



City of Sunnyvale

Meeting Minutes - Draft

City Council

Tuesday, April 20, 2021

5:15 PM

Telepresence Meeting: City Web Stream |
AT&T Channel 99 | Comcast Channel 15

**Special Meeting: Closed Session - 5:15 PM | Special Meeting: Study Session - 6 PM |
Regular Meeting - 7 PM**

5:15 P.M. SPECIAL COUNCIL MEETING (Closed 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 5:15 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

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

Public Comment

Public Comment opened at 5:16 p.m.

No speakers.

Public Comment closed at 5:16 p.m.

Convene to Closed Session

A [21-0398](#) CONFERENCE WITH LEGAL COUNSEL-PENDING
LITIGATION Closed Session held pursuant to California
Government Code Section 54956.9 (d)(1). Name of Case:

Michael Laurent v. City of Sunnyvale, Santa Clara County
Superior Court, Case No. 19CV355846

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 5:55 p.m.

6 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 6:00 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysia Cisneros
Councilmember Omar Din

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

Study Session

B [21-0321](#) Tasman Drive Complete Street Corridor Study Update by
Valley Transportation Authority

John Sighamony, Senior Transportation Planner, Valley Transportation Authority (VTA) provided the VTA report and presentation.

Public Comment opened at 6:43 p.m.

Richard Mehlinger shared support for the proposed improvements along at the Tasman Drive (Tasman) and Fair Oak Avenue (Fair Oaks) intersection. He spoke towards contiguous sidewalks and a permanent lane closure along Tasman Drive.

Ari Feinsmith voiced support for the proposed improvements to the Calabazas Creek Trail and the Tasman at Fair Oaks intersection. He spoke towards closing the sidewalk gap between Vienna Drive and Tasman Court.

Martin Pyne shared concerns with traffic being diverted to nearby streets in the Tasman area and spoke towards closing the sidewalk gap on Lawrence Expressway south of Tasman.

Public Comment closed at 6:50 p.m.

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:50 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 Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

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

CLOSED SESSION REPORT

Vice Mayor Hendricks reported that Council met in Closed Session held pursuant to California Government Code Section 54956.9 (d)(1). CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION Name of Case: Michael Laurent v. City of Sunnyvale, Santa Clara County Superior Court, Case No. 19CV355846; nothing to report.

SPECIAL ORDER OF THE DAY

C [21-0390](#) Affordable Housing Month

Mayor Klein read a proclamation in honor of Affordable Housing Month.

Jan Lindenthal, SV@Home Board Member spoke towards the proclamation.

D [21-0349](#) Asian Pacific American Heritage Month

Mayor Klein welcomed Heritage Preservation Commissioner David Wu.

Commissioner Wu read a proclamation in honor of Asian Pacific American Heritage Month and spoke towards the proclamation.

E [21-0519](#) Earthquake Preparedness Month

Mayor Klein read a proclamation in honor of Earthquake Preparedness Month.

Public Safety Specialist Steve Roth spoke towards the proclamation.

ORAL COMMUNICATIONS

Vice Mayor Hendricks announced details for the following:

- Current recruitment for various Boards and Commissions;
- Current recruitment for the Redistricting Commission;
- COVID-19 testing availability at Murphy Park and testing availability via Santa Clara County; and
- COVID-19 vaccination availability at the Sunnyvale vaccination center and availability via Santa Clara County.

A member of the public communicated support for a sanctioned encampment for the unhoused in Sunnyvale and continuing the hotel program.

Helen Gettinger shared support for a sanctioned encampment in Sunnyvale.

CONSENT CALENDAR

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to approve agenda items 1.A through 1.J.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

1.A [21-0466](#) Approve City Council Meeting Minutes of April 6, 2021

Approve the City Council Meeting Minutes of April 6, 2021 as submitted.

1.B [21-0241](#) 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 [21-0320](#) Approve Budget Modification No. 20 to Appropriate \$3.5 Million
in Valley Transportation Authority (VTA) 2016 Measure B
Funding and \$389,000 from the Transportation Impact Fee
Funds for the Environmental, Permitting, and Design Costs for
the Stevens Creek Trail Segment from W. Remington Drive to
W. Fremont Avenue and Authorize the City Manager to
Execute All Grant-Related Documents

Approve Budget Modification No. 20 to appropriate \$3,500,000 in Valley
Transportation Authority (VTA) 2016 Measure B funding and \$389,000 from the
Transportation Impact Fee Funds for the environmental, permitting and design costs
for the Stevens Creek Trail segment from W. Remington Drive to W. Fremont
Avenue and authorize the City Manager to execute all grant-related documents.

1.D [21-0143](#) Award of Contract to JJR Construction Inc. for ADA Curb
Retrofit (CDBG) 2021 and Finding of CEQA Categorical
Exemption

Take the following actions:

- Make a finding of categorical exemption from the California Environmental Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$580,328 to JJR Construction Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions

have been met; and

- Approve a 20% construction contingency in the amount of \$116,066.

1.E [21-0432](#) Award of Contract to Intermountain Slurry Seal, Inc. for Slurry Seal 2021 and Finding of CEQA Categorical Exemption

Take the following actions:

- Make a finding of categorical exemption from the California Environmental Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c);
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$647,627 to Intermountain Slurry Seal, Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% construction contingency in the amount of \$64,763.

1.F [21-0435](#) Approve the Second Amendment to Outside Counsel Agreement with Downey Brand for Litigation Services pertaining to the pending litigation San Francisco Baykeeper v. City of Sunnyvale and Approve Budget Modification No. 19 in the amount of \$500,000

Authorize the City Attorney to execute a second amendment, in substantially the same form as Attachment 1 to the report, to the Legal Services Agreement with the law firm of Downey Brand, LLP to increase the not-to-exceed amount by \$400,000, for a new not-to-exceed contract amount of \$500,000 and approve Budget Modification No. 19 in the amount of \$500,000.

1.G [21-0462](#) Countywide AB 939 Fee and Household Hazardous Waste Agreements for FY 2021/22 through FY 2023/24.

- Authorize the City Manager to execute a three-year agreement for Countywide AB 939 Implementation Fee, in substantially the same form as Attachment 1 of the report, and a three-year agreement for Countywide Household Hazardous Waste (HHW) Collection Program, in substantially the same form as Attachment 2 of the report, with an augmentation amount of \$152,321; and
- Authorize the City Manager to execute annual amendments to the Countywide HHW Collection Program agreement and the authority to approve an increase of up to 20% in the augmentation amount.

1.H [21-0408](#) Extension of Lease Agreement with Sunnyvale Community Services at 725 Kifer Road

Authorize City Manager or his designee to execute a first amendment to Lease of

Real Property in substantially the same form as Attachment 1 of the staff report for 725 Kifer Road with Sunnyvale Community Services.

- 1.I [21-0428](#) Appoint Mr. Russell Brunson and Ms. Lori Parris to the NOVA Workforce Board

Appoint Mr. Russell Brunson and Ms. Lori Parris to the NOVA Workforce Board.

- 1.J [21-0451](#) Approve Local Plan for NOVA and Regional Plan for Bay Peninsula Regional Planning Unit

Approve the Local Plan for NOVA and the Regional Plan for the Bay Peninsula Regional Planning Unit.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [21-0066](#) Housing Strategy: Update and Discussion on Sunnyvale Mobile Home Park Memorandum of Understanding

Housing Officer Jenny Carloni provided the staff report and presentation.

Council took a recess at 7:45 p.m. and reconvened at 8:00 p.m. with all Councilmembers present via teleconference.

Ms. Carloni continued the staff report and presentation.

Public Hearing opened at 9:03 p.m.

Ryan Jasinsky, Director of Property Management, Brandenburg Staedler and Moore on behalf of the mobile home park owners stakeholders group communicated the group's key points for a Memorandum Of Understanding (MOU) specifically price stability, rental safety net program and long-lasting agreement that balances interests of all stakeholders.

Mitch Mankin, Preservation and Protection Associate, SV@Home shared information about rent stabilization ordinances and space rent increases from neighboring cities within Santa Clara County.

Galen Kim Davis, Board member, Livable Sunnyvale voiced the group's unanimous decision to support the mobile home park resident's (residents) MOU positions.

Agnes Veith spoke towards space rent and pass-through costs such as capital

improvement expenses and urged Council to draft an MOU that supports the residents.

Liam Davis, President, Firebirds for All communicated support for the residents' position on the MOU.

Bryson Chen, Vice President, Firebirds for All shared support for the residents' position on the MOU.

Julia Liu spoke towards Sunnyvale's Housing Strategy goal that mobile homes remain an affordable housing option and voiced concerns with meeting this goal.

Mike Serrone, President, Sunnyvale Democratic Club communicated the group's unanimous decision to support Livable Sunnyvale's letter specifically the residents' position on the MOU and for MOU terms that are similar to other cities in the region.

Tara Martin-Milius voiced support for an MOU that the residents can accept or an ordinance that protects mobile home park residents.

Frank David shared support for mobile home rent stabilization.

Rick spoke towards space rent costs at Plaza Del Rey and communicated support for a Rent Stabilization Ordinance (RSO).

Leia Mehlman spoke towards goals that should be achieved with an MOU such as economic equity between the owners and residents.

Anne spoke towards space rent costs and requested Council support the residents' position on the MOU to protect the those living on a fixed income.

Jason Feinsmith shared information comparing resident owned and business owned mobile home parks and "new market element."

Randi spoke towards restrictions on mobile home park residents specifically the inability to rent their manufactured homes.

Gail Rubino, Livable Sunnyvale communicated support for the residents' position on the MOU, for developing an RSO concurrently in case of an MOU breach and for an MOU that is similar to neighboring cities.

Doug Johnson, Park Owners Association voiced support for an MOU and shared information related to RSOs adopted by the City of Milpitas and Alameda County.

Bruce Stanton, Attorney on behalf of the mobile home park residents stakeholder group communicated the group's key points for an MOU specifically fair annual rent adjustments, reasonable resale rent caps on turnovers and a mechanism to ensure enforceability.

Cor van de Water spoke towards space rent increases and the real estate vacancy rate at Plaza Del Rey and voiced support for an RSO or MOU that protects residents.

Murali Srinivasan urged Council to address policy loopholes in order to make Sunnyvale an equal opportunity city.

Robert Koreski, Managing Partner, Mary Manor Estates Mobile Home Parks spoke towards their commitment to a successful conclusion of an MOU, safety net program for residents and if the MOU is successful it will be offered to current leaseholders in their park.

Jess shared the impacts of space rent cost increases and urged Council to support the residents' position on the MOU.

Dana spoke towards the space rent increases at Plaza Del Rey and the impact to the real estate property at the park.

Richard Mehlinger, Chair, Livable Sunnyvale shared the group's support of an MOU that is acceptable to the residents, is in line with best practices adopted by other cities and for preparing an RSO.

Christine Ryczkowski voiced concerns regarding the space rent costs at Plaza Del Rey and support for an MOU that ensures fair and equitable terms for residents.

Tanya Ivanov shared information about the expenses incurred with maintaining a manufactured home.

Gladys Aragon shared concerns regarding the space rent increases at Plaza Del Rey.

Janette Brambila spoke towards space rent costs and voiced support for the residents' position on the MOU.

Debbie Walter communicated support for an RSO that would guarantee an affordable housing option and serve as a "contract" that is approved by the City.

Judy Pavlick and Tim Kerr on behalf of the mobile home park residents shared statistics about the mobile home park residents' population. They spoke towards the annual space rent increase being connected to a percentage of the Consumer Price Index (CPI) and limiting rate increases at turnover.

Ken Kravenas, Chief Operating Officer, Hometown America on behalf of mobile home park owners communicated the group's key points for an MOU such as an annual rent increase of CPI with a 3.5% floor, a cap turnover of 20% and a safety net program.

Public Hearing closed at 10:26 p.m.

MOTION: Vice Mayor Hendricks moved and Mayor Klein seconded the motion to approve Alternative 3 to direct staff to continue to negotiate final terms with Memorandum of Understanding (MOU) Stakeholders and to exclude rental parks from the MOU.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

Council took a recess at 10:55 p.m. and reconvened at 11:05 p.m. with all Councilmembers present via teleconference.

3 [21-0378](#) Selection of a Configuration of the Mary Avenue Overcrossing

to be Defined as the Proposed Project in an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA); Approve Budget Modification No. 21 in the Amount of \$273,092 from the Transportation Impact Fee funds; and Increase the Kimley-Horn and Associates contract from \$666,550 to \$914,815.

Principal Transportation Engineer Angela Obeso provided the staff report and presentation.

Public Hearing opened at 11:42 p.m.

Richard Mehlinger urged Council to select option 3 as their preferred project.

Ari Feinsmith voiced support for option 3 or 4 as the preferred project.

Public Hearing closed at 11:40 p.m.

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

- Select option 2 as the "Project" for the purposes of the project definition in the Environmental Impact Report for the Mary Avenue overcrossing and fully evaluate the other four options as Project alternatives;
- Approve Budget Modification no. 21 in the amount of \$273,092 from the Transportation Impact Fee funds;
- Approve a second amendment in substantially the same form as Attachment 6 to the report to the Kimley-Horn and Associates contract to change the scope of work and increase the contract amount from \$666,550 to \$914,815; and
- Approve a 10% contingency for the additional scope of work.

The motion failed with the following vote:

Yes: 2 - Vice Mayor Hendricks
Councilmember Larsson

No: 5 - Mayor Klein
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

MOTION: Councilmember Din moved and Councilmember Melton seconded the

motion to approve Alternative 2:

- Select option 4 as the "Project" for the purposes of the project definition in the Environmental Impact Report for the Mary Avenue overcrossing and fully evaluate the other four options as Project alternatives;
- Approve Budget Modification no. 21 in the amount of \$273,092 from the Transportation Impact Fee funds;
- Approve a second amendment in substantially the same form as Attachment 6 to the report to the Kimley-Horn and Associates contract to change the scope of work and increase the contract amount from \$666,550 to \$914,815; and
- Approve a 10% contingency for the additional scope of work.

The motion failed with the following vote:

Yes: 3 - Councilmember Melton
Councilmember Cisneros
Councilmember Din

No: 4 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Fong

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to approve Alternative 2:

- Select option 3 as the "Project" for the purposes of the project definition in the Environmental Impact Report for the Mary Avenue overcrossing and fully evaluate the other four options as Project alternatives;
- Approve Budget Modification no. 21 in the amount of \$273,092 from the Transportation Impact Fee funds;
- Approve a second amendment in substantially the same form as Attachment 6 to the report to the Kimley-Horn and Associates contract to change the scope of work and increase the contract amount from \$666,550 to \$914,815; and
- Approve a 10% contingency for the additional scope of work.

The motion carried with the following vote:

Yes: 5 - Mayor Klein
Councilmember Larsson
Councilmember Melton
Councilmember Cisneros
Councilmember Din

No: 2 - Vice Mayor Hendricks
Councilmember Fong

MOTION: Councilmember Melton moved and Councilmember Din seconded the motion to adjourn the meeting.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Cisneros
Councilmember Din

No: 1 - Councilmember Fong

- 4 [21-0130](#) Discussion and Possible Direction Regarding Taking a
Position on Assembly Bill (AB) 703 (Rubio, Blanca D) - Open
Meetings: Local Agencies: Teleconferences

Agenda item not heard by Council.

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

Agenda item not heard by Council.

NON-AGENDA ITEMS & COMMENTS

-Council

Agenda item not heard by Council.

-City Manager

Agenda item not heard by Council.

INFORMATION ONLY REPORTS/ITEMS

[21-0467](#) Tentative Council Meeting Agenda Calendar

[21-0468](#) Board/Commission Meeting Minutes

- [21-0469](#) Information/Action Items
- [21-0490](#) Mayoral Announcement of Mayor-Appointed Ad Hoc Advisory Committee on City Attorney Compensation (Information Only)
- [21-0516](#) Board/Commission Resignation (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 12:12 a.m.