



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, April 23, 2019

6:00 PM

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

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

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

Vice Mayor Melton announced the item for Closed Session and invited any members of the public to make public comments before the meeting.

1 Call to Order in the West Conference Room

Vice Mayor Melton called the meeting to order at 6:00 p.m.

2 Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Russ Melton
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Nancy Smith
Councilmember Michael S. Goldman
Councilmember Mason Fong

3 Public Comment

None.

4 Convene to Closed Session

[19-0270](#)

Closed Session held pursuant to California Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager

Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 6:45 p.m.

7 P.M. COUNCIL MEETING**CALL TO ORDER**

Mayor Klein called the meeting to order.

SALUTE TO THE FLAG**ROLL CALL**

Present: 7 - Mayor Larry Klein
Vice Mayor Russ Melton
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Nancy Smith
Councilmember Michael S. Goldman
Councilmember Mason Fong

CLOSED SESSION REPORT

Vice Mayor Melton reported the Council met in Closed Session pursuant to California Government Code 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA); nothing to report.

SPECIAL ORDER OF THE DAY

[19-0371](#) SPECIAL ORDER OF THE DAY - Certificate of Recognition to City Clerk Upon Her Retirement

Mayor Klein presented a plaque to City Clerk Kathleen Franco Simmons.

City Clerk Kathleen Franco Simmons thanked Mayor Klein for the City's recognition.

[19-0474](#) SPECIAL ORDER OF THE DAY - Earth Month

Mayor Klein presented a proclamation declaring April Earth Month.

ORAL COMMUNICATIONS

Councilmember Larsson announced the current recruitment for various Boards and Commissions.

Council Member Hendricks shared his appreciation to the Department of Public Safety for their responses to various events in the past 24 hours and their continuous service to the community.

Andy Frazer spoke regarding the creation of an ethics commission and restrictions on campaign contributions imposed by the City of Los Angeles Ethics Commission.

Reza Fardid shared a presentation regarding the Sunnyvale-Saratoga, Mathilda Junction Traffic Light Controller Project.

Zachary Kaufman spoke regarding the loss of various businesses from the Sunnyvale community.

Steve Scandalis shared his appreciation for City Clerk Kathleen Franco Simmons' service to the City. He commented on campaign reporting and amendments to campaign filings.

CONSENT CALENDAR

Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

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

No: 0

1.A [19-0414](#) Approve City Council Meeting Minutes of April 9, 2019

Approve the City Council Meeting Minutes of April 9, 2019 as submitted.

- 1.B** [19-0329](#) 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** [18-0692](#) Re-Appointment of Councilmember Gustav Larsson to the Boards of the Bay Area Water Supply and Conservation Agency and the Bay Area Regional System Financing Authority to Serve a Four-Year Term from July 1, 2019 to June 30, 2023

Re-appoint Councilmember Gustav Larsson to the boards of both the Bay Area Water Supply and Conservation Agency and the San Francisco Regional Water System Financing Authority.

- 1.D** [19-0445](#) Approve Road Maintenance and Rehabilitation Proposed Projects List for the Road Repair and Accountability Act of 2017 - Local Streets and Roads (SB1) Funding Program

Approve the Road Maintenance and Rehabilitation Updated Proposed Projects List for the Road repair and Accountability Act of 2017 - Local Streets and Roads Funding Program and find the action exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15378(b)(4) as it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

- 1.E** [19-0449](#) Award of a Contract to HF&H Consultants, LLC for Consultant Assistance with Negotiations for Selection of Solid Waste & Recycling Collection Franchisee

Take the following actions:

- Award a contract in substantially the same form as Attachment 1 to the report in the not-to-exceed amount of \$139,720 (\$126,140 for base services and \$13,500 for optional services)
- Approve a 10% contingency in the amount of \$13,972
- Authorize the City Manager to execute the contract when all necessary conditions have been met

- 1.F** [19-0473](#) Adopt Ordinance No. 3144-19 to add Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code relating to the Appointment Process for filling City Council Vacancies

Adopt Ordinance No. 3144-19.

- 1.G** [19-0488](#) Ratify Mayor Klein's Appointment to the Association of Bay Area Governments (ABAG)-Metropolitan Transportation Commission (MTC) Housing Legislative Working Group

Staff makes no recommendation. By approval of the consent calendar, Council ratifies Mayor Klein's appointment to the ABAG-MTC Housing Legislative Working Group for the 2019 Legislative session.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [19-0398](#) Appoint Applicant to the Personnel Board

City Clerk David Carnahan conducted the vote for applicants to the Personnel Board.

PERSONNEL BOARD - Council-nominated seat (1 vacancy: term expires 6/30/2021)

Applicant: Victor Marsh

VOTE: 6-0-1 (Yes: Mayor Klein, Vice Mayor Melton, Councilmember Larsson, Councilmember Smith, Councilmember Goldman, Councilmember Fong; Abstentions: Councilmember Hendricks)

3 [19-0208](#)

CONTINUED FROM JANUARY 29, 2019.

Proposed Project: Appeal by the Applicant of a decision by the Planning Commission to deny:

PEERY PARK SPECIFIC PLAN CONDITIONAL USE

PERMIT: to consider a high school for 400 students (Summit School). The project includes interior and exterior improvements of an existing industrial building for an educational use, the installation of a tri-level mechanical lift parking structure in the rear serving 22 parking spaces, and a request for adjustment to the minimum parking requirements.

Location: 824 San Aleso Avenue (APN: 204-02-006)

File #: 2017-7986

Zoning: PPSP-NT - Peery Park Specific Plan - Neighborhood Transition

Applicant / Owner: Artik Art & Architecture (applicant) / 824 San Aleso, LLC (owner)

Environmental Review: The project is exempt from additional California Environmental Quality Act (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: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

Community Development Department Director Trudi Ryan provided the staff report.

Summit School Executive Director Kevin Bock spoke in support of Summit School and addressed Council questions pertaining to potential school enrollment and the anticipated percentage of students who could come from within Sunnyvale.

Public hearing opened at 7:35 p.m.

Sue Johnson spoke in support of the project and recommended Conditions of Approval.

Steve Scandalis reported his conversation with Summit School staff regarding the potential for locating Summit School on the Sunnyvale High School campus.

Public hearing closed at 7:41 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Fong seconded

the motion to approve Alternative 1 Grant the appeal and make the Findings in Attachment 20 of the report 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 review is required, make the Findings for the Peery Park Specific Plan Conditional Use Permit and parking adjustment, and approve the project as requested by the applicant for a period of 5 years, subject to the recommended Conditions of Approval in Attachment 4 of the Report.

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

No: 0

4

[19-0462](#)

Proposed Project: Approve related applications on a 34.7-acre site:

REZONE: the site from M-S/ITR/R-3/PD (Industrial and Service/Industrial-to-Residential/Medium Density Residential/Planned Development) and M-S/ITR/R-3/PD (Industrial and Service/Industrial-to-Residential/High Density Residential/Planned Development) **TO** R-3/PD (Medium Density Residential/Planned Development) R-4/PD (High Density Residential Planned Development) and P-F (Public Facilities).

SPECIAL DEVELOPMENT PERMIT: Demolish existing industrial/office buildings (formerly AMD campus) and construct 1,051 residential units, including 944 units in three to five-story apartment buildings and 107 units in three-story townhome style buildings. The unit count includes 45 apartment units for very low-income households and 13 below market rate townhome units. Public improvements include the dedication of a 6.5-acre public park, extension of Indian Wells Avenue to the east to connect with the Duane Avenue/Stewart Drive intersection, and associated public improvements. Requested deviations include reduced private useable open space and front setbacks on Indian Wells Avenue and Stewart Drive.

VESTING TENTATIVE MAP: Lot line adjustment between two existing lots and subdivide one lot into six lots, to create a total of seven lots.

Park Agreement: Approve an agreement for the design and development of a 6.5-acre park.

Location: 1 AMD Place (APNs: 205-22-024, 205-22-025), 975 Stewart Drive (205-22-028)

File #: 2016-8035

Zoning: Industrial Service/Industrial-to-Residential/Medium Density/Planned Development Zoning District (MS/ITR/R-3/PD) and Industrial Service/Industrial-to-Residential High Density Zoning District (MS/ITR/R-4/PD) Zoning District

Applicant / Owner: Irvine Company (applicant /owner)

Environmental Review: Adopt a resolution to make findings required by CEQA, certify the Environmental Impact Report (EIR), and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

Project Planner: Margaret Netto, (408) 730-7440, mnetto@sunnyvale.ca.gov

Community Development Department Assistant Director Andrew Miner provided the staff report and slide presentation.

Kristen Stoner, Ascent Environmental responded to Council questions regarding letters prepared by Ascent Environmental in response to correspondence from Laborers' International Union of North American (LIUNA), Local Union No. 270. She advised the Applicant is not interest in modifying Conditions of Approval in response to the letters from LIUNA.

Public hearing opened at 8:27 p.m.

Carlene Matchniff, Vice President, Irvine Company provided the Applicant report with a slide presentation.

Michael Lozeau requested a revised environmental impact report be circulated addressing comments submitted on behalf of LIUNA.

Nathan Ho, Senior Director of Housing and Community Development, Silicon Valley Leadership Group communicated the Leadership Group's support for the project.

Eliza Silva shared concerns regarding the amount of construction traffic and additional trips caused by the project and nearby developments.

Matt Hayworth reported his support of the project and the use of union labor for the project's construction.

Jack X. Jones commented regarding the benefit of additional low income housing units for the community.

Will Smith, International Brotherhood of Electrical Workers (IBEW), Local 332 shared support of the project.

Josué García, Santa Clara County Residents for Responsible Development communicated support for the project and the commitment to using union labor for the project.

Paul Luckcuck raised concerns regarding the impact of additional traffic on existing residents and potential overflow of parking into the neighborhood.

Maria Hamilton reported various deviations from existing regulations being considered for the project.

Ms. Matchniff communicated various public benefits provided by the project and provided details regarding the sources of height bonuses and deviations from other regulations.

Jennifer Hernandez, Attorney for Applicant commented regarding challenges to California Environmental Quality Act (CEQA).

Public hearing closed at 9:08 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Hendricks seconded the motion to approve Alternatives 1, 3, 5 and 8: 1) Adopt a Resolution to Certify the Environmental Impact Report including the modified mitigation measures in Attachment 20 to the report; Make the Findings required by the California Environmental Quality Act; and, Adopt the Statement of Overriding Consideration and Mitigation Monitoring Report Program; 3) Introduce an Ordinance to rezone the site from M S/ITR/R 3/PD (Industrial and Service/Industrial to Residential/Medium Density Residential/Planned Development) and M S/ITR/R 3/PD Industrial and Service/Industrial to Residential/High Density Residential/Planned Development) to R 3/PD Medium Density Residential/Planned Development) R 4/PD (High Density Residential Planned Development) and P F (Public Facilities); 5) Approve the Special Development Permit and Vesting Tentative Map, and Sense of Place Fees subject to Findings in Attachment 4 to the report and recommended Conditions of Approval in Attachment 7 to the report; and 8) Approve the Park Agreement (Attachment 22 to the staff report) and authorize the City Manager to execute the Park Agreement in substantially the same form.

City Clerk David Carnahan read the Ordinance title for the record.

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

No: 0

- 5** [19-0423](#) Approve Adding Three Positions in the Community Development Department (Plan Check Engineer, Building Inspector II and Principal Planner) and Removing the Term Limited designation on one Plan Checker II position; and Adopt a Resolution Amending Resolution No. 190-05 to Amend the City's Salary Resolution to Update the Schedule of Pay to Change the Bargaining Unit for the Principal Planner

Community Development Department Director Trudi Ryan provided the staff report.

Public hearing opened at 9:55 p.m.

No public speakers.

Public hearing closed at 9:55 p.m.

MOTION: Councilmember Smith moved and Vice Mayor Melton seconded the motion to approve Alternative 1: Approve Adding Three Positions in the Community Development Department (Plan Check Engineer, Building Inspector II and Principal Planner) and Removing the Term Limited designation on one Plan Checker II position; and Adopt a Resolution Amending Resolution No. 190 05 to Amend the City's Salary Resolution to Update the Schedule of Pay to Change the Bargaining Unit for the Principal Planner Classification; add three positions (Plan Check Engineer, Building Inspector II and Principal Planner); and remove the Term Limited designation on a Plan Checker II position.

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Fong reported his attendance at a Valley Transportation Authority (VTA) State Route 85 Corridor Policy Advisory Board meeting. The Board approved four recommendations to forward to the VTA Board.

Councilmember Smith shared her participation at the Cities Association of Santa Clara County bocce ball tournament.

Councilmember Hendricks reported his participation in Manzanita Talks convened by Joint Venture Silicon Valley. He shared the purpose of the Talks is to address “first mile/last mile” and traffic concerns.

Mayor Klein shared his appointment to the Association of Bay Area Governments (ABAG) / Metropolitan Transit Commission (MTC) Housing Legislative Working Group. The Working Group is scheduled to meet weekly addressing housing legislation at the state level.

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

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[19-0440](#) Tentative Council Meeting Agenda Calendar

[19-0441](#) Information/Action Items

[19-0442](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:02 p.m.