



City of Sunnyvale

Meeting Minutes City Council

Tuesday, January 15, 2019

5:45 PM

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

Special Council Meeting: Closed Session - 5:45 P.M. | Regular Meeting - 7 P.M.

5:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Vice Mayor Melton 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 Melton called the meeting to order at 5:45 p.m.

2 Roll Call

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

Councilmember Smith arrived at 5:47 p.m.

3 Public Comment

None.

4 Convene to Closed Session

[19-0037](#)

Closed Session held pursuant to California Government Code
Section 54957.6: CONFERENCE WITH LABOR
NEGOTIATORS
Agency designated representatives: City Council
Compensation Subcommittee: Councilmembers Hendricks,

Klein, and Melton
Unrepresented Employee: City Manager

[18-1062](#)

Closed Session held pursuant to California Government Code Section 54956.95(b):
CONFERENCE WITH LEGAL COUNSEL-SETTLEMENT OF WORKER'S COMPENSATION CLAIM
Name of case: Howard, Robin v. City of Sunnyvale (WCAB ADJ10510068)

[18-1070](#)

Closed Session held pursuant to California Government Code Section 54956.95(b):
CONFERENCE WITH LEGAL COUNSEL-SETTLEMENT OF WORKER'S COMPENSATION CLAIM
Name of case: Sims, Kathryn v. City of Sunnyvale (WCAB ADJ1Q588424; WCAB ADJ10586100; and ADJ10584213)

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 6:24 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order.

SALUTE TO THE FLAG

Mayor Klein lead the Salute to the Flag.

ROLL CALL

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

CLOSED SESSION REPORT

Vice Mayor Melton reported that the Council met in Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR

NEGOTIATORS

Agency designated representatives: City Council; Compensation Subcommittee: Councilmembers Hendricks, Klein, and Melton; Unrepresented Employee: City Manager; nothing to report.

Vice Mayor Melton reported that the Council met in Closed Session held pursuant to California Government Code Section 54956.95(b): CONFERENCE WITH LEGAL COUNSEL SETTLEMENT OF WORKER'S COMPENSATION CLAIM; Name of case: Howard, Robin v. City of Sunnyvale (WCAB ADJ10510068); nothing to report.

Vice Mayor Melton reported that the Council met in Closed Session held pursuant to California Government Code Section 54956.95(b): CONFERENCE WITH LEGAL COUNSEL SETTLEMENT OF WORKER'S COMPENSATION CLAIM; Name of case: Sims, Kathryn v. City of Sunnyvale (WCAB ADJ1Q588424; WCAB ADJ10586100; and DJ10584213); nothing to report.

SPECIAL ORDER OF THE DAY

[19-0007](#)

SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Mayor and Vice Mayor

Former Mayor Otto Lee administered the Oath of Office to Vice Mayor Russ Melton. Vice Mayor Melton provided incoming remarks.

Sheri Codiana administered the Oath of Office to Mayor Larry Klein. Mayor Klein provided incoming remarks.

ORAL COMMUNICATIONS

Councilmember Larsson announced the recruitment and application deadline for board and commission vacancies and for the Citizens Advisory Committee.

Tara Martin-Milius spoke in appreciation for Council support of policies regarding non-profit organizations and thanked City officials and staff for their work.

Kira Od expressed concerns regarding the Lime E-bikes at the Water Pollution Control Plant.

Shani Kleinhaus, Environmental Advocate with Santa Clara County Audubon Society spoke regarding the Water District plans to build 7-foot flood walls.

Ray Crump spoke regarding the intelligent traffic system and trucks that idle in

place.

Richard Mehlinger speaking on his own behalf, spoke regarding the bicycle-pedestrian access to CalTrain station and requested looking at access to Caltrain over the dirt path from the West under the Mathilda overpass. He also recommended improvement in signage at the Caltrain station.

CONSENT CALENDAR

MOTION: Vice Mayor Melton moved and Councilmember Smith seconded the motion to approve the Consent Calendar.

Councilmember Larsson confirmed with the makers of the motion and second that the motion includes the revised Work Plans as submitted.

The motion carried by the following vote:

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

No: 0

1.A [18-1067](#) Approve City Council Special Meeting Minutes of December 11, 2018

Approve the City Council Special Meeting Minutes of December 11, 2018, as submitted.

1.B [19-0012](#) Approve Joint City Council and SCVWD Special Meeting Minutes of December 17, 2018

Approve the Joint City Council and SCVWD Special Meeting Minutes of December 17, 2018, as submitted.

1.C [19-0013](#) Approve City Council Meeting Minutes of December 18, 2018

Approve the City Council Meeting Minutes of December 18, 2018, as submitted.

1.D [19-0015](#) Approve the List(s) of Claims and Bills Approved for Payment

by the City Manager

Approve the list(s) of claims and bills.

- 1.E** [18-0982](#) Award of Contract to TJKM Transportation Consultants for Homestead Road at Homestead High School Pedestrian and Bicycle Improvements (F19-018)

1) Award a contract to TJKM Transportation Consultants of Pleasanton in the amount not to exceed \$212,967 (\$170,993 for base services and \$41,974 for optional 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 10% contingency in the amount of \$21,296.70.

- 1.F** [19-0011](#) Approve 2019 Board and Commission Work Plans

Approve the 2019 Work Plans as submitted.

- 1.G** [18-0998](#) Adopt a Resolution Amending the FY 2018/19 Fee Schedule to Modify Water and Sewer Connection Fees for Hotel Properties and Find that the Action is Exempt from CEQA

Alternative 1: Find that the Action is Exempt from the California Environmental Quality (CEQA) Act pursuant to CEQA Guidelines Section 15378(b)(4) and Amend the FY 2018/19 Fee Schedule to Modify Water and Sewer Connection Fees for Hotel Properties

- 1.H** [19-0027](#) Approve a Revised Contribution in the Amount of \$43,072.80 for Participation in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable and Approve Budget Modification No. 14

Approve the revised contribution in the amount of \$43,072.82 for participation in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable and Approve Budget Modification No. 14.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [19-0040](#) Annual Public Hearing-Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2019

Senior Management Analyst Lupita Alamos provided the staff report and provided a slide presentation.

The Public Hearing opened at 7:37 p.m.

Rabbi Puopko requested a study issue to consider allowing the construction of an eruv in Sunnyvale to be funded and built by the Jewish community.

Rabbi Shaye Guttenberg spoke in support of the request to consider building an eruv in Sunnyvale.

Kim Jelfs speaking on behalf of herself spoke in support of ESD17-01: Use of Pesticides and ESD 19-01 Plastics Strategy.

Jason Uhlenkott spoke in support of the study issue to require landlords to offer tenants 12-month leases.

Richard Mehlinger spoke in support of the study issue to consider a right to lease ordinance, a "fair construction practices" ordinance, and support for the eruv.

Josue Garcia spoke in support of the study issue relating to right to lease ordinance, and to support the "responsible construction" ordinance to address wage theft.

Mike Serrone spoke in support of the study issue for a right to lease ordinance, and a "responsible construction" ordinance.

Sue Serrone, Chair of Livable Sunnyvale, expressed their endorsement of the right to lease ordinance. Speaking on behalf of herself, she spoke in support of the right to lease ordinance and the responsible construction ordinance, the climate action plan, the ban of flavored tobacco and the elimination of chemical pesticides.

Forest Peterson spoke regarding wage theft.

Linda Davis spoke in support of ranking and scheduling CDD 19-01, the right to lease ordinance this year.

Daniel Casanova, speaking on behalf of Union 393 of the Construction Industry, requested Council add the responsible construction ordinance to the priority list.

Shani Kleinhaus, Santa Clara County Audubon Society, spoke in support of a study issue to convert to LED lighting in Sunnyvale for the protection of wildlife.

Kira Od spoke in support of the previous speaker's comments, and in support of addressing wage theft.

Mark Mollineaux spoke in support of the study issue to consider a right to lease ordinance.

Dashiell Leeds, volunteer for Santa Clara Audubon Society, spoke in support of a lighting strategy and policy guidelines to reduce light pollution.

Eric Haynes, speaking on behalf of Local 104 Sheet Metal industry, spoke in support of the study issue for a responsible construction ordinance.

The Public Hearing closed at 8:17 p.m.

Vice Mayor Melton sponsored a budget issue to install a city sidewalk on the 150-foot section of the northeast edge of Marian Way that is between Norman Drive and Oriole Avenue. Councilmembers Goldman and Fong co-sponsored.

Vice Mayor Melton sponsored a budget issue for accelerated replacement of city signage to eliminate the use of the old city logo in favor of the new city logo and replace the old brick wayfinding monuments at the city limits at major thoroughfares of the city. Councilmember Goldman co-sponsored the budget issue.

Councilmember Fong proposed and sponsored a study issue to consider altering the code to allow for a library fee forgiveness program to eliminate library late fees and keep the replacement fee. Councilmembers Larsson, Melton and Goldman co-sponsored.

Councilmember Fong proposed and sponsored a study issue to support establishing an office of cultural affairs or cultural affairs strategy. Councilmembers Goldman, Melton, and Klein co-sponsored.

3 [18-1064](#) Approve the Proposed 2019 Priority Advocacy Issues and Long-term Legislative Advocacy Positions (LAPs)

Senior Management Analyst Lupita Alamos provided the staff report and provided a slide presentation.

The Public Hearing opened at 8:45 p.m.

Richard Mehlinger, spoke in support of including ACA1 and SCA1 in the Legislative Priorities.

The Public Hearing closed at 8:48 p.m.

MOTION: Councilmember Smith moved and Councilmember Goldman seconded the motion to approve Alternative 1 with modification to Item 3 to add a phrase regarding the continued viability of Community Choice Aggregation (CCAs).

The motion carried by the following vote:

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

No: 0

- 4 [19-0053](#) Direction Regarding Amending the Employment Agreement between the City of Sunnyvale and City Manager Kent Steffens to Increase the City Manager Salary in an Amount to be Determined by the City Council

City Manager Kent Steffens left the room during consideration of this item.

Director of Human Resources Tina Murphy provided the staff report.

The Public Hearing opened at 8:53 p.m.

No speakers.

The Public Hearing closed at 8:53 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to increase the City Manager's salary by 4% and authorize the Mayor to execute an amendment to the City Manager's agreement, in a form approved by the City Attorney, to increase the annual salary reflecting the increase directed by the City Council and consistent with the salary control point, effective January 1, 2019.

The motion carried by the following vote:

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

No: 0

Following action on this item, City Manager Kent Steffens returned to the room and took his seat.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Smith reported an update of the Silicon Valley Clean Energy relating to the PG&E announcement of bankruptcy filing.

Mayor Klein provided an update on the Cities Association appointments and stated that he was appointed First Vice President of the Executive Board, Councilmember Smith was appointed to the RWRC and Women's Equality Leadership Council; Klein appointed to Santa Clara County Local Board Cal/ID. Mayor Klein also reported that Santa Clara County Supervisor Cortese and MTC provided a presentation on Casa Compact.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Goldman requested an informational report on the cost/benefit of the mortgage benefits the city provides employees. City Manager Kent Steffens provided a response.

-City Manager

INFORMATION ONLY REPORTS/ITEMS

[19-0034](#)

Tentative Council Meeting Agenda Calendar

[19-0035](#) Information/Action Items

[19-0129](#) Mayoral Announcement of Mayor-Appointed Ad Hoc District-Based Voting Citizen Advisory Committee Appointment Committee; Mayoral Announcement of Dissolution of CAP 2.0 Community Advisory Committee Appointment Committee, Council Subcommittee on City Manager Compensation, and Ad Hoc Committee on District-Based Voting Citizen Advisory Committee Selection Process (Information Only)

ADJOURNMENT

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