



City of Sunnyvale

Meeting Minutes City Council

Tuesday, September 10, 2019

5:00 PM

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

**Special Meeting: Study Session - 5 PM | Special Meeting: Study Session - 6 PM
Regular Meeting - 7 PM**

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

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

Mayor Klein called the meeting to order at 5:03 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 Study Session

[19-0110](#) Board and Commission Interviews

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

Marc Ketzel - Personnel Board

Pamela Putman - Bicycle and Pedestrian Advisory Commission

Michelle Manassau - Parks and Recreation Commission

Agnes Veith - Arts Commission

Mike Michitaka - Parks and Recreation Commission

5 Adjourn Special Meeting

Mayor Klein adjourned the meeting at 5:53 p.m.

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

1 Call to Order in the Council Chambers

Vice Mayor Melton called the meeting to order at 6:01 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

Vice Mayor Melton announced Council will hear agenda item 3- Public Comment after agenda item 4- Study Session.

4 Study Session

[19-0798](#) Study Session to Introduce Issues Requiring Council Direction for Proposed Amendments to Charter Article VI (The Council) to be Submitted to Voters in the March 2020 Election to Implement City Council By-District Elections

City Attorney John Nagel and Marguerite Leoni, Senior Partner, Nielsen, Merksamer, Parrinello, Gross, & Leoni provided the staff report and presentation.

3 Public Comment

Public Hearing opened at 6:56 p.m.

Steve Scandalis commented on Charter Sections 601, 604 and 605. He mentioned that clarification is needed in regards to "modified redistricting commission."

Galen Davis voiced support for an independent redistricting commission and suggested commission guidelines.

Mike Serrone voiced support for four-year terms for Mayor and two four-year terms for Councilmembers and Mayor independently.

Diane Gleason voiced support for a 7-member district voting system ballot measure.

Steve Chessin, President, Californians for Electoral Reform requested Council direct staff to research Government Code 34886 to assist with preparing an alternative plan should the Charter Amendment fail.

Linda Davis commented on Charter Section 604. She expressed concern with allowing for appointments by the Council to fill vacancies until the next general election should a Councilmember be elected to serve as Mayor.

Mei-Ling Stefan expressed concern with allowing for appointments by the Council to fill vacancies until the next general election should a Councilmember be elected to serve as Mayor.

Martin Pyne voiced support for an independent or modified redistricting commission.

Misuk Park spoke towards the California Voting Rights Act and voiced support for diversity and equal representation on Council.

Public Hearing closed at 7:04 p.m.

5 Adjourn Special Meeting

Vice Mayor Melton adjourned the meeting at 7:05 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:11 p.m.

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

SPECIAL ORDER OF THE DAY

[19-0316](#) SPECIAL ORDER OF THE DAY - Active Aging Week

Mayor Klein presented a proclamation to Interim Director of Library and Community Services Cherise Brandell and Community Services Manager Tracey Gott in recognition of Active Aging Week.

[19-0855](#) SPECIAL ORDER OF THE DAY - Library Card Sign-Up Month

Mayor Klein presented a proclamation to Interim Director of Library and Community Services Cherise Brandell in recognition of Library Card Sign-up Month.

PRESENTATION

[19-0923](#) PRESENTATION - Caltrain Business Plan Update, by Caltrain
Director of Policy Development Sebastian Petty

Sebastian Petty, Caltrain Director of Policy Development provided the presentation.

ORAL COMMUNICATIONS

Mayor Klein announced the upcoming State of the City event.

Steve Scandalis voiced support for a 7-member district voting system.

Richard Mehlinger advocated for the March ballot to include a provision regarding independent redistricting commission.

Peter Cirigliano voiced support for a 6+1-member district voting system.

CONSENT CALENDAR

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve Items 1.A through 1.G

The motion carried with the following vote:

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

No: 0

1.A [19-0819](#) Approve City Council Meeting Minutes of August 27, 2019

Approve the City Council Meeting Minutes of August 27, 2019 as submitted.

1.B [19-0787](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Approve the list(s) of claims and bills.

1.C [19-0843](#) Receive and File the City of Sunnyvale Investment Report -
2nd Quarter 2019

Receive and file the City of Sunnyvale Second Quarter 2019 Investment Report.

1.D [19-0735](#) Adopt a Resolution of the City Council of the City of Sunnyvale
Acknowledging Receipt of a Report From the Department of
Public Safety Regarding Annual Fire and Life Safety
Inspections Pursuant to Sections 13146.2 Through 13146.4 of
the California Health and Safety Code

Accept the reported rates of compliance indicating annual inspections of public and private schools, hotels, motels, lodging houses and apartment houses by the Department of Public Safety as the City of Sunnyvale's compliance with California Government Code section 13146.4.

1.E [19-0883](#) Approve the Engagement Letter with J.P. Morgan Securities
LLC to Support the Offering and Sale in a Public or Private
Offering of Bond Anticipation Notes Associated with the City's
Proposed Loan from the United States Environmental
Protection Agency Under the Water Infrastructure Financing
and Innovation Act (WIFIA) and Approve Budget Modification
No. 8 in the amount of \$275,000

Take the following actions:

- Approve the Engagement Letter with J.P. Morgan, in substantially the same form as Attachment 1 to the report, not to exceed amount of \$150,000;
- Authorize the City Manager to execute the Engagement Letter when all necessary conditions have been met; and
- Approve Budget Modification No. 8 in the amount of \$275,000 to fund financing support for the Sunnyvale Clean Water Program

- 1.F** [19-0797](#) Approval of Budget Modification No. 4 to Appropriate \$950,000 of Development Enterprise Reserves to Project 829571 - Fire Prevention Construction-Related Permitting.

Approve Budget Modification No. 4 in the amount of \$950,000 in Development Enterprise Fund Reserves to provide additional funding for fire protection system plan review and inspection temporary personnel services in Project 829751 Fire Prevention Construction Related Permitting.

- 1.G** [19-0919](#) Approve the Third Amendment to Outside Counsel Agreement with Liebert Cassidy Whitmore for General Employment Advice

Authorize the City Attorney 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 Liebert Cassidy Whitmore to increase the not to exceed contract amount by \$50,000, for a total new not to exceed contract amount of \$150,000.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [19-0675](#) Public Hearing Pursuant to Elections Code Section 10010(a) (2) to Receive Public Comment Regarding the Content of the Draft City Council Districting Maps Published on September 3, 2019, and the Proposed Sequence of Elections

Assistant City Manager Teri Silva and Douglas Johnson, President, National Demographics Corporation provided the staff report and presentation.

Public Hearing opened at 8:40 p.m.

Frances Stanley-Jones voiced support for Map 107.

MJ Laroche voiced support for Map 107.

Nitinkumar Shroff voiced support for Map 120.

Mei-Ling Stefan spoke towards the “not qualified” 7-member district map.

Holly Lofgren spoke towards the “not qualified” Map 102.

Galen Davis voiced support for Maps 107, 120 and 121

Ruhua You voiced support for a 7-member district voting system and for Map 120.

Evelyn Rocha voiced support for Map 120.

Bowman Ching voiced support for Map 120.

Martin Pyne voiced support for Group B including Maps 117, 120, 121 and 123;
Group C including Maps 107 and 122 and Group E including Map 105.

Josh Grossman voiced support for a 7-member district voting system map.

Jeremey Barousse, Director of Civic Engagement, Services, Immigrant Rights and Education Network (SIREN) voiced support for Map 120.

Mike Serrone voiced support for Maps 107, 111 and 120. He also voiced support for a 6+1-member district voting system.

Jonathan Stein shared a presentation by professor Justin Levitt regarding redistricting law.

Cal Cornwell voiced support for Map 120.

Collen Hausler voiced support for Map 120.

Linda Sell voiced support for Maps 107 and 120.

Diane Gleason voiced support for Map 120 and for an independent redistricting commission.

Richard Mehlinger suggested criteria to be considered when developing district maps. He voiced support for Maps 107, 117, 120 and 121.

Linda Davis voiced support for Map 105.

Serge Rudaz voiced support for Maps 105, 107, 111, 120 and 121. He also voiced support for an independent redistricting commission.

Misuk Park spoke towards diversity and equal representation on Council.

Jim Davis voiced opposition for an at-large directly elected mayor. He voiced support for a 7-member district map.

Steve Scandalis spoke towards “not qualified” Maps 102 and 106. He voiced support for a 7-member district voting system.

Maria Hamilton voiced support for a 7-member district voting system. She spoke towards districts included in Maps 107 and 120.

Steve Chessin, President, Californians for Electoral Reform voiced support for a 7-member district voting system

Public Hearing closed at 9:53 p.m.

MOTION: Councilmember Fong moved and Councilmember Larsson seconded the motion to direct staff to consider Map 120 for further refinement by the community.

The motion carried with the following vote:

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

No: 0

MOTION: Councilmember Goldman moved and Vice Mayor Melton seconded the motion to direct staff to consider Map 111 for further refinement by the community.

The motion carried with the following vote:

- Yes: 6 -** Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman
- No: 1 -** Councilmember Fong

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to direct staff to consider Map 112 for further refinement by the community.

The motion carried with the following vote:

- Yes: 5 -** Mayor Klein
Councilmember Larsson
Councilmember Smith
Councilmember Goldman
Councilmember Fong
- No: 2 -** Vice Mayor Melton
Councilmember Hendricks

MOTION: Councilmember Larsson moved and Councilmember Hendricks seconded the motion to direct staff to consider Map 107 for further refinement by the community.

The motion carried with the following vote:

- Yes: 7 -** Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman
Councilmember Fong
- No: 0**

MOTION: Vice Mayor Melton moved and Mayor Klein seconded the motion to direct staff to consider Map 121 for further refinement by the community.

The motion carried with the following vote:

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

No: 0

MOTION: Councilmember Fong moved and Councilmember Hendricks seconded the motion to direct staff to consider Map 127 for further refinement by the community.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman
Councilmember Fong

No: 1 - Vice Mayor Melton

MOTION: Councilmember Smith moved and Mayor Klein seconded the motion to direct staff to consider Map 126 for further refinement by the community.

The motion carried with the following vote:

- Yes:** 5 - Mayor Klein
Councilmember Larsson
Councilmember Smith
Councilmember Goldman
Councilmember Fong
- No:** 2 - Vice Mayor Melton
Councilmember Hendricks

The Council recessed at 10:34 p.m. and reconvened at 10:47 p.m. with all Councilmembers present.

- 3** [19-0929](#) Consider Request from Sunnyvale Community Services for Forgiveness of 2003 Community Development Block Grant (CDBG) Loan in the amount of \$400,000.

Housing Officer Jenny Carloni provided the staff report.

Public Hearing opened at 10:52 p.m.

Marie Bernard voiced support of Alternative 1.

Barbara Doheny voiced support of Alternative 1.

Public Hearing closed at 10:58 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to approve Alternative 1: Approve the CDBG Loan Forgiveness for Sunnyvale Community Services (SCS) in the amount of \$400,000, and make a formal policy statement that this action shall not be seen as a precedent for other borrowers, and is made only due to the increasing service provided by SCS to the Sunnyvale community.

The motion carried with the following vote:

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

No: 0

- 4** [19-0709](#) Approve the Green Stormwater Infrastructure Plan, Approve Budget Modification No. 7, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15308

Environmental Services Manager Melody Tovar provided the staff report.

Public Hearing opened at 11:07 p.m.

None.

Public Hearing closed at 11:07 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Smith seconded the motion to approve Alternative 1: Approve the Green Stormwater Infrastructure Plan, Approve Budget Modification No. 7 in the amount of \$100,000, and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline Section 15308.

The motion carried with the following vote:

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

No: 0

- 5** [19-0794](#) Approve City's Response to the 2018-2019 Santa Clara County Civil Grand Jury Report Titled, "Inquiry into the Governance of the Valley Transportation Agency".

Public Works Director Chip Taylor provided the staff report.

Public Hearing opened at 11:09 p.m.

Zachary Kaufman spoke towards staff recommendations regarding Measure B.

Public Hearing closed at 11:11 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to approve Alternative 1: Approve the City's response to the 2018-2019 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and authorize the Mayor to sign the response.

The motion carried with the following vote:

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

No: 0

- 6 [19-0740](#) Public Hearing and Approval of the City of Sunnyvale's 2019 Public Health Goal Report on Water Quality (2016-2018); Direct Staff to file with the California State Water Resources Control Board Division of Drinking Water and Find that the Action is Exempt from CEQA.

Environmental Services Manager Mansour Nasser provided the staff report.

Public Hearing opened at 11:18 p.m.

None.

Public Hearing closed at 11:18 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to approve Alternative 1: Find that the Action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b) (5), Approve the City of Sunnyvale's 2019 Public Health Goal Report on Water Quality (2016- 2018) and Direct Staff to file with the California State Water Resources Control Board Division of Drinking Water.

The motion carried with the following vote:

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

No: 0

- 7 [19-0933](#) Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase Salaries for Pay Plan Category D (Unrepresented Classified Management Employees) and Pay Plan Category K (Unrepresented Unclassified Management Employees Appointed Directly by the City Attorney)

Public Hearing opened at 11:22 p.m.

None.

Public Hearing closed at 11:22 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Fong seconded the motion to approve Alternative 1: Adopt a Resolution Amending Resolution 190-05, the City's Salary Resolution for Benefits and Language Clarifications, and the Schedule of Pay, to Increase Salaries for Pay Plan Category D (Unrepresented Classified Management Employees) and Pay Plan Category K (Unrepresented Unclassified Management Employees Appointed Directly by the City Attorney)

The motion carried with 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 Smith shared that she was featured in a San Jose Mercury News article regarding Women's Equality 2020 rally.

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

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[19-0493](#) Tentative Council Meeting Agenda Calendar

[19-0802](#) Board/Commission Meeting Minutes

[19-0812](#) Information/Action Items

ADJOURNMENT

Mayor Klein adjourned the meeting at 11:23 p.m.