

**CITY OF SUNNYVALE
OFFICE OF THE CITY MANAGER
OFFICE OF THE CITY CLERK**

DATE: July 30, 2018

TO: Honorable Mayor and Councilmembers

CC: Kent Steffens, City Manager
Teri Silva, Assistant City Manager
John Nagel, City Attorney

FROM: Kathleen Franco Simmons, City Clerk

SUBJECT: **REVISED Draft Minutes of the July 17, 2018 Council Meeting**

Corrections have been made to the Council Meeting minutes of July 17, 2018 and submitted for approval as revised. The motion on page 8, for public hearing item 2, RTC 18-0465 was corrected and the order of the minutes was revised to show the order of items in the sequence considered. Please see the attached revised draft minutes, with and without markup text.



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, July 17, 2018

4:30 PM

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

4:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

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 4:30 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

3 Public Comment

4 Convene to Closed Session

18-0625 Closed Session held pursuant to California Government Code (Paragraph (1) of subdivision (d) of Section 54956.9):
CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Name of case: U.S. Firearms Company, LLC, et al. vs. City of Sunnyvale; The Sunnyvale City Council; Santa Clara County Superior Court, Case No. 1-13-cv-257353

Special Meeting - Closed Session- 4:30 PM | Regular Meeting- 7 PM

18-0352 Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

18-0353 Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

5 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:25 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 Larry Klein
Councilmember Jim Griffith
Councilmember Gustav Larsson
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

CLOSED SESSION REPORT

Vice Mayor Klein reported that the Council met in Closed Session held pursuant to California Government Code (Paragraph (1) of subdivision (d) of Section 54956.9): CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION; Name of case: U.S. Firearms Company, LLC, et al. vs. City of Sunnyvale; The Sunnyvale City Council; Santa Clara County Superior Court, Case No. 13 cv 257353; nothing to report.

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Vice Mayor Klein reported that the Council met in Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Attorney; nothing to report.

Vice Mayor Klein reported that the Council met in Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Manager; nothing to report.

ORAL COMMUNICATIONS

Mayor Hendricks announced the Council meeting would be closed in honor of Mike Campbell.

Vice Mayor Klein announced an upcoming Town Hall meeting on aviation noise to be held August 21, 2018 at 6 p.m.

Vice Mayor Klein announced the recruitment and application deadline for openings on City boards and commissions.

Steve Scandalis spoke regarding campaign financing contributions to councilmembers and campaign finance reform, and provided a slide presentation.

Henry Alexander III spoke regarding transparent government and open data, and provided a slide presentation.

Ray Crump spoke regarding the Lawrence Station Area Plan revision.

Zachary Kaufman spoke regarding traffic, bicycle and pedestrian safety at the corner of El Camino and Fair Oaks.

Mark Mollineaux spoke regarding a planned housing development on the Corn Palace property and recommended development that is transit oriented.

Richard Mehlinger spoke regarding the need for greater density of planned housing units at the Corn Palace property.

CONSENT CALENDAR

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

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The motion carried by the following vote:

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

No: 0

1.A 18-0185 Approve City Council Meeting Minutes of June 26, 2018

Approve the City Council Meeting Minutes of June 26, 2018 as submitted.

1.B 17-1115 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 18-0383 Award of Contract for Soccer Instruction Classes and Camps
(F18-237)

1) Award a two-year contract to Kidz Love Soccer to provide instructional classes and camps, in substantially the same form as Attachment 1 of the staff report, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) Authorize the City Manager to renew the contract for three additional one-year extensions, provided services and pricing remain acceptable to the City.

1.D 18-0451 Appoint a City Representative to the Valley Transportation
Authority Bicycle and Pedestrian Advisory Committee

Re-appoint Mr. David Simons as Sunnyvale's representative for the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two-year term, starting July 1, 2018 and ending June 30, 2020.

1.E 18-0527 Award of Contract for Consultant Services Associated with the
Development of the Lawrence Station Area Sense of Place
Plan (F18-266)

1) Award a contract to Callander Associates for consultant services in an amount not to exceed \$114,957, in substantially the same form as Attachment 1 to the report

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and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) approve a 10% project contingency in the amount of \$11,496.

1.F 18-0548 Award of Bid No. PW18-17 for Mary-Carson Tank No. 2 Refurbishment, Determination of Bid Non-responsiveness, and Finding of California Environmental Quality Act categorical exemption

1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (b) for existing facilities involving negligible or no expansion of use beyond which presently exists; 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount \$1,042,820 to West Coast Industrial Coatings, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 15% construction contingency in the amount of \$156,423; and 4) make a determination that the bid received from Paso Robles Tank Coating, Inc. is non-responsive.

1.G 18-0552 Award a Contract for the Installation of Landfill Gas Condensate Retrofit Pumps and Ancillary Equipment (F18-275) and Approve Budget Modification No. 2

Award a contract in substantially the same form as Attachment 1 to the report and in the amount of \$175,774 to Real Environmental Products, LLC, authorize the City Manager to execute the contract when all the necessary conditions have been met, and approve Budget Modification No. 2 in the amount of \$175,774.

1.H 18-0560 Authorize the Issuance of a Purchase Order for Sewer Line On-Call Maintenance and Repair Services (F18-245)

1) Authorize the City Manager to issue a purchase order to Able Construction Group, Inc. in an amount of \$200,000, and 2) Delegate authority to the City Manager to renew the Purchase Order for two additional one-year periods, subject to available funding and acceptable pricing and services.

1.I 18-0615 Adopt Ordinance No. 3134-18 to Amend Chapter 2.07 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to Purchase, Sale or Lease of Real Property (PARCS)

Adopt Ordinance No. 3134-18

1.J 18-0635 Approve the Second Amendment to Outside Counsel

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Agreement with Bertrand, Fox & Elliot for Litigation Services in

the Matter of Bagley v. Santa Clara County, et al.

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 Bertrand, Fox & Elliot to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$300,000.

PUBLIC HEARINGS/GENERAL BUSINESS

2 18-0465 File #: 2017-7217
Location: 617 East Evelyn Avenue (APN: 209-02-001)
Proposed Project: Appeal by the Blue Bonnet Residents
Committee of a decision by the Planning Commission to
conditionally approve:
SPECIAL DEVELOPMENT PERMIT: to redevelop the Blue
Bonnet Mobile Home Park to a 62-unit townhouse development
with associated site improvements (net increase of eight units);
VESTING TENTATIVE MAP: to subdivide one lot into 62 lots
and three common lots.
Zoning: R-3/PD - Medium Density Residential / Planned
Development
Applicant / Owner: East Dunne Investors, LLC (applicant) /
Chien-Nan and Sue Chuang Trustee (owners)
Environmental Review: Mitigated Negative Declaration
Project Planner: Momoko Ishijima, (408) 730-7532,
mishijima@sunnyvale.ca.gov

Assistant Director of Community Development Andy Miner provided the staff report.

Public hearing opened at 8:05 p.m.

William Constantine, Attorney for the Appellants, provided information regarding the court case relating to the conversion impact report and spoke in support of the appeal.

Margaret Nanda, Attorney for the Applicants, provided information regarding the closure of the park and spoke in support of the decision on the application on its merits.

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Josh Grossman spoke in support of waiting for the decision on the pending litigation before taking action.

Richard Mehlinger, speaking on behalf of the Sunnyvale Democratic Club Executive Committee and Liveable Sunnyvale, urged the Council to oppose the redevelopment of the Blue Bonnet Mobile Home Park and to grant the Blue Bonnet Mobile Residents Committee appeal. Mehlinger recommended a project of higher density and more affordable housing, and urged the Council to consider this land for R-3 or R-4 zoning.

John Cordes, BPAC Chair speaking for himself, spoke regarding displacement of low-income residents, the need for protecting affordable housing through the housing element, municipal code or general plan, and recommended either denying the request for the tentative map and requiring a higher density, or not approving it.

Maria Hamilton spoke regarding the 2018 Code of Ethics and Conduct for Elected Officials. Hamilton also spoke regarding sections on the recommended findings of the proposed project and stated that certain sections referred to the General Plan have been replaced in the Land Use and Transportation Element and have not been in existence since April 2017.

Diane Gleason spoke in in opposition to elimination of below market rate housing and spoke in support of increased density in the proposed housing development. Gleason spoke regarding the imbalance of the jobs to housing ratio and the need to reduce additional developments of office space.

Linda Sell, Boardmember on Sunnyvale Democratic Club, speaking on behalf of the Club, recommended overturning the decision, and expressed support for a plan that has more affordable units. Sell stated the Executive Board urges delay of a decision until the litigation has been decided. Speaking on her own behalf, she stated she is a member of the State Democratic Party and the 2018 platform supports sustainable communities that promote smart growth and socially equitable, tenant protections, measures and encourages zoning to promote sustainability and affordability.

Mark Mollineaux spoke regarding the burden of change and requested Council to spread the burden to all members of the community, look at upzoning single family housing to duplexes, and look at how land is managed.

Henry Alexander III spoke regarding past misleading rent control claims, the need

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for multiple strategies to resolve the housing crisis and protect families from being pushed out of housing, and the importance of rent control protections to prevent the displacement of people of color, seniors and the disabled.

Mason Fong spoke in support of affordable housing and recommended approval of the appeal based on the issue of pending litigation.

Fred Kameda spoke regarding affordable housing for fixed income mobile home owners in Sunnyvale.

Mary Lou Clark, President of Blue Bonnet Residents Committee, spoke regarding the treatment of residents of the Blue Bonnet Mobile Home Park and their need for a legal, fair hearing.

Appellant Will Constantine provided information detailing his disagreement that the CIR and the tentative map are not tied together, and that he believes that it was the Legislature's intent to tie them together. Constantine provided information regarding the comments that a property owner could not be forced to continue to do business as a mobile home park.

Applicant provided information regarding the process of relocation of the tenants of the park.

Public hearing closed at 9:13 p.m.

~~MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1 with a modification: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map subject to the revised recommended conditions of approval in Attachment 4 of the report, and the modification would be that except for the requested setback deviations for front Elm Court and front East Evelyn Avenue where the applicant would have to work it out with staff.~~

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1 with a modification: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative May subject to the revised recommended conditions of approval in Attachment 4 of the report, with the Modification to Alternative 1 being that the requested front setback deviations on Elm Court and East Evelyn Avenue are not granted and any applicant redesign arising from the denial of the front setback deviations shall

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be subject to approval by the Director of Community Development.

The motion carried by the following vote:

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

No: 0

The Council recessed at 10:03 p.m. and reconvened with all present at 10:14 p.m. with all Councilmembers present.

- 3 18-0627** Consider Amending (1) the Salary Schedule of the City's Salary Resolution to Increase the Control Point for the City Attorney Classification by Six Percent and (2) the Employment Agreement between the City of Sunnyvale and City Attorney John A. Nagel to Increase the Salary by a Corresponding Amount

City Attorney John Nagel left the room prior to and during consideration of this item.

Director of Human Resources Tina Murphy provided the staff report. Mayor Hendricks provided additional information.

Public hearing opened at 10:16 p.m.

No speakers.

Public hearing closed at 10:17 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Adopt a resolution amending the City's Salary Schedule to increase the control point for the City Attorney classification by six percent, effective July 15, 2018, and authorize the Mayor to approve an amendment to the City Attorney's Employment Agreement to increase the annual salary by a corresponding amount.

The motion carried by the following vote:

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

No: 0

Following action on this item, City Attorney John Nagel returned to the room.

Following action on Item 3, Council considered Item 5.

5 18-0348 Selection of Name for New City Park at the Vale Development

Director of Public Works Chip Taylor provided the staff report.

Public hearing opened at 10:28 p.m.

Deborah Wiser spoke in support of naming the park after her husband Loren L. Wiser, City Arborist.

Ingrid Christensen spoke in support of naming the park after Loren L. Wiser.

John Simontacchi spoke in support of naming the park after Loren Wiser.

Robert Reid spoke in support of naming the park after Loren Wiser.

Peter Cirigliano spoke in support of naming the park after Jeanine Stanek.

Public hearing closed at 10:41p.m.

MOTION: Vice Mayor Klein moved and Councilmember Smith seconded the motion to approve Alternative 3, to name the park "Wiser Park".

The motion carried by the following vote:

 Yes: 7 - Mayor Hendricks
 Vice Mayor Klein
 Councilmember Griffith

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Councilmember Larsson

Councilmember Smith

Councilmember Melton

Councilmember Goldman

No: 0

Following action on Item 5, Council considered Item 8.

8 18-0526 Adopt a Resolution Calling for a General Municipal Election to
be Held in the City of Sunnyvale on Tuesday, November 6,
2018 for the Purpose of Submitting to City Voters a Measure to
Increase the Transient Occupancy Tax Rate; Requesting
Consolidation with the Statewide General Election and Election
Services from Santa Clara County; Directing the City Attorney
to Prepare an Impartial Analysis; and Setting Priorities for
Ballot Arguments.

City Attorney John A. Nagel provided the staff report.

Public hearing opened at 10:54 p.m.

Don Eagleston, speaking on behalf of the Chamber of Commerce, spoke in
opposition to increasing the transient occupancy tax.

Kamlesh Patel spoke in opposition to an increase in the transient occupancy tax.

Arvind Bhakta spoke in opposition to an increase in the transient occupancy tax.

Public hearing closed at 11:06 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the
motion to approve Alternative 1: Adopt a resolution calling for a General Municipal
Election to be held in the City of Sunnyvale on Tuesday, November 6, 2018 for the
purpose of submitting to City voters a measure to increase the Transient Occupancy
Tax Rate; requesting consolidation with the Statewide General Election and election
services from Santa Clara County; directing the City Attorney to prepare an impartial
analysis; and setting priorities for ballot arguments: which would be version b.
Authorize one member of the City Council to submit a written argument in favor of
the measure: the Mayor Glenn Hendricks; at Mayor Glenn Hendricks' discretion, the
argument may also be signed by other members of the City Council, bona fide

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associations, or individual voters who are eligible to vote on the measure. In the event that an argument is filed for the measure, Mayor Glenn Hendricks is also authorized to submit a rebuttal argument on behalf of the City Council, which, at Mayor Glenn Hendricks' discretion, may also be signed by members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument.

The motion carried by the following vote:

Yes: 4 - Mayor Hendricks

Vice Mayor Klein

Councilmember Larsson

Councilmember Melton

No: 3 - Councilmember Griffith

Councilmember Smith

Councilmember Goldman

Following action on Item 8, Council resumed the regular order of the agenda and considered Item 4.

- 4 18-0604 Approve City's Response to the 2017- 2018 Santa Clara County Civil Grand Jury Report entitled "Police and the Mentally Ill: Improving Outcomes**

Captain Shawn Ahearn of the Sunnyvale Department of Public Safety provided the staff report.

Public hearing opened at 11:27 p.m.

No speakers.

Public hearing closed at 11:27 p.m.

MOTION: Councilmember Melton moved and Councilmember Smith seconded the motion to approve Alternative 1: Approve the City's response to the 2017 2018 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and authorize the Mayor to sign the response.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks

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Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

Following action on Item 4, Council considered Item 6.

~~5 18-0348 Selection of Name for New City Park at the Vale Development~~

~~Director of Public Works Chip Taylor provided the staff report.~~

~~Public hearing opened at 10:28 p.m.~~

~~Deborah Wisor spoke in support of naming the park after her husband Loren L. Wisor, City Arborist.~~

~~Ingrid Christensen spoke in support of naming the park after Loren L. Wisor.~~

~~John Simontacchi spoke in support of naming the park after Loren Wisor.~~

~~Robert Reid spoke in support of naming the park after Loren Wisor.~~

~~Peter Cirigliano spoke in support of naming the park after Jeanine Stanek.~~

~~Public hearing closed at 10:41p.m.~~

~~MOTION: Vice Mayor Klein moved and Councilmember Smith seconded the motion to approve Alternative 3, to name the park "Wisor Park".~~

~~The motion carried by the following vote:~~

~~Yes: 7 Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Melton~~

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~~Councilmember Goldman~~

~~No: 0~~

~~Following action on Item 5, Council considered Item 8.~~

- 6 18-0265** Accept the Climate Action Plan Biennial Progress Report 2018 and Find that the Action is Exempt from Environmental Review under CEQA Guidelines Section 15378(b)(5)

Regulatory Programs Division Manager Melody Tovar provided the staff report.

Public hearing opened at 11:57 p.m.

Mason Fong requested that CAP 2.0 meetings not be held on the same days as the Valley Transportation Authority Board meetings because it puts citizens in a position to choose between climate and transportation meetings. He also noted that the City of San Jose has an Art Fund under the sustainability program and it pays for installation of art that teaches children how to conserve water, and he would like to see this as a strategy in the CAP 2.0. He also recommended the Council urge the Valley Transportation Authority to expedite its adoption of vehicle miles standard prior to the 2020 timeline.

Public hearing closed at 12 a.m.

MOTION: Councilmember Smith moved and Vice Mayor Klein seconded the motion to approve Alternatives 1 and 3: 1) Accept the Climate Action Plan Biennial Progress Report 2018 (Attachment 2 to the report); and 3) Find that the action is exempt from environmental review under California Environmental Quality Act Guidelines Section 15378(b)(5).

The motion carried by the following vote:

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

No: 0

MOTION: Councilmember Melton moved and Vice mayor Klein seconded the motion to continue with Item 7.

The motion carried by the following vote:

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

No: 0

- 7 18-0461** Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 6, 2018, for the Purpose of Submitting to City Voters a Ballot Measure Concerning an Amendment to the City Charter to Amend Section 604 Relating to Council Vacancies; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments

City Attorney John Nagel provided the staff report.

Public hearing opened at 12:07 a.m.

No speakers.

Public hearing closed at 12:07 a.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Adopt a resolution calling a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 6, 2018, for the purpose of submitting to City Voters a ballot measure concerning an amendment to the City Charter to amend Section 604 relating to Council Vacancies; requesting consolidation with the Statewide General Election and Election Services from Santa Clara County; directing the City Attorney to prepare an impartial analysis; and setting priorities for ballot arguments; Choice b. Authorize one member of the City Council to submit a written argument in favor of the measure: Mayor Glenn

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Hendricks; at Mayor Glenn Hendricks' discretion, the argument may also be signed by other members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. In the event that an argument is filed for the measure, Mayor Glenn Hendricks is also authorized to submit a rebuttal argument on behalf of the City Council, which, at Mayor Glenn Hendricks' discretion, may also be signed by members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument.

The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Goldman

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to continue with Item 9.

The motion carried by the following vote:

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

No: 0

~~8 18-0526 Adopt a Resolution Calling for a General Municipal Election to
be Held in the City of Sunnyvale on Tuesday, November 6,
2018 for the Purpose of Submitting to City Voters a Measure to
Increase the Transient Occupancy Tax Rate; Requesting
Consolidation with the Statewide General Election and Election
Services from Santa Clara County; Directing the City Attorney~~

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~~_____ to Prepare an Impartial Analysis; and Setting Priorities for
_____ Ballot Arguments.~~

~~City Attorney John A. Nagel provided the staff report.~~

~~Public hearing opened at 10:54 p.m.~~

~~Don Eagleston, speaking on behalf of the Chamber of Commerce, spoke in
opposition to increasing the transient occupancy tax.~~

~~Kamlesh Patel spoke in opposition to an increase in the transient occupancy tax.~~

~~Arvind Bhakta spoke in opposition to an increase in the transient occupancy tax.~~

~~Public hearing closed at 11:06 p.m.~~

~~MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the
motion to approve Alternative 1: Adopt a resolution calling for a General Municipal
Election to be held in the City of Sunnyvale on Tuesday, November 6, 2018 for the
purpose of submitting to City voters a measure to increase the Transient Occupancy
Tax Rate; requesting consolidation with the Statewide General Election and election
services from Santa Clara County; directing the City Attorney to prepare an impartial
analysis; and setting priorities for ballot arguments: which would be version b.
Authorize one member of the City Council to submit a written argument in favor of
the measure: the Mayor Glenn Hendricks; at Mayor Glenn Hendricks' discretion, the
argument may also be signed by other members of the City Council, bona fide
associations, or individual voters who are eligible to vote on the measure. In the
event that an argument is filed for the measure, Mayor Glenn Hendricks is also
authorized to submit a rebuttal argument on behalf of the City Council, which, at
Mayor Glenn Hendricks' discretion, may also be signed by members of the City
Council, bona fide associations, or individual voters who are eligible to vote on the
measure. Signatures on the rebuttal argument may be different from those who
signed the primary argument.~~

~~The motion carried by the following vote:~~

~~_____ **Yes:** 4 - Mayor Hendricks
_____ Vice Mayor Klein
_____ Councilmember Larsson
_____ Councilmember Melton~~

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~~No: 3 - Councilmember Griffith
Councilmember Smith
Councilmember Goldman~~

~~Following action on Item 8, Council resumed the regular order of the agenda and considered Item 4.~~

- 9 18-0459 Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY 2018/19 County of Santa Clara Property Tax Roll, and Find that this Action is Exempt from CEQA**

Director of Finance Tim Kirby provided the staff report.

Public hearing opened at 12:10 a.m.

No speakers.

Public hearing closed at 12:10 a.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 (b) (5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment and adopt a resolution confirming the Report and Assessment List for unpaid administrative fines to be placed on the FY 2018/19 County of Santa Clara Property Tax Roll.

The motion carried by the following vote:

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

No: 0

MOTION: Councilmember Melton moved and Councilmember Griffith seconded the motion to carry on with the balance of the agenda.

The motion carried by the following vote:

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith provided a report of an emergency study session of the Recycling and Waste Reduction Commission to discuss SB1383 in 2016.

Councilmember Larsson provided a report, as Liaison to the Sustainability Commission, a meeting of the Commission at which a presentation was made by Solid Waste Programs Division Manager Mark Bowers about the state of recycling.

Vice Mayor Klein provided a report of the Cities Association meeting held last month; he was appointed to the Countywide Successor Agency; a proposal was made for approving a Regional Housing Needs Assessment (RHNA) subregion for affordable housing; and the Cities Association approved the creation of a South Bay Roundtable for airplane noise.

Councilmember Smith provided information regarding a report from the Silicon Valley Clean Energy Board on a baseline of greenhouse gas accounting and energy metrics.

NON-AGENDA ITEMS & COMMENTS

-Council

Mayor Hendricks sponsored a study issue on banning candy flavored e-cigarettes; Councilmember Melton co-sponsored.

Mayor Hendricks sponsored a study issue to define a policy giving the Mayor authority to decide what flag to fly; Councilmembers Smith, Vice Mayor Klein, Griffith and Melton co-sponsored.

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Mayor Hendricks sponsored a study issue to define policies for aesthetics for small cell tower installations; co-sponsored by Councilmembers Melton, Vice Mayor Klein, Larsson and Goldman.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

18-0196 Tentative Council Meeting Agenda Calendar

18-0579 Information/Action Items

18-0642 Board/Commission Resignations (Information Only)

ADJOURNMENT

Mayor Hendricks and Councilmember Griffith closed the meeting in honor of Mike Campbell.

Mayor Hendricks adjourned the meeting at 12:25 a.m.



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, July 17, 2018

4:30 PM

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

4:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

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 4:30 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

3 Public Comment

4 Convene to Closed Session

18-0625 Closed Session held pursuant to California Government Code (Paragraph (1) of subdivision (d) of Section 54956.9):
CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Name of case: U.S. Firearms Company, LLC, et al. vs. City of Sunnyvale; The Sunnyvale City Council; Santa Clara County Superior Court, Case No. 1-13-cv-257353

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18-0352 Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

18-0353 Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

5 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:25 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 Larry Klein
Councilmember Jim Griffith
Councilmember Gustav Larsson
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

CLOSED SESSION REPORT

Vice Mayor Klein reported that the Council met in Closed Session held pursuant to California Government Code (Paragraph (1) of subdivision (d) of Section 54956.9): CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION; Name of case: U.S. Firearms Company, LLC, et al. vs. City of Sunnyvale; The Sunnyvale City Council; Santa Clara County Superior Court, Case No. 13 cv 257353; nothing to report.

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Vice Mayor Klein reported that the Council met in Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Attorney; nothing to report.

Vice Mayor Klein reported that the Council met in Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Manager; nothing to report.

ORAL COMMUNICATIONS

Mayor Hendricks announced the Council meeting would be closed in honor of Mike Campbell.

Vice Mayor Klein announced an upcoming Town Hall meeting on aviation noise to be held August 21, 2018 at 6 p.m.

Vice Mayor Klein announced the recruitment and application deadline for openings on City boards and commissions.

Steve Scandalis spoke regarding campaign financing contributions to councilmembers and campaign finance reform, and provided a slide presentation.

Henry Alexander III spoke regarding transparent government and open data, and provided a slide presentation.

Ray Crump spoke regarding the Lawrence Station Area Plan revision.

Zachary Kaufman spoke regarding traffic, bicycle and pedestrian safety at the corner of El Camino and Fair Oaks.

Mark Mollineaux spoke regarding a planned housing development on the Corn Palace property and recommended development that is transit oriented.

Richard Mehlinger spoke regarding the need for greater density of planned housing units at the Corn Palace property.

CONSENT CALENDAR

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

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The motion carried by the following vote:

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

No: 0

1.A 18-0185 Approve City Council Meeting Minutes of June 26, 2018

Approve the City Council Meeting Minutes of June 26, 2018 as submitted.

1.B 17-1115 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 18-0383 Award of Contract for Soccer Instruction Classes and Camps
(F18-237)

1) Award a two-year contract to Kidz Love Soccer to provide instructional classes and camps, in substantially the same form as Attachment 1 of the staff report, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) Authorize the City Manager to renew the contract for three additional one-year extensions, provided services and pricing remain acceptable to the City.

1.D 18-0451 Appoint a City Representative to the Valley Transportation
Authority Bicycle and Pedestrian Advisory Committee

Re-appoint Mr. David Simons as Sunnyvale's representative for the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two-year term, starting July 1, 2018 and ending June 30, 2020.

1.E 18-0527 Award of Contract for Consultant Services Associated with the
Development of the Lawrence Station Area Sense of Place
Plan (F18-266)

1) Award a contract to Callander Associates for consultant services in an amount not to exceed \$114,957, in substantially the same form as Attachment 1 to the report

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and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) approve a 10% project contingency in the amount of \$11,496.

1.F 18-0548 Award of Bid No. PW18-17 for Mary-Carson Tank No. 2
Refurbishment, Determination of Bid Non-responsiveness, and
Finding of California Environmental Quality Act categorical
exemption

1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (b) for existing facilities involving negligible or no expansion of use beyond which presently exists; 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount \$1,042,820 to West Coast Industrial Coatings, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 15% construction contingency in the amount of \$156,423; and 4) make a determination that the bid received from Paso Robles Tank Coating, Inc. is non-responsive.

1.G 18-0552 Award a Contract for the Installation of Landfill Gas
Condensate Retrofit Pumps and Ancillary Equipment (F18-275)
and Approve Budget Modification No. 2

Award a contract in substantially the same form as Attachment 1 to the report and in the amount of \$175,774 to Real Environmental Products, LLC, authorize the City Manager to execute the contract when all the necessary conditions have been met, and approve Budget Modification No. 2 in the amount of \$175,774.

1.H 18-0560 Authorize the Issuance of a Purchase Order for Sewer Line
On-Call Maintenance and Repair Services (F18-245)

1) Authorize the City Manager to issue a purchase order to Able Construction Group, Inc. in an amount of \$200,000, and 2) Delegate authority to the City Manager to renew the Purchase Order for two additional one-year periods, subject to available funding and acceptable pricing and services.

1.I 18-0615 Adopt Ordinance No. 3134-18 to Amend Chapter 2.07 of Title 2
(Administration and Personnel) of the Sunnyvale Municipal
Code Relating to Purchase, Sale or Lease of Real Property
(PARCS)

Adopt Ordinance No. 3134-18

1.J 18-0635 Approve the Second Amendment to Outside Counsel

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Agreement with Bertrand, Fox & Elliot for Litigation Services in

the Matter of Bagley v. Santa Clara County, et al.

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 Bertrand, Fox & Elliot to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$300,000.

PUBLIC HEARINGS/GENERAL BUSINESS

2 18-0465 File #: 2017-7217
Location: 617 East Evelyn Avenue (APN: 209-02-001)
Proposed Project: Appeal by the Blue Bonnet Residents
Committee of a decision by the Planning Commission to
conditionally approve:
SPECIAL DEVELOPMENT PERMIT: to redevelop the Blue
Bonnet Mobile Home Park to a 62-unit townhouse development
with associated site improvements (net increase of eight units);
VESTING TENTATIVE MAP: to subdivide one lot into 62 lots
and three common lots.
Zoning: R-3/PD - Medium Density Residential / Planned
Development
Applicant / Owner: East Dunne Investors, LLC (applicant) /
Chien-Nan and Sue Chuang Trustee (owners)
Environmental Review: Mitigated Negative Declaration
Project Planner: Momoko Ishijima, (408) 730-7532,
mishijima@sunnyvale.ca.gov

Assistant Director of Community Development Andy Miner provided the staff report.

Public hearing opened at 8:05 p.m.

William Constantine, Attorney for the Appellants, provided information regarding the court case relating to the conversion impact report and spoke in support of the appeal.

Margaret Nanda, Attorney for the Applicants, provided information regarding the closure of the park and spoke in support of the decision on the application on its merits.

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Josh Grossman spoke in support of waiting for the decision on the pending litigation before taking action.

Richard Mehlinger, speaking on behalf of the Sunnyvale Democratic Club Executive Committee and Liveable Sunnyvale, urged the Council to oppose the redevelopment of the Blue Bonnet Mobile Home Park and to grant the Blue Bonnet Mobile Residents Committee appeal. Mehlinger recommended a project of higher density and more affordable housing, and urged the Council to consider this land for R-3 or R-4 zoning.

John Cordes, BPAC Chair speaking for himself, spoke regarding displacement of low-income residents, the need for protecting affordable housing through the housing element, municipal code or general plan, and recommended either denying the request for the tentative map and requiring a higher density, or not approving it.

Maria Hamilton spoke regarding the 2018 Code of Ethics and Conduct for Elected Officials. Hamilton also spoke regarding sections on the recommended findings of the proposed project and stated that certain sections referred to the General Plan have been replaced in the Land Use and Transportation Element and have not been in existence since April 2017.

Diane Gleason spoke in in opposition to elimination of below market rate housing and spoke in support of increased density in the proposed housing development. Gleason spoke regarding the imbalance of the jobs to housing ratio and the need to reduce additional developments of office space.

Linda Sell, Boardmember on Sunnyvale Democratic Club, speaking on behalf of the Club, recommended overturning the decision, and expressed support for a plan that has more affordable units. Sell stated the Executive Board urges delay of a decision until the litigation has been decided. Speaking on her own behalf, she stated she is a member of the State Democratic Party and the 2018 platform supports sustainable communities that promote smart growth and socially equitable, tenant protections, measures and encourages zoning to promote sustainability and affordability.

Mark Mollineaux spoke regarding the burden of change and requested Council to spread the burden to all members of the community, look at upzoning single family housing to duplexes, and look at how land is managed.

Henry Alexander III spoke regarding past misleading rent control claims, the need

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for multiple strategies to resolve the housing crisis and protect families from being pushed out of housing, and the importance of rent control protections to prevent the displacement of people of color, seniors and the disabled.

Mason Fong spoke in support of affordable housing and recommended approval of the appeal based on the issue of pending litigation.

Fred Kameda spoke regarding affordable housing for fixed income mobile home owners in Sunnyvale.

Mary Lou Clark, President of Blue Bonnet Residents Committee, spoke regarding the treatment of residents of the Blue Bonnet Mobile Home Park and their need for a legal, fair hearing.

Appellant Will Constantine provided information detailing his disagreement that the CIR and the tentative map are not tied together, and that he believes that it was the Legislature's intent to tie them together. Constantine provided information regarding the comments that a property owner could not be forced to continue to do business as a mobile home park.

Applicant provided information regarding the process of relocation of the tenants of the park.

Public hearing closed at 9:13 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1 with a modification: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map subject to the revised recommended conditions of approval in Attachment 4 of the report, with the Modification to Alternative 1 being that the requested front setback deviations on Elm Court and East Evelyn Avenue are not granted and any applicant redesign arising from the denial of the front setback deviations shall be subject to approval by the Director of Community Development.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith

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Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

The Council recessed at 10:03 p.m. and reconvened with all present at 10:14 p.m. with all Councilmembers present.

- 3 18-0627** Consider Amending (1) the Salary Schedule of the City's Salary Resolution to Increase the Control Point for the City Attorney Classification by Six Percent and (2) the Employment Agreement between the City of Sunnyvale and City Attorney John A. Nagel to Increase the Salary by a Corresponding Amount

City Attorney John Nagel left the room prior to and during consideration of this item.

Director of Human Resources Tina Murphy provided the staff report. Mayor Hendricks provided additional information.

Public hearing opened at 10:16 p.m.

No speakers.

Public hearing closed at 10:17 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Adopt a resolution amending the City's Salary Schedule to increase the control point for the City Attorney classification by six percent, effective July 15, 2018, and authorize the Mayor to approve an amendment to the City Attorney's Employment Agreement to increase the annual salary by a corresponding amount.

The motion carried by the following vote:

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

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No: 0

Following action on this item, City Attorney John Nagel returned to the room.

Following action on Item 3, Council considered Item 5.

5 18-0348 Selection of Name for New City Park at the Vale Development
Director of Public Works Chip Taylor provided the staff report.

Public hearing opened at 10:28 p.m.

Deborah Wiser spoke in support of naming the park after her husband Loren L. Wiser, City Arborist.

Ingrid Christensen spoke in support of naming the park after Loren L. Wiser.

John Simontacchi spoke in support of naming the park after Loren Wiser.

Robert Reid spoke in support of naming the park after Loren Wiser.

Peter Cirigliano spoke in support of naming the park after Jeanine Stanek.

Public hearing closed at 10:41p.m.

MOTION: Vice Mayor Klein moved and Councilmember Smith seconded the motion to approve Alternative 3, to name the park "Wiser Park".

The motion carried by the following vote:

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

No: 0

Following action on Item 5, Council considered Item 8.

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- 8 18-0526** Adopt a Resolution Calling for a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 6, 2018 for the Purpose of Submitting to City Voters a Measure to Increase the Transient Occupancy Tax Rate; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments.

City Attorney John A. Nagel provided the staff report.

Public hearing opened at 10:54 p.m.

Don Eagleston, speaking on behalf of the Chamber of Commerce, spoke in opposition to increasing the transient occupancy tax.

Kamlesh Patel spoke in opposition to an increase in the transient occupancy tax.

Arvind Bhakta spoke in opposition to an increase in the transient occupancy tax.

Public hearing closed at 11:06 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Adopt a resolution calling for a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 6, 2018 for the purpose of submitting to City voters a measure to increase the Transient Occupancy Tax Rate; requesting consolidation with the Statewide General Election and election services from Santa Clara County; directing the City Attorney to prepare an impartial analysis; and setting priorities for ballot arguments: which would be version b. Authorize one member of the City Council to submit a written argument in favor of the measure: the Mayor Glenn Hendricks; at Mayor Glenn Hendricks' discretion, the argument may also be signed by other members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. In the event that an argument is filed for the measure, Mayor Glenn Hendricks is also authorized to submit a rebuttal argument on behalf of the City Council, which, at Mayor Glenn Hendricks' discretion, may also be signed by members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument.

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The motion carried by the following vote:

Yes: 4 - Mayor Hendricks
Vice Mayor Klein
Councilmember Larsson
Councilmember Melton

No: 3 - Councilmember Griffith
Councilmember Smith
Councilmember Goldman

Following action on Item 8, Council resumed the regular order of the agenda and considered Item 4.

4 18-0604 Approve City's Response to the 2017- 2018 Santa Clara County Civil Grand Jury Report entitled "Police and the Mentally Ill: Improving Outcomes

Captain Shawn Ahearn of the Sunnyvale Department of Public Safety provided the staff report.

Public hearing opened at 11:27 p.m.

No speakers.

Public hearing closed at 11:27 p.m.

MOTION: Councilmember Melton moved and Councilmember Smith seconded the motion to approve Alternative 1: Approve the City's response to the 2017 2018 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and authorize the Mayor to sign the response.

The motion carried by the following vote:

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

No: 0

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Following action on Item 4, Council considered Item 6.

- 6 18-0265** Accept the Climate Action Plan Biennial Progress Report 2018 and Find that the Action is Exempt from Environmental Review under CEQA Guidelines Section 15378(b)(5)

Regulatory Programs Division Manager Melody Tovar provided the staff report.

Public hearing opened at 11:57 p.m.

Mason Fong requested that CAP 2.0 meetings not be held on the same days as the Valley Transportation Authority Board meetings because it puts citizens in a position to choose between climate and transportation meetings. He also noted that the City of San Jose has an Art Fund under the sustainability program and it pays for installation of art that teaches children how to conserve water, and he would like to see this as a strategy in the CAP 2.0. He also recommended the Council urge the Valley Transportation Authority to expedite its adoption of vehicle miles standard prior to the 2020 timeline.

Public hearing closed at 12 a.m.

MOTION: Councilmember Smith moved and Vice Mayor Klein seconded the motion to approve Alternatives 1 and 3: 1) Accept the Climate Action Plan Biennial Progress Report 2018 (Attachment 2 to the report); and 3) Find that the action is exempt from environmental review under California Environmental Quality Act Guidelines Section 15378(b)(5).

The motion carried by the following vote:

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

No: 0

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MOTION: Councilmember Melton moved and Vice mayor Klein seconded the motion to continue with Item 7.

The motion carried by the following vote:

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

No: 0

- 7 18-0461** Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 6, 2018, for the Purpose of Submitting to City Voters a Ballot Measure Concerning an Amendment to the City Charter to Amend Section 604 Relating to Council Vacancies; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments

City Attorney John Nagel provided the staff report.

Public hearing opened at 12:07 a.m.

No speakers.

Public hearing closed at 12:07 a.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Adopt a resolution calling a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 6, 2018, for the purpose of submitting to City Voters a ballot measure concerning an amendment to the City Charter to amend Section 604 relating to Council Vacancies; requesting consolidation with the Statewide General Election and Election Services from Santa Clara County; directing the City Attorney to prepare an impartial analysis; and setting priorities for ballot arguments; Choice b. Authorize one member of the City Council to submit a written argument in favor of the measure: Mayor Glenn Hendricks; at Mayor Glenn Hendricks' discretion, the argument may also be signed by other members of the City Council, bona fide associations, or individual voters

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who are eligible to vote on the measure. In the event that an argument is filed for the measure, Mayor Glenn Hendricks is also authorized to submit a rebuttal argument on behalf of the City Council, which, at Mayor Glenn Hendricks' discretion, may also be signed by members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument.

The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Goldman

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to continue with Item 9.

The motion carried by the following vote:

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

No: 0

- 9 18-0459 Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY 2018/19 County of Santa Clara Property Tax Roll, and Find that this Action is Exempt from CEQA**

Director of Finance Tim Kirby provided the staff report.

Public hearing opened at 12:10 a.m.

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No speakers.

Public hearing closed at 12:10 a.m.

MOTION: Councilmember Melton moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 (b) (5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment and adopt a resolution confirming the Report and Assessment List for unpaid administrative fines to be placed on the FY 2018/19 County of Santa Clara Property Tax Roll.

The motion carried by the following vote:

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

No: 0

MOTION: Councilmember Melton moved and Councilmember Griffith seconded the motion to carry on with the balance of the agenda.

The motion carried by the following vote:

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith provided a report of an emergency study session of the

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Recycling and Waste Reduction Commission to discuss SB1383 in 2016.

Councilmember Larsson provided a report, as Liaison to the Sustainability Commission, a meeting of the Commission at which a presentation was made by Solid Waste Programs Division Manager Mark Bowers about the state of recycling.

Vice Mayor Klein provided a report of the Cities Association meeting held last month; he was appointed to the Countywide Successor Agency; a proposal was made for approving a Regional Housing Needs Assessment (RHNA) subregion for affordable housing; and the Cities Association approved the creation of a South Bay Roundtable for airplane noise.

Councilmember Smith provided information regarding a report from the Silicon Valley Clean Energy Board on a baseline of greenhouse gas accounting and energy metrics.

NON-AGENDA ITEMS & COMMENTS

-Council

Mayor Hendricks sponsored a study issue on banning candy flavored e-cigarettes; Councilmember Melton co-sponsored.

Mayor Hendricks sponsored a study issue to define a policy giving the Mayor authority to decide what flag to fly; Councilmembers Smith, Vice Mayor Klein, Griffith and Melton co-sponsored.

Mayor Hendricks sponsored a study issue to define policies for aesthetics for small cell tower installations; co-sponsored by Councilmembers Melton, Vice Mayor Klein, Larsson and Goldman.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

18-0196 Tentative Council Meeting Agenda Calendar

18-0579 Information/Action Items

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18-0642 Board/Commission Resignations (Information Only)

ADJOURNMENT

Mayor Hendricks and Councilmember Griffith closed the meeting in honor of Mike Campbell.

Mayor Hendricks adjourned the meeting at 12:25 a.m.