



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, December 12, 2017

5:00 PM

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

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**Special Meetings: Closed Session- 5 PM | Study Session- 6 PM | Regular Meeting- 7 PM**

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

Vice Mayor Larsson announced the item 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**

Vice Mayor Larsson called the meeting to order at 5:01 p.m.

#### **2 Roll Call**

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

#### **3 Public Comment**

No speakers.

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

[17-0780](#)

Closed Session held pursuant to California Government Code  
Section 54957: PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION  
Title: City Attorney

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

Vice Mayor Larsson adjourned the meeting at 5:55 p.m.

**6 P.M. SPECIAL COUNCIL MEETING (Study Session)****1 Call to Order in the West Conference Room (Open to the Public)**

Vice Mayor Larsson called the meeting to order at 6:01 p.m.

**2 Roll Call**

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

**3 Public Comment**

No speakers.

**4 Study Session**

[17-0959](#) Discussion of 2018 Council Intergovernmental Assignments

Interim City Manager Kent Steffens provided a brief report. Councilmembers expressed their preferences for 2018 intergovernmental committee assignments.

[17-0108](#) Discussion of Upcoming Selection of Vice Mayor for 2018

Councilmembers Klein and Melton expressed interest in serving as Vice Mayor in 2018.

**5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 6:29 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 Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

### **CLOSED SESSION REPORT**

Vice Mayor Larsson reported the Council met in Closed Session on Friday, December 8, 2017 pursuant to California Government Code Section 54957: Public Employee Performance Evaluation; Title: City Attorney; nothing to report. Vice Mayor Larsson stated the report was also made at the end of that meeting.

Vice Mayor Larsson reported the Council met in Closed Session this evening pursuant to California Government Code Section 54957: Public Employee Performance Evaluation; Title: City Attorney; nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session this evening pursuant to California Government Code Section 54957: Public Employee Performance Evaluation; Title: City Attorney; Council has conditionally appointed Kent Steffens as City Manager, conditioned on reaching an agreement regarding compensation, benefits, and the performance of a background check. Vice Mayor Larsson stated the vote was unanimous.

### **SPECIAL ORDER OF THE DAY**

[17-0484](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board of Building Code Appeals Member

City Clerk Kathleen Franco Simmons administered the ceremonial oath of office to Board of Building Code Appeals Member Marc Ketzel.

### **ORAL COMMUNICATIONS**

Councilmember Melton announced Sunnyvale's new minimum wage rate of \$15 per hour effective January 1.

Councilmember Smith provided information regarding a Santa Clara Unified School District potential bond measure.

Andy Frazer spoke regarding ordinances requiring roof-top photovoltaic systems on

residential and commercial construction. Frazer proposed a study issue to study requiring all new commercial construction to include roof-top photovoltaic systems.

Josh Grossman, Housing and Human Services Commission Chair speaking for himself, spoke regarding the mobile home rent control study issue and roof-top solar requirements for commercial construction. Grossman provided a PowerPoint presentation and recommended a study issue for roof-top solar panels.

Christopher Fallon spoke regarding loss of property equity by Plaza Del Rey residents due to actions of the Carlyle Group and requested Council consider rent control measures.

### **CONSENT CALENDAR**

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

**No: 0**

**1.A**     [17-1055](#)     Approve City Council Meeting Minutes of November 28, 2017

Approve the City Council Meeting Minutes of November 28, 2017 as submitted.

**1.B**     [17-0089](#)     Approve City Council Special Meeting Minutes of November 28, 2017

Approve the City Council Special Meeting Minutes of November 28, 2017 as submitted.

**1.C**     [17-0200](#)     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**      [17-1050](#)      Award of Bid No. PW18-08 for the Landscape Improvements on Caribbean Drive Re-Bid Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 29

1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15304(d) for minor land alterations; 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$599,164 to Galeb Paving, Inc. 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 \$59,916; and 4) Approve Budget Modification No. 29 in the amount of \$36,131 to provide additional project funding.

- 1.E**      [17-0822](#)      Approve Budget Modification No. 27 to Appropriate \$110,567 of Bay Area UASI Grant Funds for a New Project, FFY 2017 UASI Preventative Radiological Nuclear Detection (PRND) Equipment Grant

Approve Budget Modification No. 27 to appropriate Bay Area UASI Grant funds in the amount of \$110,567 to a new project, FFY2017 UASI Preventative Radiological Nuclear Detection (PRND) Equipment Grant.

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

- 2**      [17-1042](#)      Appoint Applicants to the Charter Review Committee

City Clerk Kathleen Franco Simmons provided the staff report. City Attorney John Nagel provided additional information.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to include consideration of the two late applications.

The motion carried by the following vote:

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

**No: 0**

City Clerk Franco Simmons conducted paper ballots and tallied the votes while Council proceeded with Item 3. Following consideration of Item 3, Council returned to Item 2 and City Clerk Franco Simmons reported the results as follows:

Linda Davis

VOTE: 7 - 0 - 0 (Affirmative votes by all Councilmembers)

Hannalore Dietrich

VOTE: 5 - 0 - 2 (Affirmative votes by Melton, Larsson, Hendricks, Griffith, Smith; Abstentions by Klein, Goldman)

Melinda Hamilton

VOTE: 6 - 0 - 1 (Affirmative votes by Melton, Klein, Larsson, Hendricks, Griffith, Smith; Abstention by Goldman)

Arthur Henrick

VOTE: 2 - 0 - 5 (Affirmative votes by Smith, Goldman; Abstentions by Melton, Klein, Larsson, Hendricks, Griffith)

Dawn Hopkins

VOTE: 6 - 0 - 1 (Affirmative vote by Melton, Klein, Larsson, Hendricks, Griffith, Goldman; Abstention by Smith)

John Howe

VOTE: 7 - 0 - 0 (Affirmative votes by all Councilmembers)

Marc Ketzel

VOTE: 7 - 0 - 0 (Affirmative votes by all Councilmembers)

Andrew LaManque

VOTE: 1 - 0 - 6 (Affirmative vote by Goldman; Abstentions by Melton, Klein, Larsson, Hendricks, Griffith, Smith)

Richard Mehlinger

VOTE: 5 - 0 - 2 (Affirmative vote by Klein, Larsson, Hendricks, Griffith, Smith; Abstentions by Melton, Goldman)

Amanda Richey

VOTE: 7 - 0 - 0 (Affirmative votes by all Councilmembers)

Steve Scandalis

VOTE: 2 - 0 - 5 (Affirmative votes by Melton, Goldman; Abstentions by Klein, Larsson, Hendricks, Griffith, Smith)

Avanindar Singh

VOTE: 5 - 0 - 2 (Affirmative votes by Melton, Larsson, Hendricks, Smith, Goldman; Abstentions by Klein, Griffith)

William Stewart Jr.

VOTE: 1 - 0 - 6 (Affirmative vote by Melton; Abstentions by Klein, Larsson, Hendricks, Griffith, Smith, Goldman)

Lawrence Stone

VOTE: 7 - 0 - 0 (Affirmative votes by all Councilmembers)

Jack Walker

VOTE: 7 - 0 - 0 (Affirmative votes by all Councilmembers)

Carol Weiss

VOTE: 5 - 0 - 2 (Affirmative votes by Klein, Larsson, Griffith, Smith, Goldman; Abstentions by Melton, Hendricks)

David Ybarra

VOTE: 2 - 0 - 5 (Affirmative vote by Klein, Hendricks; Abstentions by Melton, Larsson, Griffith, Smith, Goldman)

City Clerk Kathleen Franco Simmons reported that twelve candidates received four or more affirmative votes.

TIE-BREAKER VOTES:

Hannalore Dietrich

- Yes:** 5 - Mayor Hendricks
- Vice Mayor Larsson
- Councilmember Griffith
- Councilmember Klein
- Councilmember Melton

**No:** 0

**Abstain:** 2 - Councilmember Smith  
Councilmember Goldman

Richard Mehlinger

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

**No:** 0

**Abstain:** 1 - Councilmember Melton

Avanindar Singh

**Yes:** 4 - Mayor Hendricks  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

**Abstain:** 3 - Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein

Carol Weiss

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

**No:** 0

**Abstain:** 1 - Mayor Hendricks

City Clerk Kathleen Franco Simmons reported Council appointed the following 11 members to the Charter Review Committee: Linda Davis, Hannalore Dietrich, Dawn Hopkins, John Howe, Marc Ketzal, Melinda Hamilton, Richard Mehlinger, Amanda Richey, Lawrence Stone, Jack Walker and Carol Weiss.

Council recessed at 9:26 p.m.

Council reconvened at 9:36 p.m. with all Councilmembers present. Council proceeded with consideration of Item 4.

**3**      [17-1069](#)      Review Draft Work Plan for 2017 Housing Strategy (Study Issue)

Housing Officer Suzanne Isé provided the staff report and a PowerPoint presentation. Director of Community Development Trudi Ryan provided additional information.

Public Hearing opened at 7:48 p.m.

Ryan Jasinsky, Assistant Director, Brandenburg, Staedler & Moore, stated they have implemented self-imposed rent control by creating long-term lot lease agreements, and stated that if mobile home rent control is passed, there may be additional costs passed on to the City to monitor this program.

Tim Kerr, Sunnyvale Mobile Home Park Alliance, requested prioritization of the study issue for affordable housing and rent control for mobile home parks.

Fred Kameda, on behalf of a coalition of mobile home park residents, spoke regarding the need for rent stabilization and protection.

Lavonne Boucher, Sunnyvale Mobile Home Park Alliance, spoke regarding the need for rent control and stabilization.

Danna Beres, Our Daily Bread and St. Vincent de Paul, requested expansion of the scope of the study to include rent stabilization for apartments.

Angela Rausch requested the community outreach include all forms of media, and made available in English and Spanish.

John Cordes, Bicycle and Pedestrian and Advisory Commission Chair speaking for himself, requested expansion of the scope to include a homeless housing policy, SRO housing, increasing affordable housing impact fees, a thorough look at the mobile home park conversion policy, adoption of 20% BMR requirement for new rental housing, expansion of rent stabilization to apartment dwellings and to include mixed use for walkability and cyclability.

Marie Bernard, Executive Director, Sunnyvale Community Services, spoke regarding services provided to Sunnyvale residents and offered to assist with outreach.

Sue Serrone, Livable Sunnyvale Coalition and St. Cyprian's, spoke in support of rent protection measures to regulate excessive rent increases, consideration of a 12-month lease protection ordinance, and requested prioritization of returning to the 15% affordable housing standard or higher.

Mike Serrone, Livable Sunnyvale Coalition, spoke in support of including consideration of rent stabilization for all renters and regarding the urgency of the issues.

David Wessel spoke regarding the City of Mountain View's ordinance to address AB 1505 and suggested creation of an ad hoc business group.

Marlon Ordonez spoke in support of renter's rights.

Amalia Valencia requested the addition of rent control to the housing study issue.

Armida Brambilia spoke regarding the high rent costs in Sunnyvale and the effects on her family.

Richard Mehlinger, St. Cyprian's Parish and the Bay Area Organizing Committee, requested renter's rights and protections be made a priority as part of the housing study issue. Mehlinger provided information regarding a proposal to require landlords to offer a 12-month lease at terms equal or better than any short-term lease.

Public Hearing closed at 8:29 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Smith seconded the motion to approve Alternative 1: Approve Work Plan and Scope of Work as shown in Attachment 2 to the report.

FRIENDLY AMENDMENT: Councilmember Smith offered a friendly amendment to include other forms of rent stabilization.

Vice Mayor Larsson declined to accept the friendly amendment.

Councilmember Smith withdrew her second.  
Mayor Hendricks seconded the motion.

FRIENDLY AMENDMENT: Councilmember Klein offered a friendly amendment to accelerate the evaluation of AB 1505, as opposed to making it in the timeframe of the work plan, to have staff evaluate what can be done sooner from a code standpoint.

Vice Mayor Larsson accepted the friendly amendment.

FORMAL AMENDMENT: Councilmember Smith moved to amend the motion to include the addition of other forms of rent control, rent stabilization, or renter protections.

The motion to amend died due to lack of a second.

FRIENDLY AMENDMENT: Councilmember Smith offered a friendly amendment to assess the idea from St. Cyprian's Parish for providing some protections in terms of how long leases are, so that renters don't have to have their rent raised every three months.

Vice Mayor Larsson declined to accept the friendly amendment.

FORMAL AMENDMENT: Councilmember Smith moved to amend the motion and Councilmember Melton seconded to add a component to look at setting protections in terms of how long leases can last.

Mayor Hendricks inquired with the maker as to whether the intent of the amendment was to address what was mentioned by an earlier speaker, that a landlord would need to offer a 12-month lease that would be at the rate of what the lower monthly rate was.

Councilmember Smith clarified that the proposed amendment is that staff look at the idea that came forward from a member of the public to help residents have the ability to predict how much their rent is going to be for one year.

The motion to amend failed by the following vote:

**Yes:** 2 - Councilmember Smith  
Councilmember Goldman

**No: 5 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Melton

The main motion carried by the following vote:

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

**No: 0**

Following action on Item 3, City Clerk Kathleen Franco Simmons reported the results of the votes for Item 2, Charter Review Committee Appointments.

- 4**      [17-1160](#)      Approve Two Resolutions Authorizing the Advance Refunding of the City's Water Revenue Bonds, Series 2010 and Wastewater Revenue Bonds, Series 2010, Approval of the Official Documents Related to the Transactions, and Award a Contract in an Amount of \$193,000 plus Incidental Expenses to Jones Hall, A Professional Law Corporation for Bond and Disclosure Counsel Services, and Find that these Actions are Exempt from CEQA

Director of Finance Tim Kirby presented the staff report.

Public Hearing opened at 9:48 p.m.

No speakers.

Public Hearing closed at 9:48 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1 and 2: 1) Approve two resolutions authorizing the advance refunding of the City's Water Revenue Bonds, Series 2010 and Wastewater Revenue Bonds, Series 2010, and approval of the Official Documents

Related to the Transactions and find the actions exempt from environment review under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the CEQA Guidelines; and 2) Authorize the City Attorney to execute an Agreement, in substantially the same form as Attachment 11 to the Report, in an Amount of \$193,000 plus Incidental Expenses to Jones Hall, A Professional Law Corporation for Bond and Disclosure Counsel Services.

The motion carried by the following vote:

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

**No:** 0

- 5**      [17-1060](#)      Receive and File the FY 2016/17 Comprehensive Annual Financial Report (CAFR), Sunnyvale Retiree Healthcare Plan Report, and Sunnyvale Financing Authority Financial Report

Assistant Director of Finance Kenn Lee presented the staff report. David Bullock, MGO, provided the auditor's report.

Public Hearing opened at 10:05 p.m.

No speakers.

Public Hearing closed at 10:05 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Receive and file the audited Comprehensive Annual Financial Report, the Sunnyvale Retiree Healthcare Plan Report, Sunnyvale Financing Authority Financial Report, and the Report to the City Council issued by the independent auditors.

The motion carried by the following vote:

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

**No: 0**

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

Councilmember Griffith reported his attendance at a meeting of Silicon Valley Clean Energy.

Councilmember Smith reported her attendance at a meeting of the Caltrain Modernization Project Local Policy Advisory Group.

Councilmember Goldman reported his attendance at a meeting of the Grand Boulevard Initiative Task Force.

Councilmember Griffith reported the City of Milpitas was formalized as the thirteenth member of Silicon Valley Clean Energy.

Mayor Hendricks reported that effective in January, the City of Sunnyvale will move from a primary seat to an alternate seat on the VTA Board. Hendricks reported San Jose Mayor Sam Liccardo was elected Chair and Santa Clara Councilmember Teresa O'Neill was elected Vice Chair.

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

#### **-Council**

Councilmember Goldman proposed a study issue regarding joining San Mateo and other cities in mandating solar panels to some degree on some buildings, such as commercial and residential or some combination.

Councilmember Melton co-sponsored the study issue.

#### **-City Manager**

Interim City Manager Kent Steffens reported a Closed Session has been added on December 19 at 4:30 p.m.

**INFORMATION ONLY REPORTS/ITEMS**

[17-0961](#) Tentative Council Meeting Agenda Calendar

[17-0855](#) Information/Action Items

[17-1099](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Hendricks closed the meeting in honor of San Francisco Mayor Ed Lee.

Mayor Hendricks adjourned the meeting at 10:16 p.m.