



City of Santa Clara

Call and Notice of Special Meeting

City Council

Wednesday, September 1, 2021

5:30 PM

Virtual Meeting

Pursuant to the provisions of California Governor's Executive Order N-08-21, issued on June 11, 2021, 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.

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, Councilmember's Becker, Jain, Park and Vice Mayor Chahal call for a Special Meeting of the City Council of the City of Santa Clara, to commence and convene on September 1, 2021, at 5:30 PM for a Special Meeting to be held virtually, to consider the following matter(s) and to potentially take action with respect to them.

5:30 PM CLOSED SESSION

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

Public Comment

The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.

21-1209 [Public Employee Discipline/Dismissal/Release \(Government Code § 54954, subd.\(e\)\)](#)

Convene to Closed Session

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the Council or authorities on any matter not on the agenda that is within the subject matter jurisdiction of the City or Authorities. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on the speaker card available in the Council Chambers.]

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, September 7, 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.



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
@SantaClaraCity

Agenda Report

21-1209

Agenda Date: 9/1/2021

REPORT TO COUNCIL

SUBJECT

Public Employee Discipline/Dismissal/Release (Government Code § 54954, subd.(e))



2021 AUG 26 PM 2:43

TO CITY MANAGER AND ASSISTANT CITY CLERK:

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code Section 54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the undersigned(s) calls for a Special Meeting of the:

- City Council of the City of Santa Clara
- Board of the Santa Clara Stadium Authority
- Other (please designate): Governing Board of the:
 - Sports and Open Space Authority
 - City of Santa Clara Housing Authority
 - Bayshore North Project Enhancement Authority
 - Public Facilities Financing Corporation
 - Successor Agency to the Redevelopment Agency

Date and Time Requested: MONDAY August 30th, 2021 @ 5pm, or 9/1/21 or 9/3/21
@ 4:30pm @ 4:pm

Subject matter(s) and to potentially take action with respect to them:

PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE
Govt CODE 54954.5(e) See attached

Councilmembers Requesting a Special Meeting:

As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956.

Councilmember: ANTHONY J. BECKER Anthony J. Becker 08/26/2021
Name Signature Date

Councilmember: _____
Name Signature Date

Councilmember: _____
Name Signature Date

Councilmember: _____
Name Signature Date

Mayor Requesting a Special Meeting:

As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956.

Mayor: _____
Name Signature Date

**"PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE Gov't Code §
54954.5(e)"**

[Per the brown act "*No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee.*"] The employee may not require the council to discuss their dismissal in open session. (Gov. Code 54957.)

Nora Pimentel

From: Anthony Becker
Sent: Wednesday, August 25, 2021 8:29 PM
To: Nora Pimentel; Nadine Nader
Cc: Sudhanshu Jain; Kevin Park
Subject: Special Meeting Request

Dear Assistant City Clerk Nora Pimentel
Assistant City Manager Nadine Nader

I would like to request a special closed session meeting promptly to consider the dismissal of a public employee for no-cause under their employment contract.

The notice shall read as follows and shall not include the name or the title of the employee.

"PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE or Gov't Code § 54954.5(e)"

[Per the brown act "No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee."] The employee may not require the council to discuss their dismissal in open session. (Gov. Code 54957.)

I hereby request that this special closed session meeting be scheduled as soon as possible but no later than Friday September 3rd, 2021 to consider this item.

I have copied two other councilmembers on this request. Please do not forward to any other councilmembers so we don't violate the Brown Act. I ask though that the assistant city clerk or assistant city manager poll the city council if they are interested in having this special closed session meeting.

Thank you,

ANTHONY J. BECKER | Councilmember District 6
City of Santa Clara
1500 Warburton Avenue, Santa Clara CA 95050
Tel: 408-917-9434 (C) | 408-615-2250 (O); Email: abecker@santaclaraca.gov



**City of
Santa Clara**
The Center of What's Possible

RECEIVED



City of Santa Clara
The Center of What's Possible

AUG 26 2021
City Clerk's Office
City of Santa Clara

REQUEST TO CALL AND NOTICE
A SPECIAL MEETING

TO CITY MANAGER AND ASSISTANT CITY CLERK:

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- City Council of the City of Santa Clara
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- Other (please designate): Governing Board of the:
 - Sports and Open Space Authority
 - City of Santa Clara Housing Authority
 - Bayshore North Project Enhancement Authority
 - Public Facilities Financing Corporation
 - Successor Agency to the Redevelopment Agency

Date and Time Requested: Aug 30 at 5pm or Sept 1 at 430 pm or Sept 3 at 4 pm

Subject matter(s) and to potentially take action with respect to them:

Public Employee Discipline / Dismissal / Release

Councilmembers Requesting a Special Meeting:

As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956."

Councilmember:	<u>Sudhanshu Jain</u>	<u>[Signature]</u>	<u>8-26-2021</u>
	Name	Signature	Date

Councilmember:	_____	_____	_____
	Name	Signature	Date

Councilmember:	_____	_____	_____
	Name	Signature	Date

Councilmember:	_____	_____	_____
	Name	Signature	Date

Mayor Requesting a Special Meeting:

As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956."

Mayor:	_____	_____	_____
	Name	Signature	Date

Nora Pimentel

From: Sudhanshu Jain
Sent: Wednesday, August 25, 2021 10:26 PM
To: Anthony Becker; Nora Pimentel; Nadine Nader
Cc: Kevin Park
Subject: RE: Special Meeting Request

Assistant City Clerk Nora Pimentel
and Assistant City Manager Nadine Nader,

I too am now requesting a special closed session meeting on the same matter.

-- Suds

From: Anthony Becker <ABecker@SantaClaraCA.gov>
Sent: Wednesday, August 25, 2021 8:29 PM
To: Nora Pimentel <NPimentel@SantaClaraCA.gov>; Nadine Nader <nnader@SantaClaraCA.gov>
Cc: Sudhanshu Jain <SJain@SantaClaraCA.gov>; Kevin Park <KPark@Santaclaraca.gov>
Subject: Special Meeting Request

Dear Assistant City Clerk Nora Pimentel
Assistant City Manager Nadine Nader

I would like to request a special closed session meeting promptly to consider the dismissal of a public employee for no-cause under their employment contract.

The notice shall read as follows and shall not include the name or the title of the employee.

"PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE or Gov't Code § 54954.5(e)"

[Per the brown act "*No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee.*"] The employee may not require the council to discuss their dismissal in open session. (Gov. Code 54957.)

I hereby request that this special closed session meeting be scheduled as soon as possible but no later than Friday September 3rd, 2021 to consider this item.

I have copied two other councilmembers on this request. Please do not forward to any other councilmembers so we don't violate the Brown Act. I ask though that the assistant city clerk or assistant city manager poll the city council if they are interested in having this special closed session meeting.

Thank you,



City of Santa Clara
The Center of What's Possible

RECEIVED

AUG 26 2021

City Clerk's Office
City of Santa Clara

**REQUEST TO CALL AND NOTICE
A SPECIAL MEETING**

TO CITY MANAGER AND ASSISTANT CITY CLERK:

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 - Public Facilities Financing Corporation
 - Successor Agency to the Redevelopment Agency

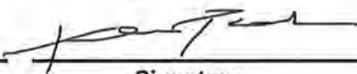
Date and Time Requested: Any date, any time after 4pm. If specification is necessary:
August 30, September 1, or September 3, any time after 4pm

Subject matter(s) and to potentially take action with respect to them:

Public employee discipline/dismissal/release

Councilmembers Requesting a Special Meeting:

As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956."

Councilmember: Kevin Park  26 August 2021
Name Signature Date

Councilmember: _____
Name Signature Date

Councilmember: _____
Name Signature Date

Councilmember: _____
Name Signature Date

Mayor Requesting a Special Meeting:

As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956.

Mayor: _____
Name Signature Date



2021 AUG 27 AM 11:08

TO CITY MANAGER AND ASSISTANT CITY CLERK:

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 - o City of Santa Clara Housing Authority
 - o Bayshore North Project Enhancement Authority
 - o Public Facilities Financing Corporation
 - o Successor Agency to the Redevelopment Agency

Date and Time Requested: Monday (8/30/2021) at 5 PM or Wednesday (9/1/21) at 4:30 PM

Subject matter(s) and to potentially take action with respect to them:
"Public employee discipline/dismissal/release" pursuant to Government Code Section 54957(6)(1)

Councilmembers Requesting a Special Meeting: Closed Session.
As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956."

Councilmember:	<u>RAJ CHAHAL</u>	<u>Raj Chahal</u>	<u>8/27/2021</u>
	Name	Signature	Date

Councilmember:	_____	_____	_____
	Name	Signature	Date

Councilmember:	_____	_____	_____
	Name	Signature	Date

Councilmember:	_____	_____	_____
	Name	Signature	Date

Mayor Requesting a Special Meeting:
As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956."

Mayor:	_____	_____	_____
	Name	Signature	Date