



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, May 8, 2018

5:00 PM

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

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**Special Meeting: Closed Session- Joint Council and Successor Agency-5 PM| Closed  
Sessions- 5:30 PM | Regular Meeting- 7 PM**

### **5 P.M. SPECIAL JOINT COUNCIL WITH SUCCESSOR AGENCY 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 (Open to the Public)**

Vice Mayor Klein called the meeting to order at 5:01 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**

No speakers.

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

[18-0441](#)

Closed Session held pursuant to California Government Code  
Section 54956.9(d)(1):

CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION

Consolidated Appeals:

Santa Clara County Office of Education, et al., v. Successor  
Agency to the Redevelopment Agency of the City of  
Sunnyvale, et al. Third District Court of Appeal Case No.

C077661; and

Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al., v. Michael Cohen as Director, et al. Third District Court of Appeal Case No. C077659

## **5 Adjourn Special Meeting**

Vice Mayor Klein adjourned the meeting at 5:47 p.m.

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

#### **1 Call to Order in the West Conference Room**

Vice Mayor Klein called the meeting to order at 5:49 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 Convene to Closed Session**

[18-0340](#) Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager

[18-0339](#) Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Kent Steffens, City Manager; Teri Silva, Assistant City Manager  
Unrepresented Employee Groups: Unrepresented Management

## **5 Adjourn Special Meeting**

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

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

#### **CALL TO ORDER**

Mayo 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 and Successor Agency met in Joint Closed Session pursuant to California Government Code Section 54956.9(d)(1): CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION; Consolidated Appeals: Santa Clara County Office of Education, et al., v. Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al. Third District Court of Appeal Case No. C077661; and Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al., v. Michael Cohen as Director, et al. Third District Court of Appeal Case No. C077659; the City Council authorized the City Attorney to file a petition for review with the California Supreme Court in the matter of the Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al., v. Michael Cohen as Director, et al. Third District Court of Appeal Case No. C077659.

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.

Vice Mayor Klein reported the Council met in Closed Session pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS; Unrepresented Employee Groups: Unrepresented Management;

nothing to report.

### **SPECIAL ORDER OF THE DAY**

[18-0300](#) SPECIAL ORDER OF THE DAY - Municipal Clerks Week

Mayor Hendricks presented a proclamation in recognition of Municipal Clerks Week to City Clerk Kathleen Franco Simmons.

[18-0307](#) SPECIAL ORDER OF THE DAY - Affordable Housing Week

Mayor Hendricks presented a proclamation in recognition of Affordable Housing Week to Jan M. Lindenthal, MidPen Housing Vice President of Real Estate Development and board member of SV@Home.

[18-0299](#) SPECIAL ORDER OF THE DAY - Teen Self Esteem Awareness Month

Mayor Hendricks presented a proclamation in recognition of National Teen Self Esteem Month to Community Services Manager Michael Muse, Teen Advisory Committee President Anisha Bhat and Teen Advisory Committee Member Cristal Villareal.

### **ORAL COMMUNICATIONS**

Munish Gupta announced an upcoming Brahma Kumaris Silicon Valley event featuring Sister Shivani at the Santa Clara Convention Center, and provided written materials.

Joshua Grossman spoke regarding campaign finance reform and the influence of political action committees on elections.

Chris Moylan, District Director for Congressman Khanna spoke regarding affordable housing, announced an upcoming Townhall meeting in Fremont, and shared that his office is taking applications from college students interested in being interns.

Kira Od provided a PowerPoint presentation regarding the wetlands on the Bay Trail near the water treatment plant and encouraged all to appreciate it, enjoy it, and protect it.

Zachary Kaufman spoke regarding yard waste, trash receptacles and civic center modernization costs, and provided a PowerPoint presentation.

Richard Mehlinger spoke regarding displacement of affordable housing by the condo development project on the site of the former Blue Bonnet Mobile Home Park and requested Council to reconsider the decision to approve the development.

Tara Martin-Milius spoke in support of protecting the Bay Trail. She also spoke regarding the policy to protect public facility (PF) zoning.

Kevin Jackson announced the upcoming Bike to Work Day and urged car drivers to be patient and on the lookout for bike riders.

### **CONSENT CALENDAR**

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

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**     [18-0389](#)     Approve City Council Meeting Minutes of April 24, 2018

Approve the City Council Meeting Minutes of April 24, 2018 as submitted.

**1.B**     [17-1111](#)     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**     [18-0282](#)     Award of Bid No. PW18-01 for City-wide Waterline  
Replacement 2017, Finding of California Environmental Quality  
Act (CEQA) Categorical Exemption, and Approval of Budget  
Modification No. 46

1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15302 (c) for replacement and reconstruction of existing utility system involving negligible or no expansion of

capacity; 2) award a contract in substantially the same form as Attachment 2 to the report in the amount of \$3,660,610 to Northern Underground Construction, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 10% construction contingency in the amount of \$366,061; and 4) Approve Budget Modification No. 46 in the amount of \$687,521 to advance project funding from FY 2018/19 City-wide Water Line Replacement Budget.

- 1.D**      [18-0310](#)      FY 2017/18 NOVA Workforce Services Department  
Expenditure Update and Approval of Budget Modification No.  
47

Approve Budget Modification No. 47 increasing revenues for the Employment Development Fund by \$1,200,000 for new total revenues of \$11,700,000, increasing expenditures by \$1,056,320 and transfers to General Fund of \$143,680 for the FY 2017/18 Budget.

- 1.E**      [18-0362](#)      Receive and File the City of Sunnyvale Investment Report - 1st  
Quarter 2018

Receive and file the City of Sunnyvale FY 2017/18 - First Quarter 2018 (Period 10) Investment Report.

- 1.F**      [18-0395](#)      Approve the Second Amendment to Outside Counsel  
Agreement with Leone & Alberts for Legal Services

Authorize the City Attorney to execute a Second Amendment to Outside Counsel Agreement with Leone & Alberts for Legal Services to increase the not-to-exceed amount by \$25,000 for a total new not-to-exceed amount of \$125,000.

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

- 2**      [18-0336](#)      Approve the Caribbean Drive Parking and Trail Access  
Enhancements Design Alternative, and Amend an Existing  
Design/Construction Support Contract

Interim Assistant Director of Public Works Jennifer Ng provided the staff report. Program Management Consultant Erin McGuire and Traffic and Transportation Manager Shahid Abbas provided information.

Public Hearing opened at 8:18 p.m.

Julia Miller spoke regarding parking at the Yahoo! lot, the Bay Trail, provided

recommendations and urged City Council to consider other alternatives.

Pamela Putnam spoke regarding the speed survey, parallel parking, signage at the Yahoo! lot, the bike lane buffer zone, differential cyclist speeds.

Tim Oey spoke regarding bicycle safety, pedestrian safety, health, affordable housing, environmental health, climate change, and expressed support for protected bicycle lanes as a preferred option and discouraged a single multiuse trail that mixes runners and multispeed cyclists.

Sue Serrone spoke in support of valuing the Bay Trail as a wonderful resource of the City and the region, and urged the City Council to make the current alternatives temporary.

Kira Od spoke regarding the North and South sides of the employee parking on Carl Road, discouraged the option for parallel parking on Caribbean, and provided written materials.

Barbara Qadri expressed concerns regarding parallel parking on Caribbean and traffic congestion if reduction to two lanes is implemented.

Rebecca Davidson spoke in support of off-road parking to access the Bay Trail and the levy system. She also expressed concern for the safety of people who parallel park and try to unload bikes and strollers.

Scott Mace spoke regarding the death of bicyclist Scott Harvey on Caribbean and the importance of addressing cycling safety.

Chris Moylan spoke regarding the street allocation policy prioritizing right-of-way for mobility uses such as cars, bikes and pedestrians over stationary uses such as landscaping and parking. He encouraged the City Council to delay a decision to generate and consider different alternatives.

Betsy Megas spoke in support of building bicycle safety into city streets and encouraged temporary measures while exploring other alternatives

John Cordes BPAC Chair speaking for himself, urged to consider temporary solutions, until permanent off-street parking is found; spoke in support of the speed survey and keeping separate bike and pedestrian paths; and suggested providing

free parking at Baylands as a temporary solution.

Mike Serrone spoke regarding the Carl Road free parking, opposed current alternatives of parking on Caribbean and urged a temporary solution.

Kevin Jackson spoke regarding the preferred alternative and failure to provide for cyclist safety, and recommended 10-foot travel lanes, reduced speed limits and separate lanes.

Richard Mehlinger spoke in support of off-site parking and separate high-speed lanes, and requested delaying the decision.

Ken Church spoke in opposition to parallel parking next to bicycle lanes and urged to keep cyclists' safety in mind.

Susan Bremond, BPAC, speaking for herself, spoke in opposition to the parallel parking and urged to find off-street parking alternatives.

Public Hearing closed at 9:02 p.m.

MOTION: Councilmember Melton moved, and Councilmember Larsson seconded the motion to approve Alternatives 1, 2, 3 and 5:

1. Approve the Caribbean Drive Parking and Trail Enhancements Design Preferred Alternative-Multi-Use Path and Wide Buffers as shown in Attachment 3 to the staff report.
2. Direct staff to perform speed surveys along Caribbean Drive to maintain or reduce the speed limit.
3. Authorize the City Manager to execute an amendment to an existing contract with Mark Thomas & Company, in substantially the same format as Attachment 6 to the staff report, adding \$75,000 and increasing the not-to-exceed value from \$319,662 to \$394,662.
5. To provide direction to staff to continue to search for other alternatives for off-street parking, which may but are not necessarily inclusive of Yahoo! Baylands, or reallocating employee parking, and to provide an information only RTC with regard to process alternatives by end of calendar year.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to clarify that Alternative 5 refers to incremental parking. Councilmember Melton accepted the friendly amendment.



FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment to direct staff to investigate whether additional signage and/or noticing is necessary to make parking at Yahoo! more accessible. Councilmember Melton accepted the friendly amendment.

The motion carried by the following vote:

**Yes: 4 -** Mayor Hendricks  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Melton

**No: 2 -** Vice Mayor Klein  
Councilmember Smith

**Abstain: 1 -** Councilmember Goldman

Council recessed at 10:03 p.m.

Council reconvened at 10:15 p.m. with all Councilmembers present.

- 3**      [18-0368](#)      APPLICATION WITHDRAWN - NO FURTHER ACTION REQUIRED.  
Proposed Project:      General Plan Amendment Initiation (GPI) request to study changing the General Plan from Public Facility (P-F) to Medium Density Residential.  
File #: 2018-7040  
Location: 1050 West Remington Drive (APN: 202-26-007)  
Zoning: P-F  
Applicant / Owner: Catalyst Development Partners (applicant) / Church of Christ of Sunnyvale (owner)  
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).
- 4**      [18-0371](#)      Proposed Project:      A request for a Downtown Specific Plan Amendment Initiation to study changes to the development intensities and standards for Block 20 of the Downtown Specific Plan to increase the number of allowable residential units, an increase to the square footage of office allowed, and

an increase in building height to allow up to five stories.

File #: 2018-7034

Location: 510 and 528 S. Mathilda Ave. (APNs: 209-29-060 and 061) and 562 and 566 S. Mathilda Ave. (APNs:

209-29-057 and 067)

Zoning: DSP (Block 20)

Applicant / Owner: SiliconSage Builders, LLC (applicant and owner 562 and 566 S. Mathilda Ave.) and Shawn Karimi (applicant and owner 510 and 528 S. Mathilda Ave.)

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).

Project Planner: Cindy Hom, (408) 730-7411, [chom@sunnyvale.ca.gov](mailto:chom@sunnyvale.ca.gov)

Vice Mayor Klein stated he owns property in the vicinity of the Downtown, recused himself, and left the room.

Councilmember Larsson stated he owns property in the vicinity of the Downtown, recused himself, and left the room.

Assistant City Manager Teri Silva stated she owns property in the vicinity of the Downtown, recused herself, and left the room.

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

Public Hearing opened at 10:45 p.m.

Applicant Sanjeev Acharya, Silicon Sage Builders, LLC President/CEO, provided information regarding the proposed projects.

Richard Mehlinger spoke in support of increasing the height limit to five stories to help ease the housing crisis.

Bill Weaver spoke in opposition to increasing the height to five stories.

Melinda Hamilton spoke in opposition to increasing the height to five stories.

Ray Johnson spoke in opposition to the proposal and asked that the Downtown Specific Plan be followed as it exists and without considering any amendments.

Anthony Ho spoke in support of increasing the height to allow for more housing.

Sonal Gupta spoke in opposition to increasing the height because it will encourage other projects to be the same height.

Anne Langer spoke in opposition to changing the specific plan to increase height.

Applicant Sanjeev Acharya provided closing remarks.

Public Hearing closed at 11:17 p.m.

MOTION: Councilmember Smith moved and Councilmember Griffith seconded the motion to approve Alternative 1: Initiate a Downtown Specific Plan Amendment study to consider amending the Downtown Specific Plan and provide direction to study/coordinate:

- a) Entire Block 20
- b) Change to Primary Uses land use designation from High Density Residential/Office to Mixed Use;
- c) Increase in maximum number of residential units, before any allowed density bonuses from 51 to 103 and densities no greater than the DSP Transit Mixed Use Designation (65 units to the acres);
- d) Increase in maximum office/commercial area from 16,400 square feet to 36,500 square feet;
- e) No increase in height limit;
- f) Updated development standards and design guidelines for proposed changes;
- g) Traffic analysis, market and fiscal analyses, environmental, public infrastructure and utility capacity, and parking, etc.; and,
- h) Community outreach and engagement.
- i) Revise design standards to ensure good architectural design and detailing, specifically at the ground floor pedestrian level (added by the Planning Commission)
- j) Improve the overall streetscape design on Mathilda frontage along Block 20, including sidewalk width, tree wells, and plant selection to accommodate estate size trees and tree shading (added by the Planning Commission).
- i) Remove parking from Mathilda (added by Council)

The motion carried by the following vote:

**Yes:** 4 - Mayor Hendricks  
Councilmember Griffith  
Councilmember Smith  
Councilmember Melton

**No:** 1 - Councilmember Goldman

**Recused:** 2 - Vice Mayor Klein  
Councilmember Larsson

Following action on this item, Vice Mayor Klein and Councilmember Larsson returned to the room and took their seats at the dais at 11:37 p.m.

MOTION: Councilmember Melton moved and Councilmember Griffith seconded the motion to continue to hear the balance of the agenda.

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

- 5**      [18-0098](#)      Authorization to Establish a Pension Trust Fund, Authorize the City Manager to Negotiate and Execute an Agreement with PFM Asset Management, LLC, and U.S. Bank National Association for the Sunnyvale Post-Employment Pension and Retiree Healthcare Benefits Program, Authorize the City Manager or his/her designee to serve as the Benefits Administrator, and Adopt an Investment Policy Statement for the Pension Trust Fund

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 12 a.m.

Mason Fong spoke in support of the recommendation.

Public Hearing closed at 12 a.m.

MOTION: Councilmember Melton moved and Councilmember Griffith seconded the motion to approve Alternative 1 with the addition of updating the paragraph within the Investment Policy of time horizon to reflect that there is a limited duration of approximately 15 years of deposits and withdrawals.

Alternative 1: 1) Approve a Pension Trust Fund, 2) Authorize the City Manager to Negotiate and Execute an Agreement with PFM Asset Management, LLC, and U.S. Bank National Association for the Sunnyvale Post-Employment Pension and Retiree Healthcare Benefits Program in substantially the same form as Attachment 1 to the report, 3) Authorize the City Manager or his/her designee to serve as the Benefits Administrator, and 4) Adopt an Investment Policy Statement for the Pension Trust Fund in substantially the same form as Attachment 2 to the report

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**

Councilmember Smith congratulated Fremont High School for winning the Silicon Valley Clean Energy Bike to the Future Challenge.

### **NON-AGENDA ITEMS & COMMENTS**

#### **-Council**

Councilmember Goldman reported that the Grand Boulevard Initiative committee has accomplished its initial goals and has concluded. He added that he was invited to be part of the new ad hoc committee that is looking to set new goals. He noted that if anyone wishes to share any Grand Boulevard ideas with him, he will bring them the committee.

-City Manager

**INFORMATION ONLY REPORTS/ITEMS**

- [18-0373](#) Tentative Council Meeting Agenda Calendar
- [18-0319](#) Information/Action Items
- [18-0453](#) Study Session Summary of April 24, 2018 - El Camino Real Corridor Specific Plan - Presentation of Preliminary Development Standards/Design Guidelines

**ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 12:05 p.m.