



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, June 11, 2019

4:30 PM

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

**Special Meeting: Closed Session - 4:30 PM | Study Session - 5:30 PM | Regular Meeting -
7 PM | Special Joint Meeting of the City Council and the Sunnyvale Financing Authority-
7 PM**

(or as soon thereafter as the matter may be heard)

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

Vice Mayor Melton announced the items for Closed Session and invited any members of the public to make public comments before the meeting.

1 Call to Order in the West Conference Room

Vice Mayor Melton called the meeting to order at 4:31 p.m.

2 Roll Call

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

3 Public Comment

Edith Alanis, President, Sunnyvale Employees Association shared concerns regarding City employee commute times, cost of living, and noted that numerous City employee salaries are considered "low wage."

Lamoin Werlein-Jaén, International Federation of Professional and Technical Engineers, Local 21 requested the Council invest in the current City workforce.

4 Convene to Closed Session

[19-0271](#)

Closed Session held pursuant to California Government Code
Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager

Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

[19-0581](#)

CONFERENCE WITH LEGAL COUNSEL-SETTLEMENT OF WORKERS' COMPENSATION CLAIM

Closed Session held pursuant to California Government Code Section 54956.95(b):

Name of Case: Barrett, Todd v. City of Sunnyvale (WCAB ADJ2680765; ADJ7694661; ADJ7695117; ADJ7794588; ADJ7694697; ADJ8037174; ADJ7694730; and ADJ8714689)

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 5:25 p.m.

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)**1 Call to Order in the Council Chambers (Open to the Public)**

Vice Mayor Melton called the meeting to order at 5:32 p.m.

2 Roll Call

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

4 Study Session

Vice Mayor Melton announced Council will hear Item 3- Public Comment after Item 4- 19-0524 California Voting Rights Act (CVRA) Update...

[19-0524](#)

California Voting Rights Act (CVRA) Update on Community Education and Outreach Phase 1, and Ballot Measure to Amend City Council Elections

Deputy City Manager Jaqui Guzman provided the staff report and presentation.

Chris Skinnell, Nielsen Merksamer provided a legal analysis of the “4+3” district voting system option.

Charles Hester, Director of Business Development, Godbe Research described the polling results of likely March 2020 voters.

3 Public Comment

Galen Davis commented regarding the lower response rate the Asian community compared with population size of the Asian community.

Mike Serrone requested Council continue evaluating districting alternatives and shared his disagreement with the potential plaintiff’s letter.

Cal Cornwell noted many issues impacting Sunnyvale are regional in nature and encouraged Council consider how best to select a mayor to maximize mayoral influence regionally.

Ginger Grimes, Goldstein, Borgen, Dardarian & Ho reiterated a point from her firm’s letter; that a 6+1-member district or 7-member district voting system could create two districts with greater than 45% Asian American voters where a “4+3” district voting system has not been shown to reach this threshold.

Jonathan Stein, Asian Law Caucus stated that race is a community of interest characteristic required for consideration under the California Voting Rights Act and the Federal Voting Rights Act.

Rita Welch shared that she feels district based elections allow Councilmembers to be more approachable and better able to understand and respond to community concerns. She supports a 7-member district or a 6+1-member district voting system, but not a “4+3” district voting system.

Steve Scandalis voiced his support of a 7-member district voting system. He felt this system would reduce the influence of campaign contributions on Councilmembers.

Misuk Park, Chair, California Voting Rights Act (CVRA) Citizens Advisory Committee reported that residents seemed most concerned of the potential costs to the City of continuing using an at-large voting system.

Mei-Ling Stefan shared her support of the 7-member district voting system.

Linda Davis advised she intends to have a citizens outreach report ready for Council by the end of the week. She supports a “4+3” district voting system and community dialog.

Seraf Rudaz shared his support of a “4+3” district voting system and for a Council elected mayor.

Steve Chessin, President, Californians for Electoral Reform summarized portions of the CVRA and the California Elections Code.

David Simons proposed regular redrawing of districts and did not support a directly elected mayor.

Martin Pyne encouraged Council to permanently implement an independent districting commission. He requested members of the public who have drafted district maps share these maps publicly.

Richard Mehlinger shared his support for a 7-member district or a 6+1-member district voting system with an independent districting commission.

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 6:58 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:05 p.m.

SALUTE TO THE FLAG

ROLL CALL

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

CLOSED SESSION REPORT

Vice Mayor Melton reported the Council met in Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA); nothing to report.

Vice Mayor Melton reported the Council met in Closed Session held pursuant to California Government Code Section 54956.95(b): CONFERENCE WITH LEGAL COUNSEL SETTLEMENT OF WORKERS' COMPENSATION CLAIM Name of Case: Barrett, Todd v. City of Sunnyvale (WCAB ADJ2680765; ADJ7694661; ADJ7695117; ADJ7794588; ADJ7694697; ADJ8037174; ADJ7694730; and ADJ8714689); nothing to report.

SPECIAL ORDER OF THE DAY

[19-0623](#)

SPECIAL ORDER OF THE DAY - National Lesbian, Gay, Bisexual, Transgender and Queer Pride Month (LGBTQ Pride Month)

Mayor Klein presented a proclamation to Fabulous Sunnyvale founders Richard Mehlinger, Jérémie Gluckman-Picard, and Leslie Bulbick declaring June National Lesbian, Gay, Bisexual, Transgender and Queer Pride Month.

ORAL COMMUNICATIONS

Misuk Park offered ideas to help with outreach regarding the transition from an at-large election system to a district based elections system.

Mike Serrone suggested the City circulate potential district maps for community feedback.

Richard Mehlinger voiced his appreciation for being a part of the open and accepting Sunnyvale community and progress towards equality. He shared statistics of intolerance and hate members of various communities continue to experience.

CONSENT CALENDAR

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve Items 1.A through 1.H.

The motion carried with the following vote:

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

No: 0

1.A [19-0495](#) Approve City Council Meeting Minutes of May 21, 2019
Approve the Special City Council Meeting Minutes of May 21, 2019 as submitted.

1.B [19-0536](#) Approve Special City Council Meeting Minutes of May 23, 2019
Approve the Special City Council Meeting Minutes of May 23, 2019 as submitted.

1.C [19-0333](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager
Approve the list(s) of claims and bills.

1.D [19-0354](#) Adopt a Resolution to Summarily Vacate a Slope Easement at 1235 Bordeaux Drive
Adopt the resolution to summarily vacate a portion of the 15-foot wide slope easement at 1235 Bordeaux Drive; and to authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's Office.

1.E [19-0457](#) Award of Bid No. PW19-12 to Ray's Electric for the Intersection Upgrade at E. Remington Drive and Michelangelo Drive Project, Determination of Bid Non-Responsiveness and Waiver of Minor Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 25 in the Amount of \$111,289

Take the following actions:

- Make a determination that the bid received from Guerra Construction Group is non-responsive due to the bidder not sufficiently documenting and demonstrating that adequate subcontracting and/or good faith efforts were made to meet the

Disadvantage Business Enterprise goal

- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c)
- Make a determination to waive the minor bid irregularities for the bid of Ray's Electric
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$251,537 to Ray's Electric
- Authorize the City Manager to execute the contract when all necessary conditions have been met
- Approve a 10% construction contingency in the amount of \$25,154
- Approve Budget Modification No. 25 in the amount of \$111,289

1.F [19-0464](#) Award of Seven On-Call Contracts for Engineering Support Services (F19-198)

Take the following actions:

- Award seven (7) three-year on-call engineering support services contracts in substantially the same form as Attachment 1 to the report to: Advanced Design Consultants in the amount of \$200,000, CSW/Stuber-Stroeh Engineering Group, Inc. in the amount of \$500,000, Kimley-Horn and Associates in the amount of \$200,000, Salas O'Brien in the amount of \$200,000, SANDIS in the amount of \$500,000, Schaaf & Wheeler in the amount of \$500,000, and TJKM Transportation Consultants in the amount of \$200,000
- Authorize the City Manager to execute the contracts when all necessary conditions have been met
- Authorize the City Manager to increase the contracts up to budgeted amount
- Authorize the City Manager to renew each contract for up to two additional one year periods based upon available funding, need, acceptable pricing and service.
- Authorize the City Manager to modify each contract's compensation schedule subject to negotiated pricing.

1.G [19-0532](#) Award of Contract to TJKM Transportation Consultants for East Sunnyvale Sense of Place Project (F19-099)

Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15378(a)
- Award a contract in substantially the same form as Attachment 1 to the report in the amount of \$686,310 to TJKM Transportation Consultants
- Authorize the City Manager to execute the contract when all necessary conditions have been met

- Approve a 10% contingency in the amount of \$68,631

**1.H [19-0521](#) Amend a Purchase Order for the Sewer Line On-Call
Maintenance and Repair Services (F19-180)**

Take the following actions:

- Authorize the City Manager to amend an existing Purchase Order with Able Construction Group Inc. to increase the not-to-exceed value to \$300,000; and
- Authorize the City Manager to amend the not to exceed amount of the two (2) additional one-year periods that was previously authorized by City Council for these services, within approved budgeted funding.

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

CALL TO ORDER

Authority Chair Klein called the Sunnyvale Financing Authority Meeting to order at 7:22 p.m.

ROLL CALL

Present: 7

Authority Chair / Mayor	Larry Klein
Authority Vice Chair / Vice Mayor	Russ Melton
Authority Member / Councilmember	Gustav Larsson
Authority Member / Councilmember	Glenn Hendricks
Authority Member / Councilmember	Nancy Smith
Authority Member / Councilmember	Michael S. Goldman
Authority Member / Councilmember	Mason Fong

PUBLIC COMMENT (ON SPECIAL MEETING ITEMS ONLY)

None.

CONSENT CALENDAR

MOTION: Authority Member Smith moved and Authority Member Larsson seconded the motion to approve Items 2.A through 2.D.

The motion carried by the following vote:

Yes: 7

Authority Chair / Mayor	Larry Klein
Authority Vice Chair / Vice Mayor	Russ Melton
Authority Member / Councilmember	Gustav Larsson
Authority Member / Councilmember	Glenn Hendricks
Authority Member / Councilmember	Nancy Smith
Authority Member / Councilmember	Michael S. Goldman
Authority Member / Councilmember	Mason Fong

No: 0

- 2.A** [19-0584](#) Approve Joint City Council and Sunnyvale Financing Authority Meeting Minutes of December 19, 2017

Sunnyvale Financing Authority

Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of December 19, 2017 as submitted.

- 2.B** [19-0585](#) Approve Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 12, 2018

Sunnyvale Financing Authority

Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 12, 2018 as submitted.

- 2.C** [19-0586](#) Approve Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 26, 2018

Sunnyvale Financing Authority

Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 26, 2018 as submitted.

- 2.D** [19-0587](#) Approve Joint City Council and Sunnyvale Financing Authority Meeting Minutes of December 18, 2018

Sunnyvale Financing Authority

Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of December 18, 2018 as submitted.

GENERAL BUSINESS

- 3** [19-0356](#) Annual City Council Public Hearing on FY 2019/20 Budget and Resource Allocation Plan and Establishment of Appropriations Limit and Sunnyvale Financing Authority Public Hearing on FY

2019/20 Budget

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 7:25 p.m.

No speakers.

Public Hearing closed at 7:25 p.m.

No action taken.

ADJOURN SPECIAL MEETING

Authority Chair Klein adjourned the Sunnyvale Financing Authority meeting at 7:25 p.m.

RECONVENE TO CITY COUNCIL MEETING

Mayor Klein reconvened the City Council meeting at 7:25 p.m.

PUBLIC HEARINGS/GENERAL BUSINESS

- 4 [19-0039](#) Appoint Applicants to the Bicycle and Pedestrian Advisory Commission, Board of Library Trustees, Heritage Preservation Commission, Housing and Human Services Commission, Parks and Recreation Commission, Personnel Board, and Planning Commission and Sustainability Commission

City Clerk David Carnahan conducted paper ballot votes, tallied the votes and reported the results as follows:

Ballot 1

Bicycle and Pedestrian Advisory Commission – Category One
(1 term to 6/30/2021 and 1 term to 6/30/2023)

Applicant: Daniel Hafeman (Category One - only preference) – 6/30/2021 term
VOTE: 4-0-3 (Abstentions by Mayor Klein, Vice Mayor Melton, and Councilmember Hendricks)

Applicant: Daniel Hafeman (Category One - only preference) – 6/30/2023 term
VOTE: 5-0-2 (Abstentions by Councilmembers Fong and Goldman)

Daniel Hafeman was appointed to the Bicycle and Pedestrian Advisory Commission

– Category One to serve a term expiring 6/30/2023.

Heritage Preservation Commission
(two terms to 6/30/2023)

Applicant: Jodi Marvet (only preference)

VOTE: 3-0-4 (Abstentions by Mayor Klein, Councilmembers Fong, Goldman, and Hendricks)

Applicant: Melanie Holthaus (1st preference)

VOTE: 4-0-3 (Abstentions by Vice Mayor Melton, Councilmembers Larsson and Smith)

Applicant: Dawn Hopkins (only preference)

VOTE: 7-0-0

Melanie Holthaus and Dawn Hopkins were appointed to the Heritage Preservation Commission to serve terms expiring 6/30/2023.

Parks and Recreation Commission
(two terms to 6/30/2023)

Applicant: Narottam Joshi (1st preference)

VOTE: 0-0-7

Applicant: Prakash Giri (only preference)

VOTE: 7-0-0

Prakash Giri was appointed to the Parks and Recreation Commission to serve a term expiring 6/30/2023.

Personnel Board
(Council-Nominated Seat, two terms to 6/30/2023)

Applicant: Barbara Schmidt (only preference)

VOTE: 7-0-0

Barbara Schmidt was appointed to the Personnel Board to serve a term expiring 6/30/2023.

Planning Commission
(two terms to 6/30/2023)

Applicant: Carol Weiss (only preference)

VOTE: 5-0-2 (Abstentions by Councilmembers Goldman and Hendricks)

Applicant: David Simons (only preference)

VOTE: 6-0-1 (Abstention by Vice Mayor Melton)

Applicant: Wendi Zhang (only preference)

VOTE: 5-0-2 (Abstentions by Councilmembers Fong and Larsson)

David Simons was appointed to the Planning Commission to serve a term expiring 6/30/2023.

MOTION: Vice Mayor Melton moved and Councilmember Smith seconded the motion to appoint Carol Weiss to the Planning Commission term expiring 6/30/2023.

The motion to appoint carried with the following vote:

Yes: 5 - Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Smith
Councilmember Fong

No: 0

Abstain: 2 - Councilmember Hendricks
Councilmember Goldman

MOTION: Vice Mayor Melton moved and Councilmember Goldman seconded the motion to appoint Wendi Zhang to the Planning Commission term expiring 6/30/2023.

The motion to appoint failed with the following vote:

Yes: 4 - Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman

No: 0

Abstain: 3 - Mayor Klein
Vice Mayor Melton
Councilmember Fong

Carol Weiss, having recieved more yes votes, was appointed to the Planning Commission to serve a term expiring 6/30/2023.

Ballot 2

Board of Library Trustees
(one term to 6/30/2023)

Applicant: Narottam Joshi (2nd preference)
VOTE: 0-0-7

Applicant: Mark Isaak (only preference)
VOTE: 5-0-2 (Abstentions by Councilmembers Goldman and Smith)

Applicant: Jefferey Brenion (only preference)
VOTE: 2-0-5 (Yes by Councilmembers Goldman and Smith)

Mark Isaak was appointed to the Board of Library Trustees to serve a term expiring 6/30/2023

Ballot 3

Housing and Human Services Commission
(one term to 6/30/2023)

Applicant: Narottam Joshi (3rd preference)
VOTE: 2-0-5 (Yes by Vice Mayor Melton and Councilmember Smith)

Applicant: Emily White (only preference)

VOTE: 5-0-2 (Abstentions by Councilmembers Fong and Larsson)

Emily White was appointed to the Housing and Human Services Commission to serve a term expiring 6/30/2023.

Ballot 4

Sustainability Commission
(one term to 6/30/2023)

Applicant: Narottam Joshi (Category One - 4th preference)

VOTE: 0-0-7

Applicant: Murali Srinivasan (Category One - only preference)

VOTE: 7-0-0

Murali Srinivasan was appointed to the Sustainability Commission to serve a term expiring 6/30/2023.

Ballot 5

Housing and Human Services Commission
(one term to 6/30/2022)

Applicant: Narottam Joshi (3rd preference)

VOTE: 2-0-5 (Yes by Councilmembers Goldman and Smith)

No applicant recieved sufficient votes for appointment.

5 [19-0357](#) Annual Review of Proposed Fees and Charges for Fiscal Year
2019/20

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 7:33 p.m.

No speakers.

Public Hearing closed at 7:33 p.m.

No action taken.

6 [19-0309](#) Approve Budget Modification No. 19 for the Golf and Tennis Operations

Finance Director Tim Kirby provided the staff report.

Public Hearing opened at 7:40 p.m.

No speakers.

Public Hearing closed at 7:40 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve Budget Modification No. 19 to recognize \$472,771 in revenue and appropriate \$720,197 in operating expenses in the Golf and Tennis Operations Fund to operate Barrel 19 Bistro & Bar (Barrel 19) at Sunnyvale Golf Course and approve a \$400,000 transfer from General Fund to the Golf and Tennis Operations Fund.

The motion carried with the following vote:

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

No: 0

7 [19-0644](#) Request that the City Council Provide Direction to Staff on Flying the Pride Flag at City Hall

Assistant City Manager Teri Silva provided the staff report.

Public Hearing opened at 7:46 p.m.

Richard Mehlinger supported flying the Pride Flag at City Hall.

Public Hearing closed at 7:47 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to direct the City Manager to fly the Pride Flag at Sunnyvale City Hall campus in recognition of Pride Month.

The motion carried with the following vote:

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Smith advised she will be attending a Silicon Valley Clean Energy meeting and a Housing, Community, and Economic Development Policy Committee meeting. She summarized the agendas and requested feedback from Councilmembers.

Councilmember Hendricks requested the housing progress and policies in Sunnyvale be highlighted.

Councilmember Goldman suggested a focus on incentives instead of mandates.

Mayor Klein reported the Metropolitan Transit Commission has gathered comments from cities, including comments from Sunnyvale. He shared an upcoming meeting with State Assemblymember David Chiu.

NON-AGENDA ITEMS & COMMENTS

-Council

Mayor Klein announced the upcoming Summer Series Music + Market.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [19-0602](#) Board/Commission Resignation (Information Only)
- [19-0533](#) Information/Action Items
- [19-0534](#) Board/Commission Meeting Minutes
- [19-0515](#) Tentative Council Meeting Agenda Calendar

ADJOURNMENT

Mayor Klein adjourned the meeting at 8:14 p.m.