



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, August 30, 2022

5:00 PM

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

**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM |
Regular Meeting - 7 PM | Regular Meeting: Sunnyvale Financing Authority - 7 PM (or
soon thereafter)**

5 P.M. SPECIAL COUNCIL MEETING (Closed 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 August 9, 2022.

Vice Mayor Cisneros called the meeting to order at 5:01 p.m. via teleconference.

Roll Call

Present: 6 - Mayor Larry Klein
Vice Mayor Alysa Cisneros
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Anthony (Tony) Spitaleri
Absent: 1 - Councilmember Omar Din

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

Public Comment

Public Comment opened at 5:04 p.m.

Richard Leshar indicated a desire to speak on the gun safety measures study session.

Public Comment closed at 5:06 p.m.

Convene to Closed Session

- A** [22-0752](#) Closed Session Held Pursuant to California Government Code Section 54957.6:
CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Tina Murphy, Director of Human Resources
Employee organization: Service Employees International Union (SEIU)

Adjourn Special Meeting

Vice Mayor Cisneros adjourned the meeting at 5:21 p.m.

5:30 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 August 9, 2022.

Vice Mayor Cisneros called the meeting to order at 5:37 p.m. via teleconference.

Roll Call

- Present:** 6 - Mayor Larry Klein
Vice Mayor Alysa Cisneros
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Anthony (Tony) Spitaleri
- Absent:** 1 - Councilmember Omar Din

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

Study Session

- B** [22-0114](#) Discussion Regarding Potential Gun Safety Measures in Sunnyvale

City Attorney John Nagel and Assistant City Attorney Rebecca Moon provided the staff report and presentation.

Public Comment opened at 6:14 p.m.

Guadalupe Rosas indicated a desire to speak during Oral Communications at the Regular Council meeting.

Rich P. spoke in favor of City Council adopting the proposed gun safety measures and suggested adding a liability insurance requirement.

Richard Leshner voiced opposition to unenforceable gun safety measures.

Carol Weiss communicated support for prohibiting possession of assault weapons in Sunnyvale and adding libraries, playgrounds, theatres, etc. to the list of sensitive places.

Mike Serrone shared support for additional gun safety measures including outreach encouraging securing firearms.

Julia Liu spoke in support of additional gun safety measures in Sunnyvale.

Mariya Hodge voiced support for new gun safety measures.

Geoff Ainscow communicated support for the City Council passing the proposed gun safety measures and an insurance requirement for gun owners.

Agnes Veith shared support for additional gun safety measures and requiring insurance for gun owners.

Hardy Kim, Pastor/Head of Staff, Sunnyvale Presbyterian Church voiced support for the proposed gun safety measures and for resources to assist organizations in communicating when guns are not allowed on private property.

Public Comment closed at 6:31 p.m.

Adjourn Special Meeting

Vice Mayor Cisneros adjourned the meeting at 7:21 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 August 9, 2022.

Mayor Klein called the meeting to order at 7:25 p.m. via teleconference.

ROLL CALL

Present: 5 - Mayor Larry Klein
Vice Mayor Alysa Cisneros
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Absent: 2 - Councilmember Omar Din
Councilmember Anthony (Tony) Spitaleri

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

Councilmember Spitaleri joined the meeting at 7:27 p.m.

CLOSED SESSION REPORT

Vice Mayor Cisneros reported that Council met in Closed Session Conference with Labor Negotiators Agency designated representatives: Tina Murphy, Director of Human Resources Employee organization: Service Employees International Union (SEIU); nothing to report.

SPECIAL ORDER OF THE DAY

C [22-0815](#) Hispanic Heritage Month

Mariant Salas, MGA Consulting Services spoke to Hispanic Heritage Month.

Mayor Klein read a proclamation in honor of Hispanic Heritage Month.

D [22-0906](#) National Library Card Sign-Up Month

Mayor Klein read a proclamation in honor of National Library Card Sign-Up Month.

Library and Recreation Services Director Michelle Perera spoke to the proclamation.

ORAL COMMUNICATIONS

Councilmember Melton announced the Community Events and Neighborhood Grants application deadline.

Guadalupe Rosas shared details of Service Employees International Union (SEIU) City employees and support for a memorandum of understanding that matches the salary increases provided to Sunnyvale Employee Association (SEA) employees.

Steve Scandalis indicated a desire to pull two agenda items from the Consent Calendar.

Betty King voiced support for SEIU employees receiving the same benefits as SEA employees.

Ilkay indicated a desire to speak on the grade crossings agenda item.

Cassandra Espinosa communicated support for SEIU employees receiving the same benefits as SEA employees.

Stephen Meier spoke to Hispanic Heritage month and requested a status update on Study Issue DPW 18-11 Analysis of Sunnyvale Golf Program.

CONSENT CALENDAR

Public Comment opened at 7:51 p.m.

Steve Scandalis requested agenda items 1.C and 1.I be pulled from the Consent Calendar.

Public Comment closed at 7:52 p.m.

MOTION: Councilmember Melton moved and Councilmember Spitaleri seconded the motion to approve agenda items 1.A, 1.B through 1.H, and 1.J.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Spitaleri

No: 0

Absent: 1 - Councilmember Din

1.A [22-0112](#) Approve City Council Meeting Minutes of August 9, 2022

Approve the City Council Meeting Minutes of August 9, 2022 as submitted.

1.B [22-0574](#) Approve City Council Meeting Minutes of August 16, 2022
(Board and Commission Interviews | Consider Development
Agreement and Special Development Permit)

Approve the City Council Meeting Minutes of August 16, 2022 as submitted.

1.C [22-0158](#) Approve City Council Meeting Minutes of August 22, 2022
(Consider Canceling Council District 1 Election)

Public Hearing opened at 7:53 p.m.

Steve Scandalis requested the City include summaries of written public comments in meeting minutes and attach written public comments to the related agenda item.

Public Hearing closed at 7:56 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve City Council Meeting Minutes of August 22, 2022 as submitted.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Spitaleri

No: 0

Absent: 1 - Councilmember Din

- 1.D** [22-0185](#) 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** [22-0681](#) Receive and File the City of Sunnyvale Investment Report - Second Quarter 2022

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

- 1.F** [22-0719](#) Adopt a Resolution to Summarily Vacate Slope Easement at 1100 North Mathilda Avenue

Adopt a Resolution to summarily vacate the 15-foot-wide slope easement at 1100 North Mathilda Avenue; and authorize and direct the City Clerk to record a certified copy of the Resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

- 1.G** [22-0577](#) Designate a Voting Delegate and Alternate for the 2022 League of California Cities Annual Conference

Approve the Mayor's nomination of himself as the Voting Delegate and Councilmember Russ Melton as Alternate.

- 1.H** [22-0813](#) Appoint Jean Cohen, Brian Murphy, Mrinalini Vittal and Theresa Woo to the NOVA Workforce Board

Appoint Jean Cohen, Brian Murphy, Mrinalini Vittal and Theresa Woo to the NOVA Workforce Board.

- 1.I** [22-0839](#) 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

Public Hearing opened at 7:59 p.m.

Steve Scandalis spoke in support of the City transitioning to hybrid in-person/virtual public meetings.

Public Hearing closed at 8:02 p.m.

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to affirm Resolution 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 COVID19 State of Emergency:

1. The City Council hereby finds that the state of emergency conditions related to COVID-19, as set forth in Resolution No. 1139-22 adopted on August 9, 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 COVID-19 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.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Spitaleri

No: 0

Absent: 1 - Councilmember Din

- 1.J [22-0884](#) Adopt Ordinance No. 3197-22 to Approve and Adopt a Development Agreement between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC, and the City of Sunnyvale for the development of property identified by assessor's parcel numbers 209-28-008 and 209-28-052 and commonly known as 355 W. Olive Avenue and 480 S. Mathilda Avenue.

Adopt Ordinance No. 3197-22 to approve and adopt a Development Agreement

between Gary Thon Lon Hon/Nicole Yin Hon and Edward H. Leone Jr., LLC, and the City of Sunnyvale for the development of property identified by assessor's parcel numbers 209-28-008 and 209-28-052 and respectively known as 355 W. Olive Avenue and 480 S. Mathilda Avenue.

ADJOURNMENT TO REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY

Mayor Klein adjourned the Council meeting to the Sunnyvale Financing Authority at 8:07 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 August 9, 2022.

Authority Chair Klein called the Sunnyvale Financing Authority meeting to order at 8:07 p.m. via teleconference.

Roll Call

Present: 6 - Authority Chair Larry Klein
Authority Vice Chair Alysa Cisneros
Authority Member Gustav Larsson
Authority Member Glenn Hendricks
Authority Member Russ Melton
Authority Member Anthony (Tony) Spitaleri

Absent: 1 - Authority Member Omar Din

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

Oral Communications

No speakers.

Consent Calendar

Public Comment opened at 8:09 p.m.

No speakers.

Public Comment closed at 8:09 p.m.

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

The motion carried with the following vote:

Yes: 6 - Authority Chair Klein
Authority Vice Chair Cisneros
Authority Member Larsson
Authority Member Hendricks
Authority Member Melton
Authority Member Spitaleri

Absent: 1 - Authority Member Din

2.A [22-0840](#) Approve Sunnyvale Financing Authority Meeting Minutes of August 9, 2022

Approve the Sunnyvale Financing Authority Meeting Minutes of August 9, 2022 as submitted.

2.B [22-0841](#) 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 1105-22FA; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the Financing Authority during the COVID-19 State of Emergency:

1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1139-22 adopted on August 9, 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 COVID-19 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 8:10 p.m.

RECONVENE TO CITY COUNCIL MEETING

Mayor Klein reconvened the City Council Meeting at 8:10 p.m.

PUBLIC HEARINGS/GENERAL BUSINESS

- 3 [22-0041](#) Selection of the Mary Avenue Underpass with Jughandle Option and the Sunnyvale Avenue Underpass Tunnel Option to be Defined as the Proposed Projects for the Grade Separation of Crossings of the Caltrain Railroad Tracks for the Environmental Review

Vice Mayor Cisneros stated she rents an apartment in a complex located within 1,000 feet of the Sunnyvale Avenue Grade Separation and is awaiting an advice letter from the Fair Political Practices Commission determining if it would be appropriate for her to participate in that portion of the agenda item and left the meeting at 8:18 p.m.

MOTION: Mayor Klein moved and Councilmember Melton seconded the motion to continue the Sunnyvale Avenue Grade Separation portion of the agenda item to the September 27, 2022 Council meeting.

Public Hearing opened at 8:28 p.m.

Bryce Beagle communicated support for continuing the Sunnyvale Avenue Grade Separation portion of the agenda item until the all Councilmembers are able to attend.

John Schmidt spoke in support of continuing the Sunnyvale Avenue Grade Separation portion of the agenda item.

Stephen Meier shared concerns about Councilmembers recusing themselves from the grade separation decisions.

Richard Mehlinger spoke in support of continuing this portion of the agenda item to

a date where all of Council can attend.

Jason Feinsmith voiced support for continuing the Sunnyvale Avenue Grade Separation portion of the agenda item.

Daniel Howard spoke to separating the grade crossing into two agenda items and continue the Sunnyvale Avenue Grade Separation portion of the agenda item.

Mike Johnson, Executive Director, Sunnyvale Downtown Association shared the importance of the decision and support for continuing the Sunnyvale Avenue Grade Separation portion of the agenda item.

Ari Feinsmith communicated support for continuing the Sunnyvale Avenue Grade Separation portion of the agenda item.

Public Hearing closed at 8:36 p.m.

The motion carried with the following vote:

Yes: 5 - Mayor Klein
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Spitaleri

No: 0

Absent: 1 - Councilmember Din

Recused: 1 - Vice Mayor Cisneros

Vice Mayor Cisneros returned to the meeting at 8:52 p.m.

Principal Transportation Engineer/Planner Angela Obeso provided the staff report and presentation.

Public Hearing opened at 9:43 p.m.

Sharlene Liu, Bike Sunnyvale, provided a presentation addressing the Mary Avenue Grade Separation.

Kelly Carpenter, Bike Sunnyvale, provided a presentation addressing the Mary Avenue Grade Separation.

Bryce Beagle provided a presentation on the Mary Avenue Grade Separation.

Joe McKenna, President, Golden West Collision Center, communicated concerns regarding the impact of the project on his business.

Adina Levin, Friends of Caltrain spoke on the project and shared support for Bike Sunnyvale's recommendations for the Mary Avenue Grade Separation.

Ari Feinsmith, Bike Sunnyvale, spoke in support of bicycle infrastructure, pedestrian crosswalks and the jughandle option.

Ellory Liu voiced support for keeping pedestrian and bicycle safety in mind.

Nick Brosnahan requested the project include more safety infrastructure for bicyclists and pedestrians.

Richard Mehlinger communicated support for additional safety infrastructure for the bicyclist and pedestrian experience.

Jen shared support for Alternative 2; the Mary Avenue Underpass with Jughandle option.

Public Hearing closed at 10:09 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 2: Selection of the Mary Avenue Underpass with Jughandle option to be defined as the Proposed Project for the grade separation of the Mary Avenue crossing of the Caltrain railroad tracks for the Environmental Review.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Spitaleri

No: 0

Absent: 1 - Councilmember Din

- 4 [22-0043](#) Appoint Applicants to the Arts Commission, Board of Building Code Appeals and Heritage Preservation Commission

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 10:31 p.m.

No speakers.

Public Hearing closed at 10:32 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 2: Postpone appointments to the Board of Building Code Appeals until the City Council considers the Council Subcommittee on Boards and Commission's recommendation to disband the Board of Building Code Appeals and appoint qualified applicants to the remaining boards and commissions as determined by the Council.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Spitaleri

No: 0

Absent: 1 - Councilmember Din

City Clerk David Carnahan conducted random order roll call votes, tallied the votes and reported the results as follows:

Arts Commission (1 vacancy)

Divya Gundurao (only preference)

Vote: 1-0-5 (Abstentions by Mayor Klein, Vice Mayor Cisneros, Councilmembers Larsson, Hendricks and Spitaleri; Councilmember Din absent)

Edna Aphek (1st preference)

Vote: 1-0-5 (Abstentions by Vice Mayor Cisneros, Councilmembers Larsson, Hendricks, Melton and Spitaleri; Councilmember Din absent)

Molly Kauffman (only preference)

Vote: 5-0-1 (Abstention by Councilmember Hendricks; Councilmember Din absent)

Richard Walrod (only preference)

Vote: 1-0-5 (Abstentions by Mayor Klein, Councilmembers Larsson, Hendricks, Melton and Spitaleri; Councilmember Din absent)

Molly Kauffman was appointed to the Arts Commission to serve the term expiring 6/30/2026.

Heritage Preservation Commission (2 Vacancies)

Edna Aphek (2nd preference)

Vote: 3-0-3 (Abstentions by Vice Mayor Cisneros, Councilmembers Larsson and Hendricks; Councilmember Din absent)

Sue-Ellen Johnson (only preference)

Vote: 3-0-3 (Abstentions by Vice Mayor Cisneros, Councilmembers Hendricks and Spitaleri; Councilmember Din absent)

No appointments were made to the Heritage Preservation Commission.

Council took a recess at 10:39 p.m. and reconvened at 10:42 p.m. with all Councilmembers present via teleconference.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Melton addressed earlier public comments related to Study Issue DPW 18-11 Analysis of Sunnyvale Golf Program.

-City Manager

City Manager Kent Steffens announced the Silicon Valley Business Journal selected the Sunnyvale Civic Center for the Project of the Year award.

INFORMATION ONLY REPORTS/ITEMS

- [22-0747](#) Tentative Council Meeting Agenda Calendar
- [22-0748](#) Board/Commission Meeting Minutes
- [22-0792](#) Information/Action Items
- [22-0809](#) Boards and Commissions Semi-Annual Attendance Report,
January to June 2022 (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:49 p.m.