



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, October 3, 2017

5:30 PM

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

Special Meetings: Closed Session- 5:30 PM | Study Session- 6 PM | Regular Meeting- 7 PM

5:30 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 5:30 p.m.

2 Roll Call

Present: 4 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Larry Klein
Councilmember Nancy Smith
Councilmember Russ Melton

Absent: 2 - Councilmember Jim Griffith
Councilmember Michael S. Goldman

Councilmember Griffith advised the City Clerk that he would be absent from the Closed Session based upon his need to recuse himself from the Closed Session item. The basis for his recusal is not the Political Reform Act, but that he has 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

[17-0862](#)

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: Kent Steffens, Interim City Manager; Craig
Mobeck, Interim 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 5:59 p.m.

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

1 Call to Order in the West Conference Room (Open to the Public)

Vice Mayor Larsson call the meeting to order at 6:02 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

3 Public Comment

4 Study Session

[17-0786](#) Evaluation of Work Plan for New Revenue Strategies to Fund
New and Increasing Service Demands and/or Unfunded
Capital Investments (Study Issue)

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 6:59 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 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: Kent Steffens, Interim City Manager; Craig Mobeck, Interim 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; nothing to report.

SPECIAL ORDER OF THE DAY

[17-0352](#) SPECIAL ORDER OF THE DAY - Arts and Humanities Month

Mayor Hendricks presented a proclamation declaring October as National Arts and Humanities Month to Director of Library and Community Services Cynthia Bojorquez and Board of Library Trustees Vice Chair Daniel Bremond.

[17-0881](#) SPECIAL ORDER OF THE DAY - National Breast Cancer Awareness Month

Mayor Hendricks presented a proclamation declaring October as National Breast Cancer Awareness Month to Bobbe Smirni, Project Manager, New Frontiers in Prevention of Breast Cancer.

ORAL COMMUNICATIONS

Mayor Hendricks welcomed Interim City Manager Kent Steffens.

Interim City Manager Kent Steffens introduced Interim Assistant City Manager Teri Silva.

Vice Mayor Larsson announced an upcoming Civic Center Master Plan Community Workshop.

Vice Mayor Larsson announced recruitment for a member of the Board of Building Code Appeals and an upcoming application deadline.

Tara Martin-Milius requested Council place an emphasis on the environment in their planning.

CONSENT CALENDAR

Mayor Hendricks announced members of the public requested to pull Items 1.E and 1.B.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Consent Calendar 1.A, 1.C, 1.D, 1.F and 1.G.

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 [17-0187](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.B [17-0830](#) Award a Contract for Climate Action Plan 2.0 Technical Development and Community Engagement Services (F17-151)

Public Hearing opened at 7:43 p.m.

James Tuleya spoke in support of approval of the contract and thanked the Council Subcommittee for his appointment to the Climate Action Plan 2.0 Advisory Committee.

Public Hearing closed at 7:45 p.m.

Interim Director of Environmental Services Melody Tovar responded to Council questions.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to 1) Award a contract not to exceed \$235,480 to DNV GL for Climate Action Plan (CAP) 2.0 technical development and community engagement services, 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; and 2) approve a contract contingency in the amount of \$14,000.

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.C [17-0836](#) Award of Bid No. PW17-34 for the Street Lights Conduit Replacement Project (ST-16-04) and finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Make a finding of California Environmental Quality Act (CEQA) Categorical Exemption pursuant to CEQA Guidelines Section 15301 as the project relates to existing public facilities (street lights) involving negligible or no expansion of use beyond that presently existing. 2) Award a contract, in substantially the same form as Attachment No. 2 to the report, and in the amount of \$120,320, to Columbia Electric, Inc. of San Leandro, California for the Street Light Conduit Replacement, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$12,032.

1.D [17-0773](#) Award of Contract for Traffic Signal Timing and Optimization
(F17-106)

1) Award a contract in substantially the same form as Attachment 1 to the report and in the amount of \$162,520 to DKS Associates for professional engineering services for the Signal Coordination Timing and Coordination Optimization Project and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) approve a 10% contract contingency for the project.

1.E [17-0775](#) Adopt the City's Investment Policy for Fiscal Year 2017/18 and
Receive the Annual Performance Report for Fiscal Year
2016/17

Public Hearing opened at 7:29 p.m.

Christine Pepin spoke in support of stronger language in the City's investment policy regarding divestment in fossil fuels.

Nassim Nouri, County Counsel, Green Party of Santa Clara County, provided financial information and investment data, and submitted written materials.

Michael Gonzales, Green Party of Santa Clara County, spoke in support of divestment in fossil fuels.

Public Hearing closed at 7:37 p.m.

Director of Finance Tim Kirby responded to Council questions.

MOTION: Vice Mayor Larsson moved and Councilmember Melton seconded the motion to adopt the City's Investment Policy for FY 2017/18.

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.F** [17-0777](#) Review and File the City of Sunnyvale Other Post-Employment (OPEB) Trust Account Investment Summary and Approve the Investment Policy Statement as Amended and Presented

Find that the action does not require environmental review pursuant to California Environmental Quality Act Guidelines Section 15378(b)(4), and review and file the City of Sunnyvale Other Post-Employment (OPEB) Trust Account Investment Summary and approve the Investment Policy Statement as amended and presented in Attachment 2 to the report.

- 1.G** [17-0958](#) Adopt Ordinance No. 3125-17 to Amend Chapter 9.86 of Title 9 (Public Peace, Safety or Welfare) and various sections of Title 19 (Zoning) of the Sunnyvale Municipal Code to Update the Existing Prohibition Against Commercial Marijuana Activity in the City to include Non-Medical Marijuana, to Reasonably Regulate Indoor Personal Cultivation of Marijuana Consistent with State Law, and to Prohibit Outdoor Personal Cultivation of Marijuana

Adopt Ordinance No. 3125-17.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-0618](#) Consider Below Market Rate Alternative Compliance Plans for Residential Developments at 803 W. El Camino Real (Pastoria Corners) and 871 E. Fremont Avenue (Butcher's Corner). Applicant: De Anza Properties; Planning Files 2016-7568 and 2016-7569

Housing Officer Suzanne Ise presented the staff report. Director of Community Development Trudi Ryan and City Attorney John Nagel provided additional information.

Councilmember Goldman stated he consulted with the City Attorney regarding any potential conflict of interest and determined he did not need to recuse himself on this item because the portion of the project he previously objected to is no longer an issue.

Applicant John Vidovich, De Anza Properties, provided information regarding the proposed projects.

Public Hearing opened at 8:50 p.m.

No speakers.

Public Hearing closed at 8:50 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternatives 2 and 4: 2) Pastoria Corners: Approve the Applicant's BMR Alternative Compliance Plan for project located at 803 W. El Camino Real as shown in Attachment 2, and 4) Butcher's Corner: Approve the Applicant's BMR Alternative Compliance Plan for project located at 871 E. Fremont Avenue as shown in Attachment 3; with the following modifications: the Plan applies only to phase one of each project and that on phase two a decision is deferred back to Council.

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 Goldman reported his attendance at a meeting of the Grand Boulevard Task Force.

Councilmember Smith reported her attendance at a meeting of the CalMod Local Policy Maker Group.

Mayor Hendricks reported his visit to Sunnyvale's Sister City, Izuka, Japan, and announced the Mayor of Izuka will speak at the Council meeting on November 7, 2017.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Griffith requested feedback from the Housing and Human Services Commission be included in review of the types of projects in Item 2.

Interim City Manager Kent Steffens stated the direction can be handled through an administrative policy.

-City Manager

Interim City Manager Kent Steffens encouraged Council attendance at the upcoming Civic Center Workshop.

INFORMATION ONLY REPORTS/ITEMS

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| <u>17-0681</u> | Tentative Council Meeting Agenda Calendar |
| <u>17-0851</u> | Information/Action Items |
| <u>17-0943</u> | Appointed Members to the Climate Action Plan (CAP 2.0)
Advisory Committee (Information Only) |
| <u>17-0886</u> | Joint City Council and Arts Commission Study Session
Summary of August 15, 2017 - Master Plan for Public Art |

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 9:05 p.m.