



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, April 25, 2023

5:00 PM

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

Special Meeting: Study Session - 5 PM | Regular Meeting - 7 PM

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

Call to Order

Vice Mayor Din called the meeting to order at 5:00 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

Pursuant to Government Code Section 54953(b), Mayor Klein participated via teleconference from Element Bend, The Bulletin Conference Room, 1526 NW Wall Street, Bend, OR 97703.

Study Session

A [23-0398](#) Equity, Access and Inclusion Training and Update

Deputy City Manager Jaqui Guzmán and Paul Hudson, Seed Collaborative, provided the staff report and presentation.

Public Comment opened at 6:47 p.m.

No speakers.

Public Comment closed at 6:47 p.m.

Adjourn Special Meeting

Vice Mayor Din adjourned the meeting at 6:48 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

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

SALUTE TO THE FLAG

Vice Mayor Din 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

Pursuant to Government Code Section 54953(b), Mayor Klein participated via teleconference from Element Bend, The Bulletin Conference Room, 1526 NW Wall Street, Bend, OR 97703.

SPECIAL ORDER OF THE DAY

B [23-0368](#) Small Business Week

Vice Mayor Din spoke in recognition of small business week.

Mike D'Ambrosio, Owner, New York Style Sausage, communicated their appreciation for Sunnyvale honoring their business.

C [23-0369](#) Asian Pacific American (APA) Heritage Month

Vice Mayor Din spoke in recognition of Asian Pacific American (APA) Heritage Month.

D [23-0371](#) Arab-American Heritage Month

Vice Mayor Din spoke in recognition of Arab American Heritage Month.

Maha Elgenaidi, Executive Director, Islamic Networks Group, provided words in honor of Arab American Heritage Month.

E [23-0367](#) Library Week

Vice Mayor Din spoke in recognition of Library Week.

Director of Library and Recreation Services Michelle Perera accepted the recognition.

ORAL COMMUNICATIONS

Councilmember Sell announced details of the current recruitment for various Boards and Commissions, the upcoming Ride and Drive Event and Older Americans Month events being held at the Sunnyvale Senior Center.

Ammar Khan shared their safety and privacy concerns regarding individuals living in mobile homes in front of their home.

John Keho provided remarks seeking assistance and support for Sunnyvale's Baylands Park and Grassroots Ecology's efforts to support the park.

Suh Jean Lin shared their traumatic experiences dealing with the Home First organization and living in their homeless shelter.

Stephen Meier communicated their concerns with pedestrian and bicycle safety in Sunnyvale after the recent death of a pedestrian on Fair Oaks Avenue.

Sharon Salmons shared their safety and privacy concerns regarding individuals living in mobile homes in the Cherry Chase neighborhood.

Chakkaravarthy Periyasamy Balalah communicated their safety and privacy concerns regarding individuals living in mobile homes in the Cherry Chase neighborhood.

CONSENT CALENDAR

Public Comment opened at 7:47 p.m.

No speakers.

Public Comment closed at 7:47 p.m.

Councilmember Mehlinger pulled agenda item 1.A for separate consideration.

MOTION: Councilmember Mehlinger moved and Councilmember Cisneros seconded the motion to approve agenda items 1.B through 1.H.

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 [23-0293](#) Approve City Council Meeting Minutes of March 14, 2023

Public Hearing opened at 7:52 p.m.

No speakers.

Public Hearing closed at 7:52 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Melton seconded the motion to approve the City Council Meeting Minutes of March 14, 2023 as submitted.

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.B [23-0050](#) Approve City Council Meeting Minutes of March 21, 2023

Approve the City Council Meeting Minutes of March 21, 2023 as submitted.

1.C [23-0267](#) 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** [23-0496](#) Adopt a Resolution Amending the Classification Plan and the City's Salary Resolution to Add the Classification of Homeless Services Manager and Update the Schedule of Pay

Adopt a Resolution to amend the Classification Plan and the City's Salary Resolution to add the new Classification of Homeless Services Manager and make corresponding updates to the Schedule of Pay effective April 30, 2023.

- 1.E** [23-0426](#) Receive and File the FY 2021/22 Annual Agreed Upon Procedure Audit Reports

Receive and file the agreed upon Procedure Reports.

- 1.F** [23-0210](#) Authorize the Issuance of a Purchase Agreement to Reed & Graham, Inc. for Asphaltic Materials and Pavement Reinforcement Fabric (F23-065)

Take the following actions:

- Authorize the issuance of a Purchase Agreement with Reed & Graham, Inc. in a not-to-exceed amount of \$1,535,000; and
- Authorize the City Manager to amend the not-to-exceed amount and to renew the contract for four (4) additional one-year periods, subject to available budget and if pricing and services remain acceptable to the City.

- 1.G** [23-0487](#) Award a Contract to Storm Water Inspection & Maintenance Services Inc. for Manufacturing and Installing 350 Full Trash Capture Devices (F23-116)

Take the following actions:

- Approve a Services Agreement in substantially the same form as Attachment 1 to the report in an amount not-to-exceed \$473,412.00 to Storm Water Inspection & Maintenance Services Inc. for the manufacture and installation of 350 Stormtek ST3G Connector Pipe Screens;
- Authorize the City Manager to execute the Agreement when all conditions have been met; and
- Approve a 10% contingency in the amount of \$47,340.

- 1.H** [23-0185](#) Authorize the Public Works Director, or Designee, to Execute a Change Order in the Amount of \$5,100,000 for the Contract with C. Overaa & Co. for Primary Treatment Facility Package 2

Settle a Construction Claim Related to PG&E Delays and Other Associated Delay Claims and Approve Budget Modification No. 19 in the Amount of \$5,200,000

Take the following actions:

- Authorize the Public Works Director, or designee, to execute a Change Order, in substantially the same form as updated Attachment 1 to the Report (posted 4/25/2023), in the amount of \$5,100,000 for the Contract with C. Overaa & Co. for Primary Treatment Facility Package 2 to settle a construction claim related to PG&E delays and other associated delay claims; and
- Approve Budget Modification No. 19 in the amount of \$5,200,000.

- 1.1 [23-0443](#) Reject all Bids Received for South Hill Slope Repair project (F23-060)

Reject all bids received in response to Invitation for Bids F23-060 South Hill Slope Repair Project.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [23-0515](#) Introduce an Ordinance to Add Chapter 19.71 of Title 19 of the Sunnyvale Municipal Code Creating a Residential Tenant Protections Program (Study Issue)

Housing Officer Jenny Carloni provided the staff report and presentation.

Public Hearing opened at 9:01 p.m.

Planning Commission Chair Martin Payne, spoke to the Commission's recommendations to Council regarding this item.

Anil Babbar, California Apartment Association, provided feedback on the written Ordinance and Council's discussion and questions to city staff.

Agnes Veith, spoke in support of the Ordinance and the recommendation for payments of two months of rent in the case of a no fault, just cause eviction.

Jessica Martin, Silicon Valley@Home, communicated support for the Ordinance that will create a Residential Tenant Protections Program and proposed Sunnyvale explore further options to protect renters.

Janet Murdock spoke to how the Ordinance can negatively affect small business

landlords' efforts to offer affordable housing to their tenants.

Public Hearing closed at 9:15 p.m.

MOTION: Councilmember Cisneros moved and Councilmember Sell seconded the motion to approve Alternative 2: Introduce an Ordinance to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 ("Zoning") of the Sunnyvale Municipal Code creating a Residential Tenant Protections Program with modifications to instruct staff to study extending the relocation assistance for tenants to 3 months and providing further tenant protections to the vulnerable and elderly and return to Council with the results to potentially amend the ordinance.

FRIENDLY AMENDMENT: Mayor Klein proposed a friendly amendment to include in the ordinance the requirement for posting notices to include the ordinance change, a summary of AB 1482, and contact details for the Sunnyvale Housing Department. Councilmember Cisneros and Councilmember Sell accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Mehlinger proposed a friendly amendment to direct staff to study reducing the just cause eviction tenant protections to retroactively begin on day 1 of a lease agreement. Councilmember Cisneros and Councilmember Sell accepted 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

City Council took a recess at 9:39 p.m. and returned at 9:46 p.m. with Vice Mayor Din and all Councilmembers present in the Bay Conference Room (Room 145) and Mayor Klein participating via teleconference from Element Bend, The Bulletin

Conference Room, 1526 NW Wall Street, Bend, OR 97703.

3 [23-0069](#) Evaluation of Wi-Fi Installation in the Community Center
Grounds Renovation Project (PR-21-05)

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

Public Hearing opened at 10:09 p.m.

No speakers.

Public Hearing closed at 10:09 p.m.

MOTION: Councilmember Srinivasan moved and Councilmember Melton seconded the motion to approve Alternative 1: Approve Wi-Fi installation for Common Area Coverage to be included in the Community Center Grounds Renovation Project and direct staff to add associated operating funds to the operating budget.

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 10:15 p.m. and returned at 10:20 p.m. with Vice Mayor Din and all Councilmembers present in the Bay Conference Room (Room 145) and Mayor Klein participating via teleconference from Element Bend, The Bulletin Conference Room, 1526 NW Wall Street, Bend, OR 97703.

4 [23-0350](#) Consider Adoption of a Resolution to Oppose Initiative
21-0042A1 Sponsored by the California Business Roundtable,
Also Known as "The Taxpayer Protection and Government
Accountability Act," Which has Qualified for the November
2024 Ballot

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 10:40 p.m.

Jen spoke in support of adopting the Resolution to oppose Initiative 21-0042A1.

Public Hearing closed at 10:44 p.m.

MOTION: Councilmember Mehlinger moved and Councilmember Melton seconded the motion to approve Alternative 1: Adopt a Resolution (Attachment 1) to oppose Initiative 21-0042A1 or “The Taxpayer Protection and Government Accountability Act” and find that the Action is not a project under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378 (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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Melton shared Councilmember Srinivasan completing the process to become an Alternate Commissioner to the Santa Clara County Airport Land-Use Commission and announced he was installed as Chair of the Local Agency Formation Commission for 2023.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Mehlinger inquired if the City utilizes facial recognition technology.

Councilmember Mehlinger proposed a study issue to examine the possibility of establishing a sanctioned encampment for unhoused individuals in Sunnyvale. Mayor Klein, Vice Mayor Din, and Councilmembers Cisneros, Srinivasan, and Sell co-sponsored the study issue.

-City Manager

City Manager Kent Steffens provided an update on the emergency declaration related to storm damage at the Stevens Creek embankment on Mockingbird Lane.

INFORMATION ONLY REPORTS/ITEMS

- [23-0290](#) Board/Commission Meeting Minutes
- [23-0299](#) Tentative Council Meeting Agenda Calendar
- [23-0300](#) Information/Action Items
- [23-0297](#) Notice of Public Works Director's Decision on Final Maps
(Information Only)
- [23-0255](#) Moffett Park Specific Plan Pros and Cons of Taller Buildings
(Information Only)

ADJOURNMENT

Vice Mayor Din adjourned the meeting at 11:01 p.m.