



# City of Sunnyvale

## Meeting Minutes - Final City Council

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Tuesday, January 29, 2019

4:30 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meeting: Closed Session - 4:30 PM | Regular Meeting - 7 PM**

### **4:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

Vice Mayor Melton announced the Closed Session items and invited any members of the public to give Public Comment.

#### **1 Call to Order in the West Conference Room**

Vice Mayor Melton called the meeting to order at 4:30 p.m.

#### **2 Roll Call**

**Present:** 7 - Mayor Larry Klein  
Vice Mayor Russ Melton  
Councilmember Gustav Larsson  
Councilmember Glenn Hendricks  
Councilmember Nancy Smith  
Councilmember Michael S. Goldman  
Councilmember Mason Fong

Councilmember Smith arrived at 4:32 p.m.

#### **3 Public Comment**

None.

#### **4 Convene to Closed Session**

[19-0184](#)

Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Related to Notice of California Voting Rights Act Violation by Samir Kalra, Galen

Kim Davis, Kathy Higuchi, and Bowman Ching

[19-0063](#)

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Kent Steffens, City Manager; Tina Murphy, Director of Human Resources  
Employee organization: Sunnyvale Managers Association (SMA)  
Employee organization: Sunnyvale Employee Association (SEA)/IFPTE Local 21

### **5 Adjourn Special Meeting**

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

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Mayor Klein called the meeting to order.

#### **SALUTE TO THE FLAG**

Mayor Klein lead the Salute to the Flag.

#### **ROLL CALL**

**Present:** 7 - Mayor Larry Klein  
Vice Mayor Russ Melton  
Councilmember Gustav Larsson  
Councilmember Glenn Hendricks  
Councilmember Nancy Smith  
Councilmember Michael S. Goldman  
Councilmember Mason Fong

#### **CLOSED SESSION REPORT**

Vice Mayor Melton reported that the Council met in Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Related to Notice of California Voting Rights Act Violation by Samir Kalra, Galen Kim Davis, Kathy Higuchi, and Bowman Ching; nothing to report.

Vice Mayor Melton reported that the Council met in Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency designated representatives: Kent Steffens, City Manager; Tina Murphy, Director of Human Resources Employee organization: Sunnyvale Managers Association (SMA) Employee organization: Sunnyvale Employee Association (SEA)/IFPTE Local 21; nothing to report.

### **SPECIAL ORDER OF THE DAY**

[19-0154](#) SPECIAL ORDER OF THE DAY - Recognition of Outgoing Mayor

Mayor Klein spoke in recognition of Councilmember Hendricks for his service as Mayor and presented him with a plaque. Councilmember Hendricks provided remarks.

[19-0155](#) SPECIAL ORDER OF THE DAY - National Slavery and Human Trafficking Prevention Month

Mayor Klein proclaimed National Slavery and Human Trafficking Prevention Month and read the proclamation into the record.

### **ORAL COMMUNICATIONS**

Mayor Klein announced two upcoming open house events regarding the California Voting Rights Act and Sunnyvale elections.

Deborah Marks spoke about camphor trees on the Civic Center campus and provided a slide presentation.

Roy Woolsey spoke about the city's building permit process for small housing repairs.

Maria Hamilton addressed the development at 669 and 671 Old San Francisco Road.

Steve Scandalis spoke about transparency with Closed Session reports and requested that more information be reported out.

Richard Mehlinger, speaking on his behalf, thanked Councilmember Hendricks for his three years of service as Mayor and spoke about signage for bicycle routes and wayfinding through city streets. Mr. Mehlinger requested conducting a study issue

on bicycle parking.

### **CONSENT CALENDAR**

Vice Mayor Melton moved and Councilmember Smith seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes: 7 -** Mayor Klein  
Vice Mayor Melton  
Councilmember Larsson  
Councilmember Hendricks  
Councilmember Smith  
Councilmember Goldman  
Councilmember Fong

**No: 0**

- 1.A**     [19-0142](#)     Approve City Council Meeting Minutes January 8, 2019
- 1.B**     [19-0058](#)     Approve City Council Meeting Minutes January 15, 2019
- 1.C**     [19-0024](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager
- 1.D**     [19-0016](#)     Authorize the Issuance of a Blanket Purchase Order for Fire Hoses to L.N. Curtis & Sons, Inc. (F19-102)
- 1.E**     [18-1125](#)     Award of Bid No. PW19-05 to Spencon Construction, Inc. for Concrete Sidewalk, Curb, Gutter and Driveway Approaches 2018 Project and Finding of California Environmental Quality Act (CEQA) Categorical Exemption
- 1.F**     [18-1076](#)     Award of Bid No. PW19-07 for the Fair Oaks Avenue Bikeway and Streetscape Re-Bid to JJR Construction, Inc, Determination of Bid Non-responsiveness and Waiver of Minor Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 15 in the amount of \$131,666
- 1.G**     [19-0146](#)     Ratify Appointments of Councilmembers Made by Outside Agencies; Re-Ratify Appointment to Valley Transportation

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Authority (VTA) Policy Advisory Board and Cities Association  
of Santa Clara County (CASCC) Executive Board

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2      [18-0751](#)      Proposed Project:      Appeal by the Applicant of a decision by the Planning Commission to deny:  
PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT:  
to consider a high school for 400 students (Summit School).  
The project includes interior and exterior improvements of an existing industrial building for an educational use, the installation of a tri-level mechanical lift parking structure in the rear serving 22 parking spaces, and a request for adjustment to the minimum parking requirements.  
Location: 824 San Aleso Avenue (APN: 204-02-006)  
File #: 2017-7986  
Zoning: PPSP-NT - Peery Park Specific Plan - Neighborhood Transition  
Applicant / Owner: Artik Art & Architecture (applicant) / 824 San Aleso, LLC (owner)  
Environmental Review: The project is exempt from additional CEQA review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.  
Project Planner: Momoko Ishijima, (408) 730-7532, [mishijima@sunnyvale.ca.gov](mailto:mishijima@sunnyvale.ca.gov)

Vice Mayor Melton reported he met with Summit School representative Kate Godfordson at City Hall.

Assistant Director of Community Development Andrew Miner provided the staff report and slide presentation.

Executive Director of Summit School Denali Kevin Bock provided the applicant's proposal and slide presentation. Attorney Bryan Wenter from Miller, Starr, Regalia provided testimony regarding the applicant's appeal.

Public Hearing opened at 8:32 p.m.

Zachary Kaufman spoke about the appeal time of two Sunnyvale projects.

The following people spoke in support of the Summit Denali project:

Steven Johnson

Sue Johnson

William Torberg and played a video

Jake Walczak

Natalie and Jacob Gaylord

Tasmin Hickler

Kassidy Toralba

Michelle Cudzinovic

Heather Chen

Uuve Taylor

James Begole

James Chen

Rocio Barrera

Lori Cunningham

Katy Berg

Steve Scandalis suggested partnering with Kings Academy for educational space, urged the Council to look at the deficiency of parking spaces and suggested reducing the student count or looking at alternatives for parking like offsite parking and the use of shuttles.

The following people spoke in favor of the staff recommendation:

Ann Davis

Tewfik Mourad

Sharon McKnight

Valerie Soares

Dwight Davis

Appellant Attorney Bryan Wenter provided closing arguments.

Public Hearing closed at 10:11 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Goldman seconded to continue this item and have staff and the applicant work together to create a solution that will impose penalties for inappropriate parking and to define the appropriate thresholds.

AMENDED MOTION: Councilmember Hendricks amended the motion to continue this item to a date certain of April 23, 2019, and include direction to staff to use the correct mechanisms to limit the discussion to just new information being brought forward.

RESTATED MOTION: Councilmember Hendricks moved and Councilmember Goldman seconded to continue this item and have staff and the applicant work together to create a solution that will impose penalties for inappropriate parking and to define the appropriate thresholds.

FRIENDLY AMENDMENT: Mayor Klein offered a friendly amendment to include looking at renewal at a staff level after three years. Councilmembers Hendricks and Goldman accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to extend the renewal to five years. Councilmembers Hendricks and Goldman accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to include a parking requirement by securing another offsite parking facility and coordinating a shuttle service as needed. Councilmembers Hendricks did not accept the friendly amendment.

SUBSTITUTE MOTION: Vice Mayor Melton moved and Councilmember Fong seconded approval of the use permit with two conditions: 1) use permit valid for five years with review for Director of Community Development to determine if they've satisfied the parking requirements and that the Director has the authority to extend the life of the use permit at that point; and 2) applicant will come up with a certain amount of parking offsite within one mile of the project site with enough parking spaces to remove the mechanical parking structure.

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to include Attachment 4 and put a condition of approval for the 18 parking spaces to be available to the public on non-essential hour usage and the liability to remain the responsibility of the property owner. Vice Mayor Melton accepted the friendly amendment.

The amended substitute motion failed by the following vote:

- Yes:** 2 - Vice Mayor Melton  
Councilmember Fong
- No:** 5 - Mayor Klein  
Councilmember Larsson  
Councilmember Hendricks  
Councilmember Smith  
Councilmember Goldman

RESTATED MAIN MOTION: Councilmember Hendricks moved and Councilmember Goldman seconded to continue to April 23; include a provision that the use permit would expire after five years unless renewed by staff; and direct staff to come back to the Council with additional conditions of approval for Council consideration and a future vote.

The main motion carried by the following vote:

- Yes:** 6 - Mayor Klein  
Councilmember Larsson  
Councilmember Hendricks  
Councilmember Smith  
Councilmember Goldman  
Councilmember Fong
- No:** 1 - Vice Mayor Melton

The Council recessed at 10:55 p.m. and reconvened at 11:05 p.m. with all Councilmembers present.

- 3**      [18-1126](#)      Proposed Project:      Amend Sunnyvale Municipal Code Chapter 19.44 to add sign code provisions for theaters on the second floor.  
Location: Citywide  
File #: 2018-7131  
Applicant / Owner: STC Venture LLC  
Environmental Review: The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a).



Project Planner: Noren Caliva-Lepe, (408) 730-7659,  
ncaliva-lepe@sunnyvale.ca.gov

Community Development Assistant Director Andrew Miner provided the staff report and slide presentation.

Applicant Josh Rupert of Hunter/Storm provided a report and slide presentation.

The Public Hearing opened at 11:12 p.m.

No speakers.

The Public Hearing closed at 11:12 p.m.

Deputy City Clerk Michelle Radcliffe read the ordinance into the record.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded approval of Alternatives 1 and 2: Make the finding that the action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a); and introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code Attachment 5 to the report).

The motion carried by the following vote:

**Yes:** 7 - Mayor Klein  
Vice Mayor Melton  
Councilmember Larsson  
Councilmember Hendricks  
Councilmember Smith  
Councilmember Goldman  
Councilmember Fong

**No:** 0

- 4**      [19-0070](#)      Adopt a Resolution to Accept Six Grant Awards from the California Public Utilities Commission's California Advanced Services Fund (CASF), Approve Budget Modification No 17 for a total of \$313,446 and Authorize the City Manager to Execute the Required Grant Documents for Each Grant Award

Library and Community Services Director Cynthia Bojorquez provided the staff

report.

The Public Hearing opened at 11:18 p.m.

No speakers.

The Public Hearing closed at 11:18 p.m.

MOTION: Councilmember Fong moved and Councilmember Smith seconded to approve Alternative 1: Adopt a Resolution to accept six grant awards from the California Public Utilities Commission's California Advanced Services Fund (CASF) for Digital Inclusion and Literacy Training for a total of \$313,446 for six Sunnyvale School District sites, approve Budget Modification No 17 for a total of \$313,446 and authorize the City Manager to execute the required grant documents for each grant award.

The motion carried by the following vote:

**Yes: 7 -** Mayor Klein  
Vice Mayor Melton  
Councilmember Larsson  
Councilmember Hendricks  
Councilmember Smith  
Councilmember Goldman  
Councilmember Fong

**No: 0**

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

Councilmember Larsson reported that he was elected Vice Chair of the Bay Area Water Supply and Conservation Agency (BAWSCA) Board.

Councilmember Smith reported that she attended several meetings in Sacramento for the League of California Cities, she attended the Santa Clara County Water Commission meeting, and announced that PG&E filed for bankruptcy and that the Silicon Valley Clean Energy's revenues are safe.

Councilmember Melton reported that he attended a meeting of the Silicon Valley Inoperable Authority.

#### **NON-AGENDA ITEMS & COMMENTS**

**-Council**

Councilmember Melton stated he is withdrawing a budget issue for installation of a 150-foot section of sidewalk on Marion Way.

**-City Manager**

City Manager Steffens reported that the Valley Transportation Authority prevailed in its litigation with Measure B and that the City will receive the first check tomorrow.

**INFORMATION ONLY REPORTS/ITEMS**

- [19-0059](#) Tentative Council Meeting Agenda Calendar
- [19-0060](#) Information/Action Items
- [19-0061](#) Board/Commission Meeting Minutes
- [19-0177](#) Annual Review of New Laws (Information Only)

**ADJOURNMENT**

Mayor Klein adjourned the meeting at 11:25 p.m.