



City of Sunnyvale

Meeting Minutes City Council

Tuesday, September 28, 2021

4:30 PM

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

**Special Meeting: Closed Session - 4:30 PM | Special Meeting: Study Session - 5 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 (March 17, 2020), Section 42 of Executive Order N-08-21 (June 11, 2021) and Executive Order N-15-21 (September 20, 2021), issued by Governor Newsom, 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 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.

Public Comment

Public Comment opened at 4:33 p.m.
No speakers.
Public Comment closed at 4:33 p.m.

Convene to Closed Session

A [21-0922](#) CONFERENCE WITH LEGAL COUNSEL-INITIATION OF
LITIGATION

Closed Session held pursuant to California Government Code
Section 54956.9(d)(4)
Number of Potential Cases: One

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 4:48 p.m.

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

Call to Order

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020), Section 42 of Executive Order N-08-21 (June 11, 2021) and Executive Order N-15-21 (September 20, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:00 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.

Study Session

B [21-0852](#) Responsible Construction Ordinance

Assistant to the City Manager Connie Verceles and Senior Assistant City Attorney Rebecca Moon provided the staff report and presentation.

Public Comment opened at 5:49 p.m.

Nicole Goehring, Associated Builders and Contractors Northern California Chapter voiced support for contracting with a reputable labor compliance entity to oversee labor compliance for the project.

Richard Markuson spoke towards Senate Bills 727 and 1003 and shared concerns with the use of the term “wage theft” and of access to certified payroll records.

Ruth Silver Taube, Wage Theft Coalition spoke towards the California Labor Commission’s process related to wage claims.

Felicia Gershberg, Co-Lead, Together We Will – San Jose, urged Council to move forward with a responsible construction ordinance and spoke towards wage theft.

Louise Auerhahn, Working Partnerships USA communicated concerns related to the lack of community outreach related to the study issue and spoke towards withholding building permits should a company be found guilty of wage theft and has refused to pay.

Eric Christen, Executive Director, Coalition for Fair Employment in Construction voiced concerns with the ordinance proposals and ensuring working privacy.

Mike Serrone, Sunnyvale Democratic Club spoke towards wage theft, victims of wage theft and lack of information related to wage theft.

Felwina Opiso-Mondina, Pilipino Association of Workers and Immigrants and Santa Clara Wage Theft Coalition urged Council to approve the ordinance. She shared data related to wage theft.

Richard Mehlinger communicated support for the ordinance and continued study of an ordinance.

Krista De La Torre, South Bay Labor Council voiced support for implementing a responsible construction ordinance and shared data related to wage theft in Santa Clara County.

Public Comment closed at 6:02 p.m.

C [21-0534](#) Fire Station Master Plan

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

Public Comment opened at 6:50 p.m.

No speakers.

Public Comment closed at 6:50 p.m.

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:56 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020), Section 42 of Executive Order N-08-21 (June 11, 2021) and Executive Order N-15-21 (September 20, 2021), issued by Governor Newsom, 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 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.

CLOSED SESSION REPORT

Vice Mayor Hendricks reported that Council met in Closed Session CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION held pursuant to California Government Code Section 54956.9(d)(4) Number of Potential Cases: one; nothing to report.

SPECIAL ORDER OF THE DAY

D [21-0356](#) Breast Cancer Awareness Month

Mayor Klein read a proclamation in honor of Breast Cancer Awareness Month.

Bobbe Smirni, New Frontiers in Prevention of Breast Cancer spoke towards the proclamation during Oral Communications.

ORAL COMMUNICATIONS

Councilmember Melton announced details of the current recruitment for various boards and commissions and that applications are being accepted for the Community Events and Neighborhood Grant Programs. He shared details of COVID-19 vaccination availability via Santa Clara County's Mobile Vaccine program.

Tim Oey, Bike Sunnyvale shared details of an upcoming free bike repair event.

Dr. Stella M. Kemp, Superintendent, Santa Clara Unified School District spoke towards the School District's redistricting initiative from at-large to by-district voting for Board of Trustee members.

Mayor Klein announced Council will now hear from Bobbe Smirni, New Frontiers in Prevention of Breast Cancer. Ms. Smirni spoke towards the Breast Cancer Awareness Month proclamation.

CONSENT CALENDAR

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

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 [21-0825](#) Approve City Council Meeting Minutes of August 31, 2021
Approve the City Council Meeting Minutes of August 31, 2021 as submitted.

1.B [21-0305](#) Approve City Council Meeting Minutes of September 8, 2021
Approve the City Council Meeting Minutes of September 8, 2021 as submitted.

1.C [21-0357](#) Approve City Council Meeting Minutes of September 14, 2021
Approve the City Council Meeting Minutes of September 14, 2021 as submitted.

1.D [21-0258](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager
Approve the list(s) of claims and bills.

1.E [21-0853](#) Award of Contract to Callander Associates Landscape
Architecture Inc. for Design Services for the Plaza Del Sol
Phase II Project (F21-110)

Take the following actions:

- Award a Consultant Services Agreement in substantially the same form as Attachment 1 to the report in the amount not-to-exceed \$373,070 to Callander Associates Landscape Architecture Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% contingency in the amount of \$37,307.

1.F [21-0887](#) Award of Contract to NBC Construction & Engineering Inc. for
De Anza Park Pathway Renovation and Finding of California
Environmental Quality Act (CEQA) Categorical Exemption
(PW21-28)

Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$498,370.35 to NBC Construction & Engineering Inc. of San Francisco;
- 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 \$49,837.

1.G [21-0856](#) Award of Contract to Alta Planning + Design, Inc. for Design
Services Sunnyvale SNAIL Neighborhood Active
Transportation Connectivity Improvements (F21-147)

Take the following actions:

- Award a Consultant Services Agreement in substantially the same form as Attachment 1 to the report in the amount not-to-exceed \$819,440.00 to Alta Planning

- + Design, Inc.;
- Approve a 10% contingency in the amount of \$81,944.00; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

- 1.H** [21-0936](#) Approve a Revision to the Statement on Our City Values and Public Service Affirming the City of Sunnyvale's Commitment to Serving Our Diverse Community in a Respectful, Equitable, and Inclusive Manner

Approve and authorize the Mayor to sign the revised Statement on Our City Values and Public Service affirming the City of Sunnyvale's commitment to serving our diverse community in a respectful, equitable, and inclusive manner (Attachment 1 to the report).

- 1.I** [21-0920](#) Ratify Appointment of Mayor Larry Klein as the Central Cities Representative to the Santa Clara County Emergency Operational Area Council

Ratify Mayor Larry Klein's appointment as the Central Cities Representative to the Santa Clara County Emergency Operational Area Council.

- 1.J** [21-0926](#) Adopt Ordinance No. 3181-21 to Amend Sunnyvale Municipal Code Section 19.16.020 (Zoning Districts-Creation), Chapter 19.35 (Lawrence Station Area Plan Specific Plan District), and Make Related Changes to Title 19 (Zoning) of the Sunnyvale Municipal Code to Implement the Amended LSAP; Amend the Precise Zoning Plan Districts Map and Re-Zone Parcels Within the LSAP District; and Add Chapter 3.52 (Lawrence Station Area Plan Transportation Impact Fee) to Title 3 (Revenue and Finance) to the Sunnyvale Municipal Code

Adopt Ordinance No. 3181-21 to amend Sunnyvale Municipal Code Section 19.16.020 (Zoning Districts-Creation), Chapter 19.35 (Lawrence Station Area Plan Specific Plan District), and make related changes to Title 19 (Zoning) of the Sunnyvale Municipal Code to implement the Amended LSAP; amend the Precise Zoning Plan Districts Map and re-zone parcels within the LSAP District; and add Chapter 3.52 (Lawrence Station Area Plan Transportation Impact Fee) to Title 3 (Revenue and Finance) to the Sunnyvale Municipal Code.

- 1.K** [21-0927](#) Adopt Ordinance No. 3182-21 to Approve and Adopt a Development Agreement Between the City of Sunnyvale and

Intuitive Surgical, Inc.

Adopt Ordinance No. 3182-21 to approve and adopt a Development Agreement between the City of Sunnyvale and Intuitive Surgical, Inc.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [21-0759](#) Remove On-Street Parking on the East Side of Sunnyvale Avenue Between Maude Avenue and Arques Avenue and Both Sides of Sunnyvale Avenue Between Arques Avenue and Hendy Avenue, and Install Buffered Bicycle Lanes on Both Sides of Sunnyvale Avenue Per the Active Transportation Plan

Principal Transportation Engineer Lillian Tsang provided the staff report and presentation.

Public Hearing opened at 8:14 p.m.

Galen Kim Davis, Livable Sunnyvale Chair, communicated the group's endorsement of the Bicycle and Pedestrian Advisory Commission's (BPAC) recommendation of bicycle lanes on Sunnyvale Avenue. Speaking on his own behalf he shared support for protected bicycle lanes in Sunnyvale and outreach efforts to educate people on the difference between public and private parking.

Richard Mehlinger, BPAC Chair urged Council to adopt alternative one and spoke towards initiatives in the General Plan Land Use and Transportation Elements, Vision Zero Plan and Climate Action Plan.

Lauren Ledbetter voiced support for the project and requested Council approve the project and BPAC's recommendation.

Leia Mehlman communicated support for a safe connected bike network and spoke towards the Active Transportation Plan.

Tim Oey shared support for buffered bike lanes and a connected and safe bicycle network. He requested Council approve BPAC's recommendation.

Diana Crumedy, Santa Clara County Advocate, Silicon Valley Bicycle Coalition voiced support for buffered bike lanes on Sunnyvale Avenue.

Bryce Beagle communicated support for protected bike lanes and spoke towards

the corridor providing access to nearby public transportation, public schools and downtown.

Mark Hladly shared support for the bike lanes based on the popularity of the route.

Marc Rasi voiced support for the project.

Jennifer Delara, Vice President, Latina Coalition communicated opposition to the project and spoke towards the 2020 data not representing an accurate count of traffic flow and usage by nearby establishments.

Liam Davis, President, Firebirds for All shared support for the staff and BPAC recommendation to add buffered bike lanes on Sunnyvale Avenue.

Mike Serrone, Livable Sunnyvale voiced support for the project and BPAC's recommendation.

Juan Taveras communicated support for the protected bike lanes.

Jeffrey Henson shared opposition to BPAC's recommendation and spoke towards the traffic study being conducted during the pandemic and future traffic flow with a railroad grade crossing closure.

Erik Brewster voiced support for the buffered bike lane.

Mike Oliver spoke towards bicycle safety.

Richard Rodriguez communicated opposition to the project and spoke towards the 2019/20 data presented.

Agnes Nika proposed the following solutions for consideration: implementing flashing red lights at the corners of Sunnyvale Avenue/California Avenue and Sunnyvale Avenue/Arques Avenue; installing a 3-way stop at Sunnyvale Avenue/Taylor Avenue; sharrow bike lanes between Arques Avenue/Taylor Avenue and slowing down traffic flow.

Isabell Shockley presented concerns such as personal safety, hardships on elderly and disabled individuals and the lack of a crosswalk on Sunnyvale Avenue in East/West direction at the corner of Taylor Avenue.

Kathleen presented concerns related to vehicle vandalism, conflict among neighbors over parking and financial hardships with installing extra parking at residential homes.

Mark Mcadam communicated support for buffered bike lanes on Sunnyvale Avenue and concerns with sharrow bike lanes.

Marcie voiced concerns with the data gathered during the recent study and requested the study be conducted multiple times during the year and week and at different times during the day. She spoke towards personal and vehicle safety.

Dr. Mei-Lin Pang shared information about childhood obesity and associated health conditions and support for bike lanes.

Laurie communicated support for buffered bike lanes.

Danny Howard voiced support for bike lanes and requested Council approve the project.

Tejas Manjunatha, Firebirds for All shared support for the staff recommendation.

Ari Feinsmith presented information in support of the project such as the bicycle corridor is a vital connection to retail, restaurants and transit, improves safety and equitable bicycle access to north Sunnyvale.

Caleb Sanders communicated support for the staff recommendation to incorporate bike lanes.

Public Hearing closed at 9:18 p.m.

MOTION: Councilmember Fong moved and Councilmember Din seconded the motion to approve Alternative 1: Remove on-street parking on the east side of Sunnyvale Avenue between Maude Avenue and Arques Avenue and both sides of Sunnyvale Avenue between Arques Avenue and Hendy Avenue, and install buffered bicycle lanes on both sides of Sunnyvale Avenue per the Active Transportation Plan.

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

Council took a recess at 9:40 p.m. and reconvened at 9:45 p.m. with all Councilmembers present via teleconference.

- 3** [21-0916](#) Proposed Project: General Plan Amendment Initiation: to consider a 100% Floor Area Ratio (FAR) combining district on 10 parcels in the M-S zoning district totaling 63 acres.
Location: 974 East Arques Avenue (APNs: 205-36-006, 205-36-007, 205-36-008), 190 Commercial Street (APN: 205-35-001), 198 Commercial Street (APN: 205-35-002), 930 East California Street (APN: 205-35-003), 1050/1090 East Arques Avenue (APN: 205-37-009), 928/930 East Arques Avenue (APN: 205-35-017), and 955/965 East Arques Avenue (APNs: 205-25-018 and 205-25-019)
File #: 2021-7282
Zoning: M-S - Industrial and Service
General Plan: Industrial
Applicant / Owner: RMW Architecture & Interiors (applicant) / Applied Materials, Inc. (owner)
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).
Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

Senior Planner Momoko Ishijima provided the staff report and presentation.

Public Hearing opened at 10:00 p.m.

Joe Pon, Applied Materials and Stan Lew, President, RMW provided the applicant report and presentation.

Public Hearing closed at 10:07 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Cisneros seconded the motion to approve Alternative 2: Initiate a General Plan Amendment study of a larger study area as an industrial intensification site in the General Plan to allow 100% FAR with the preparation of a Specific, Area, or Precise Plan (as shown in Attachment 7 to the 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

- 4 [21-0821](#) Proposed Project: General Plan Amendment Initiation request to consider amending the General Plan designation from Commercial to Medium Density Residential on two sites totaling 1.2-acres.
Location: 1313 S. Wolfe Road (APN: 309-10-026 and 309-10-027)
File #: 2020-7031
Zoning: C-1 (Neighborhood Business)/PD (Planned Development)
General Plan: Commercial
Applicant / Owner: 4Terra Investments (applicant)/Desmond Family Real Estate Limited Partner (owner)
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).
Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov

Principal Planner Amber Blizinski provided the staff report and presentation.

Public Hearing opened at 10:43 p.m.

Amir Massih, Applicant and Brady McGuinness, Attorney provided the applicant report and presentation.

Galen Kim Davis, Livable Sunnyvale Chair communicated the group's endorsement of the applicant's proposal and urged Council to initiate the General Plan amendment process for the parcels.

Richard Mehlinger voiced support for Livable Sunnyvale's endorsement of the project and his support of the applicant's proposal.

Christophe LaBelle shared support for initiating the General Plan amendment.

Public Hearing closed at 11:32 p.m.

MOTION: Councilmember Fong moved and Councilmember Din seconded the motion to approve Alternative 4: Approve the General Plan Amendment Initiation to consider including medium to high density residential with a non-residential mixed-use component pursuant to the applicants proposal and find the action is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15378(a)

Councilmember Larsson clarified if the motion intended to include the neighboring gas station property.

Councilmember Fong confirmed the motion intended to include the gas station property and amended the motion. Councilmember Din accepted the amendment.

The motion as amended carried with the following vote:

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

No: 2 - Vice Mayor Hendricks
Councilmember Melton

MOTION: Vice Mayor Hendricks moved and Councilmember Melton seconded the motion to hear public hearing item 5 - Consider a Resolution Authorizing the City Manager to Suspend Late Charges and Delinquency Processing Fees...

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

- 5** [21-0919](#) Consider a Resolution Authorizing the City Manager to Suspend Late Charges and Delinquency Processing Fees for Water, Sewer, and Garbage Collection Services and Extend the Suspension of the Interruption of Water Service until December 31, 2021

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 12:06 p.m.

No speakers.

Public Hearing closed at 12:06 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 1: Adopt a Resolution extending waiver of penalties and delinquency processing fees, and suspend water service interruptions for non-payment from October 1, 2021 until December 31, 2021.

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 to adjourn the meeting.

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

Agenda item not heard.

NON-AGENDA ITEMS & COMMENTS

-Council

Agenda item not heard.

-City Manager

Agenda item not heard.

INFORMATION ONLY REPORTS/ITEMS

- | | |
|--------------------------------|---|
| <u>21-0361</u> | Tentative Council Meeting Agenda Calendar |
| <u>21-0382</u> | Board/Commission Meeting Minutes |
| <u>21-0385</u> | Information/Action Items |
| <u>21-0864</u> | National Citizens Survey Results (Information Only) |

ADJOURNMENT

Mayor Klein adjourned the meeting at 12:09 a.m.