



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, December 3, 2019

4:30 PM

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

**Special Meeting: Closed Session - 4:30 PM | Special Meeting: Study Session - 5:30 PM
Regular Meeting - 7 PM**

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

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 Goldman arrived at 4:32 p.m.

3 Public Comment

None.

4 Convene to Closed Session

[19-0276](#)

Closed Session Held Pursuant to California Government Code
Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager and City Attorney

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting 5:21 p.m.

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

1 Call to Order in the West Conference Room (Open to the Public)

Mayor Klein called the meeting to order at 5:30 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

3 Public Comment

None.

4 Study Session

[19-1040](#) Board and Commission Interviews

Council interviewed the following applicants for vacancies on boards and commissions:

Adam Kroll – Board of Building Code Appeals

Hubert (Coy) Byron - Housing and Human Services Commission

Rahul Jain - Board of Building Code Appeals (1st preference) and Housing and Human Services Commission (2nd preference)

Linda Sell - Housing and Human Services Commission (1st preference) and Board of Building Code Appeals (2nd preference)

[19-0263](#) Discussion of 2020 Council Intergovernmental Assignments

The Council discussed their interest in 2020 Council Intergovernmental Assignments.

[19-0234](#) Discussion of Upcoming Selection of Vice Mayor for 2020

Councilmember Smith and Vice Mayor Melton expressed interest in becoming the

Vice Mayor for 2020.

5 Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:42 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

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

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 the Council met in Closed Session Pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: City Manager and City Attorney; nothing to report.

ORAL COMMUNICATIONS

Kristen Manies requested the City continue to support safety improvements at the intersection of Poplar Avenue and El Camino Real.

Addie McCune voiced support for safety improvements for students crossing streets.

Kathleen McCune requested the City Council take an active role in communications with the California Department of Transportation (Caltrans) regarding safety improvements at the intersections of Poplar Avenue and El Camino Real along with Henderson Avenue and El Camino Real.

Shani Kleinhaus, Santa Clara Valley Audubon Valley, voiced support for prohibiting

development on baylands and open space areas along the San Francisco Bay.

Angela Quizon, President, Peterson Middle School Parent Teacher Student Association shared support for additional safety improvements at the intersection of Poplar Avenue and El Camino Real.

Lisa Kopinski provided support for baylands protections along the San Francisco Bay.

James Tuleya shared energy efficiency and health benefits of electric induction cooking appliances as well as instant pots.

Anna Brunkhorst, Sunnyvale Urban Forest Advocates, presented environmental benefits of the trees at Ortega Park. She requested the City protect existing trees and encourage the addition of trees in new developments.

Richard Mehlinger invited the Council and community to Livable Sunnyvale's monthly meeting and the City's Active Transportation Plan: Draft Recommendations Workshop. He communicated support for bicycle and personal mobility device safety along El Camino Real and throughout Sunnyvale.

CONSENT CALENDAR

Mayor Klein announced that Items 1.A and 1.F would be pulled from the Consent Calendar.

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve Items 1.B through 1.E and 1.G through 1.H.

The motion carried with the following vote:

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

No: 0

1.A [19-0119](#) Approve City Council Meeting Minutes of November 12, 2019

Public Hearing opened at 7:21 p.m.

James Tuleya shared concerns regarding the brevity of minutes for the Reach Codes and Green Building Program study session including the lack of comments from Councilmembers and no record of members of the public standing in support of public comments.

Public Hearing closed at 7:23 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to Approve the City Council Meeting Minutes of November 12, 2019 as submitted.

The motion carried with the following vote:

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

No: 0

1.B [19-0998](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.C [19-1203](#) Receive and File the City of Sunnyvale Investment Report - 3rd Quarter 2019

Receive and file the City of Sunnyvale Third Quarter 2019 Investment Report.

1.D [19-1134](#) Modify a Purchase Order with Ingram Library Services, Inc. for Purchase of Library Printed Materials and Pre-Processing Services (F20-069)

Authorize the City Manager to amend the existing Purchase Order with Ingram Library Services, Inc., in substantially the same format as Attachment 1 to the report, increasing the not exceed amount by \$12,000 for a new total not-to-exceed amount of \$108,000 and to extend the termination date until November 30, 2019.

- 1.E** [19-1200](#) Adopt a Resolution Enabling the City of Sunnyvale to Submit Application(s) for all CalRecycle Grants for Which the City of Sunnyvale is Eligible

Adopt the Resolution enabling the City of Sunnyvale to submit application(s) for all CalRecycle Grants for which the City of Sunnyvale is eligible.

- 1.F** [19-1037](#) Adopt a Resolution to Authorize a Priority Development Area in Moffett Park and Find that the action is exempt from CEQA

Community Development Director Trudi Ryan provided the staff report.

Public Hearing opened at 7:46 p.m.

Lisa Kopinski shared concerns regarding the inclusion of land along the San Francisco Bay in the Priority Development Area and lack of communication regarding this agenda item.

Shani Kleinhaus, Santa Clara Valley Audubon Valley voiced concerns regarding the inclusion of land along the San Francisco Bay in the Priority Development Area and lack of communication regarding this agenda item. She suggested setting up a priority conservation area to protect land along the San Francisco Bay.

Claire Marvet communicated support for a priority conservation area along the San Francisco Bay.

Kira Od shared support for a priority conservation area along the San Francisco Bay.

Gita Dev requested the Priority Development Area be put on hold until the Moffett Park Specific Plan is finalized.

Public Hearing closed at 7:58 p.m.

MOTION: Councilmember Larsson moved and Councilmember Hendricks seconded the motion to adopt the Resolution (Attachment 1 to the report) authorizing the filing of an application for Priority Development Area designation in Moffett Park under the Plan Bay Area 2040 Program and find that the action is exempt from California Environmental Quality Act ("CEQA").

The motion carried with the following vote:

Yes: 4 - Mayor Klein
Councilmember Larsson
Councilmember Hendricks
Councilmember Fong

No: 3 - Vice Mayor Melton
Councilmember Smith
Councilmember Goldman

- 1.G** [19-1024](#) Adopt a Resolution Approving the Application for Senate Bill (SB) 2 Planning Grant Funds from the California Department of Housing and Community Development and Find that the Action is Exempt from CEQA.

Find that the action is exempt from California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(4) and (b)(5) and adopt the Resolution ratifying and approving the City’s application for SB2 Planning Grant Funds (Attachment 1 to the report).

- 1.H** [19-1231](#) Ratify Appointment of Councilmember Nancy Smith to the League of California Cities Policy Committee on Housing, Community and Economic Development for the 2019/20 Term; Ratify Appointment of Vice Mayor Russ Melton to the League of California Cities Policy Committee on Revenue and Taxation for the 2019/20 Term

Ratify Councilmember Smith’s appointment to the League of California Cities Policy Committee on Housing, Community and Economic Development for the 2019/20 Term and Vice Mayor Russ Melton’s appointment to the League of California Cities Policy Committee on Revenue and Taxation for the 2019/20 Term.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [19-0679](#) Introduce an Ordinance Amending Chapter 2.28 (Elections) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Add Provisions Relating to City Council District Elections, Adopting a Map Describing District Boundaries and Establishing District Election Sequencing

Deputy City Manager Jaqui Guzman provided the staff report.

Public Hearing opened at 8:51 p.m.

John Patton encouraged delaying the transition to district-based elections until after the 2020 Census.

Holly Lofgren shared support for excluding a directly elected mayor from the March 2020 Ballot Measure.

Steve Scandalis voiced support for adding additional detail to the March 2020 Ballot Measure ballot question.

Martin Pyne stated the March 2020 Charter Amendment is not included in this agenda item.

Richard Mehlinger stated the March 2020 Ballot Measure does not create a strong mayor position in Sunnyvale.

Public Hearing closed at 9:03 p.m.

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

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve Alternative 2: introduce an Ordinance amending Chapter 2.28 (Elections) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to add provisions relating to City Council District Elections, adopting a map describing District Boundaries and establishing district election sequencing, with modifications, renumbering Districts as described by Councilmember Hendricks: District 1 renumbered to District 5; District 2 renumbered to District 6; District 5 renumbered to District 1; and District 6 renumbered to District 2.

The motion carried with the following vote:

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

No: 1 - Councilmember Goldman

3 [19-1252](#) Consider Adoption of an Emergency Ordinance Under

Sunnyvale City Charter Section 701 to Implement Tenant Eviction Protections and Limit Large Rental Rate Increases Effective Immediately and Retroactive to October 8, 2019, to Avoid Circumvention of AB 1482

Community Development Director Trudi Ryan provided the staff report.

Public Hearing opened at 9:48 p.m.

Richard Mehlinger, Executive Board Member, Livable Sunnyvale and Democratic Club of Sunnyvale voiced support for an emergency ordinance with retroactivity.

Blanca Del Rio shared support for an emergency ordinance and details of a notice to vacate.

Kriti Garg, Policy and Outreach Associate, SV@Home communicated support for an emergency ordinance with retroactivity to September 11, 2019.

Coleen Hausler voiced support for an emergency ordinance with retroactivity.

Mike Serrone, Executive Board Member, Democratic Club of Sunnyvale shared support for an emergency ordinance.

Marie Bernard, Executive Director, Sunnyvale Community Services spoke in support of an emergency ordinance and reported increases in eviction notices.

Julia Liu shared support for an emergency ordinance with retroactivity.

Neil McClintick, Housing Justice Organizer, Working Partnerships voiced support for an emergency ordinance with retroactivity.

Linda Sell spoke in support of an emergency ordinance.

Brennan Robins shared support for an emergency ordinance with retroactivity.

Ryan Carrigan, Government Affairs Director, Silicon Valley Association of Realtors voiced concerns regarding rent control and Assembly Bill (AB) 1482.

Anil Babbar, Vice President of Public Affairs, California Apartment Association voiced concerns regarding the retroactive component of the emergency ordinance

including legal concerns.

Dan Pan spoke in opposition of an emergency ordinance.

Duly Mao shared opposition to an emergency ordinance and voiced concerns regarding the retroactive component.

Jingrong Han voiced opposition to an emergency ordinance.

Martin Pyne shared support for an emergency ordinance.

Ana Chaverri spoke in support of an emergency ordinance.

Ann Marquart, Executive Director, Project Sentinel communicated that the group is providing information to both tenants and property owners regarding AB 1482.

Public Hearing closed at 10:37 p.m.

City Clerk David Carnahan read the Ordinance title, including retroactivity, for the record.

MOTION: Mayor Klein moved and Councilmember Smith seconded the motion to adopt an Emergency Ordinance Under Sunnyvale City Charter Section 701 to Implement Tenant Eviction Protections and Limits Large Rental Rate Increases Effective Immediately and Retroactive to October 8, 2019, to Avoid Circumvention of AB 1482.2, with modifications updating the title replacing, "...immediately until December 31, 2019" with "...immediately and retroactively to October 8, 2019."

FORMAL AMENDMENT: Councilmember Larsson moved and Vice Mayor Melton seconded the motion to remove retroactivity from the motion.

The motion to amend failed by the following vote:

- Yes: 3 -** Vice Mayor Melton
Councilmember Larsson
Councilmember Fong
- No: 4 -** Mayor Klein
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman

The motion failed with the following vote (Charter of the City of Sunnyvale Section 701 requires 5 affirmative votes to adopt an emergency ordinance):

Yes: 4 - Mayor Klein
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman

No: 3 - Vice Mayor Melton
Councilmember Larsson
Councilmember Fong

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to adopt an Emergency Ordinance Under Sunnyvale City Charter Section 701 to Implement Tenant Eviction Protections and Limits Large Rental Rate Increases Effective Immediately to Avoid Circumvention of AB 1482.2, with modifications, including no retroactivity and updating the title to end with, "...effective immediately."

City Clerk David Carnahan read the Ordinance title, excluding retroactivity, for the record.

The motion carried with the following vote:

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

No: 1 - Councilmember Hendricks

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to hear agenda item 4.

The motion carried with the following vote:

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

No: 0

- 4** [19-1201](#) Approve a New Council Policy on Display of Ceremonial and/or Commemorative Flags at City Hall (Study Issue); and Adopt a Resolution in Accordance with Such Policy to Authorize the Annual Display of the Pride Flag at City Hall

Senior Management Analyst Lupita Alamos provided the staff report.

Public Hearing opened at 11:48 p.m.

Martin Pyne voiced support for Alternative 1 and agendizing the flying of the Prisoner Of War/Missing In Action (POW/MIA) Flag at a later date.

Steve Scandalis shared support for including the flying of the POW/MIA Flag in the resolution.

Public Hearing closed at 11:50 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Smith seconded the motion to approve: Alternative 1: Approve a new Council Policy No. 7.3.30 (Display of Ceremonial and/or Commemorative Flags at City Hall); Alternative 2: Adopt a Resolution in accordance with such Policy, to authorize the annual display of the Pride Flag at City Hall from June 1 to June 30 and direct staff to prepare a resolution to authorize the annual display of the Prisoner of War/Missing in Action Flag on the dates proscribed by Congress.

The motion carried with the following vote:

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

No: 0

MOTION: Vice Mayor Melton moved and Councilmember Hendricks seconded the motion to hear agenda item 5.

The motion carried with the following vote:

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

No: 0

- 5** [19-1145](#) Award of Bid No. PW20-03 to Hagensen Pacific Construction, Inc. for the Washington Community Swim Center and Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project

Public Works Director Chip Taylor provided the staff report and presentation.

Public Hearing opened at 12:01 a.m.

No speakers.

Public Hearing closed at 12:01 a.m.

MOTION: Vice Mayor Melton moved and Councilmember Hendricks seconded the motion to:

- Make the findings required by the California Environmental Quality Act as stated in the Mitigated Negative Declaration, as Attachment 2 to the report, adopt the Final Mitigated Negative Declaration, as Attachment 3 to the report, and Mitigation

- Monitoring and Reporting Program, as Attachment 4 to the report, for the project;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$10,514,165 to Hagensen Pacific Construction, Inc.;
 - Authorize the City Manager to execute the contract when all necessary conditions have been met; and
 - Approve a 15% construction contingency in the amount of \$1,577,125.

The motion carried with the following vote:

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

No: 0

MOTION: Vice Mayor Melton moved and Councilmember Smith seconded the motion to hear the remainder of the agenda.

The motion carried with 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

None.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

City Manager Kent Steffens commented that Council direction to staff is captured in the “Information/Action Items” list and the list is published with Council agenda packets. He noted that staff judgement is used when adding items to the list.

Councilmember Smith inquired about requesting information and a timeline from staff for Reach Codes.

INFORMATION ONLY REPORTS/ITEMS

- [19-0801](#) Tentative Council Meeting Agenda Calendar
- [19-0811](#) Board/Commission Meeting Minutes
- [19-0818](#) Information/Action Items
- [19-1186](#) Notice of Public Works Director’s Decision on Final Maps
(Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 12:06 a.m.