



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, November 10, 2020

5:15 PM

Telepresence Meeting: City Web Stream |  
Comcast Channel 15

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**Special Meeting: Study Session - 5:15 PM | Regular Meeting - 7 PM**

### **5:15 P.M. SPECIAL COUNCIL MEETING (Study Session)**

#### **Call to Order**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:19 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.

#### **Study Session**

**A**      [20-0052](#)      Sunnyvale Cleanwater Center and Plant Rehabilitation Update

Public Works Director Chip Taylor, Assistant City Engineer Allison Boyer and Environmental Services Director Ramana Chinnakotla provided the staff report and presentation.

Public Comment opened at 6:05 p.m.

No speakers.

Public Comment closed at 6:05 p.m.

**B**      [20-0851](#)      Review of Solid Waste Franchise Collection Proposal

Environmental Services Director Ramana Chinnakotla and Peter Deibler, Senior Manager, HF&H Consultants provided the staff report and presentation.

Public Comment opened at 6:54 p.m.

Jerry Nabhan, Operations Officer, Specialty Solid Waste & Recycling communicated concerns regarding the launch date and the 14-month lead time for acquiring collection trucks.

Public Comment closed at 6:56 p.m.

**Adjourn Special Meeting**

Mayor Klein adjourned the meeting at 6:56 p.m.

**7 P.M. COUNCIL MEETING**

**CALL TO ORDER**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

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**      [20-0840](#)      SPECIAL ORDER OF THE DAY - Picture Book Month

Mayor Klein shared words in honor of Picture Book Month.

Children and Teen Services Librarian Lori Giarrizzo shared ideas to celebrate Picture Book Month.

### **ORAL COMMUNICATIONS**

Veronica Smoot shared concerns regarding the rise in housing costs at Plaza Del Rey mobile home park.

Gail Rubino voiced concerns regarding the rise in housing costs at Plaza Del Rey mobile home park. She spoke towards implementing a freeze on rent-increases until a memorandum of understanding is developed.

Rick communicated support for a mobile home park rent-increase moratorium before an annual rent increase occurs at Plaza Del Rey.

Fred Kameda shared support for a “vacancy control” moratorium to prevent mobile home park owners from increasing rent when ownership changes hands.

Tonya Ivanov, speaking on behalf of Sunnyvale Alliance encouraged Council to support a request for Hometown America to implement a voluntary “vacancy control” moratorium.

Danielle Hoversten voiced concerns regarding the rise in housing costs at Plaza Del Rey mobile home park and shared support for rent stabilization.

Councilmember Goldman announced details of the upcoming Moffett Park Specific Plan Community Workshops and Council Study Sessions and COVID-19 testing availability at the Sunnyvale Murphy Park Building along with testing availability via Santa Clara County. He also announced that applications are being accepted for the Neighborhood and Community Events Grant Program.

### **CONSENT CALENDAR**

Jaime Rojas, George Jonson, Rima Khoury, Ahmed Kadir, Sahjiv Patel and Raghav requested agenda item 1.E be pulled from the Consent Calendar.

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

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**     [20-0727](#)     Approve City Council Meeting Minutes of October 27, 2020

Approve the City Council Meeting Minutes of October 27, 2020 as submitted.

**1.B**     [20-0734](#)     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**     [20-0805](#)     Award of a Contract to Kimley Horn & Associates, Inc. for  
Design Services for a New Traffic Signal at Wolfe Road and  
Dartshire Way (F20-155)

Take the following actions:

- Award a consultant services agreement in substantially the same form as Attachment 1 to the report in the amount not-to-exceed \$114,430.00 to Kimley Horn & Associates, Inc.;
- Approve a 10% contingency in the amount of \$11,443.00; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

**1.D**     [20-0885](#)     Adopt a Resolution to Update and Reformat the Citywide  
Records Retention and Destruction Schedule

Adopt a Resolution to update and reformat the Citywide Records Retention and Destruction Schedule.

**1.E**     [20-0945](#)     Adopt Ordinance No. 3166-20 to Amend Sunnyvale Municipal  
Code Chapter 9.28 to Prohibit the Sale of Flavored Tobacco  
Products.

Public Hearing opened at 7:30 p.m.

Jaime Rojas shared opposition to the Ordinance and spoke towards utilizing tobacco sales tax revenue to fund education programs and code enforcement.

Rima Khoury, founding member, National Hookah Community Association shared a presentation related to hookah's tradition, cultural use and low use among teens. She requested Council exempt hookah tobacco from the Ordinance.

George Jonson communicated support for mirroring the language in Senate Bill 793 (SB 793) and exempt hookah tobacco from the Ordinance.

Ahmed Kadir voiced opposition to the Ordinance.

Sanjiv Patel, American Petroleum and Convenience Store Association spoke towards negative impacts on businesses caused by such bans and requested Council not approve the Ordinance and instead rely on SB 793.

Moe shared opposition to the Ordinance.

Sam, business owner requested Council reconsider the Ordinance and instead rely on the statewide ban on flavored tobacco products.

Anchal Takiar communicated opposition to the Ordinance and spoke towards the negative impacts on businesses caused by such bans.

Shivani spoke towards the negative impacts to small businesses caused by such bans and requested Council reconsider the Ordinance.

Raghav spoke towards tobacco sale trends at his business and voiced support for waiting on the outcome of SB 793.

Mary Kemp, Northern California Grassroots Manager, American Cancer Society shared information related to SB 793 along with smoking trends and health risks among youth.

Public Hearing closed at 8:04 p.m.

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3166 20 to amend Sunnyvale Municipal Code Chapter 9.28 to prohibit the sale of flavored tobacco products.

The motion carried with the following vote:

**Yes:** 5 - Mayor Klein  
Councilmember Larsson  
Councilmember Hendricks  
Councilmember Melton  
Councilmember Goldman

**No:** 2 - Vice Mayor Smith  
Councilmember Fong

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2      [20-0049](#)      REQUEST FOR CONTINUANCE TO A DATE UNCERTAIN  
Proposed Project: General Plan Amendment Initiation request  
to consider amending the General Plan designation from  
Commercial to Low Density Residential for the northwest  
portion of the site.  
Location: 1689 S. Wolfe Road (APN: 309-51-028)  
File #: 2020-7436  
Zoning: C-1 (Neighborhood Business)/PD (Planned  
Development)  
General Plan: Commercial  
Applicant / Owner: PSR Development Inc. (applicant and  
owner)  
Environmental Review: The project is exempt from the  
California Environmental Quality Act (CEQA) pursuant to  
CEQA Guidelines Section 15378(a).  
Project Planner: Kelly Cha, (408) 730-7408,  
kcha@sunnyvale.ca.gov

Community Development Director Trudi Ryan provided the staff report.

Public Hearing opened at 8:18 p.m.

No speakers.

Public Hearing closed at 8:18 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded  
the motion to continue this agenda item to a date uncertain.

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**

- 3**      [20-0943](#)      CONTINUED FROM OCTOBER 27, 2020.  
Receive and File the FY 2020/21 First Quarter Budget Update  
and Approval of Budget Modification No. 8 in the Amount of  
\$1,932,000 to Appropriate CARES Act Funding

Finance Director Tim Kirby provided the staff report and presentation.

Public Hearing opened at 8:47 p.m.

No speakers.

Public Hearing closed at 8:47 p.m.

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Receive and file the FY 2020/21 first quarter budget update and approve Budget Modification No. 8 in the amount of \$1,932,000 to appropriate CARES Act 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**      [20-0944](#)      CONTINUED FROM OCTOBER 27, 2020.  
Approve the Master Plan for Public Art, Introduce an  
Ordinance Amending Sunnyvale Municipal Code Chapter  
19.52 (Art in Private Development) to Increase the Percent for

Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan; and Allocate \$50,000 from the Public Art Fund to Implement a Utility Box Art Project.

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

Public Hearing opened at 9:31 p.m.

Sue Serrone shared support for approval of the Master Plan for Public Art. She spoke towards the Art in Private Development In-lieu Fee program and establishing an art gallery.

Public Hearing closed at 9:34 p.m.

MOTION: Councilmember Fong moved and Councilmember Melton seconded the motion to approve Alternative 3 to allocate \$50,000 from the Public Art Fund to implement a utility box art project and Alternative 1 to approve the Master Plan for Public Art (Plan), with the following modification:

- Amend the Plan, as needed, to include language that stipulates a requirement of identifying a removal date for temporary art when approved.

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 Fong moved and Councilmember Larsson seconded the motion to approve a modified Alternative 2: Introduce an Ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to increase the percent for private development on site art requirement from 1% to 2% and maintain the in-lieu fee option at 1.1%.

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



The motion carried with the following vote:

**Yes:** 5 - Mayor Klein  
Vice Mayor Smith  
Councilmember Larsson  
Councilmember Goldman  
Councilmember Fong

**No:** 2 - Councilmember Hendricks  
Councilmember Melton

- 5**      [20-0842](#)      Adopt a Resolution Amending Section 7.12 (Administrative Citations), Late Payments for Neighborhood Preservation and Fire Prevention Code Violations, and Licensing/Permitting Non Compliance Penalties in the Fee Schedule and Provide an Overview of Neighborhood Preservation Process Improvements

Neighborhood Preservation Manager Christy Gunvalsen provided the staff report.

Public Hearing opened at 9:58 p.m.

No speakers.

Public Hearing closed at 9:58 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 1: Adopt a Resolution amending Section 7.12 (Administrative Citations) of the Fee Schedule to reduce the late payment penalty rate of 10% per month to 1% per month for Neighborhood Preservation and Fire Prevention Code Violations and Licensing/Permitting Non-Compliance Penalties (Attachment 1 to the report) and find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b) (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

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

Councilmember Melton shared his attendance at a Silicon Valley Regional Interoperability Authority meeting and completion of communication tower connectivity within Santa Clara County. The system allows first responders in the County to directly communicate during large scale events and emergencies.

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

Councilmember Goldman communicated interest in amending the General Plan to allow rezoning of certain residential properties located in commercial zones to permit owners the ability to develop their property.

Mayor Klein indicated property owners may initiate the process to rezone their property.

Vice Mayor Smith inquired with staff about implementing a “vacancy control” moratorium for mobile home parks.

City Attorney John Nagel advised that the City has the authority to implement a rent freeze moratorium and such moratorium should be applied to all mobile home parks.

**-City Manager**

City Manager Kent Steffens announced details of newly installed airplane noise monitors. Staff is testing the software and anticipate launching the system in early 2021.

**INFORMATION ONLY REPORTS/ITEMS**

[20-0899](#) Tentative Council Meeting Agenda Calendar

[20-0900](#) Board/Commission Meeting Minutes

[20-0901](#) Information/Action Items

**ADJOURNMENT**

Mayor Klein adjourned the meeting at 10:14 p.m.