



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, May 21, 2019

4:30 PM

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

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**Special Meeting: Closed Session - 4:30 PM | Special Meeting - 6 PM | Regular Meeting - 7 PM**

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

Vice Mayor Melton announced the items for Closed Session and invited any members of the public to make public comments before the meeting.

#### **1 Call to Order in the West Conference Room**

Vice Mayor Melton called the meeting to order at 4:30 p.m.

#### **2 Roll Call**

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

#### **3 Public Comment**

None.

#### **4 Convene to Closed Session**

[19-0279](#)

Closed Session held pursuant to California Government Code  
Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Attorney

[19-0390](#)

Closed Session held pursuant to California Government Code  
Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager

[19-0580](#)

CONFERENCE WITH LEGAL COUNSEL-PENDING  
LITIGATION

Closed Session held pursuant to California Government Code  
Section 54956.9(d)(1):

Name of Case: David Meinhardt v. City of Sunnyvale  
Personnel Board, et al. Case No. 19-CV-346911

**5 Adjourn Special Meeting**

Vice Mayor Melton adjourned the meeting at 5:52 p.m.

**6 P.M. SPECIAL COUNCIL MEETING (Special Order of the Day)**

**1 Call to Order in the Council Chambers (Open to the Public)**

Mayor Klein called the meeting to order at 6:02 p.m.

**2 Roll Call**

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

**3 Public Comment**

None.

**4 Special Order of the Day**

[19-0093](#)

6 P.M. SPECIAL COUNCIL MEETING  
SPECIAL ORDER OF THE DAY - Department of Public Safety  
Special Awards  
Location: Council Chambers

Mayor Klein, Chief of Public Safety Phan Ngo, and Lieutenant Daniel Pistor  
presented the Department of Public Safety Special Awards.

**5 Adjourn Special Meeting**

Mayor Klein adjourned the meeting at 6:36 p.m.

**7 P.M. COUNCIL MEETING****CALL TO ORDER**

Mayor Klein called the meeting to order at 7:00 p.m.

**SALUTE TO THE FLAG****ROLL CALL**

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

**CLOSED SESSION REPORT**

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

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

Vice Mayor Melton reported the Council met in Closed Session held pursuant to California Government Code Section 54956.9(d)(1): Name of Case: David Meinhardt v. City of Sunnyvale Personnel Board, et al. Case No. 19 CV 346911; the Council authorized the City Attorney to represent the City of Sunnyvale and the City of Sunnyvale Personnel Board in the case David Meinhardt v. City of Sunnyvale Personnel Board. The motion carried with the following vote: 7-0.

**SPECIAL ORDER OF THE DAY**

[19-0531](#) SPECIAL ORDER OF THE DAY - Asian Pacific American (APA) Heritage Month

Mayor Klein presented a Proclamation for Asian Pacific American Heritage Month to Sarita Kohli, President and CEO, Asian Americans for Community Involvement (AACI).

[19-0294](#) SPECIAL ORDER OF THE DAY - National Public Works Week

Mayor Klein presented a Proclamation for National Public Works Week to Public Works Director Chip Taylor and staff.

[19-0314](#) SPECIAL ORDER OF THE DAY - Municipal Clerks Week

Mayor Klein presented a proclamation in recognition of Municipal Clerks Week to City Clerk David Carnahan and Deputy City Clerk Sandra Barajas.

**ORAL COMMUNICATIONS**

Councilmember Larsson shared the upcoming Sustainability Speaker Series.

Mayor Klein provided details of the upcoming multi-faith unity gathering in honor of the eight people injured during the April 23 El Camino injury incident.

Mary Brunkhorst, Sunnyvale Urban Forest Advocates announced upcoming tree walks in Sunnyvale.

**CONSENT CALENDAR**

Richard Mehlinger, Bicycle and Pedestrian Advisory Commission Member and Kevin Jackson requested to pull Item 1.E for separate consideration.

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve Items 1.A through 1.D and 1.F through 1.H.

The motion carried with the following vote:

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

**No:** 0

**1.A** [19-0513](#) Approve City Council Meeting Minutes of May 7, 2019.

Approve the City Council Meeting Minutes of May 7, 2019 as submitted.

**1.B** [19-0432](#) Approve City Council Meeting Minutes of May 14, 2019

Approve the City Council Meeting Minutes of May 14, 2019 as submitted.

- 1.C**      [19-0332](#)      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**      [19-0301](#)      Approve the FY 2019/20 Preliminary Engineer's Report for the Downtown Parking District Assessment, Adopt a Resolution of Intention to Levy and Collect an Assessment for the Downtown Parking Maintenance District for FY 2019/20, and Set the Date of June 25, 2019 for the Public Hearing on the Proposed Assessment

Approve the Fiscal Year (FY) 2019/20 preliminary Engineer's Report for the Downtown Parking District Assessment, adopt a Resolution of Intention to Levy and Collect an Assessment for the Downtown Parking Maintenance District for FY 2019/20, and set the date of June 25, 2019 for the public hearing on the levy of the proposed Assessment.

- 1.E**      [19-0461](#)      Adopt a Resolution to Authorize the Filing of Fiscal Year 2019/20 Transportation Development Act (TDA) Article 3 Application for the Design and Implementation of Pedestrian and Bicycle Safety Improvements at the Intersection of Fremont Avenue and Manet Drive/Bobwhite Avenue

Public Hearing opened at 7:21 p.m.

Richard Mehlinger, Bicycle and Pedestrian Advisory Commission (BPAC) Member shared his support for the recommendation of the Bicycle and Pedestrian Advisory Commission.

Kevin Jackson voiced his support of the BPAC recommendation.

Public Hearing closed at 7:26 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Hendricks seconded the motion to adopt a resolution authorizing the filing of Fiscal Year 2019/20 Transportation Development Act Article 3 application requesting MTC for an allocation of \$172,712 for FY 2019/20 to be used for the design and implementation of pedestrian and bicycle safety improvements at the intersection of Fremont

Avenue and Manet Drive/Bobwhite Avenue.

The motion carried with the following vote:

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

**No:** 0

**1.F**      [19-0489](#)      Approval of Modifications to the Local and Regional Workforce Development Strategic Plans

Approve modifications to the NOVA Local Workforce Development Strategic Plan and the Bay-Peninsula Regional Workforce Development Strategic Plan.

**1.G**      [19-0490](#)      Approve Application for Subsequent Local Area Designation and Local Workforce Board Recertification for NOVA Workforce Development Area

Approve application for subsequent Local Area designation and Local Workforce Board recertification for NOVA Workforce Development Area.

**1.H**      [19-0439](#)      Receive and File the City of Sunnyvale Investment Report - 1st Quarter 2019

Receive and file the City of Sunnyvale - First Quarter 2019 Investment Report.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

**2**      [19-0448](#)      Consider Below Market Rate Alternative Compliance Plans for Residential Development at 1142 Dahlia Court. Applicant: Trumark Homes; Planning Files 2018-7989 and 2018-7451.

Housing Officer Jenny Carloni provided the staff report.

Public Hearing opened at 7:42 p.m.

Garrett Hinds, Director of Architecture, Trumark Homes provided the applicant presentation.

Dixie Lira-Baus, Associate Director Development, Eden Housing voiced support of authorizing in-lieu fees for this project.

Ray Crump spoke in support of the project. He noted the City of Cupertino Below Market Rate (BMR) program provides that for-sale BMR units remain in the BMR program in perpetuity while the City of Sunnyvale BMR program allows BMR owners to sell after 30 years.

Richard Mehlinger shared his support of the project, noting that he would have preferred more housing density at the site.

Public Hearing closed at 7:48 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Smith seconded the motion to approve Alternative 1: Approve the Applicant's BMR Alternative Compliance Plan for the project located at 1142 Dahlia Court, as shown in Attachment 2 to the report.

The motion carried with the following vote:

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

**No: 0**

- 3**      [19-0523](#)      Authorize the City Manager or His Designee to Execute a Small Cell License Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Wireless and Delegate Authority for Term Extensions and Find the Project Categorically Exempt under CEQA

Public Works Director Chip Taylor provided the staff report and presentation.

Tedi Vriheas, Assistant Vice President External Affairs, AT&T responded to questions from Council.

Public Hearing opened at 7:29 p.m.

No speakers.

Public Hearing closed at 7:29 p.m.

MOTION: Councilmember Fong moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Authorize the City Manager or his designee to execute the Small Cell License Agreement, in substantially the same form as in Attachment 1 to the report, with New Cingular Wireless PCS, LLC, d/b/a AT&T Wireless and authorize the City Manager or his designee to extend the term for two (2) additional five (5) year terms, and make a finding and make a finding that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15302 and 15303.

The motion carried with the following vote:

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

**No: 0**

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

Councilmember Larsson shared his attendance at a Bay Area Water Supply and Conservation Agency (BAWSCA) meeting. Water usage has remained lower than pre-drought levels indicating a potential need to reevaluate baseline water usage levels.

Councilmember Hendricks reported the Federal Aviation Administration (FAA) has released a new response to the SJC Ad Hoc Advisory Committee on South Flow Arrivals Report.

Councilmember Smith announced that Silicon Valley Clean Energy, Peninsula Clean Energy, East Bay Community Energy, and San Jose Clean Energy are entering into a cost sharing and reimbursement agreement. She shared her



attendance at a Santa Clara County meeting to plan the 2020 centennial celebration of women gaining the right to vote.

Vice Mayor Klein shared his attendance at the Santa Clara County Expressway Policy Advisory Board where the Board recommended Measure B funding for various projects, including several in Sunnyvale.

### **NON-AGENDA ITEMS & COMMENTS**

#### **-Council**

Councilmember Fong proposed a study issue to establish a formal SMART City initiative. Mayor Klein and Councilmember Goldman cosponsored the study issue.

Vice Mayor Melton reported the California Department of Transportation (Caltrans) plans to install a HAWK pedestrian crosswalk signal on El Camino Real at Helen Avenue. He shared his appreciation for new signage at the Community Center. Vice Mayor Melton requested an informational report to Council regarding repaving of Wolfe Road and work planned by Pacific Gas and Electric (PG&E) along the corridor. He voiced gratitude for the conscientious scheduling of PG&E gas main replacement work along a different section of Wolfe Road.

Councilmember Hendricks shared his support of the Vice Mayor's request for information regarding Wolfe Road repaving.

#### **-City Manager**

City Manager Kent Steffens announced the Council's upcoming Budget Workshop.

### **INFORMATION ONLY REPORTS/ITEMS**

[19-0514](#) Tentative Council Meeting Agenda Calendar

[19-0516](#) Information/Action Items

[19-0517](#) Board/Commission Meeting Minutes

### **ADJOURNMENT**

Mayor Klein adjourned the meeting at 8:53 p.m.