



City of Sunnyvale

Meeting Minutes - Revised City Council

Tuesday, February 26, 2019

6:00 PM

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

Special Meeting: Closed Session - 6:00 PM | Regular Meeting - 7:00 P.M.

6:00 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 6 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

3 Public Comment

None.

4 Convene to Closed Session

[19-0179](#)

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)
Bagley, Lee v. County of Santa Clara, et al., Case No.
3:16-CV-02250-JSC

19-0282

Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Related to Notice of California Voting Rights Act Violation by Samir Kalra, Galen Kim Davis, Kathy Higuchi, and Bowman Ching

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 6:50 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 54956.9: CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Bagley, Lee v. County of Santa Clara, et al., Case No. 3:16 CV 02250 JSC; nothing to report.

Vice Mayor Melton reported that the Council met in Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Related to Notice of California Voting Rights Act Violation by Samir Kalra, Galen Kim Davis, Kathy Higuchi, and Bowman Ching;

nothing to report.

ORAL COMMUNICATIONS

Vice Mayor Melton announced applications are being accepted for the Neighborhood and Community Events Grant Program.

Richard Mehlinger announced the formation of a new Northwest Sunnyvale neighborhood association. Mr. Mehlinger, member of BPAC, speaking on his own behalf, provided information regarding visibility at the intersection at Pajara and California and urged the installation of a four-way stop.

Prabhat Jammalamadku spoke in support of a lighting ordinance to reduce impacts to wildlife and native species.

Ralph Kenton, Parks and Recreation Commissioner, speaking on behalf of fellow tennis players and the Sunnyvale Tennis Club, requested support for a budget issue for capital improvements for Las Palmas Park Tennis Center.

Maria Pan spoke regarding communications from the City.

Benaifer and Joy, representing Fremont Union High School Foundation, announced an upcoming Fremont Union High School Foundation fundraising event.

CONSENT CALENDAR

Councilmember Hendricks pulled Item 1.G for separate consideration.

MOTION: Vice Mayor Melton moved and Councilmember Larson seconded the motion to approve the Consent Calendar with the exception of Item 1.G.

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 [19-0076](#) Approve City Council Meeting Minutes of January 29, 2019

Approve the City Council Meeting Minutes of January 29, 2019 as submitted.

1.B [19-0187](#) Approve City Council Meeting Minutes of February 5, 2019

Approve the City Council Meeting Minutes of February 5, 2019 as submitted.

1.C [19-0026](#) 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 [18-1095](#) Award of a Contract to California Sports Center for Gymnastics
Instruction Services (F18-146)

1) Award a two-year contract to California Sports Center to provide gymnastics instruction 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) delegate the authority to the City Manager to renew the contract for three additional one-year periods, if services and pricing remain acceptable to the City.

1.E [18-1132](#) Award of Bid No. PW19-01 to Ray's Electric for Traffic Signal
Reconstruction at Mathilda Avenue and Indio Way Project,
Finding of California Environmental Quality Act (CEQA)
Categorical Exemption, and Approval of Budget Modification
No. 18 in the Amount of \$270,000

Take the following actions:

- Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301(c);
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,169,417 to Ray's Electric of Oakland for the Traffic Signal Reconstruction at Mathilda Avenue and Indio Way Project;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Approve a 10% construction contingency in the amount of \$116,942; and
- Approve Budget Modification No. 18 in the amount of \$270,000.

1.F [19-0045](#) Continuation of Supplemental Law Enforcement Services
(SLES) Funds and Approval of Budget Modification No. 22 to
Appropriate \$93,355 in SLES Funding to Support Sworn Staff

Overtime Costs and the Purchase of Identified Police Services
Equipment

Approve Budget Modification No. 22 to appropriate \$93,355 in Supplemental Law Enforcement Services funding to support sworn overtime costs and the purchase of identified police services equipment.

1.G [19-0185](#) Annual Review and Approval of City's Code of Ethics and
Conduct for Elected and Appointed Officials

Councilmember Hendricks provided information regarding this subject matter.

Public comment opened at 7:22 p.m.

No speakers.

Public comment closed at 7:22 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to approve Item 1.G.: Review and approve the 2019 Code of Ethics and Conduct for Elected and Appointed Officials with no changes from the 2018 Code as set forth in Attachment 1 of the report.

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.H [19-0159](#) Adopt a Resolution to Summarily Vacate a Slope Easement at
830 E. El Camino Real and 810 E. El Camino Real

Adopt the resolution to summarily vacate a 10-foot wide slope easement at 830 E. El Camino Real and 810 E. El Camino Real; and to authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's office.

1.I [19-0235](#) Adopt a Resolution to Amend the Classification Plan and the

City's Salary Resolution to Update the Schedule of Pay to Add the Classifications of Environmental Programs Specialist I/II.

Adopt the Resolution amending Resolution Nos. 143-77 and 190-05 to Add the New Classifications of Environmental Programs Specialist I/II to the Classification Plan and to Amend the City's Salary Resolution to Update the Schedule of Pay.

- 1.J** [19-0178](#) Amend an Existing Purchase Order for Valley Oil Company to provide Unleaded Gasoline and Diesel Fuel (F19-121)

Authorize the amendment of an existing purchase order with Valley Oil Company, in substantially the same format as Attachment 2 to the report, to include the supply of diesel fuel and increasing the not-to-exceed amount by \$200,000 for a new not-to-exceed of \$380,000, and authorize the City Manager to execute the purchase order when all the necessary conditions have been met and Find the Action exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

- 1.K** [19-0055](#) Award of Contract to Wastewater Solids Management, Inc. for Digesters No. 2 and No. 3 Cleanout 2018 Project (F19-053)

Award a contract to Wastewater Solids Management, Inc. of Yerington, NV in the amount not to exceed \$269,690 in substantially the same form as Attachment 2 to the report and authorize the City Manager to execute the contract when all necessary conditions have been met and Find that the Action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b), for existing publicly-owned utilities facilities involving negligible or no expansion of use beyond which presently exists.

- 1.L** [19-0280](#) Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to Increase Salaries for Pay Plan Category A (Communication Officers Association) Effective March 10, 2019

Adopt a Resolution Amending Resolution No. 190-05, the City's Salary Resolution, to Increase Salaries for Pay Plan Category A (Employees Represented by the Communication Officers Association) Effective March 10, 2019.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [19-0239](#) Appoint Applicants to the Board of Library Trustees and

Housing and Human Services Commission

City Clerk Kathleen Franco Simmons provided a brief report and conducted the vote for each applicant.

BOARD OF LIBRARY TRUSTEES (1 vacancy: term expires 6/30/2021)

Applicant: Jefferey Brenion

VOTE: 4-0-3 (Yes: Mayor Klein, Vice Mayor Melton, Councilmember Smith, and Councilmember Fong; Abstentions: Councilmember Larsson, Councilmember Hendricks, and Councilmember Goldman)

Applicant: Rahul Jain

VOTE: 0-0-7 (Abstentions: Mayor Klein, Vice Mayor Melton, Councilmember Larsson, Councilmember Hendricks, Councilmember Smith, Councilmember Goldman, Councilmember Fong)

Applicant: Narottam Joshi

VOTE: 0-0-7 (Abstentions: Mayor Klein, Vice Mayor Melton, Councilmember Larsson, Councilmember Hendricks, Councilmember Smith, Councilmember Goldman, Councilmember Fong)

Applicant: Sharlene Wang

VOTE: 5-0-2 (Yes: Mayor Klein, Councilmember Larsson, Councilmember Hendricks, Councilmember Smith, Councilmember Goldman; Abstentions: Vice Mayor Melton and Councilmember Fong)

City Clerk Franco Simmons confirmed Sharlene Wang has been selected to serve on the Board of Library Trustees for a term expiring 6/30/2021.

HOUSING AND HUMAN SERVICES COMMISSION (1 vacancy: term expires 6/30/2022)

Narottam Joshi

VOTE: 1-0-6 (Yes: Councilmember Goldman; Abstentions: Mayor Klein, Vice Mayor Melton, Councilmember Larsson, Councilmember Hendricks, Councilmember Smith, Councilmember Fong)

Mayor Klein reported one vacancy will remain on the Housing and Human Services

Commission until the next recruitment cycle.

- 3 [19-0044](#) Update on California Voting Rights Act Community Education and Outreach and Potential Direction on Next Steps for City Council By-District Elections

Meeting went into Recess

Meeting Reconvened

Deputy City Manager Jaqui Guzmán provided the staff report. David Early, Placeworks, provided a report and slide presentation.

The Public Hearing opened at 7:48 p.m.

Andy Frazer provided information and a slide presentation in support of a ballot measure in March 2020.

Richard Mehlinger spoke in support of a ballot measure in March 2020.

Bowman Ching, one of the Plaintiffs, spoke in support of a more representative City Council and in support of a March 2020 ballot measure.

Galen Davis, one of the Plaintiffs, spoke in support of district based elections and having a more representative and inclusive City Council.

Holly Lofgren spoke in support of a ballot measure March 2020 and recommended getting started sooner with the mapping phase and the decision regarding a directly-elected Mayor.

Gail Rubino spoke in support of the district-based election measure in March 2020.

Alejandra Flores spoke in support of putting the measure on the March 2020 ballot.

Jeremy Barousse, Director of Civic Engagement for Services Immigrant Rights and Education Network (SIREN), spoke in support of placing the ballot measure on the March 2020 ballot.

Jacqueline Farias, SIREN youth leader, spoke in support of placing the district-based election measure on the March 2020 ballot.

Diane Gleason spoke in support of district elections, and in support of placing the measure on the March 2020 ballot.

Linda Davis recommended an open-minded outreach process on a district based election system.

Frances Stanley-Jones spoke in support of a March 2020 ballot measure.

John Cordes, BPAC member, speaking for himself, spoke in support of a March 2020 ballot measure election.

Ray Xu spoke in support of district-based elections.

Samir Kalra, one of the Plaintiffs, Managing Director of the Hindu American Foundation, spoke in support of district election system.

Ginger Grimes, representing the Plaintiffs, spoke in support of district-based elections and placing the ballot measure on the March 2020 election date.

Jonathon Stein, Asian Americans Advancing Justice Asian Law Caucus, representing the Plaintiffs, recommended not to put the question of whether to use districts and the district map on the same ballot measure.

David Wessel spoke in support of holding the ballot measure election in March 2020.

Mei-Ling Stefan spoke in support of a March 2020 ballot measure election and provided a slide presentation.

Evelyn Rocha spoke in support of the district electoral system.

Ruhia You spoke in support of district-based elections.

Arwen Dave' spoke in support the staff recommendation.

Janette Brambila, member of the Citizens Advisory Committee, spoke in support of the ballot measure for March 2020.

Linda Sell spoke in support of a March 2020 ballot measure.

Steve Chessin, President of Californians for Electoral Reform, recommended modification of the Resolution of Intent to put a Charter Amendment on the March 2020 ballot and urged that the proposed mapping be completed prior to March 2020.

Steve Scandalis spoke in support of Alternative 1 and urged for more broader outreach efforts.

Martin Pyne, Citizens Advisory Committee member, speaking for himself, spoke in support of Alternative 1.

The Public Hearing closed at 8:46 p.m.

MOTION: Councilmember Larsson moved and Councilmember Smith seconded the motion to approve Alternative 1: Direct staff to return before March 29, 2019 with an amendment to the Resolution of Intent to Change to By District Elections setting a March 2020 election for amending Article VI of the Charter.

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

The Council recessed at 9:20 p.m. and reconvened at 9:28 p.m. with all Councilmembers present.

- 4** [19-0072](#) Adopt a Resolution Approving the 2018 Amendments to the Water Supply Agreement (WSA) between the City and County of San Francisco (SFPUC) and the Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County.

Water and Sewer Division Manager Mansour Nasser provided the staff report and

slide presentation.

The Public Hearing opened at 9:37 p.m.

No speakers.

The Public Hearing closed at 9:37 p.m.

MOTION: Councilmember Larsson moved and Vice Mayor Melton seconded the motion to approve Alternative 1: Adopt a resolution approving the seven amendments and the attached "Amended and Restated Water Supply Agreement between the City and County of San Francisco Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County" dated November 2018 and authorize the City Manager to execute such Agreement when final execution copies are prepared and distributed by the Bay Area Water Supply and Conservation Agency and find the Action does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) as it is an organizational or administrative activity that will not result in direct or indirect physical changes to the environment.

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

- 5 [19-0152](#) CONTINUED FROM DECEMBER 4, 2018.
Consideration of Useable Open Space in Required Front
Yards: Introduce an Ordinance to Amend Section 19.37.100
(Usable Open Space Design Requirements) of Chapter 19.37
(Landscaping, Irrigation and Useable Open Space) and
Section 19.12.160 ("O") of Chapter 19.12 (Definitions) of the
Sunnyvale Municipal Code, and Find that the Action is Exempt
from CEQA Pursuant to CEQA Guidelines Section 15061(b)
(3). (Study Issue)

Community Development Director Trudi Ryan provided the staff report and slide presentation.

The Public Hearing opened at 10:11 p.m.

Zachary Kaufman provided comments to the Council.

The Public Hearing closed at 10:11 p.m.

MOTION: Councilmember Larsson moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Introduce an Ordinance to Amend Chapter 19.37 (Landscaping, Irrigation and Useable Open Space), including but not limited to (a) Medium, high and very high density multi family residential zoning districts (R 3, R 4 and R 5), (b) Up to 50% of the required front yard may be counted toward the useable open space requirement, (c) Useable open space in the required front yard would not be a permitted use for a project with a front yard setback deviation or Variance, and Section 19.12.160 ("O") of Chapter 19.12 (Definitions) of the Sunnyvale Municipal Code (Attachment 3 to this report), and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

City Clerk Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

No: 1 - Councilmember Goldman

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Larsson provided an update of Bay Area Water Supply and Conservation Agency actions relating to the Bay Delta Plan.

Councilmember Hendricks reported that he was selected to be the Chairperson for the Policy Advisory Committee for Valley Transportation Authority and announced an upcoming meeting of the Cities Association's Air Noise Roundtable.

Councilmember Smith spoke regarding water-related issues; provided an update on Silicon Valley Green Energy; reported she was appointed to three committees: the Executive Committee, Legislative Ad Hoc Committee, and the Finance and Administration Committee; reported that Silicon Valley Clean Energy (SVCE) has submitted a grant application for Block Grants from the California Energy Commission on Electric Vehicle Supply Equipment incentives; and that SVCE received a Murphy Award on Saturday evening for the category of Outstanding Collaboration in Carbon-Free Electricity.

NON-AGENDA ITEMS & COMMENTS

-Council

Vice Mayor Melton sponsored a budget issue to increase the annual budget for each of the community events grant program and the neighborhood grant program to \$20,000. Councilmember Fong co-sponsored. Klein co-sponsored. Melton recommended doubling the current numbers.

Vice Mayor Melton sponsored a budget issue to significantly increase payments for the next 9 years into the irrevocable pension trust above currently projected levels with such increases to be achieved by constraining spending elsewhere in the budget and/or the allocation of projected revenue increases as proposed by staff to more pro-actively address the spike in pension payments expected in 2030. Councilmembers Goldman and Fong co-sponsored.

-City Manager

City Manager Steffens provided a reminder of the March 7 Study Issues and Budget Issues Workshop.

INFORMATION ONLY REPORTS/ITEMS

[19-0188](#) Tentative Council Meeting Agenda Calendar

[19-0189](#) Information/Action Items

[19-0190](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:37 p.m.