



City of Sunnyvale

Meeting Minutes City Council

Tuesday, July 28, 2015

5:00 PM

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

Special Meetings: Closed Session-5 PM | Study Session-6 PM | Regular Meeting-7 PM

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Griffith called the meeting to order in Council Chambers and announced the meeting would be closed in honor of Suzi Blackman.

SALUTE TO THE FLAG

Mayor Griffith led the salute to the flag.

ROLL CALL

Present: 7 - Mayor Jim Griffith
Vice Mayor Tara Martin-Milius
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Jim Davis
Councilmember Glenn Hendricks
Councilmember Gustav Larsson

CLOSED SESSION REPORT

Councilmember Martin-Milius reported the Council met in Closed Session pursuant to California Government Code Section 54957.6 Conference with Labor Negotiator; direction was given to negotiators.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A through 1.D and Item 1.F.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve Consent Calendar Items 1.E and 1.G.

The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 0

1.A [15-0669](#) Approve City Council Meeting Minutes of July 14, 2015

Public Hearing opened at 10:26 p.m.

No speakers.

Public Hearing closed at 10:26 p.m.

Councilmember Whittum offered a correction to the draft minutes on page 11, third sentence from the top to read: "Councilmember Whittum expressed interest in understanding how the downtown plan parking structure would be modified based on the study that is being completed."

MOTION: Councilmember Whittum moved and Vice Mayor Martin-Milius seconded the motion to approve the City Council Meeting Minutes of July 14, 2015 as modified.

The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.B [15-0682](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 10:27 p.m.

No speakers.

Public Hearing closed at 10:27 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the list(s) of claims and bills.

The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.C [15-0572](#) Approve a Special Agreement between the City of Sunnyvale and the Sunnyvale Garden Club for Outside Group Support

Public Hearing opened at 10:30 p.m.

No speakers.

Public Hearing closed at 10:30 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve the Special Agreement between the Sunnyvale Garden Club and the City of Sunnyvale.

The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 0

1.D [15-0661](#) Approve Agreement with Abode Services for Administration of the City's Tenant Based Rental Assistance (TBRA) Program for Homeless and At-Risk Households

Public Hearing opened at 10:34 p.m.

No speakers.

Public Hearing closed at 10:34 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks

seconded the motion to approve the Agreement with Abode Services, in substantially the form provided in Attachment 1 to the report, for implementation of the TBRA program in Sunnyvale, and authorize the City Manager to execute the Agreement in final form as approved by the City Attorney.

The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.E [15-0663](#) Approve Agreement with Sunnyvale Community Services for Homelessness Prevention and Rapid Re-Housing (HPRR) Program Grant of \$250,000

Approve Agreement with Sunnyvale Community Services in substantially the form provided in Attachment 1 to the report, and authorize the City Manager to execute the Agreement in final form as approved by the City Attorney.

1.F [15-0707](#) Amend an Existing Contract for Asphaltic Materials and Pavement Reinforcement Fabric (F16-01)

Public Hearing opened at 10:36 p.m.

No speakers.

Public Hearing closed at 10:36 p.m.

MOTION: Councilmember Meyering moved and Vice Mayor Martin-Milius seconded the motion to amend an existing contract with Reed & Graham for the purchase of asphaltic materials by increasing the not to exceed value to \$316,260; and delegate authority to the City Manager to increase the three supplier contracts during the current term based on operational need and subject to budget appropriation control limits.

The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 0

- 1.G** [15-0720](#) Adopt Ordinance No. 3057-15 Amending Chapter 19.22 (Industrial Zoning Districts) and Adding Chapter 19.75 (Housing Impact Fees) of Title 19 (Zoning) of the Sunnyvale Municipal Code to allow Housing Impact Fees for Nonresidential Development and Rental Housing

Adopt Ordinance No. 3057-15.

PUBLIC COMMENTS

David Wessel, Democratic Club of Sunnyvale, renewed his request to place the issue of wage theft on the August 11 agenda and spoke in support of SB 588.

Brian Wheatley, teacher, spoke regarding wage theft and asked that the subject be added to the August 11 agenda.

Tomas Margain spoke regarding wage theft and requested the subject to be agendized.

Ruth Silver Taube, Wage Theft Coalition and adjunct professor at Santa Clara University, spoke regarding SB 588 and the importance of handling wage theft locally and recommended copying the language in the Santa Clara County code to suspend or revoke contracts for businesses that have had judgments.

Mike Serrone, Democratic Club of Sunnyvale, requested the City support SB 588 and that the subject of wage theft be placed on the August 11 agenda.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [15-0655](#) Approve a Process for the Butcher Property Annexation and Discuss Status of Development Applications, with No Action on a Proposed Project

Councilmember Meyering raised a point of order and stated any Councilmembers

who received campaign contributions from the developer should recuse themselves from hearing this item.

City Attorney Joan Borger stated campaign contributions are not a conflict of interest under State law.

Councilmembers Hendricks, Larsson and Davis disclosed they received campaign contributions from the developer of the project. Mayor Griffith disclosed he placed a lawn sign on a De Anza property.

Director of Community Development Hanson Hom provided the staff report. City Manager Deanna Santana and City Attorney Borger provided additional information.

Public Hearing opened at 8:07 p.m.

Don Haislet, neighbor to the property, stated the proposed project is similar to an R-2 development and asked Council to listen to the concerns of residents.

Mei-Ling Stefan spoke regarding the developer's agreement to delay the project and suggested waiting to see the findings of the Environmental Impact Report. Stefan urged Council to delay annexation.

Marissa Kacmarsky expressed concerns about the zoning and asked that as the annexation goes forward the concerns of the residents be considered.

Zachary Kaufman inquired as to whether an agreement could be made with the County that they could refer the decision back to the City.

John Ray spoke in support of the staff's recommendations, and when zoning is considered, asked Council to consider quality of life regarding traffic, schools, and public safety.

Nirav Mehta, owner of the building on the corner of Wolfe and Fremont, spoke regarding consideration of a dedicated turn lane from El Camino to Fremont, and urged continuing with annexation and to delay consideration of the zoning.

Holly Lofgren spoke regarding the delay in the annexation.

Mary Brunkhorst stated she would like to see the property rezoned appropriately before it is annexed.

Hinkmond Wong spoke in support of placing conditions on the annexation and requested that if no modifications are made to the plan, the property should be rezoned.

Public Hearing closed at 8:26 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve Alternatives 1 and 3: 1) Direct staff to continue the City initiated annexation process independent of and prior to action on the rezoning and development applications, and direct staff to schedule for Council action the resolution for annexation; and 3) Defer consideration of the two year changed circumstance finding until action on the rezoning and development applications.

Councilmember Meyering moved to table the motion until four weeks after the City Council of the City of Sunnyvale reviews the Environmental Impact Report. Councilmember Whittum seconded the motion.

The motion to table failed by the following vote:

- Yes:** 2 - Councilmember Whittum
Councilmember Meyering
- No:** 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

Councilmember Meyering moved to table the motion until this document and the recommendation is run by the Sunnyvale Planning Commission. Councilmember Whittum seconded the motion.

The motion to table failed by the following vote:

- Yes:** 2 - Councilmember Whittum
Councilmember Meyering
- No:** 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

The main motion carried by the following vote:

- Yes: 5 -** Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson
- No: 2 -** Councilmember Whittum
Councilmember Meyering

- 3** [15-0561](#) Revised Design Guidelines for Mixed-use Developments, known as the Toolkit for Mixed-use Developments; Find that the project is exempt under CEQA pursuant to Guidelines 15060(c)(3) and 15378(b)(5) (Study Issue)

Principal Planner Andrew Miner provided the staff report. Director of Community Development Hanson Hom provided additional information.

Public Hearing opened at 9:02 p.m.

No speakers.

Public Hearing closed at 9:02 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1 and 3: 1) Find that the project is exempt from CEQA pursuant to CEQA Guidelines 15060(c)(3) and 15378(b)(5), and 3) Approve the Toolkit for Mixed-use Developments with modifications to add something, in appropriate language, to talk about being able to soften, round or terrace corners of all buildings, in particular when near the street or intersections.

- Yes: 6 -** Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson
- No: 1 -** Councilmember Meyering

- 4** [15-0565](#) Adopt a Resolution for Unpaid Administrative Fines to be Placed on the FY 2015/16 County of Santa Clara Property Tax Roll

Assistant Director of Finance Tim Kirby provided the staff report.

Councilmember Whittum stated he would abstain from voting as he knows someone on the list.

Public Hearing opened at 9:14 p.m.

No speakers.

Public Hearing closed at 9:14 p.m.

MOTION: Councilmember Larsson moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Adopt a resolution for unpaid administrative fines to be placed on the FY 2015/16 County of Santa Clara Property Tax Roll.

The motion carried by the following vote:

Yes: 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

Abstain: 1 - Councilmember Whittum

Council recessed at 9:16 p.m.

Council reconvened at 9:28 p.m. with all Councilmembers present.

- 5** [15-0388](#) Approve the City of Sunnyvale Parking Structure Design Guidelines and Find that the Project is Exempt Under CEQA Pursuant to Guidelines 15060(3) and 15378(b)(5) (Study Issue CDD 15-01)

Planning Officer Trudi Ryan provided the staff report.

Public Hearing opened at 9:41 p.m.

No speakers.

Public Hearing closed at 9:41 p.m.

MOTION: Councilmember Larsson moved and Councilmember Hendricks seconded the motion to approve Alternatives 1 and 2: 1) Find that the project is exempt from CEQA pursuant to CEQA Guidelines 15060(c)(3) and 15378(b)(5); and 2) Approve the Parking Structure Design Guidelines with modifications recommended by the Planning Commission (Attachment 2 to the report) for structured parking projects in all zoning districts.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment

to give staff discretion to consider a slight wording adjustment on page 11 of the guidelines regarding the minimum 60 foot separation of parking structures from El Camino, based on discussion with Planning Officer Ryan, to state it should be 60 feet unless there are major design features that make it more appropriate to be closer.

Councilmember Larsson accepted the friendly amendment.

Yes: 7 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 0

- 6** [15-0708](#) Adopt a Resolution Amending and Restating the Policy for the Provision of Housing Assistance to Newly Appointed Charter Officers and Department Directors (the “Mortgage Assistance Program”) and Rescinding Resolution Numbers 256-81, 226-88, 125-89, and 160-96

Director of Human Resources Teri Silva provided the staff report. Mayor Griffith provided additional information considered by the Mayor’s Subcommittee.

Public Hearing opened at 9:46 p.m.

No speakers.

Public Hearing closed at 9:46 p.m.

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to approve Alternative 1: Adopt a Resolution Amending and Restating the Policy for the Provision of Housing Assistance to Newly Appointed Charter Officers and Department Directors (the “Mortgage Assistance Program”) and Rescinding Resolution Numbers 256-81, 226-88, 125-89, and 160-96.

The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

7 [15-0709](#) Consider Amending the Agreement for Services between the City of Sunnyvale and the City Manager

Director of Human Resources Teri Silva provided the staff report. Mayor Griffith provided additional information considered by the Mayor's Subcommittee.

Public Hearing opened at 9:58 p.m.

No speakers.

Public Hearing closed at 9:58 p.m.

MOTION: Councilmember Whittum moved and Councilmember Larsson seconded the motion to extend the eligibility period of the Executive Mortgage Assistance Program per subcommittee recommendation.

The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

MOTION: Councilmember Larsson moved and Vice Mayor Martin-Milius seconded the motion to Authorize the Mayor to execute an Amendment to the Agreement for Services between the City of Sunnyvale and the City Manager to adjust the salary schedule effective the first full pay period in June 2015 to reflect a 2% salary increase and the additional 1% increase in the employee contribution to CalPERS.

The motion carried by the following vote:

Yes: 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 2 - Councilmember Whittum
Councilmember Meyering

8 [15-0710](#) Select a Recruitment Firm and Determine the Selection

Process for the City Attorney Search

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 10:16 p.m.

No speakers.

Public Hearing closed at 10:16 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to select Bob Murray & Associates and approve the selection process for a new City Attorney.

SUBSTITUTE MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to interview recruitment firms prior to selection.

The substitute motion failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

No: 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

The main motion carried by the following vote:

Yes: 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 2 - Councilmember Whittum
Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Martin-Milius reported her attendance at a meeting of the Water Commission and meetings of the Stevens Creek Trail Committee.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Whittum reported he met with two school crossing guards and learned their pay has not increased in over ten years and that they have concerns regarding vacancies and safety, and spoke in support of putting an item on a future agenda.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to support an item relating to wage theft on the August 11 agenda.

FRIENDLY AMENDMENT: Councilmember Davis offered a friendly amendment to schedule the item to a date not certain.
Councilmember Whittum accepted the friendly amendment.

The motion failed by the following vote:

- Yes:** 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis
- No:** 4 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Hendricks
Councilmember Larsson

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [15-0673](#) Tentative Council Meeting Agenda Calendar
- [15-0657](#) Information/Action Items
- [15-0722](#) Board/Commission Resignation (Information Only)
- [15-0724](#) Study Session Summary of July 14, 2015 - Board and Commission Interviews
- [15-0674](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith closed the meeting in honor of the memory of Cecilia "Suzi" Blackman.

Mayor Griffith adjourned the meeting at 10:47 p.m.