



# City of Santa Clara

## Minutes

### Call and Notice of Special Meetings

### City Council and Santa Clara Stadium Authority



Draft

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12/19/2023

5:00 PM

Hybrid Meeting  
City Hall Council Chambers/Virtual  
1500 Warburton Avenue  
Santa Clara, CA 95050

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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://santaclaraca.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](mailto: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.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://santaclaraca.legistar.com/Calendar.aspx>

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 Santa 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 may contact the Office of the City Clerk at (408) 615-2220 or [Clerk@santaclaraca.gov](mailto: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/Chair calls for a Special Meeting of the City Council of the City of Santa Clara, the Governing Board of the Stadium Authority, to commence and convene on December 19, 2023, 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.

**Closed Session - 5:00 PM | Special Meeting - 7:00 PM**

**5:00 PM CLOSED SESSION**

**Call to Order in the Council Chambers**

**Mayor/Chair Gillmor** called the meeting to order at 5:06 p.m.

**Roll Call**

**Present:** 6 - Council/Boardmember Kathy Watanabe, Council/Boardmember Raj Chahal, Council/Boardmember Karen Hardy, Vice Mayor/Chair Kevin Park, Council/Boardmember Suds Jain, and Mayor/Chair Lisa M. Gillmor

**Excused:** 1 - Council/Boardmember Anthony Becker

**A motion was made by Council/Boardmember Hardy, seconded by Council/Boardmember Jain, to excuse the absence of Council/Boardmember Becker.**

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

**Absent:** 1 - Council/Boardmember Becker

**1.A**     [23-1508](#)     Conference with Legal Counsel-Existing Litigation (CC, SA)  
Pursuant to Gov. Code § 54956.9(d)(1)

Forty Niners SC Stadium Company LLC v. Santa Clara Stadium Authority,  
JAMS Consolidated Case No. 1110024318

- 1.B**     [23-1700](#)     Conference with Legal Counsel-Anticipated Litigation (CC)  
Pursuant to Gov. Code § 54956.9(e)(5) - Exposure to litigation

Number of potential cases: 1

Facts and Circumstances:

Letter dated December 13, 2023 from the Sutton Law Firm Re: Proposed Charter Amendment to Make the Chief of Police Position Appointed by the City Manager - Demand That the City Stipulate to a Judgment Amending the Ballot Question

(Letter Attached)

**Public Comment**

eComments:  
Buscher Alum  
Brian Darby

**Convene to Closed Session (Council Conference Room)**

**Mayor/Chair Gillmor** convened the meeting to Closed Session at 5:08 p.m.

**7:00 PM SPECIAL COUNCIL MEETING**

**Call to Order in the Council Chambers**

**Mayor/Chair Gillmor** called the meeting to order at 7:05 p.m.

**Pledge of Allegiance and Statement of Values**

**Council/Board** recited the Pledge of Allegiance.

**Council/Boardmember Jain** recited the Statement of Values.

**Assistant City Clerk/Secretary Pimentel** recited the AB23 announcement and Statement of Behavioral Standards.

**Assistant City Clerk/Secretary Pimentel** also noted that any registered Lobbyist speaking during Public Meeting will need to identify themselves and who they represent.

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

**City Attorney Googins** reported that on December 15, 2023, **Council** met in Closed Session regarding a writ that was filed to change the language for the Police Chief ballot measure on the March 5, 2024 Primary Election and stated that **Council** denied the petitioner's demand to change the ballot language and directed the **City Attorney** to defend the current ballot language regarding the Police Chief ballot measure.

**City Attorney/Legal Googins** stated there was no reportable action on Item 1.A on tonight's agenda and that **Council** did not discuss Item 1.B.

**Vice Mayor Park** requested to have Item 4 and Item 5 combined and heard as one item.

**CONSENT CALENDAR**

**Council/Boardmember Jain** pulled Item 2 from the Consent Calendar.

2. [23-1543](#) Authorize the City Manager to execute Side Letter Agreements between the City of Santa Clara and Engineers of the City of Santa Clara, City of Santa Clara Employees' Association, American Federation of State, County and Municipal Employees, Local 101, Unclassified Police Management Association, Unclassified Fire Management Employees, and Public Safety Non-Sworn Employees Association that provides pay at the double time rate for employees that are required to work at the Levi's Stadium on December 25, 2023, and approve the double time rate of pay for As-Needed employees (excluding Retired Annuitants) that are scheduled to work at the Levi's Stadium on December 25, 2023

**Recommendation:** Authorize the City Manager to execute Side Letter Agreements between the City of Santa Clara and Engineers of the City of Santa Clara, City of Santa Clara Employees' Association, American Federation of State, County and Municipal Employees, Local 101, Unclassified Police Management Association, Unclassified Fire Management Employees, and Public Safety Non-Sworn Employees Association that provides pay at the double time rate for employees that are required to work at the Levi's Stadium on December 25, 2023, and approve the double time rate of pay for As-Needed employees (excluding Retired Annuitants) that are scheduled to work at the Levi's Stadium on December 25, 2023

**City Manager Grogan** provided a verbal report on this item

**Council** questions followed.

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

Public Comment:

Charlie Gray  
Public Speaker

**A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to authorize the City Manager to execute Side Letter Agreements between the City of Santa Clara and Engineers of the City of Santa Clara, City of Santa Clara Employees' Association, American Federation of State, County and Municipal Employees, Local 101, Unclassified Police Management Association, Unclassified Fire Management Employees, and Public Safety Non-Sworn Employees Association that provides pay at the double time rate for employees that are required to work at the Levi's Stadium on December 25, 2023, and approve the double time rate of pay for As-Needed employees (excluding Retired Annuitants) that are scheduled to work at the Levi's Stadium on December 25, 2023 and directed staff to negotiate with the 49ers to pay the overtime threshold.**

**Aye:** 6 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, and Mayor Gillmor

**Absent:** 1 - Councilmember Becker

**PUBLIC HEARING/GENERAL BUSINESS**

3. [23-585](#) Public Hearing: Actions on the Zoning Code Update Including: Adoption of an Addendum to the City's General Plan EIR for the Zoning Code Update; Adoption of a Resolution for General Plan Text Amendments Related to the Zoning Code Update, Including the Removal of Manufacturing Limitations in the Low- and High-Intensity Office/R+D General Plan Designations, Allowing Medical Uses in the High-Intensity Office/R+D Designation, and Clarifying the Definition of Floor Area Ratio; and Waive First Reading and Introduce an Ordinance Amending Title 18 of the Santa Clara City Code Including Changes Recommended by the Planning Commission

**Recommendation:**

1. Adopt an addendum to the City's General Plan EIR for the Zoning Code Update.
2. Adopt a Resolution for General Plan Text Amendments related to the Zoning Code Update, including the removal of manufacturing limitations in the Low- and High-Intensity Office/R+D General Plan designations; allowing medical uses in the High-Intensity Office/R+D designation; and clarifying the definition of Floor Area Ratio.
3. Waive first reading and Introduce the Ordinance amending Title 18 of the Santa Clara City Code to implement the Zoning Code Update including changes as recommended by the Planning Commission. Direct staff to implement Articles 1 and 3-8 of the Zoning Code Update along with the single family provisions in Article 2, with the exception of Short-term Rental Regulations, Section 18.60.250 which is deferred for nine (9) months to develop a monitoring and compliance program.

**City Manager Grogan** provided opening remarks.

**Community Development Director Crabtree** gave a PowerPoint presentation on the zoning code update.

**Council** comments and questions followed.

Public Comment:  
Keith Keneko  
Brian Darby

**Mayor Gillmor** called a meeting recess at 8:23 p.m. to allow staff time to respond to questions and reconvened the meeting at 8:31 p.m.

**Community Development Director Crabtree** responded to **Council** questions.

**A motion was made by Councilmember Chahal, seconded by Councilmember Jain, to close the Public Hearing.**

**Aye:** 6 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, and Mayor Gillmor

**Absent:** 1 - Councilmember Becker

**A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to adopt Resolution 23-9297 as an addendum to the City's General Plan EIR for the Zoning Code Update; adopt Resolution 23-9298 for General Plan Text Amendments related to the Zoning Code Update, including the removal of manufacturing limitations in the Low- and High-Intensity Office/R+D General Plan designations; allowing medical uses in the High-Intensity Office/R+D designation; and clarifying the definition of Floor Area Ratio; to waive first reading and introduce the Ordinance amending Title 18 of the Santa Clara City Code to implement the Zoning Code Update including changes as recommended by the Planning Commission; direct staff to implement Articles 1 and 3-8 of the Zoning Code Update along with the single family provisions in Article 2, with the exception of Short-term Rental Regulations, Section 18.60.250 which is deferred for nine (9) months to develop a monitoring and compliance program; and to include amendments to delete section 12 and change section 11 as noted by the Attorney Abbe.**

**Aye:** 6 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, and Mayor Gillmor

**Absent:** 1 - Councilmember Becker

4. [23-1474](#) Adopt a Resolution in Support of United Against Hate in the City of Santa Clara

**Recommendation:** Adopt a Resolution in Support of United Against Hate in the City of Santa Clara

**Mayor Gillmor** noted that the Item 4 and Item 5 will be discussed together as one item.



5. [23-1701](#) Action on a Council Written Request (Council Policy 030) Submitted by Vice Mayor Park Requesting to Place an Agenda Item at a Future Council Meeting to Consider a Resolution Addressing the Concerns Brought by Constituents at the December 12, 2023 Regular Council Meeting

**Recommendation:** Staff makes no recommendation.

**Vice Mayor Park** explained his request for Council Policy 030 Written Petition requesting to place an agenda item at a future meeting to consider a resolution addressing the concerns brought by constituents at the December 12, 2023 Regular Council meeting.

4. [23-1474](#) Adopt a Resolution in Support of United Against Hate in the City of Santa Clara

**Recommendation:** Adopt a Resolution in Support of United Against Hate in the City of Santa Clara

**City Manager Grogan** spoke about United Against Hate campaign and shared a video.

**Jaqueline McCormick**, Co-Chair of United Against Hate, provided brief remarks.

**City Manager Grogan** gave a PowerPoint presentation on the proposed resolution in support of United Against Hate campaign in the City of Santa Clara.

**Council** questions and comments followed.

**Mayor Gillmor** stated Public Comment will be taken for Item 4 and Item #5 and time is limited to one minute per speaker. She also announced that ceding time to another speaker is not allowed and that Public Comment will conclude after two hours.

Public Comment:

Yevgeni Litvin  
Jessica Blitchok  
Maya Kochnia  
Amad Camara  
Habibah  
Yael Levy  
Kamal  
Gilli Yahalon  
Laksh Bhasin  
Jenny Shalev  
Salman Qadri  
Yigal Blum  
Rami Asia  
Melinda Berlant  
Sameena Usman  
Ronen  
Sadiq Noori  
Yigal Rosenberg  
Yazan Maswadeh  
Rabia Awais  
Neil  
Marwan

Ivan  
Nawal Paymoun  
Revital Meron  
Natasha Kehimkar  
Jodi Muirhead  
Yifah Yaron  
Rachel Batish  
Moaid  
Ala-Addin Nabulsi  
Diane Fisher  
Avi Urban  
Noman Husainie  
Rami A  
Nala  
Patel A  
Shafquat Saleem  
Abdullah  
Maria L. Cortes Valle  
Peter O'Reilly  
Wendy Greenfield  
Yousef Al-Shehabi  
Tahir Pervaiz  
Fadi Al-Jadaa  
Abdullah Al-Shehabi  
Donaid Algutieschat  
Ruth Silver Taube  
Karem Elsayed  
Omar Elraey  
Mohammad Al-Shehabi  
Amir Mosa  
Ahmed Nabulsi  
Tarek Mourad  
Malika Khan  
Nihad Mourad  
Fatima Abdel-Wahab  
Azzam Syakib  
Haseeb Sadat  
Yusuf Kurniawan  
Rashid Kaddoura  
Ros Yuliane  
Emma Brill  
Ruki Rawshdeh  
Yusser Al-Qazwini  
Zaineb Olsen  
Alaa T

Samer Darwish  
Ahmed Awad  
Hannan E.  
Dorah Rosen  
Nadine  
Donna Wallach  
Donna M  
Maram C  
Ibrahim C  
Mohammed C  
Hadley Johanson  
Muhammad Yousuf  
Rami Sultan  
Suf  
Farah Al-Dhafer  
Majed Alayleh  
Mariam  
Arik  
Mayrav  
Mohammad Adel  
Shun Su  
Miriam Saddiq  
Ayat Hatem  
Salma  
Miral Maamoun  
Nabilali  
Sadiya Shamin

eComments:  
Howard Solovei  
Dorit Kerem  
Ido Josef  
Mia Shani  
Rami Darghous  
Margaret Darghous  
Abdulaziz Idris  
Humayun Sohel  
Crystal Garcia  
Ismar Kadric  
Tamar Paz  
Razan Breiwish  
Abby Hafaz  
AJ Khan  
Mohammed Essa  
Ahmad M

Mohamed Morsy  
Jane Faerhstein  
Ro Ka  
Abdallah Amg  
Rafiq S  
Ihsan Iman  
Siema Zia

**Mayor Gillmor** called for a meeting recess at 11:40 p.m. and reconvened the meeting at 11:53 p.m.

5. [23-1701](#) Action on a Council Written Request (Council Policy 030) Submitted by Vice Mayor Park Requesting to Place an Agenda Item at a Future Council Meeting to Consider a Resolution Addressing the Concerns Brought by Constituents at the December 12, 2023 Regular Council Meeting

**Recommendation:** Staff makes no recommendation.

**A motion was made by Vice Mayor Park, seconded by Councilmember Chahal, to put this Written Petition Request on a future Council agenda.**

**Aye:** 2 - Councilmember Chahal, and Vice Mayor Park

**Nay:** 4 - Councilmember Watanabe, Councilmember Hardy, Councilmember Jain, and Mayor Gillmor

**Excused:** 1 - Councilmember Becker

**Council** comments followed.

**A motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to adopt Resolution 23-9299 in support of United Against Hate in the City of Santa Clara and accept staff's revision to remove "anti-Palestine" from the Resolution.**

**Aye:** 6 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, and Mayor Gillmor

**Absent:** 1 - Councilmember Becker

**A motion was made by Vice Mayor Park, seconded by Councilmember Chahal, to direct staff to return to a future meeting with a resolution that the Council can support.**

**Aye:** 4 - Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, and Councilmember Jain

**Nay:** 2 - Councilmember Watanabe, and Mayor Gillmor

**Absent:** 1 - Councilmember Becker

**REPORTS OF MEMBERS, SPECIAL COMMITTEES AND COUNCILMEMBER 030  
REQUESTS**

There were no reports.

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

City Manager/Executive Director Grogan stated there was no report.

**ADJOURNMENT**

**A motion was made by Council/Boardmember Hardy, seconded by Council/Boardmember Watanabe, to adjourn the meeting at 12:45 a.m. on December 13, 2023.**

**Aye:** 5 - Council/Boardmember Watanabe, Council/Boardmember Chahal, Council/Boardmember Hardy, Council/Boardmember Jain, and Mayor/Chair Gillmor

**Nay:** 1 - Vice Mayor/Chair Park

**Absent:** 1 - Council/Boardmember Becker

**The next regular scheduled meeting is on Tuesday, January 9, 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](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.

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) <<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.

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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.