



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, December 13, 2016

4:00 PM

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

Special Meeting: Closed Session-4 PM | Regular Council Meeting-7 PM | Special Joint Meeting of the City Council and the Sunnyvale Financing Authority-7 PM (or as soon thereafter as the matter may be heard)

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

1 Call to Order in the West Conference Room

Vice Mayor Larsson announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

Vice Mayor Larsson called the meeting to order at 4:02 p.m.

2 Roll Call

Present: 6 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Jim Davis
Councilmember Larry Klein
Absent: 1 - Councilmember Pat Meyering

3 Public Comment

None.

4 Convene to Closed Session

[16-1119](#)

Closed Session held pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Mendoza v. City of Sunnyvale et al., Santa Clara County Superior Court Case #1-14-CV-273590

[16-1142](#) Closed Session held pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9): Powell v. City of Sunnyvale, Workers' Compensation Appeals Board No. ADJ159235, ADJ1458011, ADJ1187273, ADJ8954129, ADJ8954150, ADJ8954176, ADJ9222939 and additional DOI claims 5/22/08 and 5/23/12

[16-0327](#) Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney

[16-0331](#) Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 6:32 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendricks led the salute to the flag.

ROLL CALL

Present: 6 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Jim Davis
Councilmember Larry Klein
Absent: 1 - Councilmember Pat Meyering

Mayor Hendricks stated Councilmember Meyering's absence is excused.

CLOSED SESSION REPORT

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9); Mendoza v. City of Sunnyvale et al., Santa Clara County Superior Court Case #1 14 CV 273590; nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9): Powell v. City of Sunnyvale, Workers' Compensation Appeals Board No. ADJ159235, ADJ1458011, ADJ1187273, ADJ8954129, ADJ8954150, ADJ8954176, ADJ9222939 and additional DOI claims 5/22/08 and 5/23/12; nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Attorney; nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Manager; nothing to report.

SPECIAL ORDERS OF THE DAY

Mayor Hendricks presented a proclamation to Assistant City Manager Hanson Hom in recognition of his retirement and over 9 years of service to the City.

Mayor Hendricks presented a proclamation to Director of Public Safety Frank Grgurina in recognition of his retirement and 5 years of service to the City.

ORAL COMMUNICATIONS

Diane Gleason spoke regarding continuing office space development and the impacts on affordable housing and traffic.

Michael Goldman spoke regarding the way in which people in the United States are elected to office and the desire of the people to be heard.

Maria Pan addressed the Council.

Galen Davis, Board member, Sunnyvale Metro Little League, spoke regarding park and field access for Sunnyvale Metro Little League and other leagues.

CONSENT CALENDAR

Mayor Hendricks announced a member of the public requested to pull Item 1.K for separate discussion.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve the Consent Calendar with the exception of Item 1.K.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 0

Absent: 1 - Councilmember Meyering

1.A [16-1030](#) Approve City Council Special Meeting Minutes of November 29, 2016

Approve the City Council Special Meeting Minutes of November 29, 2016 as submitted.

1.B [16-0935](#) Approve City Council Meeting Minutes of December 6, 2016

Approve the City Council Meeting Minutes of December 6, 2016 as submitted.

1.C [16-1039](#) 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 [16-1018](#) Modify an Existing Purchase Order, Approve a New Purchase Order for Emergency Sewer Repairs for the Environmental Services Department (F17-046), Make a CEQA Finding of Categorical Exemption and Approve Budget Modification No. 22

1) Authorize the City Manager to amend the existing Able Septic Service Purchase Order by increasing the not to exceed amount from \$90,000 to \$195,345, extend

the term until December 13, 2016 and to increase the amount of the existing Purchase Order if additional emergency sewer repairs are required, not to exceed budgeted amounts; 2) Authorize the City Manager to issue a new Purchase Order to Able Septic Service in the amount of \$200,000 and to increase the amount of the new Purchase Order if necessary, not to exceed budgeted amounts; 3) Find the Project Categorically Exempt under CEQA Section 15301(c) and (d) for the maintenance and repair of existing facilities with negligible or no expansion of an existing use; and 4) Approve Budget Modification No. 22.

- 1.E** [16-1001](#) Receive and File FY 2015/16 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Impact Fees (Exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines)

Receive and file FY 2015/16 Annual Status Report on receipt and use of development impact fees and adopt a Resolution making findings regarding unspent impact fees as required by the Mitigation Fee Act (California Government Code Section 66000 et seq.).

- 1.F** [16-1013](#) Award of Contract for the Repair of Air Floatation Tanks No. 2 & 3 (F17-012) and Approval of Budget Modification No. 20 and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines section 15301 for the maintenance, repair or minor alteration of an existing facility involving negligible or no expansion of use beyond that presently existing; 2) Approve Budget Modification No. 20; 3) award a contract, in substantially the same form as Attachment 2 to the report and in the amount of \$285,300 to Anderson Pacific Engineering Construction, Inc. for the repair of Air Floatation Tanks No. 2 & 3 at the Water Pollution Control Plant and authorize the City Manager to execute the contract when all necessary conditions have been met and; 4) Approve a 10% contract contingency in the amount of \$28,530.

- 1.G** [16-1053](#) Authorize the City Manager to Enter Into Multi-year Agreements for Contingency Staffing and Professional and Technical Contracted Services for the Information Technology Department (F17-049 and F17-050)

Authorize the City Manager to award multi year contracts in excess of \$100,000 for contingency staffing and professional and technical contracted services for the Information Technology Department, not to exceed budgeted amounts or a period of five years.

- 1.H** [16-1081](#) Award of Bid No. PW17-01 for the Park Buildings Modernization Project Re-bid (PW17-01) and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Make a finding of CEQA categorical exemption pursuant to CEQA Guideline Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,955,026 to ICC General Contractors Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 15% construction contingency in the amount of \$293,254.

- 1.I** [16-1082](#) Award Bid No. PW17-16 for ADA Curb Ramps CDBG 2017 Project (PW17-16), Make CEQA Finding of Categorically Exempt, and Approve Budget Modification No. 23 in the Amount of \$40,000

1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15301(c) and (d) because the project involves the restoration or rehabilitation of existing facilities (deteriorated or damaged sidewalks, gutters and similar facilities) involving negligible or no expansion of use beyond that presently existing; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$174,600 to SpenCon Construction and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a construction contingency in the amount of \$14,000 in order to utilize all available grant funding; and 4) approve Budget Modification No. 23 to provide \$40,000 in CDBG funding.

- 1.J** [16-1095](#) Authorization to Modify an Existing Purchase Order for Public Safety Uniforms & Equipment (F17-062)

Authorize the City Manager to amend the existing purchase order with Summit Uniforms for uniforms and related equipment for the Department of Public Safety, adding \$130,000 and increasing the not-to-exceed amount from \$400,000 to \$530,000.

- 1.K** [16-1097](#) Adopt a Resolution Approving Installation of All-Way Stop Sign Control at Bernardo Avenue and Knickerbocker Drive, and Adopt a Finding that the Project is Exempt Under the California Environmental Quality Act

Public hearing opened at 7:28 p.m.

Eleanor Hansen spoke in opposition to the installation of a four way stop at the location.

Public hearing closed at 7:30 p.m.

Director of Public Works Manuel Pineda provided information.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to adopt a resolution (Attachment 1 to the report) to convert the intersections of Bernardo Avenue at Knickerbocker Drive from two way stop sign control to all way stop sign control and adopt a finding that this action is exempt from review under the California Environmental Quality Act Exemption (CEQA) pursuant to CEQA Guidelines Section 15301(c).

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 0

Absent: 1 - Councilmember Meyering

1.L [16-1111](#) Award of Bid No. PW17-15 for the Columbia Middle School Swimming Pool Renovation Project, Make a Finding of CEQA Categorical Exemption, and Approval of Budget Modification No. 24 to Provide \$568,772 in Additional Project Funding

1) Make a finding of CEQA categorical exemption pursuant to CEQA Guideline Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$754,000 to California Waters Development Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met.; 3) approve a 10% construction contingency in the amount of \$75,400; and 4) approve Budget Modification No. 24 in the amount of \$568,772 to provide additional project funding.

1.M [16-1139](#) Adopt Resolutions Authorizing (1) the City Manager to Execute Certain Documents Required by the State Board of Equalization to Collect the City's Utility Users Tax on Prepaid

Wireless Service; and (2) Establishing the List of City Staff and Consultants authorized to Examine Prepaid Mobile Telephony Services Surcharge and Local Charge Records of the State Board of Equalization

Adopt Resolutions (1) Authorizing the City Manager to execute the Agreement with the State Board of Equalization for State Collection and Administration of the City's Utility Users Tax on prepaid wireless service and related documents; and (2) Establishing the List of City Staff and Consultants authorized to examine the prepaid mobile telephony services surcharge and local charge records of the State Board of Equalization.

- 1.N** [16-1016](#) Continuation of Supplement Law Enforcement Services (SLES) Funds and Approval of Budget Modification No. 19 to appropriate \$99,069 in SLES funding to support costs for sworn staff regular and overtime costs and identified police services equipment

Approve Budget Modification No. 19 to appropriate \$99,069 in Supplemental Law Enforcement Services funding to support costs for sworn staff regular and overtime costs and identified police services equipment.

- 1.O** [16-1148](#) Adopt Ordinance No. 3103-16 Adding Chapter 19.35 (Lawrence Station Area Specific Plan District) to Title 19 (Zoning) of the Sunnyvale Municipal Code, Rezoning certain property within the Lawrence Station Area Plan District from Industrial and Service District (MS) to Public Facility (PF), and Amending Sunnyvale Municipal Code Table 19.54.080 (Telecommunications Facilities Permits) and Section 19.90.010 (Special Development Permit) to Implement the Lawrence Station Area Specific Plan

Adopt Ordinance No. 3103-16.

- 1.P** [16-1149](#) Adopt Ordinance No. 3105-16 Amending Section 10.26.050 of Chapter 10.26 (Preferential Parking on Residential Streets) of Title 10 (Vehicles and Traffic), Repeal Section 19.68.040 (Accessory Living Units) and Re-Enact Section 19.68.040 (Accessory Dwelling Units) of Chapter 19.68 (Mobile, Accessory, and Single Room Occupancy Living Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code and Make other Related Changes to Title 19

Adopt Ordinance No. 3105-16.

- 1.Q** [16-1151](#) Adopt Ordinance No. 3106-16 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain 59 Contiguous Properties located between Hollenbeck Avenue, Torrington Drive, Spinosa Drive and Sheraton Drive R-1 (Low Density Residential) Zoning District to R-1/S (Low Density Residential/Single-Story) Zoning District

Adopt Ordinance No. 3106-16.

ADJOURN TO SPECIAL JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY

Mayor Hendricks adjourned the regular City Council meeting to the Special Joint Meeting of the City Council and the Sunnyvale Financing Authority at 7:34 p.m.

CALL TO ORDER

Mayor Hendricks called the Special Joint Meeting of the City Council and the Sunnyvale Financing Authority to order at 7:34 p.m.

ROLL CALL

Present: 6 - Mayor / Authority Member Hendricks
 Vice Mayor / Authority Member Larsson
 Councilmember / Authority Member Griffith
 Councilmember / Authority Member Martin-Milius
 Councilmember / Authority Member Davis
 Councilmember / Authority Member Klein

Absent: 1 - Councilmember / Authority Member Meyering

PUBLIC COMMENT (ON SPECIAL MEETING ITEM ONLY)

None.

GENERAL BUSINESS

- 1** [16-0690](#) Receive and File the FY 2015/16 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report (CAFR) and Approve Budget Modification No. 21 and Sunnyvale Financing Authority Financial Report

Assistant Director of Finance Kenn Lee provided the staff report.

Public Hearing opened at 7:40 p.m.

No speakers.

Public Hearing closed at 7:40 p.m.

MOTION: Vice Mayor Member Larsson moved and Councilmember Davis seconded the motion to approve (City Council) Alternative 1: Receive and file the budgetary Year-End Financial Report, the audited Comprehensive Annual Financial Report, and the Report to the City Council issued by the independent auditors and Approve Budget Modification No. 21.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 0

Absent: 1 - Councilmember Meyering

MOTION: Authority Member Larsson moved and Authority Member Klein seconded the motion to approve (Sunnyvale Financing Authority) Alternative 1: Receive and file the Sunnyvale Financing Authority Financial Report.

The motion carried by the following vote:

Yes: 6 - Authority Member Hendricks
Authority Member Larsson
Authority Member Griffith
Authority Member Martin-Milius
Authority Member Davis
Authority Member Klein

No: 0

Absent: 1 - Authority Member Meyering

ADJOURNMENT

Mayor Hendricks adjourned the Special Joint Meeting of the City Council and the Sunnyvale Financing Authority to resume the regular Council meeting at 7:42 p.m.

RECONVENE TO REGULAR CITY COUNCIL MEETING

Mayor Hendricks reconvened the regular City Council meeting at 7:42 p.m.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [16-0807](#) Certification of the November 8, 2016 Election Results for Ballot Measure M (Sunnyvale Public Lands Act) and Ballot Measure N (Sunnyvale Essential Services Protection Measure)

City Clerk Kathleen Franco Simmons provided the staff report.

Public Hearing opened at 7:44 p.m.

No speakers.

Public Hearing closed at 7:44 p.m.

MOTION: Councilmember Griffith moved and Councilmember Davis seconded the motion to adopt a Resolution Reciting the Fact of the Municipal Election held November 8, 2016 for the purpose of submitting to the voters Measure M and Measure N and such other matters as provided by law.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 0

Absent: 1 - Councilmember Meyering

- 3 [16-1100](#) Approve Memorandum of Understanding between the City of Sunnyvale and the Public Safety Managers Association 2015-2021 and Resolution to Amend the City's Salary Resolution to add Pay Plan Category M (Public Safety Captains and Public Safety Deputy Chiefs)

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 7:47 p.m.

No speakers.

Public Hearing closed at 7:47 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the

motion to approve Alternative 1: Authorize the City Manager to Execute the Memorandum of Understanding between the City of Sunnyvale and the Public Safety Managers Association, and adopt the Resolution to Amend the City's Salary Resolution to add Pay Plan Category M (Public Safety Captains and Public Safety Deputy Chiefs).

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 0

Absent: 1 - Councilmember Meyering

- 4 [16-1083](#) Authorize the City Manager to Upgrade the City's Municipal Electricity Accounts to Silicon Valley Clean Energy's 100% Renewable Energy "Green Prime" Service; Find that the Action is Exempt from CEQA

Regulatory Programs Division Manager Melody Tovar provided the staff report. Director of Finance Tim Kirby provided additional information.

Public Hearing opened at 7:52 p.m.

John Cordes, Bicycle and Pedestrian Advisory Commission member speaking for himself, spoke in support of the staff recommendation.

Public Hearing closed at 7:53 p.m.

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Find that the action is exempt from CEQA and authorize the City Manager to upgrade municipal electric service to Silicon Valley Clean Energy's GreenPrime 100% Renewable Electricity program.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 0

Absent: 1 - Councilmember Meyering

- 5** [16-1132](#) Proposed Project: Related Actions on related applications on five parcels, commonly referred to as Butcher's Corner, totaling 5.49 acres at El Camino Real/ Wolfe Road/Fremont Avenue:
CEQA: Adopt a Resolution to Certify the Environmental Impact Report, adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program
HERITAGE RESOURCE DESIGNATION: Consideration Heritage Resource designation for six trees on the former Butcher Property (871 E. Fremont Avenue)
REZONE: Introduction of an Ordinance to rezone one parcel from C-1/ECR to R-3/ECR,
SPECIAL DEVELOPMENT PERMIT: To allow 138 residential units (39 townhomes and 99 flats) and 6,934 square feet of retail/office use with surface and underground parking,
VESTING TENTATIVE MAP: To create 40 lots and one common lot, which includes 39 townhome lots and one lot for condominium purposes (99 residential condominiums and one commercial condominium), and
File #: 2014-7373
Location: 871 and 895 E. Fremont Ave. (APNs: 211-25-011, 211-25-033, 211-25-034, 211-25-038 and 211-25-039)
Zoning: R-3/ECR and C-1/ECR
Applicant / Owner: De Anza Properties
Environmental Review: Environmental Impact Report

Director of Community Development Trudi Ryan provided the staff report, and reported a correction to the Report to Council that the Planning Commission vote was 6 - 0 to not certify the Environmental Impact Report, rather than 4 - 2 as stated in the report. Director of Community Development Ryan stated the Office of the City Attorney has advised that is a defacto denial of the other applications the Planning

Commission considered that evening, which included the rezoning, special development permit, and the vesting tentative map.

Director of Public Works Manuel Pineda, Gary Black of Hexagon Traffic Consultants and City Attorney John Nagel provided additional information.

Applicant John Vidovich provided information regarding the proposal and a PowerPoint presentation.

Public Hearing opened at 8:49 p.m.

Dave Decker spoke in opposition to the proposal citing the impacts to traffic and water usage.

Chas Grossman spoke in opposition to the proposed development.

Sheau Voon Lee spoke in opposition to the project citing traffic impacts and traffic safety in the surrounding neighborhood.

Denise DeLange spoke regarding the unavailability of the Hexagon traffic study, in opposition to the project and in support of the Heritage Preservation Commission regarding the trees on the site. DeLange stated her recommendations are Alternatives 2, 3, 6 and 9.

Hinkmond Wong urged Council to not certify the EIR.

Mary Brunkhorst provided overhead slides regarding heritage oak trees and requested heritage designation.

Don Haislett spoke in opposition to the project citing traffic concerns.

Ian Jacobi spoke regarding traffic accidents in the area and expressed concerns regarding bicycle safety as it relates to the on-street parking near the site. Jacobi urged requirement of a site distance evaluation of the subsequent four driveways from the site.

Holly Lofgren spoke in opposition to approval of the EIR and provided a PowerPoint presentation.

Ratnendra Pandey requested denial of the EIR and the project citing impacts to global warming and greenhouse gas emissions.

Tracie Murray, on behalf of the Cedar Crest Nursing & Rehab, spoke in support of the project

City Attorney John Nagel reported in response to earlier comments that the Hexagon report was attached to the Responses to Council Questions document, posted online and made available in the back of the room as part of the standard process. City Attorney Nagel stated additional copies have been made for the public in the back of the room.

Manju Puri, Rehab Director and Occupational Therapist, spoke in favor of the project citing the need for more housing in order to retain talented professionals in Sunnyvale and spoke regarding the needs of the geriatric population.

John Cordes, Bicycle and Pedestrian Advisory Commission member speaking for himself, urged Council to not adopt the statement of overriding concerns and mitigation monitoring and stated the project is not in the character of the neighborhood, cited traffic concerns and concerns regarding the lack of affordable housing in the project.

Teresa Wiegman spoke in opposition to the project and the EIR.

Council recessed at 9:35 p.m.

Council reconvened at 9:47 p.m. with Councilmember Meyering absent.

Mayor Hendricks stated he would allow additional speaker cards for those who would like to speak to the traffic study.

Elaine O'Neill expressed concerns regarding traffic, loss of heritage resources and school overcrowding and submitted a petition signed by 580 people. O'Neill stated the petition requests the Council to uphold the Planning Commission recommendation to not certify the EIR and require an updated traffic study, require a more accurate student generation rate, and to uphold the Heritage Preservation Commission's recommendation regarding the oak trees.

Liz Brockman provided information regarding student population rates and presented overhead slides.

Michael Goldman spoke regarding transportation, housing and traffic in Sunnyvale.

Ed Cramer spoke regarding loss of privacy for his property, traffic, building height,

and provided overhead slides.

Nirav Mehta, dentist in the building at the corner of Wolfe and El Camino, spoke regarding the right turn lane at Wolfe and urged approval of the project as-is.

Dipa Meta spoke in support of the project as-is, citing the need for more housing.

Piyush Kothary spoke in support of the project citing the need for more housing, an improved corridor, improved transportation, and property tax revenue for schools.

Ritesh Patel spoke in support of the project.

Marissa Kacmarsky expressed concerns regarding traffic and spoke regarding the impacts on Stockmeier School. Kacmarsky requested Council to not approve the EIR and recommended resizing the project to make it more amenable to the community.

Galen Davis spoke regarding inadequacy of the Environmental Impact Report and the need for safe pedestrian access across Fremont Avenue.

Jean Batryn requested Council to not approve the Environmental Impact Report, requested a more thorough traffic analysis, read an excerpt from the November 28 Planning Commission meeting minutes, requested approval of the Heritage Preservation Commission recommendation, and spoke regarding the Hexagon report.

Paul Healy spoke regarding the need for a crosswalk at Kingfisher and regarding the dedicated right turn lane onto Fremont.

Punit Minocha spoke in support of the project citing the need for housing.

Nandita Shah spoke in support of the project citing the need for housing.

Mei-Ling Stefan spoke regarding ingress and egress conditions on Fremont and presented overhead slides. Stefan urged Council to reject the Environmental Impact Report and spoke in support of senior housing at the site.

Alpana Sharp spoke in support of the project.

Jessica Morse spoke in support of the project to provide housing and allow people to commute less.

Heather Morse spoke in support of the project to provide housing, less commuting and less traffic and requested approval of the maximum density.

Kathryn Tomaino, realtor, spoke in support of the project, citing the need for housing and planned development.

Ashish Gupta spoke in support of the project to provide housing for employees and affordable housing.

Zachary Kaufman spoke in opposition to the project.

Ritesh Gupta requested Council reject the Environmental Impact Report and at a minimum, reduce the size of the project.

Maria Hamilton spoke in favor of Alternatives 2, 5 and 7, in opposition to the project.

Henry Alexander spoke in opposition to the project and requested Council not approve the Environmental Impact Report.

Amit Srivastava spoke regarding concerns raised at the Planning Commission meeting including number of units, building height, water usage and balance of housing and asked Council to take the input of the Planning Commission.

Manuel Luschas spoke regarding the Student Generation Rate used in the Environmental Impact Report and provided a PowerPoint presentation.

Patricia Kuntz spoke regarding overcrowding, observations of bullying and traffic at Stockmeier School.

Steve Scandalis spoke in support of the Planning Commission recommendations.

Kiran Joshi spoke regarding the impact to privacy on his property, traffic impacts on Fremont and safety concerns for the neighborhood and residents.

Mayor Hendricks announced two minutes per person regarding the traffic study for the remaining speakers.

Holly Lofgren stated the Environmental Impact Report did not include an analysis of traffic that might be caused by the new plans in the City, such as the Peery Park

Plan and the Lawrence Station Area Plan. Lofgren expressed concerns regarding the process for making the traffic analysis available to the public.

Sheau Voon Lee requested Council consider relocation of the VTA bus station on Wolfe between El Camino and Fremont due to traffic, use funds allocated for CalTrain for VTA instead, fund school buses for the neighborhood, and rather than adding a cut-through walkway, consideration of adding a car egress to El Camino.

Chandra T. spoke regarding the minimal setback from his property and expressed concerns regarding privacy, traffic impacts at El Camino and school traffic, and recommended the project not be approved in its current form.

Deborah Marks expressed concerns regarding the traffic study and recommended not certifying the Environmental Impact Report and spoke in support of the Planning Commission recommendations.

Deborah Schultz urged Council to be appropriate in development approval with regard to height, aesthetic and number of units.

Hoon Chia spoke in support of housing development but against the current proposal citing traffic and parking concerns.

Akshay Moghe spoke in support of the Planning Commission recommendation of 99 units, citing traffic impacts to neighborhood not considered in the traffic study. Moghe urged Council to not certify the Environmental Impact Report.

Applicant Vidovich provided additional information in response to public comments.

Public Hearing closed at 11:24 p.m.

Community Development Director Ryan stated a revised resolution is on the dais and on the website.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve Alternative 1) Adopt a Resolution, as amended and provided on the dais, to Certify the Environmental Impact Report (EIR), make the findings required by CEQA, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis

No: 1 - Councilmember Klein

Absent: 1 - Councilmember Meyering

MOTION: Councilmember Martin-Milius moved and Vice Mayor Larsson seconded the motion to approve Alternative 3: Approve a Heritage Resource designation of four of the considered Oak trees (Valley Oak and Coast Live Oaks) proposed in the project.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 1 - Councilmember Griffith

Absent: 1 - Councilmember Meyering

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to Alternative 5: Introduce an ordinance to Rezone 895 E. Fremont Avenue to R-3/ECR.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 0

Absent: 1 - Councilmember Meyering

MOTION: Councilmember Davis moved and Vice Mayor Larsson seconded the motion to approve Alternative 7: Approve the Special Development Permit and

Tentative Parcel Map with the findings in Attachment 3 in the report and conditions of approval in Attachment 4 in the report.

FRIENDLY AMENDMENT: Vice Mayor Larson offered a friendly amendment to add a Condition of Approval to distribute the construction traffic plan to interested parties.

Councilmember Davis accepted the friendly amendment.

Mayor Hendricks confirmed with the maker of the motion that Alternative 7 is with the buildings at five and six stories.

FRIENDLY AMENDMENT: Councilmember Klein offered a friendly amendment to require 3% EV chargers for the apartment complex to be decided upon by staff and the developer.

Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Klein offered a friendly amendment to require four stories along Fremont as the Planning Commission suggested. Councilmember Davis declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to request the applicant to explore being able to connect to the purple pipe. Councilmember Davis accepted the friendly amendment.

The motion as amended carried by the following vote:

Yes: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Martin-Milius
Councilmember Davis

No: 2 - Councilmember Griffith
Councilmember Klein

Absent: 1 - Councilmember Meyering

Following action on Item 5, Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to continue to Item 6 following a 5 minute recess.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 0

Absent: 1 - Councilmember Meyering

Council recessed at 12:30 a.m.

Council reconvened at 12:36 a.m. with Councilmember Meyering absent.

- 6** [16-1094](#) Proposed Project: Related actions on the LAKESIDE SPECIFIC PLAN and EIR for an 8.83-acre site:
SPECIFIC PLAN AMENDMENT: to revise the land use configuration, increase the height allowance, and make other miscellaneous updates.
SPECIAL DEVELOPMENT PERMIT: for development of an existing vacant site with two new buildings and associated site improvements - a six-story, 263-room hotel with an attached 3,000 sq. ft. restaurant and an attached three-level above grade parking structure; and a five-story, 250-unit apartment building over a two-level, above-grade podium parking garage
TENTATIVE PARCEL MAP: to subdivide the site into two - with a lot for each land use.
CEQA: Adopt a Resolution to Certify the Supplemental Environmental Impact Report, adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program
File #: 2015-7576
Location: 1250 Lakeside Drive (APNs: 216-43-035 and -036)
Zoning: LSP
Applicant / Owner: Sunnyvale Partners, Ltd (applicant) / Aircoa Equity Interests, Inc. (owner)
Environmental Review: Supplemental Environmental Impact Report

Associate Planner George Schroeder provided the staff report and stated Condition of Approval GC-12D has been modified and copies of the modified conditions have been provided on the dais. Director of Public Works Manuel Pineda, Director of

Community Development Trudi Ryan, City Attorney John Nagel and Principal Planner Andrew Miner provided additional information.

Vice Mayor Larsson disclosed that he met with representatives of Unite Here Local 19 in which affordable housing and a shuttle for residents and employees was discussed, and that he met with the developer and walked the site, discussed the layout, the shuttle and the public space and public amenities.

Applicant Kurt Wittek, Developer, provided information regarding the plan and provided a PowerPoint presentation. Architect Tim Johnson, Principal, NBBJ Architect presented information regarding the master plan and the hotel design. John Innes, Principal, BDE Architecture provided information regarding the apartment design. Ying-Yu Hung, Principal, SWA Group provided information regarding the landscape.

Public Hearing opened at 1:30 a.m.

Stephano Medina, on behalf of members of Unite Here Local 19, stated that public transportation and housing mitigations for low wage workers of the hotel and restaurant could be improved as stated in their letters.

Johnny Chiang, member of Unite Here Local 19, requested consideration be given to housing and transportation needs of hotel workers.

On behalf of the Applicant, Ying-Yu Hung, Principal, SWA Group concluded the PowerPoint presentation regarding the landscape. Applicant Kurt Wittek provided additional information regarding the shuttle service.

Public Hearing closed at 1:40 a.m.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to approve Alternatives 1, 3 and 5: 1) Certify the Supplemental Environmental Impact Report, make the findings required by the California Environmental Quality Act (CEQA), and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program (Attachment 10 to the report); 3) Adopt a resolution amending the Lakeside Specific Plan (LSP) per the text amendments as contained in the Resolution in Attachment 11 to the report; and 5) Approve the Special Development Permit and Tentative Parcel Map with the findings in Attachment 4 and conditions in Attachment 5 to the report.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Klein

No: 1 - Councilmember Davis

Absent: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[16-0800](#) Tentative Council Meeting Agenda Calendar

[16-0920](#) Information/Action Items

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 1:54 a.m.