



City of Sunnyvale

Meeting Minutes - Draft

City Council

Tuesday, February 23, 2021

5:00 PM

Telepresence Meeting: City Web Stream |
AT&T Channel 99 | Comcast Channel 15

**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM |
Regular Meeting - 7 PM**

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:00 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

Mayor Klein, Vice Mayor Hendricks and all Councilmembers attended via teleconference.

Public Comment

Public Comment opened at 5:02 p.m.

Councilmember Melton stated he is in employment discussions with one of the taxing entities mentioned in the California Court of Appeal ruling, recused himself from the Closed Session, and left the teleconference meeting at 5:02 p.m.

Public Comment closed at 5:02 p.m.

Convene to Closed Session

- A** [21-0370](#) CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION
Closed Session held pursuant to California Government Code Section 54956.9 (d)(1). Name of Case: City of Sunnyvale, et al. v. Bosler (as Director), et al. (California Court of Appeal, Third Appellate District, Case No. C081589)

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 5:22 p.m.

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:30 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

Mayor Klein, Vice Mayor Hendricks and all Councilmembers attended via teleconference.

Study Session

- B** [21-0049](#) Cleanwater Program Update

Public Works Director Chip Taylor, Public Works Assistant Director Jennifer Ng and Assistant City Engineer Alison Boyer provided the staff report and presentation.

Public Comment opened at 6:29 p.m.

No speakers.

Public Comment closed at 6:29 p.m.

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:30 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 7:00 p.m. via teleconference.

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysia Cisneros
Councilmember Omar Din

Mayor Klein, Vice Mayor Hendricks and all Councilmembers attended via teleconference.

CLOSED SESSION REPORT

Vice Mayor Hendricks reported that Council met in Closed Session held pursuant to California Government Code Section 54956.9 (d)(1). CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION Name of Case: City of Sunnyvale, et al. v. Bosler (as Director), et al. (California Court of Appeal, Third Appellate District, Case No. C081589) with Councilmember Melton recused; nothing to report.

SPECIAL ORDER OF THE DAY

C [21-0341](#) Women's History Month

Mayor Klein read a proclamation in honor of Women's History Month.

Jim Reynolds, Sunnyvale Historical Society spoke towards the proclamation.

ORAL COMMUNICATIONS

Councilmember Cisneros announced details of the current recruitment for various Boards and Commissions.

City Manager Kent Steffens provided an update on the transition plan for the unhoused population at Fair Oaks Park, including up to six-month hotel accommodations, case management services, on-site security, transportation to a hotel, storage of bulky items, meals and toiletries.

Tara Martin-Milius spoke towards Council's support of creating an eco-innovation district in the Moffett Park Area.

Richard Mehlinger, Bicycle and Pedestrian Advisory Commission Chair urged Council to rank Study Issues DPW 21-03 and DPW 20-05. He communicated the Commission's ranking order and deferral of Study Issues.

John Cordes requested Council sponsor a budget issue to fund implementation of the Active Transportation Plan (ATP) and Vision Zero Plan (VZP). He voiced support for allocating \$5 million per year for the next five years towards implementation of the plans.

Tim Oey shared support for allocating \$5 million per year to fund implementation of the ATP and for Study Issue DPW 21-03.

Ari Feinsmith communicated support for Study Issue DPW 21-03 and for a budget issue to fund implementation of the ATP.

Alec Vandenberg voiced concerns with the timeline related to the transition plan of the unhoused population at Fair Oaks Park including minimal opportunity to communicate with the community about the plan. He also voiced opposition of an encampment sweep.

Hans Bernhardt shared support for Study Issues DPW 20-05 and DPW 21-03.

Leia Mehlman voiced support for Study Issues DPW 20-05 and DPW 21-03 and for allocating \$5 million per year to fund implementation of the ATP.

Alyssa shared concerns regarding the transition plan of the unhoused population at Fair Oaks Park including number of hotel rooms available, housing options beyond six-months and adequacy of case management services.

A member of the public communicated support for establishing a sanctioned encampment for the unhoused population as an alternative option to hotel accommodations, increasing the number of hotel rooms available and providing additional case management services.

Kristel Wickham communicated support for Study Issues DPW 20-05, DPW 21-03, ESD 17-01, CDD 19-07, DPW 19-11 and DPW 20-01 and for a budget issue to fund implementation of the ATP and VZP.

Helen Gettinger shared support for additional case management hours for the unhoused population at Fair Oaks Park and suggested the County of Santa Clara Office of Immigrant Relations be included in the transition plan.

Erik Lindskog voiced support for Study Issues DPW 21-03 and a budget issue to fund implementation of the ATP.

CONSENT CALENDAR

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to approve agenda items 1.A through 1.G.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

1.A [21-0018](#) Approve City Council Meeting Minutes of January 28, 2021
(Strategic Planning Workshop)

Approve the City Council Meeting Minutes of January 28, 2021 as submitted.

1.B [21-0180](#) Approve City Council Meeting Minutes of February 1, 2021

(Moffett Park Specific Plan Study Session)

Approve the City Council Meeting Minutes of February 1, 2021 as submitted.

1.C [21-0269](#) Approve City Council Meeting Minutes of February 2, 2021

Approve the City Council Meeting Minutes of February 2, 2021 as submitted.

1.D [21-0173](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Approve the list(s) of claims and bills.

1.E [21-0249](#) Adopt a Resolution Amending the City's Salary Resolution and
Schedule of Pay to Increase Salaries for Pay Plan Category A
(Communication Officers Association).

Adopt a Resolution amending the City's Salary Resolution and Schedule of Pay to
increase salaries for Pay Plan Category A (Communication Officers Association)
effective March 7, 2021.

1.F [21-0155](#) Approve the Fiscal Year 2021/22 Sustainability Speaker Series

Approve the FY 2021/22 Sustainability Speaker Series topics as proposed by the
Sustainability Commission, with the provision that the implementation of up to four
events will be contingent on speaker availability, staffing resources and available
budget. Staff has collaborated with the Subcommittee during the development of the
proposed Series and generally supports the topics selected.

1.G [21-0291](#) Approve NOVA as Adult and Dislocated Worker Career
Services Provider at Sunnyvale Job Center and Operator for
NOVA Workforce Development Area

Approve NOVA as the adult and dislocated worker career services provider at the
Sunnyvale Job Center and operator for the NOVA workforce development area.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [21-0081](#) Introduce an Ordinance Awarding an Exclusive Franchise to
Bay Counties Waste Services, Inc. for Collection of Solid
Waste, Recyclables, and Organic Materials; Authorize the
Mayor to Execute a Franchise Agreement; and Find that these
Actions are Exempt from CEQA Pursuant to CEQA Guidelines
Section 15301 and 15308

Environmental Service Director Ramana Chinnakotla provided the staff report and presentation.

Public Hearing opened at 8:55 p.m.

Marie Bernard, Executive Director, Sunnyvale Community Services communicated support for the agreement with Bay Counties Waste Services.

Richard Mehlinger voiced support for the agreement and spoke towards the delay on extending large item pick-ups to multi-family residences.

Jerry Nabhan, Operations Officer, Bay Counties Waste Services shared support for Option B.

Public Hearing closed at 9:01 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Fong seconded the motion to approve Alternative 1: introduce the Ordinance in Attachment 1 to the report awarding an exclusive franchise to Bay Counties Waste Services, Inc. for collection of solid waste, recyclables and organic materials; authorize the Mayor to execute the Draft Franchise Agreement in substantially the form in Attachment 2 to the report including "Option B" of Section 2.1 to provide for a term of fifteen years from July 1, 2021 to June 30, 2036, subject to a performance review in Year 6 by the City Manager or designee; and find that these actions are exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15301 and 15308.

City Clerk David Carnahan read the Ordinance title for the record.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

3 [21-0284](#) Discussion and Direction on Ordinance Establishing a Public Process for Redistricting

Deputy City Manager Jaqui Guzmán and Assistant City Attorney Melissa Tronquet provided the staff report.

Public Hearing opened at 9:12 p.m.

Elaine Manley, Co-President, League of Women Voters of Cupertino-Sunnyvale communicated support for a redistricting commission and the draft ordinance.

Galen Kim Davis, Sunnyvale Fair Districting (SFD) voiced support for the draft ordinance. He shared the group's recommendation to allow redistricting commission members the opportunity to serve on additional City boards, commissions or committees and to remove the registered voter requirement.

Helen Grieco, California Common Cause communicated support for SFD's recommendations regarding hosting and streaming public hearings, providing education on the mapping tools and offering informational materials in a variety of languages.

Tara Martin-Milius shared support for SFD's recommendations and concerns with the registered voter requirement.

Mike Serrone communicated support for SFD's recommendations and shared concerns with the ordinance's prohibitions related to conflict of interest, campaign contributions and serving on future commissions.

Linda Davis spoke towards her recommendations outlined in a letter to Council, including not limiting the commission to what is required by law.

Richard Mehlinger voiced support for the League of Women Voters' recommendations.

Public Hearing closed at 9:27 p.m.

MOTION: Councilmember Din moved and Councilmember Cisneros seconded the motion to remove the voter eligibility requirement from Section 2.30.030(c)3 "Required Qualifications of Applicants."

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to add a requirement that applicants must be a minimum of 18 years of age by the date of the city council election for which the new districts will be effective.

Councilmember Din accepted the friendly amendment.

The motion carried with the following vote:

Yes: 4 - Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 3 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson

MOTION: Councilmember Melton moved and Vice Mayor Hendricks seconded the motion to direct staff to draft language that contemplates:

- Identifying three to six Alternates during the recruitment process;
- Alternates would become a primary commissioner should a Commissioner be unable to serve for any reason, such as a resignation, moving out of the district, etc.;
- On a meeting by meeting basis, Alternates may serve during a meeting should a primary Commissioner be unable to attend;
- Authorize the Mayor to appoint Alternates to vacant commission seat(s); and
- After selection of Alternates, the Mayor will identify the order in which Alternates will be called upon to attend on a meeting by meeting basis should a Commissioner be unable to attend.

FRIENDLY AMENDMENT: Mayor Klein offered a friendly amendment that Alternates be prioritized in rank order and that order would be applied when Alternates are being assigned on a meeting by meeting basis. Councilmember Melton accepted the friendly amendment.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to hear Public Hearing/General Business Agenda Item 4.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Councilmember Melton

Council took a recess at 11:58 p.m. and reconvened at 12:10 a.m. with all Councilmembers present via teleconference.

4 [21-0061](#) Authorize the City Manager to Enter into an Agreement with Our City Forest for Planting Trees on Homeowner's Private Property and Approve Budget Modification No. 17

Public Works Director Chip Taylor provided the staff report.

Public Hearing opened at 12:20 a.m.

Denise DeLange indicated a desire to speak but was unable to provide public comment due to technical difficulties.

Public Hearing closed at 12:22 a.m.

MOTION: Councilmember Melton moved and Councilmember Fong seconded the motion to approve Alternative 1: authorize the City Manager to execute a Cooperative Services Agreement with Our City Forest to plant trees on homeowner private property and approve Budget Modification No. 17 in the Amount of \$15,000.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Vice Mayor Hendricks

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to hear Public Hearing/General Business Agenda Item 5 and to then adjourn the meeting.

The motion failed with the following vote:

Yes: 3 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson

No: 4 - Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

MOTION: Councilmember Fong moved and Councilmember Din seconded the motion to hear the remainder of the agenda items and continue Agenda Item 5 to a future Council meeting.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Vice Mayor Hendricks

- 5 [21-0244](#) Annual Review and Approval of City's Code of Ethics and Conduct for Elected and Appointed Officials

Agenda item not heard by Council.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

MOTION: Councilmember Fong moved to agendize for the March 16, 2021 Council meeting an update to the City's 2021 priority advocacy issues and long-term legislative advocacy positions (LAP) to add "Equity, Access and Inclusion" to the priority advocacy issues and LAP's.

City Manager Kent Steffens communicated that Council Policy allows for the Mayor to advocate on priority advocacy issues and LAP issues.

Councilmember Fong withdrew his motion.

MOTION: Councilmember Cisneros moved and Councilmember Din seconded the motion to agendize a discussion item regarding homelessness and the impact of the COVID-19 Pandemic in Sunnyvale.

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to schedule a study session to discuss homelessness and the impact of the COVID-19 Pandemic in Sunnyvale. Councilmember Cisneros accepted the friendly amendment.

The motion carried with the following vote:

- Yes:** 5 - Mayor Klein
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din
- No:** 2 - Vice Mayor Hendricks
Councilmember Larsson

-City Manager

City Manager Kent Steffens announced details of the upcoming Budget Issues and Study Issues Workshop.

INFORMATION ONLY REPORTS/ITEMS

- [21-0270](#) Tentative Council Meeting Agenda Calendar
- [21-0271](#) Board/Commission Meeting Minutes
- [21-0272](#) Information/Action Items
- [21-0282](#) Board/Commission Resignation (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 12:49 a.m.