



City of Sunnyvale

Meeting Minutes City Council

Tuesday, September 14, 2021

4:30 PM

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

Special Meeting: Study Session 4:30 - PM | Regular Meeting - 7 PM

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

Call to Order

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020) and Section 42 of Executive Order N-08-21 (June 11, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

Vice Mayor Hendricks called the meeting to order at 4:30 p.m. via teleconference.

Roll Call

Present: 6 - Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

Absent: 1 - Mayor Larry Klein

Vice Mayor Hendricks and Councilmembers Larsson, Melton, Fong, Cisneros and Din attended via teleconference.

Study Session

A [21-0048](#) Consider the Creation of a Formal Process for City Council
Colleague Memorandums (Study Issue)

City Clerk David Carnahan provided the staff report and presentation.

Public Comment opened at 5:28 p.m.

Mike Serrone voiced concerns related to rigid Council procedures and support for

maximum flexibility in allowing Councilmembers to create memorandums or add agenda items and for Option 3.

Public Comment closed at 5:30 p.m.

B [21-0843](#) Discussion of Possible Revisions to the Short-term Rental Ordinance and Enforcement Options

Deputy City Manager Jaqui Guzmán provided the staff report and presentation.

Public Comment opened at 6:38 p.m.

Richard Mehlinger spoke towards communicating the regulations related to the short-term rental Ordinance via the City's utility bill inserts or the County Assessor's Office tax bill.

Nate and Melinda shared support for communicating the existing Ordinance to Sunnyvale property owners and enforcement of the Ordinance.

Mari communicated support for notifying property owners when a short-term rental is located in their neighborhood and implementing a permit process that allows individuals to provide feedback regarding the permit.

Steve Scandalis voiced support for enforcing the current Ordinance and encouraged the City implement a "visualization" displaying short-term rental properties in addition to listing the short-term rental properties.

Public Comment closed at 6:46 p.m.

Adjourn Special Meeting

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

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020) and Section 42 of Executive Order N-08-21 (June 11, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

Vice Mayor Hendricks called the meeting to order at 7:00 p.m. via teleconference.

ROLL CALL

Present: 6 - Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

Absent: 1 - Mayor Larry Klein

Vice Mayor Hendricks and Councilmembers Larsson, Melton, Fong, Cisneros and Din attended via teleconference.

SPECIAL ORDER OF THE DAY

C [21-0164](#) Ceremonial Oath of Office for Board and Commission Members

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

D [21-0354](#) Hispanic Heritage Month

Vice Mayor Hendricks read a proclamation in honor of Hispanic Heritage Month.

Gabriela Chavez-Lopez and Jen Delara, Latina Coalition Silicon Valley spoke towards the proclamation.

E [21-0355](#) POW/MIA Recognition Day

Vice Mayor Hendricks read a proclamation in honor of Prisoner of War/Missing in Action Recognition Day.

F [21-0806](#) Recognition of Fair Oaks Unhoused Program Partners

Vice Mayor Hendricks read a proclamation in honor of Fair Oaks Unhoused Program Partners. The following individuals spoke towards the proclamation:

Marie Bernard, Executive Director, Sunnyvale Community Services;
Marjorie Tutor, HomeFirst Services of Santa Clara County;
Chris Richardson, Director of Santa Clara County, Downtown Streets Team;
David Hott, Director of Operations, Loaves and Fishes; and

Ebone' Holmes, HomeFirst Services.

ORAL COMMUNICATIONS

Vice Mayor Hendricks announced applications are being accepted for the Community Events and Neighborhood Grant Programs. He shared details of COVID-19 vaccination availability via Santa Clara County.

CONSENT CALENDAR

MOTION: Councilmember Larsson moved and Councilmember Cisneros seconded the motion to approve agenda items 1.A through 1.I.

The motion carried with the following vote:

Yes: 6 - Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

Absent: 1 - Mayor Klein

1.A [21-0257](#) 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 [21-0832](#) Receive and File the City of Sunnyvale Investment Report - Second Quarter 2021

Receive and file the City of Sunnyvale Second Quarter 2021 Investment Report.

1.C [21-0770](#) Award of Contract to Able Construction Group, Inc. for On-Call Sewer Line Maintenance and Repair Services (F21-154)

Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in an amount not to exceed \$400,000 to Able Construction Group, Inc. for on-call sewer and maintenance repair;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Authorize the City Manager to amend and renew the contract for two additional

one-year periods, subject to available budget, if pricing and service remain acceptable to the City.

- 1.D** [21-0798](#) Award of Contract to Ray's Electric Inc. for Mary Avenue at Evelyn Avenue Caltrain Crossing and Traffic Signal Improvements and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW21-39)

Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$537,648.00 to Ray's Electric Inc. of Oakland;
- Make a finding of categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% Contingency in the amount of \$53,765.

- 1.E** [21-0855](#) Authorize Amending an Existing Contract with Psomas for the Sunnyvale Cleanwater Program Plant Rehabilitation Project for Construction Management Services (F22-005)

Take the following actions:

- Approve the Sixth Amendment to the Consultant Services Agreement with Psomas, in substantially the same form as Attachment 1 to the report, increasing the not-to-exceed amount by \$4,330,091 for a new not-to-exceed amount of \$13,316,082 and extending the term of the agreement through December 31, 2023;
- Authorize the City Manager to execute the Sixth Amendment when all necessary conditions have been met; and
- Approve an increase to the contract contingency in the amount of \$433,009.10 for a contingency total of \$1,331,608.

- 1.F** [21-0840](#) Approve Amendment 1 to the Pension Trust Agreement with PFM Asset Management, LLC for the Sunnyvale Post-Employment Pension and Retiree Healthcare Benefits Program and Consent to the Assignment from PFM Asset Management LLC to U.S. Bancorp Asset Management Inc. for the Pension Trust Agreement for the Sunnyvale Post-Employment Pension and Retiree Healthcare Benefits Program

Take the following actions:

- Authorize the City Manager to execute the First Amendment to the

Post-Employment Benefits Trust Agreement with U.S. Bank National Association and PFM Asset Management LLC; and

- Execute the Consent to Deemed Assignments of Investment Advisory Agreements for the OPEB Trust and Pension Program Trust from PFM Asset Management LLC to U.S. Bancorp Asset Management Inc.

1.G [21-0858](#) Approve City Position on Proposed League of California Cities' 2021 Annual Conference Resolutions

Approve a support for the proposed Resolution No. 1 (Online Sales Tax Equity); and a take no position for the proposed Resolution No. 2 (Securing Railroad Property Maintenance) and authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted positions.

1.H [21-0708](#) Adopt a Resolution Acknowledging Receipt of a Report From the Department of Public Safety Regarding Annual Fire and Life Safety Inspections Pursuant to Sections 13146.2 Through 13146.4 of the California Health and Safety Code

Adopt a Resolution acknowledging receipt of a report from the Department of Public Safety regarding annual Fire and Life Safety Inspections pursuant to Sections 13146.2 through 13146.4 of the California Health and Safety Code.

1.I [21-0883](#) Designate a Voting Delegate and Alternate for the 2021 League of California Cities Annual Conference

Approve the Mayor's nomination of himself as the Voting Delegate and City Manager Kent Steffens as Alternate.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [21-0876](#) Proposed Project:
For the Lawrence Station Area Plan (LSAP) Update:
1. Adopt a Resolution to:
 - a. Certify the Subsequent Environmental Impact Report;
 - b. Make the findings required by the California Environmental Quality Act;
 - c. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
 - d. Adopt the Water Supply Assessment;
 - e. Amend the Lawrence Station Area Plan;
 - f. Amend the General Plan and update the General Plan Map;

- g. Adopt the LSAP Sense of Place Plan; and
 - h. Amend the LSAP Development Incentives Program.
2. Adopt a Resolution to:
- a. Amend Resolution No. 1060-21 (Master Fee Schedule) to add the LSAP Plan Fee, LSAP Sense of Place Fee, LSAP Residential Wastewater Fee, and LSAP Transportation Impact Fee.
3. Introduce an Ordinance to:
- a. Amend Sunnyvale Municipal Code (SMC) Section 19.16.020 (Zoning Districts-Creation), Chapter 19.35 (Lawrence Station Area Plan Specific Plan District), and make related changes to the SMC to implement the amended LSAP;
 - b. Amend the Precise Zoning Plan Districts Map and re-zone parcels within the LSAP district; and
 - c. Add Chapter 3.52 (LSAP Transportation Impact Fee) to Title 3.50 (Revenue and Finance).

Location:

Existing Plan: Lawrence Station Area

Proposed Boundary Expansion Sites: 932 Kifer Road (APN 205-49-005), 950 Kifer Road (APN 205-49-012), 945 Kifer Road (APN 205-40-002), and 955 Kifer Road (APN 205-40-001)

File nos.:

2017-7082 (Lawrence Station Area Plan Amendment)

2018-7714 (Sense of Place Plan)

2018-7723 (General Plan Amendment/Rezoning for Boundary Expansion Sites)

Zoning:

LSAP - Various designations of Flexible Mixed-Use I (MXD-I), Flexible Mixed-Use II (MXD-II), Flexible Mixed-Use III (MXD-III), LSAP Industrial and Service (M-S/LSAP), Office/Retail (O-R), and High Density Residential and Office (R-5)

Proposed Boundary Expansion Sites - General Industrial (M-3) [932 and 950 Kifer Road] and Industrial and Service (M-S) [945 and 955 Kifer Road]

Applicants: City of Sunnyvale (file #'s 2017-7082 and 2018-7714) and Intuitive Surgical, Inc. (file # 2018-7723)

Environmental Review (SCH # 2019012022): Adopt a resolution to make findings required by CEQA, certify the

Subsequent Environmental Impact Report (SEIR), and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

Project Planner: George Schroeder, 408-730-7443,
gschroeder@sunnyvale.ca.gov

Senior Planner George Schroeder provided the staff report and presentation.

Public Hearing opened at 7:52 p.m.

Richard Mehlinger voiced support for the Lawrence Station Area Plan (LSAP) as it supports additional housing and spoke towards a two-way protected bike lane on one side of the street. He encouraged Council to approve the staff recommendation.

Christophe LaBelle shared disappointment that housing is not included in all areas of the development and that bike safety improvements along Kifer Road were not included in the recommendation.

Yuju Park shared support for the plan as it supports additional housing, creates a walkable and sustainable area and increases economic vitality.

Justin Wang, Advocacy Manager, Greenbelt Alliance voiced support for the plan and urged Council to adopt the plan.

Blake Reinhardt, Vice President of Construction, Intuitive spoke towards integrating their new headquarters, manufacturing and research and development buildings in the Lawrence Station area. He requested Council approve the project.

Public Hearing closed at 8:01 p.m.

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

1. Adopt a Resolution (Attachment 2 to the report) to:
 - a. Certify the Subsequent Environmental Impact Report
 - b. Make the findings required by the California Environment Quality Act;
 - c. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
 - d. Adopt the Water Supply Assessment
 - e. Amend the Lawrence Station Area Plan

- f. Amend the General Plan and update the General Plan Map
 - g. Adopt the LSAP Sense of Place Plan; and
 - h. Amend the LSAP Development Incentives Program
2. Adopt a Resolution (Attachment 4 to the report) to:
- a. Amend Resolution No. 1060-21 (Master Fee Schedule) to add the LSAP Plan Fee, LSAP Sense of Place Fee, LSAP Residential Wastewater Fee, and LSAP Transportation Impact Fee.
3. Introduce an Ordinance (Attachment 3 to the report) to:
- a. Amend Sunnyvale Municipal Code (SMC) Section 19.16.020 (Zoning Districts-Creation), Chapter 19.35 Lawrence Station Area Plan Specific Plan District), and make related changes to the SMC to implement the amended LSAP;
 - b. Amend the Precise Zoning Plan Districts Map and re-zone parcels within the LSAP district; and
 - c. Add Chapter 3.52 (LSAP Transportation Impact Fee) to Title 3.50 (Revenue and Finance).

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

The motion carried with the following vote:

Yes: 6 - Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

Absent: 1 - Mayor Klein

Council took a recess at 8:18 p.m. and reconvened at 8:25 p.m. with Vice Mayor Hendricks and Councilmembers Larsson, Melton, Fong, Cisneros and Din present via teleconference.

- 3** [21-0877](#) Proposed Project: Related applications on multiple sites totaling 32.4-acres:

SPECIAL DEVELOPMENT PERMIT: To demolish two existing industrial/office/R&D buildings and three accessory structures and construct two new three-story office/R&D/manufacturing buildings totaling 1,211,000 sq. ft. (including 148,000 sq. ft. of basement space) connected by a pedestrian bridge across Kifer Road; and construct an 11,000 sq. ft. freestanding amenity building for a total combined FAR of 77%. The project also includes a five-level, above ground parking structure with an attached 12,000 sq. ft. central utility plant.

VESTING TENTATIVE PARCEL MAP: To merge four existing lots into two.

DEVELOPMENT AGREEMENT: Introduction of an Ordinance Approving and Adopting a Development Agreement Between the City of Sunnyvale and Intuitive Surgical, Inc.

Location: 932 Kifer Road (APN 205-49-005), 950 Kifer Road (APN 205-49-012), 945 Kifer Road (APN 205-40-002), 955 Kifer Road (APN 205-40-001)

File #: 2019-7557

Zoning: M-S (945/955 Kifer Road) and M-3 (932/950 Kifer Road)

Applicant / Owner: Foster + Partners/Intuitive Surgical, Inc.

Environmental Review: No additional review required pursuant to CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Subsequent Environmental Impact Report (SEIR - State Clearinghouse No. 2019012022)

Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

Senior Planner George Schroeder provided the staff report and presentation.

Public Hearing opened at 8:50 p.m.

Blake Reinhardt, Vice President of Construction, Intuitive and Ben Dobbin, Senior Partner, Foster + Partners provided the applicant report and presentation.

Public Hearing closed at 8:59 p.m.

MOTION: Councilmember Melton moved and Councilmember Din seconded the

motion to approve Alternatives 1 and 2:

1. Make the required findings to approve the California Environmental Quality Act (CEQA) determination that the project is consistent with the Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Subsequent Environmental Impact Report and no additional environmental review is required pursuant to CEQA Guidelines 15168(c)(2) and (4) and approve the Special Development Permit and Vesting Tentative Parcel Map based on findings in Attachment 3 to the report and recommended Conditions of approval in Attachment 6 to the report; and
2. Introduction of an Ordinance approving and adopting a Development Agreement between the City of Sunnyvale and Intuitive Surgical, Inc. (Attachment 2 to the report).

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

The motion carried with the following vote:

Yes: 6 - Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

Absent: 1 - Mayor Klein

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Hendricks reported that the Santa Clara County Cities Association will cease being the fiscal agent for the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on airplane noise.

Councilmember Fong shared his attendance at the Valley Transportation Authority (VTA) Policy Advisory Committee meeting including the requirement of converting to electrical vehicles and deferral of the Highway 101 Corridor Study.

Vice Mayor Hendricks reported that VTA has resumed the majority of the light rail service lines and anticipates the pending service lines will resume by the end of the week.

NON-AGENDA ITEMS & COMMENTS**-Council**

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[21-0826](#) Tentative Council Meeting Agenda Calendar

[21-0827](#) Board/Commission Meeting Minutes

[21-0828](#) Information/Action Items

ADJOURNMENT

Vice Mayor Hendricks closed the meeting in honor of former Mayor Pat Castillo.

Vice Mayor Hendricks adjourned the meeting at 9:18 p.m.