



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, September 26, 2017

5:45 PM

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

Special Meeting: Closed Session- 5:45 PM | Regular Meeting- 7 PM

5:45 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 5:47 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 Griffith arrived at 5:48 p.m. When Vice Mayor Larsson announced the second Closed Session item, Councilmember Griffith announced his recusal and left the Closed Session. The basis for his recusal was not the Political Reform Act, but that he elected to recuse himself as one of the bidders is a competitor of his employer.

3 Public Comment

No speakers.

4 Convene to Closed Session

[17-0941](#)

Closed Session held pursuant to California Government Code

Section 54956.9: CONFERENCE WITH LEGAL
COUNSEL-EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Virginia Duncan, et al vs. Xavier Becerra, US

Court of Appeals for the Ninth Circuit, Case No. 17-56081

City as Amicus Curiae in support of Defendant-Appellant

[17-0864](#)

Closed Session held pursuant to California Government Code

Section 54956.8: CONFERENCE WITH REAL PROPERTY
NEGOTIATORS

Property: 1050 Innovation Way and 1060 Innovation Way,
Sunnyvale (a portion of the former Onizuka Air Force Station)

Agency negotiator: Deanna J. Santana, City Manager; Manuel
Pineda, Director of Public Works

Negotiating parties: Four Corner Properties, Google, Inc.,
Grupo SEB DBA Concept Silicon Valley LLC and Jay Paul
Company

Under negotiation: Price and Terms of Payment

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 7:04 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 pursuant to California Government Code Section 54956.9: Conference with Legal Counsel Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9); Name of case: Virginia Duncan, et al vs. Xavier Becerra, US Court of Appeals for the Ninth Circuit, Case No. 17-56081 City as Amicus Curiae in support of Defendant Appellant; Council voted to authorize the City Attorney's office to join San Francisco in an Amicus Curiae brief in support of Xavier Becerra in his official capacity as Attorney General of the State of California in a challenge to Penal Code Section 32310 State ban on magazines holding more than 10 rounds, which was adopted by the passage of California Proposition 63 on November 8, 2016. The vote was six yes votes by Larsson, Klein, Goldman, Smith, Melton and Griffith; one no vote by Mayor Hendricks.

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54956.8: Conference with Real Property Negotiators; Property: 1050 Innovation Way and 1060 Innovation Way, Sunnyvale (a portion of the former Onizuka Air Force Station); Agency negotiator: Deanna J. Santana, City Manager; Manuel Pineda, Director of Public Works; Negotiating parties: Four Corner Properties, Google, Inc., Grupo SEB DBA Concept Silicon Valley LLC and Jay Paul Company; Under negotiation: Price and Terms of Payment; Councilmember Griffith was recused; nothing to report.

SPECIAL ORDER OF THE DAY

[17-0940](#)

SPECIAL ORDER OF THE DAY - Certificate of Recognition to City Manager

Mayor Hendricks presented a certificate to Deanna J. Santana in recognition of her service to the City.

ORAL COMMUNICATIONS

Siva Sivakumar spoke regarding traffic and pedestrian safety concerns at Bobwhite, Manet and Fremont Avenue.

Anthony Castillo spoke regarding the need to replace or repair street lights in the SNAIL neighborhood.

Janet Hamma expressed concerns regarding the increasing number of hotels in Sunnyvale.

Cindy Hart spoke regarding traffic and pedestrian safety on E. Fremont Avenue from Sunnyvale-Saratoga Road to Wolfe Road.

Andrew Boone spoke regarding the time limit for public comment, expressed appreciation for the increase in minimum wage to \$15 and consideration for increasing it to \$20, and spoke regarding the Lawrence Expressway grade separation project.

Scott Lane, member of the Metropolitan Transportation Commission Policy Advisory Council speaking for himself, spoke regarding the Lawrence Expressway grade separation project.

CONSENT CALENDAR

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the Consent Calendar.

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 [17-0680](#) Approve City Council Special Meeting Minutes of September 11, 2017

Approve the City Council Meeting Minutes of September 11, 2017 as submitted.

1.B [17-0842](#) Approve City Council Meeting Minutes of September 12, 2017
Approve the City Council Meeting Minutes of September 12, 2017 as submitted.

1.C [17-0186](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.D [17-0873](#) Authorize Amending an Existing Contract for Energy-Efficient

Light Emitting Diode (LED) (F18-029) and Approval of Budget
Modification No. 15

1) Authorize the City Manager to execute the First Amendment to an existing contract with Tanko Lighting Inc. increasing the contract amount by \$ 426,429, from \$2,172,293 to \$2,598,722 to deploy the Adaptive Streetlighting Control System simultaneously with the energy-efficient streetlight conversion in the City of Sunnyvale and 2) Approve Budget Modification No 15 in the net amount of \$146,199.

1.E [17-0880](#) Award a Contract to Provide a Colocation Facility for City Data
Centers (F17-104)

1) Award a five year contract in the amount of \$2,837,303 to Zayo Group LLC to provide a colocation facility, in substantially the same form as Attachment 1 to the report and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) approve an 8% contract contingency in the amount of \$226,984; and 3) delegate authority to the City Manager to award a contract for four additional one-year periods provided pricing and service remain acceptable to the City.

1.F [17-0828](#) Award a Contract for an Archiving, eDiscovery and Virtual
Phone Numbers Solution (F17-131)

1) Award a contract in the amount of \$479,890 to Smarsh, Inc. to implement an archiving, eDiscovery and virtual phone numbers solution, in substantially the same form as Attachment 1 to the report and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) approve a 15% contract contingency in the amount of \$71,984; and 3) delegate authority to the City Manager to renew the contract for additional one-year periods, not-to-exceed budgeted amounts, provided pricing and service remain acceptable to the City.

1.G [17-0931](#) Amend the Salary Resolution to Increase the Automobile
Allowance for the Director of Employment Development

Adopt a resolution amending the Salary Resolution to increase the automobile allowance for the Director of Employment Development.

1.H [17-0928](#) Adopt Ordinance No. 3123-17 to add Section 19.16.025 of
Title 19 (Zoning) of the Sunnyvale Municipal Code relating to
Split-Zone Parcels

Adopt Ordinance No. 3123-17.

- 1.I [17-0929](#) Adopt Ordinance No. 3124-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone a portion of each of the three properties located at 696 Sheraton Drive, 1158 Hollenbeck Avenue, and 1160 Hollenbeck Avenue from R-1 (Low Density Residential) Zoning District to R-1/S (Low Density Residential/Single-Story Combining) Zoning District

Adopt Ordinance No. 3124-17.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [17-0819](#) Proposed Project: WITHDRAWAL OF APPEAL by the adjacent property owner (550 W. El Camino Real) of a decision by the Planning Commission to approve a SPECIAL DEVELOPMENT PERMIT to redevelop a vacated 0.55-acre site with an existing 2,675-square foot commercial building to a five-story hotel with 85 guest rooms and underground parking.
File #: 2014-7659
Location: 590 W. El Camino Real (APNs: 201-22-006)

Director of Community Development Trudi Ryan provided a brief report.

Public Hearing opened at 7:33 p.m.

No speakers.

Public Hearing closed at 7:33 p.m.

- 3 [17-0757](#) Introduce an Ordinance to Amend Chapter 9.86 the Sunnyvale Municipal Code and Various Sections of Title 19 to Update the Existing Prohibition Against Commercial Marijuana Activity in the City to Expressly Include Non-Medical Marijuana, to Reasonably Regulate Indoor Personal Cultivation of Marijuana Consistent with State Law, and to Prohibit Outdoor Personal Cultivation of Marijuana (Exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) and 15305)

Deputy Chief of Public Safety Carl Rushmeyer provided the staff report and a PowerPoint presentation.

Public Hearing opened at 7:38 p.m.

Andrew Boone spoke in opposition to a total ban on activity associated with marijuana.

Scott Lane spoke regarding the regulation of recreational and medical marijuana and in support of a temporary ban.

Public Hearing closed at 7:45 p.m.

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Find that the activity is exempt from environmental review pursuant to California Environmental Quality Act Guidelines sections 15061 (b)(3) and 15305, and introduce an ordinance to Amend Chapter 9.86 the Sunnyvale Municipal Code and Various Sections of Title 19 to Update the Existing Prohibition Against Commercial Marijuana Activity in the City to Expressly Include Non Medical Marijuana, to Reasonably Regulate Indoor Personal Cultivation of Marijuana Consistent with State Law, and to Prohibit Outdoor Personal Cultivation of Marijuana.

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

4 [17-0493](#) Resolution to Adopt Updated Emergency Operations Plan

Lieutenant Ryan Yin, Department of Public Safety Office of Emergency Services, provided the staff report and a PowerPoint presentation. Director of Public Safety Phan Ngo provided additional information.

Public Hearing opened at 8:02 p.m.

No speakers.

Public Hearing closed at 8:02 p.m.

MOTION: Councilmember Smith moved and Councilmember Klein seconded the motion to approve Alternative 1: Adopt by resolution the City of Sunnyvale

Emergency Operations Plan Updated 2017.

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

- 5** [17-0729](#) Award of Bid No. PW17-31 for the Golf Buildings Renovations Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approve Budget Modification No. 6 in the Amount of \$113,121

Director of Finance Tim Kirby provided the staff report. Director of Public Works Manuel Pineda provided additional information.

Public Hearing opened at 8:11 p.m.

No speakers.

Public Hearing closed at 8:11 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Smith seconded the motion to approve Alternatives 1, 2, 3, and 4: 1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for the maintenance or repair of existing facilities involving negligible or no expansion of use beyond which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report in the amount of \$674,000 to CWS Construction Group, Inc. for Golf Buildings Renovations Project (PW17-31) at the Sunnyvale Golf Course and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 15% construction contingency in the amount of \$101,100; and 4) approve Budget Modification No. 6 in the amount of \$113,121 with funding from the Park Dedication Fund.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Goldman

No: 1 - Councilmember Melton

- 6** [17-0843](#) Reject Two Offers for the City-Owned Property Located at
1484 Kifer Road (Unilever) and Approve Budget Modification
No. 12

Director of Public Works Manuel Pineda provided the staff report. City Attorney John Nagel and Director of Community Development Trudi Ryan provided additional information.

Public Hearing opened at 8:30 p.m.

Mark Pilarczyk, Fore Property Company, spoke regarding density, zoning and affordable housing.

John Cordes, Chair of the Bicycle and Pedestrian Advisory Commission speaking for himself, encouraged Council to consider rezoning the property to high density residential and spoke in support of accepting the ROEM bid.

Stephen Emami, ROEM Development, spoke in support of accepting the ROEM offer.

Public Hearing closed at 8:37 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternatives 1 and 5: 1) Reject the offers from Fore Property Company and ROEM Development; 5) Approve Budget Modification No. 12 in the amount of \$80,000.

The motion carried by the following vote:

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

No: 1 - Councilmember Goldman

- 7 [17-0668](#) Direction on Potential Charter Amendments to Revise Sections 604 (Filling Vacancies in Council Seats) and 606 (Designation of Vice Mayor) (Study Issue)

City Clerk Kathleen Franco Simmons provided the staff report. City Attorney John Nagel provided additional information.

Public Hearing opened at 9:21 p.m.

Steve Scandalis spoke in support of the current City Charter language.

Public Hearing closed at 9:25 p.m.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to approve Alternative 1) Provide direction to staff on the Council's preferred method for filling council vacancies and to draft amendments to Charter section 606 for consideration by Council; and

- a) Return to Council with draft alternatives for selection prior to June 2018; and
- b) Return to Council in June 2018 with resolution(s) to call an election to submit a ballot measure to the voters November 6, 2018; and

Alternative 2: Create an ad hoc Charter Review Committee to analyze and propose alternatives for amending Charter sections 604, and provide direction on the structure and scope of that commission;

- a) Direct staff to return to Council with draft alternatives for selection prior to June 2018; and
- b) Direct staff to return to Council in June 2018 with resolution(s) to call an election to submit a ballot measure to the voters November 6, 2018.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to get the language out of the Charter Review Committee much sooner than June. Councilmember Griffith suggested that an ad hoc Charter Review Committee be created with the structure targeting a return date to Council in May 2018.

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

8 [17-0939](#) Appointment of Interim City Manager and Approval of
Employment Agreement

Kent Steffens stated he has a conflict of interest on the item and left the room.

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 9:43 p.m.

No speakers.

Public Hearing closed at 9:43 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve Alternative 1: Approve the appointment of Kent Steffens as Interim City Manager and authorize the Mayor to execute the employment agreement.

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**

None.

NON-AGENDA ITEMS & COMMENTS**-Council**

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[17-0095](#) Tentative Council Meeting Agenda Calendar

[17-0715](#) Information/Action Items

[17-0823](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 9:44 p.m.