



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, November 12, 2019

6:00 PM

Council Chambers
City Hall, 456 W. Olive Ave.
Sunnyvale, CA 94086

Special Meeting: Study Session - 6 PM | Regular Meeting - 7 PM

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

1 Call to Order in the Council Chambers

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

[19-1091](#) Reach Codes and Green Building Program

Community Development Director Trudi Ryan provided the staff report and presentation.

John Supp, Account Services Manager, Silicon Valley Clean Energy (SVCE) provided details of SVCE services.

3 Public Comment

Public comment opened at 6:53 p.m.

James Tuleya, Chair, Carbon Free Silicon Valley voiced support for all electric codes.

Sue Serrone shared support for all electric codes and risks associated with natural gas.

Tara Martin-Milius communicated support for all electric codes with minimal exceptions.

Sue Harrison shared support for requiring all electric conversion for remodels.

Kristel Wickham voiced support for a quick transition to all electric codes.

Richard Mehlinger, Democratic Club, communicated support for banning natural gas service in new construction and providing infrastructure for electric bicycles and personal mobility devices.

Public comment closed at 7:00 p.m.

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 7:00 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:06 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

PRESENTATION

[19-0822](#)

PRESENTATION - Update Regarding Valley Water (VW)

Projects in Sunnyvale, by VW Director Richard Santos

Valley Water Director Richard Santos provided the presentation.

ORAL COMMUNICATIONS

Councilmember Larsson announced board and commission recruitment and an upcoming application deadline.

Richard Mehlinger voiced support for protected bicycle lanes. He shared concerns regarding a recent communication from the No Directly Elected Sunnyvale Mayor campaign committee.

Rivka Scheinkman shared details of past traffic safety studies conducted near Peterson Middle School.

Angela Quizon, President, Peterson Middle School Parent Teacher Student Association voiced support for a pedestrian countdown timer and a permanent crossing guard at the intersection of Poplar Avenue and El Camino Real.

Rafi Cohen commented regarding past traffic studies addressing traffic safety concerns at the intersection of Poplar Avenue and El Camino Real.

Susan McFadden requested on-going safety improvements at the intersection of Poplar Avenue and El Camino Real and increased communications regarding these improvements.

Pat Seto Subbarayan shared details of observed crossing guard absences at the intersection of Poplar Avenue and El Camino Real and requested a pedestrian countdown timer.

Galen Davis announced concerns regarding a recent video shared by the No Directly Elected Sunnyvale Mayor campaign committee.

Reena and Mahi Nagpal communicated support for safety improvements at the intersection of Poplar Avenue and El Camino Real.

CONSENT CALENDAR

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

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 [19-0775](#) Approve City Council Meeting Minutes of November 5, 2019
Approve the City Council Meeting Minutes of November 5, 2019 as submitted.

1.B [19-0888](#) 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 [19-1106](#) Authorize the Issuance of Two Blanket Purchase Orders for
Department of Public Safety Uniforms and Equipment
(F20-025)

Take the following actions:

- Authorize the issuance of a blanket purchase order to Summit Uniforms, in substantially the same form as Attachment 2 to the report, in an amount not-to-exceed \$600,000;
- Authorize the issuance of a blanket purchase order to LC Action Police Supply, in substantially the same form as Attachment 3 to the report, in an amount not-to-exceed \$300,000; and
- Authorize the City Manager to amend and renew the purchase orders for two additional one-year periods, not-to-exceed budgeted amounts, if pricing and service remain acceptable to the City.

1.D [19-1107](#) Amend an Existing Contract with MWA Architects of San
Francisco for Professional Design Services of the
Administration and Laboratory Building at the Water Pollution
Control Plant (F20-064)

Take the following actions:

- Authorize the City Manager to execute an amendment to an existing contract with MWA Architects, Inc. of San Francisco, in substantially the same format as

Attachment 1 to the report, increasing the not-to-exceed contract amount by \$2,227,686 for a new not-to-exceed contract amount of \$4,779,640; and
- Approve an additional contract contingency in the amount of \$477,964.

- 1.E** [19-0710](#) Adopt a Resolution Authorizing Participation in the Santa Clara County Planning Collaborative and Authorize the City Manager to Execute Any Formal Funding Agreements

Adopt a Resolution authorizing participation in the Santa Clara County Planning Collaborative, and authorize the City Manager to execute any formal funding agreements or contracts, in an amount not-to-exceed \$5,000.

- 1.F** [19-1169](#) Ratify Appointment of Councilmember Nancy Smith as the League of California Cities Women's Caucus President for the 2019/20 Term; Ratify Vice Mayor Russ Melton's appointment by the Cities Association of Santa Clara County to the Santa Clara County Emergency Operations Area Council

Council ratifies Councilmember Nancy Smith's appointment as the League of California Cities Women's Caucus President for the 2019/20 Term and Vice Mayor Russ Melton's appointment by the Cities Association of Santa Clara County to the Santa Clara County Emergency Operations Area Council.

- 1.G** [19-1206](#) Adopt Ordinance No. 3150-19 to amend Chapters 19.20 (Commercial Zoning Districts), 19.22 (Industrial Zoning Districts), and 19.24 (Office and Public Facilities Zoning Districts)

Adopt Ordinance No. 3150-19.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [19-0678](#) Public Hearing Pursuant to Elections Code Section 10010(a) (2) to Receive Public Comment Regarding the Content of the Refined Draft City Council Districting Maps Published on November 5, 2019, and the Proposed Sequence of Elections

Deputy City Manager Jaqui Guzman provided the staff report.

Public Hearing opened at 7:45 p.m.

Josh Grossman communicated support for Map 107A and sequencing by lot or scheduling all districts in the November 2020 election. He shared concerns

regarding the inclusion of a directly elected mayor in the ballot measure.

Martin Pyne voiced support for Map 107A with sequencing amendable to the largest number of voters.

Ann Stevenson shared comments from Cal Cornwell in support of Map 120D with Districts 1, 2 and 3 scheduled for the November 2020 election.

Coleen Hausler communicated support for Map 120D.

Evelyn Rocha voiced support for Map 120D with Districts 1, 2 and 3 scheduled for the November 2020 election.

Jannette Brambila shared support for scheduling Districts 1, 2 and 3 for the November 2020 election.

Nicole Wong, Community Advocate, Asian Law Caucus voiced support for scheduling Districts 1 and 2, for the November 2020 election, using either Map 107A or Map 120D.

Frances Stanley-Jones shared support for Map 107A with Districts 1, 2 and 5 scheduled for the November 2020 election.

Ram Agarwal communicated support for Map 120D with Districts 1, 2 and 3 scheduled for the November 2020 election.

Rita Welsh voiced support for Map 120D with Districts 1, 2 and 3 scheduled for the November 2020 election and a 6+1-member district voting system.

MJ LaRoche communicated support for Map 107A and shared details of mobile home park owner turnout at election system pop-up events.

Richard Mehlinger voiced support for Maps 107A and 120D, with preference for Map 120D with Districts 1, 2 and 3 scheduled for the November 2020 election. He proposed including all districts in the November 2020 election.

Galen Davis shared details of the 2016 Council election, including the election of four new Councilmembers, three of which ran against incumbent Councilmembers. He communicated support for scheduling District 3 for the November 2020 election.

Mike Serrone voiced support for sequencing where each district is either on the ballot or adjacent to a district on the ballot for each election.

Linda Davis communicated support for sequencing that maximizes engagement.

Public Hearing closed at 8:35 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to select Map 120D as the district voting system map.

The motion carried with the following vote:

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

No: 0

Abstain: 1 - Councilmember Goldman

MAIN MOTION: Vice Mayor Melton moved and Councilmember Hendricks seconded the motion to schedule Districts 4, 5 and 6 in the November 2020 election.

AMENDMENT BY SUBSTITUTION: Councilmember Smith moved and Councilmember Goldman seconded to substitute the main motion with a motion to select District 1 or 2 and two districts from Districts 3, 4, 5 and 6 by lot to be on the November 2020 ballot.

The amendment by substitution failed with the following vote:

Yes: 2 - Councilmember Smith
Councilmember Goldman

- No: 5 -** Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Fong

The main motion failed with the following vote:

- Yes: 2 -** Vice Mayor Melton
Councilmember Hendricks
- No: 5 -** Mayor Klein
Councilmember Larsson
Councilmember Smith
Councilmember Goldman
Councilmember Fong

MOTION: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to schedule Districts 2, 4 and 6 in the November 2020 election.

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 9:42 p.m. and reconvened with all Councilmembers present at 9:52 p.m.

- 3** [19-1198](#) Adopt a Resolution Calling a Special Municipal Election to be Held in the City of Sunnyvale on Tuesday, March 3, 2020, for the Purpose of Submitting to City Voters a Ballot Measure

Concerning Amendments to Article VI of the City Charter to Implement City Council District Elections; Requesting Consolidation With the Statewide Presidential Primary 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 10:20 p.m.

Josh Grossman voiced concerns regarding the inclusion of a directly elected mayor in the ballot measure.

Martin Pyne communicated support for a redistricting commission, including transparent drafting of district maps.

Linda Davis shared suggested edits to the proposed charter amendment language.

Richard Mehlinger voiced support for a redistricting commission.

Galen Davis communicated support for a directly elected mayor.

Mike Serrone voiced concerns regarding a recent video shared by the No Directly Elected Sunnyvale Mayor campaign committee and support for an independent redistricting commission.

Steve Chessin, President, Californians for Electoral Reform, shared proposed edits to the proposed charter amendment language, Section 604(a).

Jennifer T. communicated thoughts regarding various sections of the proposed charter amendment language and support for a directly elected mayor.

Public Hearing closed at 10:40 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to accept Attachment A to the report as the ballot measure concerning amendments to Article VI of the City Charter, with modifications:

a. Replace in Section 602 Title, "City Council Districts" with "Transition to City Council Districts;"

- b. Replace in Section 603(b), “voter of the City” with “voter of the District;”
- c. Replace in Section 604(a), “subject to the preceding sentence, no person may serve as Mayor for more than two four-year terms, and no person may serve as a member of the Council for more than two four-year terms” with “of which no more than two terms can be as Mayor and no more than two terms can be as a member of the Council;” and
- d. Replace in Section 609(a), “the City Council shall by ordinance, adjust the boundaries of any or all the Districts of the City” with “any or all of the Districts of the City shall be adjusted.”

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

MOTION: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to:

- a. Authorize Mayor Klein to submit a written argument in favor of the measure, submit a rebuttal argument and take associated actions regarding signatories to the argument and the rebuttal argument; and
- b. Authorize Councilmember Goldman to submit a written argument opposed to the measure, submit a rebuttal argument and take associated actions regarding signatories to the argument and the rebuttal argument.

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: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to approve:

- a. Approval of the ballot question language to be presented to Sunnyvale voters;
- b. "Calling" a Special Municipal Election to be consolidated with the statewide presidential primary election held on March 3, 2020, and requesting the services of the Santa Clara County Registrar of Voters to conduct the election;
- c. Direction to the City Attorney to prepare an impartial analysis for the measure;
- d. Direction on ballot arguments to the City Clerk to be printed in the Sample Ballot; and
- e. Approval of a draft amendment to the Charter to incorporate the proposed changes if the measure is approved by a majority of voters.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to add "adopt a resolution" to the motion.

Councilmember Hendricks accepted the friendly amendment.

The motion as amended carried with the following vote:

- Yes:** 6 - Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Fong
- No:** 1 - Councilmember Goldman

MOTION: Councilmember Smith moved and Mayor Klein seconded the motion to direct staff to focus on a January or February study session to consider an ordinance creating an independent redistricting commission that makes the final district map decision or a modified advisory commission that narrows to two potential district maps, with the City Council adopting one of the maps without modification.

The motion failed with the following vote:

Yes: 3 - Mayor Klein
Councilmember Smith
Councilmember Goldman

No: 4 - Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Fong

- 4 [19-1132](#) Authorize a Local Match of \$600,000 for the VTA Measure B Bicycle and Pedestrian Competitive Grant Program for the Stevens Creek Trail extension project; and Approve Budget Modification No. 12 to Appropriate \$600,000 from the Transportation Impact Fees Reserve in the Capital Projects Fund

Transportation and Traffic Manager Dennis Ng provided the staff report and presentation.

Public Hearing opened at 11:40 p.m.

Richard Mehlinger voiced support for Alternative 1.

Steve Garrity, President, Friends of Stevens Creek Trail communicated support for Alternative 1.

Public Hearing closed at 11:42 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to approve Alternative 1: Authorize a Local Match in the amount of \$600,000 for the VTA Measure B Bicycle and Pedestrian Competitive Grant Program for the Stevens Creek Trail extension project; and Approve Budget Modification No. 12 to Appropriate \$600,000 from the Transportation Impact Fees Reserve.

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 Hendricks seconded the motion to hear agenda item 5.

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** [19-1082](#) Authorize Amending an Existing Contract with Carollo Engineers, Inc. for Engineering Design and Construction Support and Approve Budget Modification No. 11 in the amount of \$996,782 (F20-058)

Assistant Director of Public Works/City Engineer Jennifer Ng provided the staff report.

Public Hearing opened at 12:00 a.m.

No speakers.

Public Hearing closed at 12:00 p.m.

MOTION: Councilmember Fong moved and Vice Mayor Melton seconded the motion to approve:

- Alternative 1: Authorize the City Manager to execute an amendment to an existing contract with Carollo Engineers, in substantially the same format as Attachment 1,

adding \$996,782 and increasing the not-to-exceed value from \$14,156,938 to \$15,153,720; and

- Alternative 2: Approve Budget Modification No. 11 in the amount of \$996,782 to provide additional project funding.

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 Smith seconded the motion to hear the remainder of the agenda.

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

None.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Larsson shared details of Ellis Elementary School class visits to City Hall.

-City Manager

City Manager Kent Steffens shared details of the Age Friendly Action Plan.

INFORMATION ONLY REPORTS/ITEMS

[19-0800](#) Tentative Council Meeting Agenda Calendar

[19-0817](#) Information/Action Items

[19-0841](#) Age Friendly Action Plan (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 12:02 a.m.