



City of Sunnyvale

Meeting Minutes - Draft

City Council

Tuesday, April 4, 2023

5:45 PM

Online and Bay Conference Room
(Room 145), City Hall,
456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting: Closed Session - 5:45 PM | Regular Meeting - 7 PM

5:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Call to Order

Vice Mayor Din called the meeting to order at 5:45 p.m.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Omar Din
Councilmember Russ Melton
Councilmember Alysa Cisneros
Councilmember Richard Mehlinger
Councilmember Murali Srinivasan
Councilmember Linda Sell

Public Comment

Public Comment opened at 5:47 p.m.

No speakers.

Public Comment closed at 5:47 p.m.

Convene to Closed Session

Convened to Closed Session in the Council Conference Room.

A [23-0499](#) Closed Session Held Pursuant to California Government Code Section 54956.9 (d) (1): CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION; Name of case: In re National Prescription Opiate Litigation, Northern District of Ohio, Case No. 1:17-MD-2804 (National Opioid litigation involving Teva, Allergan, CVS, Walgreens, and Walmart)

B [23-0474](#) Closed Session Held Pursuant to California Government Code

Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Tina Murphy, Director of Human Resources

Employee organization: Sunnyvale Managers Association (SMA)

Adjourn Special Meeting

Vice Mayor Din adjourned the meeting at 6:49 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:00 p.m.

SALUTE TO THE FLAG

Mayor Klein led the salute to the United States flag.

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Omar Din
Councilmember Russ Melton
Councilmember Alysa Cisneros
Councilmember Richard Mehlinger
Councilmember Murali Srinivasan
Councilmember Linda Sell

CLOSED SESSION REPORT

Vice Mayor Din reported that Council met in Closed Session Held Pursuant to California Government Code Section 54956.9 (d) (1): Conference with Legal Counsel Existing Litigation; Name of case: In re National Prescription Opiate Litigation, Northern District of Ohio, Case No. 1:17MD2804 (National Opioid litigation involving Teva, Allergan, CVS, Walgreens, and Walmart); Council voted to authorize the City Attorney to opt in to National Prescription Opiate Litigation, Northern District of Ohio, Case No. 1:17MD2804 (National Opioid litigation involving Teva, Allergan, CVS, Walgreens, and Walmart), with a vote of 6 - 1, Councilmember Melton voting no.

Vice Mayor Din reported that Council met in Closed Session Held Pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators

Agency designated representatives: Tina Murphy, Director of Human Resources
Employee organization: Sunnyvale Managers Association (SMA); nothing to report.

SPECIAL ORDER OF THE DAY

C [23-0365](#) Recognition of Green Businesses

Mayor Klein spoke in recognition of green businesses and honored the following guests:

- Robert Bonderer, Director of Environmental Health & Safety, JSR Mirco
- Dr. Jennifer Chiang, DDS
- Director of Library & Recreation Services Michelle Perera
- Chongyan Zhong, Owner, The Cotton and Silk

D [23-0366](#) Poetry Month

Mayor Klein spoke in recognition of Poetry Month.

ORAL COMMUNICATIONS

Vice Mayor Din announced the current Board and Commission recruitment openings and the upcoming Drive Electric event.

Lena Masoumi shared their school research project on the complicated relationship between homelessness, mental illness and drug addiction.

Andrea Wald shared a message on the negative environment affects of artificial turf and safety of participants using artificial turf for recreation.

Angela Roche, Livable Sunnyvale, provided a presentation supporting the Village Center Vision as originally intended in the Village Center Master Plan.

Chuck Fraleigh, Livable Sunnyvale, provided a presentation supporting Village Center development but highlighted the insufficient proposals currently being planned in Sunnyvale.

Julia Liu, Livable Sunnyvale, provided a presentation to why the current Sunnyvale Village Center developments fall short to the Village Center Vision's ideals.

Rita Welsh, Livable Sunnyvale, communicated the need for more diverse Village Center developments that provide more retail businesses.

Agnes Veith, Livable Sunnyvale, shared their concerns to how the current Village Center developments are not offering adequate retail spaces.

CONSENT CALENDAR

Public Comment opened at 7:30 p.m.

No speakers.

Public Comment closed at 7:30 p.m.

Mayor Klein pulled agenda item 1.F for separate consideration.

Vice Mayor Din moved and Councilmember Mehlinger seconded the motion to approve agenda items 1.A through 1.E.

The motion carried by the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

1.A [23-0266](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.B [23-0039](#) Accept Pavement Management Technical Assistance Program Round 24 Grant Funds from the Metropolitan Transportation Commission to Complete a Citywide Pavement Condition Assessment to Qualify for Regional Discretionary Funds and Approve Budget Modification No. 14 in the amount of \$18,300

Accept Pavement Management Technical Assistance Program Round 24 Grant Funds from the Metropolitan Transportation Commission to complete a Citywide

Pavement Condition Assessment to qualify for Regional Discretionary Funds and approve Budget Modification No. 14 in the amount of \$18,300.

- 1.C** [23-0168](#) Approve the Downtown Sunnyvale Business Improvement District (BID) Annual Report for Fiscal Year 2022/23 and Adopt Resolution of Intention to Levy and Collect an Annual Assessment to Reauthorize the BID for Fiscal Year 2023/24

Approve the Fiscal Year 2022/23 BID Annual Report, adopt a Resolution of Intention to Levy and Collect an Assessment and reauthorize the Business Improvement District for Fiscal Year 2023/24, and schedule the public hearing for May 2, 2023.

- 1.D** [23-0486](#) Ratify Appointment of Councilmember Murali Srinivasan as Councilmember Russ Melton's Proxy to the Santa Clara County Airport Land Use Commission (ALUC)

Ratify the appointment of Councilmember Murali Srinivasan to Seat 07A as Councilmember Russ Melton's proxy to the Santa Clara County Airport Land Use Commission.

- 1.E** [23-0491](#) Adopt Ordinance No. 3212-23 Amending Various Sections of Title 16 (Buildings and Construction) and Title 19 (Zoning) of the Sunnyvale Municipal Code Related to the Board of Building Code Appeals and the Chief Building Official

Adopt Ordinance No. 3212-23 amending various Sections of Title 16 (Buildings and Construction) and Title 19 (Zoning) of the Sunnyvale Municipal Code related to the Board of Building Code Appeals and the Chief Building Official.

- 1.F** [23-0501](#) Adopt a Resolution Ratifying the City Manager's Proclamation of a Local Emergency Regarding the March 2023 Winter Storms and Find that the Action is Exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15269 and 15378(b)

Public Comment opened at 7:35 p.m.

No speakers.

Public Comment closed at 7:35 p.m.

MOTION: Vice Mayor Din moved and Councilmember Mehlinger seconded the motion to item 1.F: Adopt a Resolution ratifying the City Manager's Proclamation of a Local Emergency Regarding the March 2023 Winter Storms and find that the Action is exempt from California Environmental Quality Act (CEQA) pursuant to

CEQA Guidelines Sections 15269 and 15378(b).

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [23-0308](#) Award of Contract to Hazen and Sawyer for the Water Pollution Control Plant Master Plan Update and Cogeneration Upgrade Design (F23-001)

Director of Public Works Chip Taylor and Director of Environmental Services Ramana Chinnakotla provided the staff report and presentation.

Public Hearing opened at 8:27 p.m.

Steve Scandalis shared their suggestions for alternative methods that could potentially be more cost-effective.

Public Hearing closed at 8:30 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Din seconded the motion to approve Alternative 1: Take the following actions:

- Award a contract to Hazen and Sawyer for Water Pollution Control Plant Master Plan Update and Cogeneration Upgrade Design in substantially the same form as Attachment 1 to the report in an amount not-to-exceed \$7,401,597;
- Authorize the City Manager to execute the contract when all the necessary conditions have been met;
- Approve a 10% contingency in the amount of \$740,160; and
- Authorize the City to amend the contract annually after the first three years to increase rates as follows: 3.75% to non-senior staff and 2% for senior staff, subject to available budget and if pricing and services remain acceptable to the City.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

- 3** [23-0493](#) Consider Reinstating the Pilot of the Process for City Council Colleague Memorandums to Propose new Agenda Items Previously Included in Council Policy 7.3.19 (Council Meetings)

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:35 p.m.

Martin Pyne shared their thoughts on how the public can provide feedback in a Colleague Memorandums process.

Stephen Meier spoke to how the City Council can use the Colleague Memorandums to more effectively agenize new items.

Public Hearing closed at 9:40 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Cisneros seconded the motion to approve Alternative 1: Amend Council Policy 7.3.19 (Council Meetings) to reinstate the pilot process for City Council Colleague Memorandums to propose new agenda items, with the following provisions:

- Include language prominently stating where Colleague Memorandums are to be submitted;
- Include that Colleague Memorandums are not to be shared with Councilmembers outside of the group of Councilmembers who authored a specific Memorandum;
- A January 31, 2024 sunset;
- No definitive timeline to when Colleague Memorandums will appear on a Council meeting agenda;
- Requirement for the City Manager to review and approve the Colleague Memorandums consistent with this policy and the Ralph M. Brown Act (open

meetings law) or provide feedback to the authors.

FRIENDLY AMENDMENT: Vice Mayor Din offered a friendly amendment to place the approval of a permanent process for City Council Colleague Memorandums to be added on the consent calendar after the Jan. 31, 2024, sunset of the pilot program. Councilmember Mehlinger declined to accept the friendly amendment.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Din
Councilmember Melton
Councilmember Cisneros
Councilmember Mehlinger
Councilmember Srinivasan
Councilmember Sell

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Mehlinger provided a presentation on the Program Strategy Goals developed at the Caltrain Local Policymakers Group.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Melton shared their experience and what they learned from the National League of Cities Congressional City Conference in Washington D.C. He also commented on the successful opening of the new City Hall building.

Councilmember Srinivasan shared their experience and what they learned from the National League of Cities Congressional City Conference in Washington D.C.

Councilmember Sell shared their experience and what they learned from the National League of Cities Congressional City Conference in Washington D.C.

Councilmember Cisneros proposed a study issue to determine the cost and feasibility of requiring structural retrofitting of existing seismically-vulnerable buildings within a specific time frame. Mayor Klein, Vice Mayor Din, and Councilmembers Melton, Mehlinger, Srinivasan and Sell co-sponsored the study issue.

Mayor Klein spoke regarding Councilmember Melton, Srinivasan and Sell's attendance at the National League of Cities Congressional City Conference and the successful community engagement, planning and building of the new City Hall.

-City Manager

City Manager Kent Steffens shared thanks to City Council for attending the new city hall ribbon cutting and to the City Clerk's office and IT department for their successful efforts in organizing the city council meetings during the move transition.

INFORMATION ONLY REPORTS/ITEMS

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| <u>23-0292</u> | Tentative Council Meeting Agenda Calendar |
| <u>23-0294</u> | Board/Commission Meeting Minutes |
| <u>23-0295</u> | Information/Action Items |
| <u>23-0490</u> | Mayoral Announcement of Mayor-Appointed Ad Hoc Advisory Committee on Potential HomeKey Application (Information Only) |

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:19 p.m.