



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, June 12, 2018

5:30 PM

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

**Special Meeting - 5:30 PM | Regular Meeting- 7 PM | Special Joint Meeting of the City
Council and the Sunnyvale Financing Authority- 7 PM
(or as soon thereafter as the matter may be heard)**

5:30 P.M. SPECIAL COUNCIL MEETING

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

Vice Mayor Klein called the meeting to order at 5:32 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

None.

4 Public Hearing/General Business

[18-0264](#)

Selection of a City Councilmember to be nominated as the City Selection Committee for Santa Clara County's (also known as the Cities Association of Santa Clara County) appointment of one primary and one alternate member to serve on the Countywide Redevelopment Successor Agency Oversight Board

City Attorney John Nagle reported and provided guidance. Vice Mayor Klein expressed interest in serving as the City representative and provided additional information.

Public Hearing opened at 5:41 p.m.

No speakers.

Public Hearing closed at 5:41 p.m.

MOTION: Councilmember Larsson moved, and Councilmember Griffith seconded the motion to nominate Vice Mayor Klein to apply for the Countywide Redevelopment Successor Agency Oversight Board.

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 Study Session

[18-0384](#) Planning for Post-2021 Solid Waste & Recycling Collection Franchise (Study Issue ESD 18-02)

Mark Bowers, Solid Waste Programs Division Manager, provided a brief report and introduction. Peter Deibler of HF&H Consultants provided a slide presentation.

6 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:55 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

Nothing to report.

SPECIAL ORDER OF THE DAY

[18-0343](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office
for Board and Commission Members

City Clerk Kathleen Franco Simmons administered the Oath of Office to incoming Board and Commission Members.

ORAL COMMUNICATIONS

Councilmember Goldman announced an upcoming Small Businesses workshops at Nova Job center to assist small businesses develop online market strategies.

Mayor Hendricks reported on revenue service for BART Phase I and BART Phase 2; Phase 1 has been delayed to 2019, and Phase 2 has gone to FTA and is moving forward.

Holly Lofgren spoke regarding rising costs and quality of life issues in the city, and urged Council to avoid policies that continue to make land more expensive.

Henry Alexander III spoke regarding government transparency and provided a slide presentation.

Josh Grossman spoke regarding his background, referenced a recent article about a good neighbor initiative that he and Councilmember Goldman proposed, modeled after Mountain View's good neighbor initiative. He urged the Council to pursue the initiative as a study issue and to encourage large corporations to help provide housing and transportation.

Paul Brunemeier spoke regarding the study session PARCs proposed amendment

to city ordinance relating to selling public land, provided a slide presentation, and encouraged ballot measure.

Varun Srivastana spoke regarding conservation projects that protect milkweed plants in parks and home gardens to aid monarch butterflies, and advocated for parks staff to not use insecticides.

CONSENT CALENDAR

MOTION: Vice Mayor Klein moved, and Councilmember Larsson 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 [18-0434](#) Approve City Council Meeting Minutes of May 22, 2018

Approve the City Council Meeting Minutes of May 22, 2018 as submitted.

1.B [18-0435](#) Approve City Council Special Meeting Minutes of May 25, 2018

Approve the City Council Special Meeting Minutes of May 25, 2018 as submitted.

1.C [17-1113](#) 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 [18-0210](#) Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 6, 2018 for the Election of Councilmembers to Seats 1, 2 and 3; Requesting Consolidation with the Statewide General Election and Election Services from the Santa Clara County Board of Supervisors; Providing Regulations for Candidates'

Statements and Determining to Levy Costs of Candidates'
Statements

Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 6, 2018 for the Election of Councilmembers to Seats 1, 2 and 3; Requesting Consolidation with the Statewide General Election and Election Services from the Santa Clara County Board of Supervisors; Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements.

1.E [18-0419](#) Award of Bid No. PW18-13 for the Federally-Funded Sunnyvale-Saratoga Road Traffic Signal, Bicycle and Pedestrian Safety Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption and Approve Budget Modification No. 48.

1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for the maintenance or repair of existing facilities involving negligible or no expansion of use beyond which presently exists; 2) award a contract, in substantially the same form as Attachment 2 to the report and in the amount of \$911,300 to Redgwick Construction, Co., and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 10% construction contingency in the amount of \$91,130.

1.F [18-0329](#) Award of Contract for Various Youth Sports Classes and Camps (F18-236)

1) Award a two-year contract to Sportzania Inc dba Skyhawks Sports Academy in the amount not to exceed of \$450,000 to provide instructional classes and camps, in substantially the same form as Attachment 1 of the staff report, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) Authorize the City Manager to renew the contract for an additional one-year period, provided pricing and service remain acceptable to the City.

1.G [18-0337](#) Approve Budget Modification No. 49 to Appropriate \$54,413 of Santa Clara County EMS Data Hardware Funding to an Existing Project (EMS Patient Data Care System)

Approve Budget Modification No. 49 to appropriate \$54,413 of Santa Clara County EMS Data Hardware Funding to an Existing Project (Project Number 830660, EMS Patient Data Care System)

- 1.H** [18-0400](#) Approve Agreement between the City of Sunnyvale and Airbnb, Inc. for the Collection of the City's Transient Occupancy Tax on Short-Term Rentals

Authorize the City Manager to execute a Voluntary Collection Agreement, in substantially the same form as Attachment 1 to the report, with Airbnb, Inc. for the collection of Transient Occupancy Tax.

- 1.I** [18-0460](#) Authorize the Issuance of a Purchase Order for Maintenance and Support of the Performance Series System (F18-265)

1) Authorize the issuance of a Three-Year Purchase Order in an amount of \$321,772 in substantially the same form as Attachment 1 to the report to Cogsdale Corporation for software maintenance and support for the Performance Series System; 2) Authorize the City Manager to increase the annual Purchase Order amounts within the approved budget.

- 1.J** [18-0466](#) Reject the Sole Bid Received for Fair Oaks Avenue Bikeway and Streetscape (PW18-16)

Reject the sole bid received from FBD Vanguard Construction in response to Invitation for Bids PW18-16 for Fair Oaks Avenue Bikeway and Streetscape.

- 1.K** [18-0467](#) Reject the Sole Bid Received for Storm Pump Station No. 1 Rehabilitation (PW18-15)

Reject the sole bid received from JMB Construction Inc. in response to Invitation for Bids #PW18-15 Storm Pump Station No. 1 Rehabilitation.

ADJOURNMENT TO SPECIAL JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY

Mayor Hendricks adjourned the Council meeting to the Special Joint Meeting of the City Council and Sunnyvale Financing Authority at 7:22 p.m.

CALL TO ORDER

Mayor / Authority Chair Hendricks called the Special Joint Meeting of the City Council and Sunnyvale Financing Authority to order.

ROLL CALL

Present: 7 - Mayor / Authority Chair Hendricks
 Council / Authority Member Klein
 Council / Authority Member Griffith
 Council / Authority Member Larsson

Council / Authority Member Smith
Council / Authority Member Melton
Council / Authority Member Goldman

PUBLIC COMMENT (ON SPECIAL MEETING ITEMS ONLY)

None.

GENERAL BUSINESS

- 2 [18-0064](#) Annual City Council Public Hearing on FY 2018/19 Budget and Resource Allocation Plan and Establishment of Appropriations Limit and Sunnyvale Financing Authority Public Hearing on FY 2018/19 Budget

Assistant Director of Finance Kenn Lee provided a report.

Council and the Sunnyvale Financing Authority conducted a Public Hearing to obtain input from the public on the FY 2018/19 Budget as required by City Charter Section 1303, the California Constitution, and the California Government Code.

Public Hearing opened at 7:26 p.m.

Elizabeth Guzman, Dispute Resolution Program Director at Project Sentinel, expressed appreciation for recommended funding recommendation and spoke regarding the services provided by the program.

Steve Scandalis spoke regarding the Budget Supplements and recommended deferring those or completing those tasks with existing staff.

Zachary Kaufman spoke regarding the gas tax slide in the budget workshop presentation and commented that gas tax revenue may decline since four gas stations will close for the Village Center Concept development approved in the LUTE. Regarding the General Fund projections, he noted that it was unlikely that staffing levels will remain the same for the next 20 years. Regarding the General Fund Budget Stabilization slide, he noted that it was projected to go in the negative and questioned the wisdom of spending millions of dollars on the new Civic Center within the existing fiscal strategy.

Marie Bernard, Sunnyvale Community Services, spoke in support of the funding recommended by the Housing and Human Services Commission and provided

information regarding the programs provided. She also encouraged Council to consider increasing the amount of funding provided for human services.

Public Hearing closed at 7:37 p.m.

ADJOURN SPECIAL MEETING

Mayor / Authority Chair Hendricks adjourned the Special Joint Meeting of the City Council and Sunnyvale Financing Authority at 7:42 p.m.

RECONVENE TO CITY COUNCIL MEETING

Mayor Hendricks reconvened the City Council meeting.

PUBLIC HEARINGS/GENERAL BUSINESS

- 3 [18-0263](#) Annual Review of Proposed Fees and Charges for Fiscal Year 2018/19

Director of Finance Tim Kirby provided the staff report. Director of Public Works Chip Taylor, and Fire Marshall Lynn Kilpatrick provided additional information.

Public Hearing opened at 7:58 p.m.

No speakers.

Public Hearing closed at 7:58 p.m.

- 4 [18-0427](#) Approve the Purchase and Sale Agreement Between the City of Sunnyvale and Zhen Zhen Li for the Sale of 1484 Kifer Road; Formerly, the Unilever Margarine Plant

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

Public Hearing opened at 8:02 p.m.

No speakers.

Public Hearing closed at 8:02 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve Alternative 1: Authorize the City Manager to execute the Purchase and Sale Agreement, in substantially the same form as Attachment 1 of the report, between the City of Sunnyvale and Zhen Zhen Li for the sale of 1484 Kifer Road (Unilever Property).

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** [18-0502](#) Proposed Project: Related applications on an 8.42-acre site:
PEERY PARK PLAN REVIEW PERMIT: to construct a new
172,649 square foot, four-story office building with two levels
of underground parking, 4.5-level parking structure and
associated site work and landscaping to an existing campus
consisting of two 4-story office buildings and one 2-level
parking deck. The project will result in 100% FAR.
File #: 2016-7607
Location: 445 and 455 N. Mary Avenue (APNs: 165-32-015)
Zoning: Peery Park Specific Plan - Innovation Edge
Applicant/Owner: Jay Paul Company
Environmental Review: The project is exempt from additional
CEQA review per CEQA Guidelines Section 15168 (c)(2) and
(4) Public Resources Code Section 21094 (c). The project is
within the scope of the Peery Park Specific Plan Program EIR
as no new environmental impacts are anticipated and no new
mitigations are required.
Project Planner: Margaret Netto, (408) 730-7628,
mnetto@sunnyvale.ca.gov

Assistant Director of Community Development Andy Miner provided the staff report and slide presentation.

Public Hearing opened at 8:33 p.m.

Applicant Jeanette Delia, Jay Paul Company, Dawn Jenkins of DES Architects, provided a slide presentation demonstrating the proposed project.

Josh Grossman spoke regarding the Blue Bonnet conversion, CEQA requirements, and displacement of existing housing. He recommended looking at building new

housing for every new office building to support it. Grossman also spoke regarding the need for campaign finance reform.

Diana Gleason spoke in support of changing the requirement to LEED Platinum and requiring net zero energy use by eliminating natural gas in all new buildings.

Applicant Jeanette Delia spoke regarding the issue of LEED Platinum versus Gold and noted that this project complies with every requirement and ask for no deviations of any kind.

Public Hearing closed at 9:05 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Smith seconded the motion to approve Alternative 1: Make the required Findings to approve the California Environmental Quality Act determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional environmental review is required in Attachment 4 to the Report; make the Findings for the Peery Park Plan Review Permit, Sense of Place Fee in Attachment 4 to the Report; and approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 7 to the Report and recommended conditions of approval set forth in Attachment 5 to the Report.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to remove condition of approval BP-10f relating to oak root fungus. Vice Mayor Klein accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to remove condition of approval BP-9 integrating art with the building. Vice Mayor Klein declined to accept the friendly amendment.

FORMAL AMENDMENT: Councilmember Griffith moved and Councilmember Larsson seconded the motion to amend to strike condition of approval BP-9 requiring integrating art.

The motion to amend carried by the following vote:

Yes: 5 - Mayor Hendricks
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton

No: 1 - Vice Mayor Klein

Abstain: 1 - Councilmember Goldman

The main motion as amended carried by the following vote:

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

No: 1 - Councilmember Goldman

- 6** [18-0490](#) Adopt a Resolution to Amend the City's Salary Resolution and the Schedule of Pay to Increase Salaries for Pay Plan Category D (Unrepresented Classified Management) and Pay Plan Category K (Unrepresented Unclassified Management Classifications Appointed Directly by the City Attorney)

Tina Murphy, Human Services Director, provided the staff report.

Public Hearing opened at 9:32 p.m.

No speakers.

Public Hearing closed at 9:32 p.m.

MOTION: Councilmember Larsson moved and Vice Mayor Klein seconded the motion to Alternative 1: Adopt a Resolution to Amend the City's Salary Resolution and the Schedule of Pay to Increase Salaries for Pay Plan Category D (Unrepresented Classified Management) and Pay Plan Category K (Unrepresented Unclassified Management Classifications Appointed Directly by the City Attorney) Effective the Pay Period inclusive of July 1, 2018.

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

- 7** [18-0514](#) Adopt a Resolution to Amend the Classification Plan and the City's Salary Resolution to Update the Schedule of Pay to Add the Classification of Deputy City Manager; to Change one Classification Title; and to Increase the Pay Range of the Water Operations Manager and Wastewater Operations Manager Classifications.

Human Resources Director Tina Murphy provided the staff report.

Public Hearing opened at 9:38 p.m.

No speakers.

Public Hearing closed at 9:38 p.m.

MOTION: Councilmember Melton moved and Councilmember Goldman seconded the motion to Adopt the Resolution amending Resolution Nos. 143-77 and 190-05 to Add a New Classification of Deputy City Manager; to Change the Existing Classification Title of Management Analyst: Public Safety to Management Analyst; and to Increase the Pay Ranges for the Water Operations Manager and Wastewater Operations Manager Classifications.

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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Smith reported she attended the League of California Cities Housing Community and Economic Development Policy Committee; they had an update on the Governor's budget and considered several legislative items such as AB1771 by Bloom which would update the RHNA housing numbers, an affordable housing measure to repeal Costa-Hawkins bill which would give local jurisdictions more controls on setting rent control measures, and the initiative to protect Prop 13 savings. Highlights will be available on the League of California Cities Housing and Community and Economic Development website.

Vice Mayor Klein provided an update on the annual ABAG meeting and noted that they approved new bylaws. He reported he attended breakout sessions on CCAs and how SVCE compares.

Councilmember Larsson reported on a recent BAWSCA meeting, noted that reservoirs are filling or are filled up and reminded everyone that it's important to continue with water conservation to be prepared for the next drought.

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

Councilmember Larsson spoke regarding revenue strategies, the current study issue to look at revenue strategies and looking at the TOT ballot measure and about regional discussions of increasing the business license tax.

Councilmember Larsson proposed a study issue to evaluate the cap on the business license tax and the dollars on the number of employees. Councilmember Goldman cosponsored the study issue

-City Manager**INFORMATION ONLY REPORTS/ITEMS**

- [18-0437](#) Tentative Council Meeting Agenda Calendar
- [18-0444](#) Information/Action Items
- [18-0392](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 9:51 p.m.