p.m.**, or as soon thereafter as the matter can be discussed, in the Council Conference Room located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to it/them:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to Gov. Code § 54956.8

**Property:** APN 104-43-056

**Authority Negotiator:** Julio J. Fuentes, Executive Director (or designee)

**Negotiating Party:** Al Guido, 49ers Stadium Co., LLC

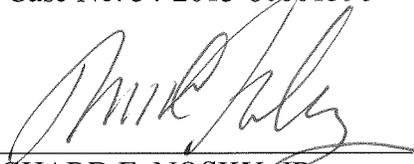
**Under Negotiation:** Proposed Parking Agreement

**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

Pursuant to Gov. Code § 54956.9(d)(1)

*Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396

Date: April 15, 2015

  
RICHARD E. NOSKY, JR.  
Stadium Authority Counsel

4-21-15

2.A  
5.A

**MINUTES OF THE SANTA CLARA STADIUM AUTHORITY OF  
THE CITY OF SANTA CLARA FOR REGULAR MEETING  
HELD ON TUESDAY EVENING, MARCH 24, 2015**

The Santa Clara Stadium Authority of the City of Santa Clara met at 6:00 pm, on the above mentioned date, for a **Closed Session** in the Council Conference Room for a Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(d)(1); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396 (Stadium Authority Counsel - 03/18/15).

The Stadium Authority then met at 8:56 pm for the regular scheduled meeting in the City Hall Council Chambers.

Present: Stadium Authority Board Members Dominic J. Caserta, Debi Davis, Lisa M. Gillmor, Patrick Kolstad, Jerry Marsalli and Teresa O'Neill and Chairperson Jamie L. Matthews.

2.A **MOTION** was made by Caserta, seconded and unanimously carried, that the **Minutes** for the meeting of **February 24, 2015** be adopted as written.

5.A The Mayor/Chairperson opened a **joint City Council/Santa Clara Stadium Authority meeting** to consider the recommendations contained in the Director of Public Works/City Engineer's memo (03/10/15) for approval of an **Agreement and Covenant Running with the Land** with the City of Santa Clara, Santa Clara Stadium Authority and the **Forty Niners SC Stadium Company, LLC** to retain and maintain concrete pavers, movable benches, planters and a planter sign along the Tasman Drive property frontage at 4900 Marie P. DeBartolo Way. The Traffic Engineer reviewed the memo and answered questions. Deborah Bress made general comments of concern. **MOTION** was made by Caserta, seconded and unanimously carried, that the City Council/Santa Clara Stadium Authority **approve** and authorize the City Manager/Executive Director to execute an **Agreement and Covenant Running with the Land** with the City of Santa Clara, Santa Clara Stadium Authority and the **Forty Niners SC Stadium Company, LLC** to retain and maintain concrete pavers, movable benches, planters and a planter sign along the Tasman Drive property frontage at **4900 Marie P. DeBartolo Way** and **authorize** the recordation of the Agreement (APN 104-43-055; SC 18,720).

5.B

The Stadium Authority proceeded to consider the Finance Director/Treasurer/Auditor for Stadium Authority's memo (03/20/15) recommending approval of the 2015-16 Santa Clara Stadium Authority Budget and an Amendment to the 2014-15 Santa Clara Stadium Authority Budget. The Executive Director reviewed the memo and gave an electronic presentation summarizing the ownership/partnerships, leases and contracts for the stadium. Jim Mercurio, Vice President Stadium Operations and Security, continued with the electronic presentation summarizing past events, feedback from various guest satisfaction surveys, current stadium/off-site parking spaces, use of different modes of transportation for stadium events, stadium amenities and upcoming events. [The Chief of Police announced that a San Jose police officer was killed in the line of duty earlier this evening and the Santa Clara Police Department staff was assisting with the apprehension of the suspect.] The Chief of Police continued with the electronic presentation summarizing guest safety, law enforcement partnerships with various agencies and access to the San Tomas-Aquino Creek Trail/closure of Tasman Drive during larger events. The Finance Director/Treasurer/Auditor continued with the electronic presentation and reported that the overall project construction cost is anticipated to be more than \$80,000,000 under budget and that actual Stadium Authority debt is significantly below estimates due to Seat Builder License (SBL) sales coming in over the projected estimate by \$29.2 million and a higher percentage of SBL buyers paying off their purchases rather than financing them over 10 years. He reviewed the Stadium Authority's 2015-16 Operating Budget of \$17,201,085, Capital Improvement Budget of \$3,000,000 and Debt Services budget of \$60,391,493 for fiscal year April 1, 2015 to March 31, 2016. The Executive Director made concluding remarks. A Stadium Authority discussion followed and the Finance Director/Treasurer/Auditor answered questions. Deborah Bress made comments of concern. **MOTION** was made by Davis, seconded and unanimously carried, that the Stadium Authority **approve** the 2015-16 Santa Clara Stadium Authority Operating Budget of \$17,201,085, Capital Improvement Budget of \$3,000,000 and Debt Services Budget of \$60,391,493 for fiscal year April 1, 2015 to March 31, 2016 and an Amendment to the 2014-15 Santa Clara Stadium Authority Debt Service Budget to provide an additional appropriation of \$80,000,000 to meet the loan requirement to use Seat Builder Licenses (SBL) cash not used for construction to pay down debt.

7.A Under Reports of Stadium Authority Members and Special Stadium Authority Committees, Authority Member Marsalli congratulated the Forty Niners Stadium Management Co. for winning the 2015 Silicon Valley Water Conservation Award in the business category for use of recycled water.

8.A Earlier in the evening, the Stadium Authority met for a Closed Session in the Council Conference Room for a Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396 and there was no reportable action.

9.A MOTION was made by Davis, seconded and unanimously carried, that, there being no further business, the meeting was adjourned at 9:54 pm in **Memory** of **Michael Johnson** (San Jose Police Officer killed in the line of duty earlier this evening) to Tuesday evening, April 7, 2015 at 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

ATTEST: \_\_\_\_\_  
Secretary

APPROVE: \_\_\_\_\_  
Chairperson