



# City of Sunnyvale

## Meeting Minutes - Final City Council

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Tuesday, September 12, 2017

5:00 PM

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

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

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

Vice Mayor Larsson announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

#### **1 Call to Order in the West Conference Room**

Vice Mayor Larsson called the meeting to order at 5 p.m.

#### **2 Roll Call**

Present: 6 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton

Absent: 1 - Councilmember Michael S. Goldman

#### **3 Public Comment**

No speakers.

#### **4 Convene to Closed Session**

[17-0469](#) Closed Session held pursuant to California Government Code  
Section 54957: PUBLIC EMPLOYEE APPOINTMENT  
Title: Interim City Manager

#### **5 Adjourn Special Meeting**

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

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

Vice Mayor Larsson called the meeting to order at 5:30 p.m.

**2 Roll Call**

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

Councilmember Goldman arrived at 5:31 p.m.

**3 Public Comment****4 Study Session**

[17-0094](#) Review and Provide Feedback on Preliminary Civic Center  
Master Plan Concepts

**5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 6:55 p.m.

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

Mayor Hendricks called the meeting to order.

**SALUTE TO THE FLAG**

Mayor Hendricks led the salute to the flag.

**ROLL CALL**

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

### **CLOSED SESSION REPORT**

Vice Mayor Larsson reported the Council met in closed session on Monday, September 11, 2017 pursuant to California Government Code Section 54957: Public Employee Appointment; Title: Interim City Manager; nothing to report.

Vice Mayor Larsson reported the Council met in closed session on Tuesday, September 12 pursuant to California Government Code Section 54957: Public Employee Appointment; Title: Interim City Manager; the City Council has conditionally appointed Kent Steffens as Interim City Manager conditioned on reaching agreement regarding compensation and benefits; the vote was unanimous with Councilmember Goldman absent.

### **SPECIAL ORDER OF THE DAY**

[17-0483](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office  
for Board and Commission Members

City Clerk Kathleen Franco Simmons administered the Oath of Office to newly appointed Board and Commission members.

### **PRESENTATION**

[17-0701](#) PRESENTATION - California Stormwater Quality Association  
(CASQA) Award Presentation for Schools Goin' Green  
Program

Jill Bicknell, Chair of the California Stormwater Quality Association, presented an award for Outstanding News, Information, Outreach, and Media Project for the City's Schools Goin' Green project to Jackie Davison, Environmental Services Department and members of the Schools Goin' Green team.

### **ORAL COMMUNICATIONS**

Mayor Hendricks announced Specialty Solid Waste & Recycling will begin delivering new food scraps carts to single-family homes and mobile home parks

during an eight-week citywide rollout.

Denise McGee expressed concerns regarding the Apple development at Arques and Wolfe and requested information regarding the contributions Apple makes to the Sunnyvale community.

Greg Popovich, Goldbar Builders, spoke regarding teacher retention and affordable housing, and requested reconsideration of lot sizes for construction of accessory dwelling units.

John Cordes, Chair of the Bicycle and Pedestrian Advisory Commission speaking for himself, commended Mayor Hendricks for rappelling off the Adobe building as Spiderman to raise awareness for the work of the Downtown Streets Team.

### **CONSENT CALENDAR**

Mayor Hendricks announced a member of the public requested to pull Item 1.A from the Consent Calendar.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to Approve the Consent Calendar Items 1.B through 1.O.

The motion carried by the following vote:

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

**No:** 0

**1.A**     [17-0792](#)     Approve City Council Meeting Minutes of August 15, 2017

Public Comment opened at 7:22 p.m.

Zachary Kaufman stated comments he made at the meeting should have been included in the minutes.

Public Comment closed at 7:23 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Melton seconded the motion to approve the City Council Meeting Minutes of August 15, 2017 as submitted.

The motion carried by the following vote:

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

**No:** 0

**1.B**     [17-0794](#)     Approve City Council Meeting Minutes of August 22, 2017  
Approve the City Council Meeting Minutes of August 22, 2017 as submitted.

**1.C**     [17-0625](#)     Approve City Council Special Meeting Minutes of August 29,  
2017  
Approve the City Council Special Meeting Minutes of August 29, 2017 as submitted.

**1.D**     [17-0846](#)     Approve City Council Special Meeting Minutes of September 1,  
2017  
Approve the City Council Special Meeting Minutes of September 1, 2017 as  
submitted.

**1.E**     [17-0184](#)     Approve the List(s) of Claims and Bills Approved for Payment  
by the City Manager  
Approve the list(s) of claims and bills.

**1.F**     [17-0567](#)     Award of Contract for Professional Design Services of the  
Administration and Laboratory Building at the Water Pollution  
Control Plant F17-095

1) Award a contract in substantially the same form as Attachment 1 to the report in an amount not to exceed \$2,390,956 for Professional Design Services Associated with the construction of a new Administration and Laboratory Building at the Water Pollution Control Plant and authorize the City Manager to execute the contract when

all necessary conditions have been met; and 2) approve a 10% contract contingency in the amount of \$239,096.

- 1.G**      [17-0749](#)      Approve Road Maintenance and Rehabilitation Projects for the Road Repair and Accountability Act of 2017 - Local Streets and Roads Funding Program and Approve Budget Modification No. 11

Approve Road Maintenance and Rehabilitation Proposed Projects List for the Road Repair and Accountability Act of 2017 - Local Streets and Roads Funding Program and Approve Budget Modification No. 11 in the amount of \$838,000.

- 1.H**      [17-0759](#)      First Amendment to Agreement Between City of Sunnyvale and Sunnyvale School District for the Operation of Columbia Neighborhood Center at the Columbia Middle School Site

Approve the First Amendment to Agreement Between City of Sunnyvale and Sunnyvale School District for the Operation of Columbia Neighborhood Center at the Columbia Middle School Site and authorize the City Manager to execute the First Amendment when all necessary conditions have been met.

- 1.I**      [17-0760](#)      Authorize the City Manager to Execute an Agreement with Santa Clara County for the Design and Construction of West Bound Auxiliary Lanes on Central Expressway between Commercial Avenue and Wolfe Road for an amount not to exceed \$1,148,461 and Approve Budget Modification No. 7

Authorize the City Manager to Execute an Agreement with the Santa Clara County for the Design and Construction of West Bound Auxiliary Lanes on Central Expressway between Commercial Avenue and Wolfe Road for an amount not to exceed \$1,148,461 and Approve Budget Modification No. 7 in the amount of \$1,148,461.

- 1.J**      [17-0860](#)      Approve Bay-Peninsula Regional Strategic Workforce Development Plan

Approve the Bay-Peninsula Regional Strategic Workforce Development Plan.

- 1.K**      [17-0787](#)      Approve City Position on Proposed League of California Cities' 2017 Annual Conference Resolutions

Approve a support position for the proposed Resolution #2, Local Control for Emergency Medical Response, while taking no position for the proposed Resolution

#1, Implement Strategies to Reduce Negative Impacts of Recent Changes to Criminal Laws, and authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted positions.

**1.L**      [17-0797](#)      Award of Bid No. PW17-36 for Orchard Heritage Park Re-Bid, Determination of Bid Non-responsiveness, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 10 to provide \$815,631 in Additional Funding

1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15302(b) for replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity; 2) Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,351,328 to Redwood Engineering Construction and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) Approve a 10% construction contingency in the amount of \$135,132; 4) Determine the Gonsalves & Stronck Construction Company, Inc. bid non responsive; and 5) Approve Budget Modification No. 10 in the amount of \$815,631 to provide additional project funding.

**1.M**      [17-0834](#)      Approve the Second Amendment to Outside Counsel Agreement with Rankin Stock Heaberlin for Litigation Services in the case of Mollins vs. Sunnyvale

Authorize the City Attorney to execute a Second Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Rankin Stock Heaberlin, to extend the term of the Agreement until June 30, 2018, and to increase the not-to-exceed amount by \$52,000, for a new not-to-exceed contract amount of \$142,000.

**1.N**      [17-0848](#)      Approve Contract with County of San Mateo for Disaster-Related Employment Services

Approve the award of a contract in an amount not to exceed \$284,000 to the County of San Mateo to provide services related to NOVA's disaster-related employment project through September 30, 2018 and authorize the City Manager to execute the contract when all necessary conditions have been met.

**1.O**      [17-0769](#)      Reject Bids Received in Response to RFQ #F17-013 for Printed Community Activity Guides

Reject all bids received in response to RFQ #F17-013 for printed community Activity

Guides.

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2      [17-0821](#)      Split Zoning: Introduce an Ordinance to Add Section 19.16.025 (Split-Zoned Parcels) of Chapter 19.16 (Precise Zoning Plans - Zoning Districts-Zoning Maps) to the Sunnyvale Municipal Code, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3)

Planning Officer Andy Miner provided the staff report and a PowerPoint presentation. City Attorney John Nagel, Director of Community Development Trudi Ryan and City Manager Deanna Santana provided additional information.

Public Hearing opened at 7:47 p.m.

Scott McIntosh spoke in support of the proposed ordinance to allow split-zoning.

Shian Lee provided comments regarding using split-zoning as a tool.

Andrea Georgelos spoke in support of the proposed ordinance to allow split-zoning.

Public Hearing closed at 7:52 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternative 1: Introduce an Ordinance to Add Section 19.16.025 (Split Zoned Parcels) of Chapter 19.16 (Precise Zoning Plans Zoning Districts Zoning Maps) to the Sunnyvale Municipal Code, and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3).

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:



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

**No: 0**

- 3**      [17-0847](#)      Single-Story Combining District Buffer Study: Introduce an Ordinance to Rezone a 50-foot wide area along the rear (eastern) property lines of 696 Sheraton Drive (APN 202-09-020), 1158 Hollenbeck Avenue (APN 202-09-019), and 1160 Hollenbeck Avenue (APN 202-09-018), and a 20-foot wide area along the side (southern) property line of 1160 Hollenbeck Avenue (APN 202-09-018) from Low Density Residential Zoning District (R-1) to Low Density Residential Zoning District/Single-Story Combining District (R-1/S), and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3)

Planning Officer Andy Miner provided the staff report and a PowerPoint presentation. City Attorney John Nagel provided additional information.

Public Hearing opened at 8:27 p.m.

Roger Teter spoke in support of the recommendation and provided a PowerPoint presentation.

Andrea Georgelos spoke in opposition to the proposal, citing unfair and unequal setbacks among the neighbors. Georgelos requested Council impose something that is fair and equitable and requested for her buffer to be 50 feet, and if not, everyone should get the same 20-foot buffer.

Walter Huber spoke regarding single-story combining districts.

Scott McIntosh spoke in support of single-story combining districts but stated they should be applied to everyone in the district, with a buffer zone.

Laurie Ferioli provided comments and submitted a letter signed by neighbors in

agreement with R-1 zoning.

Shian Lee requested all property owners be treated equally and provided a PowerPoint presentation.

Gabriela Zuniga stated that the graph shown is incorrect; no one on the block signed a petition in support of split-zoning. Zuniga stated that all neighbors should be treated the same, fairly, and have the same 50-foot buffer zone, or revert to R-1 zoning.

Stephen Meier spoke in support of the single-story combining district and provided comments regarding comments made by members of the Planning Commission.

Public Hearing closed at 8:52 p.m.

MOTION: Mayor Hendricks moved and Councilmember Klein seconded the motion to introduce an ordinance to 1) Rezone 50 feet of the rear properties at 696 Sheraton Drive, 1158 Hollenbeck Avenue and 1160 Hollenbeck Avenue adjoining 675, 679, 683, and 682 Tiffany Court from Low Density Residential Zoning District (R-1) to Low Density Residential Zoning District/Single Story Combining District (R-1/S); 3) Rezone 50 feet of the side properties of 1160 Hollenbeck Avenue adjoining 689, 695, and 699 Torrington Drive from Low Density Residential Zoning District (R-1) to Low Density Residential Zoning District/Single Story Combining District (R-1/S); and 6) Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15305 and Section 15061(b)(3).

FRIENDLY AMENDMENT: Vice Mayor Larsson offered a friendly amendment to change both of the 50-foot setbacks to 40-foot setbacks.  
Mayor Hendricks declined to accept the friendly amendment.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion failed by the following vote:

**Yes:** 2 - Mayor Hendricks  
Councilmember Klein

**No: 5 -** Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

MOTION: Councilmember Melton moved and Vice Mayor Larsson seconded the motion to approve staff recommendation Alternatives 1, 3 and 6: 1) Rezone 50 feet of the rear properties at 696 Sheraton Drive, 1158 Hollenbeck Avenue and 1160 Hollenbeck Avenue adjoining 675, 679, 683, and 682 Tiffany Court from Low Density Residential Zoning District (R-1) to Low Density Residential Zoning District/Single-Story Combining District (R-1/S); 3) Rezone 20 feet of the side property of 1160 Hollenbeck Avenue adjoining 689, 695, and 699 Torrington Drive from Low Density Residential Zoning District (R-1) to Low Density Residential Zoning District/Single-Story Combining District (R-1/S); and 6) Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15305 and Section 15061(b)(3).

FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment to direct the Mayor not to sign the ordinance for Item 3 until after signing the ordinance for Item 2.

Councilmember Melton accepted the friendly amendment.

Councilmember Klein clarified that the motion includes introducing an ordinance.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to amend the motion to 40-foot in back and 40-foot on the side setbacks.

Councilmember Melton declined to accept the friendly amendment.

FORMAL AMENDMENT: Mayor Hendricks moved and Councilmember Klein seconded to amend the motion to 40-foot back and 40-foot side setbacks.

The motion to amend carried by the following vote:

**Yes: 5 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Klein  
Councilmember Smith  
Councilmember Goldman

**No: 2 -** Councilmember Griffith  
Councilmember Melton

City Clerk Kathleen Franco Simmons read the ordinance title.

The main motion as amended carried by the following vote:

**Yes: 5 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Klein  
Councilmember Smith  
Councilmember Goldman

**No: 2 -** Councilmember Griffith  
Councilmember Melton

MOTION: Councilmember Smith moved to reconsider Item 2.  
The motion died due to lack of a second.

**4**      [17-0796](#)      Endorse the Slate of Candidates for the League of California  
Cities Peninsula Division 2017-2018 Election of Officers

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 9:33 p.m.  
No speakers.  
Public Hearing closed at 9:33 p.m.

MOTION: Councilmember Smith moved and Councilmember Klein seconded the motion to approve Alternative 1: Endorse the slate of candidates for the Peninsula Division Executive Committee for 2017-2018:

- a. President: Emily Lo, Council Member, Saratoga
- b. Vice President: Larry Moody, Councilmember, East Palo Alto
- c. Treasurer: Shelly Masur, Councilmember, Redwood City
- d. Secretary: Charles Stone, Councilmember, Belmont
- e. Board Director (Two-Year Term): Liz Kniss, Councilmember, Palo Alto
- f. Legislative Action Committee Co-Chair, Santa Clara: Cory Wolbach, Councilmember, Palo Alto
- g. Legislative Action Committee Co-Chair, San Mateo: Kirsten Keith, Councilmember, Menlo Park
- h. Past President: Alicia Aguirre, Councilmember, Redwood City

At-Large - Vote for One Candidate for Each County:

- i. San Mateo County: Emily Beach, Councilmember, Burlingame
- j. Santa Clara County: Marico Sayoc, Councilmember, Los Gatos

The motion carried by the following vote:

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

**No:** 0

Council recessed at 9:35 p.m.

Council reconvened at 9:45 p.m. with all Councilmembers present.

- 5**      [17-0871](#)      Amend the Salary Schedule to Adopt New Salary Range for the City Manager Classification

Director of Human Resources Teri Silva provided the staff report.

MOTION: Councilmember Smith moved to take Item 6 before Item 5.

The motion died due to lack of a second.

Public Hearing opened at 10:02 p.m.

No speakers.

Public Hearing closed at 10:02 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Adopt a resolution amending the City's Salary Resolution by amending the Salary Schedule to increase the salary range for the City Manager classification.

The motion carried by the following vote:

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

**No: 0**

- 6**      [17-0872](#)      Amend the Salary Resolution to Revise Merit Increase Provisions, Add a Severance Provision and Amend the Salary Schedule to Adopt New Salary Ranges for Unclassified Department Directors (Pay Plan Category F)

City Manager Deanna Santana provided the staff report and noted a correction to the citation in the report regarding the source of the salary cap for the Director of Employment Development; the correct citation is the Employment and Training Administration of the U.S. Department of Labor. Santana stated she wants to bring back an action item on September 26 for the Director of Employment Development that works within the grant development parameters. Director of Finance Tim Kirby provided additional information.

Public Hearing opened at 10:22 p.m.

No speakers.

Public Hearing closed at 10:22 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Adopt a resolution amending the Salary Resolution to revise merit increase provisions, add severance provisions, and amend the salary schedule for unclassified department directors (Pay Plan Category F).

The motion carried by the following vote:

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

No: 0

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Melton reported Mayor Hendricks signed a letter to the U.S. Navy expressing strong opposition to the Navy's proposal to adjourn the Moffett Restoration Advisory Board and that a formal decision has not been made.

Councilmember Smith reported her attendance at the last meeting of the CalMod Local Policy Maker Group and an invitation to the members to participate in a subcommittee meeting to provide input on the Caltrain budget process.

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

Vice Mayor Larsson reported Sunnyvale received an award for being an early adopter of the Transform Greentrip online tool and presented the award to Mayor Hendricks.

Councilmember Melton thanked staff for the revised concept on the Washington Swim Center provided as an information only item.

**-City Manager**

City Manager Santana announced the City of San Jose Transportation and Environment Committee approved the establishment of an ad hoc committee to address issues related to noise mitigation and noise impacts originating out of the San Jose airport.

City Manager Santana announced she was appointed to the Silicon Valley Leadership Group Foundation Board.

**INFORMATION ONLY REPORTS/ITEMS**

<a href="#">17-0795</a>	Tentative Council Meeting Agenda Calendar
<a href="#">17-0714</a>	Information/Action Items
<a href="#">17-0783</a>	Washington Community Swim Center Update (Information Only)
<a href="#">17-0597</a>	Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Hendricks closed the meeting in honor of former Mayor Richard D. Hayden.

Mayor Hendricks adjourned the meeting at 10:32 p.m.