



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, March 16, 2021

5:30 PM

Telepresence Meeting: City Web Stream |
AT&T Channel 99 | Comcast Channel 15

**Special Meeting: Board and Commission Interviews - 5:30 PM | Special Meeting: Closed
Session - 6 PM | Regular Meeting - 7 PM**

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 5:31 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

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

Study Session

A [21-0001](#) Board and Commission Interviews

Public Comment opened at 5:33 p.m.

No speakers.

Public comment closed at 5:33 p.m.

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

Andrew Ma – Board of Library Trustees

Jenny Bratton – Board of Library Trustees and Heritage Preservation Commission

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:00 p.m.

6 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 6:03 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

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

Public Comment

Public Comment opened at 6:03 p.m.

No speakers.

Public Comment closed at 6:03 p.m.

Convene to Closed Session

B [21-0407](#) Closed Session held pursuant to California Government Code Section 54956.8:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Acquisition of 970 W Evelyn Ave, Sunnyvale, CA -

APN 165-20-017

Agency negotiator: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; and Sherine Nafie, City Property Administrator

Negotiating parties: Edward Woodhall, Owner

Under negotiation: Price and terms

- C** [21-0404](#) CONFERENCE WITH LEGAL COUNSEL-INITIATION OF LITIGATION
Closed Session held pursuant to California Government Code Section 54956.9(d)(4)
Number of Potential Cases: One

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 7:09 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 7:12 p.m. via teleconference.

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysia Cisneros
Councilmember Omar Din

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

CLOSED SESSION REPORT

Vice Mayor Hendricks reported that Council met in Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL

PROPERTY NEGOTIATORS Property: Acquisition of 970 W Evelyn Ave, Sunnyvale, CA APN 165 20 017 Agency negotiator: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; and Sherine Nafie, City Property Administrator Negotiating parties: Edward Woodhall, Owner Under negotiation: Price and terms; nothing to report.

Vice Mayor Hendricks reported that Council met in Closed Session held pursuant to California Government Code Section 54956.9(d)(4): CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION Number of Potential Cases: One; nothing to report.

SPECIAL ORDER OF THE DAY

D [21-0342](#) American Red Cross Month

Mayor Klein read a proclamation in honor of American Red Cross Month.

Dr. Liz Dietz and Mary Ann Reilly, Silicon Valley Chapter - American Red Cross spoke toward the proclamation.

ORAL COMMUNICATIONS

Councilmember Din announced details of the upcoming Decarbonizing Transportation: From Policy to Progress Webinar and that schools are resuming on campus learning and urged the public to slow down and remain alert when driving.

Richard Mehlinger spoke towards the closure of the Sunnyvale Fry's Electronics store and shared concerns regarding redeveloping the site with high density office. He urged the City to begin considering the future of the site via the upcoming review of the Housing Element.

Rose Gregorio communicated concerns with the closure of the warming center during the evening/night hours.

Alec Vandenberg shared concerns regarding the lack of a sanctioned encampment for the unhoused in the Sunnyvale community and services being provided to the unhoused population at the hotel including food quality and accommodations for pets. He voiced support for transitioning individuals into permanent housing.

Tracy Hern, President, Public Safety Officers Association shared statistics related to Public Safety staff morale. He spoke towards the Association's efforts to address the morale issue with management and proposal of a joint labor management

committee.

Alysa voiced support for activating a warming center due to inclement weather for the unhoused population during the evening/night.

Marian spoke towards the Moffett Park Specific Plan and establishing an open space ecological area similar to the Ulistac Natural Area in Santa Clara City.

Helen Gettinger shared support for transitioning the unhoused population into permanent housing, increasing case management hours and services, providing proper nutrition and activating a warming center overnight.

Member of the public communicated support for developing a shelter at the vacant Fry's Electronics site and possible services that may be offered at the shelter. They shared support for establishing a sanctioned encampment for the unhoused in Sunnyvale.

City Manager Kent Steffens provided an update on the transition plan for the unhoused population currently at a hotel, including efforts to increase case management hours at the site and identify long-term housing.

CONSENT CALENDAR

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to approve agenda items 1.A through 1.E.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

1.A [21-0289](#) Approve City Council Meeting Minutes of February 23, 2021
Approve the City Council Meeting Minutes of February 23, 2021 as submitted.

1.B [21-0307](#) Approve City Council Meeting Minutes of February 25, 2021

(Study Issues and Budget Issues Workshop)

Approve the City Council Meeting Minutes of February 25, 2021 as submitted.

- 1.C** [21-0397](#) Approve City Council Meeting Minutes of March 2, 2021
(Moffett Park Specific Plan Study Session)

Approve the City Council Meeting Minutes of March 2, 2021 as submitted.

- 1.D** [21-0369](#) Approve Application for Local Area Subsequent Designation
for NOVA Workforce Development Area and Local Board
Recertification for NOVA Workforce Board

Approve application for local area subsequent designation for the NOVA workforce development area and Local Board recertification for the NOVA Workforce Board.

- 1.E** [21-0387](#) Adopt Uncodified Ordinance No. 3173-21 Awarding an
Exclusive Franchise to Bay Counties Waste Services, dba
Specialty, Inc., for Recycling, Organics, and Solid Waste
Collection Services

Adopt uncodified Ordinance No. 3173 21 awarding an exclusive franchise to Bay Counties Waste Services, dba Specialty, Inc., for recycling, organics and solid waste collection services.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [21-0274](#) Authorize the City Manager to Execute three Site Agreements
with EVgo Services LLC allowing the installation of four
Electric Vehicle (EV) Fast-Charging Stations at each of the
following sites: the Community Center, Downtown Parking Lot
at the southwest corner of W. Evelyn Avenue and S.
Sunnyvale Avenue and Downtown Parking Lot at the
southeast corner of S. Frances Street and W. Evelyn Avenue,
in Sunnyvale and find that the Project is Exempt from CEQA

Councilmember Fong stated he is a Tesla shareholder, recused himself, and left the teleconference meeting at 7:43 p.m.

Assistant Director of Public Works Jennifer Ng provided the staff report and presentation.

Public Hearing opened at 7:58 p.m.

Robbie Gleichman inquired on the charging speed of the stations being installed and voiced support for the greater kilowatt power stations and 24-hour availability of the stations.

Public Hearing closed at 8:00 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the motion to approve Alternative 1: Authorize the City Manager to execute three site agreements in substantially the same form as Attachment 1 to the report, with EVgo Services LLC allowing the installation of four electric vehicle (EV) fast-charging stations at each of the following sites: the Community Center, Downtown Parking Lot at the southwest corner of W. Evelyn Avenue and S. Sunnyvale Avenue and Downtown Parking Lot at the southeast corner of S. Frances Street and W. Evelyn Avenue, in Sunnyvale and find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b).

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Cisneros
Councilmember Din

No: 0

Recused: 1 - Councilmember Fong

3 [21-0285](#) Discussion and Direction on Ordinance Establishing a Public Process for Redistricting

Deputy City Manager Jaqui Guzmán and Assistant City Attorney Melissa Tronquet provided the staff report.

Public Hearing opened at 8:14 p.m.

Elaine Manley, Co-President, League of Women Voters of Cupertino-Sunnyvale (LWV) and Sunnyvale Fair Redistricting member communicated recommended modifications to the draft ordinance and draft application including: select six alternatives instead of three, appoint alternates permanently instead of on a

meeting-by-meeting basis and standardize the time requirements to four-years and add analytical skills as a subset of desired qualifications.

Mike Serrone shared support for the LWV's recommended modifications specifically to standardize the time requirements to four-years and appoint alternates permanently.

Richard Mehlinger voiced support for standardizing the time requirements for four-years and appointing alternates permanently.

Cal Cornwell spoke towards the recommendation to standardize time requirements to four-years throughout the draft ordinance.

Public Hearing closed at 8:23 p.m.

MOTION: Councilmember Fong moved to amend Ordinance section 2.31.020(c)(1) to require a majority vote of commissioners present instead of four commissioners for an affirmative vote selecting proposed district maps and the redistricting commission's preferred map. Motion failed due to lack of a second.

MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the motion to add to Section 2.31.010 that the Redistricting Commission may draft its own maps, accept maps from the public or draft maps in consultation with the demographer for discussion.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment that the language be added to Section 2.31.020. Vice Mayor Hendricks restated his motion that staff use their discretion in deciding the placement of the language within the ordinance.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the

motion to accept Section 2.31.030 (a) and (b) as presented and amend the section related to qualifications to standardize the time requirements to four years.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Councilmember Melton

MOTION: Councilmember Melton moved and Councilmember Fong seconded the motion to direct staff to reinstate the prohibition that a former Councilmember be ineligible to serve on the Redistricting Commission when the Councilmember was elected or appointed within the preceding eight years.

The motion failed with the following vote:

Yes: 1 - Councilmember Melton

No: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Fong
Councilmember Cisneros
Councilmember Din

Staff requested clarification regarding Section 2.31.030(5) and inquired if the prior motion and vote to standardize time requirements to four years applied to Subsection(5). Vice Mayor Hendricks clarified that was the intent of the motion.

MOTION: Councilmember Fong moved and Mayor Klein seconded the motion to incorporate the recommendations presented by the League of Women Voters in a letter dated March 13, 2021 to add analytical skills as a subset of desired qualifications to the draft application in two sections:

1. Role of the Redistricting Commission, "Commissioners should be open-minded, analytical, impartial, and community-minded"; and
2. Question on page three, "Describe your approach to analytical decision making when faced with competing priorities and values."

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

4 [21-0191](#) Approve the 2020 Housing Element Annual Progress Report
Housing Officer Jenny Carloni provided the staff report and presentation.

Public Hearing opened at 9:27 p.m.

Mike Serrone communicated support for approval of the report and offered a comparison between projects that create jobs and projects that create housing.

Public Hearing closed at 9:30 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve the 2020 Housing Element Annual Progress Report (Attachment 1 to the report) and direct staff to submit it to the Governor's Office of Planning and Research and the California Department of Housing and Community Development with the correction discussed for 365 South Mathilda Avenue in Table A2.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

- 5 [21-0383](#) CONTINUED FROM FEBRUARY 23, 2021:
Annual Review and Approval of City's Code of Ethics and
Conduct for Elected and Appointed Officials

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:37 p.m.

Richard Mehlinger voiced support for approving the Code of Ethics and Conduct for Elected and Appointed Officials (Code) and creation of a subcommittee consisting of Councilmembers along with Board and Commission Members to review the Code.

Member of the public spoke towards the Code addressing inappropriate behavior by Councilmembers, Board and Commission members and staff. They inquired where inappropriate behavior by the City Manager is addressed.

Maria shared support for the Code and spoke towards the importance of Section B.3(a). In Public Meetings.

Public Hearing closed at 9:44 p.m.

MOTION: Councilmember Larsson moved to approve Alternative 2: Refer the Planning Commission's request to the Council Subcommittee on Board and Commission Bylaws for discussion and possible action.

FRIENDLY AMENDMENT: Vice Mayor Hendricks offered a friendly amendment to approve Alternatives 1 and 2. Councilmember Larsson accepted the friendly amendment.

Vice Mayor Hendricks seconded the motion to approve Alternatives 1 and 2:

1. Review and approve the 2021 Code of Ethics and Conduct for Elected and Appointed Officials with non-substantive changes from the 2020 Code as set forth in Attachment 1 to the report; and
2. Refer the Planning Commission's request to the Council Subcommittee on Boards and Commissions for discussion and possible action.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Councilmember Melton

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Fong shared his attendance at the Valley Transportation Authority (VTA) Policy Advisory Committee meeting including the Committee's approval of Measure B's 10-year Program and Biennial Budget Principles, Project Readiness and Prioritization Criteria.

NON-AGENDA ITEMS & COMMENTS

-Council

MOTION: Councilmember Fong moved and Councilmember Din seconded the motion to schedule a Study Session for no later than April 6, 2021, date and time to be identified between the Mayor and City Manager, to allow 15 minutes for a presentation by the Sunnyvale Public Safety Officers Association (PSOA) regarding morale survey and request for a new committee to find resolution to the issues raised in the survey.

City Manager Kent Steffens shared concerns regarding a Study Session on a topic that is under consideration between a labor union and the Chief of Public Safety. He shared that staff is proposing a communications consultant work with the Chief and PSOA to help resolve the issues.

The motion failed with the following vote:

Yes: 1 - Councilmember Fong

No: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Cisneros
Councilmember Din

Councilmember Melton spoke towards the American Rescue Plan and preliminary funding estimates the City of Sunnyvale will be receiving and noted that Council Policy stipulates one-time funds be placed into a capital reserve fund. He voiced support for the Mayor or City Manager to agendaize a discussion topic regarding use of rescue plan funds including the topic of waiving the Council Policy in this instance.

City Manager Kent Steffens announced the City of Sunnyvale will be receiving funds in two installments. Mr. Steffens spoke towards using the funds to backfill revenue and allocating the funds to the General Fund. A discussion is anticipated during the budget workshop on May 20, 2021.

-City Manager

City Manager Kent Steffens shared details of Information Only Item 21-0280 Presentation Dates for Recommended Studies in 2021.

INFORMATION ONLY REPORTS/ITEMS

- [21-0107](#) Tentative Council Meeting Agenda Calendar
- [21-0102](#) Board/Commission Meeting Minutes
- [21-0237](#) Information/Action Items
- [21-0280](#) Study Issue Presentation Dates for Recommended Studies in 2021 (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:08 p.m.