



City of Santa Clara

Draft

Meeting Minutes Special City Council and Santa Clara Stadium Authority Meeting

03/15/2022

1:30 PM

Virtual Meeting
1:30 PM Closed Session
7:30 PM Open Session

Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution 22-9058, 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, the Mayor/Chair calls for a Special Meeting of the Santa Clara City Council and Stadium Authority Board to commence and convene on March 15, 2022, at 1:30 PM for a Special Meeting held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

1:30 PM CLOSED SESSION

Call to Order

Mayor/Chair Gillmor called the meeting to order at 1:32 PM.

Roll Call

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

- 1.A** [22-251](#) Public Employee Appointment (Gov. Code §§ 54957, 54954.5, subd. (e).)
Title: Interim City Attorney
- 1.B** [22-413](#) Conference with Labor Negotiators (CC)
Pursuant to Gov. Code § 54957.6
City representative: City Manager's designee
Employee Organization(s):
Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171
Unit #2-Santa Clara Police Officer's Association
Unit #3-IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit #4-City of Santa Clara Professional Engineers
Units #5, 7 & 8-City of Santa Clara Employees Association
Unit #6-AFSCME Local 101 (American Federation of State, County and
Municipal Employees)
Unit #9-Miscellaneous Unclassified Management Employees
Unit #9A-Unclassified Police Management Employees
Unit #9B-Unclassified Fire Management Employees
Unit #10-PSNSEA (Public Safety Non-Sworn Employees Association)
- 1.C** [22-1630](#) Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium
Authority, Superior Court Action No 19CV355432 (filed 9/20/19), and Forty
Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority,
Demand for Arbitration through JAMS, filed 09/03/2021, consolidated with
JAMS No. 110024318
- 1.D** [22-412](#) Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Forty Niners Stadium Management Company LLC and Forty Niners SC
Stadium Company LLC v. Santa Clara Stadium Authority, et al., Santa
Clara County Superior Court Case No. 17CV304903 and 19CV355432
(consolidated under lead case 17CV304903)

Public Comment

None.

Convene to Closed Session

Council/Board adjourned to Closed Session at 1:33 PM.

Council/Boardmember Hardy joined the meeting during Closed Session
at 1:38 PM.

7:30 PM SPECIAL COUNCIL AND STADIUM AUTHORITY MEETING

Call to Order

Mayor/Chair Gillmor called the meeting to order at 8:47 PM.

Pledge of Allegiance and Statement of Values

Council/Stadium Authority Board recited the Pledge of Allegiance.

Council/Boardmember Chahal recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel recited the AB 23
Announcement and Statement of Behavioral Standards.

Assistant City Clerk/Secretary Pimentel also noted registered Lobbyists
must identify themselves and whom they represent when speaking at a
public meeting.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Assistant City Manager Nader noted that there was no reportable
action from Closed Session on Items 1.B - 1.D.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

None.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

Vice Chair pulled Item 2.A.

**A motion was made by Boardmember Chahal, seconded by
Boardmember Hardy, to approve the balance of the Consent
Calendar (except Item 2.A).**

Aye: 7 - Boardmember Watanabe, Boardmember Chahal, Boardmember
Hardy, Boardmember Park, Vice Chair Jain, Boardmember Becker,
and Chair Gillmor

- 2.B** [22-355](#) Report from the Stadium Authority Regarding Stadium Manager's Request for Retroactive Approval for Incurred Charges Related to Silicon Valley and San Francisco Admin Awards Sponsorship and Silicon Valley Business Journal Email Blast

Recommendation: 1. Approve the Stadium Manager's retroactive request to incur \$10,000 for the Silicon Valley and San Francisco Admin Awards sponsorship and authorize staff to approve and process the reimbursement of such costs upon receiving final invoices and supporting documentation from the Stadium Manager; and
2. Approve the Stadium Manager's retroactive request to incur charges up to \$5,100 for a March 1, 2022 email blast campaign in the Silicon Valley Business Journal for Non-NFL events advertising and authorize staff to approve and process the reimbursement of such costs upon receiving final invoices and supporting documentation from the Stadium Manager.

A motion was made by Boardmember Chahal, seconded by Boardmember Hardy, to approve staff recommendation.

PUBLIC PRESENTATIONS

Sylvia Abboud expressed gratitude for the City of Santa Clara's continued support of Heart of the Valley through CBDG funds.

[22-425](#) Public Presentations Post Meeting Material

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.A** [22-937](#) Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending September 30, 2021

Recommendation: Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending September 30, 2021.

Vice Chair Jain pulled this item for further discussion.

Stadium Authority Treasurer Lee addressed Board questions.

A motion was made by Vice Chair Jain, seconded by Boardmember Becker, to note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending September 30, 2021.

Aye: 7 - Boardmember Watanabe, Boardmember Chahal, Boardmember Hardy, Boardmember Park, Vice Chair Jain, Boardmember Becker, and Chair Gillmor

SANTA CLARA STADIUM AUTHORITY PUBLIC HEARING/GENERAL BUSINESS

3. [22-303](#) Action on the Proposed Santa Clara Stadium Authority Fiscal Year 2022/23 Budget, Stadium Operation and Maintenance Plan, and 2022 Marketing Plan

Recommendation: Staff recommends Alternatives 1, 2, and 3:

1. Adopt the Santa Clara Stadium Authority Fiscal Year 2022/23 Operating, Debt Service, and Capital Budget;
2. Delegate authority to the Office of the Executive Director and Treasurer to approve budget amendments that move funds from Legal Contingency to Shared Expenses after the review of adequate documentation for costs;
3. Direct staff to explore options for a more cost-effective way to address repairs to the Naming Rights Sponsor Sign; and,
4. Note and file the 2022 Marketing Plan, authorize the Office of the Executive Director to execute an Amendment No. 1 with Stone Planning to add an additional \$10,000 and to amend the agreement's scope of work to allow the Stadium Authority to request, on a time and materials basis, 1) the Contractor and/or subcontractor's participation in meetings with Stadium Authority staff and Stadium Manager to discuss any areas of the assessment report, or 2) other work related to the assessment report, and request the Stadium Manager to return to the Board in four to six months with an updated Marketing Plan.

Stadium Authority Treasurer Lee and Assistant City Manager Shikada gave a Powerpoint presentation on the Proposed Santa Clara Stadium Authority FY 2022/23 Budget, Stadium Operation and Maintenance Plan, and 2022 Marketing Plan.

Boardmember comments and questions followed.

Stadium Authority Treasurer Lee, Chief Assistant City Attorney Reuter, and **Assistant City Manager Shikada** addressed Board questions.

Alex Acton (San Francisco 49ers Manager of Finance) gave a Powerpoint presentation.

Board comments and questions followed.

Stadium Authority Treasurer Lee and Chief City Attorney Reuter addressed **Board** questions.

Public Speaker(s): Carol

A motion was made by Vice Chair Jain, seconded by Boardmember Hardy, to adopt the Santa Clara Stadium Authority FY 2022/23 Operating, Debt Service, and Capital Budget.

Aye: 7 - Boardmember Watanabe, Boardmember Chahal, Boardmember Hardy, Boardmember Park, Vice Chair Jain, Boardmember Becker, and Chair Gillmor

A motion was made by Vice Chair Jain, seconded by Boardmember Park, to delegate authority to the Office of the Executive Director and Treasurer to approve budget amendments that move funds from the Legal Contingency to Shared Expenses after the review of adequate documentation for costs with the exception of the buffet cost (keep those in Legal Contingency) and request staff work expeditiously to release shared expenses related to compensation.

Aye: 7 - Boardmember Watanabe, Boardmember Chahal, Boardmember Hardy, Boardmember Park, Vice Chair Jain, Boardmember Becker, and Chair Gillmor

Board comments and questions followed.

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

A motion was made Vice Chair Jain, seconded by Boardmember Park, to direct staff to explore options for a more cost-effective way to address repairs to the Naming Rights Sponsor sign including the option to replace if deemed to be more cost effective and consider who is legally responsible for replacement.

Aye: 7 - Boardmember Watanabe, Boardmember Chahal, Boardmember Hardy, Boardmember Park, Vice Chair Jain, Boardmember Becker, and Chair Gillmor

Board comments followed.

A motion was made by Vice Chair Jain, seconded by Boardmember Watanabe, to note and file the 2022 Marketing Plan, authorize the Office of the Executive Director to execute an Amendment No. 1 with Stone Planning to add an additional \$10,000 and to amend the agreement's scope of work to allow the Stadium Authority to request, on a time and materials basis, 1) the Contractor and/or subcontractor's participation in meetings with Stadium Authority staff and Stadium Manager to discuss any areas of the assessment report, or 2) other work related to the assessment report, and request the Stadium Manager to return to the Board in four to six months with an updated Marketing Plan.

Aye: 3 - Boardmember Watanabe, Vice Chair Jain, and Chair Gillmor

Nay: 4 - Boardmember Chahal, Boardmember Hardy, Boardmember Park, and Boardmember Becker

Motion Fails.

A motion was then made by Boardmember Becker, seconded by Boardmember Hardy, to (1) note and file the 2022 Marketing Plan and (2) deny the authorization to the Office of the Executive Director to execute an Amendment No. 1 with Stone Planning to add an additional \$10,000 and to deny the amendment to the agreement's scope of work to allow the Stadium Authority to request, on a time and materials basis, 1) the Contractor and/or subcontractor's participation in meetings with Stadium Authority staff and Stadium Manager to discuss any areas of the assessment report, or 2) other work related to the assessment report, and request the Stadium Manager to return to the Board in four to six months with an updated Marketing Plan.

Aye: 4 - Boardmember Chahal, Boardmember Hardy, Boardmember Park, and Boardmember Becker

Nay: 3 - Boardmember Watanabe, Vice Chair Jain, and Chair Gillmor

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

None.

ADJOURNMENT

The meeting was adjourned at 10:39 PM in memory of **DeJon Packer** (San Jose Police Officer and celebrated former football player at San José State University).

A motion was made by Council/Boardmember Park, seconded by Vice Mayor/Chair Jain, to adjourn the meeting.

Aye: 7 - Council/Boardmember Watanabe, Council/Boardmember Chahal, Council/Boardmember Hardy, Council/Boardmember Park, Vice Mayor/Chair Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

[22-426](#)

Adjournment of the March 15, 2022 City Council and Stadium Authority Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday, March 22, 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.