



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, March 6, 2018

6:00 PM

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

Special Meeting: Study Session- 6 PM | Regular Meeting- 7 PM

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

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

Vice Mayor Klein called the meeting to order at 6:03 p.m.

2 Roll Call

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

3 Public Comment

No speakers.

4 Study Session

[18-0165](#) Board and Commission Interviews

The following individuals were interviewed for vacancies on boards and commissions:

Douglas Kunz - Sustainability Commission (Category One)
Julie Rogers - Arts Commission
Joseph Rogers - Sustainability Commission (Category One)

5 Adjourn Special Meeting

Vice Mayor Klein adjourned the meeting at 6:50 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 Larry Klein
Councilmember Jim Griffith
Councilmember Gustav Larsson
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

SPECIAL ORDER OF THE DAY

[18-0168](#) SPECIAL ORDER OF THE DAY - Women's History Month

Mayor Hendricks proclaimed March 2018 as Women's History Month.

ORAL COMMUNICATIONS

Linda Davis, on behalf of the League of Women Voters Cupertino Sunnyvale, provided information and written materials in support of a Statewide initiative petition for "Our Schools and Communities First."

Tim Titus expressed concerns regarding the implementation of the food waste program.

Helen Liang spoke regarding potential solutions to the visual impact of cell towers and provided PowerPoint presentation.

Tao Xin spoke regarding placement and construction of cell towers in residential neighborhoods.

Ron Gilbert spoke regarding Save My Sunny Sky, garbage left following emptying of garbage cans, a dangerous intersection, and the Civic Center upgrade.

CONSENT CALENDAR

Councilmember Melton requested to pull Item 1.H from the Consent Calendar.

Councilmember Smith requested to pull Items 1.E and 1.F from the Consent Calendar.

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

The motion carried by the following vote:

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

No: 0

1.A [18-0027](#) Approve City Council Special Meeting Minutes of February 16, 2018

Approve the City Council Special Meeting Minutes of February 16, 2018 as submitted.

1.B [18-0061](#) Approve City Council Meeting Minutes of February 27, 2018

Approve the City Council Meeting Minutes of February 27, 2018 as submitted.

1.C [17-1088](#) 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 [18-0089](#) Award of Bid No. PW18-03 for the Parks Parking Lot Rehabilitation project (PR 16-02), and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Making a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) for rehabilitation of existing streets; 2) Award a contract in substantially the same form as Attachment

2 to the report in the amount of \$328,613 to Golden Bay Construction, Inc. 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 \$32,861.

1.E [18-0169](#) Award of Bid No. PW18-10 for the Annual Slurry Seal 2018 (ST-18-05) and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

Items 1.E and 1.F were considered together.

Public Hearing opened at 7:36 p.m.

No speakers.

Public Hearing closed at 7:36 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to 1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) for rehabilitation of existing streets; 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$577,870 to Graham Contractors, Inc. 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 \$57,787.

The motion carried by the following vote:

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

No: 0

1.F [18-0170](#) Award of Bid No. PW18-12 for the Slurry Seal 2017 SB1 (ST-18-07), and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

Items 1.E and 1.F were considered together.

Public Hearing opened at 7:36 p.m.

No speakers.

Public Hearing closed at 7:36 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to 1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) for rehabilitation of existing streets, 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$536,140 to Graham Contractors, Inc. 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 \$53,614.

The motion carried by the following vote:

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

No: 0

1.G [18-0094](#) Amend an Existing Contract for Construction Management for the Sunnyvale Cleanwater Program (F18-193)

1) Authorize the City Manager to execute an amendment to an existing contract, in substantially the same form as Attachment 1 to the report, with The Covello Group, Inc., amending the scope of work to include Phase 2 Sunnyvale Cleanwater Program activities for the Secondary Treatment and Dewatering Project, extending the term of the agreement and increasing the total not-to-exceed contract value from \$8,051,120 to \$8,665,632, and 2) Approve a 10% contract contingency in the amount of \$61,451.

1.H [18-0106](#) Approve Budget Modification No. 43 in the Amount of \$1,200,000 to Advance Funding for the Early Replacement of Two Fire Engines, and Find that the Action is Exempt from CEQA

Director of Public Safety Phan Ngo and Director of Finance Tim Kirby responded to

questions.

Public Hearing opened at 7:31 p.m.

No speakers.

Public Hearing closed at 7:31 p.m.

MOTION: Councilmember Melton moved to deny the request.

The motion died due to lack of a second.

MOTION: Councilmember Griffith moved and Vice Mayor Klein seconded the motion to Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b)(3)) and approve Budget Modification No. 43 in the amount of \$1,200,000 to advance funding for the early replacement of two fire engines.

The motion carried by the following vote:

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

No: 1 - Councilmember Melton

- 1.I [18-0220](#) Approve the First Amendment to Outside Counsel Agreement with Bertrand, Fox & Elliot for Litigation Services in the Matter of Bagley v. Santa Clara County, et al.

Authorize the City Attorney to execute a First Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Bertrand, Fox & Elliot to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$200,000.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [18-0105](#) Authorize the City Manager to Negotiate a Formal Memorandum of Understanding with the Sunnyvale School District and Fremont Union High School District for a Joint Use Lakewood Branch Library and Learning Center on the Lakewood Elementary School Site

Director of Library and Community Services Cynthia Bojorquez provided the staff report and a PowerPoint presentation. Pamela Cheng, Lakewood Elementary School Principal, Jason Hull, Anderson Brulé Architects, Pamela Anderson-Brulé, Anderson Brulé Architects, Graham Clark, Fremont Union High School District, and Director of Finance Tim Kirby provided additional information.

Public Hearing opened at 8:37 p.m.

Daniel Bremond, Board of Library Trustees member speaking for himself, stated the Board of Library Trustees' vote of support.

Mason Fong, Board of Library Trustees member speaking for himself, spoke regarding the needs of the Lakewood community for a branch library.

Marc Nakamoto spoke in support of moving forward with the process.

Dr. Benjamin Picard spoke in support of the MOU and spoke regarding the successful relationship in the Columbia Neighborhood Center MOU.

Public Hearing closed at 8:43 p.m.

MOTION: Councilmember Griffith moved and Councilmember Larsson seconded the motion to approve Alternative 1: Authorize the City Manager to negotiate a formal Memorandum of Understanding with the Sunnyvale School District and the Fremont Union High School District for a Joint Use Lakewood Branch Library and Learning Center on the Lakewood Elementary School Site.

The motion carried by the following vote:

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

No: 1 - Councilmember Melton

- 3** [18-0234](#) Direct the Office of the City Attorney to Research and Return to City Council with an Ordinance Restricting the Purchase of Semi-Automatic Centerfire Rifles by Persons under 21, with

Exemptions for Active-Duty Military and Law Enforcement
Personnel

City Attorney John Nagel provided a brief staff report. Mayor Hendricks provided background information.

Public Hearing opened at 9:20 p.m.

Mike Serrone, on behalf of the Sunnyvale Democratic Club, spoke in support of the proposal.

Sue Serrone spoke regarding the prior passage of Measure C and expressed support for this proposal.

Tony Spitaleri spoke in support of proceeding with a proposed ordinance.

Don Veith spoke in support of the proposal.

Nandini Balakrishna spoke in support of the proposed ordinance.

Mason Fong spoke in support of the proposed ordinance.

Public Hearing closed at 9:36 p.m.

MOTION: Mayor Hendricks moved and Councilmember Griffith seconded the motion to direct the Office of the City Attorney to Research and Return to City Council with a recommendation for restricting the purchase of Semi-Automatic Centerfire Rifles by Persons under 21, with Exemptions for Active Duty Military and Law Enforcement Personnel and as part of the research, direct staff to look at the appropriateness or necessity to include the exemptions.

The motion carried by the following vote:

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

No: 0

Council recessed at 9:53 p.m.

Council reconvened at 10:08 p.m. with all Councilmembers present.

- 4** [18-0101](#) Approve the 2017 Annual Progress Report on Implementation of the General Plan Housing Element

Director of Community Development Department Trudi Ryan provided the staff report.

Public Hearing opened at 10:30 p.m.

Kevin Norman requested support for keeping the shelter open year-round.

Sue Serrone spoke regarding housing affordability and suggested there should be some mention in the report of how much housing has been lost.

Roshan Baliga spoke regarding the lack of information about the demand side of jobs to housing and spoke regarding the need for more public education.

Public Hearing closed at 10:39 p.m.

MOTION: Councilmember Larsson moved and Vice Mayor Klein seconded the motion to approve Alternative 1: Approve the 2017 Annual Progress Report (Attachment 1 of the report) on implementation of the Housing Element and direct staff to submit it to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

The motion carried by the following vote:

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

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

Councilmember Melton reported he and Vice Mayor Klein will attend the National League of Cities Conference in Washington, D.C. and will meet with various elected officials.

Councilmember Melton recommended Council come to concurrence on the strategy regarding the cold weather shelter.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

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| <u>18-0145</u> | Tentative Council Meeting Agenda Calendar |
| <u>18-0058</u> | Information/Action Items |
| <u>18-0140</u> | Study Session Summary of January 23, 2018 - Presentation by the California High-Speed Rail Authority on the Status and Next Steps on the High-Speed Rail Project |
| <u>18-0146</u> | Board/Commission Meeting Minutes |

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 10:46 p.m.