



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, December 4, 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 - 5 P.M. | Regular Meeting - 7 P.M.**

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

Vice Mayor Klein announced the items for Closed Session and invited any members of the public to address the Council regarding this subject matter.

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

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**

None.

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

[18-0357](#) Closed Session held pursuant to California Government Code  
Section 54957: PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION  
Title: City Attorney

[18-0358](#) Closed Session held pursuant to California Government Code  
Section 54957: PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION  
Title: City Manager

Closed Session held pursuant to California Government Code  
Section 54957.6: CONFERENCE WITH LABOR  
NEGOTIATORS

Agency designated representatives: City Council  
Compensation Subcommittee  
Unrepresented Employee: City Manager

## **5. Adjourn Special Meeting**

Vice Mayor Klein adjourned the meeting at 6:54 p.m.

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

### **CALL TO ORDER**

Mayor Hendricks called the meeting to order in the Council Chambers.

### **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 the Council met in Closed Session Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION; Title: City Attorney; nothing to report.

Vice Mayor Klein reported the Council met in Closed Session held 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 held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency designated representatives: City Council Compensation Subcommittee Unrepresented Employee: City Manager; nothing to report.

**SPECIAL ORDER OF THE DAY****18-1030** Ceremonial Oath of Office for Personnel Board Member

City Clerk Kathleen Franco Simmons administered the Oath of Office to incoming Personnel Board Member Deepali Lugani.

**ORAL COMMUNICATIONS**

Maria Hamilton spoke regarding her comments during her appeal at the meeting of October 30, 2018 relating to roads and roads capacity and provided clarification that her comments meant to say that there has been nothing done to roads for expansion and capacity to accommodate the increasing population of Sunnyvale and job-related travel to and from Sunnyvale. She further provided additional comments regarding traffic and requested more consideration be taken to medium density, medium-high, and high density developments.

David Warfel spoke regarding high housing costs.

Richard Mehlinger spoke regarding traffic congestion in Sunnyvale and the region and the high cost of housing and recommended looking at alternatives for transportation

**CONSENT CALENDAR**

Mayor Hendricks announced Item 1.E has been pulled from the agenda and will be brought back at a later date.

MOTION: Vice Mayor Klein moved and Councilmember Smith seconded the motion to approve Consent Calendar Items 1.A through 1.D.

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**     [18-1061](#)     Approve City Council Special Meeting Minutes of November 20, 2018

Approve the City Council Special Meeting Minutes of November 20, 2018, as submitted.

- 1.B**     [18-1090](#)     Approve City Council Special Meeting Minutes of November 27, 2018

Approve the City Council Special Meeting Minutes of November 27, 2018, as submitted.

- 1.C**     [17-1140](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

- 1.D**     [18-0800](#)     Adopt a Resolution Approving the Updated US 101 and SR 237 Freeway and Freeway Maintenance Agreements with the State of California and Authorize City Manager to Execute These Agreements

- 1.E**     [18-0898](#)     Adopt a Resolution Revising the Citywide Records Retention and Destruction Program Policy and Schedule

This item was pulled from the agenda and will be brought back at a later date.

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

- 2.**       [18-1008](#)     Award a Contract for Design and Construction Support Services to SmithGroup, Inc. for the Civic Center Phase 1 Project (F19-083)

Assistant City Engineer Allison Boyer and Director of Finance Timothy J. Kirby provided the staff report. City Manager Kent Steffens provided additional information.

Public Hearing opened at 7:36 p.m.

Mason Fong spoke regarding best value contracting, and asked Council to include this process in the award contract. He also urged Council to direct staff to begin planning for Phase 2 of the Civic Center Modernization Plan and provide an update no later than May 2019 on the scope, timeline, and funding strategies and to involve the community in the process.

Zachary Kaufman spoke regarding the value of \$100,000,000 and provided comments regarding the cost of Phase 1.

Richard Mehlinger spoke in support of the design of the project and in support of value based contracting. He also advocated getting a head start with the public process with the design of phase two.

Public Hearing closed at 7:43 p.m.

MOTION: Councilmember Melton moved and Councilmember Griffith seconded the motion to approve Alternative 1) Award a design contract, in substantially the same form as Attachment 1 to the report in an amount not to exceed \$16,288,023 to SmithGroup, Inc. and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) Approve a 10% design contingency in the amount of \$1,628,802.

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

3. [18-0725](#) REQUEST FOR CONTINUANCE TO FEBRUARY 26, 2019. Consideration of Useable Open Space in Required Front Yards: Introduce an Ordinance to Amend Section 19.37.100 (Usable Open Space Design Requirements) of Chapter 19.37 (Landscaping, Irrigation and Useable Open Space) of the Sunnyvale Municipal Code, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b) (3). (Study Issue)

MOTION: Councilmember Smith moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Open the Public Hearing and continue this item to the City Council meeting of February 26, 2019.

The motion carried by the following vote: 7 - 0

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

**No:** 0

4. [18-1018](#) Proposed Project:  
PEERY PARK PLAN REVIEW PERMIT to construct two 162,000-square foot, four-story corporate/research and development (R&D) office buildings and a 6-level parking structure on a 10.4-acre site (Phase 2 of the W. Maude Ave Campus). An existing approximately 58,188 s.f. building is to be retained. A total of approximately 382,188 s.f. and 85% FAR is requested.  
Location: 810-870 W. Maude Avenue & 470 Potrero Ave (APNs: 165-30-001, 011, & 012)  
File #: 2017-7066  
Zoning: Peery Park Specific Plan (PPSP)  
Subdistrict: Innovation Edge (IE) & Mixed Industry Core (MIC)  
Applicant / Owner: Simeon Commercial Properties / 870 Maude LLC  
Environmental Review: The project is exempt from additional CEQA review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094 (c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.  
Project Planner: Ryan Kuchenig (408) 730-7431, rkuchenig@sunnyvale.ca.gov

Project Planner Ryan Kuchenig provided the staff report. Director of Public Works Chip Taylor provided additional information.

Public Hearing opened at 8:31 p.m.

Applicant Kurt Setzer, Principal at Simeon, provided information regarding the company and the project. Ted Korth with KSH Architects provided information

regarding the site plan and provided a slide presentation. Mr. Setzer requested removal of GC-16 regarding installation of a bike path from the Conditions of Approval added by the Planning Commission and if it is required, the applicant should receive credit for community benefits for the bike path.

Mason Fong inquired how this project relates to LinkedIn's idea of improving bike lane access on that street and providing a private-public partnership.

Public Hearing closed at 8:57 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 2: Alternative 1 with modified conditions of approval: a) Make the required Findings to approve the California Environmental Quality Act determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional environmental review is required in Attachment 4 to the Report; b) make the Findings for the Peery Park Plan Review Permit and Sense of Place Fee in Attachment 4 to the Report; and, c) approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 7 to the Report and the recommended conditions of approval set forth in Attachment 5 to the Report; with the following modifications: Remove from the Conditions of Approval EP-40 BICYCLE LANE INTERSECTION DESIGN relating to implementation of a "Dutch style" intersection design; remove from the Conditions of Approval GC-16 A public bicycle/pedestrian path along the south property shall be required within the project design of any future redevelopment proposal for the site at 470 Potrero Avenue (Per Planning Commission recommendation on November 12, 2018); and provide direction to staff to recommend or encourage a public bicycle/pedestrian path along the south property within the project design of any future redevelopment proposal.

The motion carried by the following vote:

- Yes:** 5 - Mayor Hendricks  
Vice Mayor Klein  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Melton
- No:** 2 - Councilmember Smith  
Councilmember Goldman

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Smith provided an update of the League of California Cities League Leaders Conference and provided written materials. She also reported that due to election results, her appointment to the Women's Caucus as Second Vice President Chair has moved her up to First Vice President and she will be President the year of the 100th anniversary of women's suffrage.

Councilmember Larsson provided a report of a meeting of the CalMod Local Policy Makers group and received a presentation on the Caltrain business plan.

Councilmember Goldman provided information on the Grand Boulevard Initiative.

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

#### **-Council**

Councilmember Griffith proposed a study issue to consider a Charter amendment to switch from lowest bid to best value bid. Co-Sponsored by Councilmembers Melton, Smith, and Klein.

Councilmember Melton requested the most recent annual assessment report from Actuarial John Bartel to be distributed to the Council and add as an Information/Action item.

#### **-City Manager**

### **ADJOURNMENT**

Mayor Hendricks closed the meeting in memory of George H. W. Bush.

Vice Mayor Klein adjourned the meeting at 9:18 p.m.