



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, January 23, 2018

5:00 PM

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

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

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Vice Mayor Klein announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

1 Call to Order in the West Conference Room

Vice Mayor Klein called the meeting to order at 5:02 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

No speakers.

4 Convene to Closed Session

[18-0002](#) Closed Session held pursuant to California Government Code
Section 54957: PUBLIC EMPLOYEE PERFORMANCE
EVALUATION
Title: City Manager

5 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 5:40 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 6:01 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

[17-0784](#) Presentation by the California High-Speed Rail Authority on the Status and Next Steps on the High-Speed Rail Project

5 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:50 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendricks led 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

CLOSED SESSION REPORT

Vice Mayor Klein reported the Council met in Closed Session pursuant to California Government Code Section 54957: Public Employee Performance Evaluation; Title: City Manager; nothing to report.

SPECIAL ORDER OF THE DAY

[18-0037](#) SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor

Mayor Hendricks presented a proclamation in recognition of outgoing Vice Mayor Larsson.

Councilmember Larsson provided outgoing remarks.

[18-0079](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Incoming Vice Mayor

Nancy Tivol administered the ceremonial Oath of Office to incoming Vice Mayor Larry Klein.

Vice Mayor Klein provided incoming remarks.

[17-0609](#) SPECIAL ORDER OF THE DAY - Sunnyvale Working Scholars Program Launch

Mayor Hendricks recognized the Working Scholars program launch.

ORAL COMMUNICATIONS

Zachary Kaufman spoke regarding "How not to notify" and submitted written materials.

Councilmember Goldman announced the second season of the Sustainability Speaker Series.

CONSENT CALENDAR

Mayor Hendricks announced a member of the public would like to pull Item 1.C.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve Items 1.A, 1.B, and 1.D through 1.H.

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

1.A [17-1122](#) Approve City Council Meeting Minutes of January 9, 2018

Approve the City Council Meeting Minutes of January 9, 2018 as submitted.

1.B [17-1085](#) 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 [17-0774](#) Adopt a Resolution of Intention Ordering the Proposed
Vacation of a Portion of Carl Road Westerly of Borregas
Avenue, a Portion of Borregas Avenue Northerly of Carl Road
and a Portion of Crossman Avenue Northerly of Caribbean
Drive and Reserving an AT&T Utility Easement, and Set the
Public Hearing Date for February 27, 2018.

Public Hearing opened at 7:20 p.m.

Kira Od spoke regarding unsafe parallel parking on Borregas due to vehicle speed and requested that if property is purchased in that area, that Council ensure some of it be available for public parking for access to the wetland area.

Public Hearing closed at 7:23 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to adopt the Resolution of Intention Ordering the Proposed Vacation of a Portion of Carl Road Westerly of Borregas Avenue, a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive and Reserving an AT&T Utility Easement, and set the Public Hearing Date for February 27, 2018.

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

1.D [17-1012](#) Continuation of Supplement Law Enforcement Services (SLES) Funds and Approval of Budget Modification No. 31 to appropriate \$81,330 in SLES Funding to Support Costs for Sworn Staff Regular and Overtime Costs and for the Purchase of I identified Police Services Equipment

Approve Budget Modification No. 31 to appropriate \$81,330 in Supplemental Law Enforcement Services funding to support sworn regular and overtime costs and for the purchase of identified police services equipment.

1.E [17-1135](#) Authorization to Amend Temporary Personnel Services Agreement with Fire & Risk Alliance, LLC., and Approval of Budget Modification No. 35 in the Amount of \$500,000

1) Approve Budget Modification No. 35 in the amount of \$500,000 in Development Enterprise Fund Reserves to provide additional funding for fire protection system plan review and inspection services; and 2) authorize the City Manager to execute a fourth amendment, in substantially the same form as Attachment 1 to the report, to increase the not to exceed contract amount for the existing temporary personnel services agreement with Fire & Risk Alliance, LLC. from \$375,000 to \$875,000.

1.F [17-1164](#) Adopt a Resolution to Accept One Bay Area Grant Cycle 2 for Vehicle Emission Reductions Based at Schools (VERBS) Grant Funds and Approve Budget Modification No. 37 in the amount of \$2,428,000.

Adopt the required resolution to allow submittal of the projects to the Metropolitan Transportation Commission for final approval, and to accept One Bay Area Grant 2 for Vehicle Emissions Reductions Based at Schools (VERBS) Grant Funds, and Approve Budget Modification No. 37 in the amount of \$2,428,000 to recognize grant revenues, recognize the reimbursement from the City of Cupertino, appropriate the City's matching funds obligation, and appropriate funds to construct the projects.

1.G [17-1179](#) Reject Proposal for Citywide Engineering and Traffic Surveys (F17-120)

Reject the sole proposal received in response to Request for Proposals F17-120.

1.H [17-1200](#) Award of Contract for Park Buildings Rehabilitation Project-Serra And Washington Parks Auxiliary Restrooms (F18-002)

1) Award a contract in substantially the same form as Attachment 1 to the report and in an amount, not to exceed \$276,787 to Brad Cox, Architects, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) Approve a 10% contract contingency in the amount of \$27,679.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [18-0083](#) Annual Public Hearing-Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2018

Senior Management Analyst Lupita Alamos provided the staff report.

Public Hearing opened at 7:26 p.m.

Evelyn Breakstone spoke in support of a study issue regarding airplane noise.

Jerry Nabhan, managing partner, Specialty Solid Waste and Recycling, spoke in support of the study issue regarding solid waste franchises.

Yolonda Yu spoke regarding the impact of airplane noise on quality of life and requested a study issue to determine a new overall process in dealing effectively with airplane noise issues.

Arnav Gattani spoke regarding bicycling and pedestrian safety issues and suggested mobile and downloadable versions of the bicycle map and technology to find bike racks.

Jennifer spoke representing more than 500 members of the Sunnyvale Airplane Noise Group Coalition, requested a study issue regarding airplane noise to determine what processes, procedures or committees need to be in place to protect Sunnyvale currently, and in the future, from increases in airplane noise, and to create an implementation plan for the recommendations.

Ron requested sponsorship of a study issue regarding airplane noise issues.

Eileen Hails spoke regarding the impacts of airplane noise and requested sponsorship of a study issue to deal with airplane noise.

John Cordes, Bicycle and Pedestrian Advisory Commission Chair speaking for himself, spoke in support of study issues 1) DPW 18-03 Update Bicycle Master Plan Every Seven Years, DPW 18-08 Develop a Dockless Bicycle Share Pilot Program; 4) ESD 18-01 Encouraging Heat Pump Water and Space Heating, 5) DPW 18-09 Lower Speed Limits on City Streets Including El Camino Real to 30 Miles Per Hour or Less, 6) ESD 17-01 Eliminate the Use of Chemical Pesticides on City Owned or Leased Property, 7) FIN 18-01 Evaluate the Possibility of Subsidizing Water Rates for Qualified Low-Income Senior Residents from the General Fund, 8) CDD 18-08 Consider Requiring the Use of Story Poles, Modeling Technologies, and other Visual Aids for Proposed Development Projects and 9) CDD 18-06 Establishing a "Sponge City."

Public Hearing closed at 7:49 p.m.

Councilmember Melton proposed a study issue regarding golf in Sunnyvale, with a focus on page 139 from the materials presented at the strategic planning session: the estimated cost for the future of golf in Sunnyvale would be \$500,000, the study would include maintaining golf, the study would analyze opportunities and include robust community outreach, would include a financial analysis including a land value analysis, capital costs, maintenance costs, and the timeframe would be a multi-year study. Councilmember Melton stated the study should also include a Council Policy regarding golf subsidization, a breakdown of the golf and tennis fund, golf at the main municipal golf course and golf at Sunken Gardens. Councilmember Melton encouraged City staff to go outside the box in the study issue such as planting trees, and stated it would explicitly preclude and prohibit from study the concept of selling any golf course land.

Vice Mayor Klein co-sponsored the study issue.

Councilmember Goldman proposed a study issue regarding the airplane noise issue to look at what other cities and counties are doing, consult with residents affected, include data, raise the issue to a higher level, and recruit legal and lobbying actions. Councilmember Melton co-sponsored the study issue, and requested to add the concept of being pro-active versus reactive.

Councilmember Goldman co-sponsored the golf study issue and suggested making the golf course a 9-hole golf course, half urban forest or urban agriculture.

Councilmember Smith co-sponsored the golf study issue.

- 3 [17-1185](#) Proposed Project: Introduction of an Ordinance to REZONE 79 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
Location: 1135-1166 Pome Avenue (APNs 202-18-029 through 031, 202-11-023 through 027, 202-13-002 through 007 and 058); 1142-1167 Pomegranate Court (APNs 202-13-008 through 013, 202-13-016 through 021, 202-13-059 and 060); 1142-1167 Pulora Court (APNs 202-13-022 through 035), 1142-1170 Quince Avenue (APNs 202-13-036 through 050); 701-795 Sheraton Avenue (APNs 202-12-004 through 019); 1151-1167 Hollenbeck Avenue (202-13-053 through 057).
File #: 2017-7688
Zoning: R-1
Applicant / Owner: John Scheffel (plus multiple property owners)
Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Planning Officer Andrew Miner provided the staff report and PowerPoint presentation.

Mayor Hendricks disclosed he grew up in an Eichler, lives in an Eichler in a single story combining district, and that he lives near the area, but outside the boundary of this proposal.

John Scheffel, applicant, provided information regarding the proposal and provided a PowerPoint presentation.

Public Hearing opened at 8:21 p.m.

Maria Hamilton spoke in support of the proposed ordinance to re-zone the properties from R-1 to R-1/S, citing privacy issues, natural light accessibility and solar input issues, and neighborhood character and architectural compatibility.

Public Hearing closed at 8:24 p.m.

MOTION: Councilmember Melton moved and Councilmember Griffith seconded the motion to approve Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 and 15061(b)(3); and, 2) Introduce an Ordinance (Attachment 6 of the report) to Rezone 79 contiguous single family home lots from R 1 (Low Density Residential) to R 1/S (Low Density Residential/Single Story).

City Clerk Kathleen Franco Simmons read the ordinance title.

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

- 4** [17-1186](#) File #: 2016-7573
Location: 623-625 N. Pastoria Avenue (APNs:165-41-029 & 165-41-030)
Proposed Project: Related applications on a 1.35-acre site on N. Pastoria Avenue:
PEERY PARK PLAN REVIEW PERMIT to construct a 52,755-square foot, three-story corporate/research and development (R&D) office building and a one-level underground parking structure resulting in a total of 89% FAR. The project includes a restaurant on the first floor.
Applicant / Owner: Arc Tec, Inc. / George And Josefa Yagmourian Trustee
Environmental Review: The project is exempt from additional

CEQA review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094 (c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.

Planning Officer Andrew Miner provided the staff report and PowerPoint presentation.

Applicant John Duquette, project architect, provided information regarding the proposal and a PowerPoint presentation.

Public Hearing opened at 8:56 p.m.

No speakers.

Public Hearing closed at 8:56 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve Alternative 1: Make the required Findings to approve the California Environmental Quality Act determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional environmental review is required (Attachment 4 to the Report); make the Findings for the Peery Park Plan Review Permit, Sense of Place Fee and Water Infrastructure fee in Attachment 4 to the Report; and approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 7 to the Report and recommended conditions of approval set forth in Attachment 5 to the report.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton

No: 0

Abstain: 1 - Councilmember Goldman

- 5 [17-1161](#) Consider Addition of Rail Depression Alternative for Caltrain Grade Separation Feasibility Study and Approve Budget

Modification No. 36 in the Amount of \$114,451, and Authorize the City Manager to Execute a Contract Amendment with BKF Engineers.

Public Hearing opened at 9:17 p.m.

No speakers.

Public Hearing closed at 9:17 p.m.

MOTION: Councilmember Larsson moved and Councilmember Melton seconded the motion to approve Alternative 2: Do not authorize the City Manager to execute a contract amendment with BKF Engineers to add a Rail Depression alternative to the work scope for further study.

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 [17-1007](#) Hold Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing and Adopt Resolution Approving Issuance of up to \$50 Million in Tax-Exempt Bonds for Mixed-Income Rental Housing Development at 1008 E. El Camino Real in Sunnyvale and Authorizing the City to Become an Additional Member of the California Public Finance Authority

Housing Officer Suzanne Isé provided the staff report.

Applicant Ardie Zahedani, Principal, St. Anton Communities provided information regarding the process.

Public Hearing opened at 9:30 p.m.

No speakers.

Public Hearing closed at 9:30 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the

motion to approve Alternatives 1 and 2: 1) Conduct a public hearing pursuant to the Tax and Equity Fiscal Responsibility Act and the Internal Revenue Code of 1986, as amended; and 2) Adopt a Resolution (Attachment 3 to the report) approving the issuance of up to \$50,000,000 in tax exempt revenue bonds by the California Public Finance Authority for the St. Anton ECR Housing Project and authorizing the City to become an additional member of the CalPFA (Attachment 2 to the report) on the City's behalf.

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

- 7 [17-1107](#) Consider Budget Modification No. 34 in the amount of \$200,000 for the Peery Park Specific Plan Housing Study, and Find that the Action is Exempt from CEQA

Director of Community Development Trudi Ryan provided the staff report.

Public Hearing opened at 9:34 p.m.

John Cordes, Bicycle and Pedestrian Advisory Commission Chair speaking for himself, spoke in support of the budget modification.

Public Hearing closed at 9:36 p.m.

MOTION: Councilmember Larsson moved and Councilmember Melton seconded the motion to approve Alternative 1: Do not approve Budget Modification No. 34 in the amount of \$200,000 for the Peery Park Specific Plan Housing Study.

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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Goldman spoke regarding housing.

Mayor Hendricks reported his attendance at the Santa Clara County Board of Supervisors meeting and stated \$1 million has been allocated for the Magical Bridge project.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [18-0039](#) Tentative Council Meeting Agenda Calendar
- [18-0055](#) Information/Action Items
- [17-0973](#) Options to Affect Sunnyvale Jobs to Housing Ratio (Information Only)

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 9:43 p.m.