



City of Sunnyvale

Meeting Minutes City Council

Tuesday, July 28, 2020

5:30 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15

Special Meeting - Closed Session - 5:30 PM | Regular Meeting - 7 PM

Special Teleconference Notice

5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

1 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 5:30 p.m. via teleconference.

2 Roll Call

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

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

3 Public Comment

Public Comment opened at 5:31 p.m.

No speakers.

Public Comment closed at 5:31 p.m.

4 Convene to Closed Session

[20-0664](#)

Closed Session Held Pursuant to California Government Code

Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager; Charles Sakai, Labor Attorney

Employee organization: Public Safety Officers Association (PSOA)

[20-0675](#)

Closed Session Held Pursuant to California Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

5 Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:46 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 Nancy Smith
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Michael S. Goldman
Councilmember Mason Fong

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

CLOSED SESSION REPORT

Vice Mayor Smith reported that Council met in Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR

NEGOTIATORS Agency Designated Representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager; Charles Sakai, Labor Attorney; Employee organization: Public Safety Officers Association (PSOA); nothing to report.

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

ORAL COMMUNICATIONS

Councilmember Larsson announced the current recruitment for various Boards and Commissions.

Rosemary Bittman shared health concerns regarding the emissions and smoke produced from the charcoal barbecue pit located at the Sunken Gardens restaurant and urged Council to deny the restaurant's request to install a larger barbecue pit.

Gita Dev, on behalf of the Sierra Club Loma Prieta Chapter spoke towards the Planning Commission study session related to the Moffett Park Specific Plan and shared concerns regarding the presentation. The presentation did not address rising sea level, flooding and habitat.

Eileen McLaughlin, on behalf of the Citizens Community to Complete the Refuge spoke towards the study session related to the Moffett Park Specific Plan and voiced concerns regarding rising sea levels. She commented that a levy will not stop Moffett Park flood levels from rising.

Josh Grossman, Sunnyvale City Council District 2 Candidate shared his qualifications and vision for the Sunnyvale community.

CONSENT CALENDAR

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to approve agenda items 1.A through 1.F.

The motion carried with the following vote:

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

No: 0

1.A [20-0491](#) Approve City Council Meeting Minutes of July 14, 2020

Approve the City Council Meeting Minutes of July 14, 2020 as submitted.

1.B [20-0492](#) 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 [20-0645](#) Approve Budget Modification No. 3 to Appropriate \$37,584 of
US Department of Justice, Bureau of Justice Assistance FY20
Coronavirus Emergency Supplemental Funding Program Grant
Funds for Department of Public Safety Health Screening and
Personal Protective Equipment for First Responders

Approve Budget Modification No. 3 to appropriate US Department of Justice,
Bureau of Justice Assistance FY20 Coronavirus Emergency Supplemental Funding
Program funds in the amount of \$37,584 to a new project, DPS COVID-19 Health
Screening Devices and Personal Protective Equipment.

1.D [20-0408](#) Authorize City Manager or His Designee to Execute a First
Amendment to the Small Cell License Agreement with GTE
Mobilnet of California Limited Partnership, dba Verizon
Wireless, to include 5G Design Guidelines

Authorize the City Manager or his designee to execute a first amendment to the
Small Cell License Agreement with GTE Mobilnet of California Limited Partnership,
dba Verizon Wireless, to include 5G Design Guidelines as in Attachment 1 to the
report.

1.E [20-0501](#) Authorize the Issuance of a Purchase Order to L.N. Curtis &
Sons for Self-Contained Breathing Apparatus for the
Department of Public Safety and Approve Budget Modification

No. 1 in the Amount of \$103,918 (F20-103)

Take the following actions:

- Authorize the issuance of a purchase order in the amount of \$1,045,977.98, excluding sales tax, in substantially the same form as Attachment 2 to the report to L. N. Curtis & Sons; and
- Approve Budget Modification No. 1 in the amount of \$103,918.25 to provide additional funding.

- 1.F** [20-0535](#) Award of Bid No. PW20-12 to G&G Builders, Inc. for Preschool Outdoor Play Area at Murphy Park, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, Determination of Bidder Non-responsiveness and Waiver of Minor Bid Irregularity

Take the following actions:

- Make a determination that the bid received from SAE Consulting Engineers, Inc. is non-responsive due to the bidder not sufficiently documenting and demonstrating bid experience;
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;
- Make a determination to waive the minor bid irregularity for G&G Builders, Inc.;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$333,193 to G&G Builders, 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 \$33,319.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [20-0607](#) Approve Recommendations for funding levels on Grant Applications for Fiscal Year 2020/21 for the Community Event and Neighborhood Grant Program; and Approve Program Changes to the Community Events and Neighborhood Grant Program

Superintendent of Community Services Damon Sparacino provided the staff report and presentation.

Public Hearing opened at 7:33 p.m.

No speakers.

Public Hearing closed at 7:33 p.m.

MOTION: Councilmember Melton moved and Councilmember Fong seconded the motion to approve Alternative 1: approve funding levels for grant applications for Fiscal Year 2020/21 for the Community Event and Neighborhood Grant Program; and approve program changes including changing the timeline from a fiscal to calendar year and increasing the funding cap for Neighborhood Grants to \$1,500.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to authorize staff to work directly with groups that experience challenges with event dates or timelines due to COVID-19.

Councilmember Melton accepted the friendly amendment.

The motion as amended carried with the following vote:

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

No: 0

3 [20-0656](#) Consideration of Funding Recommendations for the Sunnyvale Cares Nonprofit Grant Program Applications

Assistant to the City Manager Connie Verceles provided the staff report.

Public Hearing opened at 7:41 p.m.

Shane Jacksteit, President, Sunnyvale Silicon Valley Chamber of Commerce spoke towards the Commerce's grant application and thanked Council for their consideration.

Omar Din, Sunnyvale City Council District 6 Candidate voiced support for the program and urged Council approve the recommendation.

Kristal Wickham, Secretary, Sunnyvale Education Foundation spoke towards the impacts the Foundation has experienced due to COVID-19 and thanked Council for their consideration.

Michael Lee, President, Sunnyvale Little League thanked Council for their support of the Cares program and shared concerns with the lack of funding for Sunnyvale youth athletic programs. He spoke towards the services the League provides to youth and the impacts the group has experienced due to COVID-19.

Donna Beres thanked Council for their consideration of applicants Our Daily Bread and Society of St. Vincent de Paul. She spoke towards the services provided to the community by the applicants.

Public Hearing closed at 7:52 p.m.

MOTION: Councilmember Fong moved and Councilmember Melton seconded the motion to approve Alternative 1: approve the Ad Hoc Committee's recommendation and funding levels for the Sunnyvale Cares Nonprofit Grant Program.

The motion carried with the following vote:

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

No: 0

- 4 [20-0648](#) Proposed Project: Related applications on a 0.82-acre site:
REZONE: Introduce an Ordinance to extend the PD Combining District boundary to include the 585 and 595 Columbia Avenue parcels.
SPECIAL DEVELOPMENT PERMIT: To allow demolition of existing residential structures and construction of 18-unit residential subdivision consisting of three-story townhomes with associated site improvements and deviations from minimum rear setback, maximum distance between main buildings and maximum distance to a trash enclosure, and VESTING TENTATIVE MAP: To create 18 residential lots and one common area lot.
Location: 475 N. Fair Oaks and 585 & 595 Columbia Ave.

File #: 2019-7415

Zoning: R-3/PD and R-3

Applicant / Owner: ADL 11 LLC (applicant) / Henry E Shepherd
Trustee and Chung Tai Intl Chan Buddhist Assn (owner)

Environmental Review: Class 32 Categorical Exemption (Infill
Development)

Project Planner: Cindy Hom, 408-730-7411,
chom@sunnyvale.ca.gov

Principal Planner Shaunn Mendrin provided the staff report and presentation.

Rob Dowling, Project Manager, Aron Developers provided the applicant report and presentation.

Public Hearing opened at 8:59 p.m.

Christophe LaBelle shared support for Alternative 1.

Richard Mehlinger communicated support for the project.

Public Hearing closed at 9:03 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 1: make the required findings to approve the California Environmental Quality Act (CEQA) determination that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15332 as noted in Attachment 6 to the report, and introduce an Ordinance to rezone part of the site to include the planned development combining district, and approve the rezone, and approve the Special Development Permit and Vesting Tentative Map subject to the findings in Attachment 4 to the report and recommended Conditions of Approval as modified by the Planning Commission in Attachment 5 to the report; with the following modifications to the Conditions of Approval:

- Add to PS-4 Relocation Plan that the developer must comply with all requirements of Government Code Section 66300 (known as the Housing Crisis Act of 2019 or Senate Bill 330) with regard to tenant relocation assistance and other protections for displaced tenants, if applicable;
- Remove from EP-28 Red Paint Zone that “from the edge of curb ramp to twenty feet past the curb return northerly and on the north side of Columbia;” and
- Add a new condition of No Gas Hookups on the Site: The applicant agrees to

make the project an all-electric project, no gas hookups will be provided for utilities or landscaping. This shall be included on the building permit plans subject to review and approval by the Community Development Director.

City Clerk David Carnahan read the Ordinance title for the record.

The motion carried with the following vote:

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

No: 0

5 [20-0233](#) Adoption of the Draft 2020-2025 HUD Consolidated Plan and
Draft 2020 HUD Action Plan

Housing Officer Jenny Carloni provided the staff report.

Public Hearing opened at 9:45 p.m.

Marie Bernard, Sunnyvale Community Services communicated support for funding the COVID-19 Rent Relief and Community Support Program in the amount of \$250,000 and funding the WorkFirst Sunnyvale Program in the amount of \$411,224.

Omar Din shared support of the goals established specifically the affordable housing and homelessness goals.

Amanda Olsen, Downtown Streets Team voiced support for funding the WorkFirst Sunnyvale Program and shared the services that are provided by the program.

Public Hearing closed at 9:57 p.m.

MOTION: Councilmember Fong moved Alternative 2 and 4 with the following modifications: reallocate funds in the amount of \$482,837 from the HOME Investment Partnerships (HOME) Affordable Housing Development (Block 15) to the HOME Tenant Based Rental Assistance Program.

The motion failed due to lack of a second.

MOTION: Councilmember Hendricks and Councilmember Melton seconded the motion to approve:

- Alternative 1: adopt the draft 2020-2025 Housing and Urban Development (HUD) Consolidated Plan as shown in Attachment 1 to the report; and
- Alternative 3: adopt the draft 2020 HUD Action Plan as shown in Attachment 2 to the report.

The motion carried with the following vote:

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

No: 0

- 6** [20-0512](#) Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY 2020/21 County of Santa Clara Property Tax Roll, and Find that this Action is Exempt from CEQA

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 10:38 p.m.

Mike Woodworth spoke regarding his property.

Mark L., on behalf of Kennita Watson, spoke regarding Ms. Watson's property.

Public Hearing closed at 10:49 p.m.

MOTION: Vice Mayor Smith moved and Councilmember Hendricks seconded the motion to approve Alternative 1: adopt a Resolution confirming the Report and Assessment List for unpaid administrative fines to be placed on the FY 2020/21 County of Santa Clara Property Tax Roll and find that the action is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 (b) (4) with the following modifications: remove properties 940 Blazingwood Drive and 310 America Avenue from the Assessment List.

FORMAL AMENDMENT: Councilmember Goldman moved and Councilmember Melton seconded the motion to remove properties 835 San Pier Court and 743 San Jule Court from the Assessment List.

The formal amendment failed with the following vote:

- Yes:** 3 - Councilmember Melton
Councilmember Goldman
Councilmember Fong
- No:** 4 - Mayor Klein
Vice Mayor Smith
Councilmember Larsson
Councilmember Hendricks

The main motion carried with the following vote:

- Yes:** 5 - Mayor Klein
Vice Mayor Smith
Councilmember Larsson
Councilmember Hendricks
Councilmember Fong
- No:** 2 - Councilmember Melton
Councilmember Goldman

- 7 [20-0641](#) Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to Replace the Control Point with a Salary Range for the City Attorney Classification; and Authorize the Mayor to Execute an Amendment to the Employment Agreement between the City of Sunnyvale and City Attorney John A. Nagel to Increase the Salary by Five Percent.

Human Resources Director Tina Murphy provided the staff report.

Public Hearing opened at 11:22 p.m.

No speakers.

Public Hearing closed at 11:22 p.m.

MOTION: Councilmember Larsson moved and Councilmember Melton seconded the motion to approve Alternative 1: adopt a Resolution amending the City's Salary Resolution and Schedule of Pay to adopt a salary range for the City Attorney

classification and authorize the Mayor to execute an amendment to the employment agreement between the City of Sunnyvale and City Attorney John A. Nagel to increase the salary by five percent in substantially the same form as Attachment 3 in the report.

The motion carried with the following vote:

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Smith shared her attendance at a CalTrain Modernization Local Policy Maker Group meeting and status of the 1/8 cent sales tax measure. The San Francisco Board of Supervisors approved the 1/8 cent sales tax measure for the November ballot, with a controversial condition. She advised that the California High-Speed Rail Authority released the San Francisco to Merced Project Section Draft Environmental Impact Report for public review with comments due by August 24.

Mayor Klein advised that the Association of Bay Area Governments - Metropolitan Transportation Commission announced that agency member fees will not increase during Fiscal Year 2020/21.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Melton communicated interest in reviewing the levying of fees for property owners related to uncorrected code violations and inquired of the two, Study Session or Study Issue, which would be the best approach.

City Manager Kent Steffens noted that due to the time of year a Study Issue would be far into the future. Mr. Steffens indicated that a review of the Master Fee Schedule by key City staff is feasible and that an amended fee schedule may be presented for Council consideration.

Councilmember Fong inquired if staff has considered the concept of "opportunity to cure" for the fees such as offering to waive fees or provide a discount of fees once code requirements have been met.

Mr. Steffens announced that the City's code enforcement process provides property owners with an opportunity to comply with code requirements prior to initiating administrative fees.

Councilmember Fong requested staff address community members' concerns of rising sea levels specific to the Moffett Park Specific Plan.

Mr. Steffens commented that the Moffett Park Specific Plan process includes a study related to rising sea levels and that findings will be presented to Council.

Councilmember Fong requested staff review the Tentative Council Meeting Agenda Calendar (TCMAC) to ensure agenda items are scheduled accordingly to allow Council with an opportunity to take action or defer an item.

Mr. Steffens communicated that agendas are compiled based on factors such as deadlines and volume of agenda items and that agendas are adjusted, as needed, when these factors change.

Councilmember Fong requested an update on the status of a study session related to the outcome from the Listening Sessions about Public Safety reform.

Mr. Steffens announced that a study session has not been scheduled at this time. Staff is considering hosting additional sessions and is currently working on identifying a date for a session specifically for the LGBTQ community.

Councilmember Fong inquired if City staff could provide an update regarding housing in Sunnyvale.

Mr. Steffens responded that staff will provide information that is readily available to Council.

Councilmember Fong advised that the Sunnyvale School District meetings are streaming via Facebook Live and inquired if City staff had an opportunity to gather information on the district's experience with Facebook Live.

Mr. Steffens shared that staff has not discussed streaming of school district meetings via Facebook Live with the Sunnyvale School District.

Vice Mayor Smith requested a copy of the Moffett Park Specific Plan (Plan) survey and that public comments received related to the Plan also be shared.

Councilmember Goldman shared feedback regarding deadlines related to agenda items and the importance of scheduling items with sufficient time to allow Council with an opportunity to take action or defer an item.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

20-0608	Tentative Council Meeting Agenda Calendar
20-0630	Board/Commission Meeting Minutes
20-0647	Information/Action Items
20-0424	Notice of Public Works Director's Decision on Final Maps (Information Only)
20-0670	Boards and Commissions Semi-Annual Attendance Report, January to June 2020 (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 11:46 p.m.