



City of Sunnyvale

Meeting Minutes City Council

Tuesday, November 28, 2023

5:30 PM

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

Special Meeting: Closed Session - 5:30 p.m. | Regular Meeting - 7 PM

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

Call to Order

Vice Mayor Din called the meeting to order at 5:32 p.m.

Roll Call

Present: 5 - Mayor Larry Klein
Vice Mayor Omar Din
Councilmember Richard Mehlinger
Councilmember Murali Srinivasan
Councilmember Linda Sell
Absent: 2 - Councilmember Russ Melton
Councilmember Alysa Cisneros

Public Comment

Public Comment opened at 5:33 p.m.

No speakers.

Public Comment closed at 5:33 p.m.

Convene to Closed Session

City Council convened to closed session at 5:34 p.m.

- A** [23-0788](#) Closed Session Held Pursuant to California Government Code
Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager
- B** [23-0789](#) Closed Session Held Pursuant to California Government Code
Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney

Adjourn Special Meeting

Vice Mayor Din adjourned the meeting at 7:01 p.m.

7 P.M. COUNCIL MEETING**CALL TO ORDER**

Mayor Klein called the meeting to order at 7:13 p.m.

SALUTE TO THE FLAG

Mayor Klein led the salute to the United States flag.

ROLL CALL

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

CLOSED SESSION REPORT

Vice Mayor Din reported that Council met in Closed Session Held Pursuant to California Government Code Section 54957: Public Employee Performance Evaluation Title: City Manager; nothing to report.

Vice Mayor Din reported that Council met in Closed Session Held Pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: City Attorney; nothing to report.

SPECIAL ORDER OF THE DAY

C [23-0076](#) Ceremonial Oath of Office for Commission Members

City Clerk David Carnahan administered the ceremonial oath of office for commission members.

D [23-1080](#) Recognition of Chief Phan S. Ngo for 2023 Department of Public Safety Citizen's Academy

Mayor Klein and Councilmember Sell spoke in recognition of the Department of

Public Safety Citizen's Academy.

Public Safety Chief Phan Ngo spoke in honor of be recognized for the 2023 Department of Public Safety Citizen's Academy.

PRESENTATION

E [23-1019](#) 2023 Municipal Information Systems Association of California (MISAC) Awards, Presented by MISAC Board Member Gaurav Garg

Gaurav Garg, MISAC Board Member, presented the MISAC award to Chief Information Officer Kathleen Boutté Foster-Gee on behalf of the City of Sunnyvale.

ORAL COMMUNICATIONS

Hillel spoke in support of the children of Israel in response to several Councilmembers signing a statement that supported the children of Gaza.

Ido Josef shared their safety concerns as a Jewish person living in Sunnyvale.

Yarin Itzkovitz voiced their concerns with the statement several Councilmembers signed and urged Council to condemn Hamas.

Ester Levy communicated their safety concerns as a Jewish person living in Sunnyvale.

Roni shared their safety concerns with the rise of antisemitism in the Sunnyvale community.

Paz Brill shared their safety concerns as a Jewish person living in Sunnyvale.

Esty Rosenfeld voiced their concerns with the statement several Councilmembers signed and for their safety as a Jewish resident.

Gilli Yahalom shared their safety concerns as a Jewish person living in Sunnyvale.

Maia Elderkader communicated their safety concerns as a Jewish person living in Sunnyvale and offense to the Councilmembers who signed a statement in support of the children of Gaza.

Raya Mall spoke to their safety concerns as a Jewish person living in Sunnyvale.

Naomi Ben Ayonn requested Council develop a plan to address the concerns of the Sunnyvale Jewish community.

Revitule Meron Tell shared their safety concerns as a Jewish person living in Sunnyvale and a concerning message they received from the school district.

Dorit Kerem voiced safety concerns as a Jewish person living in Sunnyvale.

CONSENT CALENDAR

Public Comment opened at 7:51 p.m.

No speakers.

Public Comment closed at 7:51 p.m.

MOTION: Vice Mayor Din moved and Councilmember Mehlinger seconded the motion to approve agenda items 1.A through 1.C.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

Absent: 1 - Councilmember Cisneros

1.A [23-0282](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.B [23-1016](#) Adopt a Resolution Authorizing the Finance Director to Renew a Business License Tax Data Exchange Agreement with the California Franchise Tax Board

Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15378(b)(5) and adopt a Resolution authorizing the Finance Director to execute a reciprocal agreement with the California Franchise Tax Board for the exchange of business license tax data

through December 31, 2026.

- 1.C** [23-0899](#) Receive a Report of an Emergency Procurement to Provide a Bulk Chemical, a Mineral Oxidant, to Meet Compliance Requirements at the Water Pollution Control Plant (WPCP) and Find that the Project is of Urgent Necessity for the Preservation of Life, Health, or Property (F24-026), and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to Sections 15301 and 15308 of the CEQA Guidelines.

Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15308 of the CEQA Guidelines, receive the report of an emergency procurement to provide a mineral oxidant, to meet compliance requirements at the Water Pollution Control Plant (WPCP) and find that the project is of urgent necessity for the preservation of life, health, or property.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [23-1082](#) 1154 Sonora Court (1154 Site)
Proposed Project: Related applications on a 1.88-acre site:
SPECIAL DEVELOPMENT PERMIT: to demolish the existing 33,055 square foot one-story industrial building and construct a seven-story mixed-use building with 173 apartments, 142,270 square feet of office/R&D space, and two levels of below-grade parking.
VESTING TENTATIVE PARCEL MAP: to allow creation of five commercial condominiums in the office/R&D space.
Location: 1154 Sonora Court (APN: 205-50-016)
File #: 2022-7270
- 1170 Sonora Court (1170 Site)
Proposed Project: Related applications on a 1.09-acre site:
SPECIAL DEVELOPMENT PERMIT: to demolish the existing 14,902 square foot one-story industrial building and construct a seven-story mixed-use building with 107 apartments, 79,211 square feet of office/R&D space, 377 square feet of retail space, and two levels of below-grade parking.
VESTING TENTATIVE PARCEL MAP: to allow creation of six commercial condominiums in the office/R&D space.
Location: 1170 Sonora Court (APN: 205-50-014)

File #: 2022-7271

1154 and 1170 Sonora Court

DEVELOPMENT AGREEMENT: Introduction of an Ordinance approving and adopting a Development Agreement between the City of Sunnyvale and SKS Partners.

Zoning: MXD-I/S (Flexible Mixed-Use I/Sonora Court)

Applicant / Owner: SKS Partners (applicant/developer) / A&F Properties, LLC (owner)

Environmental Review: No additional review required pursuant to California Environmental Quality Act (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: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Senior Planner Aastha Vashist provided the staff report and presentation.

Public Hearing opened at 8:37 p.m.

Alexandra Lee, SKS Partners, and Adam Woltag, WRNStudio, provided the Applicant presentation.

Public Hearing closed at 8:54 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Melton seconded the motion to approve Alternatives 1 and 2: 1. Make the required findings to approve the California Environmental Quality Act (CEQA) determination as pursuant to CEQA Guidelines Section 15162 and 15168(c)(2) and (4) and approve the Special Development Permits and Vesting Tentative Parcel Maps based on findings in Attachments 6 and 7 to the report and Recommended Conditions of Approval in Attachments 8 and 9 to the report; and 2. Introduction of an Ordinance approving and adopting a Development Agreement between the City of Sunnyvale and SKS Partners (Attachment 3 to the report) and authorize the City Manager to make

updates to Exhibit B of the Development Agreement to clarify which fees are subject to escalation.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

Absent: 1 - Councilmember Cisneros

- 3 [23-1087](#) Approve Amendments to Council Policy 7.3.10 (Vice Mayor Selection) to Remove the Electronic Voting Requirement

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:07 p.m.

No speakers.

Public Hearing closed at 9:07 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Melton seconded the motion to approve Alternative 1: Approve amendments to Council Policy 7.3.10 (Vice Mayor Selection) to remove the electronic voting requirement and other amendments as shown in Attachment 1 to the report.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

Absent: 1 - Councilmember Cisneros

- 4 [23-1088](#) Adopt a Resolution Approving the City Council Regular

Meeting Calendar for 2024 Through February 2025

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:20 p.m.

No speakers.

Public Hearing closed at 9:20 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Srinivasan seconded the motion to approve Alternative 2: Adopt a Resolution approving the City Council Regular Meeting Calendar for 2024 through February 2025, with the following modifications:

- (1) Remove the April 2, 2024 tentative meeting date;
- (2) Move the June 11, 2024 regular meeting date to June 18, 2024;
- (3) Move the July 9, 2024 regular meeting to July 23, 2024; and
- (4) Schedule Feb. 11, 2025 as a regular scheduled meeting and Feb. 4, 2025 as a tentative meeting date.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

Absent: 1 - Councilmember Cisneros

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Mehlinger reported their attendance at a recent Bay Area Water Supply and Conservation Agency meeting.

Mayor Klein reported on a recent City Associations of Santa Clara County meeting and announced the City Associations Holiday party.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Melton made a statement on the Israel and Palestinian conflict and

shared their reasons to why they did not sign a recent petition in support of the children of Gaza.

Councilmember Mehlinger made a statement to their reasons for signing a petition in support of the children of Gaza and their goal to ensure all Sunnyvale residents feel safe.

Councilmember Mehlinger shared a statement about their accidental Ralph M. Brown Act violation through email correspondence with Councilmembers that occurred outside of a noticed public meeting.

Councilmember Mehlinger proposed a future study session on the issue of hate crimes in Sunnyvale.

Councilmember Srinivasan shared a statement on the Israel and Palestinian conflict and their goal to ensure everyone in Sunnyvale feels safe.

Councilmember Sell made a statement on the Israeli and Palestinian conflict and acknowledged those who have made public comments on their safety concerns.

Vice Mayor Din made a statement on the Israel and Palestinian conflict.

Mayor Klein shared a statement on the many public comments that have been made on the Israeli and Palestinian conflict and acknowledged it is the Council's priority to ensure all Sunnyvale residents feel safe in the community.

Mayor Klein provided their reasons for signing the petition supporting the children on Gaza.

Mayor Klein spoke to their recent visit to Iizuka, Japan, in celebration of ten years as a Sister City of Sunnyvale.

Vice Mayor Din asked for a meeting between the Public Safety Department and the Muslim community be held to address Islamophobia concerns from residents.

Councilmember Melton asked if the Public Safety Chief Phan Ngo could provide a statement to how residents can best communicate their safety concerns to the Public Safety Department.

Public Safety Chief Phan Ngo encourage community members that feel unsafe to contact him or the Public Safety Department.

Councilmember Melton made statements on the successes of the Sunnyvale Public Safety Department and in support of Sunnyvale Public Safety Officers and efforts to improve their mental wellbeing.

Councilmember Sell proposed a study issue to evaluate ordinances from other cities and legal precedents with a consideration for better shared parking practices in Sunnyvale. Councilmember Melton proposed adding to the study issue scope of work; modernize and strengthen Sunnyvale Municipal code 10.16.120. Councilmember Sell accepted the additional scope of work. Mayor Klein, Vice Mayor Din, along with Councilmembers Melton, Mehlinger and Srinivasan co-sponsored the study issue.

Mayor Klein proposed a study issue to explore the benefits and costs of Project Labor Agreements (PLAs) setting the basic terms and conditions of employment for a City construction project over a certain project threshold amount. Evaluate the use of PLAs in other public agencies including general requirements, implementation, enforcement and results. Vice Mayor Din along with Councilmembers Melton, Mehlinger, Srinivasan and Sell co-sponsored the study issue.

F [23-1089](#) Colleagues Memorandum: Real Property Transfer Tax (RPTT)

MOTION: Councilmember Mehlinger moved and Councilmember Mayor Klein seconded the motion to agendize Colleagues Memorandum: Real Property Transfer Tax (RPTT) to a future meeting.

The motion carried with the following vote:

Yes: 5 - Mayor Klein
Vice Mayor Din
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 1 - Councilmember Melton

Absent: 1 - Councilmember Cisneros

G [23-1070](#) Colleagues Memorandum: Empanel a Charter Review Commission (CRC)

MOTION: Vice Mayor Din moved and Councilmember Mehlinger seconded the motion to agendize the Colleagues Memorandum: Empanel a Charter Review Commission (CRC).

FRIENDLY AMENDMENT: Councilmember Mehlinger made a friendly amendment to replace "Commission" with "Committee" in the motion. Vice Mayor Din accepted the friendly amendment.

The motion as amended carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

Absent: 1 - Councilmember Cisneros

Mayor Klein encouraged residents to review the National Citizens Survey results,

-City Manager

City Manager Kent Steffens spoke to the National Citizens Survey results.

INFORMATION ONLY REPORTS/ITEMS

23-1031	Board/Commission Meeting Minutes
23-1029	Tentative Council Meeting Agenda Calendar
23-1032	Information/Action Items
23-1066	National Citizens Survey Results (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:37 p.m.