



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, October 29, 2019

6:00 PM

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

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

### **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 6:00 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

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

#### **4 Study Session**

[19-1117](#) Presentation and Discussion of Election Sequencing Principles for City Council By-District Elections

Marguerite Mary Leoni, Nielsen Merksamer Parrinello Gross & Leoni provided the staff report and presentation.

#### **3 Public Comment**

Public comment opened at 6:47 p.m.

Linda Davis commented regarding the deadlines associated with the proposed March 2020 ballot measure versus district map and associated election sequencing.

Mike Serrone voiced support for maintaining staggered Council terms.

Murali Srinivasan shared support for encouraging voter participation as a primary election sequencing criterion.

Diane Gleason promoted the idea of an independent commission to determine final district maps and associated sequencing.

Steve Scandalis communicated support for including all districts in the November 2020 election.

Martin Pyne commented regarding demographics of voters in recent elections.

Public comment closed at 6:57 p.m.

## **5 Adjourn Special Meeting**

Vice Mayor Melton adjourned the meeting at 6:57 p.m.

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

### **CALL TO ORDER**

Mayor Klein called the meeting to order at 7:05 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**

[19-0232](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office  
for Board and Commission Members

City Clerk David Carnahan administered the Oath of Office to incoming Board and Commission Members.

**ORAL COMMUNICATIONS**

James Tuleya voiced support for Reach Codes.

Steve Scandalis shared concerns regarding a 6+1-member district voting system.

Mark Richardson voiced concern regarding the recent vehicle collision injuring three children at the intersection of Poplar Avenue and El Camino Real and urged the City to act to improve intersection safety.

Kristel Wickham communicated support for Reach Codes.

Angela Quizon voiced concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Tara Martin-Milius shared details of Leadership Sunnyvale and support for Reach Codes.

Mike Balma communicated support for Reach Codes.

Dashiell Leeds, Conservation Assistant, Sierra Club Loma Prieta Chapter, shared support for Reach Codes.

Ida Rose Sylvester, Fossil Free Buildings Campaign of Silicon Valley and Carbon Free Mountain View Board Member, voiced support for Reach Codes.

Danielle Jennings, Platinum Advisors, shared details of Valley Transportation Authority (VTA) governance outreach.

Rivka Scheinkman voiced concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Allaicha Marilene communicated concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Jeff Calareso shared concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Eddie Scurry voiced concern regarding the recent vehicle collision and urged the

City to act to improve intersection safety.

Kalpana R. voiced concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Diane Gleeson voiced details of greenhouse gas increases and support for Reach Codes.

Brian Becker shared concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Merman Ocha communicated concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Jennifer Anthony voiced concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Ernest Aguayo shared concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Kristen Manos voiced concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

Kristin Farnham shared concern regarding the recent vehicle collision and urged the City to act to improve intersection safety.

### **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**     [19-0834](#)     Approve City Council Meeting Minutes of October 8, 2019

Approve the City Council Meeting Minutes of October 8, 2019 as submitted.

**1.B**     [19-0886](#)     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**     [19-0993](#)     Adopt a Resolution to Authorize Certain City Officials and a City Contractor Access to Sales and Use Tax Records

Adopt a Resolution to authorize certain City Officials and a city contractor access to Sales and Use Tax Records.

**1.D**     [19-1077](#)     Adopt Resolutions Approving Amendments to the City's Contribution for CalPERS Medical Insurance for Management, SEA, Confidential, and SEIU Employees and Annuitants (Retirees)

Adopt two resolutions: (1) setting the employer's contribution under the Public Employees' Medical and Hospital Care Act ("PEMHCA") for 2020; and (2) amending Salary Resolution No. 190-05 to modify the City's contribution for medical insurance for Management, SEA, Confidential, and SEIU employees and annuitants (retirees).

**1.E**     [19-1071](#)     Award a Contract to Can/Am Technologies, Inc. for Software Licensing and Implementation Services for the Teller Point-of-Sale System (F20-065)

Take the following actions:

- Award a Software as a Service (SaaS) Agreement in substantially the same form as Attachment 1 of the report in the amount of \$583,523 (\$90,250 in implementation services, optional implementation services including hardware in the amount of \$25,580 and \$467,693 for a 10-year Teller license agreement) to Can/Am Technologies, Inc. for implementation services and SaaS cloud licensing of the Teller Point of Sale System; and
- Authorize the City Manager to execute the SaaS Agreement when all conditions have been met; and
- Approve a 10% contingency in the amount of \$11,583.

**1.F**     [19-1154](#)     Award of Bid No. PW19-22 to Roofing & Solar Construction Inc. for the Roof Replacement of the Chemical Building at the

Water Pollution Control Plant Project and Finding of California  
Environmental Quality Act Categorical Exemption

Take the following actions:

- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(d);
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$148,000 to Roofing & Solar Construction 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 \$14,800.

- 1.G**      [19-1060](#)      Approve Amendments to Council Policy 7.2.19 (Boards and Commissions) as Requested by the City Council

Approve the Council Subcommittee's recommended amendments as presented in Attachment 1 to the report, that reflect the Council direction provided at the August 27, 2019 meeting.

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**            [19-1168](#)      Report on Recently Discovered Demographic Dataset Errors Regarding Citizen Voting Age Population Counts in Proposed District Maps Processed by National Demographics Corporation

Deputy City Manager Jaqui Guzman and Douglas Johnson, National Demographics Corporation provided the staff report.

Public Hearing opened at 8:07 p.m.

Martin Pyne voiced support for Alternative 1 and shared that he submitted a map alternative.

Public Hearing closed at 8:08 p.m.

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to direct staff continue moving forward with Maps 107A, 120A, 120C, and 121A for further consideration on November 5.

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**

- 3**      [19-1133](#)      Discussion and Possible Direction on 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 provided the staff report.

Public Hearing opened at 8:44 p.m.

Sean Dugar, Director of Programs and Strategy, California Common Cause shared support for an independent redistricting commission and offered to partner with the City in this effort.

Linda Davis voiced support for an independent redistricting commission and leaving redistricting details out of the March 2020 charter amendment.

Mike Serrone shared support for a 12-year term limit and an independent redistricting commission.

Richard Mehlinger voiced support for a 12-year term limit, with no more than 2 terms in the same position and for an independent redistricting commission.

Martin Pyne shared support for an independent redistricting commission.

Public Hearing closed at 8:58 p.m.

MOTION: Vice Mayor Melton moved to add to Charter Section 603 b, “notwithstanding the following a Councilmember elected at large in 2018 cannot run for district based election without first resigning.”

Motion failed due to the lack of a second.

Council took a recess at 9:50 p.m. and reconvened at 10:02 p.m. with all Councilmembers present.

MOTION: Vice Mayor Melton moved and Mayor Klein seconded the motion to include language in the ballot measure to grant Council authority to address redistricting via ordinance.

The motion carried with the following vote:

**Yes:** 4 - Mayor Klein  
Vice Mayor Melton  
Councilmember Larsson  
Councilmember Hendricks

**No:** 1 - Councilmember Goldman

**Abstain:** 2 - Councilmember Smith  
Councilmember Fong

- 4      [19-0611](#)      Public Hearing and Introduction of Ordinance Amending Chapter 16.52 of the Sunnyvale Municipal Code to Adopt by Reference the 2019 California Fire Code with Local Amendments and Related Findings and Find that the Action is Exempt from the California Environmental Quality Act

Fire Marshal Lynne Kilpatrick provided the staff report.

Public Hearing opened at 10:49 p.m.

No speakers.

Public Hearing closed at 10:49 p.m.

City Clerk David Carnahan read the Ordinance title for the record.

MOTION: Vice Mayor Melton moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Introduce the Ordinance Amending Chapter 16.52 of the Sunnyvale Municipal Code to Adopt by Reference the 2019 California Fire Code with Local Amendments and Related Findings, and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15308, 15305, and 15061.



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      [19-0624](#)      Public Hearing and Introduction of Ordinance: 1) Amending Various Sections of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference the 2019 California Building, Residential, Mechanical, Plumbing, Electrical, Building Standards Administrative, Energy, Historical Building, Existing Building, and Green Building Standards Codes, and the International Property Maintenance Code, with Local Amendments and Related Findings; 2) Adding Chapter 16.10 to Codify Safety Assessment Placards Used Following a Natural Disaster; and 3) Finding that the Action is Exempt from the California Environmental Quality Act

Chief Building Official Suzanne Park provided the staff report.

Public Hearing opened at 11:02 p.m.

No speakers.

Public Hearing closed at 11:02 p.m.

City Clerk David Carnahan read the Ordinance title for the record.

MOTION: Councilmember Hendricks moved and Councilmember Smith seconded the motion to approve Alternative 1: Introduce an Ordinance: 1) Amending Various Sections of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference the 2019 California Building, Residential, Mechanical, Plumbing, Electrical, Building Standards Administrative, Energy, Historical Building, Existing Building, and Green Building Standards Codes, and the International Property Maintenance Code, with Local Amendments and Related Findings; 2) Adding Chapter 16.10 to codify Safety Assessment Placards Used Following a Natural Disaster; and 3) Finding that the Action is Exempt from the California Environmental Quality Act (Attachment 1 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**

### **ORAL COMMUNICATIONS**

Richard Mehlinger shared environmental impacts and collision dangers caused by cars. He voiced support for quick build solutions to address traffic dangers.

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

Councilmember Larsson shared his attendance at a Cities Association of Santa Clara County meeting where the Association supported a planning collaborative instead of a Regional Housing Needs Assessment (RHNA) Subregion. He reported his attendance at a Caltrain Local Policymaker Group meeting. Highspeed Rail from San Jose to Merced was discussed at the meeting along with additional goals for Caltrain beyond fare box recovery.

Councilmember Smith reported her attendance at three Silicon Valley Clean Energy meetings. The need for additional carbon free power was discussed. The Board directed staff to explore buying nuclear energy and reselling the energy to other utilities. She shared her attendance at the League of California Cities Annual Conference along with her appointment as the Women's Caucus President.

Mayor Klein shared his attendance at a Valley Water meeting. Staff shared that Valley Water maintained water service during recent Pacific Gas and Electric Public Safety Power Shutoffs.

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

#### **-Council**

Councilmember Goldman requested the City address the recent vehicle collision at the intersection of Poplar Avenue and El Camino Real along with intersection improvements.

**-City Manager**

City Manager Kent Steffens announced, beginning with the November 5 Council meeting, staff presentations will be posted online the day before each Council meeting.

**INFORMATION ONLY REPORTS/ITEMS**

- [19-0705](#) Tentative Council Meeting Agenda Calendar
- [19-0808](#) Board/Commission Meeting Minutes
- [19-0815](#) Information/Action Items
- [19-0627](#) Hotel Tourism Business Improvement District Update  
(Information Only)

**ADJOURNMENT**

Mayor Klein adjourned the meeting at 11:25 p.m.