



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, August 25, 2020

5:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15

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

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

1 Call to Order

Mayor Klein called the meeting to order at 5:00 p.m.

2 Roll Call

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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

3 Public Comment

Public Comment opened at 5:02 p.m.

No speakers.

Public Comment opened at 5:02 p.m.

4 Convene to Closed Session

[20-0665](#)

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; Charles Sakai, Labor Attorney

Employee Organization: Public Safety Officers Association (PSOA)

5 Adjourn Special Meeting

Mayor Klein adjourned the meeting at 5:56 p.m.

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

1 Call to Order

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

2 Roll Call

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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

3 Public Comment

Mayor Klein announced that Council will hear agenda Item 3-Public Comment after agenda Item 4-Study Session.

4 Study Session

[20-0227](#) Master Plan for Public Art

Superintendent of Community Services Damon Sparacino provided the staff report and presentation.

3 Public Comment

Public Comment opened at 6:38 p.m.

Mike Serrone urged Council to reopen the gallery and identify a permanent venue to host cultural events.

Agnes, Arts Commission Member shared support for increasing the Art in Private Development in-lieu (in-lieu) fee.

Dawna Eskridge voiced support for increasing the in-lieu fee, a permanent gallery and temporary art pieces.

Susannah Vaughan communicated support for increasing the in-lieu fee.

Public Comment closed at 6:48 p.m.

5 Adjourn Special Meeting

Mayor Klein 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.

ROLL CALL

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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

CLOSED SESSION REPORT

Vice Mayor Smith reported that Council met in 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; Charles Sakai, Labor Attorney; Employee Organization: Public Safety Officers Association (PSOA); nothing to

report.

SPECIAL ORDER OF THE DAY

[20-0389](#) SPECIAL ORDER OF THE DAY - Library Card Sign-Up Month

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

ORAL COMMUNICATIONS

Terry Sturtevant, Sunnyvale Masters Swimming member (Sunnyvale Masters member) encouraged Council to consider reinstating the Masters Swimming program (Masters program) at Fremont High School.

Josh Grossman, Sunnyvale Masters member and Sunnyvale City Council District 2 Candidate urged Council to consider reinstating the Masters program.

Don Milenko, Sunnyvale Masters member voiced support for reinstating the Masters program.

Lesley Reid, Sunnyvale Masters member shared support for reinstating the Masters program.

Katherine Raatz, Sunnyvale Masters member communicated support for reinstating the Masters program.

Gina Funaro, Sunnyvale Masters member voiced support for reinstating the Masters program.

Leslie Almas, Sunnyvale Masters member shared support for reinstating the Masters program.

Paul Brunemeier, Sunnyvale Masters member communicated support for reinstating the Masters program.

Susannah Vaughan urged Council to be cautious and consider the public health order of social distancing when reinstating community programs.

CONSENT CALENDAR

Mayor Klein stated his vote would be a recusal on Items 1.F through 1.I due to a conflict of interest with owning property in the vicinity of the Downtown.

Councilmember Larsson stated his vote would be a recusal on Items 1.F through 1. I due to a conflict of interest with owning property in the vicinity of Downtown.

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to approve agenda items 1.A through 1.I.

The motion carried with the following vote:

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

No: 0

1.A [20-0037](#) Approve City Council Meeting Minutes of August 11, 2020

Approve the City Council Meeting Minutes of August 11, 2020 as submitted.

1.B [20-0494](#) 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 [20-0703](#) Modify Blanket Purchase Orders with SC Fuels and Valley Oil
for the Purchase of Unleaded Vehicle Fuel (F20-195 &
F21-011)

Take the following actions:

- Authorize the City Manager to amend the existing blanket purchase order with SC Fuels for unleaded gasoline, in substantially the same format as Attachment 1 to the report, increasing the not-to-exceed amount by \$230,000 for a new total not-to-exceed amount of \$325,000; and
- Authorize the City Manager to amend the existing blanket purchase order with Valley Oil for unleaded gasoline, in substantially the same format as Attachment 2 to the report, increasing the not-to-exceed amount by \$63,000 for a new total not-to-exceed amount of \$143,000.

1.D [20-0765](#) Receive a Report of an Emergency Procurement to provide

Fuel for Emergency Bypass Pumping Operations at the Water Pollution Control Plant; Find that the Project is of Urgent Necessity for the Preservation of Life, Health, or Property; and Approve Budget Modification No. 5

Receive a report of an emergency procurement to provide fuel for emergency bypass pumping operations at the Water Pollution Control Plant; find that the project is of urgent necessity for the preservation of life, health, or property, and approve Budget Modification No. 5.

1.E [20-0646](#) Adopt a Resolution Extending the City's Declaration of Local Emergency for COVID-19

Adopt a Resolution extending the City Manager/Director of Emergency Services' Proclamation of existence of a local emergency (COVID-19).

1.F [20-0764](#) Adopt Ordinance No. 3162-20 Repealing and Re-Adopting Chapter 19.28 (Downtown Specific Plan) of Title 19 (Zoning) of the Sunnyvale Municipal Code and Making Related Changes to Chapter 13.08 (Right-Of-Way Encroachments), Chapter 19.46 (Parking) and Chapter 19.82 (Miscellaneous Plan Permit) of the Sunnyvale Municipal Code.

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to adopt Ordinance No. 3162-20 repealing and re-adopting Chapter 19.28 (Downtown Specific Plan) of Title 19 (Zoning) of the Sunnyvale Municipal Code and making related changes to Chapter 13.08 (Right-Of-Way Encroachments), Chapter 19.46 (Parking) and Chapter 19.82 (Miscellaneous Plan Permit) of the Sunnyvale Municipal Code.

The motion carried with the following vote:

Yes: 5 - Vice Mayor Smith
 Councilmember Hendricks
 Councilmember Melton
 Councilmember Goldman
 Councilmember Fong

No: 0

Recused: 2 - Mayor Klein
 Councilmember Larsson

1.G [20-0766](#) Adopt Ordinance No. 3163-20 to amend the Precise Zoning

Map, Zoning Districts Map, to Re-Designate the Parcel Identified by Assessor's Parcel Number 209-07-007, Known as 141 Taaffe St., 143 Taaffe St., 150 Aries Way, 160 Aries Way, and 141, 310, 350, 360, 370, and 380 Altair Way, From Downtown Specific Plan (DSP) Block 1a To DSP Block 1

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to adopt Ordinance No. 3163-20 to amend the Precise Zoning Map, Zoning Districts Map, to re-designate the Parcel identified by Assessor's Parcel Number 209-07-007, known as 141 Taaffe St., 143 Taaffe St., 150 Aries Way, 160 Aries Way, and 141, 310, 350, 360, 370, and 380 Altair Way, from Downtown Specific Plan (DSP) Block 1a To DSP Block 1.

The motion carried with the following vote:

Yes: 5 - Vice Mayor Smith
Councilmember Hendricks
Councilmember Melton
Councilmember Goldman
Councilmember Fong

No: 0

Recused: 2 - Mayor Klein
Councilmember Larsson

1.H [20-0767](#) Adopt Ordinance No. 3164-20 to Approve and Adopt a Development Agreement between the City of Sunnyvale and STC Venture LLC and Related Entities: STC Venture Block B, LLC; STC Venture 200WA, LLC; STC Venture Block 3RWS, LLC; and STC Venture Block 6, LLC

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to adopt Ordinance No. 3164-20 to approve and adopt a development agreement between the City of Sunnyvale and STC Venture LLC and related entities: STC Venture Block B, LLC; STC Venture 200WA, LLC; STC Venture Block 3RWS, LLC; and STC Venture Block 6, LLC.

The motion carried with the following vote:

Yes: 5 - Vice Mayor Smith
Councilmember Hendricks
Councilmember Melton
Councilmember Goldman
Councilmember Fong

No: 0

Recused: 2 - Mayor Klein
Councilmember Larsson

- 1.I** [20-0768](#) Adopt Ordinance No. 3165-20 to Approve and Adopt a Development Agreement between the City of Sunnyvale and Martin A. Kasik and Sharon K. Kasik, Trustees of the Kasik Family 1990 Living Trust, Kelley Kasik (a/k/a Kelly Kasik Stahl), an individual, and Kerry Cathleen Kasik, an individual

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to adopt Ordinance No. 3165-20 to approve and adopt a Development Agreement between the City of Sunnyvale and Martin A. Kasik and Sharon K. Kasik, Trustees of The Kasik Family 1990 Living Trust, Kelley Kasik (a/k/a Kelly Kasik Stahl), an individual, and Kerry Cathleen Kasik, an individual.

The motion carried with the following vote:

Yes: 5 - Vice Mayor Smith
Councilmember Hendricks
Councilmember Melton
Councilmember Goldman
Councilmember Fong

No: 0

Recused: 2 - Mayor Klein
Councilmember Larsson

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [20-0249](#) Adopt the Active Transportation Plan

Transportation and Traffic Manager Dennis Ng provided the staff report and presentation.

Public Hearing opened at 9:06 p.m.

Richard Mehlinger, Chair, Bicycle and Pedestrian Advisory Commission (BPAC) spoke towards BPAC's recommendations for the Active Transportation Plan (Plan). Specifically, targeting a 10% increase in active transportation mode share and adopting a lightweight change program for the Plan.

Chad spoke towards the recommended Plan goals being inadequate.

Tim Oey shared support for BPAC's recommendations.

John Cordes on behalf of Silicon Valley Bicycle Coalition (SVBC) voiced support for Alternative 4 and shared the organization's recommended modifications.

Leia Mehlman communicated support for a lightweight change program, biannual reviews and SVBC's recommendations.

Radhika Agarwal on behalf of Sunnyvale-Silicon Youth Climate Action Team (Action Team) shared support for BPAC's recommendation of a 1% increase in active transportation mode share per year.

Mike Serrone on behalf of Sunnyvale Democratic Club and Livable Sunnyvale voiced support for BPAC's recommendations. Specifically, a lightweight change program and a 10% increase in active transportation mode share.

Annabelle Law, Action Team member communicated support for BPAC's recommendation of a 10% increase in active transportation mode share.

Kaushik Tota, President, Youth Public Policy Institute and Co-Lead, Action Team requested Council consider implementing BPAC's recommendations when adopting the Plan; specifically, to fill in the gaps in the Complete Bikeway Network.

Rathik Murtinty, Youth Public Policy Institute member shared support for BPAC's recommendations. Specifically, a 1% increase in active transportation mode share per year.

Mallory Mitton, Action Team member voiced support for BPAC's recommendation of gap fillers for bicycles.

Dan Hafeman communicated support for Alternative 4 to include completion of

low-stress spine network such as Map 9 of the Plan.

Beatrice Ho, Action Team member shared support of BPAC's recommendation regarding pedestrian accessibility and safety.

Kristel Wickham requested Council consider implementing recommendations from BPAC and SVBC when adopting the Plan.

Naomi Chow, Action Team member voiced support of BPAC's recommendation of a lightweight change program.

Alysa Cisneros, Sunnyvale City Council District 2 Candidate communicated support for BPAC's recommendation of a 10% increase in active transportation mode share.

Jenny Purushotma shared concerns regarding bicycle and pedestrian safety in the Sunnyvale Neighbors of Arbor Including La Linda (SNAIL) neighborhood.

Valerie Soares requested Council consider implementing bicycle and pedestrian safety measures such as roundabouts, speed bumps, pedestrian beacons and high visibility crosswalks in the SNAIL neighborhood.

Anika Khandavalli voiced support for BPAC's recommendation related to bike parking at train stations.

Peri Plantenberg, Co-Lead Action Team communicated support for BPAC's recommendation of a lightweight change program.

Linda Sell shared support for staff's recommendations included in Attachment 10 to the report and for a lightweight change program.

Dafne Clarke, Action Team members voiced support for BPAC's recommendation of gap fillers for bicycles.

Omar Din, Sunnyvale City Council District 6 Candidate communicated support for BPAC's recommendations of a 10% increase in active transportation mode share and to create low-stress networks.

Sue Serrone shared support for including BPAC's recommendations in the adopted Plan.

Martin Pyne voiced support for bicycle access and infrastructure.

Ari Feinsmith requested Council consider implementing recommendations from BPAC and SVBC when adopting the Plan.

Public Hearing closed at 10:13 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve Alternatives 3 and 4:

3. Adopt the Active Transportation Plan (Plan) with modifications, included in Attachment 10 to the report, as proposed by staff subsequent to the Bicycle and Pedestrian Advisory Commission (BPAC) meeting, which will serve as a guide to the development of a comprehensive bicycling and walking system throughout the City; and

4. Incorporate the following modifications:

- Include an introduction that provides an overview regarding the purpose and goals of the Plan;
- Amend page 205 of the Plan to remove the requirement of Assessment Districts for Selo Drive and Los Arboles Avenue residents;
- Amend page 209 of the Plan to reflect that sidewalks will be installed along Poplar Avenue and remove the requirement of an Assessment District;
- Include proposed modification BPAC 6a of Attachment 9 to replace Action 1.4 with Land Use and Transportation Element Policy LT-3.22;
- Increase the active transportation mode share target from 5% to 10%; and
- Include BPAC Modification Sections 3, 4 and 5 (Attachment 9 to the report) as an appendix to the Plan.

The motion carried with the following vote:

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

No: 0

Council took a recess at 11:01 p.m. and reconvened at 11:10 p.m. with all Councilmembers present via teleconference.

- 3 [20-0609](#) Proposed Project: Appeal by Laborers' International Union of North America (LIUNA), Local Union 270, represented by Michael R. Lozeau at Lozeau Drury LLP, of a decision by the Planning Commission to conditionally approve:
USE PERMIT for a new six-story hotel with 128 rooms.
Location: 1296 Lawrence Station Road (APN: 104-33-012)
File #: 2017-8060
Zoning: Industrial and Service (M-S)
Applicant / Owner: Baywood Hotels (applicant) / Sunnyvale Holdings LLC (owner)
Environmental Review: The project is consistent with the Land Use and Transportation Element (LUTE) of the City's General Plan and no additional environmental review is required pursuant to CEQA Guidelines Section 15183 and Public Resources Code Section 21083.3.

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

Public Hearing opened at 11:26 p.m.

Michael R. Lozeau, Lozeau Drury LLP, on behalf of Laborers' International Union of North America (LIUNA), Local Union 270 provided the appellant report.

David Burkett, Burkett Architecture and Peter MacDonald, MacDonald Law provided the applicant report and presentation.

Public Hearing closed at 11:51 p.m.

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to approve Alternative 1: deny the appeal and affirm the Planning Commission's determination to approve the California Environmental Quality Act determination that the project is consistent with the Land Use and Transportation Element (LUTE) of the City's General Plan and no additional environmental review is required as noted in the checklist in Attachment 5 to the report, and approval of the Use Permit subject to the revised recommended conditions of approval in Attachment 4 to the report; with the following modification:

- Remove PS-1c: Plant additional trees closer to the hotel that are vertical, genetically large, native species and that grow to a minimum of 75 feet at maturity from the conditions of approval.

The motion carried with the following vote:

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

No: 0

MOTION: Councilmember Melton moved and Vice Mayor Smith seconded the motion to hear Public Hearing/General Business Agenda Item 4.

The motion carried with the following vote:

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

No: 0

4 [20-0012](#) Appoint Applicants to the Housing and Human Services Commission and the Sustainability Commission

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 12:05 p.m.

No speakers.

Public Hearing closed at 12:05 p.m.

City Clerk David Carnahan conducted random roll call votes, tallied the votes and

reported the results as follows:

Housing and Human Services Commission
(1 vacancy)

Omar Din (only preference)
Vote: 5-0-2

Benjamin Hylak (1st preference)
Vote: 0-0-7

Franklin Lowe (only preference)
Vote: 5-0-2

Sustainability Commission
(1 vacancy)

Gweneth Buckley (only preference)
Vote: 4-0-3

Michael Lerman (only preference)
Vote: 3-0-4

Tonya Veitch (only preference)
Vote: 5-0-2

Agnes Veith (only preference)
Vote: 2-0-5

Tonya Veitch was appointed to the Sustainability Commission to serve a term expiring 6/30/2024.

MOTION: Councilmember Melton moved and Vice Mayor Smith seconded the motion to appoint Franklin Lowe to the Housing and Human Services Commission to serve a term expiring 6/30/2024.

The motion carried with the following vote:

Yes: 5 - Mayor Klein
Vice Mayor Smith
Councilmember Hendricks
Councilmember Melton
Councilmember Goldman

No: 0

Abstain: 2 - Councilmember Larsson
Councilmember Fong

Franklin Lowe was appointed to the Housing and Human Services Commission to serve a term expiring 6/30/2024.

MOTION: Vice Mayor Smith moved and Councilmember Fong seconded the motion to hear the remainder of the agenda item.

The motion carried with the following vote:

Yes: 4 - Vice Mayor Smith
Councilmember Larsson
Councilmember Goldman
Councilmember Fong

No: 3 - Mayor Klein
Councilmember Hendricks
Councilmember Melton

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Mayor Klein shared his attendance at various Silicon Valley Recovery Roundtable (SVRR) meetings. The SVRR group produced a report that details best policies, processes and practices to take during recovery from the pandemic. He shared his attendance at a Valley Transportation Authority State Route 85 Corridor Policy Advisory Board meeting and details of the Board's recommendation of a median transit lane dedicated to public transit and shuttle services.

Vice Mayor Smith advised she shared updates from the Silicon Valley Clean Energy with Council via email.

NON-AGENDA ITEMS & COMMENTS

-Council

Vice Mayor Smith inquired about the Sunnyvale Masters Swimming program (Masters program) at Fremont High School.

City Manager Kent Steffens indicated that staff would be discussing the program and possible options.

Councilmember Goldman inquired whom residents should contact to discuss concerns with the Masters program.

Mr. Steffens announced that inquiries should be directed to Library and Community Services Director Cherise Brandell.

Councilmember Goldman requested staff address bicycle and pedestrian safety concerns in the Sunnyvale Neighbors of Arbor Including La Linda (SNAIL) neighborhood.

Mr. Steffens communicated that installation of road impediments such as roundabouts and speed bumps are determined based on several factors. Residents may apply for improvements through the Neighborhood Calming Program.

MOTION: Councilmember Fong moved and Vice Mayor Smith seconded the motion to add a discussion topic to a future agenda, later than the October 13, 2020, regarding a three-month pilot program to stream Council meetings on Facebook Live.

Councilmember Goldman offered a friendly amendment to have the Council discussion agenda item within the next three months. Councilmember Fong accepted the friendly amendment.

The motion carried with the following vote:

Yes: 4 - Mayor Klein
Vice Mayor Smith
Councilmember Goldman
Councilmember Fong

No: 3 - Councilmember Larsson
Councilmember Hendricks
Councilmember Melton

Councilmember Hendricks sponsored a Study Issue related to rules that can be put into place on drones flying over personal property. Co-sponsored by Mayor Klein and Councilmembers Melton and Goldman.

-City Manager

City Manager Kent Steffens shared details of Information Only Item 20-0776 update on Sunnyvale Cares program and Information Only Item 20-0761 Department of Library and Community Services name change to Library and Recreation Services.

INFORMATION ONLY REPORTS/ITEMS

- | | |
|--------------------------------|---|
| <u>20-0041</u> | Tentative Council Meeting Agenda Calendar |
| <u>20-0228</u> | Board/Commission Meeting Minutes |
| <u>20-0339</u> | Information/Action Items |
| <u>20-0776</u> | Update on Small Business and Nonprofit Grant Programs (Sunnyvale Cares) (Information Only) |
| <u>20-0761</u> | Notice of Library and Community Services Department Name Change to Library and Recreation Services (Information Only) |

ADJOURNMENT

Mayor Klein adjourned the meeting at 12:41 p.m.