Draft

City of Santa Clara

Meeting Minutes of the

Joint City Council and Authorities Concurrent &

Santa Clara Stadium Authority Board

09/03/2024 **5:00 PM** **Hybrid Meeting**
City Hall Council Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely).

• Via Zoom:

o https://santaclaraca.zoom.us/j/99706759306

Meeting ID: 997-0675-9306

o Phone 1(669) 900-6833

How to Submit Written Public Comment Before City Council Meeting:

1. Use the eComment tab located on the City Council Agenda page (https://santaclara.legistar.com/Calendar.aspx). eComments are directly sent to the iLegislate application used by City Council and staff, and become part of the public record. eComment closes 15 minutes before the start of a meeting.
2. By email to clerk@santaclaraca.gov by 12 p.m. the day of the meeting. Those emails will be forwarded to the Council and will be uploaded to the City Council Agenda as supplemental meeting material. Emails received after the 12 p.m. cutoff time up through the end of the meeting will form part of the meeting record. Please identify the Agenda Item Number in the subject line of your email.
   NOTE: Please note eComments and Emails received as public comment **will not** be read aloud during the meeting.

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All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at Sana Clara City Hall, 1500 Warburton Avenue, Santa Clara, CA 95050 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. For the final document, you many contact the Office of the City Clerk at (408) 615-2220 or Clerk@santaclaraca.gov.

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 and the Governing Board of the Stadium Authority to commence and convene on September 3, 2024, at 5:00 pm for a Special Meeting to be held virtually and 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 SPECIAL CITY COUNCIL/STADIUM AUTHORITY BOARD MEETING

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 5:05 PM.

Pledge of Allegiance and Statement of Values

Council/Board recited the pledge of allegiance. **Council/Boardmember Park** recited Statement of Values.

Roll Call

Assistant City Clerk/Secretary Pimentel noted that **Council/Boardmember Chahal** is participating remotely pursuant to the Emergency Circumstances provision of AB2449. **Council/Boardmember Chahal** stated that he needs to participate remotely due to taking care of his father.

Deputy City Clerk/Secretary Nguyen recited the AB23 announcement and Statement of Behavioral Standards.

Deputy City Clerk/Secretary Nguyen also noted that any registered Lobbyist speaking during the Public Meeting will need to identify themselves and whom they represent.

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

A motion was made by Vice Mayor/Chair Becker, seconded by Council/Boardmember Jain, to approve Council/Boardmember Chahal's remote participation.

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

GENERAL BUSINESS

1. 24-877 Action on the City Council's Response to the Santa Clara County Civil Grand Jury Report Entitled "Irreconcilable Differences: Santa Clara City Council"

Recommendation:

1. Discuss and approve a final response to the Civil Grand Jury Report entitled "Irreconcilable Differences: Santa Clara City Council" and direct the City Attorney/Authority Counsel to prepare the formal response consistent with City Council/Stadium Authority direction.
2. Authorize the Stadium Authority Chair to submit the City/Stadium Authority's response to the Civil Grand Jury Report in the form approved, subject only to finalization of response language, as directed, and any technical, conforming, non-substantive modifications approved by the City Attorney/Authority Counsel, to the Honorable Beth McGowan, Presiding Judge, Superior Court of California, County of Santa Clara, no later than September 10, 2024.

City Manager Grogan provided a Powerpoint presentation on the action on the City Council's Response to the Santa Clara County Civil Grand Jury Report Entitled "Irreconcilable Differences: Santa Clara City Council".

Council questions and comments followed regarding the process.

City Manager Grogan responded to **Council** questions.

Public Comments: Kirk Vartan
Howard Gibbins
Brian Doyle
Jeff Houston
Wanda Buck
Edward Strine
Public Speaker

City Attorney Googins and **City Manager Grogan** requested clarification on the draft response language for Finding 1a.

Council comments followed.

City Manager Grogan provided a Powerpoint presentation on the draft response for Finding 1b.

Council questions and comments followed.

City Attorney Googins and **City Manager Grogan** responded to **Council** questions.

City Manager Grogan provided a Powerpoint presentation on the draft response for Finding 1c.

Council comments followed.

City Manager Grogan provided a Powerpoint presentation on the draft response for Finding 2.

Council comments followed.

City Manager Grogan provided a Powerpoint presentation on the draft response for Finding 3.

Council comments and questions followed.

City Attorney Googins responded to **Council** questions.

City Manager Grogan provided a Powerpoint presentation on the draft response for Finding 4.

Council comments and questions followed.

City Attorney Googins and **City Manager Grogan** responded to **Council** questions.

City Manager Grogan provided a Powerpoint presentation on the draft response for Finding 6.

Council comments followed.

City Manager Grogan provided a Powerpoint presentation on the draft response for Finding 7.

Council comments followed.

City Attorney Googins provided a Powerpoint presentation on findings that require individual **Councilmembers'** response.

City Manager Grogan provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 1a.

Council comments and questions followed.

City Attorney Googins and **City Manager Grogan** responded to Council questions.

City Manager Grogan provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 1b.

Council comments followed.

City Attorney Googins provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 2a-2c.

Council questions and comments followed.

City Attorney Googins and **City Manager Grogan** responded to **Council** questions.

City Attorney Googins provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 3.

Council questions and comments followed.

City Attorney Googins responded to **Council** questions.

City Manager Grogan provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 4a.

Council comments followed.

City Attorney Googins provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 4b.

Council questions and comments followed.

City Manager Grogan responded to **Council** questions.

City Attorney Googins provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 4c.

Council questions and comments followed.

City Manager Grogan responded to **Council** questions.

City Manager Grogan provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 6.

Council questions and comments followed.

City Manager Grogan responded to **Council** questions.

City Manager Grogan provided a Powerpoint presentation on proposed responses to Grand Jury recommendation 7.

Councilmember Park, Vice Mayor Becker, and Councilmember Hardy volunteered to form a committee which would draft the resolution commending City staff to be presented at a City Council meeting no later than October.

Public Comments: Kirk Vartan
Howard Gibbins
Brian Doyle
Eric Jensen
Public Speaker
Wanda Buck

Mayor Gillmor called for a recess at 8:30 PM and reconvened the meeting at 8:49 PM.

City Attorney Googins provided a summary of the Council's discussion on Findings 6 and 7.

A motion was made by Vice Mayor Becker, seconded by Councilmember Chahal, to approve the draft staff responses for Findings 6 and 7.

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

City Attorney Googins summarized the Council discussion on Findings 1c, 2, 3, and 4.

A motion was made by Councilmember Hardy, seconded by Councilmember Jain, to approve the revised draft response for Findings 1c, 2, 3, and 4, with a change in language from "appropriate" to "desirable".

Aye: 5 - Councilmember Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, and Vice Mayor Becker

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

City Attorney Googins summarized the Council discussion on Finding 1a.

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to approve the revised draft response for Findings 1a.

Aye: 5 - Councilmember Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, and Vice Mayor Becker

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

City Attorney Googins summarized the Council discussion on Finding 1b.

A motion was made by Councilmember Hardy, seconded by Councilmember Jain, to approve the revised draft response for Finding 1b with a change in language from "appropriate" to "desirable".

Aye: 5 - Councilmember Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, and Vice Mayor Becker

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

City Attorney Googins summarized the Council discussion on Recommendations 1a, 3, 4a, 4b, 6, and 7.

A motion was made by Vice Mayor Becker, seconded by Councilmember Hardy, to approve the revised draft responses for Recommendations 1a, 3, 4a, 4b, 6, and 7, and direct the City Manager to report back to Council on staff survey results.

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

City Attorney Googins summarized the Council discussion on Recommendations 1b, 2a, 2b, 2c, 4c.

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to approve revised draft responses for Recommendations 1b, 2a, 2b, 2c, and 4c.

Aye: 5 - Councilmember Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, and Vice Mayor Becker

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

City Attorney Googins gave a Powerpoint presentation on authorizing the Mayor/Chair to submit the City's response to the Civil Grand Jury Report.

Council comments followed.

A motion was made by Vice Mayor Becker, seconded by Councilmember Hardy, to authorize the Mayor to submit the City's response to the Civil Grand Jury Report in the form approved, subject only to finalization of response language, as directed, and any technical, conforming, non-substantive modifications approved by the City Attorney, to the Honorable Beth McGowan, Presiding Judge, Superior Court of California, County of Santa Clara, no later than September 10, 2024.

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

2. 24-878 Action on a Response to the Santa Clara County Civil Grand Jury Report Entitled "Outplayed: Measure J, the City of Santa Clara, and the San Francisco 49ers"

Recommendation:

1. Discuss and approve a final response to the Civil Grand Jury Report entitled "Outplayed: Measure J, the City of Santa Clara, and the San Francisco 49ers" and direct the City Attorney/Authority Counsel to prepare the formal response consistent with City Council/Stadium Authority direction.
2. Authorize the Stadium Authority Chair to submit the City/Stadium Authority's response to the Civil Grand Jury Report in the form approved, subject only to finalization of response language, as directed, and any technical, conforming, non-substantive modifications approved by the City Attorney/Authority Counsel, to the Honorable Beth McGowan, Presiding Judge, Superior Court of California, County of Santa Clara, no later than September 11, 2024.

Mayor/Chair Gillmor noted that this item will be continued to the September 4, 2024 Special Joint City Council and Authorities Concurrent and Santa Clara Stadium Authority Board Meeting.

ADJOURNMENT

The meeting was adjourned at 9:42 PM.

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

Aye: 6 - Council/Boardmember Watanabe, Council/Boardmember Chahal, Council/Boardmember Hardy, Council/Boardmember Jain, Vice Mayor/Chair Becker, and Mayor/Chair Gillmor

Nay: 1 - Council/Boardmember Park

The next scheduled special meeting is on Wednesday, September 4, 2024 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.

STREAMING SERVICES: 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.

Note: The public cannot participate in the meeting through these livestreaming methods; livestreaming capabilities may be disrupted at times, viewers may always view and participate in meetings in-person and via Zoom as noted on the agenda.

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.