



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, September 24, 2019

5:30 PM

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

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

### **5:30 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 5:31 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**

[19-0953](#) Board and Commission Interviews

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

Lauren DeCarlo – Parks and Recreation Commission

Craig Pasqua – Personnel Board

Joyce Park – Bicycle and Pedestrian Advisory Commission

Molly Pickett – Arts Commission

Arwen Dave – Bicycle and Pedestrian Advisory Commission

Derek Mau – Bicycle and Pedestrian Advisory Commission

Kristina Pistone – Bicycle and Pedestrian Advisory Commission

## **5 Adjourn Special Meeting**

Mayor Klein adjourned the meeting at 6:51 p.m.

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

### **CALL TO ORDER**

Mayor Klein called the meeting to order at 7:01 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**

[19-0882](#) SPECIAL ORDER OF THE DAY - Recognition of the Climate Action Plan 2.0 Advisory Committee (CAC)

Mayor Klein presented certificates of recognition to Climate Action Plan 2.0 Advisory Committee (CAC) Members. Regulatory Programs Division Manager Melody Tovar and Environmental Programs Manager Nupur Hiremath joined the Mayor in recognizing CAC Members.

[19-0952](#) SPECIAL ORDER OF THE DAY - National Breast Cancer Awareness Month

Mayor Klein presented a proclamation in honor of National Breast Cancer Awareness Month to Bobbe Smirni. Ms. Smirni provided information and materials for upcoming events.

**ORAL COMMUNICATIONS**

Virginia Wilson shared concerns regarding gasoline powered leaf blowers and the use of Roundup and similar pesticides.

Margaret Lawson, Sunnyvale Historical Society announced the Eleventh Anniversary Celebration of the Sunnyvale Historical Museum.

Hui Jiang raised concerns regarding City fines added to her property tax bill.

**CONSENT CALENDAR**

City Manager Kent Steffens requested agenda item 1.E 18-0803- Approve a Power Purchase Agreement with Borrego Solar Systems, Inc. for Solar Arrays Installation (F18-175) be removed from the agenda.

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

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**     [19-0905](#)     Approve City Council Meeting Minutes of September 10, 2019  
Approve the City Council Meeting Minutes of September 10, 2019 as submitted.

**1.B**     [19-0788](#)     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**     [19-0465](#)     Authorize the Issuance of a Purchase Order to Papé  
Machinery for a John Deere 310SL HL Backhoe (F19-204) for  
\$101,665.97 excluding \$9,149.31 in sales tax and approve

Budget Modification No. 9 in the amount of \$110,816.

Take the following actions:

- Authorize the issuance of a Purchase Order in the amount of \$101,665.97 (including tire fees) excluding \$9,149.31 in sales tax, in substantially the same form as Attachment 1 to the report, to Papé Machinery for one (1) 2019 John Deere 310SL HL Backhoe.
- Approve Budget Modification No. 9 in the amount of \$110,816 to fund the purchase for one (1) 2019 John Deere 310 SL HL Backhoe Truck.

- 1.D**      [19-0600](#)      Authorize the Issuance of a Blanket Purchase Order to Peterson Power Systems, Inc. for Power Generator Rentals (F19-191)

Take the following actions:

- Authorize the issuance of a blanket purchase order to Peterson Power Systems, Inc. in the amount of \$103,200, in substantially the same form as Attachment 1 to the report.
- Authorize the City Manager to modify or renew the blanket purchase order for one (1) additional one year period, not to exceed budgeted amounts.

- 1.E**      [18-0803](#)      Approve a Power Purchase Agreement with Borrego Solar Systems, Inc. for Solar Arrays Installation (F18-175)

- 1.F**      [19-0799](#)      Award of Five On-Call Contracts for Construction Management and Three On-Call Contracts for Quality Assurance Services (F19-149)

Take the following actions:

- Award five (5) three year on call contracts for construction management services and temporary personnel services agreement, with a contract amount not to exceed \$500,000 in substantially the same form as Attachment 1 to the report to: Ghirardelli Associates, CSG Engineering Inc., Hill International, TRC, and MNS Engineers, Inc.
- Award three (3) three year on call contracts for quality assurance services, with a contract amount not to exceed \$300,000 in substantially the same form as Attachment 1 to the report to Applied Material, CTS, and Signet.
- Authorize the City Manager to execute the agreements when all conditions have been met.
- Authorize the City Manager to increase the contracts up to budgeted amount.
- Authorize the City Manager to renew the contracts for up to two additional years based upon available funding, need, acceptable pricing and service.

- 1.G**      [19-0829](#)      Award a Contract to Kitchell CEM for Professional Design and Construction Support Services for Fire Station Master Plan (F19-157)

Take the following actions:

- Award a contract in substantially the same form as Attachment 1 to the report in the amount of \$134,386 to Kitchell CEM.
- Authorize the City Manager to execute the contract when all necessary conditions have been met.
- Approve a 22% contingency in the amount of \$29,565.

- 1.H**      [19-0851](#)      Award of Bid No. PW19-20 to Interstate Grading & Paving, Inc. for Pavement Rehabilitation 2019 and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

Take the following actions:

- Make a finding of categorical exemption from the California Environmental Quality Act (CEQA) 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 \$1,123,531 to Interstate Grading & Paving, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met.
- Approve a 10% construction contingency in the amount of \$112,353.

- 1.I**      [19-0884](#)      Award a Contract to Baker & Taylor, LLC, for Library Materials and Related Services (F19-126).

Take the following actions:

- Award a contract in substantially the same form as Attachment 1 in the amount of \$1,839,000 to Baker & Taylor, LLC.
- Authorize the City Manager to execute the contract when all necessary conditions have been met.
- Authorize the City Manager to increase the not to exceed contract amount and extend the contract term, with both actions subject to available annual budgeted funding and if pricing and service remain acceptable to the City.

- 1.J**      [19-0903](#)      Award a Contract to O'Dell Engineering to Study and Provide Professional Design and Construction Support Services for the Computer/Radio Controlled Landscape Median Irrigation Project (F19-116)

Take the following actions:

- Award a contract in substantially the same form as Attachment 1 to the report in

the amount of \$181,967 to O'Dell Engineering.

- Authorize the City Manager to execute the contract when all necessary conditions have been met.
- Approve a 10% contingency in the amount of \$18,197.

**1.K**      [19-0939](#)      Authorize the Issuance of a Blanket Purchase Order for Microsoft Enterprise Agreement Licenses and a Purchase Order for Perpetual Product Licenses to SHI International Corp. (F20-018)

Take the following actions:

- Authorize the issuance of a three-year Blanket Purchase Order to SHI International Corp., in the amount of \$1,150,000 for Microsoft Enterprise Agreement product licenses for Office 365, Dynamics Constituent Relationship Management (CRM), and productivity office software, in substantially the same form as Attachment 1 to the report.
- Authorize the issuance of a Purchase Order, to SHI International Corp. in the amount of \$382,462.12, for Microsoft perpetual product licenses for a server Operating System (OS) and SQL Server Database, in substantially the same form as Attachment 2 to the report.
- Authorize the City Manager to extend the Blanket Purchase Order for two additional one-year periods and amend the Blanket Purchase Order amount, based on acceptable pricing and available budget.

**1.L**      [19-0732](#)      Designate a Voting Delegate and Alternate for the 2019 League of California Cities Annual Conference

Approve the Mayor's nomination of Councilmember Nancy Smith as Voting Delegate and City Manager Kent Steffens as Alternate.

**1.M**      [19-0950](#)      Approve City Position on Proposed League of California Cities' 2019 Annual Conference Resolutions

Approve a support position for the proposed Resolution #1, Local Municipal Authority, Control, and Revenue; and take no position for the proposed Resolution #2, Repeal Preemption of Regulating Pesticides, and authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted positions.

**1.N**      [19-0943](#)      Endorse the Slate of Candidates for the League of California Cities Peninsula Division Election of Executive Committee Officers 2019/20

Endorse the slate of candidates for the Peninsula Division Executive Committee for 2019/20:

- a. President: Marico Sayoc, Councilmember, Los Gatos
- b. Vice President: Shelly Masur, Councilmember, Redwood City
- c. Treasurer: Nancy Smith, Councilmember, Sunnyvale
- d. Secretary: Neysa Fligor, Councilmember, Los Altos
- e. Board Director (Two Year Term): Emily Beach, Councilmember, Burlingame
- f. Board Liaison: Alicia Aguirre, Councilmember, Redwood City
- g. San Mateo County Representative: Mark Nogales, Councilmember, South San Francisco
- h. Santa Clara County Representative: John McKay, Councilmember, Morgan Hill
- i. Legislative Action Committee, Santa Clara: Charles "Chappie" Jones, Councilmember, San Jose
- j. Legislative Action Committee, San Mateo: Julia Mates, Councilmember, Belmont
- k. Past President: Larry Moody, Councilmember, East Palo Alto

### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2      [19-0932](#)      Introduce an Ordinance to add Chapter 19.77 ("Inclusionary Below Market Rate Rental Housing") to Title 19 ("Zoning") of the Sunnyvale Municipal Code to create an Inclusionary Rental Housing Program, and adopt a Resolution to amend the Master Fee Schedule and create a Rental Housing In-Lieu Fee.

Housing Officer Jenny Carloni provided the staff report and presentation.

Public Hearing opened at 8:46 p.m.

Gail Rubino supports the requirement for inclusionary housing built on-site.

Robert Stromberg, Destination Home shared support for targeting an average of 60% Area Median Income (AMI) and Rental Housing In-Lieu Fee Option 3.

Brennan Robins, Intern, Greenbelt Alliance voiced support for the joint vision submitted by Greenbelt Alliance, Livable Sunnyvale and Silicon Valley @ Home.

Tim Kerr stated his support for the Inclusionary Housing Ordinance in an effort to provide affordable housing and reduce homelessness.

David Wessel, Silicon Valley Organizing Committee reported the Committee's support for Rental Housing In-Lieu Fee Option 3.

Kriti Garg, Silicon Valley @ Home outlined the joint vision submitted by Greenbelt Alliance, Livable Sunnyvale and Silicon Valley @ Home.

Linda Davis voiced support for the Staff recommendation and prefers inclusionary housing over in-lieu fees.

Serge Rudaz stated his support for Alternatives 1 and 4, along with Alternative 5 if Rental Housing In-Lieu Fee Option 3 is selected.

Mike Serrone, Livable Sunnyvale commented on his support for the Inclusionary Housing Ordinance and the joint vision submitted by Greenbelt Alliance, Livable Sunnyvale and Silicon Valley @ Home. He suggested speeding up the project approval process.

Sue Serrone shared support for the Inclusionary Housing Ordinance, with a preference for Rental Housing In-Lieu Fee Option 3. She preferred eliminating the fees proposed for 3-6 unit developments.

Julia Liu voiced support for the Inclusionary Housing Ordinance and her preference to eliminate the in-lieu fee option. She reported the need for elder caregivers will continue to increase and they will require affordable housing options.

Dennis Martin, Building Industry Association (BIA) Bay Area referenced a Turner Center for Housing Innovation report that identifies development allowances necessary for a project subject to 15% inclusionary housing at 60% AMI to be profitable.

Richard Mehlinger, Livable Sunnyvale, communicated support for Rental Housing In-Lieu Fee Option 3, removing in-lieu fee requirements for 3-6 unit projects and provide some level flexibility for the downtown Cityline project.

Angela Rausch voiced support for the staff recommendation and shared concerns regarding the number of people becoming homeless.

Hui Jiang raised concerns regarding fees being set so high as to make projects unprofitable. She suggested reductions in parking requirements can help encourage



housing production.

Martin Pyne shared his support of the Inclusionary Housing Ordinance and the impact it can have in addressing the climate crisis.

Public Hearing closed at 9:23 p.m.

MOTION: Councilmember Fong moved and Vice Mayor Melton seconded the motion to eliminate the Small Project In-Lieu Fee.

The motion failed with the following vote:

**Yes:** 1 - Councilmember Fong

**No:** 5 - Mayor Klein  
Councilmember Larsson  
Councilmember Hendricks  
Councilmember Smith  
Councilmember Goldman

**Abstain:** 1 - Vice Mayor Melton

MOTION: Vice Mayor Melton moved and Mayor Klein seconded the motion to approve Alternative 3 and direct Staff to return with language that exempts STC Venture LLC's CityLine project from these requirements.

The motion failed with the following vote:

**Yes:** 2 - Vice Mayor Melton  
Councilmember Smith

**No:** 5 - Mayor Klein  
Councilmember Larsson  
Councilmember Hendricks  
Councilmember Goldman  
Councilmember Fong

MOTION: Councilmember Hendricks moved and Councilmember Fong seconded the motion to approve Alternative 1: Introduce an ordinance to add Chapter 19.77 ("Inclusionary Below Market Rate Rental Housing ") to Title 19 ("Zoning") of the

Sunnyvale Municipal Code to create an Inclusionary Rental Housing Program (Attachment 3 to the report).

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 Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 4: Approve a Resolution to amend the Master Fee Schedule and create a new Small Rental Project In Lieu Fee of \$12.50 per habitable square foot and a new Large Rental Project In-Lieu Fee of \$25.00 per habitable square foot, adjusted annually as part of the City Fee Schedule (Attachment 4 to the report).

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**

Council took a recess at 10:18 p.m. and reconvened with all Councilmembers present at 10:27 p.m.

**3**      [19-0369](#)      Proposed Amendment to Title 6 (Animals) of the Sunnyvale Municipal Code to Modernize and Reorganize Content

Neighborhood Preservation Manager Christy Gunvalsen and Senior Community Services Officer Michelle Morgan provided the staff report and presentation.

Public Hearing opened at 11:01 p.m.

Meredith Moseley voiced support of the Ordinance except for the 20-foot distance from inhabitable dwelling distance for small animals or livestock.

Zachary Kaufman questioned what would happen if someone moved to Sunnyvale and already owned more than the allowed number of dogs and cats.

Terry Sturtevant requested additional off-leash park options and equal treatment of male and female dogs.

Cynthia Hayes Rupp encouraged the City to allow additional off-leash options, with the understanding that most dog owners are responsible.

Carol Stanek supported the study of unfenced and off-leash areas. She reported Cupertino is launching a pilot of an unfenced, off-leash area.

Dr. Christie Kamiya, Humane Society Silicon Valley raised concerns regarding some of the fiscal impacts of the proposed ordinance and the costs for redeeming a lost animal.

Norm Nelson voiced support for the ordinance and off-leash options.

Karen Platt requested off-leash hours for dogs at San Antonio Park.

Public Hearing closed at 11:22 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Fong seconded the motion to approve Alternative 1: Introduce an Ordinance amending Title 6 of the Sunnyvale Municipal Code to modernize and reorganize Title 6.

AMENDMENT: Mayor Klein moved and Councilmember Fong seconded an amendment to the motion to add to 6.04.120(b)(5) prohibit unsprayed or un-neutered dogs over 18 months old from dog parks.

The amendment carried with the following vote:

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

**No: 0**

**Abstain: 1 -** Vice Mayor Melton

The amended 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**

MOTION: Councilmember Larsson moved and Vice Mayor Melton seconded the motion to hear agenda item 4.

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**      [19-0940](#)      Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase the Salary Ranges for Pay

Plan Category F (Unclassified Department Directors)

City Manager Kent Steffens provided the staff report.

Public Hearing opened at 11:53 p.m.

No speakers.

Public Hearing closed at 11:53 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Adjust the Salary Ranges for Pay Plan Category F (Unclassified Department Director).

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 Councilmember Larsson seconded the motion to hear the remainder of the agenda.

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 Larsson provided an update on state legislation pertaining to creating Regional Housing Needs Allocation sub-regions.

Councilmember Goldman shared his attendance at a recent Grand Boulevard Initiative meeting. The topic of free community shuttles around 2-3 cities to alleviate local congestion was discussed at the meeting.

### **NON-AGENDA ITEMS & COMMENTS**

#### **-Council**

Vice Mayor Melton commented on the work planned along Wolfe Road as outlined in Item 19-0648- Wolfe Road Pavement Options (Information Only) and suggested a timeline for easement acquisition be set for the associated undergrounding project.

#### **-City Manager**

None.

### **INFORMATION ONLY REPORTS/ITEMS**

<a href="#"><u>19-0519</u></a>	Tentative Council Meeting Agenda Calendar
<a href="#"><u>19-0803</u></a>	Board/Commission Meeting Minutes
<a href="#"><u>19-0813</u></a>	Information/Action Items
<a href="#"><u>19-0917</u></a>	Boards and Commissions Semi-Annual Attendance Report, January - June 2019 (Information Only)
<a href="#"><u>19-0648</u></a>	Wolfe Road Pavement Options (Information Only)
<a href="#"><u>19-0948</u></a>	Study Session Summary of August 27, 2019 - Sunnyvale Clean Water Program Administration and Lab Building Site and Architecture Update

### **ADJOURNMENT**

Mayor Klein adjourned the meeting at 12:03 a.m.