



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, December 12, 2023

5:00 PM

Online and Council Chambers, City Hall,  
456 W. Olive Ave., Sunnyvale, CA 94086

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**Special Meeting: Closed Session - 5 PM | Regular Meeting - 7 PM | Joint Meeting with  
Sunnyvale Financing Authority - 7 PM**

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

#### **Call to Order**

Vice Mayor Din called the meeting to order at 5:01 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

Councilmember Srinivasan participated via teleconference.

#### **Public Comment**

Public Comment opened at 5:04 p.m.

No speakers.

Public Comment closed at 5:04 p.m.

#### **Convene to Closed Session**

Council convened to Closed Session in the Council Conference Room at 5:04 p.m.

**A**      [23-1130](#)      CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION Closed Session Held Pursuant to Paragraph (1)  
of Subdivision (d) of California Government Code Section  
54956.9: Name of Cases: Madison Reading v. City of  
Sunnyvale, et al. and Daniel Aguilar, Keena Lochner vs. City  
of Sunnyvale, et al., Santa Clara County Superior Court, Case

Nos. 20CV372833 and 20CV373012

**B**      [23-1128](#)      Closed Session Held Pursuant to California Government Code  
Section 54957:  
PUBLIC EMPLOYEE APPOINTMENT  
Title: Interim City Attorney

### **Adjourn Special Meeting**

Vice Mayor Din adjourned the meeting at 6:48 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

Councilmember Srinivasan participated via teleconference.

#### **CLOSED SESSION REPORT**

Vice Mayor Din reported that met in Closed Session Conference with Legal Counsel Pending    Litigation Closed Session Held Pursuant to California Government Code Section 54956.9(d)(1): Name of Case: Madison Reading, et al. v City of Sunnyvale, et al., Santa Clara County Superior Court, Case No. 20CV372833; nothing to report.

Vice Mayor Din reported that met in Closed Session Held Pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT Title: Interim City Attorney; nothing to report.

**ORAL COMMUNICATIONS**

Martin Pyne, Political Director, Democratic Club of Sunnyvale, announced the upcoming Club's holiday party.

**CONSENT CALENDAR**

Public Comment opened at 7:07 p.m.

No speakers.

Public Comment closed at 7:07 p.m.

MOTION: Vice Mayor Din moved and Councilmember Melton seconded the motion to approve agenda items 1.A through 1.J.

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**

- 1.A**      [23-0284](#)      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**      [23-0574](#)      Receive and File the FY 2022/23 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Impact Fees and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15378(b)(4) of the CEQA Guidelines

Receive and file the FY 2022/23 Annual Status Report on receipt and use of development impact fees and adopt a Resolution making findings regarding unspent impact fees as required by the Mitigation Fee Act (California Government Code Section 66000 et seq.) and find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the CEQA Guidelines.

- 1.C**      [23-0650](#)      Authorize Amending an Existing Contract with Questica, Inc., to Renew Annual Software Maintenance, Support, and Hosting for Three Years (F23-166)

Take the following actions:

- Authorize the City Manager to execute the First Amendment, in substantially the same form as Attachment 1 to the report, to an existing contract with Questica Inc., to extend the term for three years in a total contract amount for the extension period not to exceed \$301,570.80; and
- Authorize the City Manager to amend the not-to-exceed amount, subject to available budget, providing pricing and services remain acceptable to the City.

- 1.D**      [23-1045](#)      Reject All Bids Received for the Peery Park Area Transportation Improvements (PW23-16) and Make a Finding that the Action Does Not Constitute a "Project" Within the Meaning of the California Environmental Quality Act Guidelines Section 15378(b)(4)

Reject all bids received in response to Invitation for Bids PW23-16 Peery Park.

- 1.E**      [23-0898](#)      Award of Three On-Call Contracts Totaling \$1,125,000 for Consulting Support for Solid Waste Services (F23-112)

Take the following actions:

- Award Three (3) three-year on-call Consultant Service agreements for solid waste services to the following firms: SCS Engineers, with a contract amount not to exceed \$450,000; J.R. Miller and Associates Inc, with a contract amount not to exceed \$375,000; and HF&H, LLC., with a contract amount not to exceed \$300,000, in substantially the same form as Attachments 1 to 3 to the report;
- Authorize the City Manager to execute the agreements when all conditions have been met;
- Authorize the City Manager to increase the contracts up to budgeted amounts; and
- Authorize the City Manager to renew the contracts for up to two additional years based on available funding, need, acceptable pricing, and service.

- 1.F**      [23-1056](#)      Award of a Contract to PBK Architects, Inc. in the Amount of \$2,364,140 for Design and Construction Support Services for Fire Station 2 - New Construction Project (F24-003)

Take the following actions:

- Award a Consultant Services Agreement in an amount not-to-exceed \$2,364,140 in substantially the same form as Attachment 1 to the report, to PBK Architects, Inc.;

- Approve a 10% a contingency in the amount of \$236,140; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

- 1.G**      [23-1079](#)      Award of Contract in the Amount of \$256,654.17 to Bear Electrical Solutions Inc. to Provide Street Name Sign Removal and Replacement; and Finding of California Environmental Quality Act (CEQA) Categorical Exemption Pursuant to CEQA Guidelines Section 15301 (F23-170)

Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$256,654.17 to Bear Electrical Solutions Inc. of Alviso, CA;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% contingency in the amount of \$25,665.

- 1.H**      [23-0990](#)      Award of Thirteen (13) On-Call Contracts for Engineering Support Services Totaling \$7,700,000 Over a Four-Year Period and Make a Finding of California Environmental Quality Act (CEQA) Categorical Exemption (F23-171)

Take the following actions:

- Award thirteen (13) four-year on-call engineering support services contracts in substantially the same form as Attachments 1 through 13 to the report to: Bellecci in a total amount not to exceed of \$1,000,000; BKF Engineers in a total amount not to exceed \$1,000,000; Wilsey Ham in a total amount not to exceed \$1,000,000; CSG Consultants in a total amount not to exceed \$1,000,000; Schaaf & Wheeler In a total amount not to exceed \$500,000; Siegfried in a total amount not to exceed \$500,000; Mark Thomas & Company in a total amount not to exceed \$500,000; Nichols Consulting Engineers in a total amount not to exceed \$500,000; Advanced Design Consultants in a total amount not to exceed \$400,000; Salas O'Brien in a total amount not to exceed \$400,000; Kimley Horn & Associates in a total amount not to exceed \$300,000; TJKM Transportation Consultants in a total amount not to exceed \$300,000; and W-Trans in a total amount not to exceed \$300,000;
- Authorize the City Manager to execute the contracts when all necessary conditions have been met;

- Authorize the City Manager to increase the contracts up to the budgeted amount;
- Authorize the City Manager to extend the term of each contract for up to one (1) additional one (1) year period based upon available funding, need, acceptable pricing and service;
- Authorize the City Manager to modify each contract's compensation schedule subject to negotiated pricing; and
- Make a finding of California Environmental Quality Act (CEQA) Categorical exemption pursuant to CEQA Guidelines Section 15378 (a).

- 1.I**      [23-1103](#)      Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to (1) Update Pay Rates for Casual/Temporary Classifications to Reflect the January 1, 2024 Sunnyvale Minimum Wage of \$18.55 per Hour, and (2) Increase the Councilmember and Mayor Stipend Amounts Pursuant to City Charter Section 605

Adopt a Resolution amending the City's Salary Resolution and Schedule of Pay to (1) update Pay Rates for Casual/Temporary Classifications to reflect the January 1, 2024 Sunnyvale Minimum Wage of \$18.55 per hour, and (2) Increase the Councilmember and Mayor Stipend amounts Pursuant to City Charter Section 605.

- 1.J**      [23-1107](#)      Appoint Lee Lambert to the NOVA Workforce Board
- Appoint Lee Lambert to the NOVA Workforce Board.

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

- 2**      [23-1120](#)      Adopt a Resolution to Amend the General Plan by Adopting the 2023-2031 Housing Element and Adopt a Negative Declaration for the 2023-2031 Housing Element

Housing Specialist Ryan Dyson provided the staff report and presentation.

Public Hearing opened at 8:07 p.m.

Martin Pyne, Planning Commission Chair, reported the Planning Commission's recommendation to approve the Housing Element.

Chuck Fraleigh, Livable Sunnyvale, communicated their support for adopting the Housing Element.

Agnes Veith spoke in support for adopting the Housing Element.

Mike Serrone shared their support for adopting the Housing Element and

complimented the City's efforts to address community input.

Gail Rubino voiced their support of adopting the Housing Element and Sunnyvale's efforts to address community input.

Maria shared their concerns regarding public infrastructure that has fallen in disrepair.

Reva Kondura, Silicon Valley@Home, communicated their support for adopting the Housing Element and provided comments on the California Department of Housing and Community Development's (HCD) response to Sunnyvale's Housing Element.

Public Hearing closed at 8:23 p.m.

MOTION: Councilmember Mehlinger moved and Vice Mayor Din seconded the motion to approve Alternative 1: Make the findings and adopt the Resolution in Attachment 2 to the report to:

- a. Adopt the Negative Declaration in Attachment 3 to the report; and
- b. Amend the General Plan by Adopting the 2023-2031 Housing Element as included as Exhibit A.

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**

City Council took a recess at 8:48 p.m. and reconvened at 8:55 p.m. with all Councilmembers present; Councilmember Srinivasan participated via teleconference.

- 3**      [23-0588](#)      Increase Construction Contingency by \$3,600,000 from \$14,277,594 to \$17,877,594 for the Civic Center Phase 1 Project and Authorize the City Manager or Designee to Execute Change Order Number 254 in the Amount of \$4,394,208.92

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

Public Hearing opened at 9:12 p.m.

No speakers on this agenda item.

Public Hearing closed at 9:15 p.m.

MOTION: Vice Mayor Din moved and Councilmember Melton seconded the motion to approve Alternative 1: Increase Construction Contract Contingency with Hensel Phelps Construction Co. by \$3,600,000 from \$14,277,594 to \$17,877,594 for the Civic Center Phase 1 Project and authorize the City Manager or designee to execute Change Order Number 254 in the amount of \$4,394,208.92.

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

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

**7 P.M. (OR SOON THEREAFTER) JOINT MEETING OF THE CITY COUNCIL AND  
SUNNYVALE FINANCING AUTHORITY**

**Call to Order**

Authority Chair / Mayor Klein called the Joint Meeting of the City Council and Sunnyvale Financing Authority to order at 9:25 p.m.

**Roll Call**

Present: 7 - Authority Chair / Mayor Klein  
Authority Vice Chair / Vice Mayor Din  
Authority Member / Councilmember Melton  
Authority Member / Councilmember Cisneros  
Authority Member / Councilmember Mehlinger  
Authority Member / Councilmember Srinivasan  
Authority Member / Councilmember Sell



Authority Member / Councilmember Srinivasan participated via teleconference.

### **Oral Communications**

No speakers.

### **Consent Calendar**

Public Comment opened at 9:31 p.m.

No speakers.

Public Comment closed at 9:31 p.m.

MOTION: Authority Vice Chair Din moved and Authority Member Mehlinger seconded the motion to approve agenda item 4.A.

The motion carried with the following vote:

Yes: 7 - Authority Chair Klein  
Authority Vice Chair Din  
Authority Member Russ Melton  
Authority Member Alysa Cisneros  
Authority Member Mehlinger  
Authority Member Srinivasan  
Authority Member Sell

No: 0

**4.A**      [23-1101](#)      Approve Sunnyvale Financing Authority Meeting Minutes of June 20, 2023

Approve the Sunnyvale Financing Authority Meeting Minutes of June 20, 2023 as submitted.

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

**5**            [23-0955](#)      Receive and File the FY 2022/23 Budgetary Year-End Financial Report, Annual Comprehensive Financial Report (ACFR), the Sunnyvale Financing Authority Financial Report, Agreed Upon Procedure Reports, and the Report to the City Council Issued by the Independent Auditors, and Approve Budget Modification No. 8 in the Amount of \$32,787,289

Director of Finance Tim Kirby and Grace Zhang, Auditor, Maze & Associates, provided the staff report and presentation.

Public Hearing opened at 10:48 p.m.

No speakers.

Public Hearing closed at 10:48 p.m.

#### City Council

MOTION: Councilmember Melton moved and Councilmember Sell seconded the motion to approve Alternative 1: Receive and file the Fiscal Year (FY) 2022/23 Budgetary Year-End Financial Report, Annual Comprehensive Financial Report (ACFR), the Sunnyvale Financing Authority Financial Report, Agreed Upon Procedure Reports, and the Report to the City Council Issued by the Independent Auditors, and approve Budget Modification No. 8 in the amount of \$23,853,572.

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**

#### Sunnyvale Financing Authority

MOTION: Authority Member Melton moved and Authority Member Sell seconded the motion to approve Alternative 3: Receive and file the FY 2022/23 Sunnyvale Financing Authority Financial Report.

The motion carried with the following vote:

**Yes: 7 -** Authority Chair Klein  
Authority Vice Chair Din  
Authority Member Russ Melton  
Authority Member Alysa Cisneros  
Authority Member Mehlinger  
Authority Member Srinivasan

## Authority Member Sell

No: 0

**ADJOURN JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE  
FINANCING AUTHORITY MEETING**

Chair / Mayor Klein adjourned the meeting at 11:01 p.m.

**RECONVENE TO CITY COUNCIL MEETING**

City Council took a recess at 11:01 p.m. and reconvened at 11:10 p.m. with all Councilmembers present; Councilmember Srinivasan participated via teleconference.

**PUBLIC HEARINGS/GENERAL BUSINESS CONTINUED**

- 6      [23-0791](#)      Consider Amending the Employment Agreement between the City of Sunnyvale and City Manager Kent Steffens to Increase the City Manager's Salary and Modify Certain Benefits

City Manager Kent Steffens recused them self from this agenda item due to a conflict of interest - City Manager's compensation.

Director of Human Resources Tina Murphy provided the staff report.

Public Hearing opened at 11:16 p.m.

No speakers.

Public Hearing closed at 11:16 p.m.

MOTION: Councilmember Melton moved and Councilmember Mehlinger seconded the motion to approve Alternative 1: Provide direction on City Manager salary and benefit changes; authorize the Mayor to approve an amendment to the City Manager's Employment Agreement, in a form approved by the City Attorney, consistent with the City Council's approved salary and benefit direction; and, if home loan repayment changes are approved, authorize the Mayor and Subcommittee to work with staff to determine final language to amend the home loan agreement and take appropriate actions to implement such an amendment.

FRIENDLY AMENDMENT: Councilmember Mehlinger offered a friendly amendment to remove the language "if home loan repayment changes are approved" from the motion. Councilmember Melton accepted the friendly amendment.

The motion as amended 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 Melton reported they have been reappointed as chair of the Santa Clara County Local Agency Formation Commission (LAFCO).

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

Councilmember Melton requested there be a list of upcoming projects in the Community Development Department.

Councilmember Sell proposed a study issue to explore the feasibility of converting the PG&E lots facing Ramona Avenue, Lois Avenue, and/or Dona Avenue into an open green space linear park for the community.

Mayor Klein, Vice Mayor Din, and Councilmembers Melton, Cisneros, Mehlinger, and Srinivasan co-sponsored the study issue.

Councilmember Mehlinger inquired about the parking requirements study issue and the study's parameters.

Director of Community Development Trudi Ryan spoke to the scope of the parking requirements study issue.

Councilmember Mehlinger shared their concerns regarding the timeline for receiving the study issue report and upcoming deadline for proposing new study issues.

**-City Manager**

None.

**INFORMATION ONLY REPORTS/ITEMS**

- [23-1058](#) Tentative Council Meeting Agenda Calendar
- [23-1093](#) Information/Action Items
- [23-1106](#) Local Appointments List - Maddy Act (Information Only)

**ADJOURNMENT**

Mayor Klein adjourned the meeting at 11:43 p.m.