



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, September 15, 2020

7:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15

Special Meeting: Study Session - 5 PM - Canceled | Regular Meeting - 7 PM

Special Teleconference Notice

5 P.M. SPECIAL COUNCIL MEETING (Study Session) - Canceled

Call to Order

Roll Call

Study Session

A [20-0407](#) Cleanwater Center Architectural Concept - Item Canceled

Agenda item not heard by Council.

B [20-0329](#) Review of Solid Waste Franchise Collection Proposal - Item
Canceled

Agenda item not heard by Council.

Adjourn Special Meeting

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:00 p.m. via teleconference.

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.

SPECIAL ORDER OF THE DAY

C [20-0014](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

City Clerk David Carnahan administered the Ceremonial Oath of Office to incoming Board and Commission Members.

D [20-0390](#) SPECIAL ORDER OF THE DAY - Hispanic Heritage Month

Ron Gonzales, President and CEO, Hispanic Foundation of Silicon Valley spoke towards the Special Order of the Day - Hispanic Heritage Month.

Mayor Klein read a proclamation in honor of Hispanic Heritage Month.

E [20-0391](#) SPECIAL ORDER OF THE DAY - POW/MIA Recognition Day

Councilmember Hendricks read a proclamation in honor of Prisoner of War/Missing in Action Recognition Day.

ORAL COMMUNICATIONS

Holly Lofgren communicated concerns with construction costs associated with reaching the LEED Platinum certification for the new Civic Center. Ms. Lofgren, on behalf of California Citizens for Local Control shared details of the group's legislative efforts.

CONSENT CALENDAR

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

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 [20-0393](#) Approve City Council Meeting Minutes of August 19, 2020
(Commission Interviews)

Approve the City Council Meeting Minutes of August 19, 2020 as submitted.

1.B [20-0649](#) Approve City Council Meeting Minutes of August 25, 2020

Approve the City Council Meeting Minutes of August 25, 2020 as submitted.

1.C [20-0709](#) 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 [20-0716](#) Adopt a Resolution to Summarily Vacate a Portion of a Slope
Easement at 1390 Borregas Avenue

Adopt a Resolution to summarily vacate a portion of the 18-foot wide slope easement at 1390 Borregas Avenue; and authorize and direct the City Clerk to record a certified copy of the Resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

1.E [20-0717](#) Adopt a Resolution to Summarily Vacate a Portion of a Slope
Easement at 212 Gibraltar Drive

Adopt a Resolution to summarily vacate a portion of the 15-foot wide slope easement at 212 Gibraltar Drive; and authorize and direct the City Clerk to record a certified copy of the Resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

1.F [20-0721](#) Adopt a Resolution Acknowledging Receipt of a Report From
the Department of Public Safety Regarding Annual Fire and
Life Safety Inspections Pursuant to Sections 13146.2 Through
13146.4 of the California Health and Safety Code

Adopt a Resolution acknowledging receipt of a report from the Department of Public Safety regarding annual fire and life safety inspections pursuant to Sections 13146.2 through 13146.4 of the California Health and Safety Code.

- 1.G** [20-0807](#) Adopt a Resolution Confirming a Local Emergency Order of the Director of Emergency Services Regarding Allowing Temporary Outdoor Business Activities on Private and Public Property in the City of Sunnyvale in Response to Public Health Concerns Because of the Novel Coronavirus (COVID-19)

Adopt a Resolution ratifying the City Manager/Director of Emergency Services' order regarding temporary outdoor business activities on public and private property in the City of Sunnyvale.

- 1.H** [20-0819](#) Ratify the Appointments of Mayor Larry Klein and Vice Mayor Nancy Smith to the Santa Clara County Unhoused Task Force as the City of Sunnyvale Representatives

Ratify Mayor Klein and Vice Mayor Smith's appointments to the Santa Clara County Unhoused Task Force as the City of Sunnyvale Representatives.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [20-0047](#) APPLICATION WITHDRAWN
Proposed Project: General Plan Amendment Initiation request to study changing the General Plan designation from Low Density Residential to Low-Medium Density Residential on a 0.94 acre site
Location: 640 Lakehaven Drive (APN: 110-16-040)
File #: 2020-7030
Zoning: R-0/PD (Low Density Residential/Planned Development)
General Plan: Low Density Residential
Applicant / Owner: GSJ &2 LLC
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).
Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Application withdrawn. No action required.

- 3** [20-0651](#) Award of Bid No. PW20-02 to Robert A. Bothman Construction for Fair Oaks Park Renovation & Enhancement and Magical Bridge Playground, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, Approve Second Amendment to Consultant Services Agreement with Magical Bridge Foundation, and Approval of Budget Modification No. 6

Public Works Assistant Director Jennifer Ng provided the staff report and presentation.

Public Hearing opened at 7:25 p.m.

Olenka Steciw Villarreal, Founder and CEO, Magical Bridge shared support for the project.

Public Hearing closed at 7:26 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Smith seconded the motion to approve Alternative 1:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301;
- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$16,300,000.00 to Robert A. Bothman Construction;
- Authorize the City Manager to execute the construction contract when all necessary conditions have been met;
- Approve a 10% construction contingency in the amount of \$1,630,000;
- Authorize the City Manager to execute a second amendment to a consultant services agreement, in substantially the same form as Attachment 3 to the report, with Magical Bridge Foundation to increase the City's contribution to \$2,301,500 and the contract amount to a new not-to-exceed amount of \$4,591,500; and
- Approve Budget Modification No. 6 in the amount of \$3,399,392 to provide additional project funding.

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** [20-0762](#) Proposed Project: General Plan Amendment Initiation request to consider amending the General Plan designation from Commercial to Medium Density Residential on two sites totaling 1.2-acres.
Location: 1313 S. Wolfe Road (APN: 309-10-026 and 309-10-027)
File #: 2020-7031
Zoning: C-1 (Neighborhood Business)/PD (Planned Development)
General Plan: Commercial
Applicant / Owner: 4Terra Investments (applicant) / Desmond Family Real Estate Limited Partner (owner)
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).
Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov

Principal Planner Amber Blizinski provided the staff report and presentation.

Amir Massih provided the applicant report and presentation.

Public Hearing opened at 8:05 p.m.

Christophe LaBelle communicated support for the potential project and General Plan amendment.

Richard Mehlinger urged Council to consider approving the General Plan amendment.

Galen Davis shared support for the potential project and proposed Council consider

Alternative 3.

Coleen Hausler voiced support for the potential project and General Plan amendment.

Steve Scandalis spoke towards retail options available in the area and communicated support for adding additional retail options.

Public Hearing closed at 8:34 p.m.

MOTION: Councilmember Hendricks moved to continue this agenda item to a date not certain. Motion failed due to lack of second.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 2: deny the General Plan amendment initiation request to consider amending the General Plan designation from commercial to medium density residential including a commercial component, per the applicant's proposal.

The motion failed with the following vote:

Yes: 3 - Vice Mayor Smith
Councilmember Hendricks
Councilmember Melton

No: 4 - Mayor Klein
Councilmember Larsson
Councilmember Goldman
Councilmember Fong

MOTION: Councilmember Larsson moved and Councilmember Fong seconded the motion to approve Alternative 1: approve the General Plan amendment initiation to consider amending the General Plan designation from commercial to medium density residential including a commercial component, per the applicant's proposal and find that the action is exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378(a) with the following modifications:

- Include a scenario with a commercial component of at least 10% FAR; and
- Include a scenario with no commercial component.

The motion failed with the following vote:

Yes: 3 - Mayor Klein
Councilmember Larsson
Councilmember Goldman

No: 4 - Vice Mayor Smith
Councilmember Hendricks
Councilmember Melton
Councilmember Fong

MOTION: Councilmember Fong moved and Councilmember Larsson seconded the motion to continue the agenda item to a date not certain.

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

- 5** [20-0673](#) Adopt a Resolution Authorizing the City to Enter into a Loan Agreement with the United States Environmental Protection Agency up to the amount of \$221,000,000 and Authorize the City Manager to Execute the Loan Agreement and Related Documents and Pay All Closing Costs

Finance Director Tim Kirby provided the staff report and presentation.

Public Hearing opened at 9:48 p.m.

No speakers.

Public Hearing closed at 9:48 p.m.

MOTION: Vice Mayor Smith moved and Councilmember Fong seconded the motion to approve Alternative 1: adopt a Resolution authorizing the City to enter into a loan agreement with the United States Environmental Protection Agency up to the amount of \$221,000,000 and authorizing the City Manager to execute the loan agreement and related documents and pay all closing costs.

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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Mayor Klein communicated that he and Vice Mayor Smith serve as Sunnyvale representatives on the Santa Clara County Unhoused Task Force. He advised he shared the group's presentation that summarizes the County issues related to the unhoused with staff and requested the presentation be shared with Council.

Vice Mayor Smith shared her attendance at a CalTrain Modernization (CalMOD) Local Policy Maker Group meeting and an update on the high-speed rail project.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Hendricks proposed a Study Issue related to improving community engagement and communication between Council and the community. Mayor Klein, Vice Mayor Smith and Councilmembers Melton and Fong co-sponsored.

Councilmembers Melton and Hendricks acknowledged staff for their work with fire and life safety inspections.

Councilmember Melton advised that a federal draft environmental impact report that includes the Naval Industrial Reserve Ordnance Plant (NIROP) has been released for public review and suggested staff include a link to the report on the City's Moffett Park Specific Plan project webpage.

Councilmember Goldman requested Councilmember Hendricks consider amending the Study Issue to include creating a city staff position to assist with community inquiries. Councilmember Hendricks declined the amendment.

Councilmember Goldman proposed a Study Issue related to creating a city staff position to assist with community inquiries that reports to Council. Councilmember

Fong inquired if this item should be Budget Issue proposal.

City Manager Kent Steffens advised that a Study Issue would be appropriate and that adding city staff position reporting to Council would require a Charter amendment.

Councilmember Goldman withdrew that aspect of the Study Issue. There was no co-sponsor.

Councilmember Goldman commented on legislation related to housing and high-density residential properties.

-City Manager

City Manager Kent Steffens announced that the City entered into a grant agreement with Santa Clara County to build an all-inclusive playground at Lakewood Park.

INFORMATION ONLY REPORTS/ITEMS

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| <u>20-0711</u> | Tentative Council Meeting Agenda Calendar |
| <u>20-0758</u> | Board/Commission Meeting Minutes |
| <u>20-0759</u> | Information/Action Items |
| <u>20-0823</u> | Study Session Summary of August 11, 2020 - Moffett Park
Specific Plan Update |

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:19 p.m.