



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, July 31, 2018

4:00 PM

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

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**Special Meetings: Closed Session - 4:00 PM | Study Session - 5:30 PM | Open House -  
6:30 PM | Regular Meeting - 7 PM**

### **4:00 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 4:03 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**

[18-0614](#)

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

Property: APN 213-12-001 1142 Dahlia Court/1197 Lily  
Avenue (commonly referred to as Corn Palace)

Agency negotiator: City Manager Kent Steffens; Director of  
Community of Development Trudi Ryan; Director of Public  
Works Chip Taylor; City Property Administrator Sherine Nafie

Negotiating parties: Gabriel Francia Trustee, or authorized buyer (currently TrumarkHomes LLC)  
Under negotiation: Price and terms of payment

[18-0686](#)

Closed Session held pursuant to California Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 1484 Kifer Road, Sunnyvale, CA

Agency negotiator: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; and Sherine Nafie, City Property Administrator

Negotiating parties: Four Corners Properties LLC; Simeon LLC and Essex Property Trust, Inc.; and Youland Smarthome LLC

Under negotiation: Price and Terms of Payment

**5. Adjourn Special Meeting**

Vice Mayor Klein adjourned the meeting at 5:01 p.m.

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

**1. Call to Order in the West Conference Room (Open to the Public)**

Vice Mayor Klein called the meeting to order at 5:30 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. Study Session**

[18-0504](#)

El Camino Real Corridor Specific Plan - Presentation of Design Examples

**5. Adjourn Special Meeting**

Vice Mayor Klein adjourned the meeting at 6:29 p.m.

**6:30 P.M. SPECIAL COUNCIL MEETING (Open House)**

**1. Call to Order at the Sunnyvale Public Library Plaza (Open to the Public)**

A quorum of the Council arrived at approximately 6:33 p.m.

**2. Roll Call**

**3. Open House**

[18-0535](#)

Open House - Waymo Driverless Cars

Location: Sunnyvale Public Library (Plaza in front of Library),  
665 W Olive Ave, Sunnyvale, CA 94086

**4. Adjourn Special Meeting**

A quorum of the Council left at approximately 6:43 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: APN 213 12 001 1142 Dahlia Court/1197 Lily Avenue (commonly referred to as Corn Palace): Nothing to 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: 1484 Kifer Road, Sunnyvale, CA; Nothing to report.

### **ORAL COMMUNICATIONS**

Councilmember Melton announced the application deadline to fill openings on boards and commissions.

Councilmember Melton announced a new meeting date of Thursday, August 23 for the Town Hall meeting on Aviation Noise at 6:00 pm at the Sunnyvale Community Center Ballroom.

Saurav Gandhi provided a report regarding the DPS Leadership Academy.

Zachary Kaufman provided a slide presentation showing traffic, pedestrian and bicycle traffic at the El Camino and Fair Oaks intersection. Mr. Kaufman also spoke regarding domain names.

Jay Herbert spoke regarding traffic impacts, pedestrian and bicycle safety at the San Luisito and Duane intersection and provided a slide presentation.

Henry Alexander III spoke regarding lack of transparency and how the city is using the website. He recommended the city provide a data hub to communicate with the residents and requested a study issue on this matter.

Richard Mehlinger requested a study issue to consider a minimum terms lease ordinance requiring landlords to offer six and twelve month leases. Mr. Mehlinger also provided comments regarding Item 2.

Mark Mollineaux spoke regarding the Blue Bonnet Mobile Home Park and the need to do more to provide equity between landowners and mobile home owners. He also stated that the Sunnyvale Tenants Union look forward to working with the Council and hold discussion on stability and have a more affordable future.

### **CONSENT CALENDAR**

Councilmember Melton pulled Item 1.D for separate consideration.

Councilmember Goldman pulled Item 1.G for separate consideration.

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

Councilmember Larsson clarified that the motion includes approval of the minutes as modified by staff.

The motion carried by the following vote:

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

**1.A**     [18-0605](#)     Approve City Council Meeting Minutes of July 17, 2018

Approve the City Council Meeting Minutes of July 17, 2018 as submitted.

**1.B**     [17-1116](#)     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**     [18-0591](#)     Authorize the Issuance of a Blanket Purchase Order for  
Cooperative Purchase of Industrial and Commercial Supplies  
(F18-249)

1) Approve the issuance of a blanket purchase order to Grainger for the purchase of industrial and commercial supplies in an amount not to exceed \$200,000, in substantially the same form as Attachment 2 to the report and in accordance with the State of California NASPO ValuePoint Master Agreement; 2) Authorize the City Manager to increase the not to exceed amount to the amount of the budgeted appropriations and to renew the purchase order for four additional one-year periods provided that pricing and service remain acceptable to the City.

**1.D**     [18-0603](#)     Award of Contract for Professional Design Services Associated  
with the Golf Building Renovations at Sunken Gardens  
(F18-188)

Public hearing opened at 7:27 p.m.

No speakers.

Public hearing closed at 7:27 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Smith seconded the motion to approve 1) Award a contract, in substantially the same form as Attachment 1 to the report and in an amount not to exceed \$168,877, and authorize the City Manager to execute the contract when all the necessary conditions have been met; 2) approve a contract contingency in the amount of \$16,888; and 3) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15301 and 15378(a).

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

**1.E**      [18-0335](#)      Adopt Resolutions Authorizing the City Manager or His Designee to Execute Agreements for Purchase of Certain Real Estate Rights and Acceptance of Easements, and Adopt a Resolution Summarily Vacating Existing Aerial Easements, all in Relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project

1. Adopt a resolution authorizing the City Manager or his designee to execute:
  - Agreement for Purchase of Certain Real Property Rights with HD Development of Maryland Inc.;
  - Application for Custom Work agreement with AT&T located on HD Development of Maryland Inc. property;
  - Acceptance of easements from HD Development of Maryland Inc. in relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project;
  - A Landscape Agreement with HD Development of Maryland Inc.
2. Adopt a resolution authorizing the City Manager or his designee to execute:
  - Agreement for Purchase of Certain Real Property Rights with Monument 3:

Realty Fund VII, LTD. and Monument 3: Realty Fund VIII, LTD;

· Acceptance of easements from Monument 3: Realty Fund VII, LTD. and Monument 3: Realty Fund VIII, LTD, in relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project; and

3. Adopt a resolution summarily vacating existing aerial easements related to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project.

**1.F**      [18-0613](#)      Award of Contract for Consultant Services to Develop  
Sunnyvale Housing Strategy (F18-202)

Award a contract to BAE Urban Economics to develop the Sunnyvale Housing Strategy in an amount not-to-exceed \$198,916, in substantially the same form as Attachment 1 to the report, and authorize the City Manager to execute the contract when all the necessary conditions have been met.

**1.G**      [18-0616](#)      Authorize the Issuance of a Purchase Order for five (5) John  
Deere 1550 Terrain-Cut Commercial Front Mowers (F18-280)

Public hearing opened at 7:42 p.m.

No speakers.

Public hearing closed at 7:42 p.m.

MOTION: Councilmember Griffith moved and Councilmember Larsson seconded the motion to 1) Approve the issuance of a purchase order to Deere & Company in the amount of \$104,499.10 (not including sales tax) in substantially the same form as Attachment 1 to the report.

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

**No:** 0

**Abstain:** 1 - Councilmember Goldman

**1.H**      [18-0531](#)      Acceptance of the Systemic Safety Analysis Report Program  
grant funds from CalTrans, Award of contract for Roadway  
Safety Plan as part of the Systemic Safety Analysis Report

Program (SSARP) (F18-192), and approval of Budget Modification No. 1

- 1) Accept the Systemic Safety Analysis Report Program grant funds from CalTrans,
- 2) Award a contract, in substantially the same form as Attachment 1 to the report and in an amount not to exceed \$249,276 to Fehr & Peers, and authorize the City Manager to execute the contract when all the necessary conditions have been met;
- 3) approve a 10% contingency in the amount of \$24,928; and 4) approve Budget Modification No. 1 in the amount of \$280,000 for project award, recognizing grant funds and appropriate matching funds.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2.       [18-0675](#)       Introduce an Ordinance Enacting and Adopting a New Chapter 9.43 to the Sunnyvale Municipal Code to Regulate Licensed Firearms Dealers and to Prohibit Licensed Firearms Dealers from Selling, Delivering, or Giving Possession of a Semiautomatic Centerfire Rifle to any Person Under 21 Years of Age.

City Attorney John Nagel provided the staff report.

Public hearing opened at 8:04 p.m.

Reverend Joseph Lee, Presbyterian minister and executive of the Presbytery of San Jose, urged support for the proposed ordinance.

Carol Weiss spoke in support of the proposed ordinance.

Nandini Balakrishna spoke in support of the proposed legislation and requested reconsideration of the section exempting law enforcement and active duty.

Geoff Ainscow spoke in support of the ordinance and requested removal of an item in Section 9.43.080 exempting active police and military.

Mike Serrone spoke in support of the proposed ordinance.

Katie Wilkinson spoke in support of the measure.

Tony Spitaleri spoke in support for the measure and expressed concerns about the section exempting a police officer or active military from purchasing these firearms.



Eric Swanson, Pastor of West Hope Presbyterian Church, spoke in support of the City's leadership in gun safety.

John Cordes, BPAC Chair, speaking for himself, spoke in support of the ordinance as written.

Sally Lieber spoke in support of unanimous approval of the ordinance and agreed with other speakers about the exemption. She also recommended a future ban on the making and possession of 3D printed guns in Sunnyvale.

Tara Martin-Milius spoke in support of the ordinance and questioned the need for the exemption for police and military.

Richard Simmons spoke in support of the lead the City is taking with this proposal.

Public hearing closed at 8:25 p.m.

MOTION: Mayor Hendricks moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Introduce an Ordinance Enacting and Adopting a New Chapter 9.43 to the Sunnyvale Municipal Code to Regulate Licensed Firearms Dealers and to Prohibit Licensed Firearms Dealers from Selling, Delivering, or Giving Possession of a Semiautomatic Centerfire Rifle to any Person Under 21 Years of Age.

City Clerk Kathleen Franco Simmons read the ordinance title.

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. [18-0489](#) Consider Amending the City of Sunnyvale's Minimum Wage Ordinance to Delay the Start of Annual Consumer Price Index

Adjustments from January 1, 2019 to January 1, 2020

Economic Development Manager Connie Verceles provided the staff report.

Public hearing opened at 8:50 p.m.

No speakers.

Public hearing closed at 8:50 p.m.

MOTION: Councilmember Griffith moved and Councilmember Smith seconded the motion to approve Alternatives 2 and 3: 2) Direct staff to return to Council with a Minimum Wage Ordinance amendment to delay future CPI adjustments from January 1, 2019 to January 1, 2020; and 3) Direct staff to return to Council with a Minimum Wage Ordinance amendment to place a maximum cap of five (5) percent on future CPI increases.

The motion carried by the following vote:

**Yes:** 5 - Mayor Hendricks  
Vice Mayor Klein  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Smith

**No:** 2 - Councilmember Melton  
Councilmember Goldman

4. [18-0636](#) File #: 2017-7765  
Location: 814 Coolidge Avenue (APN: 165-17-017)  
Zoning: R-2 (Low Medium Density Residential)  
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 49% floor area ratio on a 4,000-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).
- 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

Director of Community Development Trudi Ryan recommended continuing this item to August 14, 2018.

Public hearing opened at 9:10 p.m.

No speakers.

Public hearing closed at 9:10 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to continue this item to a date certain, August 14, 2018.

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 recessed at 9:10 p.m. and reconvened at 9:20 p.m. with all Councilmembers

present.

5.      [18-0597](#)      Proposed Project:      Related applications on an 8.09-acre site:  
DESIGN REVIEW PERMIT AND USE PERMIT: To allow site  
and building modifications to an existing office building  
complex resulting in 7,449 net new square footage (42% FAR)  
on an 8.09-acre site developed with (4) three-story buildings  
and various site improvements and a request to utilize square  
footage from the city-wide development reserve.  
Location: 1230-1290 Oakmead Parkway (APN: 216-44-124)  
File #: 2017-7886  
Zoning: Manufacturing and Services (M-S)  
Applicant / Owner: Embarcadero Realty Services (Applicant) /  
Oakmead Terrace LLC (owner)  
Environmental Review: Class 1 Categorical Exemption relieves  
this project from the California Environmental Quality Act  
(CEQA) provisions that include additions less than 10,000 to  
existing structures [CEQA Guidelines Section 15301 (e)(2)].  
Project Planner: Cindy Hom, (408) 730-7411,  
chom@sunnyvale.ca.gov

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

Applicant John Hamilton, Managing Partner provided information regarding the proposed project.

Public hearing opened at 9:36 p.m.

No speakers.

Public hearing closed at 9:36 p.m.

**Yes: 7 -**    Mayor Hendricks  
                 Vice Mayor Klein  
                 Councilmember Griffith  
                 Councilmember Larsson  
                 Councilmember Smith  
                 Councilmember Melton  
                 Councilmember Goldman

**No: 0**

6. [18-0415](#) Planning for Post-2021 Solid Waste & Recycling Collection Franchise (Study Issue ESD 18-02)

Solid Waste Programs Division Manager Mark Bowers and Peter Divler from HF&H provided the report and a slide presentation.

Public hearing opened at 10:03 p.m.

Gerry Nabhan, General Manager of Specialty, provided information regarding the franchised garbage hauler in Sunnyvale and provided written materials. Nick Nabhan provided additional information.

Public hearing closed at 10:10 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Smith seconded the motion to approve Alternatives 1, 2, 3 and 4: Alternative 1: Find that the actions are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262 and 15738(b)(5); Alternative 2: Adopt the communications guidelines shown as Attachment 1 to the report; Alternative 3: Direct staff to proceed with assessment of the performance of the current franchisee (Bay Counties Waste Services); Alternative 4: Direct staff to provide the performance review results and ask Council for direction on whether to conduct a single source or a competitive process for an award of a new franchise and agreement.

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 provided a report from a Local Policy Maker Group meeting relating to Caltrain's business plan. Cities are being asked to provide input from the community such as: what are the challenges in our jurisdiction; what are the opportunities; why is the future of the Caltain corridor important to you?

Councilmember Smith requested input on how the City can work with Caltrain on their visioning exercise, business opportunities and problems to avoid in our jurisdiction. Mayor Hendricks suggested sending ideas to the City Manager and have a discussion about options for obtaining community input.

Councilmember Melton provided a report of a Board meeting with the Silicon Valley Regional Interoperability Authority (SVRIA) regarding a recent disruption of DPS communications.

Councilmember Smith provided a report on a meeting of the Water Commission and stated that the Commission is conducting a climate action adaptation report. She recommended that it might be more beneficial to receive information about anticipated water rates earlier in the budget cycle.

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

#### **-Council**

Councilmember Smith proposed a study issue to examine the Right to Lease Ordinance; this ordinance would require landlords to offer all tenants a six and twelve-month lease at terms no more expensive than any month-to-month they offer. Co-sponsored by Mayor Hendricks, Vice Mayor Klein and Councilmember Goldman.

#### **-City Manager**

City Manager Kent Steffens provided information about the recently proposed study issue regarding guidelines for small cell sites and indicated staff thinks it is timely to move forward on that now.

### **INFORMATION ONLY REPORTS/ITEMS**

- |                                |   |
|--------------------------------|---|
| <a href="#"><u>18-0606</u></a> | Tentative Council Meeting Agenda Calendar |
| <a href="#"><u>18-0607</u></a> | Information/Action Items                  |
| <a href="#"><u>18-0608</u></a> | Board/Commission Meeting Minutes          |

### **ADJOURNMENT**

Vice Mayor Klein closed the meeting in honor of Nick Tikvica.

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