



City of Sunnyvale

Meeting Minutes - Draft

City Council

Tuesday, December 18, 2018

4:30 PM

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

Special Meetings: Closed Session-4:30 PM | Study Session-6:30 PM | Regular Meeting-7 PM

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

1 Call to Order in the West Conference Room

Vice Mayor Klein announced the items for Closed Session and invited any members of the public to give public comment.

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

None.

4 Convene to Closed Session

[18-0355](#) Closed Session held pursuant to California Government Code
Section 54957: PUBLIC EMPLOYEE PERFORMANCE
EVALUATION
Title: City Attorney

[18-0356](#) 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 5:45 p.m.

6:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

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

Vice Mayor Klein called the meeting to order at 6:32 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

Mason Fong, Councilmember-elect, expressed his interest in the Council Intergovernmental Assignments.

Maria Pan provided comment on the upcoming selection of Mayor and Vice Mayor.

4 Study Session

[18-0278](#) Discussion of 2019 Council Intergovernmental Assignments

The Council discussed their interest in 2019 Council Intergovernmental Assignments. Mayor Hendricks requested a more robust conversation be held at a future meeting on the Standing Subcommittee to Discuss Issues of Mutual Interest with Local School Districts.

[18-0279](#) Discussion of Upcoming Selection of Mayor for 2019-2020 and Vice Mayor for 2019

Mayor Hendricks and Vice Mayor Klein expressed interest in becoming the Mayor for 2019-20.

Councilmembers Melton and Smith expressed interest in becoming the Vice Mayor for 2019.

5 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:56 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendricks lead 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 the Council met in Closed Session pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: City Attorney; no reportable action.

Vice Mayor Klein reported the Council met in Closed Session pursuant to Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: City Manager; no reportable action.

ORAL COMMUNICATIONS

Councilmember Smith announced recruitment for a vacancy on the Housing and Human Services Commission is currently underway.

Richard Mehlinger BPAC member speaking on his own behalf, commended the launch of Lime Bikes in the city.

CONSENT CALENDAR

Mayor Hendricks reported a member of the public pulled Item 1.J from the Consent Calendar.

MOTION: Vice Mayor Klein moved and Councilmember Melton seconded the motion to approve the Consent Calendar with the exception of Item 1.J.

The motion carried by the following vote:

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

1.A [18-1066](#) Approve City Council Meeting Minutes of December 4, 2018

Approve the City Council Meeting Minutes of December 4, 2018, as submitted.

1.B [17-1141](#) 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 [18-0957](#) Receive and File the FY 2017/18 Annual Status Report on
Receipt and Use of Development Impact Fees and Adopt a
Resolution Approving Findings Regarding Unspent Impact
Fees (Exempt from CEQA pursuant to Section 15378(b)(4) of
the CEQA Guidelines

Receive and file FY 2017/18 Annual Status Report on receipt and use of
development impact fees and adopt a Resolution making findings regarding unspent
impact fees as required by the Mitigation Fee Act (California Government Code
Section 66000 et seq.).

1.D [18-0970](#) Award a Contract to Sanact Incorporated for Sewer Siphon
Cleaning and Inspection: Phase One Project (F19-047) and
Approve Budget Modification No. 10

1) Award a contract in substantially the same form as Attachment 2 to the report in
the amount of \$223,025 to Sanact Incorporated and authorize the City Manager to
execute the contract when all necessary conditions have been met, 2) Approve a
10% contingency in the amount of \$22,303, and 3) Approve Budget Modification No.
10 in the amount of \$144,328.

1.E [18-1037](#) Adopt a Resolution Amending the City's Salary Resolution and

the Schedule of Pay to (1) update pay rates for Casual Employee Classifications to Reflect the January 1, 2019 Sunnyvale Minimum Wage, and for the City Council Stipend Amount; (2) Implement Formatting Changes to the Schedule of Pay; (3) Remove Classifications No Longer Used; and (4) Include Step 2 and Step 3 for the Casual NOVA Youth Worker Classification

Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to (1) update pay rates for Casual Employee Classifications to Reflect the January 1, 2019 Sunnyvale Minimum Wage, and for the City Council Stipend Amount; (2) Implement Formatting Changes to the Schedule of Pay; (3) Remove Classifications No Longer Used; and (4) Include Step 2 and Step 3 for the Casual NOVA Youth Worker Classification

1.F [18-1050](#) Award of Contract to Ascent Environmental for Consultant Services Associated with Environmental, Economic, and Engineering Review of the Lawrence Station Area Plan Housing Study (F19-089)

1) Award a contract to Ascent Environmental for consultant services in an amount not to exceed \$280,925, in substantially the same form as Attachment 1 to the report 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 \$28,093.

1.G [18-0822](#) Award of Contract for Professional Engineering Services for Signal Coordination Timing and Optimization (F18-283) to Kimley-Horn and Associates, Inc. and Approval of Budget Modification No. 9 to Appropriate \$340,393 in Transportation Funds for Clean Air for the Project

1) Award a contract to Kimley-Horn and Associates, Inc. of Pleasanton in the amount not to exceed \$240,931 for professional engineering services, in substantially the same form as Attachment 1 to the report, and authorize the City Manager to execute the contract when all necessary conditions have been met, 2) Approve a 10% contract contingency in the amount of \$24,093, and 3) Approve Budget Modification No. 9 to appropriate \$340,393 in Transportation Funds for Clean Air to provide project funding.

1.H [18-1094](#) Adopt Three Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$50

million in Clean Water State Revolving Funds to Fund the City of Sunnyvale Administration and Laboratory Building Project

Adopt Three Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$50 million in Clean Water State Revolving Funds to Fund the Administration and Laboratory Building Project

- 1.I** [18-1089](#) Adopt Three Financial Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$216 million in Clean Water State Revolving Funds to Fund the City of Sunnyvale Secondary Treatment and Dewatering Facilities Project and Approve a Resolution to Adopt the Addendum to the Programmatic Environmental Impact Report Make the Findings Required by CEQA Re-Adopt the Mitigation Measures Identified in the Mitigation Monitoring and Reporting Program, and Re-affirm the Findings and Conclusions in the Statement of Overriding Considerations

Adopt Three Financial Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$216 million in Clean Water State Revolving Funds to Fund the Secondary Treatment and Dewatering Facilities Project and Approve the Resolution to Adopt the Addendum to the Programmatic Environmental Impact Report, Make the Findings Required by CEQA, Re-Adopt the Mitigation Measures Identified in the Mitigation Monitoring and Reporting Program, and Re-affirm the Findings and Conclusions in the Statement of Overriding Considerations.

- 1.J** [18-0906](#) Certification of the November 6, 2018 Election Results for Ballot Measure K (Transient Occupancy Tax) and Ballot Measure L (Charter Amendment to amend Section 604 relating to Council Vacancies)

PUBLIC COMMENT:

Maria Pan spoke in opposition to certifying election results for Measure L.

MOTION: Vice Mayor Klein moved and Councilmember Melton seconded approval to Adopt a Resolution Reciting the Fact of the Municipal Election held November 6, 2018 for the purpose of submitting to the voters Measure K and Measure L, Declaring the Results, Confirming the Passage of Measure K and Measure L and such other matters as provided by law.

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

No: 0

- 1.K** [18-1046](#) Adopt a Resolution to Amend the Classification Plan and the City's Salary Resolution to Update the Schedule of Pay to Add the Classification of Superintendent of Libraries.

Adopt the Resolution amending Resolution Nos. 143-77 and 190-05 to Add the New Classification of Superintendent of Libraries to the Classification Plan of the Civil Service and Amend the City's Salary Resolution to Update the Schedule of Pay to Include the Classification

- 1.L** [18-1115](#) Adopt a Resolution Revising the Citywide Records Retention and Destruction Program Policy and Schedule (Rescheduled from 12/4/2018, RTC 18-0898)

Adopt the Resolution Approving Revisions to the Citywide Records Retention and Destruction Program Policy and Schedule.

ADJOURN TO SPECIAL JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY

CALL TO ORDER

Authority Chair Hendricks called the Sunnyvale Financing Authority Meeting to order at 7:13 p.m.

ROLL CALL

Present: 7 - Authority Chair Hendricks
Authority Member Klein
Authority Member Griffith
Authority Member Larsson
Authority Member Smith
Authority Member Melton
Authority member Goldman

PUBLIC HEARING/GENERAL BUSINESS

2. [18-0977](#) Receive and File the FY 2017/18 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report (CAFR), the Sunnyvale Financing Authority Financial Report, the Report to the City Council Issued by the Independent Auditors, and Approve Budget Modification No. 13 and the list of Proposed Closed Projects

Finance Director Tim Kirby introduced Assistant Director of Finance Grace Zheng, Budget Manager Felicia Sliva, and Finance Manager Inder Dhillon to the Council, presented the staff report and slide presentation.

David Bullock, Principal with Macias Gini and O'Connell LLP (MGO), presented the Comprehensive Annual Financial Report and slide presentation.

The Public Hearing opened at 7:57 p.m.

Mason Fong spoke in support of staff's recommendation.

The Public Hearing closed at 7:58 p.m.

CITY COUNCIL MOTION: Councilmember Melton moved and Councilmember Goldman seconded Alternative 1, Receive and file the budgetary Year End Financial Report, the audited Comprehensive Annual Financial Report, and the Report to the City Council issued by the independent auditors, approve the list of Proposed Closed Projects, approve Budget Modification No. 13 with a change to adjust Budget Modification No. 13 as follows: \$1 million to CalPERS split 50/50 between Miscellaneous and Safety; increase the amount that goes to Pension Trust to \$2 million; lower amount to Budget Stabilization Fund (BSF) from \$5.7 million to \$4.7 million and add that \$1 million to the Pension Trust to total \$3 million.

The motion failed by the following vote:

Yes: 1 - Councilmember Melton

No: 6 - Mayor Hendricks
Vice Mayor Klein
Councilmember Griffith
Councilmember Larsson
Councilmember Smith
Councilmember Goldman

JOINT CITY COUNCIL AND FINANCING AUTHORITY MOTION: Councilmember Melton moved and Vice Mayor Klein seconded approval of Alternate 1 for the City Council: 1. Receive and file the budgetary Year End Financial Report, the audited Comprehensive Annual Financial Report, and the Report to the City Council issued by the independent auditors, and Approve Budget Modification No. 13 and the list of Proposed Closed Projects; and Sunnyvale Financing Authority: 1. Receive and file the Sunnyvale Financing Authority Financial Report

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

ADJOURN SPECIAL MEETING

Authority Chair Hendricks adjourned the Financing Authority Meeting at 8:16 p.m.

RECONVENE TO CITY COUNCIL MEETING

Mayor Hendricks reconvened the Council Meeting at 8:16 p.m. with all Councilmembers present.

PUBLIC HEARINGS/GENERAL BUSINESS

3. [18-1073](#) Regional Housing Needs Allocation (RHNA) Subregion Participation

Housing Officer Jenny Carloni provided the staff report.

Public Hearing opened at 8:52 pm

Mason Fong, disclosed he works for San Jose Councilmember Chappie Jones who is a member of the Cities Association, and spoke in support of City participation in the RHNA subregion.

Richard Mehlinger, speaking on his own behalf, spoke in support of City participation in the RHNA subregion.

Mark Molineaux expressed concerns on joining the RHNA subregion.

Public Hearing closed at 8:59 pm

Motion: Councilmember Griffith moved and Vice Mayor Klein seconded approval of Alternative 1: Adopt a Resolution indicating intent to support formation of a housing subregion of Santa Clara County and implement countywide housing production consistent with the Regional Housing Needs Allocation formula currently assigned by the Association of Bay Area Governments (ABAG)

The motion carried by the following vote:

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

No: 1 - Councilmember Smith

Mayor Hendricks recessed the Council Meeting at 9:23 p.m. and reconvened at 9:35 p.m. with all Councilmembers present.

4. [18-0910](#) Solid Waste & Recycling Collection Franchisee Performance Review Findings and Initiation of a Process for Selection of Post-2021 Franchisee

Environmental Services Director Ramana Chinnakotla, Peter Deibler, Senior Manager at HF&H Consultants, LLC and Mark Bowers, Solid Waste Programs Division Manager, provided a report and slide presentation.

Public Hearing opened at 10:34 p.m.

Jerry Nabhan of Specialty Solid Waste and Recycling provided comments regarding the solid waste and recycling contract with the City.

Public Hearing closed at 10:39 p.m.

MOTION: Councilmember Smith moved and Councilmember Melton seconded approval of Alternatives 1, 2 and 3: 1) Find that the actions are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262 and 15738(b)(5); 2) Accept the findings of the HF&H review of BCWS performance; and 3) Direct staff to initiate selection of a post 2021 franchisee using a negotiated, single source process with a timeline that allows for a subsequent open, competitive process if negotiations do not provide an outcome favorable to the City and ratepayers.

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 Smith reported that Silicon Valley Clean Energy (SVCE) Board moved to fund \$6 million in programs to help bend the carbon curve over the next two years; and that she was temporarily appointed temporarily to the SVCE Audit Committee.

Vice Mayor Klein reported that the Cities Association met to finalize its letter in response to CASA Compact and urged the Council to review the letter. He also reported that there are multiple regional positions available at the Cities Association.

Councilmember Goldman provided an update on the Grand Boulevard Initiative.

Councilmember Smith stated that the CASA League is holding a meeting on January 30th at Steins in Mountain View.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 11:03 p.m.