



City of Sunnyvale

Meeting Minutes City Council

Tuesday, June 8, 2021

5:30 PM

Telepresence Meeting: City Web Stream |
AT&T Channel 99 | Comcast Channel 15

Special Meeting: Closed Session - 5:30 PM | Regular Meeting - 7 PM | Special Joint Meeting of the City Council and Sunnyvale Financing Authority - 7 PM (or as soon thereafter as the matter may be heard)

5:30 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 5:30 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

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

Public Comment

Public Comment opened at 5:32 p.m.

No speakers.

Public Comment closed at 5:32 p.m.

Convene to Closed Session

A [21-0609](#) 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

Employee organization: Service Employees International Union (SEIU)

B [21-0612](#)

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

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of case: San Francisco Baykeeper v. City of Sunnyvale
U.S. District Court, Northern Dist. of California Civil Case No.:
5:20-cv-00824-EJD

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:58 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.

Vice Mayor Hendricks spoke towards the Valley Transportation Authority rail yard shooting and announced that Council will be closing the meeting in memory of the victims.

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysia Cisneros
Councilmember Omar Din

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

CLOSED SESSION REPORT

Vice Mayor Hendricks 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, Employee organization: Service Employees International Union (SEIU); nothing to report.

Vice Mayor Hendricks reported that Council met in Closed Session held pursuant to Paragraph (1) of subdivision (d) of California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Name of case: San Francisco Baykeeper v. City of Sunnyvale U.S. District Court, Northern Dist. of California Civil Case No.: 5:20 cv 00824 EJD; nothing to report.

SPECIAL ORDER OF THE DAY

C [21-0118](#) Ceremonial Oath of Office for Board and Commission Members

City Clerk David Carnahan administered the Ceremonial Oath of Office to incoming Board and Commission Members.

D [21-0351](#) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month

Mayor Klein read a proclamation in honor of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month.

Councilmember Cisneros spoke towards the proclamation.

ORAL COMMUNICATIONS

Councilmember Larsson announced details of COVID-19 vaccination availability at the Sunnyvale vaccination center, vaccination availability via Santa Clara County, COVID-19 testing availability at the Sunnyvale Murphy Park Building and testing availability via Santa Clara County.

Leia Mehlman spoke towards Study Issue DPW 21-03.

Ari Feinsmith shared details of an upcoming free bike repair and safety check event

at Walt's Cycle.

Helen Gettinger spoke towards the Fair Oaks Magical Bridge playground project and requested Council consider adding a memorial bench or plaque honoring the passing of Dee.

Leticia inquired on the hotel placement process for the unhoused population.

CONSENT CALENDAR

Kristel Wickham requested agenda item 1.F be pulled from the Consent Calendar.

MOTION: Vice Mayor Hendricks moved and Councilmember Cisneros seconded the motion to approve agenda items 1.A through 1.E.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

1.A [21-0526](#) Approve City Council Meeting Minutes of May 20, 2021
(Budget Workshop)

Approve the City Council Meeting Minutes of May 20, 2021 as submitted.

1.B [21-0566](#) Approve City Council Meeting Minutes of May 25, 2021

Approve the City Council Meeting Minutes of May 25, 2021 as submitted.

1.C [21-0250](#) 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 [21-0564](#) Award of Contract to Radius Earthworks Inc. in the amount of
\$433,699.56 for the John W. Christian Greenbelt Pathway
Rehabilitation project and Finding of California Environmental

Quality Act (CEQA) Categorical Exemption (PW21-33)

Take the following actions:

1. Make a finding of categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);
2. Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$433,699.56 to Radius Earthworks Inc. of San Jose;
3. Authorize the City Manager to execute the contract when all necessary conditions have been met; and
4. Approve a 10% Contingency in the amount of \$43,369.

- 1.E** [21-0247](#) Authorize the Issuance of a Purchase Order to GraniteFuel LLC for a Biogas Dehydration System (F21-004)

Authorize the issuance of a purchase order to GraniteFuel LLC for one (1) Biogas Dehydration System in the amount of \$324,621.79, which includes staff training in the amount of \$5,000.00 and sales tax in an estimated amount of \$26,390.79.

- 1.F** [21-0608](#) Modify a Purchase Agreement with Valley Oil for Unleaded and Diesel Fuel (F21-152)

Public Hearing opened at 7:23 p.m.

Kristel Wickham spoke towards the number of gallons of fuel used by fleet vehicles and shared concerns with the average cost per gallon with the new purchase agreement.

Public Hearing closed at 7:25 p.m.

Finance Director Tim Kirby provided the staff report.

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to authorize the City Manager to amend the existing Purchase Agreement with Valley Oil for unleaded and diesel fuel, increasing the not-to-exceed amount by \$260,000 for a new total not-to-exceed amount of \$505,000.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

**ADJOURNMENT TO SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
SUNNYVALE FINANCING AUTHORITY**

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.

Authority Chair / Mayor Klein called the joint City Council and Sunnyvale Financing Authority meeting to order at 7:29 p.m. via teleconference.

ROLL CALL

Present: 7 - Authority Chair / Mayor Larry Klein
Authority Vice Chair / Vice Mayor Glenn Hendricks
Authority Member / Councilmember Gustav Larsson
Authority Member / Councilmember Russ Melton
Authority Member / Councilmember Mason Fong
Authority Member / Councilmember Alysa Cisneros
Authority Member / Councilmember Omar Din

Authority Chair / Mayor Klein, Authority Vice Chair / Vice Mayor Hendricks and all Authority Members / Councilmembers attended via teleconference.

PUBLIC COMMENT (ON SPECIAL MEETING ITEMS ONLY)

Public Comment opened at 7:31 p.m.

Ari Feinsmith voiced support for funding Study Issue DPW 21-03.

Tim Oey communicated support for funding Study Issue DPW 21-03.

Ken Hiremath, Housing and Human Services Commission Chair shared the Commission's recommendation that Council consider increasing the supplemental

housing services funding by a minimum of \$200,000 for Fiscal Year 2021/22.

Kristel Wickham on behalf of the Board of the Democratic Club of Sunnyvale requested Council reconsider the funding allocated to Project 824780 (Upgrading of Fuel Stations) and instead allocate a portion of the funds to decommissioning the tanks.

Richard Mehlinger voiced support for the Democratic Club of Sunnyvale's recommendation to cancel funding for Project 824780.

A member of the public communicated support for creating a full-time staff position dedicated to homelessness issues and a sanctioned encampment.

Diana Crumedy shared support for Study Issue DPW 21-03.

Public Comment closed at 7:44 p.m.

CONSENT CALENDAR

MOTION: Authority Vice Chair Hendricks moved and Authority Member Melton seconded the motion to approve agenda item 2.A.

The motion carried with the following vote:

Yes: 7 - Authority Chair Klein
Authority Vice Chair Hendricks
Authority Member Larsson
Authority Member Melton
Authority Member Fong
Authority Member Cisneros
Authority Member Din

No: 0

2.A [21-0570](#) Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of January 12, 2021

Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of January 12, 2021 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

3 [21-0212](#) Annual City Council Public Hearing on FY 2021/22 Budget and Resource Allocation Plan and Establishment of Appropriations Limit and Sunnyvale Financing Authority Public Hearing on FY 2021/22 Budget

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 7:50 p.m.

Ken Hiremath, Housing and Human Services Commission Chair noted that his state during Public Comment are related to the Public Hearing on the Fiscal Year (FY) 2021/22 Budget.

Public Hearing closed at 7:51 p.m.

City Council:

MOTION: Councilmember Melton moved and Councilmember Fong seconded the motion to direct staff to review and provide a brief analysis on the following items prior to the adoption of the FY 2021/22 Budget on June 15, 2021:

- On a trial basis for FY 2021/22, add a staff position with the classification Director of Equity, Access and Inclusion; and
- Accelerate Project 834330 (Corn Palace Park Development) so that design/construction is completed and the Park is opened by December 31, 2024.

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to change the staff position classification to Manager of Equity, Access and Inclusion. Councilmember Melton accepted the friendly amendment.

The motion as amended carried with the following vote:

Yes: 4 - Councilmember Melton
 Councilmember Fong
 Councilmember Cisneros
 Councilmember Din

No: 3 - Mayor Klein
 Vice Mayor Hendricks
 Councilmember Larsson

ADJOURN SPECIAL MEETING

Authority Chair / Mayor Klein adjourned the joint City Council and Sunnyvale Financing Authority meeting at 8:38 p.m.

RECONVENE TO CITY COUNCIL MEETING

Mayor Klein reconvened the City Council Meeting at 8:38 p.m.

PUBLIC HEARINGS/GENERAL BUSINESS

- 4 [21-0615](#) Annual Review of Proposed Fees and Charges for Fiscal Year 2021/22

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 8:39 p.m.

No speakers.

Public Hearing closed at 8:39 p.m.

- 5 [21-0618](#) CONTINUED FROM MAY 25, 2021
Accept the Findings of a Post-Construction Report and to
Retain the Existing Configuration of the Maude Avenue Class II
Bike Lanes between Borregas Avenue and Fair Oaks Avenue

Transportation and Traffic Manager Dennis Ng provided the staff report and presentation.

Public Hearing opened at 8:57 p.m.

Richard Mehlinger, Bicycle and Pedestrian Advisory Commission Chair communicated the Commission's support for the staff recommendation. On his own behalf he shared support for implementing similar projects throughout the City specifically Fair Oaks Avenue and Hollenbeck Avenue.

Ari Feinsmith spoke towards the project and voiced support for Alternative 1.

Public Hearing closed at 9:01 p.m.

MOTION: Councilmember Cisneros moved and Councilmember Melton seconded the motion to approve Alternative 1: Accept the findings of a post-construction report, to retain the existing configuration of the Maude Avenue Class II Bike Lanes between Borregas Avenue and Fair Oaks Avenue and to implement Class IIB Buffered Bike Lanes on Maude Avenue between Borregas Avenue and Fair Oaks

Avenue per the proposed improvements in the Active Transportation Plan as part of the 2022 slurry seal project.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

- 6** [21-0396](#) Authorize the City Manager to Execute an Increase to the Existing Construction Contract Contingency Amount with Robert A. Bothman Construction for Fair Oaks Park Renovation and Enhancement and Magical Bridge Playground, Approve Budget Modification No. 26 in the Amount of \$1,044,500 for the Unhoused Program and additional All-Inclusive Playground Grant funding, Authorize the City Manager to Execute Second Amendment to the Occupancy Agreement with the Travel Inn and the Second Amendment to the HomeFirst Services Agreements, Fair Oaks Park Unhoused Program Update, and Evaluation of Wi-Fi Installation

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

Public Hearing opened at 9:47 p.m.

A member of the public spoke towards the Unhoused Program and communicated concerns with the agreement amendment. She requested that the program changes be communicated to the program participants.

Coleen Hausler voiced support for the unhoused program and occupancy agreement.

Public Hearing closed at 9:53 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Melton seconded the

motion to approve Alternative 1:

- Approve Budget Modification No. 26 in the amount of \$1,044,500 for the Unhoused Program and additional All-Inclusive Playground Grant funding;
- Authorize the City Manager to execute an increase to the contingency amount for Robert A. Bothman Construction in an amount of \$500,000, increasing the construction contingency from \$1,630,000 to \$2,130,000; and
- Authorize the City Manager to execute a second amendment to the Occupancy Agreement with the Travel Inn and the second amendment to the HomeFirst Services Agreement in substantial form to Attachments 4 and 7 of the staff report.

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to incorporate into the agreement to direct staff to inquire with HomeFirst, and other partners, whether the single occupancy hotel residents are agreeable to double occupancy hotel rooms. Any vacancies created would be filled/occupied for the remainder of the life of the contract. Vice Mayor Hendricks declined the friendly amendment.

FORMAL AMENDMENT: Councilmember Fong moved and Councilmember Din seconded the motion to direct staff to inquire with HomeFirst, and other partners, whether the single occupancy hotel residents are agreeable to double occupancy hotel rooms. Any vacancies created would be filled/occupied for the remainder of the life of the contract.

FRIENDLY AMENDMENT TO THE FORMAL AMENDMENT: Councilmember Melton offered a friendly amendment to add that the City's unhoused program terminates on August 31, 2021. Councilmember Fong and Councilmember Din accepted the friendly amendment.

FRIENDLY AMENDMENT TO THE FORMAL AMENDMENT: Councilmember Melton offered a friendly amendment to include that the maximum number of authorized rooms will remain at 18. Councilmember Fong and Councilmember Din accepted the friendly amendment.

The formal amendment as amended carried with the following vote:

Yes: 5 - Mayor Klein
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 2 - Vice Mayor Hendricks
Councilmember Larsson

The motion as amended carried with the following vote:

Yes: 6 - Mayor Klein
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Vice Mayor Hendricks

Council took a recess at 10:33 p.m. and reconvened at 10:40 p.m. with all Councilmembers present via teleconference.

7 [21-0630](#) Consider Approval of Draft Substantial Amendment to the 2020 Housing and Urban Development (HUD) Action Plan

Housing Officer Jenny Carloni provided the staff report.

Public Hearing opened at 10:45 p.m.

No speakers.

Public Hearing closed at 10:45 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Hendricks seconded the motion to approve Alternative 1: Approve the substantial amendment to the 2020 Action Plan as shown in Attachment 3 of the staff report.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

- 8 [21-0617](#) Proposed Project: Related actions:
- LAKESIDE SPECIFIC PLAN AMENDMENT: Adopt a Resolution to Amend the Lakeside Specific Plan to allow modification of the timing of development for the required hotel.
- SPECIAL DEVELOPMENT PERMIT (SDP): Modify SDP 2015-7576 Condition of Approval GC-11 related to the timing of hotel construction.
- POST ENTITLEMENT DEVELOPMENT AGREEMENT
- Introduce an Ordinance Approving and Adopting a: Post Entitlement Development Agreement between the City of Sunnyvale and Sunnyvale Partners Ltd. including consideration of community benefits
- Location: 1250 Lakeside (APNs: 216-43-037, -038, -039 and -040)
- File #: 2021-7341
- Zoning: Lakeside Specific Plan
- Applicant / Owner: Sunnyvale Partners LTD (owner)
- Environmental Review: Addendum to the Supplemental Environmental Impact Report
- Project Planner: Trudi Ryan, (408) 730-7444, tryan@sunnyvale.ca.gov

Community Development Director Trudi Ryan provided the staff report and presentation.

Public Hearing opened at 11:00 p.m.

Steve Curtin, Wittek Development provided the applicant report and presentation.

Public Hearing closed at 11:06 p.m.

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to approve Alternatives 1 and 2:

1. Acknowledge the Planning Commission's determination required by Resolution No. 371-81 (Attachment 8 to the Report); and
2. Accept the addendum to the previously certified Supplemental Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164 and adopt a Resolution to amend the Lakeside Specific Plan (Attachment 4 to the Report); Approve a modification to a condition of approval for Special Development Permit 2015-7576 (Attachment 5 to the Report); and

Introduce an Ordinance for a Post Entitlement Development Agreement between the City and Sunnyvale Partners, LTD (Attachment 6 to the Report) including modifications to Ordinance Section 3.2.4 and 3.2.5 (Updated Ordinance-Attachment 6 to the report).

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

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Vice Mayor Hendricks

9 [21-0543](#) CONTINUED FROM MAY 25, 2021
Appoint Applicants to the Arts Commission, Bicycle and Pedestrian Advisory Commission, Board of Building Code Appeals, Board of Library Trustees, Heritage Preservation Commission, Housing and Human Services Commission, Parks and Recreation Commission, Planning Commission and Sustainability Commission

City Clerk David Carnahan provided the staff report and presentation.

Public Hearing opened at 11:14 p.m.

No speakers.

Public Hearing closed at 11:14 p.m.

MOTION: Councilmember Melton moved and Councilmember Din seconded the motion to approve Alternative 1: Appoint commissioners to the Board of Building Code Appeals with terms to realign appointments to the requirement of Charter Section 1002; and appoint Sudeshna Pabi to serve a term expiring 6/30/2022 and Yonghong Shen to serve a term expiring 6/30/2025.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Councilmember Melton moved and Mayor Klein seconded the motion to approve Alternative 3: Appoint commissioners to the Parks and Recreation Commission with terms to realign appointments to the requirement of Charter Section 1002; and appoint David Kesting to serve a term expiring 6/30/2025 and Dona Mason to serve a term expiring 6/30/2022.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to approve Alternative 5: Appoint commissioners to the Housing and Human Services Commission with terms that realign terms so that no more than two terms expire each year; and appoint Ken Hiremath and Leesa Riviere to serve terms expiring 6/30/2025, Scott Duncan to serve a term expiring 6/30/2024 and Jim Davis to serve a term expiring 6/30/2022.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Larsson shared information from Silicon Valley Clean Energy including details of a Community Choice Aggregation (CCA) in Southern California that recently filed for bankruptcy.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Melton spoke towards the Lawrence Station Area Plan documents.

-City Manager

City Manager Kent Steffens shared details of the upcoming Valley Water Board of Directors Special Meeting including a discussion topic related to drought restrictions. He also announced that Council will be presented with an Urban Water Management Plan at a future meeting.

INFORMATION ONLY REPORTS/ITEMS

[21-0567](#) Tentative Council Meeting Agenda Calendar

[21-0568](#) Board/Commission Meeting Minutes

[21-0569](#) Information/Action Items

ADJOURNMENT

Mayor Klein closed the meeting in honor of the Valley Transportation Authority rail yard shooting victims.

Vice Mayor Hendricks read the Valley Transportation Authority rail yard shooting victims names: Abdolvahab Alaghmandan, Adrian Balleza, Alex Ward Fritch, Jose

Dejesus Hernandez III, Lars Kepler Lane, Paul Delacruz Megia, Timothy Michael Romo, Michael Joseph Rudometkin, Taptejdeep Singh, and requested a moment of silence.

Mayor Klein adjourned the meeting at 11:27 p.m.