



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, August 27, 2019

5:00 PM

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

**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 6 PM Regular
Meeting - 7 PM**

5 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 5:00 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

None.

4 Convene to Closed Session

[19-0833](#)

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

Unrepresented employee groups: Pay Plan Category D

Unrepresented Classified Management and Pay Plan

Category K Unrepresented Unclassified Management

appointed directly by the City Attorney.

[19-0918](#)

Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Related to Notice of California Voting Rights Act Violation by Samir Kalra, Galen Kim Davis, Kathy Higuchi, and Bowman Ching

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 5:42 p.m.

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

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

Vice Mayor Melton called the meeting to order at 6:00 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

Vice Mayor Melton announced Council will hear agenda item 3- Public Comment after agenda item 4- Study Session.

4 Study Session

[19-0171](#)

Sunnyvale Clean Water Program Administration and Lab Building Site and Architecture Update

Public Works Director Chip Taylor, Assistant City Engineer Allison Boyer, Water Pollution Control Plant Division Manager Stephen Hogg and Environmental Services Department Director Ramana Chinnakotla provided the staff report and presentation.

3 Public Comment

None.

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 6:54 p.m.

7 P.M. COUNCIL MEETING**CALL TO ORDER**

Mayor Klein called the meeting to order at 7:02 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 Unrepresented employee groups: Pay Plan Category D Unrepresented Classified Management and Pay Plan Category K Unrepresented Unclassified Management appointed directly by the City Attorney; nothing to report.

Vice Mayor Melton reported the Council met in Closed Session pursuant to Government Code Section 54956.8: CONFERENCE WITH LEGAL COUNSEL SETTLEMENT OF WORKER'S COMPENSATION CLAIMS Closed Session held pursuant to California Government Code Section 54956.95 b): Herrera, Raul v. City of Sunnyvale (WCAB ADJ11227287); nothing to report.

ORAL COMMUNICATIONS

Vice Mayor Melton announced the upcoming board and commission application

deadline. He shared details of the Technology Business Expo being held Downtown and the age friendly event taking place at Columbia Park.

Steve Scandalis shared details of the campaign committee No Directly Elected Sunnyvale Mayor. He voiced support for a 7-member district voting system.

Maria Hamilton shared a presentation regarding California Refund Value (CRV) Container Recycling and state regulations requiring certain stores to accept recyclable materials.

Nanette Ceja encouraged the City to assist with Census 2020. She supported requirements for electric vehicle charging and handicapped parking in new buildings along with enforcement of existing requirements.

Richard Mehlinger suggested promotion of the wireless microphone available in the Council Chambers. He requested the City develop a mobile application for Access Sunnyvale. He requested the City fly the bisexual pride flag on Bisexuality Visibility Day.

CONSENT CALENDAR

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

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 [19-0444](#) Approve City Council Meeting Minutes of August 13, 2019

Approve the City Council Meeting Minutes of August 13, 2019 as submitted.

1.B [19-0786](#) 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** [19-0752](#) Award a Contract to Hexagon Transportation Consultants, Inc. for the Preparation of a Transportation Impact Analysis for the Proposed Lawrence Station Area Plan (LSAP) Plan Update (F20-006)

Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$112,100 to Hexagon Transportation Consultants, Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% contingency in the amount of \$11,210.

- 1.D** [19-0896](#) Authorize the City Manager or His Designee to Destroy Recreation Records Damaged by Sewage Before Completion of the Full Record Retention Period

Authorize the City Manager or His Designee to Destroy Records Damaged by Sewage Before Completion of the Full Retention Period.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [19-0823](#) CONTINUED FROM AUGUST 13, 2019 TO AUGUST 27, 2019.
Proposed Project: General Plan Amendment Initiation request to study changing the General Plan designation of the site from Low Medium Density Residential to High Density Residential.
Location: 828 Morse Avenue & 560 E. Ahwanee Avenue (APN: 204-08-027 & 204-08-029)
File #: 2019-7301
Zoning: R-3/PD
Applicant / Owner: FNZ Architects Inc. (applicant) / Sia Vassoughi (owner)
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).
Project Planner: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

Community Development Department Assistant Director Andrew Minor provided the

staff report and presentation.

Public Hearing opened at 7:46 p.m.

Queen Mein Foo, CEO, FNZ Architects provided the applicant report and presentation.

Pedro Ortega shared concerns regarding the notification process used to communicate the continuance of this item, that communications were only provided in English and the uncertainty tenants are experiencing.

Angel Renteria requested to know what assistance from the City was available to long-term tenants.

Nanette Ceja advised that many tenants have limited English proficiency and that contracts and communications are only provided to tenants in English. She stated property management was communicating different information to the City than what it was communicating to the tenants.

Richard Mehlinger commented that the City provided insufficient notice of the meeting continuance. He shared support for noticing in English and Spanish, minimizing displacement and options to increase the number of units.

Valerie Suares encouraged using the potential development agreement to protect current tenants.

Miguel Torres, representative for the owner, provided the applicant rebuttal.

Public Hearing closed at 8:34 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Initiate the General Plan Amendment Initiation request to analyze changing the land use designation from Low Medium Density to Medium or High Density Residential for the subject properties located at 828 Morse Avenue and 560 E. Ahwanee Avenue, provided an application for a Development Agreement is filed at the same time as the General Plan Amendment application. The applicant is to pay all fees for the associated studies. Direct staff to schedule a public meeting to gather public input regarding language, communication, displacement, timing, tenant protections and relocation assistance. The General

Plan Amendment approval would be contingent upon the approval of a development agreement.

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

Council took a recess at 9:13 p.m. and reconvened at 9:22 p.m. with all Councilmembers present.

- 3** [19-0592](#) Approve the Schematic Design, the Highly Recommended and Recommended Cost Saving Strategies, and Direct Staff to Proceed with the Design and Construction Procurement for Civic Center Phase 1

Public Works Director Chip Taylor, Assistant City Engineer Allison Boyer and Assistant Finance Director Grace Zheng provided the staff report and presentation.

Public Hearing opened at 10:30 p.m.

Zachary Kaufman commented regarding the appearance of the large exterior staircase and proposed funding structure.

Public Hearing closed at 10:31 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Smith seconded the motion to approve Alternative 1 - Approve the Schematic Design, the Highly Recommended and Recommended Cost Saving Strategies, and Direct Staff to Proceed with the Design and Construction Procurement for Civic Center Phase 1.

The motion carried with the following vote:

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

No: 1 - Councilmember Goldman

- 4** [19-0850](#) Award a Contract to Sierra-Cedar, Inc. in the amount of \$4,025,000 for Implementation Services for an Oracle Cloud Enterprise Resource Planning System (F19-221)

Information Technology Director Kathleen Boutté Foster provided the staff report.

Public Hearing opened at 11:09 p.m.

No speakers.

Public Hearing closed at 11:09 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Award a Master Services Agreement and Statement of Work in substantially the same form as Attachment 1 and 2 to the report in the amount of \$4,025,000 (\$3,842,500 in base services and \$182,500 in optional services) to Sierra Cedar Inc. for Implementation Services for an Oracle Cloud Enterprise Resource Planning System; Authorize the City Manager to execute the Master Services Agreement and Statement of Work when all conditions have been met; and Approve a 10% contingency in the amount of \$384,250.

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

- 5** [19-0649](#) Approve amendments to Council Policy 7.2.19 Boards and Commissions as Recommended by the Council Subcommittee

on Board and Commission Bylaws

Senior Management Analyst Lupita Alamos provided the staff report and presentation.

Public Hearing opened at 12:55 a.m.

Ralph Kenton advised he will share his thoughts regarding this policy with Council in a memorandum.

Public Hearing closed at 12:55 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Smith seconded the motion to approve the Council Subcommittee's recommended changes to Council Policy 7.2.19 Boards and Commissions (Attachment 4), and incorporate the following amendments resulting from Council discussion on 1. Role of a Council Liaison, 2. Role and Scope of Boards and Commissions, and 3. Board and Commission Outreach and Engagement:

- A. In Council Policy 7.2.19, Boards and Commissions, Section 2.A.(IX) Planning Commission, replace, "...of each month at 8 p.m." with "of each month at 7 p.m.;"
- B. Schedule the next Council Joint Study Session with Board and Commission Chairs and Vice Chairs in 2020;
- C. Recommend Administrative Policy updates to the City Manager including: Role of a Council Liaison: Suggestions provided by Vice Mayor Melton and escalation path documentation as described by Councilmember Smith, including an updated anti-harassment policy;
- D. Role and Scope of Boards and Commissions: Language clean up suggestions as described by Councilmembers Larsson and Smith and clarify if the ex officio member of the Planning Commission is a voting member; and
- E. Board and Commission Outreach and Engagement: Update Council Policy 7.2.19, Boards and Commissions, Section 2.Q Council Liaisons to Boards and Commissions, adding language encouraging Council Liaisons to monitor, advise, witness and attend board and commission meetings.

FRIENDLY AMENDMENT: Councilmember Smith offered a friendly amendment to correct typographical errors, diction and spacing issues.

FRIENDLY AMENDMENT: Mayor Klein offered a friendly amendment to remove Council Policy 7.2.19, Boards and Commissions, Section 2. R. Bylaw Revisions.

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

MOTION: Vice Mayor Melton moved and Councilmember Fong seconded the motion to hear the remainder of the agenda.

The motion carried with the following vote:

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

No: 1 - Councilmember Larsson

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Smith reiterated her support for updating the City's anti-harassment policy and escalation path as it pertains to Board and Commission Members.

-City Manager

City Manager Kent Steffens advised proposed district voting maps will be published 7 days prior to the September 10 Council meeting.

INFORMATION ONLY REPORTS/ITEMS

- [19-0126](#) Tentative Council Meeting Agenda Calendar
- [19-0339](#) Board/Commission Meeting Minutes
- [19-0340](#) Information/Action Items
- [19-0733](#) Notice of Public Works Director's Decision on Final Maps
(Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 1:05 a.m.