



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, March 27, 2018

6:30 PM

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

Special Meeting: Closed Session- 6:30 PM | Regular Meeting- 7 PM

6:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Vice Mayor Klein announced the item for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

1 Call to Order in the West Conference Room

Vice Mayor Klein Called the meeting to order at 6:30 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

3 Public Comment

No speakers.

4 Convene to Closed Session

[18-0250](#)

Closed Session held pursuant to California Government Code
Section 54956.8: CONFERENCE WITH REAL PROPERTY
NEGOTIATORS

Property: APN 213-12-001 1142 Dahlia Court/1197 Lily
Avenue (commonly referred to as Corn Palace)

Agency negotiator: City Manager Kent Steffens; Director of
Community of Development Trudi Ryan; Director of Public
Works Chip Taylor; City Property Administrator Sherine Nafie
Negotiating parties: Gabriel Francia Trustee, or authorized

buyer (currently TrumarkHomes LLC)
Under negotiation: Price and terms of payment

5 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 7:06 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 salute to the flag.

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

CLOSED SESSION REPORT

Vice Mayor Klein reported that the Council met in Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS; Property located at 1142 Dahlia Court/1197 Lily Avenue; nothing to report.

SPECIAL ORDER OF THE DAY

[18-0262](#) SPECIAL ORDER OF THE DAY - Recognition of LCC
Women's Caucus Women of Persistence Honoree

Mayor Hendricks and Councilmember Nancy Smith presented awards to Rosemary Baez in recognition of becoming the 2018 League of California Women's Caucus Woman of Persistence Honoree.

[18-0211](#) SPECIAL ORDER OF THE DAY - National Library Week

Mayor Hendricks presented a proclamation in recognition of National Library Week. Director of Library and Community Services Cynthia Bojorquez provided comments

and a video presentation.

[18-0191](#) SPECIAL ORDER OF THE DAY - Youth Arts Month

Mayor Hendricks presented a proclamation in recognition of Youth Arts Month and announced the winners of the "Art on the Cart" contest.

ORAL COMMUNICATIONS

Vice Mayor Klein announced that the City is accepting applications for Community Events and Neighborhood Grants Program for the next fiscal year.

Vice Mayor Klein announced that the Summer recruitment for Boards and Commissions is underway.

Josh Grossman spoke regarding mobile home parks and requested three members of the City Council recuse themselves from consideration of issues associated with mobile home parks. Grossman provided a PowerPoint presentation.

Henry Alexander III, speaking as a citizen as part of a neighborhood association, spoke regarding a neighborhood traffic survey and traffic congestion near schools. Alexander III provided a PowerPoint presentation.

Andy Frazer spoke regarding mandating rooftop photovoltaic cells for new buildings and production of solar energy for the grid in California. Frazer provided a presentation.

Paul Brunemeier spoke regarding the absence of a law that would inhibit or prohibit private development of public land and provided an overhead slide presentation.

Tim Kerr spoke regarding study issue CDD 17-09: 2017 Housing Strategy.

Zachary Kauffman spoke regarding setbacks for development along El Camino and palm fronds in trash or yard waste.

CONSENT CALENDAR

Mayor Hendricks announced that Item 1.C would be pulled from the Consent Calendar.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve Consent Calendar Items 1.A through 1.I, excluding 1.C.

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 [18-0239](#) Approve City Council Meeting Minutes of March 6, 2018

Approve the City Council Meeting Minutes of March 6, 2018 as submitted.

1.B [17-1090](#) 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 [18-0144](#) Award of Bid No. PW18-18 for the Landfill Post-Closure
Erosion Protection Project (PR 15/02-16), Waiver of Minor Bid
Irregularity, Finding of California Environmental Quality Act
(CEQA) Categorical Exemption, and Approval of Budget
Modification No. 44

Finance Director Tim Kirby provided clarification language to part 2 of the staff recommendation, to specify award a contract to RJ Gordon Construction, Inc. of Pleasant Hill in substantially the same format as Attachment 2 to the report in the amount of \$561,696.

Public Hearing opened at 7:49 p.m.

No speakers.

Public Hearing closed at 7:49 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to approve Item 1.C as amended 1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 (c) for existing facilities, 2) Award a contract to RJ Gordon Construction, Inc. of Pleasant Hill in substantially the same form as Attachment 2 to the report in the amount of \$561,696, 3) Approve a 10% construction contingency in

the amount of \$56,170; 4) Waive a minor bid irregularity; and 5) Approve Budget Modification No. 44 in the amount of \$145,070 to provide additional project funding.

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.D [18-0148](#) Authorize the Issuance of a Purchase Order for Asphaltic Materials and Pavement Reinforcement Fabric (F18-171)

1) Authorize the City Manager to issue a purchase order, excluding sales tax, to Reed & Graham Company in an amount of \$1,304,850, in substantially the same form as the Attachment 2 to the report; and 2) Delegate authority to the City Manager to renew the Purchase Order for two additional one-year periods, subject to available funding and acceptable pricing and services.

1.E [18-0171](#) Award of Bid No. PW18-05 for the 2017 Sanitary Sewer Main Replacement Project (UY-13/04-16) and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Making a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302(c) for the replacement or reconstruction of existing utility system; 2) award a contract in substantially the same form as Attachment 2 to the report in the amount of \$756,325 to California Trenchless, Inc. of Hayward and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$75,633.

1.F [18-0172](#) Approve the Downtown Sunnyvale Business Improvement District (BID) Annual Report for Fiscal Year 2017/18; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2018/19

Alternative 1: Approve the Fiscal Year 2017/2018 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the

Business Improvement District for Fiscal Year 2018/2019, and schedule the public hearing for April 24, 2018.

- 1.G** [18-0207](#) Approve the Fourth Amendment to an Agreement between City of Sunnyvale and Sunnyvale Historical Society and Museum Association Pertaining to the Costs for Water, Wastewater, and Garbage Utilities

Alternative 1: Approve the Fourth Amendment to Agreement between City of Sunnyvale and Sunnyvale Historical Society and Museum Association Pertaining to the costs for Water, Wastewater, and Garbage Utilities.

- 1.H** [18-0235](#) Appoint Mr. Micah Merrick to the NOVA Workforce Board
Appoint Mr. Micah Merrick to the NOVA Workforce Board.

- 1.I** [18-0245](#) Award of Bid No. PW18-20 for the Slurry Seal 2018 B (ST-18-03) and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Making a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) for rehabilitation of existing streets; 2) Award a contract in substantially the same form as Attachment No. 3 to the report in the amount of \$582,236 to Graham Contractors, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$58,224.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [18-0050](#) Introduce an Ordinance Designating Lori Avenue and Shirley Avenue as Preferential Parking Zones and Finding of Exemption from the California Environmental Quality Act

Transportation and Traffic Manager Shahid Abbas provided the staff report. City Attorney John Nagel provided additional information.

Public Hearing opened at 8:08 p.m.

Alan Brinker spoke regarding enforcement of use permit on building owners/landlords and better communication.

Patrick McElwee spoke regarding traffic congestion and safety in relation to

insufficient parking.

Public Hearing closed at 8:14 p.m.

MOTION: Councilmember Griffith moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Make the finding required by Sunnyvale Municipal Code Section 10.26.030, make a finding of exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (b)(3), and introduce an ordinance designating Lori Avenue and Shirley Avenue as a Preferential Parking Zone.

FRIENDLY AMENDMENT: Councilmember Goldman offered a friendly amendment to ask staff to investigate some method of helping residents pay for the fee. Councilmember Griffith accepted the friendly amendment with the modification to ask staff to pursue possible fines to mitigate the cost. Councilmember Goldman accepted the modification.

City Clerk Kathleen Franco Simmons read the ordinance title.

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

- 3** [18-0248](#) Consider Friends of Stevens Creek Trail Funding Request to Support the Local Match for a Grant Application to the Santa Clara Valley Water District to Remove a Fish Barrier on Stevens Creek; and Approve Budget Modification No. 45 to Appropriate up to \$9,900

Interim Regulatory Programs Manager Elaine Marshall provided a brief report.

Public Hearing opened at 8:26 p.m.

Tim Oey, President of Friends of Stevens Creek Trail, spoke in support of this

matter.

Aaron Grossman concurred with Mr. Oey's comments.

Public Hearing closed at 8:27 p.m.

MOTION: Councilmember Larsson moved and Councilmember Smith seconded the motion to Approve Budget Modification No. 45 to Appropriate up to \$9,900.

City Manager Kent Steffens requested Council to include in the motion that the Council supports funding this specific project.
Councilmember Larsson accepted.

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 [18-0139](#) Approve Study Issue Presentation Dates for Studies
Recommended for Study in 2018

City Manager Kent Steffens provided the staff report and reviewed the included modifications to scope of work and funding to study issues DPW 18-11: Analysis of Sunnyvale Golf Program and Property Options, and CDD 18-02: Update and Review of the Heritage Resource Inventory. Community Development Director Trudi Ryan provided additional information.

Public Hearing opened at 8:33 p.m.

Josh Grossman spoke regarding the study issue relating to mobile home parks.

David Wessel spoke regarding the high cost of housing in Sunnyvale.

Public Hearing closed at 8:39 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve the Proposed Presentation Dates for 2018 Council-ranked Study Issues as noted in Attachment 1 to the report.

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

- 5 [18-0166](#) Appoint an Applicant to the Arts Commission and to the Sustainability Commission

City Clerk Kathleen Franco Simmons provided the staff report.

ARTS COMMISSION (1 term to 6/30/2019)

Applicant: Julie Rogers

VOTE: 6-0-1 (Abstention by Smith)

City Clerk Kathleen Franco Simmons announced applicant Julie Rogers was appointed to the Arts Commission for a term expiring 6/30/2019.

SUSTAINABILITY COMMISSION (1 term to 6/30/2018 - Category One or Category Two)

Applicant: Laura Alvarez-Santos (Category One)

VOTE: 0-0-7 (Abstentions by all Councilmembers)

Applicant: Douglas Kunz (Category One)

VOTE: 7-0-0 (Affirmative votes by all Councilmembers)

Applicant: Joseph Rogers (Category One)

VOTE: 0-0-7 (Abstentions by all Councilmembers)

City Clerk Kathleen Franco Simmons announced Douglas Kunz was appointed to the Sustainability Commission for a term expiring 6/30/2018.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS**-Council**

Vice Mayor Klein reported his attendance with Councilmember Melton at the National League of Cities Conference in Washington DC.

Councilmember Goldman reported he met with several Councilmembers from other cities regarding SB 827 relating to local control over development.

Councilmember Melton reported his attendance with Vice Mayor Klein at the National League of Cities' Congressional Cities Conference.

Councilmember Melton spoke regarding earlier remarks of Henry Alexander III and outreach meetings regarding traffic around that neighborhood.

Councilmember Melton spoke regarding the County of Santa Clara's decision to extend the operation of the cold weather shelter to be year-round on a trial basis on a six-month increment.

Councilmember Smith spoke regarding California AB 2500 Safe Consumer Lending Act relating to pay-day loans, and requested consideration of supporting it. Mayor Hendricks requested staff to review it to determine if it is in line with existing City policy to support it.

Mayor Hendricks spoke regarding students who marched from Homestead High School on March 14th to observe the 17-minute protest for the 17 victims of Stoneman Douglas High School shooting in Parkland Florida. He met with the students at City Hall about important topics and gave them an opportunity to speak. He assured the group that they were being heard and was impressed and encouraged by their civic engagement.

-City Manager

City Manager Kent Steffens spoke regarding information items regarding the Civic Center Modernization Project which includes some follow up information that was requested, and the Review of New Laws, which highlights new laws that have

passed and how they might affect City operations as well as some pending legislation.

INFORMATION ONLY REPORTS/ITEMS

- [18-0240](#) Tentative Council Meeting Agenda Calendar
- [18-0059](#) Information/Action Items
- [18-0138](#) Annual Review of New Laws (Information Only)
- [18-0232](#) Civic Center Modernization Project Update -Library Phase Cost Estimate (Information Only)
- [18-0034](#) Study Session Summary of February 27, 2018 - Minimum Wage Update
- [18-0209](#) Study Session Summary of February 27, 2018 - Wage Theft (Study Issue)
- [18-0241](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 9:07 p.m.

NOTICE TO THE PUBLIC

Planning a presentation for a City Council meeting?

Planning to provide materials to Council?

Upcoming Meetings