



City of Sunnyvale

Meeting Minutes City Council

Tuesday, November 17, 2020

4:30 PM

City Web Stream | Comcast Channel 15

**Special Meeting: Closed Session - 4:30 PM | Special meeting: Study Session - 5:30 PM |
Regular Meeting - 7 PM**

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

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 4:30 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.

Public Comment

Public Comment opened at 4:31 p.m.

No speakers

Public Comment closed at 4:31 p.m.

Convene to Closed Session

A [20-0668](#) 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)

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 5:20 p.m.

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

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.

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.

Study Session

B [20-0425](#) Joint Meeting of City Council with Board and Commission Chairs and Vice Chairs to Review and Improve Overall Effectiveness of Commission Meetings

City Clerk David Carnahan and City Attorney John Nagel provided the staff report and presentation.

Public Comment opened at 7:00 p.m.

Mike Serrone shared concerns with the Study Issues process.

Public Comment closed at 7:02 p.m.

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 7:02 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 7:05 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.

SPECIAL ORDER OF THE DAY

C [20-0980](#) Small Business Saturday

Mayor Klein read a proclamation in honor of Small Business Saturday.

Dawn Maher, CEO, Sunnyvale Silicon Valley Chamber of Commerce spoke towards the Special Order of the Day.

Michael Johnson, Executive Director, Sunnyvale Downtown Association spoke towards the Special Order of the Day and shared details of the Stronger Together campaign.

ORAL COMMUNICATIONS

Councilmember Larsson announced details for the following:

- COVID-19 testing availability at the Sunnyvale Murphy Park Building and testing availability via Santa Clara County;
- Upcoming Moffett Park Specific Plan Community Workshops and Council Study Sessions;
- Applications are being accepted for the Neighborhood and Community Events Grant Program;
- Upcoming EV 101: An Introduction to Owning and Electric Vehicle Workshop; and
- The City's new Climate Action Scoreboard that tracks the specific targets and metrics for the Climate Action Playbook.

Max Antonio Valle, Business Owner, Gumba's Italian Restaurant shared concerns with the upcoming minimum wage increase and requested Council delay the increase.

Mike Johnson, Executive Director, Sunnyvale Downtown Association shared concerns with the upcoming minimum wage increase and requested Council to agendaize a discussion of the topic for a future Council meeting.

CONSENT CALENDAR

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

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 [20-0922](#) Approve City Council Meeting Minutes of November 10, 2020
Approve the City Council Meeting Minutes of November 10, 2020 as submitted.

1.B [20-0735](#) 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 [20-0343](#) Authorize the City Manager to Sign a Funding Agreement with
the Valley Transportation Authority for the Peery Park Rides
Shuttle Program and Approve Budget Modification No. 7 in the
amount of \$500,000

Authorize the City Manager to sign a funding agreement with the Valley
Transportation Authority for the Peery Park Rides Shuttle Program and approve
Budget Modification No. 7 in the amount of \$500,000.

1.D [20-0982](#) Adopt Ordinance No. 3167-20 to Amend Chapter 19.52 (Art in
Private Development) of the Sunnyvale Municipal Code to
Increase the Percent for Art Requirement from 1% to 2%

Adopt Ordinance No. 3167-20 to amend Chapter 19.52 (Art in Private Development)
of the Sunnyvale Municipal Code to increase the percent for art requirement from
1% to 2%.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [20-0941](#) Proposed Project: Peery Park Plan Review Permit to construct
two five-story office/R&D buildings totaling 391,131 square
feet in floor area and 100% floor area ratio (FAR), and a
six-level parking structure.
Location: 888 Ross Drive (APNs: 110-07-035, 036)

File #: 2019-7860

Zoning: Peery Park Specific Plan/Innovation Edge (PPSP/IE)

Applicant / Owner: Perry Hariri / STP Property LLC

Environmental Review: The project is exempt from CEQA review pursuant to CEQA Guidelines Section 15168 (c)(2) and Public Resources Code Section 21094 (c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigations are required.

Project Planner: Margaret Netto, (408) 730-7628,
mnetto@sunnyvale.ca.gov

Principal Planner Noren Caliva-Lepe provided the staff report and presentation.

Perry Hariri, Managing Partner, Miramar Capital and Wright Sherman, Partner, WRNS Studio provided the applicant report and presentation.

Public Hearing opened at 7:48 p.m.

Richard Mehlinger requested Council to consider adding a condition of approval to analyze an American with Disabilities Act compliant pedestrian/bicycle access path connector to the Mary Avenue overpass at Ross Drive.

Leah Mehlman voiced support for adequate bicycle infrastructure and electric vehicle charging stations and bicycle parking.

Public Hearing closed at 8:10 p.m.

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve Alternative 2: Make the required findings to approve the California Environmental Quality Act (CEQA) determination that the project is exempt from CEQA review pursuant to CEQA Guidelines Section 15168 (c)(2) and Public Resources Code Section 21094 (c) as it is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional environmental review is required in Attachment 6 to the Report; make the findings for the Peery Park Plan Review Permit and Sense of Place Fee in Attachment 4 to the Report; and approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 7 to the Report and recommended conditions of approval set forth in Attachment 5 to the Report; with the following modification:

- Add to the conditions of approval a requirement that allocates the revenue from the use tax for construction materials to the City.

Councilmember Larsson clarified with the maker of the motion that the motion includes "if the project qualifies" the use tax revenue shall be allocated to the City.

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

- 3** [20-0874](#) Consider a Three-Month Pilot Program to Stream Council Meetings on Facebook Live and Consider Budget Modification No. 10 in the Amount of \$6,500 to Fund the Pilot Program.

Deputy City Manager Jaqui Guzmán and Communications Officer Jennifer Garnett provided the staff report and presentation.

Public Hearing opened at 9:04 p.m.

Richard Mehlinger, on behalf of Livable Sunnyvale urged Council to approve the pilot program.

Omar Din voiced support for the pilot program.

Mike Serrone, on behalf of Sunnyvale Democratic Club shared support for the pilot program.

Public Hearing closed at 9:12 p.m.

MOTION: Councilmember Fong moved and Councilmember Melton seconded the motion to approve Alternative 2: Approve Budget Modification No. 10 in the amount of \$6,500 to fund the pilot program from the General Fund Budget Stabilization fund; with the following modification:

- Direct staff to return to Council with a proposed budget modification that includes

funds for paid digital advertising prior to implementation of the pilot program.

FRIENDLY AMENDMENT: Councilmember Melton offered a friendly amendment to:

- Authorize staff to terminate the trial early if the City Manager determines the program is experiencing unavoidable negative consequences;
- Fund the pilot program from the Council Level Set-Aside; and
- Increase Budget Modification No. 10 by \$2,000 to be used for paid digital advertisement instead of directing staff to return to Council with a proposed budget modification.

Councilmember Fong restated and accepted the friendly amendment to increase Budget Modification No. 10 funds by \$2,500 for a total of \$9,000.

After discussion, Councilmember Fong withdrew increasing Budget Modification No. 10 funds by \$2,500 for paid digital advertisement.

The motion failed with the following vote:

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

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approval Alternative 4: Take no action.

The motion carried with the following vote:

- Yes:** 6 - Mayor Klein
Vice Mayor Smith
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Goldman
- No:** 1 - Councilmember Fong

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

Councilmember Fong shared his attendance at the Valley Transportation Authority (VTA) Policy Advisory Committee meeting and details of the Committee's support of the Draft 2021 Transit Service Plan (Plan) that would provide VTA service at 80%. It was announced on November 17 that the Plan would not move forward to the Board of Directors and VTA services will remain at current levels. He also shared details of the 2016 Measure B finance report that includes a Bay Area Rapid Transit increase and reallocation of funds.

Councilmember Hendricks announced details of the upcoming VTA Administration and Finance Committee meeting including a review of the 2016 Measure B report and the 2021 Transit Service Plan. He advised that VTA produced a video highlighting the Mathilda/237/101 interchange project and requested the video link be shared with Council.

Vice Mayor Smith shared her attendance at a Silicon Valley Clean Energy Board meeting and details of the Board's approval for investing funds to reduce local building emissions. She advised she will share a Pacific Gas & Electric mailer about Power Charge Indifference Adjustment with staff for distribution to Council.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Fong inquired with staff about Council's review of the 2021 Consumer Price Index (CPI) minimum wage increase.

City Manager Kent Steffens responded that per the existing minimum wage Ordinance, the CPI increase will take effect January 1, 2021. Mr. Steffens indicated that Council may agendize a discussion of the increase for a future meeting if it desires to make a modification to the increase.

-City Manager

City Manager Kent Steffens announced that the revised Reach Code Ordinance has been published and distributed for public review. Council will consider adopting this Ordinance on December 1, 2020. He also announced that the County of Santa Clara Board of Supervisors approved designating \$500,000 in grant funding to the City for the Magical Bridge Playground at Fair Oaks Parks.

INFORMATION ONLY REPORTS/ITEMS

[20-0937](#)

Tentative Council Meeting Agenda Calendar

[20-0938](#) Board/Commission Meeting Minutes

[20-0939](#) Information/Action Items

ADJOURNMENT

Mayor Klein adjourned the meeting at 9:58 p.m.