



City of Sunnyvale

Meeting Minutes City Council

Tuesday, October 13, 2020

5:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15

**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM |
Regular Meeting - 7 PM | Regular Joint Meeting of the City Council and the Sunnyvale
Financing Authority - 7 PM (or as soon thereafter as the matter may be heard)**

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:00 p.m. via teleconference.

Roll Call

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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

Public Comment

Public Comment opened at 5:01 p.m.

No speakers.

Public Comment closed at 5:01 p.m.

Convene to Closed Session

- A** [20-0882](#) 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.
Number of Potential Cases: 1

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 5:25 p.m.

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:30 p.m. via teleconference.

Roll Call

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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

Study Session

- B** [20-0751](#) Public Safety Policies and Practices

Deputy City Manager Jaqui Guzmán and Public Safety Chief Phan Ngo provided the staff report and presentation.

Public Comment opened at 6:52 p.m.

Omar Din, Sunnyvale City Council District Candidate 6 communicated support for establishing a human relations commission.

Frank Tavares spoke towards descoping and defunding the Police Services Division of the Department of Public Safety.

Richard Mehlinger shared support for a cultural diversity/human relations commission. He spoke towards de-emphasizing armed policing models and shifting towards unarmed models such as mental health response units.

Marian voiced support for providing guidelines regarding “how to interact with police officers” on the City’s website.

Sol Martinez communicated support for unarmed police officers such as mental health officers.

C. Johnson spoke towards recent crimes in her neighborhood and shared support for armed police officers.

Public Comment closed at 7:03 p.m.

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 7:03 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

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

ROLL CALL

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

Mayor Klein, Vice Mayor Smith and Councilmembers Larsson, Hendricks, Melton and Fong attended via teleconference. Councilmember Goldman attended at 7:08 p.m.

CLOSED SESSION REPORT

Vice Mayor Smith reported that 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. Number of Potential Cases: 1; nothing to report.

SPECIAL ORDER OF THE DAY

C [20-0744](#) SPECIAL ORDER OF THE DAY - Freedom From Workplace Bullies Week

Mayor Klein read a proclamation in honor of Freedom From Workplace Bullies Week.

ORAL COMMUNICATIONS

Councilmember Melton announced details of COVID-19 testing availability at the Sunnyvale Murphy Park Building and testing availability via Santa Clara County and El Camino Hospital. He also announced applications are being accepted for the Neighborhood and Community Events Grant Program and the current recruitment for various Boards and Commissions.

CONSENT CALENDAR

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to approve agenda items 1.A through 1.F.

The motion carried with the following vote:

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

No: 0

1.A [20-0682](#) Approve City Council Meeting Minutes of September 29, 2020

Approve the City Council Meeting Minutes of September 29, 2020 as submitted.

1.B [20-0720](#) Authorize Amending an Existing Contract with Fire & Risk Alliance, LLC for Temporary Personnel Services (F21-022)

Take the following actions:

- Authorize the City Manager to execute the seventh amendment to an existing contract with Fire & Risk Alliance, in substantially the same form as Attachment 1 to the report, increasing the not-to-exceed contract amount by \$175,000 for a new not-to-exceed contract amount of \$2,500,000 and extending the term of the Agreement until December 31, 2021; and
- Authorize the City Manager to amend the contract for up to two years, if operationally necessary, subject to available budget, provided pricing and service remain acceptable to the City.

1.C [20-0818](#) Authorize Amending an Existing Contract with CDM Smith for Program Management and Related Services for the Sunnyvale Cleanwater Program (F21-028)

Take the following actions:

- Approve the fourth amendment to the consultant services agreement with CDM Smith, in substantially the same form as Attachment 1 to the report, increasing the not-to-exceed amount by \$10,099,549 for a new not-to-exceed amount of \$31,402,588, and extending the term of the agreement for three years, through December 31, 2023;
- Authorize the City Manager to execute the fourth amendment when all necessary conditions have been met; and
- Approve an increase to the contract contingency in the amount of \$34,284 for a contingency total of \$833,086.

1.D [20-0797](#) Adopt the City's Investment Policy for Fiscal Year 2020/21 and Receive Annual Performance Report for Fiscal Year 2019/20

Adopt the City's Investment Policy for FY 2020/21 (Council Policy 7.1.2).

1.E [20-0598](#) Authorize the Issuance of Blanket Purchase Orders with Graniterock and West Coast Sand & Gravel for Aggregate Base Materials for the Departments of Public Works and Environmental Services (F20-134)

Take the following actions:

- Authorize the issuance of a one-year blanket purchase order to Graniterock in substantially the same form as Attachment 2 to the report, in an amount not-to-exceed \$425,000;
- Authorize the issuance of a one-year blanket purchase order to West Coast Sand & Gravel, Inc., in substantially the same form as Attachment 3 to the report, in an amount not-to-exceed \$158,000; and
- Authorize the City Manager to amend and renew the purchase orders for two additional one-year periods, subject to available budget, if pricing and service remain acceptable to the City.

1.F [20-0810](#) 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 (COVID 19).

ADJOURNMENT TO REGULAR JOINT MEETING OF THE CITY COUNCIL AND THE SUNNYVALE FINANCING AUTHORITY

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Authority Chair / Mayor Klein called the joint City Council and Sunnyvale Financing Authority meeting to order at 7:18 p.m. via teleconference.

ROLL CALL

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

Authority Chair / Mayor Klein, Authority Vice Chair / Vice Mayor Smith and all Authority Members / Councilmembers attended via teleconference.

CONSENT CALENDAR

MOTION: Authority Vice Chair Smith moved and Authority Member Melton seconded the motion to approve item 2.A.

The motion carried with the following vote:

Yes: 7 - Authority Chair Klein
Authority Vice Chair Smith
Authority Member Larsson
Authority Member Hendricks
Authority Member Melton
Authority Member Goldman
Authority Member Fong

No: 0

- 2.A** [20-0855](#) Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 23, 2020

PUBLIC HEARINGS/GENERAL BUSINESS

- 3** [20-0811](#) Adopt Resolutions to Authorize Issuance of Lease Revenue Bonds to Finance the Civic Center Phase I Project in an Amount not to exceed \$160 Million Including Financing and Closing Costs; Approve Financing Team, and Authorize the City Manager/Executive Director or the Finance Director/Treasurer to Execute all Related Documents

Finance Director Tim Kirby provided the staff report and presentation.

Public Hearing opened at 7:58 p.m.

No speakers.

Public Hearing closed at 7:58 p.m.

City Council:

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1:

- Adopt a Resolution to authorize issuance of lease revenue bonds (the "Bonds") to finance the Civic Center Phase I Project in an amount not-to-exceed \$160 million including financing and closing costs;

- Approve the Financing Team that implements the issuance of the Bonds; and
- Authorize the City Manager or the Finance Director to execute all documents related to, which include the Bond purchase agreement, the preliminary official statement (and ultimately the Official Statement), the continuing disclosure certificate, the Sunnyvale Lease, and the Sunnyvale Site Lease, the issuance of the Bonds and retaining the Financing Team.

The motion carried with the following vote:

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

Sunnyvale Financing Authority:

MOTION: Authority Member Hendricks moved and Authority Member Larsson seconded the motion to approve Alternative 1:

- Adopt a Resolution to authorize Issuance of lease revenue bonds (the "Bonds") to Finance the Civic Center Phase I Project in an amount not-to-exceed \$160 million including financing and closing costs; and
- Authorize the Executive Director or the Treasurer to execute all documents related to, which include the Bond purchase agreement, the assignment agreement, the Indenture of Trust, the Sunnyvale Lease, and the Sunnyvale Site Lease, the issuance of the Bonds and retaining the Financing Team.

The motion carried with the following vote:

- Yes: 7 -** Authority Chair Klein
Authority Vice Chair Smith
Authority Member Larsson
Authority Member Hendricks
Authority Member Melton
Authority Member Fong

No: 1 - Authority Member Goldman

ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING

Authority Chair / Mayor Klein adjourned the joint City Council and Sunnyvale Financing Authority meeting at 8:22 p.m.

RECONVENE TO CITY COUNCIL MEETING

Mayor Klein reconvened the City Council Meeting at 8:22 p.m.

Council took a recess at 8:22 p.m. and reconvened at 8:30 p.m. with all Councilmembers present via teleconference.

PUBLIC HEARINGS/GENERAL BUSINESS

- 4 [20-0809](#) Consider Approval of Draft 2020 Housing Strategy and Implementation Schedule (Study Issue)

Housing Officer Jenny Carloni and Matt Kowta, Managing Principal, BAE Urban Economics provided the staff report and presentation.

Public Hearing opened at 10:25 p.m.

Rick spoke regarding mobile home park space rates and voiced support for a mobile home park space Rent Stabilization Ordinance (RSO).

Linda Brost shared support for an RSO.

Ryan Jasinsky, Director of Property Management, Brandenburg Staedler & Moore communicated support for a Memorandum Of Understanding (MOU) between mobile home park owners and the City.

Mike Serrone voiced support for adding a home-sharing type program.

Veronica Smoot spoke towards housing costs at mobile home parks.

Jason Feinsmith communicated support for a RSO.

Richard Mehlinger, Chair, Livable Sunnyvale shared the organization's support for a home-sharing type program, RSO, development of missing middle housing types and de-emphasizing dwelling units per acre zoning.

Gail Rubino communicated concerns with an MOU and requested Council consider approving an RSO.

Henry Yin spoke towards mobile home park rental costs and loss in home equity.

Denise Gallardo provided information on real estate market trends and statistics within mobile home parks.

David Meyer, Silicon Valley @ Home voiced support for an RSO and development of an anti-displacement policy.

Linda Sell spoke towards displacement of at-risk seniors, establishing a Community Advisory Committee and ongoing legal support for mobile home park residents

Ken Kravenas, Chief Operating Officer, Hometown America provided property management information for Plaza Del Rey and communicated support for an MOU.

Daniella Muller shared support for an RSO.

Coleen Hausler spoke towards mobile home park space rental costs. She shared support for right to lease agreements and increasing ownership inclusionary percentage.

Frances Stanley-Jones shared information related to mobile home park rental costs for Plaza Del Rey and voiced support for an RSO.

Julia Liu spoke towards home-sharing type programs.

Doug Johnson, on behalf of Western Manufactured Housing Communities Association communicated support for an MOU.

Josh Grossman, Sunnyvale City Council District Candidate 2 urged Council to consider approving an RSO.

Fred Kameda spoke towards mobile home park rental costs and voiced support for a RSO.

MJ LaRoche communicated concerns with an MOU and shared support for an RSO.

Justin Wang, on behalf of Greenbelt Alliance voiced support for development of missing middle housing types, de-emphasizing dwelling units per acre and these

measures' correlation to environmental sustainability.

Bobbi Perrin shared concerns regarding mobile home park real estate and space rental costs.

Sandra Fagundes voiced concerns with the need for a recusal by Councilmembers living in mobile home parks.

Omar Din, Sunnyvale City Council District Candidate 6 communicated support to allow mobile home park renters the opportunity provide input and establishing a Community Advisory Committee.

Julianne Olivari shared support for an RSO.

Candice Gasperik voiced support for an RSO.

Sarah Hall spoke towards mobile home park rental costs and communicated support for an RSO.

Debbie Wolter shared concerns regarding Plaza Del Ray rental costs and voiced support for an RSO.

Leia Mehlman, Sunnyvale City Council District Candidate 6 urged Council to consider approving an RSO.

Public Hearing closed at 11:52 p.m.

MOTION: Vice Mayor Smith moved and Councilmember Larsson seconded the motion to accept as an information only report the 2020 Housing Strategy as originally proposed (Attachment 2 to the report).

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include in the 2020 Housing Strategy a statement that indicates the report was accepted by Council, however, the Implementation Schedule (Attachment 3 to the report) was modified based on Council direction.

Housing Officer Jenny Carloni clarified that the Implementation Schedule would be modified based on Council direction and the revised Implementation Schedule would be incorporated into the 2020 Housing Strategy report.

Councilmember Hendricks withdrew the friendly amendment.

The motion carried with the following vote:

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

No: 0

MOTION: Vice Mayor Smith moved and Councilmember Goldman seconded the motion to proceed with implementation of a rent stabilization ordinance.

The motion failed with the following vote:

Yes: 3 - Mayor Klein
Vice Mayor Smith
Councilmember Goldman

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

MOTION: Councilmember Larsson moved and Councilmember Fong seconded the motion approve Section 4 of the Implementation Schedule (Attachment 3 of the report) as presented.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment that the following topics be addressed:

- The annual rent increase percentage number;
- The amount of rent increase when a property changes ownership;
- How to deal with Capital Projects ;
- How to deal with property tax pass-through; and
- Retroactive to no earlier than October 13, 2020.

Councilmember Larsson accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Melton offered a friendly amendment to include a matrix that captures when an excess amount of mobile home park properties are on the housing market for length of time.

Following discussion, Councilmember Melton withdrew the friendly amendment.

FRIENDLY AMENDMENT: Vice Mayor Smith offered a friendly amendment to revise the tier recommendation for 4a: Mobile Home Space Rent Stabilization from tier 3 to tier 2.

Councilmember Larsson accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include that an emergency rent stabilization ordinance be implemented should a memorandum of understanding be nullified.

Councilmember Larsson declined to accept the friendly amendment.

The motion carried with the following vote:

Yes: 5 - Vice Mayor Smith
Councilmember Larsson
Councilmember Melton
Councilmember Goldman
Councilmember Fong

No: 2 - Mayor Klein
Councilmember Hendricks

MOTION: Councilmember Larsson moved and Mayor Klein seconded the motion approve Section 3 of the Implementation Schedule (Attachment 3 of the report) with the following modifications:

- Revise the tier recommendation for 3a: Adopt a Right to Lease Ordinance from tier 2 to tier 1; and
- Revise the tier recommendation for 3b: Adopt a Tenant Protection/Relocation Assistance requirement from tier 1 to tier 2.

The motion carried with the following vote:

Yes: 5 - Mayor Klein
Vice Mayor Smith
Councilmember Larsson
Councilmember Melton
Councilmember Goldman

No: 2 - Councilmember Hendricks
Councilmember Fong

MOTION: Councilmember Fong moved and Mayor Klein seconded the motion approve Section 2 of the Implementation Schedule (Attachment 3 of the report) with the following modification:

- Revise option 2a: Increase Ownership Inclusionary Percentage to include initiating a nexus study to determine if a percentage increase beyond 15% is possible.

The motion failed with the following vote:

Yes: 3 - Mayor Klein
Councilmember Goldman
Councilmember Fong

No: 4 - Vice Mayor Smith
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve Section 2 of the Implementation Schedule (Attachment 3 of the report) as presented.

FRIENDLY AMENDMENT: Councilmember Goldman offered a friendly amendment to revise option 2d: Up-Zone Land to Facilitate Increase Residential Development to not allow for rezoning of single-family residential zones to higher density.

Councilmember Melton restated and accepted the Friendly Amendment to clarify that option 2d only pertains to the properties within the El Camino Real Precise Plan, Lawrence Station Precise Plan and Moffett Park Specific Plan.

The motion carried with the following vote:

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

No: 0

MOTION: Vice Mayor Smith moved and Councilmember Melton seconded the motion to approve Section 1 of the Implementation Schedule (Attachment 3 of the report) as presented.

The motion carried with the following vote:

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

No: 0

MOTION: Councilmember Hendricks moved and Vice Mayor Smith seconded the motion to hear Public Hearing/General Business Agenda Item 5.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Smith
Councilmember Larsson
Councilmember Hendricks
Councilmember Goldman
Councilmember Fong

No: 1 - Councilmember Melton

5 [20-0714](#) Receive and File the FY 2020/21 First Quarter Budget Update and Approval of Budget Modification No. 8 in the Amount of

\$1,932,000 to Appropriate CARES Act Funding

MOTION: Councilmember Hendricks moved and Vice Mayor Smith seconded the motion to adjourn the meeting at 1:33 a.m.

The motion carried with the following vote:

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

No: 0

Agenda item not heard by Council.

- 6** [20-0808](#) Approve Participation in the Bay Area Air Quality Management District Spare the Air Cut the Commute Pledge

Agenda item not heard by Council.

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

- [20-0705](#) Tentative Council Meeting Agenda Calendar

- [20-0820](#) Board/Commission Meeting Minutes

[20-0843](#) Information/Action Items

[20-0873](#) Mayoral Announcement of Mayor-Appointed Ad Hoc Advisory Committee on City Manager Compensation (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 1:33 a.m.