



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, November 28, 2017

7:00 PM

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

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### **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 Wednesday, November 8, 2017 pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators, Employee organization: Communication Officers Association (COA); nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session on Friday, November 17, 2017 pursuant to California Government Code Section 54957: Public Employee Appointment; Title: City Manager; nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session earlier in the day on Tuesday, November 28, 2017 pursuant to California Government Code Section 54957: Public Employee Appointment; Title: City Manager; nothing to report.

#### **ORAL COMMUNICATIONS**

Vice Mayor Larsson announced the upcoming Sunnyvale Downtown Association annual holiday tree lighting.

Deborah Marks spoke regarding preservation of the Civic Center land and provided a PowerPoint presentation.

Maria Pan spoke regarding the Civic Center.

Robert Kam spoke regarding the need to ban gas leaf blowers due to health and stress concerns.

Marie Bernard, Executive Director, Sunnyvale Community Services spoke regarding the Ride for Toys fundraiser and Giving Tuesday.

### **CONSENT CALENDAR**

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

Councilmember Melton disclosed he met with MidPen on Monday to get answers to questions he had regarding Item 1.K.

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**     [17-0983](#)     Approve City Council Meeting Minutes of November 7, 2017  
Approve the City Council Meeting Minutes of November 7, 2017 as submitted.

**1.B**     [17-1110](#)     Approve City Council Special Meeting Minutes of November 8, 2017

Approve the City Council Special Meeting Minutes of November 7, 2017 as submitted.

- 1.C**      [17-0598](#)      Approve City Council Special Meeting Minutes of November 17, 2017

Approve the City Council Special Meeting Minutes of November 17, 2017 as submitted.

- 1.D**      [17-0199](#)      Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

- 1.E**      [17-0955](#)      Award of Bid No. PW 18-04 for the Fuel System Upgrade Project located at the Sunnyvale Golf Course, Finding of California Environmental Quality Act (CEQA) Categorical Exemption and Approval of Budget Modification No. 25

1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301, 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$285,895 to ConstructiCON Corp for Fuel System Upgrade Project (PW16-03) 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 \$28,589; and 4) Approve Budget Modification No. 25 in the amount of \$43,632.

- 1.F**      [17-0685](#)      Award of Contract for SMaRT Station Flooring Replacement (F18-147)

1) Award a contract in substantially the same form as Attachment 1 to the report and in the amount of \$527,977 to American Restore and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) approve a 10% project contingency in the amount of \$52,798.

- 1.G**      [17-1014](#)      Modify an Existing Contract with Kimley-Horn Associates, Inc. for Temporary Personnel Services to Provide Professional Engineering Support for the Intelligent Transportation System and Authorize the City Manager to Extend the Term of the Contract

1) Authorize the City Manager to execute a First Amendment to the contract with Kimley-Horn Associates, Inc., in substantially the same form as Attachment 1 to the report, increasing the not-to-exceed contract amount from \$95,000 to \$245,000, for Temporary Personnel Services and professional engineering services for the

Transportation and Traffic Division, when all necessary conditions have been met.

- 1.H**      [17-1013](#)      Approve Budget Modification No. 21 to Appropriate \$17,700 of County of Santa Clara Emergency Management Performance Grant (EMPG) Funds for a New Project, FY 2017/18 EMPG.

Approve Budget Modification No. 21 to appropriate Santa Clara County Emergency Management Performance (EMPG) funds in the amount of \$17,700 to a new project, FY 2017/18 EMPG.

- 1.I**      [17-1052](#)      Approve Budget Modification No. 24 in the Amount of \$150,000 for Advisory Services Including Polling, and Public Education Outreach Related to the Evaluation of New Revenue Strategies to Fund New and Increasing Service Demands and/or Unfunded Capital Investments, and Find that the Action is Exempt from CEQA

Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (b)(4) and (b)(5) and approve Budget Modification No. 24 in the amount of \$150,000.

- 1.J**      [17-1030](#)      Adopt by Resolution Volume I and Sunnyvale's Annex Within Volume II of the 2017 Santa Clara County Operational Area Hazard Mitigation Plan

Adopt by resolution Volume I and Sunnyvale's Annex within Volume II of the 2017 Santa Clara County Operational Area Hazard Mitigation Plan.

- 1.K**      [16-1103](#)      Approve New First Mortgage Refinance Loan of \$3.3 Million in Housing Funds to MidPen Housing Corp. and Modification of Outstanding Loans to Finance Phase Two of Eight Trees Apartments Rehabilitation at 183 Acalanes Drive, Sunnyvale; and Approve Budget Modification No. 26 to Appropriate Funding from the Housing Fund for the New Loan

1) Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(d); 2) Approve a new first mortgage refinance loan of \$3.3 million in Housing Mitigation Funds for the Eight Trees Phase Two Project and authorize the City Manager to execute the new first mortgage refinance loan documents and amendments to the existing City loans to forgive accrued interest and adjust interest rates to 0%, as further described in Attachments 2 and 5 of the report and to execute any other document or instrument and take any additional action as may be necessary to carry out the purposes the

new first mortgage refinance loan; and, 3) Approve Budget Modification No. 26 to Appropriate \$3.3 million from the Housing Mitigation Fund balance to a new Project: Eight Trees Phase Two Rehabilitation Project, 183 Acalanes Drive.

- 1.L**      [17-1091](#)      Adopt Ordinance No. 3128-17 to Amend 19.38.040 (Individual Lockable Storage Space for Multiple-Family Residential) of Chapter 19.38 (Required Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code

Adopt Ordinance No. 3128-17.

- 1.M**      [17-1092](#)      Adopt Ordinance No. 3129-17 to Amend Sections 19.92.050 (General Plan Amendment Proceedings) and 19.92.060 (Zoning Amendment Proceedings) of Chapter 19.92 (General Plan and Zoning Amendments) of Title 19 (Zoning) of the Sunnyvale Municipal Code

Adopt Ordinance No. 3129-17.

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

- 2**      [17-0240](#)      Appoint an Applicant to the Board of Building Code Appeals  
City Clerk Kathleen Franco Simmons provided the staff report.

1 term to 6/30/2019

Marc Ketzel

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

**No:** 0

Andrew LaManque

**Yes:** 1 - Councilmember Melton

**No:** 0

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

City Clerk Kathleen Franco Simmons announced Marc Ketzel was appointed to the Board of Building Code Appeals.

**3**      [17-0988](#)      Approve the Purchase and Sale Agreement for 1050 Innovation Way and 1060 Innovation Way, Sunnyvale (A Portion of Former Onizuka Air Force Station) and Approve Budget Modification No. 22

Councilmember Griffith stated the issue involved a competitor to his employer, recused himself, and left the room.

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

Public Hearing opened at 7:22 p.m.

No speakers.

Public Hearing closed at 7:22 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Melton seconded the motion to approve Alternative 1: Authorize the City Manager to execute the Purchase and Sale Agreement between the City of Sunnyvale and Google LLC, in substantially the same form as Attachment 1 to the report, for the sale of the Onizuka Property and approve Budget Modification No. 22 in the amount of \$1,000,000.

The motion carried by the following vote:

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

**No:** 0

**Recused:** 1 - Councilmember Griffith

Following action on Item 3, Councilmember Griffith returned to the room and took his seat at the dais.

**4**      [17-0829](#)      Review and Approve Recommended Changes to the  
Community Event and Neighborhood Grant Program Eligibility  
Guidelines

Subcommittee Chair Smith provided the report. City Attorney John Nagel provided additional information.

Public Hearing opened at 7:38 p.m.

John Cordes spoke in opposition to granting City funds for private events.

Public Hearing closed at 7:39 p.m.

MOTION: Councilmember Smith moved and Councilmember Klein seconded the motion to approve Alternative 1: Approve Subcommittee recommendations as outlined in the Report to Council and as shown in the redline documents attached to the report:

1. Add the definition of public purpose from the Memorandum to the “Who is Eligible to Apply” section of the Community Event Grant Program guidelines;
2. Add homeowner associations to the list of groups that preference is given to in the “Who is Eligible to Apply” section of the Neighborhood Grant Program guidelines;
3. Add the words “or groups” to the following sentence in the “Who is Eligible to Apply” section of the NGP guidelines: “Applicants must be representatives of a neighborhood group or groups.”;
4. Amend the provision related to ineligible political activities for the NGP to read, “Activities that are political in nature, including but not limited to, the support or opposition of a proposed initiative, ballot measure, policy position or candidate;
5. Add a new sub-section under “Projects and/or Event Eligibility” that includes specific examples of projects or events that are not eligible to the NGP guidelines;
6. Delete the reference to “projects that have worked well in other cities” in the “Project and/or Event Eligibility” section of the NGP guidelines; and
7. That the recommendation that future appropriations for both grant programs be made in increments of \$250 be considered as part of the FY18/19 budget process.

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**      [17-1017](#)      Discontinuation of Patent and Trademark Resource Center  
Services at the Sunnyvale Public Library

Director of Library and Community Services Cynthia Bojorquez provided the staff report.

Public Hearing opened at 7:45 p.m.

No speakers.

Public Hearing closed at 7:45 p.m.

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Discontinue Patent and Trademark Resource Center services at the Sunnyvale Public Library.

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**

**6**      [17-1103](#)      Consider Amendment of Council Action Previously Taken on  
October 17, 2017 Regarding the 2017/18 Charter Review  
Committee Recruitment and Appointment Process

City Clerk Kathleen Franco Simmons provided the staff report. Mayor Hendricks



provided additional information.

Public Hearing opened at 7:50 p.m.

No speakers.

Public Hearing closed at 7:50 p.m.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to approve Alternative 1: Amend Council action previously taken on October 17, 2017 regarding the Charter Review Committee appointment process to allow selection of members by reviewing applications submitted and eliminating the in-person interview used for the appointment of board and commission members.

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 Melton reported his attendance at a meeting of the Moffett Field Restoration Advisory Board.

Councilmember Klein reported his attendance at a meeting of the Cities Association in which he was elected Treasurer/Secretary, and reminded Council of the upcoming holiday party.

Councilmember Klein stated the State Route 85 Transit Guideway Study is ongoing.

Mayor Hendricks reported his attendance at the first meeting of the City of San Jose Ad Hoc Advisory Committee on South Flow Arrivals in which he was elected Chair.

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

**-Council**

Councilmember Griffith proposed a study issue to study the impact of the City Charter on future garbage franchises.

Councilmember Melton co-sponsored the study issue.

Councilmember Griffith proposed a study issue to examine alternate methods of informing the public about planning applications, including, but not limited to: story poles, 3D renderings, and line of site images.

Councilmember Klein co-sponsored the study issue.

Councilmember Griffith clarified that the study issue does not include looking at noticing distance.

**-City Manager**

None.

**INFORMATION ONLY REPORTS/ITEMS**

- [17-0092](#) Tentative Council Meeting Agenda Calendar
- [17-0854](#) Information/Action Items
- [17-1036](#) Study Session Summary of November 7, 2017 -  
Board/Commission Interviews
- [17-1021](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 7:58 p.m.