



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, August 14, 2018

6:00 PM

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

Special Meetings: Closed Session - 6:00 PM | Regular Meeting - 7:00 PM

6 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 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

No speakers.

4. Convene to Closed Session

[18-0549](#)

Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: "Block 15 Affordable Housing Site" located at 365-407 S. Mathilda Avenue and 388-406 Charles Street (APNs 165-13-045, 165-13-046, 165-13-068, 165-13-069, 165-13-073, 165-13-074)

City negotiators: City Manager Kent Steffens, Director of Community Development Trudi Ryan

Negotiating parties: The Related Companies of California, LLC
Under negotiation: Price and terms of payment for a proposed long-term ground lease of City property (Disposition and Development Agreement)

5. Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:52 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendricks lead 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 that the Council met in Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS; Property: "Block 15 Affordable Housing Site" located at 365 407 S. Mathilda Avenue and 388 406 Charles Street (APNs 165 13 045, 165 13 046, 165 13 068, 165 13 069, 165 13 073, 165 13 074)

City negotiators: City Manager Kent Steffens, Director of Community Development Trudi Ryan

Negotiating parties: The Related Companies of California, LLC

Under negotiation: Price and terms of payment for a proposed long term ground lease of City property (Disposition and Development Agreement); nothing to report.

ORAL COMMUNICATIONS

Councilmember Smith announced recruitment and application deadline for openings on boards and commissions.

Councilmember Smith announced the upcoming Town Hall Meeting on Aviation Noise.

Mayor Hendricks announced an upcoming fundraiser for Downtown Streets Team.

Councilmember Melton announced that the school year is back in session and urged the public to slow down and be alert when driving.

Marie Bernard, Executive Director of Sunnyvale Community Services, spoke regarding the minimum wage ordinance.

Shawn Risser spoke regarding rent control.

Henry Alexander III spoke regarding the Raynor Park Neighborhood Association.

Mark Mollineaux spoke regarding inequities between homeowners and renters.

CONSENT CALENDAR

Item 1.E was pulled by staff to provide corrected information

MOTION: Councilmember Smith moved and Vice Mayor Klein seconded the motion to approve the Consent Calendar, excluding Items 1.E.

The motion carried by the following vote:

Yes: 7 - Mayor Glenn Hendricks
Councilmember Larry Klein
Councilmember Jim Griffith
Councilmember Gustav Larsson
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

No: 0

1.A [18-0558](#) Approve City Council Meeting Minutes of July 31, 2018

Approve the City Council Meeting Minutes of July 31, 2018, as submitted.

- 1.B** [17-1117](#) 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** [18-0589](#) Reject All Bids Received for the Maude Avenue Bikeway and Streetscape Project (PW18-06)

Reject all bids received in response to Invitation for Bids PW18-06 for the Maude Avenue Bikeway and Streetscape Project.

- 1.D** [18-0593](#) Award of Contract for Professional Design Services Associated with the Rehabilitation of Storm Drain Outfall (F18-179)

1) Award a contract to BKF Engineers of Redwood City in the amount not to exceed \$170,427 for professional design services associated with the Rehabilitation of Storm Drain Outfall into Stevens Creek at Remington Court in substantially the same form as Attachment 1 to the report, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) approve a 15% contingency in the amount of \$25,564.

- 1.E** [18-0609](#) Adopt the City's Investment Policy for Fiscal Year 2018/19 and Receive the Annual Performance Report for Fiscal Year 2017/18

Finance Director Tim Kirby reported that a correction was made to the Investment Policy in Attachment 1. He stated that on page 6 regarding Limits on Negotiable Certificates of Deposit, Item A should state "no more than 30%" not 40% as previously posted. He provided updated materials to the Council and for the website posting.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to adopt the City's Investment Policy for FY 2018/19 (Council Policy 7.1.2) as amended by staff.

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.F** [18-0683](#) Third Amendment to Outside Counsel Agreement with Liebert Cassidy Whitmore for Litigation Services

Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Liebert Cassidy Whitmore to increase the not-to-exceed amount by \$155,000, for a total new not-to-exceed contract amount of \$305,000.

- 1.G** [18-0698](#) Adopt Ordinance No. 3135-18 Enacting and adopting a new Chapter 9.43 (Firearms Sales) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code

PUBLIC HEARINGS/GENERAL BUSINESS

- 2.** [18-0697](#) CONTINUED FROM JULY 31, 2018 CITY COUNCIL MEETING
- Proposed Project:
- Appeal by the Applicant of a Planning Commission decision to deny a Design Review and Variance to allow a new one-story single family home resulting in 1,963 square feet (1,640 square feet of living area and 323 square foot one-car garage) and 51% floor area ratio on a 3,800-square foot lot (FAR greater than 45% requires Planning Commission review) with the following requested variances:
- 10-15-foot front yard setback where 20 feet minimum is required;
 - 7 foot 2-inch combined side yard setback where 10-foot minimum is required;
 - One-covered parking space where two-covered parking spaces are required; and,
 - No uncovered parking spaces where two-uncovered

parking spaces are required (subsequently revised to provide one uncovered space with substandard length of 18 feet).

Location: 814 Coolidge Avenue (APN: 165-17-017)

File #: 2017-7765

Zoning: R-2 (Low Medium Density Residential)

Applicant / Owner: Joe and Raquel Fanucchi (applicant / owner)

Environmental Review: Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that include minor additions to an existing single-family residence (CEQA Guidelines Section 15301).

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

Assistant Director of Community Development Andy Miner provided the staff report and a slide presentation.

Applicant/Appellant Raquel Fanucchi presented information regarding the appeal.

Public hearing opened at 7:30 p.m.

No speakers.

Public hearing closed at 7:30 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 2: Make the necessary California Environmental Quality Act findings and Grant the appeal and approve the Design Review and Variances as requested by the applicant to allow variances for front yard setback, combined side yard setback, lot coverage, one covered parking space and one uncovered parking space with reduced length of 18 feet, subject to the findings in Attachment 3 and Conditions of Approval in Attachment 4 of 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

3. [18-0631](#) Proposed Project: General Plan Amendment Initiation to consider amending the Lawrence Station Area Plan (LSAP) to expand the boundary of the plan area to include 932 and 950 Kifer Road (APNs 205-49-005 and 205-49-012).
File #: 2018-7447
Locations: 932 Kifer Road (APN 205-49-005); 950 Kifer Road (APN 205-49-012); 945 Kifer Road (APN 205-40-002); and 955 Kifer Road (APN 205-40-001).
Applicant/Owner: Intuitive Surgical, Inc.
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (a).
Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

Senior Planner George Schroeder provided the staff report and provided a slide presentation.

Applicant Larry Crist provided information regarding the project and provided a slide presentation.

Public hearing opened at 7:56 p.m.

Tom Sartor spoke on behalf of a family owned property adjacent to the project on San Lucar Court and requested that their property be included in the study.

Derrick Larson, Dollinger Properties, requested that their properties on 818-820 Kifer Road be included in the expansion of the Lawrence Station Area Plan study and provided a slide presentation.

John Cordes, BPAC Chair, speaking for himself, spoke in support of the General

Plan Amendment to study expansion of the Lawrence Station Area Plan.

Zachary Kaufman spoke about companies located in 818-824 Kifer Road and stated consideration of what might be lost is as important as what might be gained.

Eric Morley, Morley Brothers speaking on behalf of the applicant, addressed the bike and pedestrian study and the Planning Commission recommendation regarding trees. He also addressed the neighboring property owners' requests to be included.

Applicant Larry Crist provided closing comments.

Public hearing closed at 8:10 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Melton seconded the motion to approve Alternative 1: Initiate the General Plan Amendment study to add the properties at 932, 950, 945 955 Kifer Road in the Lawrence Station Area plan boundaries and direct staff to include these amendments in the LSAP residential study currently underway.

- a. Study a pedestrian/bicycle route from the subject properties to the Lawrence Caltrain Station (Recommended by Planning Commission).
- b. The study shall analyze methods to maximize the existing tree canopy, preserve the existing trees, and maintain the open space within the 945-955 Kifer Road property (Recommended by Planning Commission).

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. [18-0632](#) Approve a Memorandum of Understanding and Bylaws between the City of Sunnyvale and the Cities Association of Santa Clara County providing for the continuing operation of the Santa Clara/Santa Cruz Counties Airport/Community Roundtable and Approve Budget Modification 3 in the amount

of \$35,000

Senior Management Analyst Lupita Alamos provided the staff report.

Public hearing opened at 8:37 p.m.

Josh Grossman spoke in opposition to the Memorandum of Understanding (MOU) for the Roundtable and recommended looking for alternative solutions.

Andi Jordan, Executive Director of Cities Association, spoke in support of adoption of the MOU.

Jennifer Tassit spoke regarding the Roundtable Bylaws and recommended temporarily delaying the vote for a few weeks to add verbiage rejecting airplane noise shifting to the bylaws to make it clear that airplane noise shifting between communities should not be tolerated.

Steve Scandalis spoke regarding the current flight path and frequency of flights and recommended that the Council participate and urge the Roundtable to update the MOU so that it does not give undue veto powers to parties that are not part of the Sunnyvale community.

Mason Fong, Chair of Board of Library Trustees speaking for himself, urged Council to look at the MOU and consider a change in the recommended language.

Public hearing closed at 8:57 p.m.

MOTION: Mayor Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt a resolution to join the Santa Clara/Santa Cruz Counties Airport/Community Roundtable; approve and authorize the City Manager to execute the Memorandum of Understanding, in substantially the same form as in Attachment 5 between the City of Sunnyvale and the Cities Association of Santa Clara County providing for the continuing operation of the Santa Clara/Santa Cruz Counties Airport/Community Roundtable and any other documents necessary for participation in the Roundtable; approve the Roundtable Bylaws; authorize the Mayor to appoint a Representative and Alternate to serve a two year term; and approve Budget Modification 3 in the amount of \$35,000.

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

Council recess at 9:21 p.m.

Council reconvened at 9:30 p.m. with all Councilmembers present.

5. [18-0644](#) Approve Management Agreement for Sunnyvale Golf Course between the City of Sunnyvale and KSM Sunnyvale, LLC and Terminate Existing Concession License Agreement with KSM Sunnyvale, LLC

Director of Public Works Chip Taylor provided the staff report and slide presentation. Mr. Taylor provided minor changes staff identified since the Report to Council was published which includes language that clarifies that the City Manager or designee will approve their budget, removal of a clause related to lawsuits on the City's behalf, and approval of contracts above \$100,000 requires City Council approval and a longer timeline.

Superintendent of Parks, Golf and Trees Jim Stark and Steve Argo with Kemper Sports provided additional information.

Public hearing opened at 9:52 p.m.

No speakers.

Public hearing closed at 9:52 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve Alternative 1: Authorize the City Manager to terminate the Concession License Agreement for operation of certain areas and facilities at Sunnyvale Golf Course with KSM Sunnyvale, LLC, and execute a Management Agreement with KSM Sunnyvale, LLC in substantially the same form as Attachment

2 of the report.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to include the staff proposed modifications. Vice Mayor Klein accepted the friendly amendment.

The motion carried by the following vote:

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

No: 1 - Councilmember Melton

6. [18-0676](#) Resolution Adopting Council Policy 4.4.1 Establishing a Suicide Prevention Policy

Director of Public Safety Chief Phan Ngo provided the staff report.

Public hearing opened at 10:22 p.m.

Victor Ojakian, Co-President of National Alliance on Mental Illness (NAMI) Santa Clara County and Co-Chair of the Santa Clara County Suicide Prevention Oversight Committee, provided information and requested adoption of the proposed policy.

Mary Gloner, Director of Project Safety Net in Palo Alto, provided information and requested prioritization of this initiative.

Monet Goldman, mental health provider, spoke in support of the policy and spoke in favor of providing more funding and counseling services.

Josh Grossman spoke regarding the relation between poverty and affordable housing.

Mason Fong, Chair of Library Board of Trustees speaking for himself, spoke in support of the resolution as a first step and advocated supporting a task force.

Public hearing closed at 10:41 p.m.

MOTION: Councilmember Smith moved and Vice Mayor Klein seconded the motion to adopt a Resolution Adopting Council Policy 4.41 Establishing a Suicide Prevention Policy.

MOTION: Vice Mayor Klein offered a friendly amendment to revise the policy statement presented by staff to change the policy statement to state “suicide is one of the leading causes of death in the United States and the in the State of California.” Councilmember Smith accepted the friendly amendment.

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. [18-0673](#) Adopt a Resolution Establishing the New Classification of Budget Manager and Amending the City’s Salary Resolution to Update the Schedule of Pay to Add the Budget Manager Classification and Increase the Pay Range of the Assistant Director of Finance Classification

Director of Human Resources Tina Murphy provided the staff report.

Public hearing opened at 10:52 p.m.

No speakers.

Public hearing closed at 10:52 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Adopt a Resolution Establishing the New Classification of Budget Manager and Amending the City's Salary Resolution to Update the Schedule of Pay to Add the Budget Manager Classification and Increase the Pay Range of the Assistant Director of Finance Classification.

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

No reports.

NON-AGENDA ITEMS & COMMENTS

-Council

No reports.

-City Manager

No reports.

INFORMATION ONLY REPORTS/ITEMS

[18-0554](#) Tentative Council Meeting Agenda Calendar

[18-0711](#) Information/Action Items

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 10:54 p.m.