



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, September 29, 2020

5:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15

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

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

Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

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

Roll Call

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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

Public Comment

Public Comment opened at 5:01 p.m.

No speakers.

Public Comment closed at 5:01 p.m.

Convene to Closed Session

A 20-0666 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; Charles Sakai, Labor Attorney

Employee Organization: Public Safety Officers Association (PSOA)

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 5:57 p.m.

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 6:00 p.m. via teleconference.

Roll Call

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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

Study Session

B [20-0520](#) Moffett Park Specific Plan Update

Community Development Assistant Director Andrew Miner and Principal Planner Michelle King provided the staff report and presentation.

Public Comment opened at 6:45 p.m.

Richard Mehlinger shared details of the upcoming Livable Sunnyvale meeting, including information on the Moffett Park Specific Plan.

Gita Dev, on behalf of the Sierra Club Loma Prieta Chapter suggested the economic study be made available prior to the January date.

David Meyer, on behalf of Silicon Valley @ Home requested core principles related to housing, environment, economy and transit be considered for the Moffett Park Specific Plan.

Justin Wang, on behalf of Greenbelt Alliance spoke towards issues related to housing, land use and rising sea level. He requested nature-based solutions be considered when addressing the issue of rising sea level.

Shani Kleinhaus, on behalf of Santa Clara Valley Audubon Society spoke towards access to nature without disturbing the habitat.

Public Comment closed at 6:56 p.m.

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:56 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

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

ROLL CALL

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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

CLOSED SESSION REPORT

Vice Mayor Smith 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; Kent Steffens, City Manager; Charles Sakai, Labor Attorney Employee Organization: Public Safety Officers Association (PSOA); nothing to report.

SPECIAL ORDER OF THE DAY

C [20-0838](#) SPECIAL ORDER OF THE DAY - Active Aging Week and Arts and Humanities Month

Mayor Klein provided a presentation and read proclamations in honor of Arts and Humanities Month and Active Aging Week.

D [20-0839](#) SPECIAL ORDER OF THE DAY - Breast Cancer Awareness Month

Bobbe Smirni, Founder, New Frontiers in Prevention of Breast Cancer spoke towards the Special Order of the Day.

Mayor Klein read a proclamation in honor of Breast Cancer Awareness Month.

ORAL COMMUNICATIONS

Councilmember Hendricks announced applications are being accepted for the Neighborhood and Community Events Grant Program. He also announced details of COVID-19 testing availability at the Sunnyvale Murphy Park Building and testing availability via Santa Clara County.

Christophe LaBelle shared details of the upcoming Virtual Turkey Trot 2020.

John communicated opposition to Measure RR - Peninsula Corridor Joint Powers Authority (CalTrain) Sales Tax.

Lidia Marchioni spoke towards her property's zoning and requested Council

consider rezoning to industrial/residential zone.

Wesley Yu voiced concerns related to his property's zoning and requested Council consider amending the General Plan to allow for rezoning.

Caitlyn Slavich spoke towards affordable housing issues.

Helen voiced support for Council to consider rezoning his property to residential.

Richard Mehlinger shared information about the organization Livable Sunnyvale and communicated support for rezoning properties to allow owners the ability to develop their property.

CONSENT CALENDAR

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

The motion carried with the following vote:

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

No: 0

1.A [20-0007](#) Approve City Council Meeting Minutes of September 15, 2020

Approve the City Council Meeting Minutes of September 15, 2020 as submitted.

1.B [20-0710](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.C [20-0770](#) Receive and File the City of Sunnyvale Investment Report - Second Quarter 2020

Receive and file the City of Sunnyvale - Second Quarter 2020 Investment Report.

- 1.D** [20-0706](#) Approve Budget Modification No. 4 to Appropriate \$121,361 to a New Project, FY20/21 DPS Crime Reporting and IA/Use of Force Tracking Software and Authorize the City Manager to Approve an Amendment to the Existing Contract with Tritech Software to Update Crime Data Reporting Capability

Approve Budget Modification No. 4 to appropriate General Fund reserves in the amount of \$121,361 for a new project, FY 2020/21 Department of Public Safety Crime Reporting and Internal Affairs/Use of Force Tracking Software and authorize the City Manager to approve an amendment to the existing contract with Tritech Software to update crime data reporting capability.

- 1.E** [20-0796](#) Adopt Resolutions Approving Amendments to the City's Contribution for CalPERS Medical Insurance for Management, SEA/IFPTE Local 21, Confidential, and SEIU Employees and Annuitants (Retirees)

Adopt two resolutions:

1. Setting the employer's contribution under the Public Employees' Medical and Hospital Care Act ("PEMHCA") for 2021; and
2. Amending Salary Resolution No. 190-05 to modify the City's contribution for medical insurance for Management, Sunnyvale Employee Association/International Federation of Professional and Technical Engineers Local 21, Confidential, and Service Employees International Union employees and annuitants (retirees).

- 1.F** [20-0480](#) Authorize the City Manager to Award and Execute a Contract with James Moore for Public Art at Fair Oaks Park in the total amount not to exceed \$145,000, which includes optional services of up to \$5,000 for storage of the completed artwork, if necessary.

Authorize the City Manager to award and execute a contract to James Moore for public art at Fair Oaks Park in the total amount not-to-exceed \$145,000, which includes optional services of up to \$5,000 for storage of the completed artwork, if necessary.

- 1.G** [20-0719](#) Modify a Blanket Purchase Order with Sunnyvale Ford for Automotive Parts and Supplies (F20-173)

Authorize the City Manager to amend the existing blanket purchase order with Sunnyvale Ford for automotive parts and supplies, in substantially the same format as Attachment 1 to the report, increasing the not-to-exceed amount by \$10,000 for a new not-to-exceed total amount of \$105,000.

- 1.H** [20-0514](#) Authorize the issuance of a Purchase Order to Golden State Fire Apparatus for Two (2) Triple Combination Fire Pumpers (F21-041)

Take the following actions:

- Authorize the issuance of a purchase order in the amount of \$1,212,182 (includes delivery, performance bond and tire fees), excluding sales tax, in substantially the same form as Attachment 1 to the report to Golden State Fire Apparatus; and
- Approve a 2% contingency in the amount of \$24,242.

- 1.I** [20-0786](#) Award of a Two-year Contract to HetNet Wireless LLC for Radio System Review and Inspection Services (F20-156)

Take the following actions:

- Award a services agreement in the amount not-to-exceed \$165,000 and in substantially the same form as Attachment 1 to the report to HetNet Wireless LLC;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Authorize the City Manager to renew the contract for two additional two-year periods and modify the not-to-exceed contract amount within budgeted amounts provided services and pricing remain acceptable to the City.

- 1.J** [20-0778](#) Adopt a Resolution Amending the City of Sunnyvale Local Conflict of Interest Code

Adopt a Resolution amending the City of Sunnyvale Local Conflict of Interest Code.

- 1.K** [20-0658](#) Approve City Position on Proposed League of California Cities' 2020 Annual Conference Resolution

Approve a support position for the proposed Resolution No. 1 (amendment to Section 230 of The Communications Decency Act of 1996); and authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted positions.

- 1.L** [20-0812](#) Designate a Voting Delegate and Alternates for the 2020 League of California Cities Annual Conference

Approve the Mayor's nomination of himself as the voting delegate and Vice Mayor Smith and Councilmember Larsson as alternates.

PUBLIC HEARINGS/GENERAL BUSINESS

2 20-0815 Adoption of the Roadway Safety Plan

Transportation and Traffic Manager Dennis Ng provided the staff report and presentation.

Public Hearing opened at 7:59 p.m.

Richard Mehlinger, Chair, Bicycle and Pedestrian Advisory Commission communicated support for the adoption of the Roadway Safety Plan and urged Council to approve Alternative 1.

Public Hearing closed at 8:02 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Smith seconded the motion to approve Alternative 1: adopt the Roadway Safety Plan.

The motion carried with the following vote:

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

No: 0

3 20-0476 Accept Findings of the Eruv Study and Authorize Next Steps for Implementation

Public Works Assistant Director Jennifer Ng provided the staff report and presentation.

Public Hearing opened at 8:11 p.m.

Rabi Eliezer Poupko communicated support for the study and implementation of the Eruv.

John Schmidt voiced support for the creation of the Eruv and inquired on the

population size of the community being facilitated.

Omar Din, Sunnyvale City Council District Candidate 6 shared support for the Eruv.

Richard Mehlinger communicated support for the Eruv.

Public Hearing closed at 8:17 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: accept the findings of the Eruv Study and authorize the Public Works Director to execute a Master Encroachment Agreement upon the submittal of an encroachment permit application and the payment of the applicable fees.

The motion carried with the following vote:

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

No: 0

4 [20-0659](#) Adopt Positions on State and Local Ballot Measures for the November 3, 2020 Election

Management Analyst Michelle Zahraie provided the staff report.

Public Hearing opened at 8:29 p.m.

Richard Mehlinger, on behalf of Livable Sunnyvale communicated the group's endorsements of Measure RR and Propositions 15-19, 21 and 25 and opposition of Propositions 20 and 22.

Martin Pyne, on behalf of the Democratic Club of Sunnyvale shared support for Measure RR and Propositions 15, 16, 19 and 21. He shared the group's endorsement of Propositions of 14, 17, 18 and 25 along with opposition to Propositions 20, 22 and 23.

Tony G voiced support of Propositions 20 and 22 along with opposition to Proposition 16.

Public Hearing closed at 8:38 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve the staff recommendation to support Measure M – Fremont Union High School District parcel tax.

The motion carried with the following vote:

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

No: 0

MOTION: Vice Mayor Smith moved and Mayor Klein seconded the motion to approve the staff recommendation to support Measure RR – Peninsula Corridor Joint Powers Authority (CalTrain) sales tax.

The motion carried with the following vote:

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

No: 0

MOTION: Vice Mayor Smith moved and Councilmember Larsson seconded the motion to approve the staff recommendation to support Measure S – Santa Clara Valley Water District parcel tax.

The motion carried with the following vote:

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

No: 0

Abstain: 1 - Councilmember Goldman

MOTION: Councilmember Hendricks moved and Councilmember Goldman seconded the motion to oppose Proposition 15 – increase funding sources for public schools, community colleges, and local government services by changing tax assessment of commercial and industrial property.

The motion failed with the following vote:

Yes: 2 - Councilmember Hendricks
Councilmember Goldman

No: 5 - Mayor Klein
Vice Mayor Smith
Councilmember Larsson
Councilmember Melton
Councilmember Fong

MOTION: Councilmember Hendricks moved and Councilmember Goldman seconded the motion to approve the staff recommendation to take no position on Proposition 15 – increase funding sources for public schools, community colleges, and local government services by changing tax assessment of commercial and industrial property.

The motion carried with the following vote:

Yes: 5 - Mayor Klein
Vice Mayor Smith
Councilmember Larsson
Councilmember Hendricks
Councilmember Goldman

No: 2 - Councilmember Melton
Councilmember Fong

MOTION: Councilmember Fong moved and Councilmember Larsson seconded the

motion to support Proposition 16 – allow diversity as a factor in public employment, education, and contracting decisions.

The motion carried with the following vote:

Yes: 5 - Mayor Klein
Vice Mayor Smith
Councilmember Larsson
Councilmember Melton
Councilmember Fong

No: 2 - Councilmember Hendricks
Councilmember Goldman

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve the staff recommendation to take no position on Proposition 19 – change certain property tax rules.

The motion carried with the following vote:

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

No: 1 - Councilmember Fong

MOTION: Councilmember Hendricks moved and Vice Mayor Smith seconded the motion to approve the staff recommendation to take no position on Proposition 21 – expands local governments' authority to enact rent control on residential property.

The motion carried with the following vote:

Yes: 6 - Vice Mayor Smith
Councilmember Larsson
Councilmember Hendricks
Councilmember Melton
Councilmember Goldman
Councilmember Fong

No: 1 - Mayor Klein

Outlined in Council Policy 7.3.11 (Seating Arrangements/City Council) and Possible Updates to Council Policy 7.3.11

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:31 p.m.

Martin Pyne spoke towards the methods being considered to resolve ties in determining seniority.

Public Hearing closed at 9:34 p.m.

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve Alternative 2: take no action regarding Council Policy 7.3.11 (Seating Arrangements/City Council).

The motion carried with the following vote:

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

No: 1 - Councilmember Fong

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Smith shared her attendance at Santa Clara County Unhoused Task Force meetings. The Task Force will be reviewing funding options related to the unhoused population.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Fong inquired if Council's position on the Measure and Propositions would be made available for public view on the City's website.

City Manager Kent Steffens responded that staff will review past practice on publishing Council's endorsement of measures and propositions on the City's website.

City Attorney John Nagel spoke towards the prohibition against using public funds to support or oppose ballot measures/propositions. He responded that staff will review the law.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [20-0050](#) Tentative Council Meeting Agenda Calendar
- [20-0793](#) Board/Commission Meeting Minutes
- [20-0798](#) Information/Action Items
- [20-0859](#) Mayor's Endorsement of Candidates for the League of California Cities Peninsula Division Election of Executive Committee Officers 2020/21 (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 9:48 p.m.