



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, April 9, 2019

5:00 PM

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

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**Special Meeting: Study Session - 5 PM | Closed Session - 5:30 PM | Regular Meeting - 7 PM**

### **5:00 P.M. SPECIAL COUNCIL MEETING (Study Session)**

#### **1 Call to Order in the West Conference Room**

Mayor Klein called the meeting to order at 5:00 p.m.

#### **2 Roll Call**

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

Councilmember Goldman arrived at 5:15 p.m.

#### **3 Public Comment**

None.

#### **4 Study Session**

[19-0373](#) Personnel Board Interviews

Council interviewed the following applicants for a vacancy on the Personnel Board:

Victor Marsh  
Emily White

#### **5 Adjourn Special Meeting**

Mayor Klein adjourned the special meeting at 5:24 p.m.

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

Vice Mayor Melton announced the items 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 (Open to the Public)**

Vice Mayor Melton called the meeting to order at 5:30 p.m.

**2 Roll Call**

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

**3 Public Comment**

None.

**4 Convene to Closed Session**

[19-0269](#)

Closed Session held pursuant to California Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager

Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

**5 Adjourn Special Meeting**

Vice Mayor Melton adjourned the meeting at 6:43 p.m.

**7 P.M. COUNCIL MEETING****CALL TO ORDER**

Mayor Klein called the meeting to order.

**SALUTE TO THE FLAG**

Mayor Klein led the Pledge of Allegiance.

**ROLL CALL**

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

**CLOSED SESSION REPORT**

Vice Mayor Melton reported the Council met in Closed Session pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager; Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA); nothing to report.

**SPECIAL ORDERS OF THE DAY**

[19-0223](#) SPECIAL ORDER OF THE DAY - Fair Housing Month

Mayor Klein presented a proclamation for Fair Housing Month to Ann Marquart, Executive Director of Project Sentinel.

[19-0289](#) SPECIAL ORDER OF THE DAY - National Library Week

Mayor Klein and Cynthia Bojorquez, Director of Library and Community Services, presented a proclamation for National Library Week to Kathy Boelter, President of the Friends of Sunnyvale Public Library and other members of the Friends.

**ORAL COMMUNICATIONS**

Alia Wilson, Communications Coordinator for the Sunnyvale School District, extended an invitation to the upcoming “Our Kids, Our Community” fundraising event.

Linda Davis provided information regarding a citizen effort to engage the community in consideration of options for district-based elections and provided written materials.

Maria Hamilton spoke regarding SB50 and potential impacts to affordable housing availability.

Richard Mehlinger, speaking on behalf of Livable Sunnyvale, extended an invitation to a forum on upcoming statewide and regional housing initiatives.

**CONSENT CALENDAR**

Councilmember Smith pulled Item 1.E for separate consideration.

MOTION: Vice Mayor Melton moved and Councilmember Smith seconded the motion to approve the Consent Calendar with the exception of Item 1.E.

FRIENDLY AMENDMENT: Councilmember Smith offered a friendly amendment to include the revised minutes for March 7.

Vice Mayor Melton accepted the friendly amendment.

The motion carried by the following vote:

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

**No: 0**

**1.A**     [19-0345](#)     Approve City Council Special Meeting Minutes of March 7, 2019

Approve the City Council Meeting Minutes of March 7, 2019 as submitted.

**1.B**     [19-0346](#)     Approve City Council Meeting Minutes of March 19, 2019  
Approve the City Council Meeting Minutes of March 19, 2019 as submitted.

**1.C**     [19-0392](#)     Approve City Council Meeting Minutes of March 26, 2019  
Approve the City Council Meeting Minutes of March 26, 2019 as submitted.

**1.D**     [19-0328](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City  
Manager  
Approve the list(s) of claims and bills.

**1.E**     [19-0386](#)     Approve the 2019 Sustainability Speaker Series  
Public comment opened at 7:32 p.m.  
No speakers.  
Public comment closed at 7:32 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to direct staff to work with the Sustainability Commission to encourage them to get speakers that are willing to be taped where possible, and approved the 2019 Sustainability Speaker Series Topics as proposed by the Sustainability Commission, with the provisos that:

1. Implementation of up to four events to occur between spring 2019 and June 2020 will be contingent on speaker availability, staffing resources, and available budget, and
2. The Subcommittee will provide enhanced support to coordinate logistics for speaker panels when proposed.

The motion carried by the following vote:

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

**No:** 0

- 1.F**      [19-0246](#)      Award of Bid No. PW19-13 to Graham Contractors, Inc for Annual Slurry Seal 2019 and Finding of CEQA Categorical Exemption

Take the following actions:

- Making a finding of categorical exemption from the California Environmental Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) for rehabilitation of existing streets;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$872,722.46 to Graham Contractors, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% construction contingency in the amount of \$87,272.

- 1.G**      [19-0429](#)      Appoint Ms. Monica Alvarado and Ms. Cindy Springsteel to the NOVA Workforce Board

Appoint Ms. Monica Alvarado and Ms. Cindy Springsteel to the NOVA Workforce Board.

**1.H**      [19-0434](#)

Adopt a Resolution Amending Resolution Number 712-15, the Executive Mortgage Assistance Policy for the Provision of Housing Assistance to Newly Appointed Charter Officers and Department Directors (the “Executive Mortgage Assistance Program”) to include the classification of Deputy City Manager.

**BACKGROUND AND DISCUSSION**

The City’s Executive Mortgage Assistance Program is currently available to the City Manager, the City Attorney, Department Directors, and the Assistant City Manager. This Report to Council has been prepared to include the classification of Deputy City Manager in the program.

The City has had a long-standing Executive Mortgage Assistance Program. The program was established in 1981 by Council Resolution Number 256-81. The program was amended in 1988, 1989, 1996, and 2015 by Council Resolution Numbers 226-88, 125-89, 160-96, and 712-15 respectively.

Given the high cost of the housing market in Sunnyvale, the program was enacted to enhance the City’s ability to hire top quality executives, as well as encourage executives to live within Sunnyvale corporate limits.

Some of the key terms and conditions of the current program are:

1. The loan is solely for purchase of residential property within the City of Sunnyvale for the employee’s principal place of residence.
2. The program is available to executives within twenty-four (24) months of commencing employment with the City, upon the approval of the City Manager.
3. The loan may not exceed ninety percent (90%) of the appraised price of the property, with a minimum down payment of five percent (5%).
4. The loan may not exceed ten (10) times the employee’s annual salary control point at the time of employment.

Eligibility to this program is limited to the Council appointed officers of City Manager and City Attorney, Department Directors, and Assistant City Managers. The classification of Deputy City Manager was established in 2018 as an executive and unrepresented classification to replace a vacant Assistant City Manager position in the Office of the City Manager. The Deputy City Manager classification was designed as a potential promotional opportunity for the City’s Directors Assistant Directors, and Division Managers.

The attached resolution amends the existing policy to include the classification of Deputy City Manager to the Executive Mortgage

Assistance Program.

#### **EXISTING POLICY**

Council Policy 7.3.1 Legislative Management - Goals and Policies, Goal 7.3D: Maintain a quality work force, consistent with state and federal laws, City Charter, and adopted policies to assure that City services are provided in an effective, efficient, and high quality manner.

#### **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 and 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

#### **FISCAL IMPACT**

The Deputy City Manager position replaced a vacant Assistant City Manager position in the FY 2018/19 budget. As such, this change would have no impact to the cost of the program or fiscal impact to the City, since the number of eligible positions would not change.

#### **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.

#### **RECOMMENDATION**

Adopt a Resolution Amending Resolution Number 712-15, the Policy for the Provision of Housing Assistance to Newly Appointed Charter Officers and Department Directors (the “Executive Mortgage Assistance Program”) to include the classification of Deputy City Manager.

#### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2      [19-0375](#)      Approve Moffett Park Specific Plan Update Work Plan and Guiding Principles  
**Project Planner:**  
Michelle King, 408-730-7463, mking@sunnyvale.ca.gov

Project Planner Michelle King provided the staff report and slide presentation.

Public hearing opened at 8:14 p.m.

Kriti Garg, Policy and Outreach Associate at SV@Home, spoke in support of the work plan and guiding principles to move forward with the Moffett Park Specific Plan Update. She stated the group recommends that 15% of new housing units be affordable to a range of households with incomes that average 80% of the area median income, inclusionary policies, and an additional set-aside of 5% of the new units for moderate income households.

Shani Kleinhaus, Santa Clara Valley Audubon Society, spoke in support of the fifth guiding principle, and requested inclusion of ecological protection, enhancement and restoration of habitat. Additionally, she expressed concerns regarding the Water District's plans to build flood walls that are up to seven feet tall.

Priscilla Acuna, part of the policy team at Working Partnerships USA, urged Council to consider how public policies amending zoning, density and transit accessibility will benefit the major landowner in the area, Google, and how these changes will impact the people of Sunnyvale in terms of displacement, homelessness, and housing affordability. She spoke in support of a community benefits agreement.

Richard Mehlinger, speaking on his own behalf, spoke in support of the earlier speakers' comments recommending a 15% plus 5% housing affordability. He spoke in support of the recommendations from the Planning Commission and VTA BPAC, to take advantage of the VTA Light Rail resource as a transit hub. He spoke in support of connections to Downtown Sunnyvale and reviving the idea of Bus Rapid Transit on Mathilda Avenue. He also requested consideration of sea level rise possibilities.

Kerry Haywood, Moffett Park Business Group spoke in support of the guiding principles and the work plan.

Public hearing closed at 8:24 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Fong seconded the motion to approve Alternative 1: Approve the Guiding Principles, outlined in the staff report and the Work Plan (Attachment 7 to the report) for the update of the Moffett Park Specific Plan and direct staff to proceed with the understanding that the budget for the plan is funded by the initial applicant and/or other parties interested in the completion of the plan update, with three modifications to Attachment 7:

- 1- In Phase 1, Task 1, instead of doing two conceptual use plans, do at least three conceptual land use plans;
- 2- Include modifications recommended by Councilmember Smith on Page 3 of 7 of Attachment 7, Phase 2, to restate the Economic Impact Analysis statement in a positive way to encourage or preserve the business diversity;
- 3- Include the recommendation by Councilmember Fong for targeted outreach in Phase 2, Task 2, to ensure that it addresses multi-language access issues.

FRIENDLY AMENDMENT: Councilmember Goldman offered a friendly amendment to include the word "homeless" into the community benefits.  
Vice Mayor Melton declined to accept the friendly amendment.

The motion carried by the following vote:

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

**No: 0**

- 3**      [19-0438](#)      Introduction of an Ordinance to Implement Amended City Charter Section 604(e) by Adding Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to the Appointment Process for Filling City Council Vacancies and Related Amendments to City Council Policy 7.3.15 (Appointment of Interim Council Members)

City Attorney John Nagel provided the staff report and noted corrections to the ordinance amending Sunnyvale Municipal Code Section 2.30.030(f)(2) and Council Policy 1.E.(II) to replace, “shall be declared to be elected” with “shall be declared to be appointed.”

Public hearing opened at 8:49 p.m.

Richard Mehlinger, speaking on his own behalf, spoke in support of the ordinance, and suggested a correction to Section 2.30.030, to replace “If there are less than five candidates” with “If there are fewer than five candidates.”

Public hearing closed at 8:49 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to approve Alternative 2: Introduce an Ordinance Adding Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to the Appointment Process for Filling City Council Vacancies and Approve Related Revisions to City Council Policy 7.3.15 (Appointment of Interim Council Members) as shown in Attachment 4 to this Report with revisions directed by the City Council, with the addition that, where it says “elected” it should be changed to “appointed” as appropriate and as defined by the City Attorney, and further, that the phrase “fewer” be used in place of “less than” in both the policy and the ordinance.

City Clerk Kathleen Franco Simmons read the ordinance title for the record.

The motion carried by the following vote:

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

No: 0

### **COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Larsson reported on a recent meeting of the League of California Cities Public Safety Committee meeting; discussion of bills before the State Legislature included legislation regarding police use of force; the committee decided to oppose AB 392 and to support SB 230.

Councilmember Smith reported on a recent meeting of the League Housing Committee and Economic Development Policy Committee; discussion of housing bills included legislation having to do with renter protections; the Community Services group discussed legislation for foster children, AB 1718 a Master Plan for Aging, a bill on a children's cabinet, and received information on religious-based methods for providing housing for seniors. She also attended a Women's Caucus Event.

### **NON-AGENDA ITEMS & COMMENTS**

#### **-Council**

Councilmember Fong spoke regarding his recent visit to Taiwan with a delegation of young opinion leaders across the nation, invited by the Taipei Economic Cultural Office (Consulate Office).

Councilmember Goldman announced the board and commission recruitment process for summer vacancies and the Community Events and Neighborhood Events grants deadline for applications.

Vice Mayor Melton expressed appreciation to the Finance Department for timely Monthly Investment Reports.

#### **-City Manager**

City Manager Kent Steffens introduced incoming City Clerk David Carnahan.

### **INFORMATION ONLY REPORTS/ITEMS**

[19-0415](#)

Tentative Council Meeting Agenda Calendar

- [19-0416](#) Information/Action Items
- [19-0079](#) Board/Commission Meeting Minutes
- [19-0413](#) Notice of Public Works Director's Decision on Final Maps (Information Only)
- [19-0406](#) Study Session Summary of March 5, 2019 - Update on Downtown Specific Plan Amendment

**ADJOURNMENT**

Councilmember Smith closed the meeting in memory of Mr. William "Bill" Ricks.

Mayor Klein adjourned the meeting at 9:15 p.m.