

City of Sunnyvale

Meeting Minutes City Council

Tuesday, August 9, 2022

6:00 PM

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

Special Meeting: Study Session - 6 PM | Regular Meeting - 7 PM | Regular Meeting of the Sunnyvale Financing Authority - 7 PM (or soon thereafter)

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

Call to Order

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on July 12, 2022.

Mayor Klein called the meeting to order at 6:00 p.m. via teleconference.

Roll Call

Present: 6 - Mayor Larry Klein

Councilmember Gustav Larsson Councilmember Glenn Hendricks Councilmember Russ Melton Councilmember Omar Din

Councilmember Anthony (Tony) Spitaleri

Absent: 1 - Vice Mayor Alysa Cisneros

Mayor Klein, and Councilmembers Larsson, Hendricks, Melton, Din and Spitaleri attended via teleconference.

Study Session

A 22-0147

Creation of a Human Relations Commission: Identify Policy Issues and Responsibilities for the Commission (Study Issue)

Equity, Access and Inclusion Manager Maria Mata and City Clerk David Carnahan provided the staff report and presentation.

Public Comment opened at 6:44 p.m.

Mike Serrone shared how the Human Relations Commission could help facilitate communication between City Staff and the community.

Public Comment closed at 6:47 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 Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on July 12, 2022.

Mayor Klein called the meeting to order at 7:05 p.m. via teleconference.

ROLL CALL

Present: 6 - Mayor Larry Klein

Councilmember Gustav Larsson Councilmember Glenn Hendricks Councilmember Russ Melton Councilmember Omar Din

Councilmember Anthony (Tony) Spitaleri

Absent: 1 - Vice Mayor Alysa Cisneros

Councilmember Spitaleri joined the Council Meeting at 7:06 p.m.

Mayor Klein, and Councilmembers Larsson, Hendricks, Melton, Din and Spitaleri attended via teleconference.

ORAL COMMUNICATIONS

No speakers.

CONSENT CALENDAR

Zachary Kaufman requested agenda item 1.F be pulled from the Consent Calendar.

Councilmember Hendricks registered a no vote on agenda item 1.H.

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve agenda items 1.A through 1.E and 1.G through 1.N

The motion carried with the following vote:

Yes: 6 - Mayor Klein

Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Din
Councilmember Spitaleri

No: 0

Absent: 1 - Vice Mayor Cisneros

1.A 22-0609 Approve City Council Meeting Minutes of July 12, 2022 Approve the City Council Meeting Minutes of July 12, 2022 as submitted.

1.B Approve City Council Meeting Minutes of July 19, 2022 (Closed Session)

Approve the City Council Meeting Minutes of July 19, 2022, 2022 as submitted.

- **1.C** 22-0741 Approve City Council Meeting Minutes of July 26, 2022 Approve the City Council Meeting Minutes of July 26, 2022 as submitted.
- **1.D** 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 Receive a Report of an Emergency Procurement to Provide Polymer to Meet Compliance Requirements at the Water Pollution Control Plant (WPCP) and Find that the Project is of Urgent Necessity for the Preservation of Life, Health, or Property. (F22-145)

Receive the Report of an Emergency Procurements to provide polymer to meet compliance requirements at the Water Pollution Control Plant (WPCP) and find that the Project is of urgent necessity for the preservation of life, health, or property.

1.F 22-0542

Accept Google LLC's Voluntary Donation in the Amount of \$1,000,000 for the East Channel Trail Study; Authorize the City Manager to Execute Funding Agreements with Google and Santa Clara Valley Transportation Authority and any Other Necessary Documents Related to the Grant or Funding; Approve Budget Modification No. 3 to Appropriate \$830,000 in Santa Clara Valley Transportation Authority (VTA) 2016 Measure B Bicycle & Pedestrian Planning Studies Funding, \$1,000,000 in Google LLC's Voluntary Donation, and \$1,000,000 from the Transportation Impact Fee Funds for the East Channel Trail Study

Public Comment opened at 7:10 p.m.

Zachary Kaufman spoke towards allowing property owners adjacent to the East Channel Trail to build an entrance gate to the trail from their property.

Public Comment closed at 7:11 p.m.

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve accept Google LLC's voluntary donation in the amount of \$1,000,000 for the East Channel Trail Study; Authorize the City Manager to execute funding agreements with Google and Santa Clara Valley Transportation Authority and any other necessary documents related to the grant or funding; Approve Budget Modification No. 3 to appropriate \$830,000 in Santa Clara Valley Transportation Authority (VTA) 2016 Measure B Bicycle & Pedestrian Planning Studies Funding, \$1,000,000 in Google LLC's voluntary donation, and \$1,000,000 from the Transportation Impact Fee Funds for the East Channel Trail Study.

The motion carried with the following vote:

Yes: 6 - Mayor Klein

Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Din
Councilmember Spitaleri

No: 0

Absent: 1 - Vice Mayor Cisneros

1.G 22-0649

Award of Contract to VSS International, Inc. for Java Drive Road Diet and Bike Lanes, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 1 (PW22-13)

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$574,000 to VSS International, Inc.;
- Making a finding of categorical exemption from the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15301(c);
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Approve a 10% contingency in the amount of \$57,400; and
- Approve Budget Modification No. 1 in the amount of \$269,400

1.H 22-0685

Award of Contract to Golden Bay Construction, Inc. for the Pedestrian and Bicycle Safety Improvements at the Intersection of Fremont Avenue and Manet Drive/Bobwhite Avenue Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 2 (PW22-12)

Take the following actions:

- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) class 1;
- Approve Budget Modification No. 2 in the amount of \$164,815;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$292,411 to Golden Bay Construction, 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 \$29,241.

Yes: 5 - Mayor Klein

Councilmember Larsson
Councilmember Melton
Councilmember Din

Councilmember Spitaleri

No: 1 - Councilmember Hendricks

Absent: 1 - Vice Mayor Cisneros

1.I <u>22-0705</u>

Award of Contract to American Asphalt Repair & Resurfacing Co., Inc. for Slurry Seal 2022 B and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW22-20)

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,177,911.95 to American Asphalt Repair & Resurfacing Co., Inc. of Hayward;
- Make a finding of categorical exemption from the California Environmental Quality Act pursuant to California Environmental Quality Act 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 \$117,791.

1.J Approve the Fiscal Year 2022/23 Sustainability Speaker Series

Approve the FY 2022/23 Sustainability Speaker Series topics as proposed by the Sustainability Commission, with the provision that the implementation of up to four events will be contingent on speaker availability, staffing resources, and available budget. Staff has collaborated with the Subcommittee during the development of the proposed Series and generally supports the topics selected.

1.K 22-0783

Adopt a Resolution Amending the City's Salary Resolution to Provide a Time Exception to Extend Assignments for Term Limited Employees Assigned to the Enterprise Resource Planning (ERP) Project

Adopt a Resolution amending the City's Salary Resolution to provide a time exception to extend assignments for Term Limited Employees assigned to the Enterprise Resource Planning (ERP) Project.

1.L 22-0789

Adopt a Resolution Extending the City's Declaration of Local Emergency for COVID-19

Adopt a Resolution extending the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency (COVID19).

1.M 22-0764

Reconsider and Affirm Resolution No. 1089-21; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the City Council and Boards, Commissions and Council Subcommittees During the COVID-19 State of Emergency

Affirm Resolution 108921; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the City Council and Boards, Commissions and Council Subcommittees during the COVID19 State of Emergency:

- 1. The City Council hereby finds that the state of emergency conditions related to COVID19, as set forth in Resolution No. 113022 adopted on June 28, 2022 and incorporated herein by reference, are ongoing;
- 2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor proclaimed COVID19 state of emergency; and
- 3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

1.N 22-0806

Amend Resolution No. 1075-21 Directing the City Manager to Temporarily Allow Outdoor Dining on Private Parking Lots and Close the 100 Block of South Murphy Avenue Through the Earlier of Either June 30, 2023, or Until the Emergency Proclamation is Lifted

Amend Resolution No. 1075-21 directing the City Manager to temporarily allow outdoor dining on private parking lots and close the 100 Block of South Murphy Avenue through the earlier of either of June 30, 2023, or until the Emergency Proclamation is lifted.

ADJOURNMENT TO REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY

Mayor Klein adjourned the Council meeting to the Sunnyvale Financing Authority at 7:12 p.m.

7 P.M. (OR SOON THEREAFTER) REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY

Call to Order

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the Financing Authority made the necessary findings by adopting Resolution No. 1105-22FA, reaffirmed on July 12, 2022.

Authority Chair Klein called the Sunnyvale Financing Authority meeting to order at 7:12 p.m. via teleconference.

Roll Call

Present: 6 - Authority Chair Larry Klein

Authority Member Gustav Larsson Authority Member Glenn Hendricks Authority Member Russ Melton Authority Member Omar Din Authority Member Anthony Spitaleri

Absent: 1 - Authority Vice Chair Alysa Cisneros

Authority Chair Klein and Authority Members Larsson, Hendricks, Melton, Din, and Spitaleri attended via teleconference.

Oral Communications

No speakers.

Consent Calendar

Public Comment opened at 7:14 p.m.

No speakers.

Public Comment closed at 7:14 p.m.

MOTION: Authority Member Melton moved and Authority Member Din seconded the motion to approve agenda items 2.A through 2.B.

The motion carried with the following vote:

Yes: 6 - Authority Chair Larry Klein

Authority Member Gustav Larsson

Authority Member Glenn Hendricks

Authority Member Russ Melton

Authority Member Omar Din

Authority Member Anthony Spitaleri

No: 0

Absent: 1 - Authority Vice Chair Alysa Cisneros

2.A Approve Sunnyvale Financing Authority Meeting Minutes of July 12, 2022

Approve the Sunnyvale Financing Authority Meeting Minutes of July 12, 2022 as submitted.

2.B Reconsider and Affirm Resolution No. 1105-22FA; and Make

Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the Sunnyvale Financing Authority During the COVID-19 State of Emergency

Affirm Resolution 110522FA; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the Financing Authority during the COVID19 State of Emergency:

- 1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID19, as set forth in City of Sunnyvale Resolution No. 113022 adopted on June 28, 2022, and incorporated herein by reference, are ongoing;
- 2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor proclaimed COVID19 state of emergency; and
- 3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING

Authority Chair Klein adjourned the Sunnyvale Financing Authority meeting at 7:15 p.m.

RECONVENE TO CITY COUNCIL MEETING

Mayor Klein reconvened the City Council Meeting at 7:15 p.m.

PUBLIC HEARINGS/GENERAL BUSINESS

3 Approve Modifying the Recreation Fee Waiver Program and Amend Council Policy 7.1.1 to Reflect the Modifications

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

Public Hearing opened at 7:28 p.m.

Marie Bernard, Sunnyvale Community Services, spoke in support of modifying the fee waiver program to offer additional support to residents.

Public Hearing closed at 7:29 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 1: Approve modifying the Recreation Fee Waiver Program and amend Council Policy 7.1.1 to reflect the modifications proposed by staff.

The motion carried with the following vote:

Yes: 6 - Mayor Klein

Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Din
Councilmember Spitaleri

No: 0

Absent: 1 - Vice Mayor Cisneros

4 22-0775

APPEAL BY PROJECT APPLICANT OF THE PLANNING COMMISSION DECISION OF JUNE 27, 2022

Proposed Project: Related applications on a 1.81-acre site: Special Development Permit to redevelop a portion (westerly portion) of an existing shopping center (Fremont Corners) into a mixed-use Village Center with 3,384 square feet of commercial space and 35, four-story townhome-style condominiums with associated parking and site improvements including common public open space.

TENTATIVE MAP to subdivide the lot into five lots and 35 condominiums.

Location: 102 E. Fremont Ave. and 1310 S. Sunnyvale-Saratoga Rd. (APN: 309-01-002)

File #: 2021-7161

Zoning: C-1/PD (Neighborhood Business / Planned

Development)

Applicant / Owner: TTLC Sunnyvale FC, LLC / Fremont

Corners, Inc Et Al

Environmental Review: Consistent with California Environmental Quality Act (CEQA) Section 15183 and 15183.3 (Projects Consistent with a Community Plan, General Plan, or Zoning and Streamlining for In-fill Projects). Project Planner: Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Project Planner Shétal Divatia provided the staff report and presentation.

Public Hearing opened at 8:11 p.m.

Leah Beniston, Senior Vice President, The True Life Companies, and Bryan Wenter, Attorney, Miller Star Regalia, provided the applicant report and presentation.

Jenny spoke on behalf of nearby residents to the project and shared their concerns and suggestions.

Stephen Meier spoke in support of the project and the developer's willingness to address and compromise with the Planning Commission's recommendations.

Steve Scandalis shared their concerns with the project layout and the potential accessibly issues that may arise.

Depp Rastogi shared their concerns on potential parking congestion and the project's proximity to Fremont High School.

Sam Liu spoke in agreement with the Planning Commission's concerns on this project and support for the Commission's decision.

Leah Beniston, Senior Vice President, The True Life Companies, provided the applicant response to public hearing comments.

Public Hearing closed at 8:39 p.m.

MOTION: Councilmember Larsson moved and Councilmember Spitaleri seconded the motion to approve Alternative 3a:

- Alternative 2: Grant the appeal and make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is

consistent with CEQA Guidelines Sections 15183 and 15183.3 (Projects Consistent with a Community Plan, General Plan, or Zoning and Streamlining for Infill Projects) as noted in checklist (Attachment 6), approve the Special Development Permit and the Tentative Map subject to the Recommended Findings in Attachment 3 and subject to the Conditions of Approval in Attachment 16;

- With modifications to Attachment 5 includes staff recommended Conditions of Approval to allow the commercial building in the applicant proposed location to modify the northerly driveway (Driveway #2) to be Emergency Vehicle Access-only (EVA) in addition to correcting the date from December 17, 2021 to April 22, 2022 for:
- GC9-Off-Site Improvement Plans;
- GC11-Final Map Recordation;
- EP1-Complete Off-Site Improvement Plan Set;
- EP11-Re-Use of Existing City Utility Service Lines; and
- EP20-Public Access Points.

The motion failed with the following vote:

Yes: 3 - Mayor Klein

Councilmember Larsson Councilmember Spitaleri

No: 3 - Councilmember Hendricks

Councilmember Melton
Councilmember Din

Absent: 1 - Vice Mayor Cisneros

MOTION: Councilmember Melton moved and Councilmember Din seconded the motion to approve Alternative 1: Uphold the decision of the Planning Commission and make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is consistent with CEQA Guidelines Sections 15183 and 15183.3 (Projects Consistent with a Community Plan, General Plan, or Zoning and Streamlining for Infill Projects) as noted in checklist (Attachment 6), approve the Special Development Permit and the Tentative Map subject to the Recommended Findings in Attachment 3 and subject to the Recommended Conditions of Approval in Attachment 4, with the following modifications:

- Correct the date from December 17, 2021 to April 22, 2022 for EP1-Complete Off-Site Improvement Plan Set;
- Correct the date from December 17, 2021 to April 22, 2022 for EP20-Public

Access Points; and

 Add a Condition of Approval where staff is to evaluate the interface between the residential buildings and the existing commercial building.

FRIENDLY AMENDMENT: Councilmember Melton offered a friendly amendment to replace Alternative 1 with Alternative 3b. Councilmember Din accepted the Friendly Amendment.

The motion as amended failed with the following vote:

Yes: 3 - Councilmember Hendricks
Councilmember Melton
Councilmember Din

No: 3 - Mayor Klein

Councilmember Larsson

Councilmember Spitaleri

Absent: 1 - Vice Mayor Cisneros

Public Hearing reopened at 9:15 p.m.

Leah Beniston, Senior Vice President, The True Life Companies and Bryan Wenter Attorney, Miller Star Regalia voiced support for the appeal being continued to another scheduled date if necessary for a Council decision.

Public Hearing closed at 9:17 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Larsson seconded the motion to approve Alternative 3a:

- Alternative 2: Grant the appeal and make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is consistent with CEQA Guidelines Sections 15183 and 15183.3 (Projects Consistent with a Community Plan, General Plan, or Zoning and Streamlining for Infill Projects) as noted in checklist (Attachment 6), approve the Special Development Permit and the Tentative Map subject to the Recommended Findings in Attachment 3 and subject to the Conditions of Approval in Attachment 16;
- With modifications to Attachment 5 includes staff recommended Conditions of Approval to allow the commercial building in the applicant proposed location to modify the northerly driveway (Driveway #2) to be Emergency Vehicle Access-only

(EVA) in addition to correcting the date from December 17, 2021 to April 22, 2022 for:

- GC9-Off-Site Improvement Plans;
- GC11-Final Map Recordation;
- EP1-Complete Off-Site Improvement Plan Set;
- EP11-Re-Use of Existing City Utility Service Lines; and
- EP20-Public Access Points.

The motion carried with the following vote:

Yes: 4 - Mayor Klein

Councilmember Larsson

Councilmember Din

Councilmember Spitaleri

No: 2 - Councilmember Hendricks

Councilmember Melton

Absent: 1 - Vice Mayor Cisneros

5 22-0807

Approve a Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Employees' Association/IFPTE Local 21; and Adopt Two Resolutions Implementing Changes Associated with the New MOU: (1) Resolution Amending the City's Salary Resolution by Updating Medical Insurance Contribution Provisions and the Schedule of Pay to Increase Salaries for Pay Plan Category B (Employees Represented by the Sunnyvale Employees' Association/IFPTE Local 21), and Pay Plan Category G (Unrepresented Classified Confidential Employees); and (2) Resolution Approving Amendments to the City's Contribution for CalPERS Medical Insurance for Management, Sunnyvale Employees' Association/International Federation of Professional and Technical Engineers (SEA/IFPTE Local 21), and Confidential Employees and Annuitants (Retirees)

Director of Human Resources Tina Murphy provided the staff report.

Public Hearing opened at 9:27 p.m.

No speakers.

Public Hearing closed at 9:27 p.m.

MOTION: Councilmember Melton moved and Councilmember Spitaleri seconded the motion to approve Alternative 1: Authorize the City Manager to execute the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Employees' Association/IFPTE Local 21; and Adopt two Resolutions implementing changes associated with the new MOU: (1) Resolution amending the City's Salary Resolution by updating medical insurance contribution provisions and the Schedule of Pay to increase salaries for Pay Plan Category B (Employees Represented by the Sunnyvale Employees' Association/IFPTE Local 21), and Pay Plan Category G (Unrepresented Classified Confidential Employees); and (2) Resolution approving amendments to the City's contribution for CalPERS Medical Insurance for Management, Sunnyvale Employees' Association/International Federation of Professional and Technical Engineers (SEA/IFPTE Local 21), and Confidential Employees and Annuitants (Retirees).

The motion carried with the following vote:

Yes: 5 - Mayor Klein

Councilmember Larsson Councilmember Melton Councilmember Din Councilmember Spitaleri

No: 1 - Councilmember Hendricks

Absent: 1 - Vice Mayor Cisneros

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Melton reported his appointment as Chairperson of the Silicon Valley Regional Interoperability Authority Board.

Councilmember Hendricks reported the Peninsula Corridor Joint Powers Board is operating under a new memorandum of understanding, updating the governing structure of the Board.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

City Manager Kent Steffens provided an update on the new Civic Center project.

INFORMATION ONLY REPORTS/ITEMS

<u>22-0755</u>	Tentative Council Meeting Agenda Calendar
<u>22-0756</u>	Board/Commission Meeting Minutes
00 0757	

<u>22-0757</u> Information/Action Items

ADJOURNMENT

Mayor Klein adjourned the meeting at 9:39 p.m.