



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, December 5, 2023

5:30 PM

Online and Council Chambers, City Hall,  
456 W. Olive Ave., Sunnyvale, CA 94086

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**Special Meeting: Closed Session - 5:30 PM | Special Meeting: Study Session - 6 PM |  
Regular Meeting - 7 PM**

### **5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

#### **Call to Order**

Mayor Klein called the meeting to order at 5:42 p.m.

#### **Roll Call**

**Present:** 6 - Mayor Larry Klein  
Councilmember Russ Melton  
Councilmember Alysa Cisneros  
Councilmember Richard Mehlinger  
Councilmember Murali Srinivasan  
Councilmember Linda Sell  
**Absent:** 1 - Vice Mayor Omar Din

#### **Public Comment**

Public Comment opened at 5:44 p.m.

Due to technical difficulties, remote public comment was not opened until after Council returned from meeting in Closed Session.

Public Comment closed at 5:44 p.m.

#### **Convene to Closed Session**

Council convened to Closed Session in the Council Conference Room at 5:45 p.m.

**A**      [23-0790](#)      Closed Session Held Pursuant to California Government Code  
Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency Designated Representatives: City Council Salary  
Subcommittee on City Manager Compensation

Members: Larry Klein, Omar Din, and Russ Melton  
Unrepresented Employee: City Manager

#### Remote Public Comment

Remote Public Comment opened at 6:13 p.m.

No speakers.

Remote Public Comment closed at 6:13 p.m.

#### Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:14 p.m.

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

#### Call to Order

Mayor Klein called the meeting to order at 6:15 p.m.

#### Roll Call

**Present:** 6 - Mayor Larry Klein  
Councilmember Russ Melton  
Councilmember Alysa Cisneros  
Councilmember Richard Mehlinger  
Councilmember Murali Srinivasan  
Councilmember Linda Sell  
**Absent:** 1 - Vice Mayor Omar Din

#### Study Session

**B**      [23-0173](#)      Discussion of Upcoming Selection of Vice Mayor

City Clerk David Carnahan provided the staff report.

Councilmembers Melton and Srinivasan expressed interest in becoming the Vice Mayor for 2024.

Public Comment opened at 6:21 p.m.

No speakers.

Public Comment closed at 6:21 p.m.

**C**      [23-0174](#)      Discussion of 2024 Council Intergovernmental Assignments

The Council discussed their interest in 2024 Council Intergovernmental Assignments.

Public Comment opened at 6:25 p.m.

No speakers.

Public Comment closed at 6:25 p.m.

### **Adjourn Special Meeting**

Mayor Klein adjourned the meeting at 6:57 p.m.

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Mayor Klein called the meeting to order at 7:05 p.m.

#### **SALUTE TO THE FLAG**

Mayor Klein led the salute to the United States flag.

#### **ROLL CALL**

**Present:** 6 - Mayor Larry Klein  
Councilmember Russ Melton  
Councilmember Alysa Cisneros  
Councilmember Richard Mehlinger  
Councilmember Murali Srinivasan  
Councilmember Linda Sell

**Absent:** 1 - Vice Mayor Omar Din

#### **CLOSED SESSION REPORT**

Mayor Klein reported that met in Closed Session held Pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency Designated Representatives: City Council Salary Subcommittee on City Manager Compensation Members: Larry Klein, Omar Din, and Russ Melton Unrepresented Employee: City Manager; nothing to report.

#### **ORAL COMMUNICATIONS**

Councilmember Sell announced the minimum wage increase in Sunnyvale for the year 2024.

Ori Shavev voiced their safety concerns for the Jewish community in Sunnyvale.

Oded Shekel communicated their safety concerns for the Jewish community in Sunnyvale.

Yaron Sherel shared their safety concerns as a Jewish person living in Sunnyvale.

Guv Kubouitch and Shafath Syed both shared their concerns with the rise of antisemitism and islamophobia in Sunnyvale and requested City Council adopt a covenant to support the Muslim and Jewish communities.

Richard requested City Council pass a resolution to condemn Israel's war in Gaza.

Oral Communications continued to after Public Hearing/General Business agenda items.

### **CONSENT CALENDAR**

Public Comment opened at 7:37 p.m.

No speakers on consent calendar items.

Public Comment closed at 7:39 p.m.

MOTION: Councilmember Melton moved and Councilmember Mehlinger seconded the motion to approve agenda items 1.A through 1.F.

The motion carried with the following vote:

**Yes:** 6 - Mayor Klein  
Councilmember Melton  
Councilmember Cisneros  
Councilmember Mehlinger  
Councilmember Srinivasan  
Councilmember Sell

**No:** 0

**Absent:** 1 - Vice Mayor Din

**1.A**     [23-1027](#)     Approve City Council Meeting Minutes of November 14, 2023

Approve the City Council Meeting Minutes of November 14, 2023 as submitted.

- 1.B**      [23-0283](#)      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**      [23-0184](#)      Receive and File the City of Sunnyvale Investment Report -Third Quarter 2023

Receive and file the City of Sunnyvale Investment Report - Third Quarter 2023.

- 1.D**      [23-1003](#)      Approve Budget Modification No. 9 to Appropriate Funding of \$67,135 from Sourcewise Title III D Disease Prevention and Health Promotion American Rescue Plan Act (ARPA) Grant Funds

Approve Budget Modification No. 9 to appropriate Sourcewise Title III D Disease Prevention and Health Promotion ARPA grant funds in the amount of \$67,135 to 832401 - Silicon Valley Healthy Aging Partnership (SVHAP) 836050 - Title III D Evidence Based Health Promotion in the General Fund.

- 1.E**      [23-0971](#)      Award of two (2) On-Call Temporary Personnel Services Agreements to AppleOne, Inc. DBA AppleOne Employment Services in the Amount of \$1,200,000, and to Bolt Staffing in the Amount of \$600,000 (F23-118)

Take the following actions:

- Award two (2) three-year on-call temporary personnel services agreements in substantially the same form as Attachments 1 and 2 to the report to: AppleOne, Inc. DBA AppleOne Employment Services in the amount not-to-exceed \$1,200,000 and Bolt Staffing Group in the amount not-to-exceed \$600,000;
- Authorize the City Manager to execute the contracts when all necessary conditions have been met; and
- Authorize the City Manager to extend each contract for up to three (3) additional one (1) year periods and modify the compensation schedule if operationally necessary and subject to available budgeted funding.

- 1.F**      [23-1102](#)      Adopt Ordinance No. 3221-23 Approving and Adopting a Development Agreement Between 1154 Sonora Court LLC, 1170 Sonora Court LLC, and the City of Sunnyvale for the Development of Properties Commonly Known as 1154 Sonora Court and 1170 Sonora Court

Adopt Ordinance No. 3221-23 approving and adopting a Development Agreement

between 1154 Sonora Court LLC, 1170 Sonora Court LLC, and the City of Sunnyvale for the development of properties commonly known as 1154 Sonora Court and 1170 Sonora Court.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2      [23-0941](#)      Approve the Preferred Concept Plan for the Corn Palace Park Project and Find the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15303 and/or CEQA Guidelines Section 15304, and 15168(c)(2) and Public Resources Code Section 20194(c)

Assistant Director of Public Works Jennifer Ng provided the staff report and presentation.

Public Hearing opened at 8:19 p.m.

David Kesting communicated their support for the Corn Palace Park Project and offered further options for Council to consider.

Mazin Gilbert shared their privacy concerns and support for installing a fence.

Carrie Levin communicated their support for the park project and installation of warm season type grasses.

Yingwei voiced concerns related to neighborhood safety and privacy and proposed installing a fence to address these concerns.

SD shared support for the park project and requested there be a fence added for privacy.

Austin communicated their privacy concerns and support for installation fence on the north side of the park.

Public Hearing closed at 8:39 p.m.

MOTION: Councilmember Melton moved and Councilmember Mehlinger seconded the motion to approve Alternative 1: Approve the Preferred Concept Plan for the Corn Palace Park Project as shown on Attachment 4 to the report and find the action exempt from the California Environmental Quality Act (CEQA) pursuant to

CEQA Guidelines Section 15303 and/or CEQA Guidelines Section 15304 and 15168(c)(2), and Public Resources Code Section 20194(c).

FRIENDLY AMENDMENT: Councilmember Mehlinger offered a friendly amendment to:

- (1) Include a limited number of picnic tables and benches on the southern section of the park;
- (2) Include game tops on the picnic tables in the playground area of the park;
- (3) Add bicycle racks to the playground area of the park;
- (4) Eliminate the fitness equipment and concrete near the pollinator garden at the north end of the park; and
- (5) Adopt a farming or agricultural theme for the park.

Councilmember Melton accepted the friendly amendment.

The motion as amended carried with the following vote:

**Yes:** 6 - Mayor Klein  
Councilmember Melton  
Councilmember Cisneros  
Councilmember Mehlinger  
Councilmember Srinivasan  
Councilmember Sell

**No:** 0

**Absent:** 1 - Vice Mayor Din

City Council took a recess at 9:13 p.m. and reconvened at 9:21 p.m. with Mayor Klein and Councilmembers Melton, Cisneros, Mehlinger, Srinivasan and Sell present.

- 3**      [23-1022](#)      Proposed Project:      Appeal by Laborers International Union of North America, Local Union No. 270 (LIUNA) of the Planning Commission decision approving related applications on a 5.82-acre site:
- SPECIAL DEVELOPMENT PERMIT: to demolish an existing surface parking lot at the rear of two existing office/R&D buildings and construct 225 apartment units at a density of 112.5 dwelling units per acre in an eight-story building inclusive of three levels of above-ground parking.

TENTATIVE PARCEL MAP: to relocate the existing lot line between the two office/R&D building lots, resulting in a 3.82-acre lot for the office/R&D buildings and a two-acre lot for the apartment development.

Location: 1150-1170 Kifer Road (APNs: 205-50-034 and 205-50-035)

File #: 2022-7168

Zoning: MXD-I (Flexible Mixed-Use I)

Applicant / Owner: Prometheus Real Estate Group (applicant) / 1150 Kifer LP (owner)

Appellant: Lozeau Drury LLP on behalf of Laborers International Union of North America, Local Union No. 270 (LIUNA)

Environmental Review: No additional review required as per CEQA Guidelines 15162 and 15168(c)(2) and (4) - environmental impacts of the project are addressed in the 2016 Lawrence Station Area Plan Environmental Impact Report (EIR - State Clearinghouse No. 2013082030) and 2021 Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Subsequent Environmental Impact Report (SEIR - State Clearinghouse No. 2019012022)

Project Planner: George Schroeder, (408) 730-7443, [gschroeder@sunnyvale.ca.gov](mailto:gschroeder@sunnyvale.ca.gov)

Councilmember Cisneros recused themselves from this item due to a potential perceived conflict of interest – renting a unit located at another property owned by the applicant/owner and left the meeting at 9:22 p.m.

Principal Planner George Schroeder provided the staff report and presentation.

Mayor Klein shared a statement about their conversations with applicant relating to the project and made a site visit.

Public Hearing opened at 9:52 p.m.

Victoria Yundt, Attorney, Lozeau Drury, provided the appellant report on behalf of the Laborers International Union of North America (LIUNA).

Jonathan Stone, Prometheus Real Estate Group, provided the applicant report.



Martin Pyne, Planning Commission Chair, spoke to the Commission's recommendation to approve the project. Speaking on their own behalf, they expressed support for hiring union skilled workers for the project.

Matthew Estipona, Associated Builders and Contractors (ABC), Northern California Chapter, voiced their support for an open and competitive bidding process.

Jonathan Stone, Prometheus Real Estate Group, provided the applicant response in support of the Planning Commission approval and staff recommendation to deny the appeal.

Victoria Yundt, Attorney, Lozeau Drury, provided the appellant response to comments on behalf of LIUNA.

Public Hearing closed at 10:10 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Melton seconded the motion to approve Alternative 1: Deny the appeal and affirm the Planning Commission's decision to approve the California Environmental Quality Act (CEQA) determination that the Project is consistent with the 2016 Lawrence Station Area Plan Environmental Impact Report and 2021 Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Subsequent Environmental Impact Report and no additional environmental review is required pursuant to CEQA Sections 15162 and 15168(c)(2); and, affirm the Planning Commission's decision to approve the Special Development Permit and Tentative Parcel Map with the Recommended Findings in Attachment 3 to the report and Recommended Conditions of Approval in Attachment 4 to the report.

The motion carried with the following vote:

**Yes:** 5 - Mayor Klein  
Councilmember Melton  
Councilmember Mehlinger  
Councilmember Srinivasan  
Councilmember Sell

**No:** 0

**Absent:** 1 - Vice Mayor Din

**Recused:** 1 - Councilmember Cisneros

City Council took a recess at 10:24 p.m.

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Council reconvened at 10:33 p.m. with Mayor Klein and Councilmembers Melton, Cisneros, Mehlinger, Srinivasan and Sell present.

Mayor Klein announced his appointment as Chair of the Santa Clara County Recycling and Waste Commission.

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

Councilmember Mehlinger proposed a study Issue to review the of land-use/permit appeal process and guidelines. Councilmembers Cisneros and Sell co-sponsored the Study Issue.

Councilmember Melton expressed their concerns with the scope of the proposed study issue.

Councilmember Mehlinger offered to withdraw requiring two Councilmembers to approve an appeal and granting staff the authority to deny appeals from the proposed study issue's scope. Co-sponsoring Councilmembers Cisneros and Sell agreed to the updated scope. Mayor Klein and Councilmember Srinivasan co-sponsored the Study Issue.

Councilmember Melton suggested language be added to the Council meeting agendas that communicates the meeting will proceed if technical difficulties occur.

Councilmember Melton spoke to the recent completion of the Eruv project.

Councilmember Cisneros provided a statement regarding the October 7, 2023 terrorist attacks in Israel and reasoning for signing a letter of support of the children of Gaza.

Councilmember Sell asked if Council would consider a covenant to support the Muslim and Jewish communities proposed by a member of the public.

**-City Manager**

City Manager Kent Steffens provided an update on the Civic Center Modernization project.

**ORAL COMMUNICATIONS CONTINUED**

Ursula spoke in support of the freedom of speech and allowing an open dialogue.

**INFORMATION ONLY REPORTS/ITEMS**

[23-0950](#) Tentative Council Meeting Agenda Calendar

[23-0951](#) Board/Commission Meeting Minutes

[23-1023](#) Information/Action Items

**ADJOURNMENT**

Mayor Klein adjourned the meeting at 11:07 p.m.