



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, October 30, 2018

5:00 PM

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

Special Meeting: Closed Session - 5 P.M. | Study Session - 6 P.M. |
Regular Meeting - 7 P.M.

5:00 PM SPECIAL COUNCIL MEETING (Closed Session)

1. Call to Order in the West Conference Room

Vice Mayor Klein called the meeting to order at 5:01 p.m.

2. Roll Call

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

3. Public Comment

No speakers.

4. Convene to Closed Session

[18-0904](#)

Closed Session held pursuant to California Government Code
Section 54956.9:

LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of
subdivision (d) of Section 54956.9: Related to Notice of
California Voting Rights Act Violation by Samir Kalra

5. Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:14 p.m.

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

1. Call to Order in the West Conference Room (Open to the Public)

Vice Mayor Klein called the meeting to order at 6:15 p.m.

2. Roll Call

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

3. Public Comment

No speakers.

4. Study Session

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

[18-0716](#) Presentation on Public Safety Bureau of Fire Services Standards of Cover

5. Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:54 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order at 7:02 pm

SALUTE TO THE FLAG

Mayor Hendricks lead the salute to the flag.

ROLL CALL

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

CLOSED SESSION REPORT

Mayor Klein reported that the Council met in Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Related to Notice of California Voting Rights Act Violation by Samir Kalra; recessed and will reconvene after the Council meeting.

SPECIAL ORDER OF THE DAY

[18-0611](#) Ceremonial Oath of Office for Commission Members

Deputy City Clerk Michelle Radcliffe administered the Oath of Office for Commission members.

PRESENTATION

[18-0950](#) Annual Report Presentation from Silicon Valley Clean Energy

A presentation was given by Girish Balachandran, Chief Executive Officer of Silicon Valley Clean Energy.

ORAL COMMUNICATIONS

Chris Moylan with U.S. Representative Ro Khanna's office announced an upcoming town hall meeting in Sunnyvale.

Holly Lofgren spoke about election contributions and campaign mailers.

Zachary Kaufman spoke about campaign mailers for Sunnyvale councilmembers

Misuk Park expressed disappointment in the misinformation and negativity in the current Sunnyvale election.

Steve Scandalis presented a slide presentation on campaign finance for the elections.

Eric Krock spoke about campaign finance, PACs, and real estate developers living outside of Sunnyvale donating to the councilmember campaigns.

Josh Grossman urged people to vote on November 6.

CONSENT CALENDAR

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

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

No: 0

1.A [17-1137](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.B [18-0851](#) Award of Bid No. PW19-02 for Pavement Rehabilitation 2018 Project, and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for the restoration or rehabilitation of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, 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 in the amount of \$928,283 to Interstate Grading & Paving, Inc. for the Pavement Rehabilitation 2018 Project, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$92,828.

1.C [18-0880](#) Approve Budget Modification No. 6 to Appropriate \$270,000 in one-time funding to Program 365 - Wastewater Treatment.

1.D [18-0926](#) Adopt Ordinance No. 3137-18 amending Section 3.80.040 of

Chapter 3.80 (Minimum Wage) of Title 3 (Revenue and Finance) of the Sunnyvale Municipal Code related to Minimum Wage Consumer Price Index Increases

Adopt Ordinance No. 3137-18.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-0856](#) Adopt a Resolution to Establish 15 Mile Per Hour Speed Zones at 35 Locations Adjacent to 16 Public Schools in Sunnyvale, Find the Action is Categorically Exempt under CEQA and Approve Budget Modification No. 7 for \$107,600 for Installation of Signs

Director of Public Works Director Chip Taylor presented the staff report.

The Public Hearing opened at 7:54 p.m.

The following people spoke in support of Alternative 1:

Tim Oey
John Cordes
Kevin Jackson
Richard Mehlinger
Dave Jones
Josh Grossman
Douglas Kunz
Henry Alexander III

Steve Scandalis spoke in support of Alternative 1 and urged the Council to consider looking at the issue holistically to include addressing bicycles that do not stop at stop signs, landscaping that blocks the view of drivers, and better enforcement of traffic laws.

The Public Hearing closed at 8:09 p.m.

MOTION: Councilmember Larsson moved and Councilmember Smith seconded to approve Alternative No. 1: Adopt the Resolution to create 15 mph speed zones at 35 locations adjacent to 16 public schools in Sunnyvale, find the action categorically exempt under California Environmental Quality Act Guidelines section 15301(c), and approve Budget Modification No. 7 to appropriate \$107,600 for installation costs.

The motion carried by the following vote:

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

No: 0

3. [18-0882](#) File #: 2018-7048
Location: 669 & 673 Old San Francisco Rd. (APNs 209-17-050 & 209-17-051)
Proposed Project: Appeal by a neighbor of a decision by the Planning Commission to conditionally approve related applications on a .34-acre site:
SPECIAL DEVELOPMENT PERMIT and VESTING TENTATIVE MAP to allow a three-story six-unit townhouse development.
Zoning: R-3/PD
Applicant / Owner: Innovative Concepts / George Nejat
Environmental Review: Mitigated Negative Declaration
Project Planner: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

Assistant Director of Community Development Andy Miner presented the staff report.

Appellant Maria Hamilton provided information regarding her appeal of the project and provided a slide presentation.

Applicant Jeff Guinta provided information regarding the proposed project and provided a slide presentation.

The Public Hearing opened at 8:50 p.m.

Eugene Hoyle, representing a few members of the neighborhood, expressed concern about the changes in Sunnyvale and stated that the city's character is changing. He urged the Council to focus on projects that are compatible with

neighborhoods.

Richard Mehlinger urged the Council to deny the appeal and allow the project to move forward.

Steve Scandalis spoke in support of the appellant's objections to the project.

Zachary Kaufman spoke about aggregating single family homes.

Appellant Maria Hamilton provided additional comments in support of the appeal, and shared her alternatives for the project which consist of eight smaller units with two bedrooms and a one-car garage, with one unit being designated as affordable housing.

Applicant Jeff Guinta stated that housing and planning is different today than it was in the past and provided comments regarding the number of bedrooms and parking suggested by the appellant.

The Public Hearing closed at 9:10 p.m.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded approval of Alternative 1: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration, and affirm the approval of the Special Development Permit and Vesting Tentative Map subject to the recommended conditions of approval in Attachment 4 of the report.

The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Goldman

4. [18-0719](#) Introduce an Ordinance Amending Chapter 5.36 (Taxicabs) of the Sunnyvale Municipal Code to Comply with State Law (AB 1069 and AB 939) and to Make Minor Operational Revisions

Management Analyst Elaine Ketell presented the staff report.

The Public Hearing opened at 9:43 p.m.

Steve Scandalis stated that ride sharing companies and taxi cabs should be accommodating to passengers with disabilities.

The Public Hearing closed at 9:45 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded approval of Alternative 1: Introduce an Ordinance Amending Chapter 5.36 (Taxicabs) of the Sunnyvale Municipal Code to comply with state law (AB1069 and AB 939) and to make minor operational revisions and find that the action is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Deputy City Clerk Michelle Radcliffe read the ordinance title.

The motion carried by the following vote:

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

No: 0

5. [18-0853](#) Introduce an Ordinance to Amend Chapter 5.04 of the Sunnyvale Municipal Code - Business License Tax Ordinance to Reflect Changes to the Consumer Price Index Published by the United States Bureau of Labor Statistics

Finance Director Tim Kirby provided the staff report.

The Public Hearing opened at 9:48 p.m.

No speakers.

The Public Hearing closed at 9:48 p.m.

MOTION: Councilmember Larsson moved and Vice Mayor Klein seconded approval to introduce an ordinance to amend Section 5.04.110 of the Sunnyvale Municipal Code to reflect the changes to the Consumer Price Index adopted by the Bureau of Labor Statistics and find that the action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061 (b) (3).

Deputy City Clerk Michelle Radcliffe read the ordinance title.

The motion carried by the following vote:

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

ORAL COMMUNICATIONS (Continued)

Ryan Jasinski with Brandenburg, Steadler, & Moore Mobile Home Communities announced that they have entered into 10-year long term lot lease agreements and three shorter term lease agreements with its tenants in Sunnyvale.

Richard Mehlinger shared comments regarding news stories of tragedies caused by violence and urged the public to vote on the November 6 election.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [18-0907](#) Tentative Council Meeting Agenda Calendar
- [18-0908](#) Information/Action Items
- [18-0909](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks announced that the Council will reconvene in Closed Session after the Regular Meeting.

Councilmember Griffith closed the meeting in honor of Sunnyvale resident Javad Hada who was killed on Central Expressway by a hit and run driver.

Mayor Hendricks adjourned the Regular meeting at 9:58 p.m.

CONVENE TO CLOSED SESSION

The Council reconvened into Closed Session at 10:05 p.m. with all Councilmembers present.

- [18-0904](#) Closed Session held pursuant to California Government Code Section 54956.9:
LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Related to Notice of California Voting Rights Act Violation by Samir Kalra

ADJOURN CLOSED SESSION

Vice Mayor Klein adjourned the Closed Session at 11:35 p.m.