Meeting Date: 1/22/08

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5A

Santa Clara

All-America City

2001

DATE: January 18, 2008

TO: City Manager/Executive Director for City Council/Redevelopment Agency Action

FROM: Assistant City Manager

SUBJECT: Issues Pertaining to a Possible Ballot Measure Regarding the San Francisco 49ers Proposal to Construct a Stadium in the City of Santa Clara

EXECUTIVE SUMMARY:

In the period of the commencement of the Feasibility Study process in April 2007, the City Manager committed to Council that immediately following Council determination that the Feasibility Study was concluded and continuing negotiations between the City and the 49ers should continue, staff would return to the next schedule Council meeting with information pertaining to the type, timing and cost of a ballot measure that would address the issue of a 49ers stadium in Santa Clara.

Attached to this report are two information items: 1. a report from the City Attorney addressing the various types of ballot measures that may be brought under California law, and; 2. a report from the City Clerk/Auditor addressing potential costs and timing of a ballot measure. The City Attorney's report addresses the important requirement that, with any City ballot measure, the California Environmental Quality Act (CEQA) process must be completed before placement of a measure on the ballot. There are various types of ballot measures that are affected by CEQA:

	CEQA Completion Required
1. Council Initiated Measures	
a. Advisory	No
b. Establishes Negotiations Parameters/Limits Pending CEQA Review	No (deemed adopted or rejected based on majority vote)
c. Approval of Specific Action	Yes
2. Citizen Initiated Measures	
a. Advisory	No
b. Adopting a Specific Action	No
c. Consideration of a City Council Specific Action	No (requires CEQA completion before Council action)

ADVANTAGES / DISADVANTAGES OF ISSUE:

The option of the Council placing a City-initiated (Option 1b) measure on the November 2008 ballot has a number of advantages over an alternative of putting a binding measure on the ballot in 2009. Putting the measure on the November 2008 ballot would allow the citizens of the City to vote on the stadium at the earliest possible time after the City and the 49ers have developed a Term Sheet describing the stadium transaction. The ballot measure would incorporate all of the key issues resulting from the Term Sheet, giving the electorate the opportunity to vote on the stadium and the stadium transaction. However, the measure would be conditioned on the requirement to complete CEQA before a stadium project could go

forward. Putting a measure on the 2009 ballot would also entail completion of the Stadium CEQA required Environmental Impact Report (EIR) and all the transaction agreements and actions prior to putting the measure on the ballot. CEQA completion Is not required for an advisory measure, but since the issue of binding versus advisory is a concern, an advisory measure is not recommended.

ECONOMIC/FISCAL IMPACT:
The November 2008 ballot is a regularly scheduled statewide and presidential election. As a result, as noted above, the cost to the City of holding the election will be lower than the cost for holding a special election in 2009 when no regular elections are scheduled. Also, since voter turnout tends to be larger for statewide and presidential elections, a November 2008 vote on a stadium project measure also makes it likely that more Santa Clara citizens may participate in the election.

RECOMMENDATION:
Staff recommends that Council determine that a November 2008 City ballot measure (Option 1b) will be held on the proposed 49ers stadium project with information for the ballot measure being taken from the Term Sheet currently under negotiations between the City and the 49ers, and the ballot language would clearly state that the measure was subject to the stadium project completing CEQA review.

APPROVED:

Ronald E. Garratt
Assistant City Manager

Jennifer Sparacino
City Manager/Executive Director

Documents related to this report:
1. *A report from the City Attorney addressing the various types of ballot measures under California Law*
2. *A report from the City Clerk/Auditor addressing potential costs and timing of a ballot measure*