



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, March 31, 2020

7:00 PM

Telepresence Meeting:  
City Web Stream and  
KMVT Channel 15

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### Regular Meeting - 7 PM

### SPECIAL TELECONFERENCE NOTICE

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

#### **CALL TO ORDER**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 7:01 p.m. via teleconference.

#### **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

Mayor Klein, Vice Mayor Smith and all Councilmembers attended via teleconference.

#### **ORAL COMMUNICATIONS**

City Clerk David Carnahan read the following oral comments received via email:

Sue Serrone, Livable Sunnyvale requested the City take additional action in response to the COVID-19 Pandemic, including providing support for renters, mobile home owners, the homeless and small businesses.

Richard Mehlinger voiced support for additional methods for the public to provide input during teleconference City Council meetings generally and for the Active Transportation Plan in particular.

### **CONSENT CALENDAR**

Councilmember Goldman pulled Item 1.D for separate consideration.

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

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**     [20-0078](#)     Approve City Council Meeting Minutes of March 17, 2020  
Approve the City Council Regular Meeting Minutes of March 17, 2020 as submitted.

**1.B**     [20-0442](#)     Approve City Council Special Meeting Minutes of March 17, 2020  
Approve the City Council Special Meeting Minutes of March 17, 2020 as submitted.

**1.C**     [20-0059](#)     Approve Budget Modification No. 20 to Appropriate \$302,900 in FY 2019/20 Transportation Fund for Clean Air County Program Manager Funds for the Retiming of Traffic Signals and Authorize the City Manager to Execute All Grant-Related Documents

Approve Budget Modification No. 20 to appropriate \$302,900 in FY 2019/20 Transportation Fund for Clean Air (TFCA) County Program Manager funds for retiming of traffic signals and authorize the City Manager to execute all grant-related documents.

**1.D**     [20-0370](#)     Approve Budget Modification No. 25 in the amount of \$464,435

for the Fair Oaks Avenue Overhead Bridge Rehabilitation and  
Authorize the City Manager to Execute the Construction  
Contract with Joseph J. Albanese

City Manager Kent Steffens provided the staff report.

Public Hearing opened at 7:25 p.m.

No speakers.

Public Hearing closed at 7:25 p.m.

MOTION: Vice Mayor Smith moved and Councilmember Hendricks seconded the motion to authorize the City Manager to take the following actions:

- Award a construction contract 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; and
- Approve Budget Modification No. 25 in the amount of \$464,435.

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.E**      [20-0340](#)      Award a Contract to Macias Gini and O'Connell LLP in an amount not to exceed \$382,243 for Annual Financial Auditing Services (F20-142)

Take the following actions:

- Award a three-year contract in substantially the same form as Attachment 1 to the report in the amount of \$382,243 to Macias Gini & O'Connell LLP; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

- 1.F**      [20-0303](#)      Authorize Amending the Existing Contract with The Arcanum Group for the Infor Enterprise Asset Management Licensing

and Maintenance and Support for the Water Pollution Control Plant and Related Actions Regarding Purchasing Additional Licenses and Renewing Existing Licenses and Maintenance and Support Services (F20-115)

Take the follow actions:

- Authorize the City Manager to execute the First Amendment to an existing contract with The Arcanum Group, in substantially the same format as Attachment 1 to the report, increasing the not-to-exceed contract amount by \$33,245 for a new not-to-exceed contract amount of \$667,206; and
- Authorize the City Manager to purchase additional licenses and renew existing licenses and maintenance and support for five (5) additional one-year periods with Infor or its Value Added Resellers (VARs) within budgeted amounts.

- 1.G**      [20-0221](#)      Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2019/20; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2020/21

Approve the Fiscal Year 2019/20 BID Annual Report, adopt the Resolution of Intention to levy and collect an assessment and reauthorize the Business Improvement District for Fiscal Year 2020/21, and schedule the public hearing for April 28, 2020.

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

- 2**            [20-0439](#)      Adopt an Emergency Ordinance Enacting a Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Pandemic; Introduce a Regular Ordinance Enacting a Moratorium on Evictions for Nonpayment of Rent by Residential Tenants Impacted by the COVID-19 Pandemic; and Provide Direction Regarding any Desired Enhanced Provisions on Temporary Moratorium on Evictions of Commercial Tenants Impacted by the COVID-19 Pandemic.

Housing Officer Jenny Carloni provided the staff report.

Public Hearing opened at 8:38 p.m.

City Clerk David Carnahan read the following public comments received via email:

James Uren shared opposition to the proposed moratorium on evictions for non-payment of rent due to the COVID-19 Pandemic and raised concerns regarding the potential impacts to landlords.

Leia Mehlman voiced support for the inclusion of mobile home park tenants in the eviction moratorium.

Annette Kirkham, Law Foundation of Silicon Valley communicated support for the eviction moratorium and expansion of the proposed eviction moratorium to include no fault evictions and protection for small businesses.

Richard Mehlinger, Livable Sunnyvale and the Sunnyvale Democratic Club Executive Board shared support for the eviction moratorium and expansion of the moratorium to prohibit all evictions.

Anil Babbar, Vice President of Public Affairs, California Apartment Association voiced opposition to the eviction moratorium and detailed possible impacts to landlords.

Public Hearing closed at 8:46 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Smith seconded the motion to approve Alternative 1: adopt an Emergency Ordinance and introduce a Regular Ordinance enacting a moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 Pandemic (Attachments 1 and 2 to the report).

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**

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 requested an update regarding options to support small businesses. He inquired regarding a potential electric scooter partnership with the City of Mountain View. Councilmember Fong communicated support for additional public participation tools in future Council meetings.

Councilmember Melton asked for updates regarding the Tentative Council Meeting Agenda Calendar (TCMAC) and the Budget Workshop. He requested an overview of the upcoming Council meeting agenda. Councilmember Melton inquired which public works capital improvement projects are deemed essential and will therefore move forward under the recent Shelter in Place Order.

Mayor Klein confirmed projects not identified as essential will be preserved in their current state to support construction resuming after the Shelter in Place Order expires or is lifted.

MOTION: Councilmember Goldman moved to agendize a discussion of a City of Sunnyvale hiring freeze, exempting Department of Public Safety personnel and other specific positions.

Motion failed due to the lack of a second.

City Manager Kent Steffens advised the Office of the City Manager is reviewing all hiring requisitions during the Shelter in Place Order to ensure City hiring focuses on filling essential positions.

#### **-City Manager**

City Manager Kent Steffens identified staff work undertaken to support this teleconference Council meeting. He shared staff is exploring how to conduct Board and Commission meetings during the Shelter in Place Order.

Vice Mayor Smith inquired if additional public comment methods will be available during future Council meetings.

Mr. Steffens advised staff is exploring additional public comment tools.

**INFORMATION ONLY REPORTS/ITEMS**

[20-0357](#) Board/Commission Meeting Minutes

[20-0358](#) Information/Action Items

**ADJOURNMENT**

Mayor Klein adjourned the meeting at 9:44 p.m.