



# City of Sunnyvale

## Meeting Minutes - Final City Council

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Tuesday, March 26, 2019

5:30 PM

Council Chambers, City Hall, 456 W. Olive  
Ave., Sunnyvale, CA 94086

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**Special Meeting: Study Session - 5:30 PM | Regular Meeting - 7 PM | Special Meeting  
immediately following Regular Council meeting: Joint City Council and Redevelopment  
Successor Agency**

### **5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)**

#### **1 Call to Order in the Council Chambers (Open to the Public)**

Vice Mayor Melton called the meeting to order at 5:30 p.m.

#### **2 Roll Call**

**Present:** 6 - Mayor Larry Klein  
Vice Mayor Russ Melton  
Councilmember Gustav Larsson  
Councilmember Glenn Hendricks  
Councilmember Nancy Smith  
Councilmember Michael S. Goldman

**Absent:** 1 - Councilmember Mason Fong

Councilmember Fong's absence was excused.

#### **3 Public Comment**

Public comment was taken following the staff report.

#### **4 Study Session**

[19-0262](#) Climate Action Plan 2.0  
Location: Council Chambers

Director of Environmental Services Ramana Chinnakotla and Regulatory Programs  
Division Manager Melody Tovar provided a report and slide presentation.

Public comment opened at 6:46 p.m.

The following individuals addressed the Council:

James Tuleya

Serge Rudaz

Kristel Wickam, Vice Chair of Sustainability Commission, spoke on behalf of the Commission

Richard Mehlinger

Kevin Jackson

Molly Cox

Public comment closed at 6:59 p.m.

## **5 Adjourn Special Meeting**

Mayor Klein adjourned the meeting at 6:59 p.m.

## **7 P.M. COUNCIL MEETING**

### **CALL TO ORDER**

Mayor Klein called the meeting to order.

### **SALUTE TO THE FLAG**

Mayor Klein led the Pledge of Allegiance.

### **ROLL CALL**

**Present:** 6 - Mayor Larry Klein  
Vice Mayor Russ Melton  
Councilmember Gustav Larsson  
Councilmember Glenn Hendricks  
Councilmember Nancy Smith  
Councilmember Michael S. Goldman

**Absent:** 1 - Councilmember Mason Fong

Councilmember Fong's absence was excused.

### **ORAL COMMUNICATIONS**

Mayor Klein announced the recruitment and deadline for a vacancy on the Personnel Board and Housing and Human Services Commission.

Mayor Klein announced the upcoming CVRA Community Input Workshops.

Mayor Klein announced the members of the City Council and the Redevelopment Successor Agency will receive no additional compensation other than their Councilmember salary for sitting as a Board Member of the Redevelopment Successor Agency and that this statement will be included in the minutes.

Bruce Mishler spoke regarding the need to have a business license permit reviewed.

Richard Mehlinger, member of BPAC, speaking on his own behalf, spoke regarding two additional study issues being considered by the Commission.

### **CONSENT CALENDAR**

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

The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Councilmember Fong

**1.A**     [19-0214](#)     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**     [19-0219](#)     Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2018/19; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2019/20

Approve the Fiscal Year 2018/19 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2019/20, and schedule the public hearing for May 7, 2019.

- 1.C**      [19-0425](#)      Adopt Ordinance No. 3143-19 to add Chapter 1.07 (Administrative Subpoenas) of Title 1 (General Provisions) of the Sunnyvale Municipal Code relating to Administrative Subpoenas

Adopt Ordinance No. 3143-19.

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**            [19-0364](#)      Approve Study Issue Presentation Dates for Recommended Studies in 2019

Senior Management Analyst Lupita Alamos provided the staff report.

Public hearing opened at 7:23 p.m.

Josue Garcia representing Mechanical, Electrical, Plumbing, and Sprinkler Fitters (MEPS) and Santa Clara County Residents for Responsible Development, spoke in support of the Responsible Construction Ordinance study issue.

Richard Mehlinger spoke in appreciation for the Right to Lease study issue.

Public hearing closed at 7:26 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve the Proposed Presentation Dates for 2019 Council ranked Study Issues as noted in Attachment 2 in the report.

The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Councilmember Fong

- 3**            [19-0206](#)      Award of Bid No. PW19-11 to Anderson Pacific Engineering

Construction, Inc. for Storm Pump Station No. 1 Rehabilitation Re-Bid, Waiver of Minor Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 21 in the amount of \$1,016,000, and Approve the Third Amendment to Consultant Services Agreement with Infrastructure Engineering Corporation (F14-049)

Director of Public Works Chip Taylor provided the staff report. Finance Director Tim Kirby provided additional information regarding ERAF funding.

Public hearing opened at 7:41 p.m.

No speakers.

Public hearing closed at 7:41 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve Alternative 1: Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Sections 15301(b) and 15378 (b)(5)
- Make a determination to waive the minor bid irregularity for Anderson Pacific Engineering Construction, Inc.
- Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,947,400 to Anderson Pacific Engineering Construction, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met
- Approve Budget Modification No. 21 in the amount of \$1,016,000
- Approve a 10% construction contingency in the amount of \$194,740.
- Authorize the City Manager to execute the Third Amendment, in substantially the same form as Attachment 3 to the report, to extend the term through June 30, 2027 and to increase the not to exceed contract amount by \$119,636 for a new not to exceed amount of \$383,225
- Approve an increase to the design contingency in the amount of \$20,364.
- Authorize the City Manager to extend the term of the Consultant Services Agreement with Infrastructure Engineering Corporation, if operationally necessary, until post construction biological monitoring and reporting is completed.

The motion carried by the following vote:

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

**No: 0**

**Absent: 1 -** Councilmember Fong

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Smith reported that she was appointed to a subcommittee with the EERN/National League of Cities to look at water contamination issue.

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

None

**-City Manager**

None

**INFORMATION ONLY REPORTS/ITEMS**

<a href="#"><u>19-0347</u></a>	Tentative Council Meeting Agenda Calendar
<a href="#"><u>19-0348</u></a>	Information/Action Items
<a href="#"><u>19-0349</u></a>	Board/Commission Meeting Minutes
<a href="#"><u>19-0396</u></a>	Boards and Commissions Semi-Annual Attendance Report, July - December 2018 (Information Only)
<a href="#"><u>19-0397</u></a>	Board/Commission Resignation (Information Only)

**ADJOURNMENT**

Mayor Klein adjourned to Special Joint Meeting of the City Council and Redevelopment Successor Agency at 7:45 p.m.

**SPECIAL JOINT CITY COUNCIL AND REDEVELOPMENT SUCCESSOR AGENCY MEETING (immediately following the Regular Council Meeting)**

**1 Call To Order**

Mayor/Agency Chair Klein called the meeting to order at 7:45 p.m.

**2 Roll Call**

Present: Mayor/Agency Chair Klein

Vice Mayor/Agencymember Melton

Councilmember/Agencymember Larsson

Councilmember/Agencymember Hendricks

Councilmember/Agencymember Smith

Councilmember/Agencymember Goldman

Absent: Councilmember/Agencymember Fong

Councilmember/Agency Member Fong's absence is excused.

**3 Public Comment**

Mayor / Agency Chair Klein reported the following announcement pursuant to Government Code Section 54952.3:

The members of the City Council and the Successor Agency of the Former Redevelopment Agency of the City of Sunnyvale will receive no additional compensation, other than their city councilmember salary, for sitting as a board member of the Successor Agency.

**4 Consent Calendar**

MOTION: Councilmember/Agencymember Melton moved and Councilmember/Agencymember Smith seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 6 - Mayor/Agency Chair Klein

Vice Mayor/Agencymember Melton

Councilmember/Agencymember Larsson

Councilmember/Agencymember Hendricks

Councilmember/Agencymember Smith

Councilmember/Agencymember Goldman

No: 0

Absent: 1 - Councilmember/Agencymember Fong

- 4.A**      [19-0290](#)      Approve the Third Amendment to Outside Counsel Agreement with Goldfarb Lipman for Town Center Development Matters

Redevelopment Successor Agency:

Authorize the Agency Counsel to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$275,000 and extend the term to December 31, 2022.

- 4.B**      [19-0292](#)      Approve the Fifth Amendment to Outside Counsel Agreement with Goldfarb Lipman for Litigation Services Pertaining to the Three Lawsuits Related to the Dissolution of the Redevelopment Agency

City Council:

Authorize the City Attorney to execute a Fifth Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$320,000.

Redevelopment Successor Agency:

Authorize the Agency Counsel to execute a Fifth Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$320,000.

### **ADJOURNMENT**

Mayor/Agency Chair Klein adjourned the meeting at 7:48 p.m.