



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, April 9, 2019

5:00 PM

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

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

5:00 P.M. SPECIAL COUNCIL MEETING (Study Session)

1 Call to Order in the West Conference Room

Mayor Klein called the meeting to order at 5:00 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 Goldman arrived at 5:15 p.m.

3 Public Comment

None.

4 Study Session

[19-0373](#) Personnel Board Interviews

Council interviewed the following applicants for a vacancy on the Personnel Board:

Victor Marsh
Emily White

5 Adjourn Special Meeting

Mayor Klein adjourned the special meeting at 5:24 p.m.

5:30 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 (Open to the Public)

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

[19-0269](#) Closed Session held pursuant to California Government Code Section 54957.6:
CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager
Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 6:43 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: 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 the Council met in Closed Session pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency designated representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager; Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA); nothing to report.

SPECIAL ORDERS OF THE DAY

[19-0223](#) SPECIAL ORDER OF THE DAY - Fair Housing Month

Mayor Klein presented a proclamation for Fair Housing Month to Ann Marquart, Executive Director of Project Sentinel.

[19-0289](#) SPECIAL ORDER OF THE DAY - National Library Week

Mayor Klein and Cynthia Bojorquez, Director of Library and Community Services, presented a proclamation for National Library Week to Kathy Boelter, President of the Friends of Sunnyvale Public Library and other members of the Friends.

ORAL COMMUNICATIONS

Alia Wilson, Communications Coordinator for the Sunnyvale School District, extended an invitation to the upcoming “Our Kids, Our Community” fundraising event.

Linda Davis provided information regarding a citizen effort to engage the community in consideration of options for district-based elections and provided written materials.

Maria Hamilton spoke regarding SB50 and potential impacts to affordable housing availability.

Richard Mehlinger, speaking on behalf of Livable Sunnyvale, extended an invitation to a forum on upcoming statewide and regional housing initiatives.

CONSENT CALENDAR

Councilmember Smith pulled Item 1.E for separate consideration.

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

FRIENDLY AMENDMENT: Councilmember Smith offered a friendly amendment to include the revised minutes for March 7.

Vice Mayor Melton accepted the friendly amendment.

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 [19-0345](#) Approve City Council Special Meeting Minutes of March 7, 2019

Approve the City Council Meeting Minutes of March 7, 2019 as submitted.

1.B [19-0346](#) Approve City Council Meeting Minutes of March 19, 2019

Approve the City Council Meeting Minutes of March 19, 2019 as submitted.

1.C [19-0392](#) Approve City Council Meeting Minutes of March 26, 2019

Approve the City Council Meeting Minutes of March 26, 2019 as submitted.

1.D [19-0328](#) 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 [19-0386](#) Approve the 2019 Sustainability Speaker Series

Public comment opened at 7:32 p.m.

No speakers.

Public comment closed at 7:32 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to direct staff to work with the Sustainability Commission to encourage them to get speakers that are willing to be taped where possible, and approved the 2019 Sustainability Speaker Series Topics as proposed by the Sustainability Commission, with the provisos that:

1. Implementation of up to four events to occur between spring 2019 and June 2020 will be contingent on speaker availability, staffing resources, and available budget, and
2. The Subcommittee will provide enhanced support to coordinate logistics for speaker panels when proposed.

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.F** [19-0246](#) Award of Bid No. PW19-13 to Graham Contractors, Inc for Annual Slurry Seal 2019 and Finding of CEQA Categorical Exemption

Take the following actions:

- Making a finding of categorical exemption from the California Environmental Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) for rehabilitation of existing streets;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$872,722.46 to Graham Contractors, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% construction contingency in the amount of \$87,272.

- 1.G** [19-0429](#) Appoint Ms. Monica Alvarado and Ms. Cindy Springsteel to the NOVA Workforce Board

Appoint Ms. Monica Alvarado and Ms. Cindy Springsteel to the NOVA Workforce Board.

- 1.H** [19-0434](#) Adopt a Resolution Amending Resolution Number 712-15, the Executive Mortgage Assistance Policy for the Provision of Housing Assistance to Newly Appointed Charter Officers and Department Directors (the "Executive Mortgage Assistance Program") to include the classification of Deputy City Manager.

Adopt a Resolution Amending Resolution Number 712-15, the Policy for the Provision of Housing Assistance to Newly Appointed Charter Officers and Department Directors (the "Executive Mortgage Assistance Program") to include the classification of Deputy City Manager.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [19-0375](#) Approve Moffett Park Specific Plan Update Work Plan and Guiding Principles

Project Planner:

Michelle King, 408-730-7463, mking@sunnyvale.ca.gov

Project Planner Michelle King provided the staff report and slide presentation.

Public hearing opened at 8:14 p.m.

Kriti Garg, Policy and Outreach Associate at SV@Home, spoke in support of the work plan and guiding principles to move forward with the Moffett Park Specific Plan Update. She stated the group recommends that 15% of new housing units be affordable to a range of households with incomes that average 80% of the area median income, inclusionary policies, and an additional set-aside of 5% of the new units for moderate income households.

Shani Kleinhaus, Santa Clara Valley Audubon Society, spoke in support of the fifth guiding principle, and requested inclusion of ecological protection, enhancement and restoration of habitat. Additionally, she expressed concerns regarding the Water District's plans to build flood walls that are up to seven feet tall.

Priscilla Acuna, part of the policy team at Working Partnerships USA, urged Council to consider how public policies amending zoning, density and transit accessibility will benefit the major landowner in the area, Google, and how these changes will impact the people of Sunnyvale in terms of displacement, homelessness, and housing affordability. She spoke in support of a community benefits agreement.

Richard Mehlinger, speaking on his own behalf, spoke in support of the earlier speakers' comments recommending a 15% plus 5% housing affordability. He spoke in support of the recommendations from the Planning Commission and VTA BPAC, to take advantage of the VTA Light Rail resource as a transit hub. He spoke in support of connections to Downtown Sunnyvale and reviving the idea of Bus Rapid Transit on Mathilda Avenue. He also requested consideration of sea level rise possibilities.

Kerry Haywood, Moffett Park Business Group spoke in support of the guiding principles and the work plan.

Public hearing closed at 8:24 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Fong seconded the motion to approve Alternative 1: Approve the Guiding Principles, outlined in the staff report and the Work Plan (Attachment 7 to the report) for the update of the Moffett Park Specific Plan and direct staff to proceed with the understanding that the budget for the plan is funded by the initial applicant and/or other parties interested in the completion of the plan update, with three modifications to Attachment 7:

- 1- In Phase 1, Task 1, instead of doing two conceptual use plans, do at least three conceptual land use plans;
- 2- Include modifications recommended by Councilmember Smith on Page 3 of 7 of Attachment 7, Phase 2, to restate the Economic Impact Analysis statement in a positive way to encourage or preserve the business diversity;
- 3- Include the recommendation by Councilmember Fong for targeted outreach in Phase 2, Task 2, to ensure that it addresses multi-language access issues.

FRIENDLY AMENDMENT: Councilmember Goldman offered a friendly amendment to include the word “homeless” into the community benefits.

Vice Mayor Melton declined to accept the friendly amendment.

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

- 3** [19-0438](#) Introduction of an Ordinance to Implement Amended City Charter Section 604(e) by Adding Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to the Appointment Process for Filling City Council Vacancies and Related Amendments to City Council Policy 7.3.15 (Appointment of Interim Council Members)

City Attorney John Nagel provided the staff report and noted corrections to the ordinance amending Sunnyvale Municipal Code Section 2.30.030(f)(2) and Council Policy 1.E.(II) to replace, “shall be declared to be elected” with “shall be declared to be appointed.”

Public hearing opened at 8:49 p.m.

Richard Mehlinger, speaking on his own behalf, spoke in support of the ordinance, and suggested a correction to Section 2.30.030, to replace “If there are less than five candidates” with “If there are fewer than five candidates.”

Public hearing closed at 8:49 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to approve Alternative 2: Introduce an Ordinance Adding Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to the Appointment Process for Filling City Council Vacancies and Approve Related Revisions to City Council Policy 7.3.15 (Appointment of Interim Council Members) as shown in Attachment 4 to this Report with revisions directed by the City Council, with the addition that, where it says “elected” it should be changed to “appointed” as appropriate and as defined by the City Attorney, and further, that the phrase “fewer” be used in place of “less than” in both the policy and the ordinance.

City Clerk Kathleen Franco Simmons read the ordinance title for the record.

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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Larsson reported on a recent meeting of the League of California Cities Public Safety Committee meeting; discussion of bills before the State Legislature included legislation regarding police use of force; the committee decided to oppose AB 392 and to support SB 230.

Councilmember Smith reported on a recent meeting of the League Housing Committee and Economic Development Policy Committee; discussion of housing bills included legislation having to do with renter protections; the Community Services group discussed legislation for foster children, AB 1718 a Master Plan for Aging, a bill on a children's cabinet, and received information on religious-based methods for providing housing for seniors. She also attended a Women's Caucus Event.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Fong spoke regarding his recent visit to Taiwan with a delegation of young opinion leaders across the nation, invited by the Taipei Economic Cultural Office (Consulate Office).

Councilmember Goldman announced the board and commission recruitment process for summer vacancies and the Community Events and Neighborhood Events grants deadline for applications.

Vice Mayor Melton expressed appreciation to the Finance Department for timely Monthly Investment Reports.

-City Manager

City Manager Kent Steffens introduced incoming City Clerk David Carnahan.

INFORMATION ONLY REPORTS/ITEMS

[19-0415](#)

Tentative Council Meeting Agenda Calendar

- [19-0416](#) Information/Action Items

- [19-0079](#) Board/Commission Meeting Minutes

- [19-0413](#) Notice of Public Works Director's Decision on Final Maps (Information Only)

- [19-0406](#) Study Session Summary of March 5, 2019 - Update on Downtown Specific Plan Amendment

ADJOURNMENT

Councilmember Smith closed the meeting in memory of Mr. William "Bill" Ricks.

Mayor Klein adjourned the meeting at 9:15 p.m.