



City of Santa Clara

Minutes

Special Council Meeting

11/16/2022

5:00 PM

Hybrid Meeting
City Hall Council Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara will be conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution No. 22-9150 Councilmembers may teleconference from remote locations and the City continues to provide 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

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, the Mayor calls for a Special Meeting of the City Council of the City of Santa Clara, to commence and convene on November 16, 2022, at 5:00 pm for a Special Meeting in the City Hall Council Chambers 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 them.

5:00 PM COUNCIL SPECIAL MEETING

Call to Order

Mayor Gillmor called the Special Meeting to Order at 5:04 p.m.

Pledge of Allegiance and Statement of Values

Council recited the Pledge of Allegiance.

Councilmember Chahal recited the Statement of Values.

Roll Call

Present: 7 - Councilmember Kathy Watanabe, Councilmember Raj Chahal, Councilmember Karen Hardy, Councilmember Kevin Park, Vice Mayor Suds Jain, Councilmember Anthony Becker, and Mayor Lisa M. Gillmor

GENERAL BUSINESS

Special Council Meeting

1. [22-1407](#) Consideration of October 10, 2022, Santa Clara County Civil Grand Jury Report, "Unsportsmanlike Conduct: Santa Clara City Council," and Direction to Staff for Timely Preparation and Council Approval of Formal Comment to Report.

Recommendation:

1. Council to comment on Council-related findings and recommendations as follows: Findings 1a, 1b, 1c, 2, 3d (in part), 4, 5 (in part), 6, and 7 and Recommendations 1a, 1b, 1c, 1d, 2, 3a (in part), 3b (in part), 3c (in part), 4a, 4b, 4c, 5a, 5b, 5c, 6a, 6b, 7a, 7b, and 7c.
2. Direct staff to prepare draft comment on operation-related findings as follows: Findings 3a, 3b, 3c, 3d (in part), and 5 (in part) and Recommendations 3a (in part), 3b (in part), and 3c (in part).
3. Direct City Attorney's Office to prepare draft comment for timely Council approval consistent with 1 and 2 above.

Interim City Attorney Ngo provided an overview of this agenda item and stated that the Grand Jury report had twelve findings and 19 recommendations that require a formal City response within 90 days or by the January 9, 2023. He further noted that Council is not approving a formal response to the Grand Jury report, that staff provided clarifications on some of the statements in the Grand Jury report for Council consideration, and that staff's recommendation is to bring back a draft response a later Council meeting date for consideration that will include: 1) staff prepared language on those operational issues among the findings in the Grand Jury report; and 2) language based on feedback received from the Council.

Interim City Attorney Ngo stated that staff will return to Council with a draft response on the December 6, 2022 Regular Meeting, at a Special Meeting tentatively scheduled for December 8, 2022, or on any Special Meeting scheduled prior to January 9, 2023.

Interim City Attorney Ngo stated that he will go through each group set within the Grand Jury report and obtain a response from the Council on each finding and recommendation. He stated that if the Council disagrees with a finding, in whole or in part, the City will need to obtain the reasoning on why the Council disagrees with it. He also noted that for the recommendation, he will also need Council consensus on which of the four options have or will be implemented.

Interim City Attorney Ngo proceeded with the discussion of the Grand Jury findings and **Council** held extensive discussion on each of the Grand Jury's findings and recommendations. **Interim City Attorney Ngo** obtained Council consensus on how to respond to each finding and recommendation on the Grand Jury report and stated the draft Response will return to Council for final approval.

Special Council Meeting

Public Comment(s):
(2) Public Speaker
Deborah
Benjamin Cooley

ADJOURNMENT

The meeting was adjourned at 10:45 p.m.

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

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Councilmember Park, Vice Mayor Jain, Councilmember Becker, and Mayor Gillmor

The next regular scheduled meeting is on Tuesday, December 6, 2022 in the City Hall Council Chambers.

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.