



City of Sunnyvale

Meeting Minutes - Draft

City Council

Tuesday, August 10, 2021

6:30 PM

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

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

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

Call to Order

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020) and Section 42 of Executive Order N-08-21 (June 11, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 6:30 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.

Public Comment

Public Comment opened at 6:32 p.m.

No speakers.

Public Comment closed at 6:32 p.m.

Convene to Closed Session

A [21-0256](#) CONFERENCE WITH LEGAL COUNSEL-PENDING
LITIGATION Closed Session held pursuant to California

Government Code Section 54956.9 (d)(1). Name of Case:
Michael Laurent v. City of Sunnyvale, Santa Clara County
Superior Court, Case No. 19CV355846

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 6:58 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020) and Section 42 of Executive Order N-08-21 (June 11, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 7:01 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.

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: Michael Laurent v. City of Sunnyvale, Santa Clara County Superior Court, Case No. 19CV355846; nothing to report.

ORAL COMMUNICATIONS

Councilmember Larsson shared details of COVID-19 vaccination availability at the Sunnyvale Wednesday Night Music Series and availability via Santa Clara County. He announced that the school year is back in session and urged the public to slow

down and be alert when driving.

A member of the public spoke towards the LifeMoves program and shared support for expanding and extending the Fair Oaks Park hotel program.

Leticia inquired on the hotel placement process for the unhoused population.

Rose Gregorio spoke towards the hotel program and placement process.

Henry Alexander III voiced concerns regarding the homicide at a vacation rental in Sunnyvale. He inquired on the City's process related to vacation rentals, business licenses and enforcement of Ordinances.

Steve Scandalis communicated concerns related to vacation rentals, neighborhood crime and Department of Public Safety staffing levels.

Murali Srinivasan shared concerns regarding the shooting incident in the Raynor Park neighborhood. He voiced support for identifying solutions to prevent future incidents from occurring.

Mari voiced concerns regarding the homicide at a vacation rental and spoke towards the City's Ordinance related to short-term rentals.

CONSENT CALENDAR

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

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 [21-0764](#) Approve City Council Meeting Minutes of July 27, 2021

Approve the City Council Meeting Minutes of July 27, 2021 as submitted.

- 1.B** [21-0775](#) Adopt a Resolution Amending the Classification Plan and the City's Salary Resolution to Add the Classification of Business Systems Analyst and Update the Schedule of Pay

Adopt a Resolution amending the Classification Plan and the City's Salary Resolution to add the classification of Business Systems Analyst and update the Schedule of Pay effective August 22, 2021.

- 1.C** [21-0712](#) Award of Contract to Graham Contractors Inc. for Slurry Seal 2021 B and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW21-21)

Take the following actions:

- Make a finding of categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c);
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,216,926.72 to Graham Contractors Inc. of San Jose;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% Contingency in the amount of \$121,693.

- 1.D** [21-0655](#) Award of Two (2) Contracts to ECS Imaging, Inc. for Scanning Services and Implementation of Laserfiche Electronic Records Management System (F21-161)

Take the following actions:

- Award a contract in substantially the same form as Attachment 1 to the report in the not-to-exceed amount of \$646,100 to ECS Imaging, Inc. for 10 years of license subscription and maintenance and support;
- Award a contract in substantially the same form as Attachment 2 to the report in the not-to-exceed amount of \$466,879.45 to ECS Imaging, Inc, for scanning services;
- Authorize the City Manager to execute the contracts when all necessary conditions have been met; and
- Approve of a project contingency in the amount of \$46,688.

- 1.E** [21-0620](#) Award of Contract to Bortolussi & Watkin, Inc. in the Amount of \$2,060,615 for the Computer Radio Controlled Landscape Median Irrigation Project and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

(PW21-11) and Approve Budget Modification No. 3

Take the following actions:

- Make a finding of categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15302(c);
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$2,060,615 to Bortolussi & Watkin, Inc. of San Rafael;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Approve a 10% construction contingency in the amount of \$206,062;
- Approve modification of the scope of the project to include irrigation controllers in parks; and
- Approve Budget Modification No. 3 in the amount of \$91,302 and reallocate funding sources between the General Fund and Park Dedication Fund based on the scope of work.

- 1.F** [21-0756](#) Award of Contract to Ranger Pipelines Incorporated for the Water Pollution Control Plant Site Preparation Project (PW21-35); Authorization to Amend an Existing Contract with Carollo Engineers Inc. for Engineering Design and Construction Support (F21-075) and Accept the Addendum to the Previously Certified Program Environmental Impact Report for the Sunnyvale Water Pollution Control Plant Master Plan

Take the following actions:

- Award a construction contract, in substantially the same form as Attachment 2 to the report in the amount of \$27,475,000 to Ranger Pipelines Incorporated of San Francisco;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Approve a 10% construction contingency in the amount of \$2,747,500;
- Approve a second amendment to a Consultant Services Agreement in substantially the same form as Attachment 3 to the report to increase the contract amount for a new not-to-exceed amount of \$675,489.78 for Carollo Engineers Inc. of Walnut Creek;
- Authorize the City Manager to execute the second amendment to the Consultant Services Agreement, when all necessary conditions have been met;
- Approve a 10% contingency for consultant services in the amount of \$67,549; and
- Accept the addendum to the previously certified Program Environmental Impact Report for the Sunnyvale Water Pollution Control Plant Master Plan (SCH #2015062037) pursuant to California Environmental Quality Act Guidelines (CEQA)

Section 15164.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [21-0718](#) Direction Regarding Returning to In-Person Public City Council Meetings Along With Board and Commission Meetings and Consideration of Various Hybrid In-Person/Teleconference Public Meeting Options

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 8:23 p.m.

Richard Mehlinger, Chair, Livable Sunnyvale urged Council to adopt a hybrid meeting model that allows members of the public to continue to provide public comment remotely.

Tara Martin-Milius shared support for hybrid meetings that allow for remote participation.

Janette Brambila requested Council move forward with a hybrid meeting model that allows members of the public to participate remotely.

Mike Serrone, Board Member, Livable Sunnyvale communicated support for hybrid Council, board and commission meetings.

Gail Rubino voiced support for hybrid meetings and legislation that amends the Ralph M. Brown Act.

Kristel Wickham shared support for remote participation at Council and commission meetings.

Collen Hausler spoke towards communicating with State elected officials requesting to amend and modernize the Ralph M. Brown Act and communicated support for hybrid meetings.

Linda Sell voiced support for hybrid meetings and spoke towards public participation at commission meetings.

Public Hearing closed at 8:42 p.m.

Mayor Klein announced that the Public Hearing shall reopen at 8:52 p.m.

Valerie Soares communicated support for adopting a hybrid model for Council, board and commission meetings.

Public Hearing closed at 8:53 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the motion to direct staff to:

- To offer a hybrid model for members of the public;
- Find a way for Council, board, and commission members to participate remotely in hybrid meetings; and
- Implement the hybrid model at City Council meetings first followed by Planning Commission, then other board and commission meetings.

Mayor Klein clarified if the motion intended to include continuing offering remote access for City staff.

Vice Mayor Hendricks confirmed the motion intended to include continuing offering remote access for City staff.

Councilmember Larsson clarified if the motion intended to address virtual-only meetings as long as this model is allowable.

Vice Mayor Hendricks confirmed the motion intended to include continuing virtual-only meetings as long as this model is allowable.

RESTATED MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the motion to direct staff to:

- To offer a hybrid model for members of the public and staff;
- Find a way for Council, board, and commission members to participate remotely in hybrid meetings;
- Implement the hybrid model at City Council meetings first followed by Planning Commission, then other board and commission meetings; and
- Continuing virtual-only meetings as long as this model is allowable.

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

Council took a recess at 9:08 p.m. and reconvened at 9:15 p.m. with all Councilmembers present via teleconference.

- 3** [21-0499](#) Introduce an Ordinance Amending Section 2.28.030 of the Sunnyvale Municipal Code to Reduce the Number of Signatures Required for District Council Candidates Submitting In-Lieu Petitions for City-Paid Publication Costs of City Council Candidate Statements

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:18 p.m.

No speakers.

Public Hearing Closed at 9:18 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the motion to approve Alternative 1: Introduce an Ordinance amending Section 2.28.030 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code relating to in lieu petitions for cost of City Council candidate statements.

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

- 4** [21-0723](#) Consider a Long-term Advocacy Position (LAP) Related to Redistricting for Elective Offices Representing Sunnyvale Residents

Senior Management Analyst Michelle Zahraie provided the staff report.

Public Hearing opened at 9:42 p.m.

Gail Rubino shared support for Sunnyvale remaining in two county districts and one congressional district.

Mike Serrone voiced support for Sunnyvale remaining in one congressional district and move to one county district.

Martin Pyne spoke towards a single representative at the county level and communicated support for ensuring that Sunnyvale remain in one congressional district.

Public Hearing Closed at 9:51 p.m.

MOTION: Councilmember Melton moved and Councilmember Fong seconded the motion to approve Alternative 1: Adopt a new Long-term Advocacy Position (LAP) as presented:

“Advocate for Sunnyvale’s communities of interest during the county, state, special districts and other local public agencies, and congressional redistricting process to support efforts that encourage one Legislative representative for each elective office that represents the residents of Sunnyvale.”

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 Fong seconded the motion to advocate for Sunnyvale to remain in one congressional district under the LAP adopted during this agenda item.

FRIENDLY AMENDMENT: Mayor Klein offered a friendly amendment to include in the motion that Sunnyvale remain in a majority-minority district. Vice Mayor Hendricks and Councilmember Fong accepted the friendly amendment.

The amended 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: Councilmember Melton moved and Councilmember Din seconded the motion to advocate for Sunnyvale to be within one county supervisorial district under the LAP adopted during this agenda item.

The motion failed with the following vote:

Yes: 2 - Councilmember Melton
Councilmember Din

No: 5 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Fong
Councilmember Cisneros

MOTION: Vice Mayor Hendricks moved and Councilmember Fong seconded the motion to advocate for Sunnyvale to remain within two county supervisorial districts.

MOTION TO RECONSIDER: Councilmember Larsson moved and Vice Mayor Hendricks seconded the motion to reconsider the earlier motion approving Alternative 1: Adopt a new long-term advocacy position as presented:
“Advocate for Sunnyvale’s communities of interest during the county, state, special districts and other local public agencies, and congressional redistricting process to support efforts that encourage one Legislative representative for each elective office that represents the residents of Sunnyvale.”

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

MOTION: Vice Mayor Hendricks moved and Mayor Klein seconded the motion to approve Alternative 1: Adopt a new long-term advocacy position as presented:
“Advocate for Sunnyvale’s communities of interest during the county, state, special districts and other local public agencies, and congressional redistricting process to support efforts that encourage one Legislative representative for each elective office that represents the residents of Sunnyvale,” with the following modifications:
- Exempt the county Board of Supervisors from the new long-term advocacy position that encourages one legislative representative; and
- Encourage Sunnyvale remain within two county supervisorial districts.

The motion carried with the following vote:

Yes: 5 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Fong
Councilmember Cisneros

No: 2 - Councilmember Melton
Councilmember Din

MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the motion to advocate that the City of San José be represented by a number of county supervisorial districts aligning with their population within the County and that San José be included in no more than three (3) county supervisorial districts.

City Attorney John Nagel noted that the August 10 Council meeting agenda did not identify a discussion regarding San José's representation would be heard and advised that a vote not be administered.

No action taken on this motion.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

MOTION: Councilmember Fong moved and Councilmember Din seconded the motion to schedule a 90-minute Council Study Session for September 14 to provide Council with an opportunity to look at potential changes to the short-term rental ordinance and request Council guidance on the subject matter. The Study Session would take place following the currently scheduled Study Session related to Council Colleague Memorandums.

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

Councilmember Melton inquired if the Mayor is permitted to advocate for extending Governor's Executive Order N 08-21 under Long-term Advocacy Position (LAP) 7.0 F (7) regarding modernizing the Ralph M. Brown Act.

City Manager Kent Steffens announced that LAP 7.0 F (7) does not cover advocacy with the Governor.

MOTION: Councilmember Din moved and Councilmember Melton seconded the motion to agendize a Consent Calendar item for the next Council meeting to adopt a long-term advocacy position that urges the Governor to extend Executive Orders N-29-20 and N-08-21.

FRIENDLY AMENDMENT: Councilmember Melton offered a friendly amendment to limit the motion to Order N-29-20.

City Clerk David Carnahan clarified that the Executive Order needing to be extended is N-08-21. He also clarified that the intention may be to agendize the item for the next Regular Council Meeting on August 31 as opposed to the Special Council Meeting scheduled for August 17.

RESTATED MOTION: Councilmember Din moved and Councilmember Melton seconded the motion to agendize a Consent Calendar item for the next Regular Council meeting to adopt a long-term advocacy position that urges the Governor to extend Executive Order N-08-21.

The amended 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

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[21-0766](#)

Tentative Council Meeting Agenda Calendar

- [21-0767](#) Board/Commission Meeting Minutes
- [21-0768](#) Information/Action Items
- [21-0789](#) Board/Commission Resignation (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:52 p.m.