



# City of Santa Clara

## Call and Notice of Special Meeting

### City Council

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Thursday, June 4, 2020

9:30 AM

City Hall Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

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Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, 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>

- o 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](mailto:PublicComment@santaclaraca.gov)**

As always, the public may view the meetings on [SantaClaraCA.gov](http://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.

For those individuals that do not have the above access, the City Cafeteria has been set up to accommodate up to 10 people at a time and public comment will be given from that location.

The meeting set-up is in line with the recommendations of the COVID-19 White House Task Force, which notes no more than 10 people gatherings. The Mayor will be present for the meeting with Councilmembers and department heads participating remotely. A limited number of staff will also be present.

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 June 4, 2020 at 9:30 AM 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.

**9:30 AM COUNCIL SPECIAL MEETING**

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

**CONTINUANCES/EXCEPTIONS****SPECIAL ORDER OF BUSINESS**

1.           **20-608**    [Action on a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Adopt a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services.

**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****CITY MANAGER/EXECUTIVE DIRECTOR REPORT****ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, June 9, 2020 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)

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) <<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."



## Agenda Report

20-608

Agenda Date: 6/4/2020

### REPORT TO COUNCIL

#### **SUBJECT**

Action on a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services [Council Pillar: Enhance Community Engagement and Transparency]

#### **BACKGROUND**

On May 31, 2020, the Director of Emergency Services (City Manager), proclaimed the existence of a local emergency under Section 2.140.060 of the Code of the City of Santa Clara, California ("SCCC") (Attachment 1) as a result of civil unrest following the killing of George Floyd in Minneapolis, Minnesota. This municipal code section empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity.

Any proclamation of a local emergency is subject to ratification by the City Council within seven days and allows for immunity for emergency actions; authorization of issuance of orders and regulations; activation of pre-established emergency provisions; and is a prerequisite for requesting state or federal assistance. Termination of the proclamation of local emergency when conditions warrant is required by law.

Subsequent to the proclamation of a local emergency, and based thereon, the City Manager declared a citywide curfew for the safety and welfare of all Santa Clarans (Attachment 2).

#### **DISCUSSION**

Proclaiming a local State of Emergency is a decision made with the utmost care for the safety and well-being of the residents, businesses and employees of the City of Santa Clara.

A Proclamation of Local Emergency provides the authority to:

- Provide and request mutual aid from state and other governmental agencies consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements.
- Promulgate orders and regulations and exercise emergency police powers necessary to provide for protection of life and property.
- Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use.
- Require emergency services of any City officer or employee and activate the use of disaster service workers who shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers.
- Requisition necessary personnel or material of any City department or agency.

The City Manager subsequently issued an order imposing a curfew on May 31, 2020 and was based on the rapidly changing situation and legitimate threats of looting, which required immediate action by City leadership including issuing a citywide curfew.

At the time of issuance, there was already observed looting in Santa Clara and credible intelligence of Westfield Valley Fair and Santana Row shopping districts being identified as locations of potential raids. The City received these threats of looting in Santa Clara around 6:30 p.m. and at 8:07 p.m. the Santa Clara Police Department noticed the community that a curfew would be put in place. Because San José and Santa Clara were working at our shared city borders, the City of Santa Clara aligned to the City of San Jose's curfew.

Every second counts in being able to respond effectively to emergency situations such as unlawful gatherings. A citywide curfew also allows the Police Department to preserve limited resources for responding to large-scale incidents. In this case, given that Santa Clara has many shopping districts throughout the entire city, having fewer people out at night puts fewer people at risk as the City of Santa Clara public safety resources work to preserve safety at various potential locations for looting/raids.

The curfew order was lifted by the City Manager on June 2, 2020, when it was determined that the threat of larger scale looting throughout Santa Clara could be managed through regular police authority (Attachment 3). The Proclamation of Local Emergency remains in effect as the City maintains vigilance and the ability to respond quickly to any threats to public safety.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

There is no fiscal impact to the City other than administrative staff time.

### **PUBLIC CONTACT**

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### **RECOMMENDATION**

Adopt a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services.

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Proclamation of Local Emergency by Director of Emergency Services dated May 31, 2020
2. Order Imposing Curfew
3. Order Lifting Curfew
4. Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services

*(\*MUST BE RATIFIED BY THE CITY COUNCIL WITHIN 7 DAYS OF THE PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES AND MUST BE REVIEWED AT LEAST EVERY 30 DAYS UNTIL TERMINATION PER GOV'T CODE 8630)*

NO. 20-02\*

**A PROCLAMATION OF LOCAL EMERGENCY IN THE CITY OF  
SANTA CLARA, CALIFORNIA BY THE DIRECTOR OF  
EMERGENCY SERVICES**

**BE IT PROCLAIMED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, Section 2.140.060 of "The Code of the City of Santa Clara, California" ("SCCC") empowers the Director of Emergency Services to proclaim the existence or threatened existence of a "local emergency" when the City of Santa Clara is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days; and

**WHEREAS** On May 25, 2020, George Floyd tragically died in Minneapolis, Minnesota, shortly following his arrest in which an officer of the Minneapolis Police Department kneeled on his neck to detain him during the arrest, and then did not respond to Mr. Floyd's requests for help when he stated that he could not breathe; and

**WHEREAS** On May 29, 2020 and May 30, 2020, there were peaceful protests in the City of San Jose; however, additional civil unrest, including looting and rioting, in the downtown area of San José that resulted in arrests, injuries, fires, and significant property damage; and

**WHEREAS** The San José Police Department anticipates looting and rioting to continue and to expand beyond the downtown area of San José; and

**WHEREAS** That San Jose and Santa Clara have shared city borders where both Westfield Valley Fair and Santana Row shopping districts are located and have been identified as locations of interest for protests and raids; and

**WHEREAS**, the efforts required to prepare for, respond to, mitigate, and recover from the City of Santa Clara, caused by anticipated civil unrest, commencing on or about May 31, 2020, at which time the City Council was not in session.

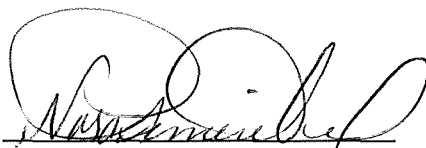
**NOW, THEREFORE, IT IS HEREBY PROCLAIMED:**

1. That the Director of Emergency Services hereby finds that conditions of extreme peril to the safety of persons and property do warrant and necessitate the proclamation of a local emergency throughout the City of Santa Clara.
2. That the Director of Emergency Services of the City of Santa Clara proclaims the existence of a local emergency within the City of Santa Clara on May 31, 2020.
3. That these conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City of Santa Clara
4. That it is therefore proclaimed and ordered that the local emergency shall be ratified by the City Council within 7 days of this proclamation, or otherwise expire, and will be reviewed at least every 30 days until termination is proclaimed by the City Council.
5. Effective date. This resolution shall become effective immediately.

Dated: May 31, 2020      Signed:   
Director of Emergency Services

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A PROCLAMATION OF EMERGENCY FOR THE CITY OF SANTA CLARA, CALIFORNIA, BY THE DIRECTOR OF EMERGENCY SERVICES ON THE 31st DAY OF MAY, 2020.

ATTEST:

  
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA



**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SANTA CLARA IMPOSING A CURFEW**

**WHEREAS**, on May 31, 2020, I proclaimed a local state of emergency within the City of Santa Clara resulting from the civil unrest following the death of George Floyd in Minneapolis, Minnesota; and

**WHEREAS**, pursuant to Section 2.140.060 of the "Code of the City of Santa Clara" I am empowered upon the proclamation of a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, under conditions of the emergency, it is deemed necessary in the interest of public safety to restrict the use of certain public areas of the City of Santa Clara; and

**WHEREAS**, life and property are deemed to be in peril and speed is of the essence;


**NOW, THEREFORE, BE IT RESOLVED**, I, Deanna J. Santana, as Director of Emergency Services, declare the following regulation: that commencing on May 31, 2020 and on each day thereafter until lifted, a curfew be in effect starting at 8:30 p.m. and ending at 5:00 a.m. on the following day, and during which no person shall be upon the public street, avenue, alley, park, or other public place or unimproved public realty within the limits of the City of Santa Clara.

This curfew shall not apply to police officers, peace officers, firefighters, or other emergency personnel or civilians engaged in police, emergency, government work, delivery services, or utility services, nor shall it apply to authorized representatives of any news service, newspaper, or radio or television station or network, nor shall it apply to individuals seeking or providing medical care or care for family members or others, or any persons experiencing homelessness.

Any violation of this Order shall be subject to criminal and civil enforcement.

**BE IT FURTHER RESOLVED** that this regulation shall remain in effect until such time as it is terminated by either the Director of Emergency Services, the City Council, or the termination of the local state of emergency resulting from the civil unrest following the death of George Floyd.

Date: May 31, 2020

Signature:   
Deanna J. Santana  
Director of Emergency Services

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES  
OF THE CITY OF SANTA CLARA LIFTING THE IMPOSITION OF CURFEW**

**WHEREAS**, on May 31, 2020, I proclaimed a local state of emergency within the City of Santa Clara resulting from the civil unrest following the death of George Floyd in Minneapolis, Minnesota; and

**WHEREAS**, pursuant to Section 2.140.060 of the "Code of the City of Santa Clara" I am empowered upon the proclamation of a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, under conditions of the emergency, it was deemed necessary in the interest of public safety to restrict the use of certain public areas of the City of Santa Clara; and


**WHEREAS**, life and property were deemed to be in peril; and

**WHEREAS**, on May 31, 2020, I declared a curfew to be in effect starting at 8:30 p.m. on May 31, 2020, and ending at 5:00 a.m. on the following day, and continuing from day to day until lifted, during which no person would be permitted upon the public street, avenue, alley, park, or other public place or unimproved public realty within the limits of the City of Santa Clara; and

**WHEREAS**, on June 2, 2020, I determined that security in the City of Santa Clara no longer requires the imposition of a City-wide curfew;

**NOW, THEREFORE, BE IT RESOLVED**, I, Deanna J. Santana, as Director of Emergency Services, hereby lift my May 31, 2020 curfew order. My declaration of a local state of emergency within the City of Santa Clara resulting from the civil unrest following the death of George Floyd in Minneapolis, Minnesota remains in effect.

Date: June 2, 2020

Signature:   
Deanna J. Santana  
Director of Emergency Services

RESOLUTION NO. \_\_\_\_\_\*

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, RATIFYING THE PROCLAMATION OF  
EXISTENCE OF A LOCAL EMERGENCY BY THE DIRECTOR  
OF EMERGENCY SERVICES**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, section 2.140.060 of “The Code of the City of Santa Clara, California” (“SCCC”) empowers the Director of Emergency Services to proclaim the existence or threatened existence of a “local emergency” when the City of Santa Clara is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days;

**WHEREAS**, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency; and

**WHEREAS**, the purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorize issuance of orders and regulations, and activate pre-established emergency provisions; and

**WHEREAS**, a local emergency proclamation is a prerequisite for requesting state or federal assistance; and

**WHEREAS**, conditions of extreme peril to the safety of persons and property have arisen within the City, based on the following, commencing on or about May 31, 2020, at which time the City Council was not in session:

1. On May 25, 2020, George Floyd tragically died in Minneapolis, Minnesota, shortly following his arrest in which an officer of the Minneapolis Police Department kneeled on his neck to detain him during the arrest, and then did not respond to Mr. Floyd’s requests for help when he stated that he could not breathe .

2. On May 29, 2020 and May 30, 2020, there were peaceful protests in the City of San Jose; however, additional civil unrest, including looting and rioting, in the downtown area of San José that resulted in arrests, injuries, fires, and significant property damage.
3. The San José Police Department anticipated looting and rioting to continue and to expand beyond the downtown area of San José.
4. San Jose and Santa Clara have shared city borders where both Westfield Valley Fair and Santana Row shopping districts are located which were both identified as locations of interest for protests and raids.
5. Some instances of looting of Santa Clara businesses did occur.
6. The civil unrest continues and may require swift response from the City for the protection of life and property.

**WHEREAS**, the Director of Emergency Services of the City of Santa Clara did proclaim the existence or threatened existence of a local emergency within the City of Santa Clara on May 31, 2020;

**WHEREAS**, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the City;

**WHEREAS**, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation;

**WHEREAS**, the associated emergency conditions are ongoing, and the emergency should not be terminated at this time.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. The Proclamation of Local Emergency, as issued by the Director of Emergency Services on May 31, 2020, is hereby ratified and confirmed.
2. The City Council has reviewed the need for continuing the proclamation of local emergency and finds based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to the civil unrest following the death of George Floyd.
3. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Santa Clara.
4. The Director of Emergency Services is hereby directed to report to the City Council at least every 30 days until termination is proclaimed by the City Council per Government Code 8630.
5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST: \_\_\_\_\_  
 NORA PIMENTEL, MMC  
 ASSISTANT CITY CLERK  
 CITY OF SANTA CLARA

Attachments incorporated by reference:  
 Proclamation of Local Emergency by Director of Emergency Services dated May 31, 2020