



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, September 11, 2018

6:00 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meetings: Study Session - 6 P.M. | Regular Meeting - 7 P.M.

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

1. Call to Order in the West Conference Room (Open to the Public)

Vice Mayor Klein called the meeting to order at 6:05 p.m.

2. Roll Call

Present: 7 - Mayor Glenn Hendricks
Vice Mayor Larry Klein
Councilmember Jim Griffith
Councilmember Gustav Larsson
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

3. Public Comment

4. Study Session

[18-0774](#) Review of the Civic Center Master Plan Final Environmental
Impact Report

5. Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:43 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendricks lead the Salute to the Flag.

ROLL CALL

Present: 7 - Mayor Glenn Hendricks
Vice Mayor Larry Klein
Councilmember Jim Griffith
Councilmember Gustav Larsson
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

SPECIAL ORDER OF THE DAY

[18-0766](#) National Suicide Prevention Awareness Month

Mayor Hendricks presented a proclamation for National Suicide Prevention Month.

[18-0789](#) Emergency Preparedness Month

Mayor Hendricks presented a proclamation for Emergency Preparedness Month.

ORAL COMMUNICATIONS

Councilmember Larsson announced the upcoming Sunnyvale Technology Business Expo vent.

Richard Mehlinger announced the founding of a new organization, Fabulous Sunnyvale, an organization for the LGBTQ community.

Josh Grossman shared comments regarding the state of Sunnyvale, political action committees, and developers.

CONSENT CALENDAR

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve the Consent Calendar.

The motion carried by the following vote: 7 – 0

Yes: 7 - Mayor Glenn Hendricks
Councilmember Larry Klein
Councilmember Jim Griffith
Councilmember Gustav Larsson
Councilmember Nancy Smith

Councilmember Russ Melton
Councilmember Michael S. Goldman

No: 0

1.A [18-0718](#) Approve City Council Meeting Minutes of August 28, 2018
Approve the City Council Meeting Minutes of August 28, 2018, as submitted.

1.B [17-1119](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager
Approve the list(s) of claims and bills.

1.C [18-0682](#) Receive and File the City of Sunnyvale Investment Report -
Second Quarter 2018
Receive and file the City of Sunnyvale FY 2017/18 - Second Quarter 2018 (Period
13) Investment Report.

1.D [18-0763](#) Consider an Extension of the Exclusive Negotiating Agreement
(ENA) with The Related Companies of California, LLC for
Development of Affordable Housing on City Property Located
at 441-499 W. Iowa Avenue (APNs 165-130-74, 165-130-46,
165-130-68, 165-130-45, 165-130-73, and 165-130-69 - Also
Known as Block 15)

Authorize the extension of Exclusive Negotiating Agreement with The Related
Companies of California, LLC for the development of the affordable housing project
on Block 15 for a period of two (2) months; and authorize the City Manager to sign
the extension letter in substantially the same form as Attachment 1 to the report.

1.E [18-0794](#) Adopt Ordinance No. 3136-18 Amending the Precise Zoning
Plan, Zoning Districts Map, to rezone certain properties
located at 932 Eleanor Way and 1358 Hampton Drive from R-1
(Low Density Residential) to R-0 (Low Density Residential)

Adopt Ordinance No. 3136-18

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-0624](#) Approve City's Response to the 2017-2018 Santa Clara
County Civil Grand Jury Report Titled, "Affordable Housing

Crisis: Density is our Destiny”.

Community Economic Development Director Trudi Ryan provided the staff report.

Public Hearing opened at 7:24 p.m.

Richard Mehlinger provided comments regarding the lack of affordable housing in Sunnyvale.

John Cordes provided comments regarding the growth of jobs exceeding the housing supply and urged the Council to do more to provide more affordable housing in Sunnyvale.

Mason Fong, chair of the Sunnyvale Library Board of Trustees, suggested that the Council notify the press that Sunnyvale is leading the way in addressing housing. He also urged the City, in regards to response to Alternative 5, when working with the consultant to focus on the cost of development, where development is most feasible, how the cost of development relates to urban village, and City staff capacity to help expedite housing in Sunnyvale.

Public Hearing closed at 7:30 p.m.

MOTION: Councilmember Goldman moved to have the following language added to the second paragraph of the City’s response letter to the Grand Jury Report: “The City of Sunnyvale wants to note that we respect the opinions of those on all sides of any housing issues that come before Sunnyvale.” The motion died for a lack of second.

MOTION: Councilmember Griffith moved to have the following language added on the City’s response letter to the Grand Jury Report for Findings 3c on page 9: “We agree in principal as per 3a; however, the Grand Jury should take note of the fact that in the north county there are no instances of low cost cities adjacent to high cost cities.” The motion died for a lack of second.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to modify the language on the City’s response letter to the Grand Jury Report for Findings 3a on page 10: to change “not reasonable” to “does not correspond with the Cities Association’s schedule for forming a sub-region which is based on the scheduled re-allocation of RHNA numbers in 2022.”

The motion failed by the following vote:

Yes: 3 - Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson

No: 4 - Mayor Hendricks
Councilmember Smith
Councilmember Melton
Councilmember Goldman

MOTION: Councilmember Smith moved and Councilmember Klein seconded the motion to insert the word "alone" to the language on the third paragraph on page 1 of City's response letter to the Grand Jury Report for Findings to read: "The City of Sunnyvale has long recognized that housing and transportation are regional issues that cannot be addressed by one community alone...".

The motion failed by the following vote:

Yes: 3 - Vice Mayor Klein
Councilmember Larsson
Councilmember Smith

No: 4 - Mayor Hendricks
Councilmember Griffith
Councilmember Melton
Councilmember Goldman

MOTION: Councilmember Melton moved and Councilmember Klein seconded the motion to approve Alternative 1: Approve the City's response to the 2017-2018 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and authorize the Mayor to make any minor editorial changes as needed and authorize the Mayor to sign the response.

The motion carried with the following vote:

Yes: 7 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

3. [18-0717](#) Introduce an Ordinance to Amend Section 3.80.040 of Sunnyvale’s Minimum Wage Ordinance to Delay Future Consumer Price Index (CPI) Adjustments from January 1, 2019 to January 1, 2020, and Limit Future CPI Increases to a Maximum of Five (5) Percent

Economic Development Manager Connie Vercales provided the staff report.

Public Hearing opened at 8:00 p.m.

The following people spoke in support of approving Alternative 1: Introduce an Ordinance to Amend Section 3.80.040 of Sunnyvale’s Minimum Wage Ordinance to delay future CPI adjustments from January 1, 2019 to January 1, 2020, and limit future CPI increases to a maximum of five (5) percent:

Irene Murphy
Joe Antuzzi
Emad Ibrahim
Amit Rajgaohia
Mike Johnson
Julia Blum
Peter Cirigliano
Don Eagleston
Julian Rios

The following people spoke in support of approving Alternative 2: Do not approve the ordinance amendment:

Richard Mehlinger
Josh Grossman
Sue Serrone

Maria Hamilton
Joan Coston
John Cordes
Louise Auerhahn
David Wessel
Edith Alanis
Elizabeth Lindkurst
Margaret Okuzumi
Brian Parkman
Krishna Raghunath
Henry Alexander III
Mark Mollineaux
Juan Salcedo
Sara Rawland

Mason Fong spoke in favor of Alternative 3 Other Council Direction.

Johannes Munzel stated that the City Council is asking the wrong question and should be looking at giving residents a living wage or lowering the cost to live in Sunnyvale.

Steve Scandalis expressed disappointment in the process how this item was brought to the City Council meeting.

Jim Davis provided comments about the cost of living in Sunnyvale.

Ed Fung stated that raising the minimum wage affects businesses and hurts the workers the most when the business shuts down.

Public Hearing closed at 9:18 p.m.

MOTION: Councilmember Melton moved and Councilmember Smith seconded the motion to approve Alternative 2: Do not approve the ordinance amendment.

The motion carried by the following vote:

- Yes: 6 -** Mayor Hendricks
Vice Mayor Klein
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman
- No: 1 -** Councilmember Griffith

MOTION: Mayor Hendricks moved and Councilmember Melton seconded the motion to direct staff to agendize an ordinance to cap the annual CIP increase for minimum wage at 5%.

The motion carried by the following vote:

- Yes: 7 -** Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman
- No: 0**

The Council recessed at 10:04 p.m. and reconvened at 10:15 p.m. with all Councilmembers present.

4. [18-0677](#) File #: 2017-7379
Location: 311 South Mathilda Avenue (APN: 165-13-050)
Proposed Project: Appeal by the Residents of Charles Street 300/400 Block of a decision by the Planning Commission to conditionally approve:
SPECIAL DEVELOPMENT PERMIT to redevelop a commercial site (Denny's) into a five-story mixed-use building consisting of 4,860 square feet of restaurant floor area (Denny's) and 75 residential units (rental apartments) utilizing the State Density Bonus and City's Green Building Incentive for density bonus.

VESTING TENTATIVE MAP to create 75 residential condominium units and 1 commercial condominium unit.
Zoning: DSP15 - Downtown Specific Plan Block 15
Applicant / Owner: Lane Partners (applicant) / C B Development 5no Five Inc (owner)
Environmental Review: Mitigated Negative Declaration
Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

Assistant Director of Community Development Andy Miner provided the staff report.

Public Hearing opened at 10:56 p.m.

Appellants Steve Caroompas and Uday Vallamsetty presented a report and slide presentation.

Applicants Henry LiChi of Studio T Square, Inc., and Peter Beritzhoff of Bay West Development comments to the appellant.

Richard Mehlinger commended the appellant and the developer for working together and provided comments about traffic issues.

Cindy Chock thanked the appellant, developer, and the City for working together and urged the City Council to consider what the residents of 300 block are saying.

Jason Lopez stated he supported the project, provided comments regarding traffic issues of traffic, and urged staff to conduct a traffic calming analysis.

Nicolas Calvo provided comments regarding traffic and safety.

Representatives for the Appellants Steve Caroompas and Uday Vallamsetty provided closing arguments.

Applicant Peter Beritzhoff of Bay West Development provided closing arguments.

Public Hearing closed at 11:53 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve Alternative 1: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration, and affirm

the approval of the Special Development Permit and Vesting Tentative Map subject to the revised recommended conditions of approval in Attachment 4, with the two additions: evaluate the street lamp implementation and spacing along Charles Street and McKinley Avenue and enhance the stoops for the front design along Charles Street to be reviewed by the Director of Community Development.

AMENDMENT: Mayor Hendricks moved a formal amendment to state that the stoop does not have steps to the sidewalk. Councilmember Smith seconded the motion.

The motion to amend failed by the following vote:

- Yes:** 2 - Mayor Hendricks
Councilmember Smith
- No:** 5 - Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Melton
Councilmember Goldman

The motion carried by the following vote:

- Yes:** 6 - Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman
- No:** 1 - Mayor Hendricks

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to continue with Agenda Item 5 in accordance with Council Policy 7.3.19.

Yes: 7 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

5. [18-0630](#) Adopt a Resolution Appointing the Bay Area Water Supply & Conservation Agency as the City’s Authorized Representative to Negotiate Amendments to the 2009 Water Supply Agreement with San Francisco Public Utilities Commission

Director of Environmental Services Ramana Chinnakotla provided the staff report.

Public Hearing opened at 12:28 a.m.

No public comment.

Public Hearing closed at 12:28 a.m.

MOTION: Councilmember Larsson moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Adopt the Resolution appointing the Bay Area Water Supply & Conservation Agency (BAWSCA) as the City's authorized representative to negotiate amendments to the 2009 Water Supply Agreement with the SFPUC.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to move forward with Agenda Item 6 in accordance with Council Policy 7.3.19.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

6. [18-0705](#) Approve City Position on Proposed League of California Cities' 2018 Annual Conference Resolutions

Assistant Teri Silva provided the staff report.

Public Hearing opened at 12:32 a.m.

The following people spoke in opposition of Resolution #1 - Local Municipal Authority, Control, and Revenue:

Richard Mehlinger, on behalf of Liveable Sunnyvale Steering Committee
Martin Pyne
Mark Mollineaux

Steve Scandalis spoke in support of local control. He also provided comments regarding the handling of the agenda items so late after 11:00 p.m.

Public Hearing closed at 12:41 am.

MOTION: Councilmember Larsson moved and Councilmember Griffith seconded the motion to oppose Resolution #1 - Local Municipal Authority, Control, and Revenue authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted position.

The motion carried by the following vote:

- Yes: 5 -** Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Melton
- No: 2 -** Councilmember Smith
Councilmember Goldman

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to take a take no position for the proposed Resolution #2 - Repeal Preemption of Regulating Pesticides, and authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted position.

The motion carried by the following vote:

- Yes: 7 -** Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman
- No: 0**

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 12:57 a.m.