



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, August 29, 2023

5:15 PM

Online and Bay Conference Room
(Room 145), City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting: Closed Session - 5:15 PM | Regular Meeting - 7 PM

5:15 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Call to Order

Vice Mayor Din called the meeting to order at 5:15 p.m.

Roll Call

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

Public Comment

Public Comment opened at 5:17 p.m.

No speakers.

Public Comment closed at 5:17 p.m.

Convene to Closed Session

Council convened to Closed Session in the Council Conference Room at 5:18 p.m.

- A** [23-0839](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Pursuant to Government Code Section 54954.5: Significant Exposure to Litigation Under Government Code Section 54956.9(d)(2): A statement threatening litigation made by a person outside an open and public meeting related to a proposed project at 1154 and 1170 Sonora Court

- B** [23-0792](#) Closed Session Held Pursuant to California Government Code Section 54956.9:
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9): International Federation of Professional and Technical Engineers (IFPTE), Local 21 on behalf of affected Sunnyvale Employees' Association (SEA) employees

Adjourn Special Meeting

Vice Mayor Din adjourned the meeting at 6:48 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:00 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 Omar Din
Councilmember Russ Melton
Councilmember Alysa Cisneros
Councilmember Richard Mehlinger
Councilmember Murali Srinivasan
Councilmember Linda Sell

CLOSED SESSION REPORT

Vice Mayor Din reported that Council met in Closed Session Held Pursuant to Government Code Section 54954.5: Significant Exposure to Litigation Under Government Code Section 54956.9(d)(2): A statement threatening litigation made by a person outside an open and public meeting related to a proposed project at 1154 and 1170 Sonora Court; nothing to report.

Vice Mayor Din reported that Council met in Closed Session Held Pursuant to California Government Code Section 54956.9: Conference with Legal Counsel Anticipated Litigation (Significant exposure to litigation pursuant to paragraph (2) or

(3) of subdivision (d) of Section 54956.9): International Federation of Professional and Technical Engineers (IFPTE), Local 21 on behalf of affected Sunnyvale Employees' Association (SEA) employees; nothing to report.

SPECIAL ORDER OF THE DAY

C [23-0378](#) National Library Card Sign-up Month

Mayor Klein read a proclamation in honor of National Library Card Sign-Up Month.

D [23-0379](#) Prisoners of War/Missing in Action (POW/MIA) Recognition Day

Councilmember Melton and Mayor Klein read a proclamation in honor of Prisoners of War/Missing in Action (POW/MIA) Recognition Day.

ORAL COMMUNICATIONS

Mayor Klein shared a statement about Councilmember conversations relating to the Moffett Park Specific Plan that occurred outside of a noticed public meeting.

Councilmember Cisneros shared an announcement regarding the beginning of the school year for Sunnyvale schools and a reminder for drivers to be on the lookout for students walking and bicycling.

Dashiell Leeds, Conservation Coordinator, Sierra Club Loma Prieta Chapter suggested a study issue to limit access to various levees on the San Francisco Bay to official uses.

Peggy Brewster, Sunnyvale for Equity and Education (SEED) announced new Valley Transportation Authority (VTA) bus service to north Sunnyvale, Fremont Union High School District (FUHSD) efforts to transition to district based elections and SEED goals in the short and long term.

Lauren Ledbetter, SEED communicated high usage of the new VTA bus route and details of recent bicycle events in the community.

Stephen Meier shared concerns with traffic safety and a lack of Department of Public Safety presence in the Fremont High School area.

CONSENT CALENDAR

Public Comment opened at 7:22 p.m.

No speakers.

Public Comment closed at 7:22 p.m.

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

The motion carried with the following vote:

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

No: 0

1.A [23-0276](#) 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 [23-0224](#) Approve Budget Modification No. 2 in the Amount of \$1,998,080 for the Fair Oaks Avenue Overhead Bridge Rehabilitation Project, Amend the Contract with Ghirardelli Associates Inc. by \$986,585 to an Increased Contract Amount of \$3,319,783, Amend the Contract with Biggs Cardosa Associates, Inc. of San Jose by \$40,000 to an Increased Contract Amount of \$2,666,075, Amend the Joseph J. Albanese Contract Construction Contingency by \$400,000 to an Increased Contingency Amount of \$2,238,600, and Authorize Public Works Director, or Designee, to Execute a Contract Change Order with Joseph J. Albanese in the Amount of \$1,145,765

Take the following actions:

- Approve Budget Modification No. 2 in the amount of \$1,998,080 for the Fair Oaks Avenue Overhead Bridge Rehabilitation;
- Amend the contract with Ghirardelli Associates Inc. by \$986,585 to increase the contract to \$3,319,783;
- Amend the contract with Biggs Cardosa Associates Inc. by \$40,000 to increase the

contract to \$2,666,075 and amend the construction contingency by \$400,000 to an increased construction contingency amount of \$2,238,600; and

- Authorize the Public Works Director, or designee, to execute a contract change order with Joseph J. Albanese in the amount of \$1,145,765.

1.C [23-0773](#) Approve Contract Award to Western Digital for Semiconductor Training and Employment Pilot

Approve the award of contract for Rapid Response services and authorize the City Manager to execute an agreement with Western Digital in an amount not to exceed \$475,000, with the contract term starting September 11, 2023, and ending September 10, 2024.

1.D [23-0726](#) Authorize Reinstating and Amending Three On-Call Contracts for Pavement Rehabilitation Services (F23-186)

Take the following actions:

- Authorize the City Manager to execute the Reinstatement and First Amendment to the contract with CSG Consultants, Inc., in substantially the same as Attachment 1 to the report, to reinstate the agreement retroactively to May 23, 2023, and extending the term of the Agreement until December 31, 2024;

- Authorize the City Manager to execute the Reinstatement and First Amendment to the contract with Michael Baker International, Inc., in substantially the same as Attachment 2 to the report, to reinstate the agreement retroactively to May 11, 2023, and extending the term of the Agreement until December 31, 2024; and

- Authorize the City Manager to execute the Reinstatement and First Amendment to the contract with Wood Rodgers, Inc. in substantially the same as Attachment 3 to the report, to reinstate the agreement retroactively to May 11, 2023, and extending the term of the Agreement until December 31, 2024.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [23-0724](#) Proposed Project: Appeal by neighbors of a decision by the Planning Commission approving related applications on a 0.85-acre site:
SPECIAL DEVELOPMENT PERMIT: to allow construction of 18 three-story condominium units and the retention of one single-family house (156 Crescent Avenue); and,
TENTATIVE MAP: to create one lot and 19 condominium units.
Location: 148 and 156 Crescent Avenue (APNs: 211-35-008 and 211-35-009)
File #: 2021-7826

Zoning: R-3/PD - Medium Density Residential / Planned Development
Applicant / Owner: Samir Sharma (applicant) / Crescent Avenue LLC (owner)
Environmental Review: A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions.
Project Planner: Momo Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

Senior Planner Momo Ishijima provided the staff report and presentation.

Public Hearing opened at 8:39 p.m.

Lianne Caetano provided the appellant presentation.

Samir Sharma provided the applicant presentation.

Martin Pyne, Planning Commission Chair shared the Commission's recommendation.

Stephen Meier communicated support for the Project as proposed and denial of the appeal.

Public Hearing closed at 9:01 p.m.

MOTION: Vice Mayor Din moved and Councilmember Mehlinger seconded the motion to approve Alternative 1: Deny the appeal and affirm the Planning Commission's decision to approve the Special Development Permit and Tentative Map with the recommended findings in Attachment 3 and Conditions of Approval in Attachment 4 to the report.

The motion carried with the following vote:

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

No: 0

Council took a recess at 9:22 p.m. and reconvened at 9:31 p.m. with all Councilmembers present.

3 [23-0056](#) Appoint Applicants to the Board of Library Trustees, Housing and Human Services Commission and Personnel Board

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:33 p.m.

Martin Pyne voiced support for Board of Library Trustees applicants that have considered the pros and cons for a potential bond measure to support Phase II of the Civic Center Modernization project.

Elizabeth Steward spoke to her application for the Housing and Human Services Commission.

Erik Poicon communicated support for appointing Charlsie Chang to the Board of Library Trustees.

Jaria Jarg voiced support for appointing Charlsie Chang to the Board of Library Trustees.

Public Hearing closed at 9:39 p.m.

City Clerk David Carnahan distributed the paper voting ballots, tallied the votes and reported the results as follows:

Board of Library Trustees (1 vacancy)

Charlsie Chang (only preference)

Vote: 5-0-2 (Abstentions by Councilmembers Srinivasan and Sell)

Yael Hod (only preference)

Vote: 4-0-3 (Abstentions by Vice Mayor Din and Councilmembers Cisneros and Mehlinger)

Rutawari Sharma (only preference)

Vote: 0-0-7 (Abstentions by all Councilmembers)

Charlsie Chang was appointed to the Board of Library Trustees to serve a term expiring 6/30/2026.

Personnel Board (1 vacancy)

Linda Price (1st preference)

Vote: 0-0-7 (Abstentions by all Councilmembers)

Barry Vickrey (only preference)

Vote: 7-0-0

Barry Vickrey was appointed to the Personnel Board to serve a term expiring 6/30/2027.

Housing and Human Services Commission (1 vacancy)

Morgan Friedlander (only preference)

Vote: 0-0-7 (Abstentions by all Councilmembers)

Linda Price (2nd preference)

Vote: 0-0-7 (Abstentions by all Councilmembers)

Elizabeth Steward (only preference)

Vote: 7-0-0

Carol Weiss (only preference)

Vote: 4-0-3 (Abstentions by Councilmembers Melton, Cisneros, and Sell)

Elizabeth Steward was appointed to the Housing and Human Services Commission to serve a term expiring 6/30/2027.

City Clerk David Carnahan reported two vacancies on the Heritage Preservation Commission remain following these appointments.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Din reported on Valley Transportation Authority (VTA) Board Meeting discussions and the new 255 bus line created to help students commute from North Sunnyvale.

Councilmember Mehlinger reported on their recent attendance at the Caltrain Local Policy Maker Group (LPMG) meeting regarding grade separations and electrification.

Councilmember Melton reported on the Silicon Valley Regional Interoperability Authority and announced he has been reappointed as chair.

Councilmember Sell reported on their experience working with Vice Mayor Din on VTA Board business referencing the new 255 bus line.

Mayor Klein reported on recent business from the Silicon Valley Clean Energy Board and the Santa Clara County Recycling and Waste Reduction Commission.

NON-AGENDA ITEMS & COMMENTS

-Council

Vice Mayor Din shared a statement about their conversations with Councilmembers relating to the Moffett Park Specific Plan that occurred outside of a noticed public meeting.

Councilmember Mehlinger shared a statement about their conversations with Councilmembers relating to the Moffett Park Specific Plan that occurred outside of a noticed public meeting.

Councilmember Melton shared their thoughts regarding the Ralph M. Brown Act (open meetings law) and reflected on recent Sunnyvale City Council circumstances involving the Brown Act.

Councilmember Srinivasan shared a statement about their conversations with Councilmembers relating to the Moffett Park Specific Plan that occurred outside of a noticed public meeting.

Councilmember Sell spoke to the principles and importance of the Brown Act.

Councilmember Cisneros reflected on their experience navigating the Brown Act and

the importance of open transparency in government.

Mayor Klein provided their appreciation to the City Attorney for their guidance regarding the Brown Act.

Councilmember Mehlinger sponsored a study issue to examine the permanent, year-round closure of the levees around the water treatment plant (Closure of Interior Levees). Mayor Klein, Vice Mayor Din, and Councilmembers Melton, Cisneros, Srinivasan and Sell co-sponsored the study issue.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

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| <u>23-0683</u> | Tentative Council Meeting Agenda Calendar |
| <u>23-0774</u> | Board/Commission Meeting Minutes |
| <u>23-0775</u> | Information/Action Items |
| <u>23-0779</u> | Boards and Commissions Semi-Annual Attendance Report,
January to June 2023 (Information Only) |
| <u>23-0852</u> | Council Advocacy Letters |

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:24 p.m.