



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, August 22, 2017

6:00 PM

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

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

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

Vice Mayor Larsson announced the items 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 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 Convene to Closed Session**

[17-0679](#)

Closed Session held pursuant to California Government Code  
Section 54956.8: CONFERENCE WITH REAL PROPERTY  
NEGOTIATORS

Property: 1484 Kifer Road, Sunnyvale (Unilever site)

Agency negotiator: Deanna J. Santana, City Manager

Negotiating parties: REOM Development and Fore Property  
Company

Under negotiation: Price and terms of a potential purchase

**5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 6:30 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 pursuant to California Government Code Section 54956.8: Conference with Real Property Negotiators; Property: 1484 Kifer Road, Sunnyvale (Unilever site); Negotiating parties: REOM Development and Fore Property Company; Under negotiation: Price and terms of a potential purchase; nothing to report.

**ORAL COMMUNICATIONS**

Mayor Hendricks announced the meeting would be closed in honor of the memory of Jeanine Stanek.

**CONSENT CALENDAR**

Councilmember Melton requested to pull Item 1.F from the 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**     [17-0183](#)     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**     [17-0754](#)     Authorize the Issuance of a Purchase Order for the Purchase of Turnout Fire Protective Clothing for the Department of Public Safety (DPS)

Authorize the issuance of a purchase order in substantially the same form as Attachment 1 to the report in the amount of \$401,679 to L.N. Curtis & Sons.

- 1.C**     [17-0730](#)     Award of Bid No. PW17-32 for the Pavement Rehabilitation 2017 Project, and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for the restoration or rehabilitation of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, involving negligible or no expansion of use beyond that presently existing; 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$567,355 to Interstate Grading & Paving, Inc. for the Pavement Rehabilitation 2017; Project # ST-17-05, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$56,736.

- 1.D**     [17-0694](#)     Adopt a Resolution Regarding President's Day Storm Damage and CalEMS/FEMA Assistance

Adopt a resolution to authorize designated staff to handle all matters related to state disaster assistance for Items 1-16 on the List of Projects (Attachment 3 to the report) and for any qualifying future disasters that occur up to three years from date of

Council adoption.

**1.E**      [17-0761](#)      Reject Sole Bid Received for SMaRT Station Stormwater Management System Upgrade (PW17-04)

Reject sole bid received in response to Invitation for Bids No. PW17-04 for SMaRT Station Stormwater Management System Upgrade.

**1.F**      [17-0798](#)      Amend Council Policy 7.3.19 (Council Meetings)

City Attorney John Nagel and City Manager Deanna Santana responded to Councilmember questions.

Public Hearing opened at 7:09 p.m.

No speakers.

Public Hearing closed at 7:09 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Larsson seconded the motion to approve an Amended Council Policy 7.3.19 (Council Meetings) to 1) hear by a single motion the following agenda items: Councilmembers Reports on Activities from Intergovernmental Committee Assignments, Non-Agenda Items and Comments and Information Only Reports/Items; and 2) to assure that the Standard Code of Parliamentary Procedures used by Council will be superseded by Council adopted policies, rules or procedures and any state or federal law(s) that require the Council to act in a certain manner; with an amendment that any item on an agenda for a regular meeting which must be continued due to the late hour, shall without motion be automatically continued to the first item under public hearings/general business at the next Council meeting, unless by motion, which shall not be subject the vote requirements stated above, the Council continues an item(s) to a date certain.

The motion failed by the following vote:

**Yes:** 3 - Vice Mayor Larsson  
Councilmember Melton  
Councilmember Goldman

**No:** 4 - Mayor Hendricks  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith

MOTION: Councilmember Klein moved and Mayor Hendricks seconded the motion

to approve an Amended Council Policy 7.3.19 (Council Meetings) to: 1) hear by a single motion the following agenda items: Councilmembers Reports on Activities from Intergovernmental Committee Assignments, Non-Agenda Items and Comments and Information Only Reports/Items; and 2) to assure that the Standard Code of Parliamentary Procedures used by Council will be superseded by Council adopted policies, rules or procedures and any state or federal law(s) that require the Council to act in a certain manner.

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

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

- 2      [17-0826](#)      CONTINUED FROM AUGUST 15, 2017 CITY COUNCIL MEETING  
Proposed Project: GENERAL PLAN AMENDMENT  
INITIATION to consider a 100% FAR combining district on 11 parcels in the M-S zoning district totaling 17.85 acres.  
File #: 2017-7382  
Locations: 893-909 Kifer Road (APN 205-42-011), 905 Kifer Road (APN 205-42-009)  
917 Kifer Road (APN 205-42-008), 133-135 Commercial Street and 919-921 Kifer Road (APN 205-42-007), 155 Commercial Street (APN 205-42-006), 165 Commercial Street (APN 205-42-010), 167-171 Commercial Street (APN 205-42-012), 181 Commercial Street (APN 205-42-003), 183 Commercial Street (APN 205-42-004), 193 Commercial Street (APN 205-42-002), No address (APN 205-42-001)  
Applicant / Owner: ARC TEC, Inc. (applicant) / Fortinet (owner)  
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (a).

Senior Planner George Schroeder provided the staff report and a PowerPoint presentation. Principal Planner Andy Miner, City Manager Deanna Santana, Director of Community Development Trudi Ryan and Director of Finance Tim Kirby provided additional information.

Vice Mayor Larsson and Councilmember Smith disclosed they have met with the applicant.

Applicant Larry Burnett, Fortinet, provided information regarding the company and the proposed project, and provided a PowerPoint presentation.

Public Hearing opened at 7:45 p.m.

No speakers.

Public Hearing closed at 7:48 p.m.

Applicant Larry Burnett provided additional information and closing remarks.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternative 3: Initiate a General Plan Amendment study of a larger study area (bounded by Central Expressway to the north, Kifer Road to the south, a private park to the east, and Wolfe Road to the west) as an industrial intensification site in the General Plan to allow 100 percent FAR with the preparation of a Specific, Area, or Precise Plan, and also direct staff to come back with a budget modification concurrently with the award of the contract.

FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment to include, when the item comes back for consideration, the option of changing the scope back to the applicant's original request.

Following discussion, City Manager Santana stated the contract could be scoped for the larger study area and smaller study area so Council has maximum flexibility when presented with a contract award and a budget modification.

Vice Mayor Larsson and Councilmember Klein accepted the friendly amendment as restated by the city manager.

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**

**3**      [17-0204](#)      Appoint Applicants to the Board of Library Trustees, Personnel Board and Sustainability Commission

City Clerk Kathleen Franco Simmons conducted paper ballot votes, tallied the votes and reported the results as follows:

**BOARD OF LIBRARY TRUSTEES (1 term to 6/30/2021)**

Mason Fong (1st preference)

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

Jocelyn Garcia-Thome (1st preference)

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

Adam Solomon (only preference)

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

Sekari Vaidyanathan (only preference)

VOTE: 0 – 0 – 7 (Abstentions by all Councilmembers)

City Clerk Kathleen Franco Simmons announced Mason Fong was appointed to the Board of Library Trustees to serve a term expiring 6/30/2021.

**PERSONNEL BOARD (Employee-Nominated Seat - 1 term to 6/30/2020, Council-Nominated Seat - 1 term to 6/30/2019)**

Johan Bastiaens (only preference)

VOTE: 0 – 0 – 7 (Abstentions by all Councilmembers)

Ericka Reguerin (only preference)

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

Patti Selan (only preference)

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

MOTION: Councilmember Melton moved and Councilmember Smith seconded the motion to appoint Patti Selan to the Employee-Nominated Seat with a term expiring 6/30/2020 and Ericka Reguerin to the Council Nominated Seat with a term expiring 6/30/2019.

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**

Patti Selan was appointed to the Personnel Board (Employee-Nominated Seat) to serve a term expiring 6/30/2020.

Ericka Reguerin was appointed to the Personnel Board (Council-Nominated Seat) to serve a term expiring 6/30/2019.

City Clerk Kathleen Franco Simmons distributed the second paper ballot, tallied the votes and reported the results as follows:

SUSTAINABILITY COMMISSION (1 term to 6/30/2018 - Category One or Two)

Laura Alvarez-Santos (Category One - only preference)

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



Jocelyn Garcia-Thome (Category One - 2nd preference)

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

Adriana Imbre (Category Two - only preference)

VOTE: 4 – 0 – 3 (Affirmative vote by Melton, Klein, Larsson, Hendricks and Griffith; Abstentions by Hendricks, Smith and Goldman)

Malahat Owrang (Category One - only preference)

VOTE: 0 – 0 – 7 (Abstentions by all Councilmembers)

Neela Shukla (Category One - only preference)

VOTE: 3 – 0 – 4 (Affirmative votes by Klein, Griffith and Goldman; Abstentions by Melton, Larsson, Hendricks and Smith)

City Clerk Kathleen Franco Simmons announced Adriana Imbre was appointed to the Sustainability Commission (Category Two) to serve a term expiring 6/30/2018.

- 4**      [17-0770](#)      Approve an Update of the Transportation Strategic Program and Adopt a Resolution Amending the City's Master Fee Schedule for Traffic Impact Fees

Director of Public Works Manuel Pineda provided the staff report. Consultant Gary Black, Hexagon Transportation Consultants, provided additional information.

Director of Public Works Pineda noted the fee calculations in Attachment 3 are correct and the draft study will be corrected before it is finalized.

Public Hearing opened at 8:31 p.m.

John Cordes, Bicycle and Pedestrian Advisory Commission Chair speaking for himself, provided comments regarding Attachment 4 to the report.

Public Hearing closed at 8:33 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Melton seconded the motion to approve Alternative 1: Approve Update of the Transportation Strategic Program and adopt a Resolution Amending the City's Master Fee Schedule for Traffic Impact Fees.

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**

Following consideration of Item 4, City Clerk Kathleen Franco Simmons read the results of Ballot 1 for Item 3, Board and Commission appointments. Council took action to specify seats and terms for the two members appointed to the Personnel Board (reported under Item 3).

Council proceeded to vote on Ballot 2 and passed their ballots to the City Clerk to be tallied.

- 5**      [17-0728](#)      Award of Contract for Professional Design Services Associated with the Secondary Treatment and Dewatering Project at the Water Pollution Control Plant in an Amount Not to Exceed \$17,746,116 (F17-086), with a 10% Design Contingency of \$1,599,533, and Approve Budget Modification No. 8

Assistant Director of Public Works Craig Mobeck provided the staff report and a PowerPoint presentation.

Public Hearing opened at 9:07 p.m.

No speakers.

Public Hearing closed at 9:07 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Smith seconded the motion to approve 1) Award a contract in substantially the same form as Attachment 1 to the report in an amount not to exceed \$17,746,116 for Professional Design Services Associated with the Secondary Treatment and Dewatering at the Water Pollution Control Plant and Authorize the City Manager to execute the contract when all necessary conditions have been met; 2) Approve a 10% contract contingency on the base services in the amount of \$1,599,533; and 3) Approve Budget Modification No. 8.

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**

Following action on Item 5, City Clerk Kathleen Franco Simmons read the results of Ballot 2 for Item 3, Board and Commission appointments.

**6**      [17-0733](#)      Consider Expanding the Purpose of the Standing Subcommittee to Discuss Issues of Mutual Interest with Local School Districts

City Manager Deanna Santana provided the staff report. Councilmember Melton provided a report from the July 12 subcommittee meeting.

Public Hearing opened at 9:15 p.m.

No speakers.

Public Hearing closed at 9:15 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Authorize Vice Mayor Larsson and Councilmember Melton to determine the expanded purpose of the Standing Subcommittee regarding Issues of Mutual Interests with Local School Districts as it relates to their meetings with the Cupertino Union School District and the City of Los Altos.

The motion carried by the following vote:

**Yes: 5 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 2 -** Councilmember Griffith  
Councilmember Klein

- 7**      [17-0752](#)      Appoint a Councilmember as the City's Representative to the Expressway Plan 2040 Policy Advisory Board (Formerly the Comprehensive County Expressway Planning Study Advisory Board)

City Manager Deanna Santana provided the staff report.

Councilmember Melton expressed interest in serving on the Board.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to appoint Councilmember Melton to serve as the City's representative on the Expressway Plan 2040 Policy Advisory Board.

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**

Councilmember Klein expressed interest in serving as an alternate if an alternate is needed.

MOTION: Vice Mayor Larsson moved and Councilmember Melton seconded the motion to appoint Councilmember Klein as an alternate contingent upon the need for an alternate.

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 the Cities Association in which a roundtable advisory subcommittee regarding airplane noise was formed.

Councilmember Smith reported her attendance at a meeting of the Water Commission in which a socially responsible investment policy and the One Water Plan was discussed. Councilmember Smith reported an upcoming meeting of the CalMod Local Policy Maker Group in which a Caltrain business plan will be discussed.

Vice Mayor Larsson reported his attendance at a VTA Policy Advisory Committee meeting in which Caltrain electrification funding agreement was discussed.

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

None.

**-City Manager**

None.

**INFORMATION ONLY REPORTS/ITEMS**

[17-0643](#) Tentative Council Meeting Agenda Calendar

[17-0713](#) Information/Action Items

**ADJOURNMENT**

Councilmember Klein closed the meeting in honor of the memory of Jeanine Stanek.

Mayor Hendricks adjourned the meeting at 9:34 p.m.