



City of Sunnyvale

Meeting Minutes City Council

Tuesday, January 24, 2023

6:00 PM

Online and Council Chambers, City Hall,
456 W. Olive Ave., Sunnyvale, CA 94086
(607 All America Way for map directions)

Special Meeting: Study Session - 6 PM | Regular Meeting - 7 PM

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

Call to Order

Pursuant to Government Code Subdivision 54953(e), Councilmembers had the opportunity to participate in the meeting telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on January 10, 2023.

Vice Mayor Din called the meeting to order at 6:01 p.m.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Omar Din
Councilmember Russ Melton
Councilmember Alysa Cisneros
Councilmember Richard Mehlinger
Councilmember Murali Srinivasan
Councilmember Linda Sell

Mayor Klein attended the meeting via teleconference.

Study Session

A [23-0082](#) Corporation Yard Master Plan

Assistant City Engineer Nate Scribner and Public Works Director Chip Taylor provided the staff report and presentation.

Public Comment opened at 6:47 p.m.

Tara Martin-Milius spoke in support for the Corporation Yard Master Plan to incorporate infrastructure and development to limit greenhouse gas emissions.

Kristel Wickham communicated suggestions to develop facilities that support renewable energy usage and battery storage.

Public Comment closed at 6:52 p.m.

Adjourn Special Meeting

Vice Mayor Din adjourned the meeting at 6:52 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Government Code Subdivision 54953(e), Councilmembers had the opportunity to participate in the meeting telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on January 10, 2023.

Vice Mayor Din called the meeting to order at 7:01 p.m.

SALUTE TO THE FLAG

Vice Mayor Din led the salute to the United States flag.

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Omar Din
Councilmember Russ Melton
Councilmember Alysa Cisneros
Councilmember Richard Mehlinger
Councilmember Murali Srinivasan
Councilmember Linda Sell

Mayor Klein attended the meeting via teleconference.

SPECIAL ORDER OF THE DAY

B [23-0239](#) Slavery and Human Trafficking Prevention Month

Vice Mayor Din spoke in recognition of Slavery and Human Trafficking Prevention Month.

ORAL COMMUNICATIONS

Councilmember Cisneros announced details of the current recruitment for various Boards and Commissions.

Rani Fischer, Santa Clara Valley Audubon Society, provided a presentation on problems associated with light pollution.

CONSENT CALENDAR

Mayor Klein shared a statement regarding agenda item 1.K regarding conversations that took place between Councilmembers following the January 10, 2023 Council consideration of the item.

Public Comment opened at 7:11 p.m.

No speakers.

Public Comment closed at 7:11 p.m.

Mayor Klein registered a recusal for agenda item 1.K due to a conflict of interest – owning real property within 500 feet of the Downtown Specific Plan area.

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

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

1.A [23-0017](#) Approve City Council Meeting Minutes of January 3, 2023

Approve the City Council Meeting Minutes of January 3, 2023 as submitted.

1.B [23-0032](#) Approve City Council Meeting Minutes of January 10, 2023

Approve the City Council Meeting Minutes of January 10, 2023 as submitted.

1.C [23-0018](#) 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 [23-0140](#) Adopt a Resolution Amending the Classification Plan and the City's Salary Resolution to Change the Classification Titles for Recycled Water Coordinator and Superintendent of Facilities Maintenance, Make Corresponding Title Changes in the Schedule of Pay, and Increase the Salary of the Recycled Water Classification

Adopt a Resolution amending the Classification Plan and the City's Salary Resolution to change the Classification Titles for Recycled Water Coordinator and Superintendent of Facilities Maintenance, make corresponding Title changes in the Schedule of Pay, and increase the Salary of the Recycled Water Classification.

1.E [23-0143](#) Authorize the City Manager to Execute a Grant Agreement with Second Harvest of Silicon Valley from Council Set Aside Funds and Approve Budget Modification No.11 in the Amount of \$47,569.86

Authorize the City Manager to execute a Grant Agreement, in a form acceptable to the City Attorney, with Second Harvest of Silicon Valley from Council Set Aside Funds for repayment of a 1992 Community Development Block Grant loan and approve Budget Modification No. 11 in the amount of \$47,569.86.

1.F [23-0129](#) Amend an Existing Contract with Ascent Environmental Inc. for Professional Services Assistance for the Preparation of the City of Sunnyvale's Housing Element for 2023-2031 (6th RHNA Cycle) (F21-112)

Take the following actions:

- Authorize the City Manager to execute a Second Amendment, in substantially the same form as Attachment 2 to the report, to an existing contract with Ascent Environmental Inc., increasing the not-to-exceed amount by \$52,950 for a new not-to-exceed total amount of \$292,930; and
- Authorize the City Manager to amend the agreement to increase the scope of work or total not-to-exceed amount, subject to available budget, provided pricing and

services remain acceptable to the City.

- 1.G** [23-0128](#) Award of Contract to Solitude Lake Management LLC. DBA Aquatic Environments for On-Call Maintenance of Vegetation for the Water Pollution Control Plant Ponds (F23-09)

Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in an amount not-to-exceed \$419,916 to Solitude Lake Management LLC., dba Aquatic Environments, of Benicia;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% contingency in the amount of \$41,991.

- 1.H** [23-0204](#) Amend a Purchase Order for Twelve (12) Interceptor Service Vehicles for the Department of Public Safety (F22-144)

Authorize the City Manager to amend a Purchase Order to add \$109,538.76 for twelve (12) Interceptor Service Vehicles from National Auto Fleet Group (F22-144) for a total amount not-to-exceed \$685,436.64.

- 1.I** [23-0150](#) Approve 2023 Board and Commission Annual Work Plans
Approve the 2023 Work Plans as submitted.

- 1.J** [23-0202](#) Authorize the City Manager to Execute a Settlement Agreement in the Amount of \$800,000 with the the City of San José Related to a Claim Regarding the Rancho Rinconada Sewer Service Area in San José and Approve Budget Modification No. 12 in the Amount of \$800,000

Authorize the City Manager to execute a Settlement Agreement in the amount of \$800,000 with the City of San José Related to a Claim regarding the Rancho Rinconada Sewer Service Area in San José and approve Budget Modification No. 12 in the amount of \$25,000.

- 1.K** [23-0233](#) Motion to Rescind Actions Taken Regarding Amendments to the Downtown Specific Plan and the Land Use and Transportation Chapter of the General Plan and Other Actions Related to Block 20 of the Downtown Specific Plan

MOTION: Councilmember Melton moved and Councilmember Cisneros seconded the motion to rescind the City Council action of January 10, 2023 regarding the

acceptance of an Addendum to the 2020 Downtown Specific Plan Environmental Impact Report, adoption of a Resolution to amend the General Plan and Downtown Specific Plan (DSP), approve the DSP Amendments for Block 20, and adopt a Resolution to amend Figure 3-2 in the Land Use and Transportation Element of the General Plan.

The motion carried with the following vote:

Yes: 6 - Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

Recused: 1 - Mayor Klein

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [23-0127](#) Annual Public Hearing-Discussion of Potential Council Study Issues and Budget Proposals for Calendar Year 2023

Senior Management Analyst Michelle Zahraie provided the staff report and presentation.

Public Hearing opened at 7:24 p.m.

Melinda Hamilton spoke to Study Issue DPW 22-07 (Evaluate a Range of Options for On Demand Shuttle Service Including Technology Options, Availability of Electric Shuttles, and Potential Funding Sources) and addressed the lack of transportation options for commuting North Sunnyvale residents.

Bridget Watson communicated support for OCM 23-01 (Evaluate Funding a Full-time Position to Address Homeless Concerns in the City of Sunnyvale) and shared their concerns regarding the current unhoused shelters available for children in Sunnyvale.

Naomi Nakano-Matsumoto spoke in support of OCM 23-01 and DPW 22-07.

Anya Gajula shared support for FIN 22-01 (Explore a General Election Ballot Measure to Fund Bicycle and Pedestrian Infrastructure Projects) and DPW 21-01

(Bike Lanes on Hollenbeck Avenue between El Camino Real and Homestead Road).

Meena Juttukonda communicated their concerns on the dangerous transportation options students and residents face when commuting and support for study issues that address these issues.

Peggy Brewster, Founder, Sunnyvale Equity Education, spoke to the need for more safe and reliable transportation for students commuting to school and support for DPW 22-07.

Johnathan Blum, Bike Sunnyvale, communicated opposition to DPW 23-01 (Analyze the Addition of a Second Southbound Right Turn Lane at the Bernardo Avenue and Fremont Avenue Intersection) as drafted and support for DPW 21-01.

Rani Fischer, Environmental Advocacy Assistant, Santa Clara Valley Audubon Society, proposed a new study issue to explore limiting light pollution in Sunnyvale.

Sharlene Liu, Bike Sunnyvale, provided a presentation supporting DPW 21-01.

Nick Brosnahan spoke in support of DPW 21-01 and in opposition to DPW 23-01.

Angela Hixson communicated support for DPW 22-07 and shared safety concerns and long commutes facing students traveling to high school.

Isabel Jubes-Flamerich spoke in support for OCM 23-01, highlighting issues facing unhoused youth students.

Eilean Le, Sunnyvale Education Foundation, spoke in support of DPW 22-07 and other study issues that explore transportation options for students.

Jennifer Lavine communicated support for DPW 22-07 and the need for a greater emphasis on transportation options for students in North Sunnyvale.

Bryce Beagle spoke to concerns with DPW 23-01 and support for DPW 22-01, FIN 22-01, and DPW 23-02.

Lauren Ledbetter, Sunnyvale Equity Education, communicated support for DPW 22-07.

Martin Pyne, spoke in support of DPW 22-07, noting that it may address the need for additional transportation options for students in North Sunnyvale.

Mike Serrone spoke in support for ESD 17-01 (Eliminate the Use of Chemical Pesticide on City Owned or Leased Property) and OCM 23-01.

Kristel Wickham, Sustainability Commission Chair, provided clarification on the study issue rankings the Sustainability Commission provided to Council.

Marie Bernard, Executive Director, Sunnyvale Community Services, spoke in support of CCD 22-07 and OCM 23-01.

Angela Roche communicated support for OCM 23-01 and DPW 21-01.

Laurie, Sunnyvale Equity Education, shared their support for DPW 22-07 and concerns with the lack of transportation options for students in North Sunnyvale commuting to Fremont High School.

Steve Scandalis communicated their thoughts on the proposed study issues and advocated for a study issue on exploring how Sunnyvale prepares public meeting minutes and how personal messaging is displayed during public meetings.

Public Hearing closed at 8:26 p.m.

Councilmember Srinivasan proposed a study issue to evaluate a range of options for shuttle service for Fremont and Homestead High School students who live in North Sunnyvale. Councilmember Cisneros suggested including alternative transportation options. Councilmember Srinivasan accepted the suggestion. Mayor Klein, Vice Mayor Din, and Councilmembers Melton, Cisneros, Mehlinger and Sell co-sponsored the study issue.

Councilmember Srinivasan proposed a study issue to evaluate a single mobile application to replace the City's current separate applications that is a framework for all functionality for residents to use to communicate, track, and transact with the City. Mayor Klein, Vice Mayor Din, and Councilmembers Melton, Cisneros, Mehlinger and Sell co-sponsored the study issue.

Councilmember Cisneros proposed a study issue to evaluate existing and potential

emergency housing and shelter opportunities for families with minor children experiencing homelessness in order to provide safe, private lodging for families year-round. Mayor Klein, Vice Mayor Din, and Councilmembers Mehlinger and Sell co-sponsored the study issue.

Councilmember Mehlinger proposed a study issue to evaluate the feasibility of an ordinance to ban the use of gas-powered leaf blowers and other small two-stroke motors within the City of Sunnyvale. Mayor Klein, Vice Mayor Din, and Councilmembers Cisneros, Srinivasan and Sell co-sponsored the study issue.

Councilmember Mehlinger sponsored a budget proposal to allocate \$60,000 to the Department of Public Works to contract with an outside engineering firm to conduct investigations into the next three collisions in Sunnyvale involving a motor vehicle in which a cyclist or pedestrian is seriously injured or killed. Mayor Klein, Vice Mayor Din, and Councilmembers Cisneros, Srinivasan and Sell co-sponsored the budget proposal.

Councilmember Sell proposed a study issue to define bicycle and walking safety metrics to evaluate the City's progress on bicycle and pedestrian infrastructure for future reporting. Mayor Klein, Vice Mayor Din, and Councilmembers Melton, Cisneros, Mehlinger and Srinivasan co-sponsored the study issue.

Councilmember Melton sponsored a budget proposal to increase service levels for Neighborhood Preservation to enforce Sunnyvale's Short-Term Rental Ordinance. Mayor Klein, Vice Mayor Din, and Councilmembers Cisneros, Srinivasan and Sell co-sponsored the budget proposal.

Council took a recess at 8:42 p.m. and returned at 8:51 p.m. with Vice Mayor Din and Councilmembers Melton, Cisneros, Mehlinger, Srinivasan and Sell present in the Council Chambers and Mayor Klein present via teleconference.

- 3 [23-0146](#) Approve the Non-Residential Housing Mitigation Fee Nexus Study and Adopt a Resolution Amending the Housing Impact Fee for Non-Residential Development (Study Issue) and Find the Actions are Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378 (b)(4)

Housing Officer Jenny Carloni and Stephanie Hager, Principal, BAE Urban Economics provided the staff report and presentation.

Public Hearing opened at 9:35 p.m.

Mason Fong communicated options to be consider adding to the motion and general support for passing the staff recommendation.

Public Hearing closed at 9:39 p.m.

MOTION: Councilmember Cisneros moved and Councilmember Melton seconded the motion to approve Alternatives 1 and 3: (1) Approve the Non-Residential Housing Mitigation Fee Nexus Study; and (3) Adopt a Resolution amending the Housing Impact Fee for Non-Residential Development for Office/R&D Development to increase the Fee to \$11 per square foot for the first 25,000 square feet and \$22 per square foot for all remaining square feet, adjusted annually for inflation, with no changes to the Fee Schedule for Retail, Lodging, and Industrial and find the Actions (Alternatives 1 and 3) are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (b)(4).

FRIENDLY AMENDMENT: Councilmember Mehlinger offered a friendly amendment to increase the Non-Residential Development for Office/R&D Development Fee to \$11.50 per square foot for the first 25,000 square feet and \$23 per square foot for all remaining square feet.

Councilmember Cisneros accepted and Councilmember Melton declined to accept the friendly amendment.

MOTION TO AMEND: Councilmember Mehlinger moved and Vice Mayor Din seconded the motion to increase the Non-Residential Development for Office/R&D Development Fee to \$11.50 per square foot for the first 25,000 square feet and \$23 per square foot for all remaining square feet.

The motion to amend failed with the following vote:

Yes: 2 - Vice Mayor Din
Councilmember Mehlinger

No: 5 - Mayor Klein
Councilmember Melton
Councilmember Cisneros
Councilmember Srinivasan
Councilmember Sell

MOTION RESTATED: Councilmember Cisneros moved and Councilmember Melton seconded the motion to approve Alternatives 1 and 3: (1) Approve the Non-Residential Housing Mitigation Fee Nexus Study; and (3) Adopt a Resolution amending the Housing Impact Fee for Non-Residential Development for Office/R&D Development to increase the Fee to \$11 per square foot for the first 25,000 square feet and \$22 per square foot for all remaining square feet, adjusted annually for inflation, with no changes to the Fee Schedule for Retail, Lodging, and Industrial and find the Actions (Alternatives 1 and 3) are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (b) (4).

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

4 [23-0020](#) Approve Calendar Year 2023 Community Events and
Neighborhood Grant Program Applications

Youth and Family Resources Manager Angela Chan provided the staff report and presentation.

Public Hearing opened at 10:03 p.m.

No speakers.

Public Hearing closed at 10:04 p.m.

MOTION: Councilmember Srinivasan moved and Councilmember Melton seconded the motion to approve Alternative 1: Approve Calendar Year 2023 Community Events and Neighborhood Grant Program Applications.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

5 [23-0158](#) Approve the Proposed 2023 Priority Advocacy Issues and
Review Long-term Legislative Advocacy Positions (LAPs)

Senior Management Analyst Michelle Zahraie provided the staff report and presentation.

Public Hearing opened at 10:39 p.m.

No speakers.

Public Hearing closed at 10:39 p.m.

MOTION: Councilmember Melton moved and Mayor Klein seconded the motion to approve Alternative 1: Approve the Proposed 2023 Priority Advocacy Issues (Attachment 1 to the report) and Council Policy Long-term Advocacy Positions as proposed to be amended (Attachment 2 in the report).

FORMAL AMENDMENT: Councilmember Mehlinger moved and Councilmember Cisneros seconded the motion to retain language that was to be removed from Long-term Advocacy Position – Cultural Section 6.2 Library (8) and agenized a study session regarding that language at a future date.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

FORMAL AMENDMENT: Councilmember Mehlinger moved and Councilmember Cisneros seconded the motion to amend Priority Advocacy Issue 9. Affordable Housing and Homelessness to:

- Remove the last bullet, "Strongly encourage the state government to avoid legislation and regulations that are 'one size fits all,' and removes local control from cities doing their part to accommodate new housing of all affordability levels ;"
- Add "pragmatic" before "need for local control;" and
- Add "moral" before "need to address our housing crisis."

The motion to amend failed with the following vote:

Yes: 3 - Vice Mayor Din
Councilmember Cisneros
Councilmember Mehlinger

No: 4 - Mayor Klein
Councilmember Melton
Councilmember Srinivasan
Councilmember Sell

MOTION AS AMENDED: Councilmember Melton moved and Mayor Klein seconded the motion to approve Alternative 1: Approve the Proposed 2023 Priority Advocacy Issues (Attachment 1 to the report) and Council Policy Long-term Advocacy Positions as proposed to be amended (Attachment 2 in the report), with the following modification, retain language that was to be removed from Long-term Advocacy Position – Cultural Section 6.2 Library (8) and agenized a study session regarding that language at a future date.

The motion as amended carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

MOTION TO ADJOURN: Councilmember Melton moved and Mayor Klein seconded the motion to adjourn the meeting.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Agenda item not heard by Council.

NON-AGENDA ITEMS & COMMENTS

-Council

Agenda item not heard by Council.

-City Manager

Agenda item not heard by Council.

INFORMATION ONLY REPORTS/ITEMS

<u>23-0033</u>	Tentative Council Meeting Agenda Calendar
<u>23-0034</u>	Board/Commission Meeting Minutes
<u>23-0035</u>	Information/Action Items
<u>23-0126</u>	Annual Review of New Laws (Information Only)
<u>23-0040</u>	Notice of Public Works Director's Decision on Final Maps (Information Only)

[23-0194](#)

Board/Commission Resignation (Information Only)

ADJOURNMENT

Vice Mayor Din adjourned the meeting at 11:50 p.m.