



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, September 25, 2018

5:00 PM

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

Special Meetings: Closed Session-5 PM | Study Session-6 PM | Regular Meeting-7 PM

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

Vice Mayor Klein announced the item 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 5:00 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

[18-0810](#)

Closed Session held pursuant to California Government Code
Section 54956.9:

LEGAL COUNSEL-ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to paragraph (2) or
(3) of subdivision (d) of Section 54956.9): IFPTE Local 21 on
behalf of affected SEA employees

5. Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 5:32 p.m.

6 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 6:00 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. Study Session**

[18-0687](#) Cleanwater Program Rebuild Costs

5. Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at approximately 6:50 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 54956.9: LEGAL COUNSEL ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9): IFPTE Local 21 on behalf of affected SEA employees; nothing to report.

SPECIAL ORDER OF THE DAY**[18-0302](#)** Arts and Humanities Month

Mayor Hendricks presented a proclamation in honor of Arts and Humanities Month. Community Services Superintendent Damon Sparacino provided a slide presentation for the MotherEarth Parachutes Project.

[18-0792](#) National Breast Cancer Awareness Month

Mayor Hendricks presented a proclamation in honor of National Breast Cancer Awareness Month to Bobbe Smurni. Ms. Smurni provided information and materials for upcoming events.

ORAL COMMUNICATIONS

Councilmember Griffith announced the upcoming Technology Expo.

Mayor Hendricks announced the upcoming Gun Buy-back Program.

CONSENT CALENDAR

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

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.A** [17-1120](#) 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** [18-0765](#) Authorize the Issuance of a Purchase Order for Five (5) 4-door Sedans for the Department of Public Safety (F18-311)

- 1.C** [18-0745](#) Reject All Bids Received for the Repaint Street Light Poles 2018 Project (PW18-11)

Reject all bids received in response to Invitation for Bids PW18-11 for the Repaint Street Light Poles 2018 project.

- 1.D** [18-0590](#) Award of Bid No. PW18-22 for the SMaRT Station Stormwater Management System Upgrade Re-Bid (UY-15-01), Waiver of Minor Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 5 in the amount of \$1,698,043

1) Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 as it involves the maintenance or repair of an existing facility, which includes public owned utility facilities, involving negligible or no expansion of use beyond which presently exists; 2) make a determination to waive the minor bid irregularity for Pacific Underground Construction, Inc. 3) award a contract in substantially the same form as Attachment 2 to the report in the amount of \$2,307,425 to Pacific Underground Construction and authorize the City Manager to execute the contract when all necessary conditions have been met; 4) approve a 10% construction contingency in the amount of \$230,743; and 5) approve a Budget Modification No. 5 in the amount of \$1,698,043.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2.** [18-0799](#) Adopt a Resolution to Certify the Program Environmental Impact Report, Make the Findings Required by the California Environmental Quality Act, Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; and Adopt the Civic Center Modernization Master Plan

City Manager Kent Steffens provided the staff report and slide presentation. Consultant Todd Kohli, Principal with SmithGroup JJR group provided information

and a slide presentation detailing the Master Plan Full Vision.

Public Hearing opened at 8:44 p.m.

Mei-Ling Stefan spoke in opposition to approval of the EIR, and in opposition to Phase 2 to move the Public Safety building. She recommending elimination of Phase 3.

Jim Davis spoke in support of removal of the 505 West Olive buildings, and recommended using surface parking at that location rather than the proposed underground parking. He spoke in opposition to moving the Public Safety building.

Richard Mehlinger spoke in support of the design, enhancement to amenities, and the improvements in community meeting spaces. He also supported the concepts of promoting accessibility and bike lanes, with priorities given to human beings.

Zachary Kaufman spoke regarding unfunded liabilities and budget strategies.

Margaret Lawson spoke in support of the building and plan design.

Public Hearing closed at 8:54 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Melton seconded the motion to approve Alternative 1: Adopt a Resolution to:

- a. Certify the Program EIR for the Civic Center Modernization Master Plan Project;
 - b. Make the Findings Required by the California Environmental Quality Act;
 - c. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; and
 - d. Adopt the Civic Center Modernization Master Plan; and
- Alternative 2: Direct City Staff to proceed with design of Net Zero for City Hall Building

The motion carried by the following vote:

- Yes:** 6 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
- No:** 1 - Councilmember Goldman

Following action on Item 2, Council recessed at 9:30 p.m. and reconvened at 9:41 p.m. with all Councilmembers present.

3. [18-0693](#) File #: 2018-7190
Location: 1441 Norman Drive (APN: 313-14-041)
Zoning: R-1 (Low Density Residential)
Proposed Project: Appeal of a decision of the Planning Commission denying a DESIGN REVIEW to allow a new two-story, single-family home resulting in 5,480 square feet (3,492 square feet living area, 825 square feet garage, 465 covered patio, and a 698 square feet attached ADU) and (59%) floor area ratio. The FAR without the ADU is 51%. Existing home to be demolished.
Applicant Team2 Architecture + Design, Shilpa Pathare
Owner: Nirmal Sharma Trustee & et al
Appellant: Nirmal Sharma (property owner)
Environmental Review: A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemptions includes construction of one-single family residence in a residential zone.
Project Planner: Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov

Director of Community Development Trudi Ryan provided the staff report.

Public Hearing opened at 9:50 p.m.

Applicant/Appellant Nirmal Sharma provided information and slide presentation regarding the project.

Mary Sullivan stated the bulk, scale and height of the project does not fit in the neighborhood and requested support of the Planning Commission's decision.

Sherri Tafel stated the proposed house is out of scale with the neighborhood and stated the open space and lot coverage are needed for recharging the water table and avoid flooding from runoff.

Maria Hamilton spoke regarding privacy and design concerns by a neighbor. She urged the Council to look at the plan in the context of an existing, established neighborhood and keep the design consistent with the neighborhood.

Sue Harrison, member of the Planning Commission speaking for herself, spoke in support of ADUs and expressed concern regarding the relative bulk and height of the proposal.

Irene Conley expressed concerns stating the proposed project does not fit in the neighborhood and concerns about the setbacks and quality of life.

Henry Alexander III spoke regarding privacy concerns between neighbors, height restrictions and safety considerations with the setbacks.

Eric (no last name provided) expressed concerns regarding the size of the project, proposed FAR, proposed property zoning for R-1 low-density, proposed height, and requested consideration of the neighborhood.

Applicant/Appellant Nirmal Sharma responded to comments regarding setbacks, lot coverage, ADU, and height.

Public Hearing closed at 10:56 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Melton seconded the motion to approve Alternative 2: Grant the appeal and approve the Design Review based on the Findings in Attachment 6 to this report and subject to the Recommended Conditions of Approval, as revised since the Planning Commission action (Attachment 7 to the report).

FRIENDLY AMENDMENT: Councilmember Melton offered a friendly amendment to add landscaping on the back. Vice Mayor Klein accepted the friendly amendment.

FRIENDLY AMENDMENT: Mayor Hendricks put a solid wall on the balcony. Vice Mayor Klein accepted the friendly amendment.

The motion as amended passed by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Melton

No: 1 - Councilmember Smith

Abstain: 1 - Councilmember Goldman

MOTION: Councilmember Larsson moved and Vice Mayor Klein seconded the motion to continue with the next Agenda Item.

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. [18-0730](#) Adopt a Resolution to Amend the Classification Plan and the City's Salary Resolution to Update the Schedule of Pay to Add the Classifications of Civilian Assistant Fire Marshal and Senior Hazardous Materials Inspector; to Change Two Classification Titles; and to Increase the Pay Range of the Civilian Fire Marshal, Fire Protection Engineer I/II, Fire Protection Inspector, and Fire Prevention Inspector I/II Classifications.

Director of Human Resources Tina Murphy provided the staff report.

Public Hearing opened at 11:38 p.m.

No public comments.

Public Hearing closed at 11:38 p.m.

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt the Resolution amending Resolution Nos. 143-77 and 190-05 to Add the New Classifications of Civilian Assistant Fire Marshal and Senior Hazardous Materials Inspector; to Change the Existing Classification Titles of Fire Protection Engineer to Fire Protection Engineer I/II and Fire Prevention Specialist I/II to Fire Prevention Inspector I/II; and to Increase the Pay Ranges for the Civilian Fire Marshal, Fire Protection Engineer I/II, Fire Protection Inspector, and Fire Prevention Inspector I/II Classifications.

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

MOTION: Councilmember Melton moved and Councilmember Griffith seconded the motion to continue with 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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

There were no reports.

NON-AGENDA ITEMS & COMMENTS**-Council**

Councilmember Melton sponsored a study issue to ascertain suitable locations for the installation of youth cricket batting cages and potential funding sources.

Councilmember Goldman co-sponsored the study issue.

Councilmember Melton also sponsored a study issue to determine neighborhood interest in installing sidewalks in Raynor Park neighborhood and as appropriate investigate funding sources. Vice Mayor Klein and Councilmember Goldman co-sponsored the study issue.

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 11:40 a.m.