



City of Santa Clara

Meeting Minutes

City Council Special Meeting

02/24/2022

5:00 PM

Virtual Meeting

Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution 22-9051, the City Council meeting will be held by teleconference only. No physical location will be available for this meeting; however, the City of Santa Clara continues to have 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, Hardy, Park, and Chahal call for a Special Meeting of the City Council of the City of Santa Clara, to commence and convene on February 24, 2022, at 5:00 pm for a Special Meeting to be held virtually, to consider the following matter(s) and to potentially take action with respect to them.

5:00 PM SPECIAL MEETING

Call to Order

Mayor Gillmor called the Special Meeting to order at 5:06 PM.

Pledge of Allegiance and Statement of Values

Council recited the Pledge of Allegiance.

Councilmember Chahal recited the Statement of Values.

Assistant City Clerk Pimentel recited the Behavioral Standards.

Roll Call

Present: 6 - Councilmember Kathy Watanabe, Councilmember Raj Chahal, Councilmember Karen Hardy, Councilmember Kevin Park, Councilmember Anthony Becker, and Mayor Lisa M. Gillmor

Absent: 1 - Vice Mayor Suds Jain

CLOSED SESSION

[22-343](#)

Public Employee Discipline/Dismissal/Release - Government Code § 54957, (b)(1)

Chief Assistant City Attorney Reuter advised the **Council** that they should retain legal counsel prior to taking any action on this matter.

Council questions and comments followed.

Chief Assistant City Attorney Reuter addressed **Council** questions.

Public Comment

Public Speaker(s): Kirk Vartan	Call in user 1
Lori Garmany	Harbir Bhatia
Bob O'Keefe	Lee Broughman
Debra Von Huene	Mike Sellers
Ashlee Sims	Aasees
Edward Strine	Ravinder Lal
Chris Jackson	Curtis Fisher (E-Mail)
Carolyn McAllister (E-Mail)	Lala Verite (eComment)
Susan Hinton (eComment)	

Convene to Closed Session

Council convened to Closed Session at 5:45 PM and reconvened the meeting at 6:20 PM.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Mayor Gillmor reported the following 3 actions taken in Closed Session:

1st Action Taken in Closed Session -

A Preliminary Resolution of the City of Santa Clara relating to the removal from Office of the City Manager of the City of Santa Clara.

Pursuant to Section 806 of the City Charter, the City Council may adopt a preliminary resolution of removal stating the reasons for the City Manager Deanna Santana removal; and

Whereas: Section 1 and section 6 of the City Managers' employment agreement state that the city manager serves at the will of the City Council, may be terminated at any time with or without cause, and has no right to pre- or post separation due process other than set forth in section 806 of the City Charter; and

Whereas: The City Council has a lack of confidence in the City Manager Now, Therefore be it further resolved by the City of Santa Clara as follows:

1. Based on lack of confidence in the City Manager, the City Council hereby adopts this preliminary resolution of removal from office of the city manager consistent with section 806 of the city charter and the employment agreement of the city manager.
2. This resolution is effective as of the date of its adoption.

Vote: 4-2-1 Yes (Councilmembers Hardy, Chahal, Park, Becker) - Noes (Mayor Gillmor and Councilmember Watanabe) - Absent (Councilmember Jain)

2nd Action taken in Closed Session -

Preliminary Resolution of the City of Santa Clara Suspending the Santa Clara City Manager from Duty Pursuant to City Charter Section 806

Be it Resolved by the City of Santa Clara as Follows :

Whereas: Pursuant to Section 806 of the City Charter, the City Council may suspend the City Manager Deanna Santana from Duty; and

Whereas: Section 806 of the City Charter sets Forth Conditions relating to the suspension, from duty of the City Manager.

Now, Therefore, Be it Further Resolved by the City of Santa Clara as Follows:

1. The City Manager is hereby suspended from duty with pay, pursuant to Section 806 of the City Charter.
2. The City Shall comply with the conditions of section 806 of the City Charter relating to suspension from duty of the City Manager.
3. This resolution is effective of the date of its adoption.

Preliminary suspension from duty vote: 4-2-1 Yes - (Councilmembers Hardy, Chahal, Park, Becker) Noes - (Mayor Gillmor and Councilmember Watanabe) - Absent (Councilmember Jain)

3rd Action taken in Closed Session:

To hold a meeting within a week to appoint an Acting/Interim City Manager

Vote: 4-2-1 Yes - (Councilmembers Hardy, Chahal, Park, Becker) Noes - (Mayor Gillmor and Councilmember Watanabe) Absent - (Councilmember Jain)

Council comments followed.

PUBLIC PRESENTATIONS

Debbie Algieri expressed comments of concern regarding the dismissal of **City Manager Santana**.

Jeff Houston expressed comments regarding the decision and supporting **Councilmembers Chahal, Becker, Hardy, and Park's** re-election.

Bob O'Keefe expressed comments of concern regarding the dismissal of **City Manager Santana**.

Harbir Bhatia expressed comments regarding the dismissal of **City Manager Santana** and **Council** governance.

Lori Garmany expressed comments regarding the dismissal of **City Manager Santana** and the future of the **City Council**.

Edward Strine expressed comments of concern regarding the election process.

Chris Jackson expressed comments of concern regarding the dismissal of **City Manager Santana**.

Nancy Biagini (E-Mail) expressed comments regarding dismissal of **City Manager Santana** and advises to hire outside legal counsel prior to decision.

Sandy expressed comments regarding the dismissal of **City Manager Santana**.

[22-387](#)

Public Presentations Post Meeting Material

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

ADJOURNMENT

The meeting was adjourned at 6:49 PM.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to adjourn the meeting.

Aye: 6 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Councilmember Park, Councilmember Becker, and Mayor Gillmor

Absent: 1 - Vice Mayor Jain

The next regular scheduled meeting is on Tuesday, March 8, 2022.

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.