



City of Sunnyvale

Meeting Minutes - Draft

City Council

Tuesday, May 7, 2024

6:00 PM

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

Special Meeting: Study Session 6 PM | Regular Meeting - 7 PM

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

Call to Order

Vice Mayor Srinivasan called the meeting to order at 6:00 p.m.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Murali Srinivasan
Councilmember Russ Melton
Councilmember Alysa Cisneros
Councilmember Omar Din
Councilmember Richard Mehlinger
Councilmember Linda Sell

Study Session

A [24-0177](#) 35% Design for Homestead Road, Safe Routes to School Project

Hassan Basma, Project Manager, Valley Transportation Authority (VTA), provided the report and presentation.

Public Comment opened at 6:46 p.m.

Kevin Jackson shared their recommendations to be included in the design for Homestead Road.

Sharlene Liu voiced their support for a shared use path and pedestrian scramble to be incorporated into the design for Homestead Road.

Mark Hlady communicated their support for a shared use path and scramble pedestrian crossing.

Thalia Ong shared their support for a shared use path and scramble pedestrian crossing.

Public Comment closed at 6:55 p.m.

Adjourn Special Meeting

Vice Mayor Srinivasan adjourned the meeting at 6:55 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:02 p.m.

SALUTE TO THE FLAG

Mayor Klein led the salute to the United States flag.

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Murali Srinivasan
Councilmember Russ Melton
Councilmember Alysa Cisneros
Councilmember Omar Din
Councilmember Richard Mehlinger
Councilmember Linda Sell

CLOSED SESSION REPORT

Vice Mayor Srinivasan reported that Council met in Closed Session on April 30, 2024 Pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT Title: Interim City Manager; nothing to report.

SPECIAL ORDER OF THE DAY

B [24-0333](#) Asian Pacific American (APA) Heritage Month

Mayor Klein spoke in honor of Asian Pacific American Heritage Month.

Audrey Fan and Hayden Tang, Co-Chairs, AAPI Silicon Valley, provided remarks on Asian Pacific American Heritage Month.

C [24-0336](#) Jewish Heritage Month

Mayor Klein spoke in honor of Jewish Heritage Month.

Jessica Blitchok, Director, Jewish Community Relations Council of Silicon Valley, spoke in honor of Jewish Heritage Month.

Oded Shekel, Executive Director, Bay Area Jewish Coalition, shared words in honor of Jewish Heritage Month.

D [24-0620](#) Recognition of Outgoing Sunnyvale Downtown Association
Executive Director

Mayor Klein spoke in recognition of Mike Johnson, Executive Director, Sunnyvale Downtown Association.

Deputy City Manager Connie Verceles shared further words in recognition of Mike Johnson, Executive Director, Sunnyvale Downtown Association.

Mike Johnson, Executive Director, Sunnyvale Downtown Association, spoke to their recognition.

E [24-0335](#) Public Service Recognition Week

Mayor Klein spoke in honor of Public Service Recognition Week.

Human Resources Director Tina Murphy spoke in recognition of Public Service Recognition Week.

PRESENTATION

F [24-0402](#) Midpeninsula Regional Open Space District (Midpen) Update
by District Board Members Jed Cyr and Curt Riffle

Jed Cyr, Karen Holman and Curt Riffle, Midpen Board Members, provided the presentation.

ORAL COMMUNICATIONS

Vice Mayor Srinivasan announced the upcoming Hands on the Arts Festival and the Drive Electric event.

Carmel Johnson shared their appreciation to City Council for honoring Jewish Heritage Month and asked there be a formal definition of antisemitism by the City.

Ida Josef voiced their appreciation for the City Council honoring Jewish Heritage Month.

Miriam Buzi advocated for adoption of a formal definition of antisemitism by the City.

Hagit Shekel shared their experience living in Sunnyvale as a Jewish community member and their appreciation for the City Council honoring Jewish Heritage Month

Yael Levy voiced their appreciation for the City Council honoring Jewish Heritage Month and advocated for the adoption of a formal definition of antisemitism by the City.

Hana Barniv communicated their advocacy for the adoption of a formal definition of antisemitism by the City.

Elana Feinsmith voiced their appreciation for City Council honoring Jewish Heritage Month.

Marie Bernard, Executive Director, Sunnyvale Community Services, announced the Sunnyvale Community Services backpack drive.

Kristina Kawczynski, Director of Operations, Sunnyvale Downtown Association, announced the upcoming wine stroll event.

Andrea Wald shared their appreciation for City Council honoring Jewish Heritage Month.

Tara Martin-Milius communicated support for developing village centers that contain retail businesses.

Haruko Matusda, volunteer, Sunnyvale Live Soccer Club, advocated for the City to improve grass fields and for additional field maintenance funding.

CONSENT CALENDAR

Public Comment opened at 8:17 p.m.

No speakers.

Public Comment closed at 8:17 p.m.

MOTION: Vice Mayor Srinivasan moved and Councilmember Melton seconded the motion to approve agenda items 1.A through 1.K.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

1.A [24-0409](#) Approve City Council Meeting Minutes of April 18, 2024
(Closed Session)

Approve the City Council Meeting Minutes of April 18, 2024 as submitted.

1.B [24-0463](#) Approve City Council Meeting Minutes of April 23, 2024
Approve the City Council Meeting Minutes of April 23, 2024 as submitted.

1.C [24-0003](#) Approve City Council Meeting Minutes of April 30, 2024
(Closed Session)

Approve the City Council Meeting Minutes of April 30, 2024 as submitted.

1.D [24-0436](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Approve the list(s) of claims and bills.

1.E [24-0517](#) Authorize the Issuance of a Two-Year Purchase Agreement in
the Amount of \$420,000 to L.N. Curtis & Sons, Inc. to Provide
Fire Protective Clothing, Equipment and Fire Safety Supplies
for the Department of Public Safety (F24-145)

Take the following actions:

- Authorize the issuance of a two-year purchase agreement in the amount of \$420,000 to L.N. Curtis & Sons, Inc.; and
- Authorize the City Manager to amend and renew the purchase agreement for three (3) additional one-year periods, not-to-exceed budgeted amounts, provided pricing

and service remain acceptable to the City.

- 1.F** [24-0536](#) Award of Contract to Interstate Grading & Paving, Inc. in the Amount of \$2,562,341 for the Wolfe Road Pavement Rehabilitation Project and Make a Finding of California Environmental Quality Act (CEQA) Exemption Pursuant to CEQA Guidelines Section 15301(c) (PW24-13)

Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$2,562,341 to Interstate Grading & Paving, Inc.;
- Approve a 10% construction contingency in the amount of \$256,234.10;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c).

- 1.G** [24-0537](#) Award of an On-Call Service Agreement to Telestar Instruments in the Amount of \$500,000 for On-Call Services for the Water Pollution Control Plant (F24-083)

Take the following actions:

- Award an on-call service agreement in substantially the same form as Attachment 1 to the report to Telestar Instruments in a not-to-exceed amount of \$500,000;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Authorize the City Manager to increase the contract up to budgeted amounts;
- Authorize the City Manager to extend the contract for up to two (2) additional two (2) year periods based upon available funding, need, and acceptable pricing and service; and
- Authorize the City Manager to modify the contract compensation schedule subject to negotiated pricing.

- 1.H** [24-0552](#) Award a Contract to Joseph J Albanese, Inc. in the Amount of \$3,782,663 for Peery Park Area Transportation Improvements - Re-Bid, Approve a 10% Construction Contingency, Allow the Withdrawal of a Bid in Conformance with Public Contract Code Section 5103, Make a Finding of California Environmental Quality Act (CEQA) Exemption Pursuant to CEQA Guidelines Sections 15301 and 15303, and Approve Budget Modification No. 22 in the Amount of \$438,000 (PW24-09)

Take the following actions:

- Award a contract in substantially same form as Attachment 2 to the report in the amount of \$3,782,663 to Joseph J Albanese, Inc. of Santa Clara, CA;
- Approve a 10% construction contingency in the amount of \$378,266;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Allow S&H Construction Inc., to withdraw its bid in conformance with Public Contract Code (PCC) Section 5103;
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 and 15303; and
- Approve Budget Modification No. 22 in the amount of \$438,000.

- 1.I [24-0567](#) Award of Contract in the Amount of \$5,249,820 to DPI, Inc. for Citywide Water Line Replacement 2023 (Maude & San Aleso) and Finding of California Environmental Quality Act (CEQA) Categorical Exemption Pursuant to CEQA Guidelines Section 15302(c) (PW24-17)

Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$5,249,820 to DPI, Inc. of Livermore;
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302(c);
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 15% contingency in the amount of \$787,473.

- 1.J [24-0564](#) Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 5, 2024 for the Election of Councilmembers from Districts 2, 4 and 6 and the Office of Mayor; Requesting Consolidation with the Statewide General Election and Election Services from the Santa Clara County Board of Supervisors; Providing Regulations for Candidates' Statements

Adopt a Resolution calling a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 5, 2024 for the Election of Councilmembers to Districts 2, 4 and 6 and the Office of Mayor; requesting consolidation with the Statewide General Election and Election Services from the Santa Clara County Board of Supervisors; and providing regulations for Candidates' Statements.

- 1.K** [24-0611](#) Ratify National League of Cities' Appointment of Vice Mayor Murali Srinivasan to the Artificial Intelligence Advisory Committee

Ratify National League of Cities' appointment of Vice Mayor Murali Srinivasan to the Artificial Intelligence Advisory Committee.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [24-0229](#) Public Hearing to Adopt a Resolution Confirming the Annual Report to Levy and Collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District (BID) for Fiscal Year 2024/25

Economic Development Manager Christine Velasquez provided the staff report.

Public Hearing opened at 8:33 p.m.

Kristina Kawczynski, Director of Operations, Sunnyvale Downtown Association, spoke to the events being hosted by the Sunnyvale Downtown Association.

Mike Johnson, Executive Director, Sunnyvale Downtown Association, responded to questions posed by Council.

Public Hearing closed at 8:48 p.m.

Economic Development Manager Christine Velasquez announced the BID Annual Assessment received 0 protests.

MOTION: Councilmember Melton moved and Vice Mayor Srinivasan seconded the motion to approve Alternative 1: Adopt a Resolution to confirm the Annual Report and Levy and collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District for Fiscal Year 2024/25.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

City Council took a recess at 8:57 p.m. and returned at 9:04 p.m. with all Councilmembers present.

3 [24-0599](#) Consider Approval of Draft 2024 Housing and Urban Development (HUD) Action Plan

Homeless Services Manager Amanda Sztoltz provided the staff report.

Public Hearing opened at 9:08 p.m.

Marie Bernard, Executive Director, Sunnyvale Community Services, spoke to how important HUD funds are to Sunnyvale Community Services.

Public Hearing closed at 9:11 p.m.

MOTION: Councilmember Melton moved and Councilmember Sell seconded the motion to approve Alternative 1: Approve the 2024 Housing and Urban Development (HUD) Action Plan as shown in Attachment 2 of the staff report.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

4 [24-0603](#) Proposed Project: Related applications on three sites totaling 1.74 acres:
GENERAL PLAN AMENDMENT: Amend the General Plan land use designation from Commercial to either Medium Density (15-24 du/ac) or High Density (25-36 du/ac) Residential.
REZONE: Rezone from Neighborhood Business with a Planned Development combining district (C-1/PD) to either Medium Density Residential (R-3) or High Density Residential (R-4) with a Mixed Use (MU) and Planned Development (PD) combining district.
File #: 2022-7146
Location: 1313 South Wolfe Road (APNs 309-10-026 and 309-10-027) and 898 East Fremont Avenue (APN 309-10-015)
Current Zoning: C-1/PD (Neighborhood Business with a Planned Development combining district)
Applicant / Owner: 4Terra Investments (applicant)/Desmond Family Real Estate Limited Partner (Owner)
Environmental Review: Mitigated Negative Declaration
Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov

Senior Planner Mary Jeyaprakash provided the staff report and presentation.

Public Hearing opened at 10:02 p.m.

Amar Masi provided the applicant presentation.

Martin Pyne, Planning Commission Chair, spoke to the Commission's recommendation.

Chuck Fraleigh, Vice Chair, Livable Sunnyvale, communicated support for approving the proposed project.

Charlsie shared their experience as a resident living in the neighborhood of the proposed site.

Public Hearing closed at 10:25 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Melton seconded

the motion to approve Alternative 1: Take the following actions:

- a. Make the findings required by the California Environmental Quality Act (CEQA) (Attachment 3 to the report) and adopt the Mitigated Negative Declaration (Attachment 10 to the report);
- b. Adopt a Resolution (Attachment 4 to the report) to amend the General Plan Designation for the two parcels at 1313 South Wolfe Road from Commercial to Medium Density Residential;
- c. Make the finding that the General Plan Amendment and rezoning are deemed to be in the public interest (Attachment 3 to the report); and
- d. Introduce an Ordinance (Attachment 5 to the report) to rezone 1313 South Wolfe Road (APN 309-10-026) from Neighborhood Commercial with a Planned Development Combining District (C-1/PD) to Medium Density Residential with a Mixed-Use Combining District (R-3/MU) and 1313 South Wolfe Road (APN 309-10-027) from C-1/PD to Medium Density Residential with a Planned Development Combining District (R-3/PD).

City Clerk David Carnahan read the Ordinance title for the record.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

City Council took a recess at 10:32 p.m. and returned at 10:41 p.m. with all Councilmembers present.

- 5** [24-0406](#) Discussion and (1) Adoption of a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 5, 2024, for the Purpose of Submitting to City Voters an Ordinance Concerning Amendments to the City Charter; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis;

and Setting Priorities for Ballot Arguments; and (2) Approve Amendments to Council Policy 7.3.4 (Roles and Responsibilities of Mayor, Vice Mayor and Councilmembers) Relating to the Role of District Councilmembers

Assistant City Manager Sarah Johnson-Rios provided the staff report and presentation.

Public Hearing opened at 11:06 p.m.

Steve Scandalis voiced their concerns with how City Charter amendment topics are grouped into one ballot measure.

Martin Pyne provided comments on how the potential amendments can relate to the Planning Commission.

Public Hearing closed at 11:12 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Din seconded the motion to approve Alternatives 1 and 2:

1. Adopt a Resolution (Attachment 1 to the report) calling a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 5, 2024, for the purpose of submitting to City voters an Ordinance concerning amendments to the City Charter; requesting consolidation with the Statewide General Election and election services from Santa Clara County; directing the City Attorney to prepare an impartial analysis; and setting priorities for ballot arguments;
 2. Approve amendments to Council Policy 7.3.4 (Roles and Responsibilities of Mayor, Vice Mayor and Councilmembers) relating to the role of District Councilmembers; and
- Authorize Mayor Klein and Councilmember Mehlinger to submit an argument in support of the ballot measure and a rebuttal to an argument against the measure.

The motion carried with the following vote:

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

No: 0

Abstain: 1 - Councilmember Melton

- 6** [24-0626](#) Approve the Appointment of the City Attorney and Approve the Employment Agreement

Interim City Attorney Rebecca Moon recused themselves as this agenda item involves their potential employment agreement.

Human Resources Director Tina Murphy provided the staff report.

Public Hearing opened at 11:23 p.m.

Martin Pyne spoke in support of approving Alternative 1.

Public Hearing closed at 11:25 p.m.

MOTION: Councilmember Din moved and Vice Mayor Srinivasan seconded the motion to approve Alternatives 1 and 3:

1. Appoint Rebecca Moon as City Attorney; and
3. Approve an employment agreement with Rebecca Moon as outlined in Attachment 1 to the report and authorize the Mayor to execute the agreement.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

City Attorney Rebecca Moon returned to the Council Chambers at 11:27 p.m.

MOTION: Vice Mayor Srinivasan moved and Councilmember Melton seconded the motion to hear agenda item 7.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

7 [24-0592](#) Appointment of Interim City Manager and Approval of
Employment Agreement

Human Resources Director Tina Murphy provided the staff report.

Public Hearing opened at 11:33 p.m.

No speakers.

Public Hearing closed at 11:33 p.m.

MOTION: Councilmember Din moved and Vice Mayor Srinivasan seconded the motion to approve Alternative 1: Approve the appointment of Tim Kirby as Interim City Manager and authorize the Mayor to execute the employment agreement in substantially the same form as Attachment 1 to the report.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

MOTION: Vice Mayor Srinivasan moved and Councilmember Melton seconded the motion to hear agenda item 8.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

8 [24-0600](#) Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase the Salary Range for the Director of NOVA Workforce Services

Human Resources Director Tina Murphy provided the staff report.

Public Hearing opened at 11:42 p.m.

No speakers.

Public Hearing closed at 11:42 p.m.

MOTION: Councilmember Din moved and Councilmember Mehlinger seconded the motion to approve Alternative 1: Adopt a Resolution amending the City's Salary Resolution and Schedule of Pay to increase the Salary Range for the Director of NOVA Workforce Services effective May 12, 2024.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Srinivasan
Councilmember Melton
Councilmember Cisneros
Councilmember Din
Councilmember Mehlinger
Councilmember Sell

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Agenda item not heard by Council.

NON-AGENDA ITEMS & COMMENTS

-Council

Agenda item not heard by Council.

G [24-0606](#) Colleagues Memorandum: Study Session on City Support for
Organizing Community Events

Agenda item not heard by Council.

-City Manager

Agenda item not heard by Council.

INFORMATION ONLY REPORTS/ITEMS

[24-0532](#) Tentative Council Meeting Agenda Calendar

[24-0546](#) Board/Commission Meeting Minutes

[24-0573](#) Information/Action Items

[24-0612](#) Council Advocacy Letters

ADJOURNMENT

Mayor Klein adjourned the meeting at 11:44 p.m.