



City of Sunnyvale

Meeting Minutes City Council

Tuesday, March 17, 2020

7:00 PM

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

**Regular Meeting - 7 PM | (Special Meeting: Closed Session - 5:30 P.M. - Canceled) |
(Special Meeting: Study Session - 6 PM - Canceled)**

TELECONFERENCE SPECIAL NOTICE

Pursuant to Executive Order N-25-20:

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020 to mitigate the spread of the coronavirus known as COVID-19. In particular, the Executive Order suspends that provisions of the Brown Act that require noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members for purposes of a quorum or to hold a meeting. Executive Order N-25-20 requires that the agency to notice at least one publicly accessible location where members of the public have the right to observe and offer comment at the meeting, consistent with other provisions of the Brown Act.

The following members of the Sunnyvale City Council are listed to permit them to appear telephonically, if necessary, at the City Council Meeting on March 17, 2020: Mayor Klein; Vice Mayor Smith and Councilmembers Larsson, Hendricks, Melton, Goldman and Fong.

Members of the public may physically attend, observe and provide public comment at the meeting at the Sunnyvale City Council Chamber, located at 456 West Olive Ave., Sunnyvale, CA 94088.

Attendees are expected to comply with directions from City staff with regard to seating arrangements and other social distancing measures pursuant to Santa Clara Public Health Officer's Coronavirus Guidances.

Members of the public wanting to view and listen to the open session of the meeting may do so by tuning-in live via sunnyvaleca.legistar.com/calendar.aspx

5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session) - CANCELED

1 Call to Order in the West Conference Room

2 Roll Call

3 Public Comment

4 Convene to Closed Session

[20-0296](#)

CONFERENCE WITH LEGAL COUNSEL-SETTLEMENT OF WORKER'S COMPENSATION CLAIM Closed Session held pursuant to California Government Code Section 54956.95(b):
Claimant: Bart Carrigan
City of Sunnyvale Claim No. SYVX-227845

Agenda item not heard by Council.

[20-0324](#)

CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION
Closed Session held pursuant to California Government Code Section 54956.9 (d)(1).
Name of Case: Ronald D'Alba v. City of Sunnyvale (Workers Compensation Appeal Board Case Nos. AB ADJ7427931 and ADJ4363668)

Agenda item not heard by Council.

5 Adjourn Special Meeting

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

1 Call to Order in the Council Chambers

2 Roll Call

3 Public Comment

4 Study Session

[20-0237](#)

Transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT)

Agenda item not heard by Council.

5 Adjourn Special Meeting

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:00 p.m.

SALUTE TO THE FLAG

Mayor Klein provided details of Executive Order N-25-20 pertaining to temporary modifications to California's open meetings law, the Ralph M. Brown Act.

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

Vice Mayor Smith and Councilmembers Larsson and Melton attended via teleconference.

CLOSED SESSION REPORT

Agenda item not heard by Council.

SPECIAL ORDER OF THE DAY

[20-0365](#) SPECIAL ORDER OF THE DAY - Recognition of Sunnyvale Resident Eric Steger

Agenda item not heard by Council.

[20-0350](#) SPECIAL ORDER OF THE DAY - American Red Cross Month

Agenda item not heard by Council.

PRESENTATION

- [20-0030](#) PRESENTATION - Split Tax Roll Ballot Measure by Santa Clara County Assessor Larry Stone

Agenda item not heard by Council.

ORAL COMMUNICATIONS

Vice Mayor Smith announced the current recruitment for various Boards and Commissions.

CONSENT CALENDAR

MOTION: Vice Mayor Smith moved and Councilmember Hendricks seconded the motion to approve Items 1.A through 1.J.

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** [20-0219](#) Approve City Council Meeting Minutes of February 25, 2020

Approve the City Council Meeting Minutes of February 25, 2020 as submitted.

- 1.B** [20-0346](#) Approve City Council Meeting Minutes of February 27, 2020

Approve the City Council Meeting Minutes of February 27, 2020 as submitted.

- 1.C** [20-0071](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

- 1.D** [20-0271](#) Receive and File the City of Sunnyvale Investment Report - 4th Quarter 2019

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

1.E [20-0267](#) Award of Contract to Bellecci & Associates, Inc. for Water Line Replacement 2019 Project (F19-238)

Take the following actions:

- Award a Consultant Services Agreement in substantially the same form as Attachment 1 to the report in the not-to-exceed contract amount of \$557,511 to Bellecci & Associates, Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% contingency in the amount of \$55,751.

1.F [20-0317](#) Award of Bid No. PW20-13 to Graham Contractors, Inc. for Slurry Seal 2020 and Finding of 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 \$856,215.84 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 \$85,622.

1.G [20-0261](#) Authorize the Issuance of a Purchase Order to Tymco, Inc. for Two Sweeper Service Vehicles (F20-107)

Authorize the issuance of a Purchase Order in the amount of \$487,861 (including tire and delivery fees) excluding sales tax, in substantially the same form as Attachment 1 to the report, to Tymco, Inc. for two 2020 sweeper service vehicles.

1.H [20-0376](#) Approve a Revised Memorandum of Understanding with Santa Clara County for Crime Laboratory Services Related to Department of Public Safety Major Cases

Authorize the City Manager to execute a revised Memorandum of Understanding (MOU), in substantially the form as Attachment 1 to the report, between the City of Sunnyvale and Santa Clara County for services provided by the Santa Clara County Crime Laboratory related to Department of Public Safety Major Cases, for a term of ten years commencing with the last signature date of the MOU.

1.I [20-0336](#) Adopt a Resolution authorizing display of the Prisoners of War/Missing in Action (POW/MIA) flag on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National

POW/MIA Recognition Day and Veterans Day

Adopt a Resolution authorizing display of the POW/MIA flag on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day and Veterans Day.

1.J [20-0021](#) Annual Review and Approval of City's Code of Ethics and Conduct for Elected and Appointed Officials

Review and approve the 2020 Code of Ethics and Conduct for Elected and Appointed Officials with no changes from the 2019 Code as set forth in Attachment 1 to the report.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [20-0405](#) Adopt a Resolution Ratifying the City Manager's Proclamation of a Local Health Emergency in Response to the 2019 Novel Coronavirus

City Manager Kent Steffens and Public Safety Chief Phan Ngo provided the staff report.

Public Hearing opened at 7:22 p.m.

No speakers.

Public Hearing closed at 7:22 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Fong seconded the motion to approve Alternative 1: Adopt a Resolution confirming the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency (COVID-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

3 [20-0356](#) Proposed Project: Related applications on a 40.5 acre site:

MAJOR MOFFETT PARK SPECIAL DEVELOPMENT

PERMIT: Two new five-story R&D office buildings of 1,041,890 square feet resulting in 60 percent Floor Area Ratio (FAR). The existing 710,381 square feet of office & manufacturing buildings will be demolished.

VESTING TENTATIVE MAP: Merge ten existing parcels and create two new parcels.

Location: 360 W. Caribbean Drive (APNs: 110-26-020, 021, 022, 023, 025, 027, 028, 029, 030, 031)

File #: 2017-8042

Zoning: Moffett Park Industrial (MP-I) & Moffett Park Transit Oriented Development (MP-TOD)

Applicant / Owner: Google LLC (applicant) / Google Inc. (owner)

Environmental Review: Transportation Environmental Impact Report and Statement of Overriding Considerations and Mitigation Monitoring and Reporting program

Project Planners: Shaunn Mendrin, (408) 730-7431, smendrin@sunnyvale.ca.gov and Michelle King, (408) 730-7463, mking@sunnyvale.ca.gov.

Agenda item not heard by Council.

- 4** [20-0269](#) Approve the 2019 Annual Progress Report on Implementation of the General Plan Housing Element

Community Development Director Trudi Ryan provided the staff report.

Public Hearing opened at 7:41 p.m.

No speakers.

Public Hearing closed at 7:41 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Smith seconded the motion to approve Alternative 1: Approve the 2019 Housing Element Annual Progress Report (Attachment 1 of the report) and direct staff to submit the report to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

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

- 5** [20-0226](#) Introduce an Ordinance to Amend Title 10 (Vehicles and Traffic); Sections 10.04.090 (General), 10.16.020 (Parking Regulations), 10.36.065 (Loading and Special Zones), and 10.56.140 (Bicycles) of the Sunnyvale Municipal Code for Clarification and Cleanup

Agenda item not heard by Council.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Smith advised she will share February and March updates regarding Silicon Valley Clean Energy with staff.

Councilmember Hendricks shared details of Santa Clara Transportation Authority actions taken in response to the Covid-19 pandemic.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Fong proposed directing staff to explore various options to support local businesses experiencing financial hardship due to the Santa Clara County Shelter at Place of Residence Order.

Councilmember Goldman requested staff investigate aiding those unable to obtain a month-to-month rental agreement.

Vice Mayor Smith suggested staff consider temporarily waiving vehicle entry fees at Baylands Park. She noted reports of increases in shoplifting and requests for additional garbage pick-up.

-City Manager

City Manager Kent Steffens requested Council confirm support for each item Councilmembers proposed staff investigate in response to the Covid-19 pandemic and resulting Shelter at Place of Residence Order.

Mayor Klein confirmed staff is exploring an eviction moratorium.

MOTION: Vice Mayor Smith moved and Councilmember Larsson seconded the motion to direct staff to agendize consideration of waiving vehicle entry fees at Baylands Park for 30-, 60- or 90-days.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to modify the motion to agendize a discussion of authorizing the City Manager to waive resident fees as he deems appropriate.

Vice Mayor Smith accepted the friendly amendment.

The motion as amended failed with the following vote:

- Yes: 3 -** Vice Mayor Smith
Councilmember Larsson
Councilmember Goldman
- No: 4 -** Mayor Klein
Councilmember Hendricks
Councilmember Melton
Councilmember Fong

MOTION: Councilmember Larsson moved and Vice Mayor Smith seconded the motion to direct staff to agendize consideration of waiving vehicle entry fees at Baylands Park for 30-, 60- or 90-days.

The motion failed with the following vote:

- Yes: 3 -** Vice Mayor Smith
Councilmember Larsson
Councilmember Fong

No: 4 - Mayor Klein
Councilmember Hendricks
Councilmember Melton
Councilmember Goldman

City Manager Kent Steffens advised staff may publish the Tentative Council Meeting Agenda Calendar (TCMAC) less frequently than the typical weekly publication schedule during the current local health emergency. He advised special Council meetings may be scheduled to hear agenda items postponed due to the Covid-19 pandemic.

INFORMATION ONLY REPORTS/ITEMS

- [20-0020](#) Tentative Council Meeting Agenda Calendar
- [20-0300](#) Board/Commission Meeting Minutes
- [20-0119](#) Information/Action Items
- [20-0388](#) Transportation Map Depicting Major Transit Stops and Stops along a High-Quality Transit Corridor with a One-Half Mile Buffer as defined by Senate Bill 743 (Information Only)
- [20-0341](#) Study Session Summary of December 10, 2019 - #HRD 19-01 Review Results of Workforce Initiative That Creates Partnerships to Develop a Pipeline for Students to Enter Public Sector Employment
- [20-0368](#) Study Session Summary of February 25, 2020 - Fines Amnesty (2019 Study Issue)

ADJOURNMENT

Mayor Klein adjourned the meeting at 8:25 p.m.