



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, December 6, 2022

5:30 PM

Virtual and Council Chambers, City Hall,
456 W. Olive Ave., Sunnyvale, CA 94086

**Special Meeting: Closed Session - 5:30 PM | Special Meeting: Study Session - 6 PM |
Regular Meeting - 7 PM | Special Meeting: Closed Session - 7 PM (or soon thereafter)**

5:30 P.M. SPECIAL COUNCIL MEETING (Closed 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 November 29, 2022.

Vice Mayor Cisneros called the meeting to order in the Council Chambers at 5:31 p.m.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Alysa Cisneros
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Omar Din
Councilmember Anthony (Tony) Spitaleri

Public Comment

Public Comment opened at 5:33 p.m.
No speakers.
Public Comment closed at 5:33 p.m.

Convene to Closed Session

City Council convened to closed session in the West Conference Room at 5:34 p.m.

A [22-0856](#) Closed Session Held Pursuant to California Government Code
Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Ad Hoc Committee on City Manager Compensation: Mayor Klein, Councilmember Larsson and Councilmember Melton

Unrepresented employee: City Manager

Adjourn Special Meeting

Vice Mayor Cisneros adjourned the meeting at 5:58 p.m.

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 November 29, 2022.

Vice Mayor Cisneros called the meeting to order in the Council Chambers at 6:00 p.m.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Alysa Cisneros
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Omar Din
Councilmember Anthony (Tony) Spitaleri

Study Session

B [22-0534](#) Discussion of Upcoming Selection of Vice Mayor

City Clerk David Carnahan provided the staff report.

Councilmembers Melton and Din expressed interest in becoming the Vice Mayor for 2023.

Public Comment opened at 6:09 p.m.
No speakers.

Public Comment closed at 6:09 p.m.

C [22-0515](#) Discussion of 2023 Council Intergovernmental Assignments

The Council discussed their interest in 2023 Council Intergovernmental Assignments.

Public Comment opened at 6:30 p.m.

Linda Sell expressed their interest in 2023 Council Intergovernmental Assignments.

Richard Mehlinger expressed their interest in 2023 Council Intergovernmental Assignments.

Rich Parenteau spoke in support of appointing Linda Sell to the Valley Transportation Association (VTA) Board.

Public Comment closed at 6:41 p.m.

Adjourn Special Meeting

Vice Mayor Cisneros adjourned the meeting at 6:42 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 November 29, 2022.

Mayor Klein called the meeting to order in the Council Chambers at 7:02 p.m.

SALUTE TO THE FLAG

Mayor Klein led the salute to the United States flag.

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Alysa Cisneros
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Omar Din
Councilmember Anthony (Tony) Spitaleri

CLOSED SESSION REPORT

Vice Mayor Cisneros reported that Council met in Closed Session Held Pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators Agency designated representatives: Ad Hoc Committee on City Manager Compensation: Mayor Klein, Councilmember Larsson and Councilmember Melton; Unrepresented employee: City Manager; nothing to report.

SPECIAL ORDER OF THE DAY

D [22-0098](#) Ceremonial Oath of Office for Board and Commission Members

City Clerk David Carnahan administered the Ceremonial Oath of Office to incoming Commission Members.

ORAL COMMUNICATIONS

Vice Mayor Cisneros announced details of the upcoming minimum wage increase and an upcoming Sustainability Speaker Series event.

CONSENT CALENDAR

Public Comment opened at 7:08 p.m.

No speakers.

Public Comment closed at 7:08 p.m.

MOTION: Vice Mayor Cisneros moved and Councilmember Din seconded the motion to approve agenda items 1.A through 1.E.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Din
Councilmember Spitaleri

No: 0

- 1.A** [22-0191](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

- 1.B** [22-1020](#) Receive and File the City of Sunnyvale Investment Report - Third Quarter 2022

Receive and file the City of Sunnyvale Investment Report - Third Quarter.

- 1.C** [22-1034](#) Ratify a Contract with Frederick Burton Johnson, dba Interstate Auto Sales for Automobile Broker Services (F22-169)

- Ratify a Contract with Frederick Burton Johnson, dba Interstate Auto Sales for Automobile Broker Services in an amount not-to-exceed \$800,000 in substantially the same form as Attachment 1 to the report and find the action does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a); and
- Authorize the City Manager to execute two (2) one-year renewals and amend the not-to-exceed amount, subject to available budget and if pricing and service remain acceptable to the City.

- 1.D** [22-0296](#) Award a New Contract to Infosend, Inc. for Utility Billing Services, (F22-093)

- Award a contract in substantially the same form as Attachment 1 to the report in a not-to-exceed amount of \$2,700,000 to Infosend, Inc.; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

- 1.E** [22-1038](#) Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to (1) Update Pay Rates for Casual/Temporary Classifications to Reflect the January 1,

2023 Sunnyvale Minimum Wage of \$17.95 per hour, and (2)
Increase the Councilmember and Mayor Stipend Amounts
Pursuant to City Charter Section 605

Adopt a Resolution amending the City's Salary Resolution and Schedule of Pay to (1) Update Pay Rates for Casual/Temporary Classifications to reflect the January 1, 2023 Sunnyvale Minimum Wage of \$17.95 per hour; and (2) Increase the Councilmember and Mayor stipend amounts pursuant to City Charter Section 605.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [22-0661](#) Consider Study for a Revised Cricket Stadium Proposal at Baylands Park

Assistant Director of Public Works Jennifer Ng provided the staff report and presentation.

Public Hearing opened at 7:32 p.m.

Prakash Giri spoke in support of approving the revised study for building a cricket stadium at Baylands Park.

Ganesh Prasad shared their support for moving the cricket stadium proposal forward.

Juan "Rusty" Theron, Former USA National Cricket Player, and East Bay Blazers Player and Coach, communicated support for building a cricket stadium at Baylands Park.

Stephen Meier shared various concerns with this proposal for a cricket stadium..

Biju Nair, East Bay Blazers, spoke in support of the revised study cricket stadium proposal and how it would benefit the community.

Dilip Tummala shared their support for building a local cricket stadium in Sunnyvale.

Public Hearing closed at 7:51 p.m.

MOTION: Councilmember Melton moved and Councilmember Din seconded the motion to approve Alternative 1: Proceed with the revised study only if American Cricket Enterprises agrees to share costs with the City up to \$50,000 as its share of

study costs and direct staff to revise the scope of study to reflect the revised proposal and re-advertise for consultant services.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Din
Councilmember Spitaleri

No: 0

- 3** [22-1120](#) Introduce an Ordinance Adopting Section 9.44.070 (Possession of Firearms on City Property), Section 9.44.080 (Carrying Concealed Firearms in Sensitive Places) and Section 9.44.090 (Severability) of Chapter 9.44 (Firearms) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code and Find that this Action is Exempt from the California Environmental Quality Act Under Section 15061(b) (3) of the CEQA Guidelines

City Attorney John Nagel provided the staff report.

Public Hearing opened at 8:45 p.m.

Rich Parenteau spoke in support of passing the Ordinance in a effort to limit firearms in the community.

Mike Serrone communicated support for passing the Ordinance and how laws such as this one promote a safer community environment.

Linda Sell voiced support for the Ordinance and stated it would contribute to making Sunnyvale a safer community.

Public Hearing closed at 8:52 p.m.

MOTION: Vice Mayor Cisneros moved and Councilmember Din seconded the motion to approve Alternative 1: Introduce an Ordinance (Attachment 1 to the report) and find that this action is exempt from the California Environmental Quality Act

(CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to exclude family child care homes from the Ordinance. Councilmember Vice Mayor Cisneros and Councilmember Din accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to make an exception for active military personal on duty who are performing lawful orders. Vice Mayor Cisneros and Councilmember Din accepted the friendly amendment.

City Clerk David Carnahan read the Ordinance title into the record.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Melton
Councilmember Din
Councilmember Spitaleri
No: 1 - Councilmember Hendricks

City Council took a recess at 9:10 p.m. and reconvened with all Councilmembers present at 9:21 p.m.

4 [22-1006](#) Approve City's Response to the 2022 Santa Clara County Civil Grand Jury Report Titled, "If you Only Read the Ballot, You're Being Duped"

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:33 p.m.

No speakers.

Public Hearing closed at 9:33 p.m.

MOTION: Councilmember Din moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve the City's response to the 2022 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and

authorize the Mayor to sign the response.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Cisneros
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Din
Councilmember Spitaleri

No: 0

- 5 [22-0035](#) Review the Council Policy 7.3.19 (Council Meetings) Process for City Council Colleague Memorandums to Propose new Agenda Items and Consider Amendments to the Process and/or an Extension of the Process Beyond January 1, 2023

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:44 p.m.

Richard Mehlinger spoke in support of either extending the process for additional time or making the process permanent.

Public Hearing closed at 9:45 p.m.

MOTION: Councilmember Din moved and Vice Mayor Cisneros seconded the motion to approve Alternative 3: Extend the Colleagues Memorandum process to propose new agenda items in Council Policy 7.3.19 (Council Meetings) until January 1, 2024.

The motion failed with the following vote:

Yes: 3 - Mayor Klein
Vice Mayor Cisneros
Councilmember Din

No: 4 - Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Spitaleri

MOTION: Councilmember Melton moved and Councilmember Din seconded the motion to approve Alternative 2: Amend Council Policy 7.3.19 (Council Meetings) to remove the process for City Council Colleague Memorandums to propose new agenda items.

The motion carried with the following vote:

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

No: 1 - Mayor Klein

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

Mayor Klein commented on the first in-person Council meeting since the onset of the COVID-19 Pandemic.

-City Manager

City Manager Kent Steffens reported the City offered services for several months and shelter beds to the unhousing individuals at Lakewood Park and subsequently cleared the Park. He also shared details of a COVID-19 vaccine clinic in Sunnyvale.

ADJOURNMENT TO SPECIAL MEETING (CLOSED SESSION)

Mayor Klein adjourned the Council meeting to the Special Council meeting: Closed Session at 10:11 p.m.

7 P.M. (OR SOON THEREAFTER) SPECIAL COUNCIL MEETING (CLOSED 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 November 29, 2022.

Vice Mayor Cisneros called the meeting to order at 10:11 p.m.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Alysa Cisneros
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Omar Din
Councilmember Anthony (Tony) Spitaleri

Public Comment

Public Comment opened at 10:13 p.m.

No speakers.

Public Comment closed at 10:13 p.m.

Convene to Closed Session

City Council convened to closed session in the West Conference Room at 10:15 p.m.

E [22-1111](#) CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION
Closed session held pursuant to California Government Code Section 54956.9(d)(4). Settlement of Claim Against the City of San José Related to the Rancho Rinconada Sewer Service Area in San José

Adjourn Special Meeting

Vice Mayor Cisneros adjourned the meeting at 10:31 p.m.

RECONVENE TO CITY COUNCIL MEETING

Mayor Klein reconvened the City Council Meeting at 10:31 p.m.

CLOSED SESSION REPORT

Vice Mayor Cisneros reported that Council met in Conference with Legal Counsel Pending Litigation Closed session held pursuant to California Government Code Section 54956.9(d)(4). Settlement of Claim Against the City of San José Related to the Rancho Rinconada Sewer Service Area in San José; nothing to report.

INFORMATION ONLY REPORTS/ITEMS

- [22-1062](#) Tentative Council Meeting Agenda Calendar
- [22-1063](#) Board/Commission Meeting Minutes
- [22-1064](#) Information/Action Items
- [22-1092](#) Board/Commission Resignations (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:33 p.m.