City of Sunnyvale

Meeting Minutes
City Council

Tuesday, January 14, 2020 | **5:00 PM** | **Council Chambers and West Conference Room, City Hall, 456 W. Olive Ave., Sunnyvale, CA 94086**

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

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

1 Call to Order in the West Conference Room

Vice Mayor Smith called the meeting to order at 5:00 p.m.

2 Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Nancy Smith
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Michael S. Goldman
Councilmember Mason Fong

3 Public Comment

None.

4 Convene to Closed Session

20-0098 CONFERENCE WITH LEGAL COUNSEL-SETTLEMENT OF WORKER'S COMPENSATION CLAIMS
Closed Session held pursuant to California Government Code Section 54956.95(b):
Carlton, Ramina v. City of Sunnyvale (WCAB ADJ10361783)

20-0163 CONFERENCE WITH LEGAL COUNSEL-SETTLEMENT OF WORKER'S COMPENSATION CLAIMS
Closed Session held pursuant to California Government Code Section 54956.95(b):
John Credi v. City of Sunnyvale (WCAB ADJ16972082;

ADJ16972028; ADJ9248734; and Claim No. 522889)

20-0206 Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: City Council Compensation Subcommittee: Councilmembers Klein, Melton and Larsson
Unrepresented Employee: City Manager

5 Adjourn Special Meeting

Vice Mayor Smith adjourned the meeting at 5:21 p.m.

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

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

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

2 Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Nancy Smith
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Michael S. Goldman
Councilmember Mason Fong

4 Study Session

3 Public Comment

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

20-0106 New Legislation Related to Housing

Principal Planner Amber Blizinski, Housing Officer Jenny Carloni, Community Development Department Assistant Director Andrew Miner and Senior Assistant City Attorney Rebecca Moon provided the staff report and presentation.

3 Public Comment

Public Comment opened at 6:50 p.m.

Kevin Jackson raised concerns regarding the impact of new Accessory Dwelling Unit (ADU) regulations on planned bicycle facilities included in the Active Transportation Plan.

Sue Serrone shared support for additional affordable housing.

Mike Serrone communicated support for additional affordable housing and provisions for the City to implement its own regulations.

Public Comment closed at 6:58 p.m.

5 Adjourn Special Meeting

Vice Mayor Smith adjourned the meeting 6:58 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:04 p.m.

SALUTE TO THE FLAG

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Nancy Smith
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Russ Melton
Councilmember Michael S. Goldman
Councilmember Mason Fong

CLOSED SESSION REPORT

Vice Mayor Smith reported Council met in Closed Session pursuant to California Government Code Section 54956.95(b): CONFERENCE WITH LEGAL COUNSEL SETTLEMENT OF WORKER'S COMPENSATION CLAIMS: Carlton, Ramina v. City of Sunnyvale (WCAB ADJ10361783); nothing to report.

Vice Mayor Smith reported Council met in Closed Session held pursuant to California Government Code Section 54956.95(b): CONFERENCE WITH LEGAL COUNSEL SETTLEMENT OF WORKER'S COMPENSATION CLAIMS: John Credi

v. City of Sunnyvale (WCAB ADJ16972082; ADJ16972028; ADJ9248734; and Claim No. 522889); nothing to report.

Vice Mayor Smith reported Council met in Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency designated representatives: City Council Compensation Subcommittee: Councilmembers Klein, Melton and Larsson Unrepresented Employee: City Manager; nothing to report.

SPECIAL ORDER OF THE DAY

20-0017 SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor

Mayor Klein spoke in recognition of Councilmember Melton.

Councilmember Melton provided remarks.

20-0018 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Incoming Vice Mayor

Claire Mack, Former Mayor, City of San Mateo administered the Oath of Office to Vice Mayor Smith.

Vice Mayor Smith provided remarks.

PRESENTATION

20-0058 PRESENTATION - Transition to the Voter's Choice Act, by Rachel Jung, Outreach Coordinator, Santa Clara County Registrar of Voters

Outreach Coordinator Rachel Jung provided the presentation.

ORAL COMMUNICATIONS

Kristel Wickham shared an all-electric Reach Code proposal.

Kaushik Tota, Youth Public Policy Institute and Climate Youth Ambassadors, voiced support for Reach Codes and reported Reach Code efforts in neighboring cities.

Mike Serrone announced details of the upcoming Sunnyvale Democratic Club meeting that will focus on Sunnyvale Ballot Measure B, Senate Bill (SB) 50 and

Reach Codes.

Galen Davis shared details of the Yes on Measure B 2020 Committee and www.sunnyvaleyesonb.org.

Maya Cohen communicated support for traffic safety improvements along El Camino Real and on Poplar Avenue between El Camino Real and Peterson Middle School.

Barbara Fukumoto voiced support for all electric Reach Codes.

Shani Kleinhaus, Santa Clara County Audubon Society spoke in support of Reach Codes and bird safe design. She announced details of the upcoming Green Streets for Sustainable Communities Symposium.

CONSENT CALENDAR

Mayor Klein reported Item 1.C would be pulled from the Consent Calendar.

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

The motion carried with the following vote:

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

No: 0

1.A 20-0077 Approve City Council Meeting Minutes of January 7, 2020

Approve the City Council Meeting Minutes of January 7, 2020 as submitted.

1.B 20-0035 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 20-0164 Authorize the Issuance of a Purchase Order to National Auto Fleet Group for Ten (10) Ford Ranger Service Vehicles (F19-141)

Public Hearing opened at 7:46 p.m.

Kristel Wickham spoke in support of Climate Action Playbook Play 3.L - Electrify Municipal Fleet as vehicles are replaced and continue to seek incentives for electric vehicles and charging infrastructure.

Public Hearing closed at 7:47 p.m.

MOTION: Vice Mayor Smith moved and Councilmember Goldman seconded the motion to Authorize the issuance of a Purchase Order in the amount of $249,921.50 (including tire and delivery fees) excluding sales tax, in substantially the same form as Attachment 1 to the report, to National Auto Fleet Group for ten (10) 2020 Ford Ranger service vehicles.

The motion carried with the following vote:

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

No: 0

1.D 20-0165 Authorize the Issuance of a Blanket Purchase Order to P&R Paper Supply Company, Inc. for Janitorial Supplies (F19-222)

Take the following actions:
- Authorize the issuance of a blanket Purchase Order to P&R Paper Supply Company, Inc. for janitorial supplies, in substantially the same form as Attachment 5 to the report, in the amount of $120,000;
- Make a determination that the bid received from Birite Food Service bid is non responsive; and
- Authorize the City Manager to amend and renew the blanket Purchase Order for three (3) additional one year periods, subject to available budget and acceptable pricing and services.

1.E 20-0192 Award a Contract to Pacific Eco-Risk, Inc. in an amount of $350,000 for Chronic Toxicity Testing Services at the Water Pollution Control Plant (F20-071)

Take the following actions:
- Award a three-year contract in substantially the same form as Attachment 1 to the report in the amount of $350,000 to Pacific Eco-Risk, Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Authorize the City Manager to renew the contract for two (2) additional one year periods within budgeted amounts and provided pricing and service remain acceptable.

1.F 20-0174 Award of Bid No. PW20-06 to Redgwick Construction Co. for Caribbean Drive Parking and Trail Access Enhancements, Accept the California Environmental Quality Act (CEQA) Program Environmental Impact Report (PEIR) Addendum, Authorize the City Manager to Accept Grant Funds and Execute a Sub-recipient Grant Agreement, and Approve Budget Modification No. 19

Take the following actions:
- Accept the PEIR Addendum in Attachment 3 to the report pursuant to CEQA Guideline Sections 15162 and 15164 for Caribbean Drive Parking and Trail Access Enhancements;
- Authorize the City Manager to accept and execute a sub-recipient grant agreement with the Association of Bay Area Governments;
- Approve Budget Modification No. 19 to reduce the grant funds from the San Francisco Bay Water Quality Improvement Fund Grant in Project 833160 - SCWP Caribbean Drive Parking and Trail Access Enhancements and appropriate the new amount of $265,200 in Project 8331511 - Green Stormwater Infrastructure Implementation;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of $981,100 to Redgwick Construction Co.;
- 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 $98,110.

PUBLIC HEARINGS/GENERAL BUSINESS

2 20-0019 Annual Public Hearing-Discussion of Potential Council Study

Issues and Budget Issues for Calendar Year 2020

Assistant City Manager Teri Silva provided the staff report and presentation.

Public Hearing opened at 7:57 p.m.

Martin Pyne spoke in support of Study Issue DPW 19-11: Exterior Lighting Dark Sky Ordinance and Standards.

Shani Kleinhaus, Santa Clara County Audubon Society voiced support for DPW 19-11.

Kristel Wickham communicated support for ESD 17-01: Eliminate the Use of Chemical Pesticides on City Owned or Leased Property.

Tawna Vargo, Unite Here, Local 19 proposed a study issue to implement a worker retention ordinance.

Davida Sotelo Escobedo Researcher, Unite Here International Union shared details regarding corporate cafeteria jobs.

Erika Sanchez communicated support for a worker retention ordinance.

Justin Wang shared support for DPW 19-11.

Public Hearing closed at 8:12 p.m.

Councilmember Melton proposed a study issue to perform a roadway safety study at El Camino Real and Poplar Avenue; Councilmember Goldman co-sponsored.

FRIENDLY AMENDMENT: Mayor Klein offered a friendly amendment to add the intersections of El Camino Real and Henderson Avenue, Pastoria Avenue and Mary Avenue.

Councilmember Melton declined to accept the friendly amendment.

Mayor Klein, Vice Mayor Smith and Councilmember Fong co-sponsored the study issue.

Councilmember Larsson proposed a study issue to develop a worker retention

ordinance similar to the one implemented in the City of Santa Clara, focusing on food service and building service workers including options to preserve jobs for 90 days following a change in contractor; Mayor Klein, Vice Mayor Smith and Councilmembers Melton, Goldman and Fong co-sponsored.

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to broaden the study issue to include all contract employees.

Councilmember Larsson declined to accept the friendly amendment.

Councilmember Fong proposed a study issue to add lighting to existing and future dog parks; Mayor Klein and Councilmembers Larsson and Melton co-sponsored.

Mayor Klein proposed a budget issue in the amount of $20,000 to implement and fund a bicycle rack installation program for commercial businesses without bicycle racks; Vice Mayor Smith and Councilmember Fong co-sponsored.

3 20-0057 Approve an Agreement with the Sunnyvale School District and Fremont Union High School District for a Joint Use Lakewood Branch Library and Learning Center at Lakewood Elementary School

Assistant City Manager Teri Silva provided the staff report and presentation.

Public Hearing opened at 9:01 p.m.

Daniel Bremond spoke in support of Alternative 1.

Public Hearing closed at 9:03 p.m.

MOTION: Councilmember Fong moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Approve an Agreement with the Sunnyvale School District and the Fremont Union High School District for a joint use Lakewood Branch Library and Learning Center at Lakewood Elementary School.

The motion carried with the following vote:

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

No: 0

4 20-0172 Approval of Budget Modification No. 17 in the total amount of $90,000 to the North County Gun Buyback Program

Public Safety Deputy Chief Jim Choi provided the staff report.

Public Hearing opened at 9:19 p.m.
No speakers.
Public Hearing closed at 9:19 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 2: Approve Budget Modification No. 17 in the amount of $90,000 for the FY 2019/20 North County Gun Buyback Program and appropriate $30,000 in Council Level Set-Aside funds for the City's share.

The motion carried with the following vote:

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

No: 0

Council took a recess at 9:24 p.m. and reconvened with all Councilmembers present at 9:34 p.m.

5 20-0173 Award of Bid No. PW20-05 to Joseph J. Albanese, Inc. for Fair Oaks Avenue Overhead Bridge Rehabilitation, Approve Budget

Modification No. 15 in the amount of $6,826,145, Award a Contract to Ghirardelli Associates, Inc., Amend the Contract with Biggs Cardosa Associates Inc., and Approve a Peninsula Corridor Joint Powers Board Amended Service Agreement

Public Works Director Chip Taylor provided the staff report and presentation.

Public Hearing opened at 9:45 p.m.
No speakers.
Public Hearing closed at 9:45 p.m.

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve Alternative 1:
A. Authorize the City Manager upon receipt of confirmation of additional funding from Caltrans:
- Award a construction contract in substantially the same form as Attachment 2 to the report to Joseph J. Albanese in the amount of $18,386,002.86;
- Execute the construction contract when all necessary conditions have been met;
- Approve a 10% construction contingency in the amount of $1,838,600;
- Execute a First Amendment to a construction management contract to increase the contract amount by $2,333,197.29 to a new amount not-to-exceed $2,382,824.70 with Ghirardelli Associates, Inc.;
- Execute a Fifth Amendment to an engineering services contract with Biggs Cardosa Associates Inc. of San Jose to increase the contract by $442,731 to a new amount not-to-exceed $2,626,075;
- Execute Peninsula Corridor Joint Powers Board (PCJPB) Amended Service Agreement (Amendment 1 to the report) in an amount not-to-exceed $177,506; and
B. Approve Budget Modification No. 15 in the amount of $6,826,145 to provide additional project funding upon confirmation of additional funding from Caltrans.

The motion carried with the following vote:

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

No: 0

6 20-0170 Adopt an Urgency Ordinance to Extend the Recently Adopted Urgency Ordinance to February 6, 2020 to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units, Introduce an Ordinance to Renumber Chapter 19.77 (Accessory Dwelling Units) to Chapter 19.79 and make other associated changes to Title 19, and Find that these Actions are Exempt from the California Environmental Quality Act

Community Development Director Trudi Ryan provided the staff report.

Public Hearing opened at 9:49 p.m.
No speakers.
Public Hearing closed at 9:49 p.m.

City Clerk David Carnahan read the Urgency Ordinance and Ordinance titles for the record.

MOTION: Vice Mayor 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 Public Resource Code Section 21080.17 and does not constitute a "project" within the meaning of CEQA pursuant to CEQA Guidelines Section 15061(b)(3); adopt an Urgency Ordinance (Attachment 6 to the Report) to extend the recently amended Urgency Ordinance to February 6, 2020 to amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to new state legislation on accessory dwelling units, and introduce an Ordinance to renumber Chapter 19.77 (Accessory Dwelling Units) to Chapter 19.79 and make other associated changes to Title 19.

The motion carried with the following vote:

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

No: 0

7 20-0205 Direction Regarding Amending the Employment Agreement

between the City of Sunnyvale and City Manager Kent Steffens to Increase the City Manager Salary in an Amount to be Determined by the City Council

City Manager Kent Steffens left the room during consideration of this item.

Human Resources Director Tina Murphy provided the staff report.

Public Hearing opened at 9:52 p.m.
No speakers.
Public Hearing closed at 9:52 p.m.

MOTION: Councilmember Larsson moved and Councilmember Melton seconded the motion to increase the City Manager's salary by 5.5% and authorize the Mayor to approve an amendment to the City Manager's Employment Agreement, in a form approved by the City Attorney, to increase the annual salary reflecting the increase directed by the City Council and consistent with the salary control point, effective December 29, 2019 and amend Section 3.5.4 - Additional Retirement Contributions to match the 40l(k) plan employee contribution limit for employees over age 50 or older.

The motion carried with the following vote:

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

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Smith shared details of a recent Silicon Valley Clean Energy (SVCE) meeting including presentations regarding Climate Youth Ambassadors along with Pacific Gas and Electric (PG&E) and a report from SVCE lobbyist. She was selected as SVCE Vice Chairperson.

Mayor Klein announced Cities Association of Santa Clara County support for Seamless Bay Area.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Melton requested an opportunity for Council to review ballot measures scheduled for the March 2020 ballot, with a focus on school district revenue ballot measures. He confirmed with staff the Council will consider legislative priorities at the next Council meeting. He requested any modifications to the City's agreement with Golden State Fire Apparatus be placed on the public hearing agenda and include a discussion of purchase order controls.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

20-0067	Tentative Council Meeting Agenda Calendar
20-0075	Board/Commission Meeting Minutes
20-0076	Information/Action Items
20-0208	Mayoral Announcement of Mayor-Appointed Ad Hoc El Camino Real Plan Advisory Committee Appointments Committee (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 10:03 p.m.