



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, April 10, 2018

4:45 PM

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

**Special Meeting: Closed Sessions- 4:45 PM | Special Joint Closed Session with City
Council and Successor Agency to the Redevelopment Agency | Council Closed Session
| Study Session- 6:15 PM | Regular Meeting- 7 PM**

4:45 P.M. SPECIAL COUNCIL MEETING (Closed Sessions)

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953(b), this special City Council meeting included teleconference participation by Councilmember Gustav Larsson from Fairfield Inn, Room 116, 105 Celebration Drive, Suwanee, GA 30024. This Notice and Agenda was posted at the teleconference location. Public comment from this address was allowed pursuant to Government Code Section 54954.3.

Vice Mayor Klein 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 Klein called the meeting to order at 4:47 p.m.

2 Roll Call

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

Councilmember Gustav Larsson participated in the meeting via teleconference from Fairfield Inn, Room 116, 105 Celebration Drive, Suwanee, GA, 30024.

3 Public Comment

No speakers.

4 Convene Special Joint Meeting of City Council and Successor Agency to the Redevelopment Agency**5 Convene to Closed Session**

[18-0318](#)

JOINT CLOSED SESSION WITH SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

Closed Session held pursuant to California Government Code Section 54956.9(d)(1):

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Santa Clara County et al. v. Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al., Sacramento County Superior Court Case No. 34-2018-80002837

Consolidated Appeals:

Santa Clara County Office of Education, et al., v. Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al. Third District Court of Appeal Case No. C077661; and

Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al., v. Michael Cohen as Director, et al. Third District Court of Appeal Case No. C077659

6 Adjourn Special Joint Meeting of City Council and Successor Agency to City Council Special Meeting

Vice Mayor Klein adjourned the Joint meeting to the City Council Closed Session at 5:32 p.m.

7 Convene City Council Special Meeting - Closed Session

[18-0303](#)

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

Property: "Block 15 Affordable Housing Site" located at 365-407 S. Mathilda Avenue and 388-406 Charles Street

(APNs 165-13-045, 165-13-046, 165-13-068, 165-13-069, 165-13-073, 165-13-074)

City negotiators: City Manager Kent Steffens, Director of Community Development Trudi Ryan, Housing Officer Suzanne Isé

Negotiating parties: The Related Companies of California, LLC
Under negotiation: Price and terms of payment for a proposed long-term ground lease of City property (Exclusive Negotiating Agreement)

8 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:10 p.m.

6:15 P.M. SPECIAL COUNCIL MEETING (Study Session)

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953(b), this special City Council meeting included teleconference participation by Councilmember Gustav Larsson from Fairfield Inn, Room 116, 105 Celebration Drive, Suwanee, GA 30024. This Notice and Agenda was posted at the teleconference location. Public comment from this address was allowed pursuant to Government Code Section 54954.3.

1 Call to Order in the West Conference Room (Open to the Public)

Vice Mayor Klein called the meeting to order at 6:15 p.m.

2 Roll Call

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

Councilmember Gustav Larsson participated in the meeting via teleconference from Fairfield Inn, Room 116, 105 Celebration Drive, Suwanee, GA, 30024.

3 Public Comment

4 Study Session

[18-0257](#) Study Session to Review the National Citizens Survey Results

5 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:42 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: 6 - Mayor Glenn Hendricks
Vice Mayor Larry Klein
Councilmember Jim Griffith
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman
Absent: 1 - Councilmember Gustav Larsson

Councilmember Gustav Larsson's absence was excused.

CLOSED SESSION REPORT

Vice Mayor Klein reported the Council and the Successor Agency to the Redevelopment Agency met in Closed Session pursuant to California Government Code Section 54956.9(d)(1): CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION; Santa Clara County et al. v. Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al., Sacramento County Superior Court Case No. 34 2018 80002837

Consolidated Appeals: There was a unanimous decision to defend the lawsuit and to accept the County's offer to extend the time to respond. City Attorney John Nagel clarified that the existing litigation and the consolidated appeals included the

Successor Agency and the City Council.

Santa Clara County Office of Education, et al., v. Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al. Third District Court of Appeal Case No. C077661; nothing to report.

Successor Agency to the Redevelopment Agency of the City of Sunnyvale, et al., v. Michael Cohen as Director, et al. Third District Court of Appeal Case No. C077659; nothing to report.

Vice Mayor Klein reported the Council met in Closed Session pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS; Property: "Block 15 Affordable Housing Site" located at 365 407 S. Mathilda Avenue and 388 406 Charles Street); nothing to report.

SPECIAL ORDER OF THE DAY

[18-0013](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

City Clerk Kathleen Franco Simmons administered the Oath of Office to Julie Rogers, Arts Commission and Douglas Kunz, Sustainability Commission.

[18-0347](#) SPECIAL ORDER OF THE DAY - Earth Month

Mayor Hendricks provided comments and proclaimed April 2018 as Earth Month in the City of Sunnyvale.

[18-0095](#) SPECIAL ORDER OF THE DAY - 2018 Earth Day Video and Poster Contest Winners

Mayor Hendricks and Jackie Davison, Environmental Outreach Coordinator, recognized the 2018 Earth Day Video and Poster Contest Winners.

[18-0096](#) SPECIAL ORDER OF THE DAY - Recognition of Green Businesses

Mayor Hendricks and Mary Lindemuth, Zero Waste Program Analyst, presented awards in recognition of Green Businesses.

[18-0214](#) SPECIAL ORDER OF THE DAY - Fair Housing Month

Mayor Hendricks presented a proclamation in recognition of Fair Housing Month to Project Sentinel Executive Director Ann Marquart.

ORAL COMMUNICATIONS

Councilmember Melton announced the Summer Recruitment for upcoming openings on Boards and Commissions.

Andy Frazer spoke regarding lack of affordable housing in Sunnyvale and provided a PowerPoint presentation.

Josh Grossman spoke regarding a measure in San Jose requiring local hiring and geographically specific prevailing wages, and urged the Council to consider similar legislation for Sunnyvale.

Henry Alexander III spoke regarding the need for signage as a safety measure for pedestrians in the Raynor Park Neighborhood, and provided a PowerPoint presentation.

Steve Morrison spoke regarding the rollout of the food scrap containers, the size and costs to the City and the residents, health and safety concerns, and the independent audit that was performed.

Ernest Aguayo spoke regarding the design of the food waste bins, health and safety concerns and recommended better solutions be sought with input from the residents.

Tim Titus spoke regarding the food waste program and the cost to residents who have no food scraps because they compost, and recommended alternative options.

Richard Mehlinger spoke regarding Sand Hill's application to use SB35 for the Vallco Mall project for 1,200 low-income, affordable units in Cupertino, and recommended Sunnyvale to consider participating in the specific plan engagement process.

CONSENT CALENDAR

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

The motion carried by the following vote:

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

No: 0

Absent: 1 - Councilmember Larsson

1.A [18-0247](#) Approve City Council Meeting Minutes of March 27, 2018

Approve the City Council Meeting Minutes of March 27, 2018 as submitted.

1.B [17-1108](#) 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 [18-0117](#) Approve a Special Agreement between the City of Sunnyvale
and the Sunnyvale Sister City Association for the use of City
Facilities

Authorize the City Manager to execute a Special Agreement with Sunnyvale Sister
City Association for the use of City facilities.

1.D [18-0221](#) Adopt a Resolution Authorizing the Finance Director to Renew
a Business License Tax Data Exchange Agreement with the
California Franchise Tax Board

Find that the action is exempt from the California Environmental Quality Act (CEQA)
pursuant to CEQA Guideline Section 15378(b)(5) and adopt a Resolution
authorizing the Finance Director to execute a reciprocal agreement with the
California Franchise Tax Board for the exchange of business license tax data
through December 31, 2020.

1.E [18-0088](#) Award of a three-year Contract for Routine Hazardous Waste
and Emergency Cleanup Service (F18-166)

1) Award a three-year contract in substantially the same form as Attachment 2 to the
report in the amount not to exceed \$240,000 to Clean Harbors of Norwell, MA, for
the routine hazardous wastes and emergency cleanup service, and 2) Authorize the
City Manager to renew the contract for two additional one-year periods if services

and pricing remain acceptable to the City, subject to the availability of funds.

- 1.F** [18-0322](#) Adopt Ordinance No. 3132-18 designating Lori Avenue between Pajaro Avenue and North Pastoria Avenue and Shirley Avenue between Pajaro Avenue and North Pastoria Avenue as Preferential Parking Zones for the benefit of residents adjacent thereto

Adopt Ordinance No. 3132-18

- 1.G** [18-0323](#) Second Amendment to Outside Counsel Agreement with Liebert Cassidy Whitmore for Litigation Services

Authorize the City Attorney to execute a Second Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Liebert Cassidy Whitmore to increase the not-to-exceed amount by \$50,000, for a total new not-to-exceed contract amount of \$150,000.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [18-0215](#) Introduce an Ordinance to Amend Several Chapters of Title 5 (Business Licenses and Regulations) and Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Authorize the Denial, Suspension or Revocation of a Permit or License Based Upon Violations of Wage and Hour Laws and Adopt Council Policy 5.1.6, Wage Theft Prevention Policy (Study Issue) and Finding of Exemption from the California Environmental Quality Act

Economic Development Manager Connie Verceles provided the staff report. Senior Assistant City Attorney Robert Boco provided additional information.

Public Hearing opened at 8:20 p.m.

Richard Mehlinger spoke in support of Alternatives 1, 2 and 3.

John Cordes, BPAC member, speaking for himself, spoke in support of the ordinance.

Josh Grossman, Chair of Housing and Human Services Commission, speaking for himself, spoke in support of the wage theft ordinance.

David Wessel, speaking on behalf of the Sunnyvale Democratic Club, spoke in support of the ordinance.

Marie Bernard, Executive Director of Sunnyvale Community Services, spoke in support of the ordinance.

Mike Serrone, speaking for the Sunnyvale Democratic Club, spoke in support of the ordinance.

Huy Tran spoke in support of the wage theft ordinance.

Felicia Gershberg spoke in support of the ordinance.

Robert Greeley, Employment Attorney and Supervising Attorney at the Workers' Rights Clinic, spoke in support of the ordinance.

Michael Tayag, member of the Santa Clara County Wage Theft Coalition, and the Pilipino Association of Workers and Immigrants, a grassroots workers organization, spoke in support of the wage theft ordinance.

Ruth Silver Taube, supervises the Workers Rights Clinic at the Katharine & George Alexander Community Law Center, spoke in support of the ordinance.

Joan Goddard, representing 9to5 National Association of Working Women, California Chapter, spoke in support of the wage theft ordinance.

Sally Lieber spoke in support of the ordinance.

Shaunn Cartwright spoke in support of the ordinance.

Public Hearing closed at 8:44 p.m.

MOTION: Councilmember Smith moved and Councilmember Melton seconded the motion to approve Alternatives 1, 2 and 3: 1) Make a finding of exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5), 2) Introduce Ordinance to amend certain Chapters of Sunnyvale Municipal Code Titles 5 and 9 to specifically authorize the denial, suspension or revocation of a permit or license upon a final wage theft judgment, and 3) Adopt a new Council Policy entitled "Wage Theft Prevention Policy."

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Councilmember Larsson

- 3** [18-0219](#) Authorize the City Manager to Execute a Side Letter Agreement between the City of Sunnyvale and the Public Safety Managers Association (Pay Plan Category M) to Clarify Implementation of the Education Incentive Pay and Adopt a Resolution to Amend the City's Schedule of Pay to Implement that Side Letter by Adding Two New Salary Ranges for Pay Plan Category M

Interim Director of Human Resources Anthony Giles provided the staff report.

Public Hearing opened at 8:55 p.m.

No speakers.

Public Hearing closed at 8:55 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Authorize the City Manager to Execute a Side Letter Agreement between the City of Sunnyvale and the Public Safety Manager's Association (Pay Plan Category M) to Clarify Implementation of the Education Incentive Pay and Adopt a Resolution to Amend the City's Schedule of Pay to Implement that Side Letter by Adding Two New Salary Ranges for Pay Plan Category M.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Councilmember Larsson

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Smith announced an annual fundraiser of the Peninsula Division of the League of California Cities.

Mayor Hendricks reported on a recent VTA Board meeting and its vote to approve the single-bore option for the BART extension into San Jose under Santa Clara.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Melton spoke regarding comments made by an earlier speaker ...connector street from Marion to Dunford and the No Parking signs. City Manager Kent Steffens provided additional information.

-City Manager

INFORMATION ONLY REPORTS/ITEMS

[18-0246](#) Tentative Council Meeting Agenda Calendar

[18-0173](#) Information/Action Items

[18-0297](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 8:59 p.m.