

**Nora Pimentel**

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**From:** Kirk Vartan <kirk@asliceofny.com>  
**Sent:** Tuesday, August 16, 2022 3:19 PM  
**To:** Public Comment; Mayor and Council  
**Cc:** Clerk; Hosam Haggag; citymanager@santaclaraca.gov; City Attorney; Nora Pimentel  
**Subject:** Re: Agenda Item 1.A - 22-1033 - Aug 16, 2022  
**Attachments:** sc-council-public-comment-aug-16-2022.pdf

Here are my verbal public comments from today on this item.

Thanks,

-Kirk

On Aug 16, 2022, at 1:40 AM, Kirk Vartan <kirk@asliceofny.com> wrote:

Hello,

I would like to make a couple comments for the record about this item. In the many years I have been following the city's activities around the stadium, it has been clear to me that Santa Clara got in over its head when working with the 49er organization. Ironically, I was standing alongside Kevin Park, Sud Jain, and even Karen Hardy when the stadium and Measure J was being proposed. We all had issues with the council under the leadership of Mahan and the old council cronies that blindly backed her. The scourge was finally exorcised when Matthew's resigned and Caserta and Kolstad left. Santa Clara had solid leadership under then appointed Mayor Gillmor. Unfortunately, Mahan returned and consistently failed to represent the city's best interest as a council member. Even so, systems were put in place to protect Santa Clara and uncover the mess prior council members and mayors left on the city's front door regarding the stadium.

As an example (and only one example), I attended every Stadium Audit Committee meeting. Other than the Mayor, who can say that? None of you heard first hand how the independent auditor was asking for financial information from the 49er organization, sorry ManCo/StadCo/whatever Co, and got nothing. Week after week, the ManCo never showed up. They never produced any documents, addressed any of the concerns, or attended any of the meetings. Why do I know that? Because at most meetings, I would make public comment and announce that I saw no 49er representation in the audience, of which there were maybe five people. To be fair, I think Suds was there for some of the meetings.

How did the 49ers respond? With lawsuits. Lots of lawsuits. And rent reductions. And tax reductions, taking from the school systems. And back-room deals to get the soccer park. And renegeing on their written agreement to build new soccer parks. And bringing a mob of people to the council to trash the mayor based on rumors and fabricated information. And funding local measures in their interest. And more lawsuits. And dark money. And not delivering on marketing programs. And not providing adequate police coverage. And not proactively engaging with the neighborhood. And FPCC violations. And funding almost \$3M in lobbying for council member campaigns. And Facebook ad violations (Facebook deleted many of the 49er ads).

And that is just a partial list. And now, with all these outstanding lawsuits representing millions of dollars, the mouthpiece for the 49er organization that consistently trashes the city and the mayor says: Settle all these lawsuits at once. Dissolve your legal fund. Trust us. We know what's best.

And while you fired Brian Doyle, look beyond your differences with him. He is a longtime Santa Clara resident. He knows all the issues with the organization, and was the head attorney for all of the outstanding lawsuits. He is a legal expert. He clearly documented many issues. At the very least, you should get clarity on these issues and understand what the acting city attorney says about these issues. There is NO WAY the acting city attorney has the details and depth that Brian Doyle has, but he should be able to give opinions on whether these are relevant issues or should be of concern before settling all of the lawsuits in play. I am attaching a copy of a letter Doyle wrote and was published on Aug 15, 2022 in case you did not have a chance to read it. He has also spoken directly to you during public comment, so the issues are well documented now.

And the real irony today: back in 2019 (almost three years ago), the attorney's for ManCo/Stadium Manager and StadCo wrote a letter to the city and the Stadium Authority stating they felt the Brown Act demanded a public audience for the very topic you are hearing today (in closed session). And their tactic? To threaten legal action. Nice partner.

Why are these the people you are entrusting legal and strategic advice?

Regards,

Kirk Vartan

Attached: letter from Brian Doyle dates Aug 15, 2022 and 49er letter dated Sept 24, 2019

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A Slice of New York, a Worker Cooperative  
A New York Experience in the Bay Area  
3443 Stevens Creek Blvd. (San Jose/Santa Clara)  
1253 W El Camino Real (Sunnyvale)  
SJ: (408) 24-SLICE / SV: (650) 938-NYNY  
[www.asony.com](http://www.asony.com)  
[www.911memorial.org](http://www.911memorial.org)

<brian-doyle-legal-opinions-aug-15-2022.pdf><Letter from Management Co.pdf>

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Regarding item 1.A

Good afternoon,

Santa Clara got in over its head when working with the 49er organization. Ironically, back in the mid-2000s, I was standing alongside as an activist with Kevin Park, Suds Jain, and even Karen Hardy when the stadium and Measure J were being proposed and opposing the then council led by Mahan. Is it a surprise that Mathews suddenly resigned 1-year into his mayoral reelection?

When Mayor Gillmor was appointed as mayor, she created a systematic process to root out and uncover existing issues with the stadium management, inaccuracies in accounting, and even wage theft. And she did so in a transparent way. And while this was embarrassing for the city to have been so badly taken advantage of by the 49er organization, the Mayor did not waver in her interest in public transparency and finding the facts.

As an example (and only one example), the city created the Stadium Audit Committee. I attended every Stadium Audit Committee meeting. The majority of this council never heard first-hand how the independent auditor was asking for financial information from the 49er organization management company (whether it be ManCo, StadCo, Stadium Manager,

whatever). Week after week, the 49er Org never showed up. They never produced any documents, addressed any of the concerns, or attended any of the meetings. I know because I was there filming it on facebook live. The 49er organization NEVER showed up.

How did the 49ers respond? With lawsuits; lots of lawsuits. Here's a quick refresher of the many things the 49er organization communicated to the city and its residents:

1. Rent reductions/rent reset
2. Tax reductions, taking from the school systems.
3. Back-room deals to get the soccer park for pennies on the dollar for VIP parking
4. Reneging on their written letter/agreement to build new soccer fields - sorry, not a contract.
5. Bringing a mob of people to the council to trash the mayor based on rumors and fabricated information
6. Funding local measures in their interest to stack the council.
7. More lawsuits
8. Dark money (led to first-of-its-kind city ordinance to stop this)
9. Not delivering on marketing programs
10. Not providing adequate police coverage at games.
11. Not proactively engaging with the neighborhood impacted by stadium activities.
12. FPPC violations

13. Funding almost \$3M in lobbying for council member campaigns
14. Facebook ad violations (Facebook deleted many of the 49er ads)

And now, with all these outstanding lawsuits representing millions of dollars (tens of millions?), the mouthpiece for the 49er organization that consistently trashes the city and the mayor says: Settle all these lawsuits at once. Dissolve your legal fund. Trust us. We know what's best.

And while you fired Brian Doyle last year, look beyond your differences with him. He is a longtime Santa Clara resident and legal expert in this area. He clearly documented many issues. At the very least, you should get clarity on these, maybe even a third-party opinion.

And the real irony today: back in 2019 (almost three years ago), the attorney's for ManCo/Stadium Manager and StadCo wrote a letter to the city and the Stadium Authority stating they felt the Brown Act demanded a public audience for the very topic you are hearing today (in closed session). And their tactic? To threaten legal action. Nice partner. Why the rush? Why the secrecy?

Why are the 49ers the ones you are entrusting legal and strategic advice and allowing to create the narrative?

**Nora Pimentel**

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**From:** Mayor and Council  
**Sent:** Tuesday, August 16, 2022 2:14 PM  
**To:** Clerk; Nora Pimentel  
**Subject:** FW: Close Session 1A 8/16/22

-----Original Message-----

From: Burt Field <burt.field@gmail.com>  
Sent: Tuesday, August 16, 2022 2:14 PM  
To: Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>  
Subject: Re: Close Session 1A 8/16/22

Please have this read.

Burt Field  
burt.field@gmail.com  
408.687.2622 cell  
(Text first if new contact)

- > On Aug 16, 2022, at 2:06 PM, Burt Field <burt.field@gmail.com> wrote:
- >
- >
- > I wrote an oped today on Santa Clara News Online about the 49er settlement being a cover up.
- >
- > Since this morning, I've received calls from numerous attorneys. Based on their feedback, I ask you to table the settlement issue for the following reasons:
- >
- > 1 – Council members Chahal and Hardy are being investigated by the FPPC for accepting gifts from the 49ers.
- >
- > 2 – Council members Chahal and Hardy have violated the City Council Gift policy (no. 050). That policy requires them to recuse themselves on the basis of an appearance of a conflict.
- >
- > The policy also requires them to follow FPPC guidelines and that is now the subject of an investigation that has not been resolved.
- >
- > 3 – The Brown Act may have been violated through a series of closed-door meetings with the 49ers.
- >
- > As we know from published reports and calendars, five Councilmembers have had a series of closed-door meetings with the 49ers many of which included discussions of the litigation matters and possible settlement strategies.
- >
- > To comply with the law and your own Council gift policy, two Council members must recuse themselves and the issue should be tabled because of potential Brown Act Violations.
- > Burt Field
- > Long Time Santa Clara Resident
- >
- > Burt Field
- > burt.field@gmail.com
- > 408.687.2622 cell
- > (Text first if new contact)
- >

**Nora Pimentel**

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**From:** Debbie Tryforos <debbiesn1121@gmail.com>  
**Sent:** Tuesday, August 16, 2022 1:03 PM  
**To:** Clerk  
**Subject:** TO BE READ AT COUNCIL MEETING TODAY BEFORE CLOSED SESSION

My name is Debbie Tryforos. I am calling and asking this council not to consider any settlements of any of the lawsuits filed by the 49ers or the Stadium Management against the Stadium Authority or City of Santa Clara. I am currently managing a council candidate's campaign who is working to change the direction certain areas and issues related to the City are going. Our City really needs that. This issue to settle any of the 49er lawsuits is why we need change. Members of this council have already demonstrated whose interests they support by settling the lawsuit involving the golf course and it did not benefit the City or its residents. The residents of Santa Clara are watching you.

## Nora Pimentel

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**From:** Lee Broughman <leonne3@gmail.com>  
**Sent:** Tuesday, August 16, 2022 1:01 PM  
**To:** Nora Pimentel  
**Cc:** Lee Broughman  
**Subject:** Fwd: 49er settlement offer item 1A of closed session

It is clear that I want this read before the Closed session today, right??

**From:** Lee Broughman <[leonne3@gmail.com](mailto:leonne3@gmail.com)>  
**Subject:** 49er settlement offer item 1A of closed session  
**Date:** August 16, 2022 at 12:11:13 PM PDT  
**To:** [PublicComment@santaclaraca.gov](mailto:PublicComment@santaclaraca.gov), Mayor and Council  
<[mayorandcouncil@santaclaraca.gov](mailto:mayorandcouncil@santaclaraca.gov)>  
**Cc:** Lee Broughman <[leonne3@gmail.com](mailto:leonne3@gmail.com)>

BEGIN.....

Again, I ask that the City Council to do what you swore to do when you took the oaths to be City Council members.

Serve the interest of the residents of the City of Santa Clara.

These items are going to arbitration at the end of September and the 49ers know that they will not come out of it without paying, so this pathetic offer, knowing that 5 of you have consistently put the 49ers ahead of what resident would expect of you.

The settlement offer from the 49ers that you are looking to decide on this day cost the 49ers nothing. I don't know how you in all good conscience let the 49ers pay only \$2,000,000 that they all ready owed for Police services and a few thousand instead of \$750,000 they have owed for Parking since 2018 is a travesty. These are lawsuits that the 49er brought against the City and therefore they also owe the city Attorney's fees and Court cost.

Since 2 of you are up for re election there is hope of getting the 5 down to 3.

Sincerely,

Lee Broughman

Voter in District 2

**POST MEETING MATERIAL**

## Nora Pimentel

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**From:** Alex Ikeda Salzmann <[alex.ikedasalzmann@gmail.com](mailto:alex.ikedasalzmann@gmail.com)>  
**Sent:** Tuesday, August 16, 2022 12:40 PM  
**To:** Clerk  
**Subject:** Fwd: The 49ers Shouldn't Be Allowed to Manage Levi's Stadium

Please read at tonight's meeting. I am unable to attend.

Alex salzmann

----- Forwarded message -----

From: **Alex Ikeda Salzmann** <[alex.ikedasalzmann@gmail.com](mailto:alex.ikedasalzmann@gmail.com)>  
Date: Wed, Aug 10, 2022 at 9:17 PM  
Subject: The 49ers Shouldn't Be Allowed to Manage Levi's Stadium  
To: <[mayorandcouncil@santaclaraca.gov](mailto:mayorandcouncil@santaclaraca.gov)>

Dear Mayor and Council Members:

Please do not rush to settle your suit with the 49ers, thus allowing them to continue to manage Levi's Stadium. This arrangement never made sense. The 49ers are tenants of the Stadium. They pay rent to the city. In what other universe do tenants get to manage the property they are leasing? The stadium is not solely owned by the City, but it is primarily owned by the City. There are so many examples of so many NFL teams in these situations stealing from communities, while their PR firms promote them as being generous to the community. They are not. The 49ers put an education center in the stadium for the same reason Trump buried his ex in his golf course: tax breaks!

There is only one form of business that the NFL understands: hardball. Don't relinquish management of the stadium for peanuts. The five council members sponsored by the 49ers have an opportunity here to prove they aren't puppets of the Yorks. You guys hired city attorneys that cost 3x what Doyle cost. Now that you have your legal dream team assembled, FIGHT FOR SANTA CLARA. Allowing the 49ers to manage Levi's is like letting a tenant turn a landlord's house into an AirBnb.

**POST MEETING MATERIAL**

## Nora Pimentel

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**From:** Ms. Carolyn McAllister <carol3dsc@yahoo.com>  
**Sent:** Tuesday, August 16, 2022 12:34 PM  
**To:** Clerk  
**Subject:** Fw: 49er Settlement Offer

Please read this for the record during Public Comment before the Closed Session.

Thank You,  
Carolyn McAllister

----- Forwarded Message -----

**From:** Ms. Carolyn McAllister <carol3dsc@yahoo.com>  
**To:** Danielmcallister <danielmcallister@cox.net>; Dan McAllister <daniel.mcallister@cox.net>  
**Sent:** Tuesday, August 16, 2022, 10:09:46 AM PDT  
**Subject:** Fw: 49er Settlement Offer

----- Forwarded Message -----

**From:** Ms. Carolyn McAllister <carol3dsc@yahoo.com>  
**To:** karenhardy@santaclaraca.gov <karenhardy@santaclaraca.gov>; abecker@santaclaraca.gov <abecker@santaclaraca.gov>; kwatanabe@santaclaraca.gov <kwatanabe@santaclaraca.gov>; lgilmore@santaclaraca.gov <lgilmore@santaclaraca.gov>; sjain@santaclaraca.gov <sjain@santaclaraca.gov>; kpark@santaclaraca.gov <kpark@santaclaraca.gov>; rchahal@santaclaraca.gov <rchahal@santaclaraca.gov>  
**Sent:** Tuesday, August 16, 2022, 09:45:29 AM PDT  
**Subject:** 49er Settlement Offer

I have been reading about the proposed settlement offer given by the 49ers. How can the City Council even consider a settlement, when we have not seen any financial statements from the 49ers for years? What ever happened to the transparency and integrity that was to be the foundation of the City of Santa Clara and the 49ers agreement to work together? The 49ers have not provided financial documents that would show Santa Clara what was actually earned at Levi Stadium games, concerts and other programs. I have not seen any good faith fulfillment of any commitments. by the 49ers. Now we have five councilmen, Chahal, Park, Becker, Hardy and Jain, that have forgotten who they are supposed to be representing. My hope is that the 49er Five will think about their legacy as they discuss the settlement. How will your names, Chahal, Park, Jain, Hardy and Becker be written in Santa Clara History? I can tell you, you five have forsaken your duty to our city for power. Don't make any settlement with the 49ers until we are provided all the financials we have requested. The 49ers have made millions of dollars and yet keep asking the city to fund their expenses.. The Santa Clara Council (49er Five), have become an embarrassment to our beloved city throughout California by their actions and faulty decisions. Councilmen Park, Jain, Becker, Hardy and Chahal, step up and show some integrity and ethical behavior. Don't accept the 49er proposed settlement! Demand the financial documents from the 49ers!

Respectfully,

Carolyn McAllister

**POST MEETING MATERIAL**

**Nora Pimentel**

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**From:** Stacey Morse <smorse19@gmail.com>  
**Sent:** Tuesday, August 16, 2022 10:38 AM  
**To:** Clerk  
**Subject:** To be read for public comment

Hello city clerk,

I would like to request that the following note be read during public comment before the council goes into closed session regarding the 49ers lawsuit. Thank you!!

Dear Mayor & City Council,

I am a resident of the Westwood Oaks neighborhood in the south west corner of Santa Clara.

Please do not approve the proposed settlement for the lawsuit against the 49ers. I think it sets a dangerous precedent that the 49ers can determine the terms of the result of a lawsuit. I would feel much more comfortable with a judge looking at the contracts, agreements, what the 49ers have already paid, and what they still owe. I don't trust that this settlement is in the best interest of the city. Please allow the lawsuit to continue to allow a judge to make a decision in a court of law.

Sincerely,  
Stacey Morse

**POST MEETING MATERIAL**