



# City of Santa Clara

## Call and Notice of Special Meeting

### City Council

### Santa Clara Stadium Authority

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**Tuesday, January 19, 2021**

**3:30 PM**

**Special Meeting - Virtual Meeting**

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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>

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.

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 City Council of the City of Santa Clara and the Governing Board of the Stadium Authority to commence and convene on January 19, 2021, at 3:30 pm for a Special Meeting held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

### **3:30 PM SPECIAL MEETING**

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**Roll Call**

### **CLOSED SESSION**

**Public Comment**

*The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*

1.     **21-138**     [Conference with City's Outside Counsel - Anticipated Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(2\) and \(e\)\(3\) and Section 54956.9\(d\)\(4\)](#)  
[One \(1\) item of anticipated litigation](#)
  
2.     **21-118**     [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[City of Santa Clara v. Yumori Kaku, et al., California Sixth District Court of Appeal Case No. H046105](#)
  
3.     **21-121**     [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Nevarez v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:16-CV-07013-LHK \(Continued from January 12, 2021\)](#)
  
4.     **21-84**     [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 \(consolidated under lead case 17CV304903\)](#)
  
5.     **21-85**     [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners SC Stadium Company LLC v. City of Santa Clara, Santa Clara County Superior Court Case No. 18CV326430](#)
  
6.     **21-86**     [Conference with Legal Counsel-Initiation of Litigation \(SA\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(4\)](#)  
[Number of potential cases: 1](#)  
[Lawrence E. Stone, Santa Clara County Assessor v. Santa Clara County Assessment Appeals Board No. 1, Santa Clara County Superior Court Case No. 19CV347946](#)

7.     **21-87**     [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[Santa Clara Stadium Authority v. All Persons Interested in the Matter of the validity of Santa Clara Stadium Authority's Adoption of its "Fiscal Year 2020/21 Operating, Debt Service, and Capital Budget, including Funding Shared Stadium Manager Expenses at \\$3,045,000 and a Legal Contingency at \\$9,231,000," as Santa Clara Stadium Authority's current fiscal year 2020/21 budget, Santa Clara County Superior Court Case No. 20CV366845](#)
8.     **21-119**    [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[Jesse Scott, on behalf of himself and all others similarly situated v. Santa Clara Stadium Authority and Legends Sales and Marketing LLC, Santa Clara County Superior Court Case No. 20CV368911](#)
9.     **21-120**    [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[Maranon v. Santa Clara Stadium Authority, et al., United States District Court, Northern District of California Case No. 5:15-cv-04709](#)
10.    **21-122**    [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 07/26/2019](#)
11.    **21-123**    [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS \(ref. no. 1110024318\), 06/14/2019](#)

12. 21-124 [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 11/19/2019](#)
  
13. 21-125 [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 09/22/2020](#)

**Convene to Closed Session**

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**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.]*

**ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, January 26, 2021.

## 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."

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.



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
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@SantaClaraCity

## Agenda Report

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21-138

Agenda Date: 1/19/2021

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### REPORT COUNCIL

#### SUBJECT

Conference with City's Outside Counsel - Anticipated Litigation (CC)

Pursuant to Gov. Code § 54956.9(d)(2) and (e)(3) and Section 54956.9(d)(4)

One (1) item of anticipated litigation



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## Agenda Report

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21-118

Agenda Date: 1/19/2021

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### SUBJECT

Conference with Legal Counsel-Existing Litigation (CC)

Pursuant to Gov. Code § 54956.9(d)(1)

*City of Santa Clara v. Yumori Kaku, et al.*, California Sixth District Court of Appeal Case No. H046105



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## Agenda Report

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**21-121**

**Agenda Date: 1/19/2021**

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**SUBJECT**

Conference with Legal Counsel-Existing Litigation (CC, SA)

Pursuant to Gov't Code § 54956.9(d)(1)

*Nevarez v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:16-CV-07013-LHK (Continued from January 12, 2021)





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## Agenda Report

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**21-84**

**Agenda Date: 1/19/2021**

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### **SUBJECT**

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)



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## Agenda Report

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**21-85**

**Agenda Date: 1/19/2021**

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**SUBJECT**

Conference with Legal Counsel-Existing Litigation (SA)  
Pursuant to Gov. Code § 54956.9(d)(1)

*Forty Niners SC Stadium Company LLC v. City of Santa Clara*, Santa Clara County Superior Court  
Case No. 18CV326430



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## Agenda Report

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**21-86**

**Agenda Date: 1/19/2021**

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**SUBJECT**

Conference with Legal Counsel-Initiation of Litigation (SA)

Pursuant to Gov. Code § 54956.9(d)(4)

Number of potential cases: 1

*Lawrence E. Stone, Santa Clara County Assessor v. Santa Clara County Assessment Appeals Board No. 1*, Santa Clara County Superior Court Case No. 19CV347946



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## Agenda Report

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21-87

Agenda Date: 1/19/2021

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### SUBJECT

Conference with Legal Counsel-Existing Litigation (SA)  
Pursuant to Gov. Code § 54956.9(d)(1)

*Santa Clara Stadium Authority v. All Persons Interested in the Matter of the validity of Santa Clara Stadium Authority's Adoption of its "Fiscal Year 2020/21 Operating, Debt Service, and Capital Budget, including Funding Shared Stadium Manager Expenses at \$3,045,000 and a Legal Contingency at \$9,231,000," as Santa Clara Stadium Authority's current fiscal year 2020/21 budget,* Santa Clara County Superior Court Case No. 20CV366845



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## Agenda Report

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21-119

Agenda Date: 1/19/2021

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### SUBJECT

Conference with Legal Counsel-Existing Litigation (SA)  
Pursuant to Gov. Code § 54956.9(d)(1)

*Jesse Scott, on behalf of himself and all others similarly situated v. Santa Clara Stadium Authority and Legends Sales and Marketing LLC, Santa Clara County Superior Court Case No. 20CV368911*



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## Agenda Report

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**21-120**

**Agenda Date: 1/19/2021**

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**SUBJECT**

Conference with Legal Counsel-Existing Litigation (SA)  
Pursuant to Gov. Code § 54956.9(d)(1)

*Maranon v. Santa Clara Stadium Authority, et al.*, United States District Court, Northern District of California Case No. 5:15-cv-04709



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**21-122**

**Agenda Date: 1/19/2021**

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**SUBJECT**

Conference with Legal Counsel-Existing Litigation (SA)

Pursuant to Gov't Code § 54956.9(d)(1)

*Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 07/26/2019*



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## Agenda Report

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**21-123**

**Agenda Date: 1/19/2021**

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**SUBJECT**

Conference with Legal Counsel-Existing Litigation (SA)  
Pursuant to Gov't Code § 54956.9(d)(1)

*Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS (ref. no. 1110024318), 06/14/2019*





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## Agenda Report

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**21-124**

**Agenda Date: 1/19/2021**

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**SUBJECT**

Conference with Legal Counsel-Existing Litigation (SA)  
Pursuant to Gov't Code § 54956.9(d)(1)  
*Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 11/19/2019*



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## Agenda Report

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**21-125**

**Agenda Date: 1/19/2021**

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**SUBJECT**

Conference with Legal Counsel-Existing Litigation (SA)

Pursuant to Gov't Code § 54956.9(d)(1)

*Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 09/22/2020*