



City of Sunnyvale

Meeting Minutes City Council

Tuesday, November 13, 2018

5:30 PM

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

Special Meeting: Study Session - 5:30 P.M. | Regular Meeting - 7 P.M.

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

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

Vice Mayor Klein called the meeting to order at 5:34 p.m.

2. Roll Call

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

Board and Commission Chairs and Vice Chairs Present:

Chair Susannah Vaughan, Arts Commission
Chair Ralph Kenton, Parks and Recreation Commission
Chair Mason Fong, Board of Library Trustees
Vice Chair Carey Lai, Board of Library Trustees
Chair John Cordes, Bicycle and Pedestrian Advisory Commission
Vice Chair Kristel Wickham, Sustainability Commission
Vice Chair David Simons, Planning Commission
Chair Daniel Howard, Planning Commission
Chair Justin Brown, Personnel Board
Chair Dawn Hopkins, Heritage Preservation Commission
Vice Chair Dixie Larsen, Heritage Preservation Commission

3. Public Comment

The following individuals spoke regarding this subject matter:

Kevin Jackson

Daniel Bremond, Board of Library Trustees member

Dan Hafeman, Sustainability Commission member

Sue Serrone, Arts Commission member

4. Study Session

[18-0509](#)

SPECIAL COUNCIL MEETING (Study Session)

Joint Meeting of City Council with Board and Commission

Chairs and Vice Chairs to Review and Improve Overall

Effectiveness of Commission Meetings

5. Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:45 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendricks led the Pledge of Allegiance.

ROLL CALL

Present: 7 - Mayor Glenn Hendricks

Vice Mayor Larry Klein

Councilmember Jim Griffith

Councilmember Gustav Larsson

Councilmember Nancy Smith

Councilmember Russ Melton

Councilmember Michael S. Goldman

PRESENTATION

[18-0920](#)

2018 MISAC (Municipal Information Systems of California) Awards

Gaurav Garg, City of Santa Clara Chief Information Officer, presented the MISAC Awards to Sunnyvale Chief Information Office Kathleen Boutté Foster. Ms. Boutté Foster recognized Shahid Abbas and Giaping Li for their work on this award. City

Manager Kent Stephens also recognized the Information Technology team responsible for the data CoLocation project.

18-0865 Update on Caltrain Electrification Project (Caltrain)

Caltrain Government and Community Relations Officer Brent Tietjen provided a report and a slide presentation.

ORAL COMMUNICATIONS

Vice Mayor Klein reported the Council met in Closed Session on November 8 and November 13, 2018 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; nothing to report.

Linda Sell spoke regarding the lawsuit for the California Voting Rights Act.

Steve Chessin spoke regarding a solution to the California Voting Rights Act issue.

City Attorney John Nagel reported the October 30 Closed Session 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; nothing to report.

Kevin Jackson inquired about the Complete Streets Policy approved by the Council in 2016 to qualify for One Bay Area grant funding and where to find it.

Marie Bernard provided information regarding upcoming fundraising events for Sunnyvale Community Services.

Sue Serrone, speaking for herself, spoke regarding the poor air quality and provided information regarding masks that can be acquired locally.

Jeremie Picard spoke regarding Transgender Awareness Week and requested support for future study issues.

Richard Mehlinger spoke regarding Trans Day of Remembrance.

CONSENT CALENDAR

Mayor Hendricks reported there was a clerical error made in the Conflict of Interest Code regarding the Finance Director (Item 1.D). The position was listed twice in the Code, once on page 1 and a second time on Page 4. The listing of the Finance Director on Page 1 will be removed by staff upon adoption of the Code by the adoption of the Consent Calendar. The position only needs to be listed as a State-required filer on Page 4 of the Code.

MOTION: Vice Mayor Klein moved and Councilmember Smith seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

No: 0

1.A [18-0854](#) Approve City Council Meeting Minutes of October 16, 2018

Approve the City Council Meeting Minutes of October 16, 2018, as submitted.

1.B [18-0924](#) Approve City Council Meeting Minutes of October 30, 2018

Approve the City Council Meeting Minutes of October 30, 2018, as submitted.

1.C [17-1138](#) 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 [18-0595](#) Adopt a Resolution Amending the City of Sunnyvale Local Conflict of Interest Code

Adopt a Resolution amending the City of Sunnyvale Local Conflict of Interest Code.

1.E [18-0629](#) Authorize Issuance of a Purchase Order for Mobile Data Terminals for the Department of Public Safety and Environmental Services Department (F18-293)

Authorize the issuance of a Purchase Order to DuraTech USA, Inc. of Westminster, CA in the amount of \$266,858.86 (including electronic waste fees) excluding sales tax, in substantially the same form as Attachment 2 to the report.

1.F [18-0672](#) Authorize an Amendment to an Existing Purchase Order for Library Printed Materials (F14-11)

Authorize the City Manager to amend the existing purchase order with Ingram Library Services, Inc., in substantially the same format as Attachment 1, extending the expiration date to June 30, 2019.

1.G [18-0729](#) Award of a Three-year Contract for Third Party Worker's Compensation Claim Administration Services (F18-289)

1) Award a three-year contract in substantially the same form as Attachment 1 to the report in the amount not to exceed \$1,313,023 to Keenan & Associates to provide workers' compensation claims administration services and authorize the City Manager to execute the contract when all necessary conditions have been met, 2) Authorize the City Manager to amend the contract for the performance management bonus, and 3) delegate the authority to the City Manager to renew the contract for two additional one-year periods, if services and pricing remain acceptable to the City.

1.H [18-0805](#) Authorize the Issuance of a Purchase Order for Four (4) Fire Pumper Apparatuses (F19-021)

1) Authorize the issuance of a purchase order to Golden State Fire Apparatus in the amount of \$2,270,742, in substantially the same form as Attachment 1 to the report; and 2) approve a 1% contingency in the amount of \$22,707.

1.I [18-0839](#) Award of a Three-year Contract for Information Technology Service Management and Project Portfolio Management Solution (F18-195)

1) Award a three-year contract in substantially the same form as Attachment 1 to the report in the amount not to exceed \$211,424 to TeamDynamix for ITSM and PPM solution and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) approve a 10% contract contingency in the amount of \$21,142; and 3) delegate authority to the City Manager to renew the contract for an additional four (4) one-year periods, not-to-exceed budgeted amounts, provided pricing and service remain acceptable to the City.

1.J [18-0911](#) Receive and File the City of Sunnyvale Investment Report -

3rd Quarter 2018

Receive and file the City of Sunnyvale - Third Quarter 2018 Investment Report.

1.K [18-0931](#) Appoint Ms. Stacey Porter to the NOVA Workforce Board

Appoint Ms. Stacey Porter to the NOVA Workforce Board.

1.L [18-0979](#) Adopt Ordinance No. 3138-18 amending various sections of Chapter 5.36 (Taxicabs) of Title 5 (Business Licenses and Regulations) of the Sunnyvale Municipal Code to comply with new provisions in California State Law

Adopt Ordinance No. 3138-18.

1.M [18-0980](#) Adopt Ordinance No. 3139-18 amending section 5.04.110 (License Tax - Imposed) of Chapter 5.04 (Business License Tax) of Title 5 (Business Licenses and Regulations) of the Sunnyvale Municipal Code

Adopt Ordinance No. 3139-18.

1.N [18-0981](#) Approve the First Amendment to Outside Counsel Agreement with Nielsen, Merksamer, Parrinello, Gross & Leoni for Legal Services

Authorize the City Attorney to execute a First Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with Nielsen, Merksamer, Parrinello, Gross & Leoni for Legal Services related to California Voting Rights Act and to participate in the community engagement activities to increase the amount by \$250,000 for a new not-to-exceed amount of \$350,000.

1.O [18-0985](#) Approve a First Amendment to the Agreement Between the Magical Bridge Foundation and the City of Sunnyvale for an All-Inclusive Playground and Budget Modification No. 8

Approve a First Amendment to the Agreement Between the Magical Bridge Foundation and the City of Sunnyvale for an All-Inclusive Playground increasing the City contribution to \$1,960,000 for the Project and authorize the City Manager to execute the Agreement and Budget Modification No. 8 in the amount of \$160,000.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-0550](#) Consider Approval of Disposition and Development Agreement

Between the City of Sunnyvale and Related Companies of California, LLC, Providing for Financial Assistance in The Amount of \$12.5 Million in Housing Mitigation and Low and Moderate Income Housing Asset Funds (LMIHAF) To Construct an Affordable Housing Development on Iowa Avenue Between Mathilda Avenue and Charles Street (Block 15)

Director of Community Development Trudi Ryan provided the staff report.

Public Hearing opened at 8:10 p.m.

Anne Silverberg, Chief Executive Officer of the Northern California Affordable Division of Related Companies, introduced herself and stated she was looking forward to bringing this project to Sunnyvale.

Andrea Tsang spoke in support of the project and the need to continue creating affordable housing in Sunnyvale for people with disabilities.

Jan Stokley, Executive Director of Housing Choices, a non-profit organization, spoke in support of affordable housing for adults with disabilities in Sunnyvale.

Wayne Jasper spoke in support of the project.

Clare Meyerson spoke regarding her adult son who has developmental disabilities and expressed support for the proposed development.

Richard Mehlinger, speaking on behalf of Livable Sunnyvale, expressed support for the units for developmentally disabled adults.

Gail Rubino, representing Livable Sunnyvale, spoke in support of the proposed development.

Sherry Amina spoke regarding her adult disabled children and expressed support for more housing for disabled adults.

Mr. Amina spoke regarding the need for additional housing and requested allowing parents to build individual housing on their property for their children.

Tara Martin-Milius spoke in support of the proposed development.

Mannching Wang spoke regarding her adult disabled son and expressed support for the proposed development.

Sue Serrone speaking on behalf of Livable Sunnyvale expressed support for the project.

Mali Vafai spoke regarding her adult disabled son and spoke in support of more affordable housing for disabled adults.

Mitch Mankin, Silicon Valley at Home, spoke in support of more affordable housing.

Mike Serrone, speaking as a member of Livable Sunnyvale, expressed support for the proposed project.

JoAnn Gines spoke regarding her adult disabled son and expressed support for more affordable housing for the disabled.

Soheila Razban, Vice President of Abilities United, spoke in support of the proposed project.

Pareesa Amrbar spoke in support of the proposed project.

Marie Bernard of Sunnyvale Community Services spoke regarding disabled adults who help volunteer in providing services and expressed support for the proposed project.

Public Hearing closed at 8:42 p.m.

MOTION: Councilmember Griffith moved and Councilmembers Larsson, Klein and Smith seconded the motion to approve Alternative 1: Approve the draft Disposition and Development Agreement and associated appendices with The Related Companies of California, LLC or its authorized assignee for the establishment of the affordable housing development on Block 15; and authorize the City Manager to execute the Agreement in substantially the same form as Attachment 1 to the report, and as approved by the City Attorney.

The motion carried by the following vote:

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

No: 0

The Council recessed at 8:59 p.m. and reconvened with all Councilmembers present at 9:10 p.m.

3. 18-0991

REQUEST FOR AN INDEFINITE CONTINUANCE

Proposed Project: General Plan Amendment Initiation request to study changing the General Plan designation for a portion of the site from Public Facility (P-F) to Medium Density Residential.

Location: 1050 West Remington Drive (APN: 202-26-007)

File #: 2018-7569

Zoning: P-F

Applicant / Owner: Catalyst Development Partners LLC
(applicant) / Church of Christ of Sunnyvale (owner)

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).

Project Planner: Aastha Vashist, (408) 730-7458,
avashist@sunnyvale.ca.gov

Director of Community Development Trudi Ryan provided the staff report.

Public Hearing opened at 9:11 p.m.

None.

Public Hearing closed at 9:11 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to approve Alternative 1: Continue the public hearing to a date uncertain.

The motion carried by the following vote:

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

No: 0

4. [18-0940](#) Proposed Project: General Plan Amendment (GPA) Initiation to consider an amendment to the Peery Park Specific Plan (PPSP) to increase the office/industrial development capacity and allow housing on the 10 parcels in the PPSP-Industrial Edge (IE) zoning district totaling 29.3 acres.
Locations: 400-840 W. California Avenue (165-26-009, 010, 011, 012, 013, 014, 016, 018, 019, 020)
File #: 2018-7576
Applicant / Owner: Skidmore, Owings, & Merrill LLP (applicant) / Steelwave LLC (owner)
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (a).
Project Planner: Amber Blizinski, 408-730-2723, ablizinski@sunnyvale.ca.gov

Principal Planner Amber Blizinski provided the staff report. Director of Community Development Trudi Ryan and Deputy Director of Community Development Andy Miner provided additional information.

Public Hearing opened at 9:51 p.m.

Applicant Steve Dunn with Steelwave provided information about the proposed project.

Mike Serrone spoke regarding the jobs to housing ratio and commented that the location would be good for additional housing.

Patrick McElwee spoke regarding the parking and congestion problem in the

neighborhood since completion of the three-story building and urged Council to slow down further development.

Richard Mehlinger spoke regarding the need to rethink land use in Sunnyvale to reduce carbon emissions. He recommended concentrating more around the Caltrain station and supports Alternative 3 and shift the housing balance as much as possible.

David Lowe spoke regarding the parking and traffic in the neighborhood and requested Council to con

Applicant Steve Dunn provided remarks in response to public comments and provided additional information regarding the timeline should the proposal be approved.

Public Hearing closed at 10:13 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Do not initiate a General Plan Amendment study to consider an amendment to the Peery Park Specific Plan to increase the office/industrial development capacity and allow housing on the 10 parcels in the PPSP IE zoning district totaling 29.3 acres.

The motion carried by the following vote:

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

No: 2 - Mayor Hendricks
Councilmember Larsson

5. [18-0798](#) Public Hearing and Adopt a Resolution Ordering the Vacation of a Portion of Carl Road Westerly of Borregas Avenue

Director of Public Works Chip Taylor provided the staff report.

Public hearing opened at 10:45 p.m.

None.

Public hearing closed at 10:45 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Make the finding that the action is from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061 (b) (3) and adopt the Resolution Ordering the Vacation of a Portion of Carl Road Westerly of Borregas Avenue; and authorize the City Clerk to record a certified copy of the Resolution to the Santa Clara County Recorder's office (Attachment 1 to the report) once the Caribbean Drive Parking and Trail Access Enhancements project is complete, with a modification to the resolution, on the fourth "whereas", strike the words "since 2010".

The motion carried by the following vote:

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

No: 0

6. 18-0905 Appoint Applicant to the Personnel Board

PERSONNEL BOARD - Employee-nominated seat (1 vacancy: term expires 6/30/2022)

Deepali Lugani

VOTE:7-0 -0

City Clerk Kathleen Franco Simmons announced Council has appointed Deepali Lugani to serve on the Personnel Board in the employee-nominated seat for a term expiring June 30, 2022.

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Klein provided an update of the Redevelopment Dissolution Countywide Oversight Board of Santa Clara County and reported the Successor Agency approved the block transfer of the Macy's surface parking lot. Vice Mayor Klein also announced that he was appointed Second Vice President of the Cities Association of Santa Clara County for the upcoming year, and there were multiple Selection Committee appointments made.

Councilmember Goldman reported that he attended several Grand Boulevard initiative meetings, and invited ideas about its sense of place, transit, and shuttles by cities.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Melton proposed to sponsor a study issue to consider ways to improve traffic operations at Fremont, Bernardo and State Route 85. Mayor Hendricks, Vice Mayor Klein, and Councilmember Goldman co-sponsored this study issue.

Mayor Hendricks stated he will place on the next agenda an item to appoint a Salary Sub-committee.

-City Manager

City Manager Kent Steffens noted that the Standards of Coverage report is included in the agenda packet as an Information Only item.

INFORMATION ONLY REPORTS/ITEMS

[18-0118](#) Overview of the Consultant's Report for the Department of

Public Safety: Comprehensive Community Risk Assessment,
Standards of Cover Study, and Station Location and
Deployment Study (Information Only)

[18-0934](#) Informational Report to Council on Department of Public Safety's Implementation of small Unmanned Aircraft System Program

[18-0848](#) Study Session Summary of September 25, 2018 - Clean Water Program Rebuild Costs

[18-0942](#) Information/Action Items

[18-0943](#) Board/Commission Meeting Minutes

[18-0941](#) Tentative Council Meeting Agenda Calendar

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 10:54 p.m.