



City of Sunnyvale

Notice and Agenda - Final City Council

Tuesday, January 7, 2020

7:00 PM

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

Regular Meeting

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

1 Call to Order in the West Conference Room

2 Roll Call

3 Public Comment

The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.

4 Convene to Closed Session

5 Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

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

2 Roll Call

3 Public Comment

4 Study Session

5 Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information

provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER

Call to Order in the Council Chambers (Open to the Public)

SALUTE TO THE FLAG**ROLL CALL****CLOSED SESSION REPORT****SPECIAL ORDER OF THE DAY****PRESENTATION****ORAL COMMUNICATIONS**

This category provides an opportunity for members of the public to address the City Council on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Mayor) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Council to take action on an item not listed on the agenda. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please submit a speaker card to the City Clerk prior to the start of the meeting or before approval of the consent calendar.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearing/general business item, please fill out a speaker card and give it to the City Clerk. You will be recognized at the time the item is being considered by Council. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 5 minutes for closing comments.

20-0001 Selection of Vice Mayor for a One-Year Term Effective January 7, 2020

Recommendation: Select a member of the Council to serve as Vice Mayor for a one-year term effective January 7, 2020, expiring on the first regular meeting in January 2021.

20-0003 Appoint Councilmembers to Intergovernmental Assignments; Ratify Appointments of Councilmembers made by Outside Agencies; Take Action to Modify, Create, or Terminate Council Subcommittees

Recommendation: Alternatives 1 through 6: 1) Ratify Community Member Appointments; 2) Reaffirm Board and Commission Liaison Assignments; 3) Take Action to Modify, Create, or Terminate Council Subcommittees; 4) Appoint Councilmembers to Remaining Council Subcommittees and Standing Committees; 5) Appoint Councilmembers to serve on External IGR Agencies; 6) Ratify Appointments Made by Outside Agencies including Pre-ratification of appointments that are still pending.

20-0004 Determine the 2020 Seating Arrangements for City Council

Recommendation: Determine the seating arrangements for 2020 in accordance with Council Policy 7.3.11.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

Visit <http://Sunnyvale.ca.gov/TCMAC> to view the Tentative Council Meeting Agenda Calendar (TCMAC) online. The TCMAC is updated each Thursday afternoon.

ADJOURNMENT

NOTICE TO THE PUBLIC

The agenda reports to council (RTCs) may be viewed on the City's website at sunnyvale.ca.gov after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, California during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b) (1))

Planning a presentation for a City Council meeting?

To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" available at Sunnyvale.ca.gov/PublicComments

Planning to provide materials to Council?

If you wish to provide the City Council with copies of your presentation materials, please provide 12 copies of the materials to the City Clerk (located to the left of the Council dais). The City Clerk will distribute your items to the Council.

Upcoming Meetings

Visit <https://sunnyvaleca.legistar.com> for upcoming Council, board and commission meeting information.



City of Sunnyvale

Agenda Item

20-0001

Agenda Date: 1/7/2020

REPORT TO COUNCIL

SUBJECT

Selection of Vice Mayor for a One-Year Term Effective January 7, 2020

DISCUSSION

City Charter section 606 (Attachment 1) requires the City Council to designate one of its members as Vice Mayor at the first regular meeting in January at which the City Council certifies the election results, following the General Municipal Election.

The Vice Mayor is selected following the procedures set forth in Council Policy 7.3.10 (Attachment 2). In accordance with that policy, a study session was held on December 18, 2018 to allow Councilmembers and Councilmembers-Elect the opportunity to express interest in the position of Vice Mayor. At that meeting, Councilmember Melton and Councilmember Smith expressed interest in serving as Vice Mayor for the one-year term. No other Councilmembers or Councilmembers-Elect announced their interest in serving as Vice Mayor for the upcoming term.

EXISTING POLICY

City Charter Section 606. Vice Mayor
Council Policy 7.3.10. Mayor and Vice Mayor Selection

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

None.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

STAFF RECOMMENDATION

Select a member of the Council to serve as Vice Mayor for a one-year term effective January 7, 2020, expiring on the first regular meeting in January 2021.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENT

1. Charter Section 606
2. Council Policy 7.3.10 Mayor and Vice Mayor Selection

Section 606. Vice Mayor.

At the first regular meeting in January, at which the City Council shall certify the election results, following each General Municipal Election, and the first regular meeting in January in odd-numbered years, the City Council shall also designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability. (Amended effective December 31, 1975, December 21, 1976, December 23, 1982, November 30, 1995 and November 28, 2007: previously Section 705)

View the [mobile version](#).

Policy 7.3.10 Mayor and Vice Mayor Selection

POLICY PURPOSE:

Section 605 of the City Charter provides that the City Council shall select one of its members to be presiding officer and have the title of Mayor. The Mayor can be removed by super majority (five) votes of the Council. Further, the Charter provides that the Council shall select a Vice Mayor to serve in the absence of the Mayor. The Vice Mayor serves at the pleasure of the Council. The Charter does not specify the method of selection. Section 613 of the Charter provides that the Council shall establish rules of conduct of its proceedings. This policy specifies the time and method of Mayor and Vice Mayor selection. It is intended to supplement Sections 605, 606, and 613 of the City Charter and in no way conflict with those provisions.

POLICY STATEMENT:

The City Charter provides the terms of office and certain procedural requirements for the selection and removal of the Mayor, and these Charter provisions are incorporated into this policy. The City Council recognizes the need to establish a term of office for the position of Vice Mayor as well as an orderly process of selection of both positions.

1. Terms of Office. The Mayor shall have a two year term of office, with the term of office beginning with the meeting at which a general municipal election is certified (typically in January of even numbered years) and shall serve until a successor is selected.

The Vice Mayor shall serve a one year term with the term beginning concurrently with the Mayor and shall serve until a successor is selected. Should the Mayor and/or Vice Mayor's office become vacant during a term for whatever reason (i.e. resignation, death, disability, Council vote), the Councilmember selected to fill the vacancy shall serve the remainder of the unexpired term.

2. Agenda for Selection of Mayor and Vice Mayor
 - A. During Election Years (when both a Mayor and Vice Mayor are to be selected):
 - (I) Between Election Day and the first meeting in January, Council shall schedule a study session during which Councilmembers and Councilmembers-elect shall have the opportunity to express interest in the positions of Mayor and Vice Mayor.
 - (II) At the first regular meeting in January, the City Council shall certify the election results following each General Municipal Election.
 - (III) The certification of the election results shall directly follow approval of minutes as a Special Order of the Day.
 - (IV) After results are certified, Councilmembers leaving office shall be excused and newly elected members shall be seated.

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- (V) The next item of business shall be selection of the Mayor and Vice Mayor.
 - (VI) The selection of Mayor shall precede the selection of Vice Mayor.
 - B. During Non-Election Years (when only a Vice Mayor is to be selected):
 - (I) Between November 1 and the first regular meeting in January, Council shall schedule a study session during which Councilmembers shall have the opportunity to express interest in the position of Vice Mayor.
- 3. Presiding Officer for Selection of Mayor
 - A. The officer presiding over the selection process shall serve as Mayor Pro Tempore and preside over Council meetings until a Mayor is selected.
 - B. The individual functioning as presiding officer for the selection of Mayor shall be in the following order:
 - (I) The incumbent Mayor if still on the Council.
 - (II) The incumbent Vice Mayor if still on the Council.
 - (III) The Councilmember with the longest period of continuous service.

Should there be two members of equal length of service, a drawing conducted by the City Clerk prior to the meeting shall be used to determine the presiding officer.
 - C. The newly selected Mayor shall preside over the selection of the Vice Mayor.
- 4. Nomination and Selection Process for Mayor.
 - A. Councilmembers shall select a Mayor who best exhibits the following criteria:
 - (I) Leadership. The candidate has a vision for the City and clearly defined goals that other Councilmembers support. The candidate recognizes Sunnyvale's role in regional issues as well.
 - (II) Executive skills. The candidate can run public hearings efficiently so that as many members of the public as possible are able to provide input on Council decisions. The candidate delegates tasks appropriately to the Vice Mayor, to subcommittees, and to Councilmembers. The candidate works well with city staff but does not take direction from staff.
 - (III) Integrity. The candidate maintains the highest possible ethical standards, works well with all Councilmembers, has the courage to take an

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unpopular position if it is best for the City, rises above petty disputes, remains calm in a crisis, and seeks recognition for the City more than personal acclaim.

- (IV) Commitment. The candidate is willing and able to devote sufficient time to the role of Mayor in order to perform it properly, is supportive of the community and is supported by the community. The candidate's past actions have been for the City's benefit rather than being self-serving.

B. Nominations:

The Mayor Pro Tempore shall ask the Council for nominations for the position of the new Mayor. Any of the other Councilmembers may nominate someone other than himself or herself (including the incumbent or the Mayor Pro Tempore) for the position. The Mayor Pro Tempore shall ask each nominated Councilmember if he or she is willing to serve before declaring that person nominated. If there are no nominations, the Mayor Pro Tempore may make a nomination. When it appears that no further nominations will be made, the Mayor Pro Tempore shall announce that the nominations are closed.

C. Candidate Statements

If more than one Councilmember has been nominated, the Mayor Pro Tempore shall allow each nominated candidate to speak briefly on his or own behalf. Nominees shall speak in the order in which they were nominated.

D. Voting:

All Councilmembers are strongly urged to be present for this vote. If for some reason a Councilmember cannot be present, they will be allowed to teleconference and vote, as prescribed below, and to voice their opinion in regards to the candidate.

(I) Only One Candidate

If only one Councilmember has been nominated, the Mayor Pro Tempore shall declare that individual to be elected Mayor by unanimous consent.

(II) More than One Candidate

- (a) Votes will be taken by electronic vote unless a Councilmember participates via teleconference, in which case all votes will be taken by roll call vote. The order of roll call vote shall be determined by random drawing by the City Attorney. Councilmembers calling in will state their vote according to the order determined by random drawing.

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- (b) Each Councilmember is entitled to vote for only one candidate. If more than one Councilmember has been nominated, the Mayor shall call for a vote of the first one nominated. If that candidate has received four or more votes, the Mayor shall declare that candidate elected and the voting concluded. If not, the Mayor shall call for a vote for the second candidate in the same manner. The candidate receiving four or more votes shall be declared the Mayor.
- (c) In the case of a tie, a vote shall be held among all seven Councilmembers to break the tie. For example, in the case of three candidates, if candidate A gets three votes, candidate B gets two votes, and candidate C gets two votes, all seven Councilmember vote on Candidates B and C. If candidate C gets the most votes, the final vote will be held between Candidates A and C.
- (d) The election process shall continue until one candidate has at least four votes and is declared to be elected.
- (e) When the City Clerk announces the result of the voting, the incumbent Mayor, if not reelected, shall relinquish the chair, and the newly-elected Mayor shall preside over the remainder of the meeting, including the election of the new Vice Mayor, unless a teleconferencing Councilmember is newly-elected, in which case the Mayor Pro Tempore shall continue to preside for the remainder of the meeting.

E. Public Record for Ballots Cast

The City Clerk shall announce all votes cast by each Councilmember for the record. The votes of each Councilmember shall be included in the minutes of the meeting.

5. Nomination and Selection Process for Vice Mayor.

The Vice Mayor election shall be carried out in the same manner as the election of the Mayor, with two exceptions:

- A new Vice Mayor shall be elected every year.
- The incumbent Mayor, whether newly seated or halfway through a two-year term, is ineligible to be nominated as Vice Mayor.

6. Mid-Term Vacancies.

If either position becomes vacant during the course of the Mayor or Vice Mayor's term, the City Clerk shall place an agenda item to select a new Mayor or Vice Mayor on the agenda of the meeting when such vacancy is declared to exist. The Mayor or Vice Mayor, whoever is appropriate, shall preside over the selection.

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(Adopted: RTC 81-602 (10/6/1981); Amended: 87-593 (11/10/1987), 95-165 (5/16/1995), 96-041 (2/27/1996); (Clerical/clarity update, Policy Update Project 7/2005); New Policy Adopted 12/11/2007; Amended 4/27/2010; Clarity Update based on 1/6/15 Council Meeting)

Lead Department: Office of the City Manager



City of Sunnyvale

Agenda Item

20-0003

Agenda Date: 1/7/2020

REPORT TO COUNCIL

SUBJECT

Appoint Councilmembers to Intergovernmental Assignments; Ratify Appointments of Councilmembers made by Outside Agencies; Take Action to Modify, Create, or Terminate Council Subcommittees

BACKGROUND

On **December 3, 2019**, the City Council held a Study Session to review their intergovernmental (IGR) assignments, and state their interest in either retaining or dropping those assignments, or express interest in serving on other assignments.

The purpose of this report is for Council to review and possibly ratify Councilmember appointments as presented. Appointees represent the City's interests and influence policies and regulations of other agencies. With a few minor exceptions, all Council appointments are made annually in January; at this time, Council also considers ratifying appointments made by outside agencies.

At the Study Session, Council discussed postponing assigning members to the Subcommittee to Discuss Items of Mutual Interest with Local School Districts until further notice and potentially adding Foothill-DeAnza Community College District to the process.

EXISTING POLICY

Council Policy 7.4.12, *Council Appointments to Intergovernmental Agencies*

Council Policy 7.4.13, *Council Subcommittees and Council- or Mayor- Created Advisory Task Forces*

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

DISCUSSION

When making IGR appointments, Council considers the City's overall intergovernmental priorities as well as the particular interests and backgrounds of individual Councilmembers. The *2020 IGR Appointments for Consideration* (Attachment 1) lists for reference the names of all interested parties and number of appointments available. The *2020 Council IGR Review Forms* (Attachment 2) express the interest of Councilmembers to retain or drop their existing assignments.

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Ratify Community Member Appointments
2. Reaffirm Board and Commission Liaison Assignments
3. Take Action to Modify, Create, or Terminate Council Subcommittees
4. Appoint Councilmembers to Remaining Council Subcommittees and Standing Committees
5. Appoint Councilmembers to serve on External IGR Agencies
6. Ratify Appointments Made by Outside Agencies including Pre-ratification of appointments that are still pending.
7. Other action as directed by Council.

STAFF RECOMMENDATION

Alternatives 1 through 6: 1) Ratify Community Member Appointments; 2) Reaffirm Board and Commission Liaison Assignments; 3) Take Action to Modify, Create, or Terminate Council Subcommittees; 4) Appoint Councilmembers to Remaining Council Subcommittees and Standing Committees; 5) Appoint Councilmembers to serve on External IGR Agencies; 6) Ratify Appointments Made by Outside Agencies including Pre-ratification of appointments that are still pending.

Additionally, staff recommends that Councilmembers identify any other IGR assignments they have applied for to provide Council an opportunity to pre-ratify.

Prepared by: Jennifer Nuñez, Executive Assistant

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. 2020IGR Appointments for Consideration
2. 2020 Council IGR Review Forms



City of Sunnyvale

Agenda Item

20-0004

Agenda Date: 1/7/2020

REPORT TO COUNCIL

SUBJECT

Determine the 2020 Seating Arrangements for City Council

BACKGROUND AND DISCUSSION

Council Policy 7.3.11 (Attachment 1) provides a process to determine the seating arrangements of Councilmembers at Council meetings. This procedure is conducted as the last item of business at the meeting during which the Mayor and Vice Mayor are selected. The Mayor will be seated in the center seat, and the Vice Mayor may choose to be seated to either side of the Mayor. The remaining seats will be selected in order of Council seniority as defined in Council Policy 7.3.11.

Section 3.B. of Council Policy 7.3.11 states, "Councilmembers shall select where they wish to sit on the basis of length of continuous time of service on the City Council. The selection process shall be in the order of most senior to least senior. When two or more Councilmembers have equivalent time of service, those Councilmembers are given priority in seat selection by the highest number of votes received in their most recent election." Therefore, after selection of the seats to be occupied by the Mayor and the Vice Mayor, the following order is to be used to select the remaining seats:

Seniority	Date First Elected	Councilmember	No. of Votes Received at Most Recent Election	Most Recent Election
Most Senior	11/05/13	Gustav Larsson	22,316	11/06/18
	11/05/13	Glenn Hendricks	20,639	11/06/18
	08/16/16	Larry Klein	18,972	11/08/16
	11/08/16	Nancy Smith	26,565	11/08/16
	11/08/16	Russ Melton	24,281	11/08/16
	11/08/16	Michael S. Goldman	19,298	11/08/16
Least Senior	11/06/18	Mason Fong	20,230	11/06/18

Councilmembers will assume their new seats commencing with the next regular Council meeting scheduled on January 14, 2020.

EXISTING POLICY

Council Policy 7.3.11. Seating Arrangements/City Council

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California

Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

None.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

STAFF RECOMMENDATION

Determine the seating arrangements for 2020 in accordance with Council Policy 7.3.11.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Reviewed by: John A. Nagel, City Attorney

Approved by: Kent Steffens, City Manager

ATTACHMENT

1. Council Policy 7.3.11 Seating Arrangements/City Council

Policy 7.3.11 Seating Arrangements/City Council

POLICY PURPOSE:

Section 613 of the Charter provides that the City Council shall establish rules for the conduct of its proceedings. It is the purpose of this policy to establish a process to determine the seating arrangement of Councilmembers at Council meetings.

POLICY STATEMENT:**1. Seating of Mayor**

The Mayor shall be seated in the center seat. Should the Mayor be absent, the Vice Mayor will assume the Mayor's seat.

2. Seating of the Vice Mayor

The Vice Mayor shall be seated to either side of the Mayor, with the vice Mayor receiving preference for obtaining the seat.

3. Councilmember Seating

A. When Determined: Seating arrangements will be determined as the last item of business at a meeting during which a mayor and/or vice mayor is selected.

B. How Determined: Councilmembers shall select where they wish to sit on the basis of length of continuous time of service on the City Council. The selection process shall be in the order of most senior to least senior. When two or more Councilmembers have equivalent time of service, those Councilmembers shall be given priority in seat selection by the highest number of votes in his/her most recent election.

(Adopted: RTC 81-602 (10/6/1981); Amended: 84-673 (11/6/1984), 85-554 (11/12/1985), 87-590 (11/10/1987), 88-701 (11/29/1988), 89-729 (11/14/1989), 91-522 (11/12/1991), 05-357 (11/29/05))

Lead Department: Office of the City Manager