City of Sunnyvale

Meeting Minutes
City Council

Tuesday, June 29, 2021 | **7:00 PM** | **Telepresence Meeting: City Web Stream | AT&T Channel 99 | Comcast Channel 15**

Regular Meeting - 7 PM

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020) and Section 42 of Executive Order N-08-21 (June 11, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

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

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

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

Mayor Klein announced that Councilmember Cisneros may encounter some voice difficulties during the meeting. Should she lose her voice, she will email questions and comments to the City Clerk. The City Clerk will read the questions and comments for the record. For random order voice votes, Councilmember Cisneros will visually communicate her vote and the City Clerk will state her vote for the record.

SPECIAL ORDER OF THE DAY

A 21-0352 Parks and Recreation Month

Mayor Klein read a proclamation in honor of Parks and Recreation Month.

ORAL COMMUNICATIONS

Councilmember Melton announced details of the current recruitment for various boards and commissions. He also announced that COVID-19 vaccination availability at the Sunnyvale vaccination center has ceased due to low demand. He shared details of COVID-19 vaccination availability via El Camino Health and Santa Clara County.

A member of the public voiced concerns with the temporary service disruption of Valley Transportation Authority light rail.

CONSENT CALENDAR

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to approve agenda items 1.A through 1.K.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

1.A 21-0556 Approve City Council Meeting Minutes of June 8, 2021

Approve the City Council Meeting Minutes of June 8, 2021 as submitted.

1.B 21-0405 Approve City Council Meeting Minutes of June 15, 2021

Approve the City Council Meeting Minutes of June 15, 2021 as submitted.

1.C 21-0500 Approve City Council Meeting Minutes of June 17, 2021 (Redistricting Commission Interviews)

Approve the City Council Meeting Minutes of June 17, 2021 as submitted.

1.D 21-0252 Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.E 21-0579 Receive and File the City of Sunnyvale Investment Report - First Quarter 2021

Receive and file the City of Sunnyvale - First Quarter 2021 Investment Report.

1.F 21-0555 Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to Increase Salaries for Pay Plan Category C (Public Safety Officers' Association) and Pay Plan Category M (Public Safety Managers' Association) Effective July 11, 2021

Adopt a Resolution amending the City's Salary Resolution and the Schedule of Pay to increase salaries for Pay Plan Category C (Public Safety Officers Association) and Pay Plan Category M (Public Safety Managers Association) effective July 11, 2021.

1.G 21-0310 Award a Contract to Innovative Interfaces, Inc. for Maintenance, Support and Hosting of Integrated Library System (ILS) Software and Add-on Modules (F21-055)

Take the following actions:
- Award a four-year contract to Innovative Interfaces, Inc. for maintenance and support of Integrated Library System (ILS) Software in a not-to-exceed contract amount of $476,625.27;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Authorize the City Manager to amend this contract to procure additional modules and services and to renew the contract for up to an additional five (5) years, subject to available budget and if pricing and services remain acceptable to the City.

1.H 21-0559 Award a Contract to Axon Enterprise, Inc. for a Body-Worn Camera Solution and Tasers for the Department of Public Safety (F21-139)

Take the following actions:
- Award a five-year contract to Axon Enterprise, Inc. for a body-worn camera (BWC) solution, including software, unlimited digital evidence storage, and conducted electrical weapons (CEWs) in a not-to-exceed contract amount of $1,730,115;
- Authorize the City Manager to execute the contract when all necessary conditions

have been met; and
- Authorize the City Manager to amend the contract, subject to available budget and if pricing and services remain acceptable to the City for up to an additional five years.

1.I 21-0536 Modify a Purchase Agreement with Yamaha Motor Finance Corp USA for Electric Golf Cart Lease for the Sunnyvale and Sunken Gardens Golf Courses (F21-0158)

Authorize the City Manager to amend the existing purchase agreement with Yamaha Motor Finance Corp USA in substantially the same form as Attachment 1 to the report, for lease of electric golf carts, extending the term of the contract until December 31, 2021 or until the carts are returned and increasing the not-to-exceed contract amount by $43,812.40 for a new not-to-exceed total lease contract amount of $342,619.22.

1.J 21-0679 Approve Budget Modification No. 28 in the amount of $1,868,408 for Emergency Pipeline Repair Work

Approve Budget Modification No. 28 in the amount of $1,868,408 for emergency pipeline repair work.

1.K 21-0563 Approve the Implementation of the Community Rating System 2021 Multi-Jurisdictional Program for Public Information Related to the National Flood Insurance Program

Take the following actions:
- Review the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information; and
- Approve the implementation of the Program for Public Information 5-Year Plan to be part of the City's participation in the Community Rating System (CRS) that provides premium discounts for policies in the National Flood Insurance Program.

PUBLIC HEARINGS/GENERAL BUSINESS

2 21-0090 Proposed Utility Rate Increases for FY 2021/22 Rates for Water, Wastewater, and Solid Waste Utilities for Services Provided to Customers Within and Outside City Boundaries; Finding of California Environmental Quality Act (CEQA) Exemption Pursuant to Public Resource Code Section 21080(b)(8) and CEQA Guidelines Section 15273

Utility Billing Manager Stephen Napier provided the staff report and presentation.

Councilmember Fong stated his employment status with the City of San Jose creates an economic conflict of interest, recused himself, and left the teleconference meeting at 7:28 p.m.

Public Hearing opened at 7:29 p.m.

Michael Flores shared concerns with the rate increase for water and solid waste.

Diane Bracken voiced concerns with the rate increase for water, wastewater and solid waste.

Public Hearing closed at 7:36 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Cisneros seconded the motion to approve Alternatives 1 and 2:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 because it approves rates and charges for the purposes of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs and requirements; and (4) obtaining funds for capital projects necessary to maintain current service levels; and
2. Adopt a Resolution increasing water rates by 1.5%, wastewater rates by 4%, and solid waste rates by 4% for FY 2021/22.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Cisneros
Councilmember Din

No: 0

Recused: 1 - Councilmember Fong

3 21-0684 Introduce an Ordinance Amending Chapter 19.67 (Below Market Rate Ownership Housing) of the Sunnyvale Municipal

Code to Modify the Inclusionary Housing Program

Councilmember Fong returned at 7:46 p.m.

Housing Officer Jenny Carloni provided the staff report and presentation.

Public Hearing opened at 8:14 p.m.

Diane Bracken shared support for affordable housing and concerns with the current method of billing of utilities.

Michael Flores spoke towards subsidy programs and shared concerns with hidden costs.

Mike Serrone voiced support for the ownership housing program.

Public Hearing closed at 8:22 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 1: Introduce an Ordinance to amend Chapter 19.67 ("Below Market Rate Ownership Housing") of Title 19 ("Zoning") of the Sunnyvale Municipal Code to modify Inclusionary Below Market Rate Ownership Housing requirements (Attachment 3 to the report).

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

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

4 21-0082 Request to Authorize City Manager to Execute: (1) The 2021 New Memorandum of Understanding (MOU) Between Cities of Sunnyvale and Mountain View for SMaRT Station® Services and (2) Amendment to 1992 MOU Among Sunnyvale,

Mountain View and Palo Alto Clarifying That MOU Term Ends December 31, 2021, and Find That These Actions are Within the Scope of the 1990 Environmental Impact Report (EIR) and Subsequent Addenda

Solid Waste Division Manager David Krueger provided the staff report and presentation.

Public Hearing opened at 8:52 p.m.

Michael Flores inquired about the City of Palo Alto's decision to leave the partnership, which company will be processing their municipal solid waste and at what cost.

Public Hearing closed at 8:53 p.m.

MOTION: Councilmember Din moved and Councilmember Larsson seconded the motion to approve Alternatives 1, 2 and 3:

1. Authorize the City Manager to execute the new Memorandum of Understanding among the cities of Mountain View and Sunnyvale relating to the operation of a materials recovery and transfer station in substantially the same form as Attachment 1 to the report;
2. Authorize the City Manager to execute the amendment to the second Memorandum of Understanding Among the cities of Mountain View, Palo Alto and Sunnyvale relating to the construction and operation of a materials recovery and transfer station and the long term disposal of municipal solid waste at Kirby Canyon in substantially the same form as Attachment 2 to the report; and
3. Find that these actions are within the scope of the 1990 Environmental Impact Report and subsequent addenda and that no further environmental review is required under California Environmental Quality Act Guidelines Section 15162.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

5 21-0616 Adopt a Resolution Approving the 2020 Urban Water Management Plan (UWMP) and Adopt a Resolution Approving the Water Shortage Contingency Plan to be Included in the UWMP and Find That These Actions are Exempt From the California Environmental Quality Act (CEQA)

Water and Sewer Systems Division Manager Mansour Nasser provided the staff report and presentation.

Public Hearing opened at 9:27 p.m.

Michael Flores spoke towards informing the public about the possible uses for graywater. He voiced support for the installing multiple meters for multi-family homes as opposed to one meter.

Public Hearing closed at 9:29 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the motion to approve Alternative 1: Adopt two Resolutions approving the 2020 Urban Water Management Plan and the Water Shortage Contingency Plan as presented, and direct staff to forward the plans to the California State Department of Water Resources, and find that these actions are exempt from California Environmental Quality Act.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

6 21-0420 Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Assessment, and Levy and Collect an Annual Assessment for The Downtown Parking Maintenance District

for Fiscal Year 2021/22

Public Works Director Chip Taylor provided the staff report.

Public Hearing opened at 9:34 p.m.
No speakers.
Public Hearing closed at 9:34 p.m.

Councilmember Cisneros visually communicated her vote and the City Clerk stated her vote for the record.

MOTION: Vice Mayor Hendricks moved and Councilmember Melton seconded the motion to approve Alternative 1: Adopt a Resolution to approve the final Engineer's Report, to confirm the assessment, and levy and collect an annual assessment for the Downtown Parking Maintenance District for Fiscal Year 2021/22.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

7 21-0696 Adoption of Emergency Ordinance of the City of Sunnyvale to Temporarily Suspend Evictions for Nonpayment of Rent by Residential Tenants Impacted by the COVID-19 Emergency Effective From July 1, 2021 Through September 30, 2021

Community Development Director Trudi Ryan provided the staff report.

Public Hearing opened at 9:39 p.m.

Michael Flores shared opposition to the proposed ordinance.

Public Hearing closed at 9:40 p.m.

Councilmember Cisneros visually communicated her vote and the City Clerk stated

her vote for the record.

MOTION: Councilmember Melton moved and Vice Mayor Hendricks seconded the motion to approve Alternative 2: Do not adopt an Ordinance.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

8 21-0496 Introduce an Ordinance to Amend Certain Sections of Chapter 12.12 of the Sunnyvale Municipal Code (Sewer Use Regulations) and Find That the Action is Categorically Exempt From the California Environmental Quality Act (CEQA) Pursuant to Section 15308 of the CEQA Guidelines

Regulatory Programs Division Manager Melody Tovar provided the staff report.

Public Hearing opened at 9:47 p.m.
No speakers.
Public Hearing closed at 9:47 p.m.

Councilmember Cisneros visually communicated her vote and the City Clerk stated her vote for the record.

MOTION: Councilmember Melton moved and Vice Mayor Hendricks seconded the motion to approve Alternative 1: Introduce an Ordinance to amend Section 12.12.120 (Local Limits for Wastewater) of Chapter 12.12 (Sewer Use Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code, and find that this action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308.

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

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

9 21-0343 Appoint Applicants to the Redistricting Commission

City Manager Kent Steffens provided the staff report.

Public Hearing opened at 10:10 p.m.

Richard Mehlinger shared support for the proposed selection processes presented by Councilmembers.

Martin Pyne spoke towards the option for a motion to reconsider should the need arise.

Michael Flores voiced support for the proposed by-district selection process.

Public Hearing closed at 10:12 p.m.

Councilmember Cisneros visually communicated her votes and the City Clerk stated her votes for the record.

MOTION: Councilmember Melton moved and Councilmember Din seconded to appoint candidates by Council District in the following order: District 2, 5, 3, 6, 4 then 1. From each District, vote on all applicants to see how many votes of support each candidate receives.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

City Clerk David Carnahan conducted random order roll call votes, tallied the votes and reported the results as follows:

District 2

Gregory McNutt
Vote: 6-0-1 (Abstention by Vice Mayor Hendricks)

District 5

Karen Brenchley
Vote: 7-0-0

District 3

Calvin Cornwell
Vote: 3-0-4 (Abstentions by Councilmembers Melton, Fong, Cisneros and Din)

Galen Kim Davis
Vote: 7-0-1 (Abstention by Vice Mayor Hendricks)

Ken Olevson
Vote: 4-0-3 (Abstentions by Councilmembers Fong, Cisneros and Din)

District 6

Frances Stanley-Jones
Vote: 3-0-4 (Abstentions by Mayor Klein and Councilmembers Fong, Cisneros and Din)

Gail Rubino
Vote: 5-0-2 (Abstentions by Vice Mayor Hendricks and Councilmember Melton)

Pauline Brown
Vote: 4-0-3 (Abstentions by Councilmembers Fong, Cisneros and Din)

District 4

Henry Alexander III
Vote: 3-0-4 (Abstentions by Vice Mayor Hendricks and Councilmembers Fong, Cisneros and Din)

Jessie Salas
Vote: 4-0-3 (Abstentions by Mayor Klein, Vice Mayor Hendricks and Councilmember Melton)

Linda Ralleca
Vote: 3-0-4 (Abstentions by Councilmembers Melton, Fong, Cisneros and Din)

Lucas Cantin
Vote: 0-0-7 (Abstentions by all Councilmembers)

Rita Chiang
Vote: 3-0-4 (Abstentions by Vice Mayor Hendricks and Councilmembers Fong, Cisneros and Din)

District 1

Alan Herrmann
Vote: 2-0-5 (Abstentions by Mayor Klein, Vice Mayor Hendricks and Councilmembers Fong, Cisneros and Din)

Charles Shoemaker
Vote: 4-0-3 (Abstentions by Councilmembers Fong, Cisneros and Din)

Christina Dinwoodie
Vote: 3-0-4 (Abstentions by Vice Mayor Hendricks and Councilmembers Fong, Cisneros and Din)

Maryam Chenna
Vote: 0-0-7 (Abstentions by all Councilmembers)

Nicole Hakimi
Vote: 0-0-7 (Abstentions by all Councilmembers)

Pam Anderson
Vote: 4-0-3 (Abstentions by Councilmembers Fong, Cisneros and Din)

Sandy Agbayani
Vote: 6-0-1 (Abstention by Vice Mayor Hendricks)

Scott Duncan
Vote: 4-0-3 (Abstentions by Councilmembers Fong, Cisneros and Din)

MOTION: Councilmember Melton moved and Councilmember Fong seconded the motion to appoint Sandy Agbayani, Gregory McNutt, Galen Kim Davis, Jessie Salas, Karen Brenchley and Gail Rubino to the Redistricting Commission to serve as primary commissioners.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Vice Mayor Hendricks

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to appoint Scott Duncan to the Redistricting Commission to serve as a primary commissioner.

FRIENDLY AMENDMENT: Vice Mayor Hendricks offered a friendly amendment to appoint Pauline Brown to the Redistricting Commission to serve as a primary commissioner. Councilmembers Melton and Larsson accepted the friendly amendment.

The amended motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Vice Mayor Hendricks moved and Councilmember Melton seconded the motion to appoint Scott Duncan to the Redistricting Commission to serve as an alternate commissioner.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to appoint Ken Olevson to the Redistricting Commission to serve as an alternate commissioner.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Councilmember Fong moved and Councilmember Melton seconded the motion to appoint Pam Anderson to the Redistricting Commission to serve as an

alternate commissioner.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Vice Mayor Hendricks moved and Councilmember Melton seconded the motion to appoint Frances Stanley-Jones to the Redistricting Commission to serve as an alternate commissioner.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

MOTION: Councilmember Melton moved and Mayor Klein seconded the motion to appoint Henry Alexander III to the Redistricting Commission to serve as an alternate commissioner.

FRIENDLY AMENDMENT: Councilmember Fong offered a friendly amendment to appoint Henry Alexander III and Rita Chiang to the Redistricting Commission to serve as alternate commissioners. Councilmember Melton and Mayor Klein accepted the friendly amendment.

The amended motion carried with the following vote:

Yes: 5 - Mayor Klein
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

Abstain: 2 - Vice Mayor Hendricks
Councilmember Larsson

Councilmember Cisneros visually communicated her vote and the City Clerk stated her vote for the record.

MOTION: Councilmember Melton moved and Vice Mayor Hendricks seconded the motion to hear agenda Item 10-Provide Direction Regarding Amending the Employment Agreement…

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

10 21-0554 Provide Direction Regarding Amending the Employment Agreement Between the City of Sunnyvale and City Attorney John A. Nagel to Increase the City Attorney Salary and Allow Additional Paid Time Off Cashout

City Attorney John Nagel left the teleconference meeting during consideration of this item.

Human Resources Director Tina Murphy provided the staff report.

Public Hearing opened at 11:47 p.m.

No speakers.
Public Hearing closed at 11:47 p.m.

Councilmember Cisneros visually communicated her votes and the City Clerk stated her votes for the record.

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to approve Alternative 1: Authorize the Mayor to execute an amendment to the Employment Agreement between the City of Sunnyvale and City Attorney John A. Nagel in substantially the same form attached to increase City Attorney compensation by 4.5% and allow a one-time additional cash out of 100 hours from the existing paid time off balance, effective July 11, 2021.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

Councilmember Cisneros visually communicated her vote and the City Clerk stated her vote for the record.

MOTION: Councilmember Melton moved and Councilmember Fong seconded the motion to hear the remainder of the agenda items.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 1 - Vice Mayor Hendricks

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

City Manager Kent Steffens announced that a long-term work from home administrative policy has been finalized. Staff currently working from home will transition into their new schedules during the last week of July and first week of August. City Hall is tentatively scheduled to open to walk-in customers on August 2.

INFORMATION ONLY REPORTS/ITEMS

21-0593	Tentative Council Meeting Agenda Calendar
21-0656	Board/Commission Meeting Minutes
21-0662	Information/Action Items
21-0664	Board/Commission Resignation (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 11:58 p.m.