



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, November 7, 2017

6:00 PM

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

Special Meeting: Study Session- 6 PM | Regular Meeting- 7 PM

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

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

Mayor Hendricks called the meeting to order at 6:01 p.m.

2 Roll Call

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

3 Public Comment

None.

4 Study Session

[17-0239](#) Board/Commission Interviews

The following individuals were interviewed for a vacancy on the Board of Building Code Appeals:

Andrew LaManque
Marc Ketzel

5 Adjourn Special Meeting

Mayor Hendricks adjourned the meeting at 6:25 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendricks led the salute to the flag.

ROLL CALL

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

PRESENTATION

[17-0978](#) PRESENTATION - Welcome and Comments by Mayor Katamine from Sunnyvale Sister City Iizuka, Japan

Mayor Hendricks welcomed Mayor Katamine, Chairman Fujiura of the Iizuka Council, and Deputy Consul General Nagayoshi who addressed the Council and expressed appreciation for the Sister City relationship with Sunnyvale.

ORAL COMMUNICATIONS

Councilmember Klein announced Charter Review Committee member recruitment and an application deadline.

Vice Mayor Larsson announced public comments would be taken for 15 minutes and the balance would be heard at the end of the agenda.

Marie Bernard, Executive Director, Sunnyvale Community Services, announced upcoming fundraiser events benefiting Sunnyvale Community Services.

Arlene Goetze spoke regarding public ethics, feeding and housing the homeless and costs associated with the Civic Center project, and provided written materials.

Ron Van Scherpe, Sunnyvale Mobile Home Park Alliance, spoke regarding mobile home rent control and requested study issue CDD 17-09 be considered again. Van Scherpe provided written materials.

Tim Kerr, Sunnyvale Mobile Home Park Alliance, spoke regarding excessive noise from the Sunnyvale UPS plant, played an audio recording of the noise from inside a home, and provided written materials.

Bill Xu spoke regarding the impacts of excessive noise at his home in Adobe Wells Mobile Home Park near the UPS office and requested assistance.

Calvin Baker spoke regarding excessive noise at Adobe Wells Park from the UPS plant during the night and requested the City Council come up with a plan.

Joyce Loewy spoke in support of the speaker from Plaza del Rey and requested the rent control issue be considered again.

Joshua Grossman, Chair of the Housing and Human Services Commission speaking for himself, spoke in support of the residents dealing with the noise issue at Adobe Wells Mobile Home Park and in support of the rent control issue.

CONSENT CALENDAR

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the Consent Calendar.

FRIENDLY AMENDMENT: Councilmember Goldman requested to pull Item 1.I. Vice Mayor Larsson and Councilmember Klein accepted the friendly amendment.

The motion carried by the following vote:

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

No: 0

1.A [17-0890](#) Approve City Council Meeting Minutes of October 17, 2017
Approve the City Council Meeting Minutes of October 17, 2017 as submitted.

1.B [17-0198](#) 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 [17-0091](#) Approve the 2018 City Council Regular Meeting Calendar

Adopt a Resolution establishing the 2018 City Council Regular Meeting Calendar through February 2019 as submitted.

1.D [17-0894](#) Award of Contract for Temporary Personnel Placement Services for General Laborers (F18-009)

1) Award a two-year contract, in substantially the same format as Attachment 1 to the report, in an amount not-to-exceed \$200,000 to HR Management, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) authorize the City Manager to increase the not-to-exceed amount of the initial contract as operationally necessary, subject to available budgeted funding and extend the contract up to three additional years, not-to-exceed budgeted amounts, if pricing and services remain acceptable to the City.

1.E [17-0969](#) Award of Bid No. PW18-02 for Park Tennis and Basketball Court Resurfacing Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 18

1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for maintenance or repair of existing facilities involving negligible or no expansion of use beyond which presently exists; 2) Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$410,000 to Saviano Company, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) Approve a 10% construction contingency in the amount of \$41,000, and 4) Approve Budget Modification No. 18 in the amount of \$2,145.

1.F [17-0974](#) Authorize Amending Existing Contracts for Building Plan Check and Inspection Services (F18-034) and Approve Budget Modification No.19

1) Authorize the City Manager to execute amendments to three (3) existing contracts, increasing the not-to-exceed values for: Shums Coda Associates, from \$99,000 to \$300,000; 4Leaf, from \$99,000 to \$300,000; and Municipal Plan Check Services, from \$99,000 to \$200,000 in substantially the same form as Attachments 1 through 3 to the report; 2) approve Budget Modification No. 19 in the amount of

\$503,000; and 3) authorize City Manager to renew these contracts and increase contract amounts annually, within approved budget funding.

- 1.G** [17-0996](#) Receive and File the City of Sunnyvale Investment Report - 3rd Quarter 2017

Receive and file the City of Sunnyvale FY 2017/18 - Third Quarter 2017 (Period 4) Investment Report

- 1.H** [17-1019](#) Adopt Ordinance No. 3126-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone 35 Contiguous Properties located on Allison Way, Lennox Way, Lennox Court, Blanchard Way and Beaverton Court from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

Adopt Ordinance No. 3126-17.

- 1.I** [17-1020](#) Adopt Ordinance No. 3127-17 to Amend Section 19.68.040 (Accessory Dwelling Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code

Public Hearing opened at 7:49 p.m.

No speakers.

Public Hearing closed at 7:49 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to adopt Ordinance No. 3127-17.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Melton

No: 1 - Councilmember Goldman

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [17-0835](#) Selection of a Preferred Alternative for the Civic Center Master Plan, Approval of Budget Modification 23 in the Amount of \$30,000, and Find that these Actions are Exempt from the

California Environmental Quality Act

Interim City Manager Kent Steffens and Architect Mark Roddy, SmithGroupJJR, presented the staff report and a PowerPoint presentation. Director of Public Safety Phan Ngo and City Attorney John Nagel provided additional information.

Council recessed at 9:46 p.m.

Council reconvened at 9:58 p.m. with all members present.

Public Hearing opened at 9:58 p.m.

Mason Fong, member of the Board of Library Trustees speaking for himself, recommended consideration of a community garden and a community survey regarding the type of garden.

Genie Moore stated her appreciation for retaining the Charles Street Garden and trees, recommended more use of wood in the building design, expressed concerns regarding the height of the building, and expressed concerns regarding the phasing and timeline.

Deborah Marks expressed appreciation for preserving the redwood grove and spoke in support of Option 1 with comments including: the buildings are too close together, there is no setback on Olive Avenue, a suggestion to build city hall where the north offices are currently located to connect the plaza to the library and city hall and that the open space in the plaza is barren. Regarding Option 2, Marks provided comments that the parking structure is too far away and expressed concerns regarding traffic. Marks stated that the style of both options does not reflect Sunnyvale and expressed concerns regarding the cost, and provided a PowerPoint presentation.

Suzanne Shea spoke in support of some of the prior comments regarding the plaza in Option 1 and stated it would be hot, unwelcoming and needs trees. Shea stated the current Civic Center is welcoming and she would hate to lose the advantages of sheltering trees. Shea expressed concerns regarding cost and the risk of not having the funds to complete the project.

Mary Brunkhorst provided comments including: the designs don't match the public comments from the last few years, expressed concerns with having the library construction in phase 2 when that would serve the most people, expressed concerns regarding the cost, recommended to keep Olive Avenue open,

recommended the office building and the library be on one side of the street and DPS across the street, and stated she likes the plaza. Brunkhorst recommended the project be placed on hold until we have the financing.

Mei-Ling Stefan provided comments including: support of an energy efficient city hall, the need for fiscal responsibility, a request to rescind Council's action on July 25, the need to maximize happiness, a request to keep Olive Avenue open for the VTA bus, a suggestion for a new building for children and a bond measure, and a suggestion for a parking garage with north and south entry/exit points for safety. Stefan presented a PowerPoint slide.

Paul Brunemeier expressed concerns regarding traffic and the cost of the project, and presented a slide.

Margaret Lawson spoke in support of Option 2 in favor of the additional acre of open space, in support of net zero energy, and stated that the curved buildings make the it more interesting.

Alrie Middlebrook, sustainable landscape consultant and President of the California Native Garden Foundation, spoke regarding ecovillage models, and provided comments including support of Option 2 for its decentralized approach, more greenspace and removal of Olive Avenue. Middlebrook presented overhead slides.

Jennifer Jeffcoat, Mindful Ways, provided information about the organization and stated the utilization of the space could include much more, such as regenerative farming.

Karita Hummer, President and Clinical Director of Family Alliance for Counseling Tools and Resolution (FACTR), provided information about the organization and spoke in support of Option 2 for its open space.

Tap Merrick spoke regarding issues with the completion of downtown, pension liabilities and housing, and requested the Civic Center and Library projects be delayed until the next recession.

Zachary Kaufman expressed concerns regarding the cost of the project.

Stan Hendryx stated his preference for Option 2, suggested the aesthetics and parking be left out of the Draft Environmental Impact Report and requested the

scope be expanded have a Draft Environmental Impact Report on both options.

John Cordes, Chair of the Bicycle and Pedestrian Commission speaking for himself, spoke in favor of Option 2 for its open space, and provided comments including: support for making land use decisions not based on cars, a request for evaluation of moving the parking structure to the north side of the library to prevent having to cross the street, a request to require zero net energy, and a request that the parking structure be redesigned so it can be repurposed in the future when cars are not needed as much.

Steve Caroompas spoke in support of keeping Olive Avenue open to reduce traffic, and in support of Option 1.

Sue Serrone stated closing Olive Avenue gives a new dimension of availability of what Sunnyvale residents want, such as gardens, nature, areas for children, and the expansion of Charles Street Gardens.

Mike Serrone stated the Civic Center should be the face of Sunnyvale, iconic, enrich the community, beautiful, sustainable, serves as a gathering place and a place that efficiently provides services for the community. Serrone stated that changing the footprint or design based on the logistics of the staging is short-sighted, and spoke in support of long-term funding for the library by bond measure.

Public Hearing closed at 10:48 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Melton seconded the motion to approve Alternatives 1, 2 and 6: 1) Find that the actions taken are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061 (b)(3) and 15262; 2) Select Option 1 - Plaza as the preferred alternative for the Civic Center Master Plan; and 6) Approve Budget Modification No. 23 to increase the budget for the Civic Center Modernization Project by \$30,000 to fund preparation of a cost allocation study and provide financial consulting services to be included with the final Civic Center Master Plan.

The motion carried by the following vote:

Yes: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Klein
Councilmember Melton

No: 3 - Councilmember Griffith
Councilmember Smith
Councilmember Goldman

MOTION: Councilmember Melton moved to direct staff to put pencil to paper and start contemplating cost for phases after Phase 1; scratch together high level information of what the cost might be and where the funds might come from. Following discussion, Councilmember Melton withdrew the motion.

- 3** [17-0702](#) Introduce an Ordinance to Amend Chapter 19.92 (General Plan and Zoning Amendments) and Section 19.38.040 (Individual Lockable Storage Space for Multiple-Family Residential) of the Sunnyvale Municipal Code

Director of Community Development Trudi Ryan presented the staff report. City Attorney John Nagel provided additional information.

Public Hearing opened at 11:29 p.m.

No speakers.

Public Hearing closed at 11:29 p.m.

MOTION: Councilmember Griffith moved and Councilmember Smith seconded the motion to approve Alternatives 1 and 2: 1) Make the finding that the action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and introduce an ordinance (Attachment 2 to the report) to adopt the proposed amendments to Sunnyvale Municipal Code Sections 19.92.050 and 19.92.060 (votes required for Planning Commission to recommend General Plan and zoning amendments); and 2) Make the finding that the action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and introduce an ordinance (Attachment 3 to the report) to adopt the proposed amendments to Sunnyvale Municipal Code Section 19.38.040 (individual lockable storage space for multiple-family residential).

City Clerk Kathleen Franco Simmons read the ordinance titles.

The motion carried by the following vote:

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

No: 0

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to continue with the remainder of the meeting.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Goldman

No: 0

Abstain: 1 - Councilmember Melton

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith reported a meeting of the Recycling and Waste Reduction Commission of Santa Clara County in which the processing of organic materials was discussed.

Councilmember Smith reported her attendance at a meeting of the VTA Bus Rapid Transit Policy Advisory Board.

Mayor Hendricks reported December is his last meeting as a VTA board member, after which he will be an alternate board member.

Mayor Hendricks reported he will attend the upcoming first meeting of the City of San Jose/Mineta Airport Ad Hoc Advisory Committee on South Flow Issues.

NON-AGENDA ITEMS & COMMENTS**-Council**

Vice Mayor Larsson reported the recently proposed tax code changes preserve the low income housing tax credits but the proposal includes eliminating private activity bonds.

Councilmember Smith inquired if there is target date to report on the affordable housing study issue.

Interim City Manager Steffens reported a work plan would come to Council on December 12.

Councilmember Smith inquired about the noise issues at UPS.

Interim City Manager Steffens provided information regarding Department of Public Safety monitoring of noise at UPS and enforcement of the noise ordinance.

Councilmember Smith inquired about the schedule for review of the Noise Element of the General Plan.

Director of Community Development Ryan provided information regarding an upcoming meeting to review the schedule.

Councilmember Smith inquired about the status of the concern from Fortinet from a few weeks ago.

Director of Community Development Ryan provided information regarding the scope of work that has been requested from the environmental consultants and an upcoming Council action item.

Mayor Hendricks requested an update to Council in a reasonable timeframe regarding the UPS noise issue.

-City Manager

Interim City Manager Kent Steffens reminded Council of the upcoming Closed Session regarding labor negotiations.

INFORMATION ONLY REPORTS/ITEMS

[17-0867](#) Tentative Council Meeting Agenda Calendar

[17-0853](#) Information/Action Items

[17-0991](#)

Update and Recent Trends Regarding City Workers'
Compensation Programs (Information Only)

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 11:40 p.m.