



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, July 25, 2017

4:30 PM

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

Special Meeting: Closed Session- 4:30 PM | Regular Meeting- 7 PM

4:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Attorney John Nagel left the room for consideration of one of the items on the agenda. Assistant City Attorney Melissa Tronquet was available for questions.

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.

1 Call to Order in the West Conference Room

Vice Mayor Larsson called the meeting to order at 4:32 p.m.

2 Roll Call

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

3 Public Comment

No speakers.

4 Convene to Closed Session

- a** [17-0601](#) Closed Session held pursuant to California Government Code
Section 54957.6: CONFERENCE WITH LABOR
NEGOTIATORS
Agency designated representative: Teri Silva, Director of
Human Resources
Unrepresented Employee: City Attorney

- b** [17-0631](#) Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 1484 Kifer Road, Sunnyvale (Unilever site)
Agency negotiator: Kent Steffens, Assistant City Manager
Negotiating parties: REOM Development and Fore Property Company
Under negotiation: Price and terms of a potential purchase
- c** [17-0571](#) Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

City Attorney John Nagel returned to the room to be available for questions.

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 6:55 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: 7 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Larry Klein
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

CLOSED SESSION REPORT

Vice Mayor Larsson reported the Council met in closed session pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators:

Unrepresented Employee: City Attorney; nothing to report.

Vice Mayor Larsson reported the Council met in closed session pursuant to California Government Code Section 54956.8: Conference with Real Property Negotiators; 1484 Kifer Road, Sunnyvale (Unilever site): REOM Development and Fore Property Company: Price and terms of a potential purchase; 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.

PRESENTATIONS

[17-0656](#) PRESENTATION - Overview of Santa Clara County's Cold Weather Shelter Program's Impact on City Services and County's Proposal to Amend Operations at 999 Hamlin Court in FY17/18

Director of Library and Community Services Cynthia Bojorquez provided the staff presentation. Michelle Covert, Santa Clara County Office of Supportive Housing, provided the County presentation. Marie Bernard, Executive Director, Sunnyvale Community Services, and Sunnyvale Housing Officer Suzanne Ise provided additional information.

ORAL COMMUNICATIONS

Sandra DeLateur, Director of Dispute Resolution Programs, Project Sentinel, spoke regarding affordable housing in Sunnyvale.

Misuk Park announced a public access TV show on Comcast Channel 26 called Sunnyvaleans and an upcoming episode regarding the Heritage Park Museum.

Zachary Kaufman addressed the Council and provided a PowerPoint presentation.

Michael Flores spoke regarding the new garbage can sizes and rates.

CONSENT CALENDAR

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

No: 0

Mayor Hendricks stated his vote should be recorded as a recusal on Item 1.D.

1.A [17-0579](#) Approve City Council Meeting Minutes of July 11, 2017

Approve the City Council Meeting Minutes of July 11, 2017 as submitted.

1.B [17-0181](#) 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 [17-0646](#) Approve an Amended and Restated Agreement for Crossing
Guard Services (F17-178) and Authorize the City Manager to
Adjust the Annual Not-to-Exceed Total Compensation for
Crossing Guard Services Consistent with the City's Local
Minimum Wage Ordinance

Approve an Amended and Restated Agreement with All City Management Services for crossing guard services, increasing the not-to-exceed contact amount by \$50,338, from \$540,553 to \$590,891, and authorize the City Manager to execute the Amended and Restated Agreement when all conditions have been met and adjust the annual not-to-exceed total compensation for crossing guard services consistent with the City's local minimum wage ordinance.

1.D [17-0726](#) Adopt Ordinance No. 3120-17 Amending the Precise Zoning
Plan, Zoning Districts Map, to Rezone 49 contiguous
properties located on Ticonderoga Drive, Somerset Drive,
Revere Drive, Shenandoah Drive, Pimento Avenue, and Plum
Avenue From R-1 (Low Density Residential) to R-1/S (Low
Density Residential/Single-Story)

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to adopt Ordinance No. 3120-17.

The motion carried by the following vote:

Yes: 6 - Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

Recused: 1 - Mayor Hendricks

- 1.E** [17-0727](#) Adopt Ordinance No. 3121-17 Adding Chapter 2.29 (Electronic Filing) to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code relating to Electronic Filing of Campaign Statements and Statements of Economic Interests

Adopt Ordinance No. 3121-17.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [17-0732](#) Consider Amending the Salary Schedule of the City's Salary Resolution to Increase the Control Point for the City Attorney Position and Amend the Employment Agreement between the City of Sunnyvale and City Attorney John A. Nagel to Increase the Salary

City Attorney John Nagel excused himself and left the room. Assistant City Attorney Melissa Tronquet was available for questions.

Director of Human Resources Teri Silva provided the staff report. Mayor Hendricks provided a brief report of the Council Subcommittee regarding Performance Evaluation Tools and Recruitment Process for the City Attorney and City Manager.

Mayor Hendricks stated that the City Attorney Compensation Survey document is available at the back of the room and will be made available after the meeting.

Public Hearing opened at 8:07 p.m.

No speakers.

Public Hearing closed at 8:07 p.m.

MOTION: Councilmember Griffith moved and Councilmember Melton seconded the motion to approve a 9% raise which includes the control point adjustment that he

would normally be getting, and adjust the control point accordingly.

The motion carried by the following vote:

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

No: 0

Following action on Item 2, City Attorney John Nagel returned to the room and took his seat.

- 3** [17-0385](#) Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY 2017/18 County of Santa Clara Property Tax Roll and Find that the Action is Exempt from CEQA

Director of Finance Tim Kirby provided the staff report and distributed an updated attachment to the resolution that reflects three payments that have been received.

Public Hearing opened at 8:16 p.m.

George Sarkissian spoke regarding his property and provided written materials.

Public Hearing closed at 8:20 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 adopt a resolution confirming the Report and Assessment List for unpaid administrative fines to be placed on the FY 2017/18 County of Santa Clara Property Tax Roll.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Melton

No: 0

Abstain: 1 - Councilmember Goldman

- 4** [17-0689](#) Proposed Project: Related Rezoning and Special Development Permit applications for a 2.05 acre site on E. El Camino Real and Poplar Avenue
REZONE: Introduction of an Ordinance to rezone the property at 1314-1320 Poplar Ave. (APN 313-03-013) from R-1/ECR (Low Density Residential/Precise Plan for El Camino Real) to C-2/ECR (Highway Business Commercial/Precise Plan for El Camino Real); and
SPECIAL DEVELOPMENT PERMIT: Construct 108 residential units (rental apartment complex) on a 2.05-acre site, where 20% of units will be affordable to very low income households. The complex will consist of one five-story building facing El Camino Real (four stories above ground floor amenities and parking plus one underground level of parking) and one three-story building facing Poplar Avenue. The project includes deviation requests from the required minimum distance between buildings on the same lot, maximum building height, parking requirements and maximum lot coverage. The project site is composed of a former mobile home park (Conversion Impact Report certified and closure approved in January 2016) and a duplex property.
VESTING TENTATIVE PARCEL MAP: Combine two lots into one lot.
File #: 2016-7293
Location: 1008 E. El Camino Real (APN 313-03-011) and 1314-1320 Poplar Ave. (APN 313-03-013)
Applicant / Owner: St. Anton Communities / Sunnyvale Park LLC; Alhambra Apartments LP
Environmental Review: Mitigated Negative Declaration

Planning Officer Andrew Miner provided the staff report and a PowerPoint presentation and reported that a revised Attachment 4 was provided on the dais.

Director of Community Development Trudi Ryan, Housing Officer Suzanne Ise and Director of Public Works Manuel Pineda provided additional information.

Applicant Ardie Zahedani, Principal, St. Anton Communities, provided information regarding the project and a PowerPoint presentation.

Public Hearing opened at 10:22 p.m.

Gail Rubino spoke in support of the project and affordable housing.

Tara Martin-Milius spoke in support of the project and affordable housing. Martin-Milius stated the City needs to look at parking policies.

Richard Mehlinger, on behalf of St. Cyprian Parish Faith and Action Committee and the Bay Area Organizing Committee, spoke in support of the project and affordable housing.

Sue Serrone, speaking for herself and the Livable Sunnyvale Coalition, spoke in support of affordable and inclusive housing.

Tae Ji spoke regarding pedestrian and cyclist safety and provided a PowerPoint presentation and copies of petitions.

Jeanette Hada expressed concern regarding student safety, overcrowding and traffic and requested the developers do something regarding privacy issues and student safety.

David Wessel, speaking for his family and the Democratic Club of Sunnyvale, spoke in support of the proposal, citing the critical housing crisis and the need to consider those being forced out of the area.

Mike Serrone, member of the Livable Sunnyvale Coalition, spoke in support of the project which will provide 20% affordable housing and in support of continuing to work to mitigate the concerns of the neighbors.

Don Tran, Health and Housing Portfolio, Silicon Valley Leadership Group, spoke in support of affordable housing, increased density on the El Camino corridor and the bicycle amenities.

Michal Healy, Santa Clara Unified School District, read and submitted a letter in support of the St. Anton proposal and the collaboration to develop an improvement

plan for Safe Routes to School for Peterson Middle School.

Eric Cheung expressed concerns regarding traffic, privacy and security and urged rejection of the proposal.

Maria Hamilton spoke in favor of Alternative 8, to deny the Special Development Permit, citing concerns with the deviations regarding distance between buildings and building height.

Zachary Kaufman spoke regarding compatibility of the project with the adjacent neighborhood.

Xiaomin Liu expressed concerns regarding privacy and safety for Peterson School children.

Rose D. spoke in opposition to the proposed project citing environmental and pedestrian safety concerns.

John Cordes, Bicycle and Pedestrian Advisory Commission member speaking for himself, spoke in support of the project for affordable housing, and in support of some of the recommendations of the Planning Commission to reduce the visual impact of the building. Cordes spoke in support of the comments of an earlier speaker regarding parking policies.

Robert Faught spoke in opposition to the project citing concerns with the high density, overflow parking, traffic, and that the buildings would tower over the neighborhood.

Applicant Ardie Zahedani, St. Anton Communities, and Architect Ron Metzker, Principal, LPAS, provided information in response to questions and concerns raised during the public hearing.

Public Hearing closed at 11:09 p.m.

Director of Community Development Ryan confirmed that in the revised findings provided on the dais, for the tentative map, it should say, "staff was not able to make Findings 1 through 8."

MOTION: Vice Mayor Larsson moved and Mayor Hendricks seconded the motion to approve Alternatives 1, 3 and 6: 1) Make the findings required by the California Environmental Quality Act (CEQA) in Attachment 4 to the report and Adopt the

Revised Mitigated Negative Declaration in Attachment 6 to the report, with the modification to the revised tentative map findings that Findings 1 through 8 cannot be made; 3) Introduce the ordinance in Attachment 11 to the report to rezone 1314-1320 Poplar Ave. (APN 313-03-013) from R-1/ECR to C-2/ECR; and 6) Approve the Special Development Permit and Vesting Tentative Parcel Map with the recommended conditions of approval set forth by the Planning Commission in Attachment 5 to the report and as modified by the staff recommended conditions of approval in Attachment 5 to the report; with an addition to Condition of Approval BP-32, Construction Management Plan, to add "and school" for minimizing impacts of construction on surrounding residential and school uses to the extent possible.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to add the VTA requests to install a 12'x75' PCC bus stop pavement pad with monolithic curb, provide a minimum 120' of parking restriction (red curb), passenger pad (sidewalk) should be clear of any physical obstructions (i.e., tree wells should be located a minimum of 8' behind the curb at the bus stop), replace the existing bus bench with a new bench and/or bus shelter (preferably bus shelter), and provide real-time transit information (e.g., Digital Bus Stop).

Vice Mayor Larsson accepted the friendly amendment.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to require the applicant to continue to work with staff to improve the design subject to the Community Development Department's approval, specifically to see if they can do anything to lower the design elements to the 60 feet.

Vice Mayor Larsson accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Klein offered a friendly amendment to require the applicant to continue to work with staff to reduce the privacy issues to the south and to the west, specifically from balcony view.

Vice Mayor Larson and Mayor Hendricks accepted the friendly amendment.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion as amended by friendly amendment carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Melton

No: 1 - Councilmember Goldman

MOTION: Councilmember Griffith moved and Mayor Hendricks seconded the motion to continue with Item 5.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 1 - Councilmember Klein

Council recessed at 11:55 p.m.

Council reconvened at 12:06 a.m. with all present.

5 [17-0617](#) Council Direction on Civic Center Master Plan Alternatives for
Public Safety Building Improvements and City Hall Annex
Building Renovations

Assistant City Manager Kent Steffens provided the staff report. Todd Kohli and Mark Roddy, SmithGroupJJR, provided the consultant report and a PowerPoint presentation. Director of Finance Tim Kirby provided additional information.

Public Hearing opened at 1:13 a.m.

Margaret Lawson spoke in support of NOVA in the new City Hall building.

John Cordes expressed disappointment with hearing the item between midnight and 2 a.m. Cordes spoke in support of the staff recommendation for NOVA and Public Safety.

Public Hearing closed at 1:16 a.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve Alternatives 1, 2 and 3: 1) Direct staff to prepare Master Plan alternatives that will include space for NOVA Workforce Services in the New City Hall Building and to demolish the City Hall Annex Building; 2) Direct staff to prepare Master Plan alternatives that include a two-story building addition to the Public

Safety Building as part of Phase 1 of the Civic Center Modernization Project; and 3) Direct staff to evaluate alternatives for the location of a dedicated Emergency Operations Center, including options for it to be part of the new Public Safety Building Addition, part of the new City Hall Building, or at another off-site location such as a fire station.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 1 - Councilmember Klein

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

17-0595	Tentative Council Meeting Agenda Calendar
17-0580	Information/Action Items
17-0188	Board/Commission Resignation (Information Only)

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 1:28 a.m.