

Meeting Date: 6/17/08

AGENDA REPORT

Agenda Item # 13B

City of Santa Clara, California



Date: June 12, 2008
To: City Council for Information
From: Dominic Caserta, Council Member
Subject: Clarification of November 16, 2004 Mills Act Contract Voting Record for Property Owned by Council Member Dominic Caserta (936 Fremont Street, Santa Clara, CA)

At the Historical and Landmarks Commission meeting held on October 7, 2004, the Commission requested the City Council approve a Mills Act Contract and historic designation for property owned by me which is located at 936 Fremont Street, Santa Clara, CA. On November 16, 2004, based on review by the Historical and Landmark Commission, City staff recommended to the Council to add 936 Fremont Street to the Santa Clara List of Architecturally or Historically Significant properties and to approve a Mills Act Contract with me for the property. The Council's vote on this action was taken and so noted in the City Clerk's minutes as approved with no notation that I as a sitting Council Member abstained from voting on the Mills Act designation and Mills Acts contract with the City on this item.

The summary of actions from the meeting date in 2004 does not contain a vote tally. The summary of actions simply indicates if an item passed or failed. The City Clerk's Office has checked the original set of draft minutes that were sent to Council for approval and the actual minutes book to check if there were any inconsistencies that would indicate a clerical error. The draft minutes, approved minutes and the minutes book are all consistent, and do not note my abstention on the vote.

This agenda report is being submitted to the Council to note that I had abstained from voting on the Mills Act agreement with the City in regards to my property even though the minutes do not note my abstention. Prior to the Council meeting, I had consulted with then City Attorney Michael Downey, who advised me to abstain. I followed the City Attorney's advice and did not vote on either the Mills Act designation or the Mills Act Contract for my property. I do understand that this report does not change the Council minutes of November 16, 2004. However, through this memorandum I am requesting that my clarification be part of the City's Council minutes for tonight's City Council meeting (June 17, 2008) records in regards to the Mills Act contract for my home, 936 Fremont Street, recorded on November 16, 2004.

Dominic Caserta
Council Member

Documents Related to this Report: None

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