



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, July 11, 2017

5:00 PM

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

**Special Meetings: Closed Session- 5 PM | Joint Study Session with Board of Library
Trustees and Parks and Recreation Commission- 6 PM | Regular Meeting- 7 PM**

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Vice Mayor Larsson announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

1 Call to Order in the West Conference Room

Vice Mayor Larsson called the meeting to order at 5:01 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

No speakers.

4 Convene to Closed Session

[17-0236](#)

Closed Session held pursuant to California Government Code
Section 54957: PUBLIC EMPLOYEE PERFORMANCE
EVALUATION
Title: City Attorney

[17-0688](#)

Closed Session held pursuant to California Government Code
Section 54956.9: CONFERENCE WITH LEGAL
COUNSEL-EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Meinhardt, et al. vs. City of Sunnyvale; USDC
Civil Action No. 5:16-cv-05501 HRL

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 5:58 p.m.

6 P.M. SPECIAL COUNCIL MEETING (Joint Study Session with Board of Library Trustees and Parks and Recreation Commission)

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

Vice Mayor Larsson called the meeting to order at 6:04 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

Board of Library Trustees:

Present: 3 - Chair Carey Lai
Vice Chair Daniel Bremond
Board Member Mark Isaak

Absent: 1 - Board Member Tina Hwang

Parks and Recreation Commission:

Present: 5 - Chair Henry Alexander III
Vice Chair Ralph Kenton
Commissioner Irene Gabashvili
Commissioner Daniel McCune
Commissioner Craig Pasqua

3 Public Comment

4 Joint Study Session with Board of Library Trustees and Parks and Recreation Commission

[17-0576](#)

Lakewood Branch Library and Learning Center Feasibility

Study Update

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 6:55 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendrick 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

CLOSED SESSION REPORT

Vice Mayor Larsson reported the Council met in closed session pursuant to California Government Code Section 54957: Public Employee Performance Evaluation, Title: City Attorney; nothing to report.

Vice Mayor Larsson reported the Council met in closed session pursuant to California Government Code Section 54956.9: Conference with Legal Counsel Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9), Name of case: Meinhardt, et al. vs. City of Sunnyvale; USDC Civil Action No. 5:16 cv 05501 HRL; nothing to report.

SPECIAL ORDER OF THE DAY

[17-0351](#) SPECIAL ORDER OF THE DAY - Parks and Recreation Month

Mayor Hendricks presented a proclamation to Director of Library and Community Services Cynthia Bojorquez and Director of Public Works Manuel Pineda in recognition of Parks and Recreation Month.

ORAL COMMUNICATIONS

Councilmember Goldman announced board and commission recruitment and an upcoming application deadline.

Mayor Hendricks announced the upcoming State of the City event.

CONSENT CALENDAR

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

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 [17-0470](#) Approve City Council Meeting Minutes of June 20, 2017

Approve the City Council Meeting Minutes of June 20, 2017 as submitted.

1.B [17-0180](#) 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 [17-0535](#) Award of Contract to the San Mateo County Community
College District and to modify an existing contract with Open
Access to Implement the State of California-funded SlingShot
Compact

Authorize the City Manager to executive a contract with the San Mateo County Community College District for an amount not to exceed \$237,000 and with a term ending March 31, 2018 and to execute Modification No. 2 to an existing contract with Open Access to increase the not to exceed amount from \$60,000 to \$360,000 with a term ending March 31, 2018.

1.D [17-0676](#) Amend the Classification Plan to Add the Newly Established
Classification of Permit Center Manager and Change the

Classification Title for the Superintendent of Building
Inspection to Chief Building Official, and Amend
Corresponding Provisions of the Salary Table of the City's
Salary Resolution to Reflect the Classification Updates

Adopt a resolution amending the Classification Plan to add one new classification and to change the title of one classification, and amending the City's Salary Resolution to update the schedule of pay to include those classifications.

- 1.E** [17-0573](#) Adopt a Resolution to Accept One Bay Area Grant Cycle 2 and Sustainable Transportation Planning Grant Funds and Approve Budget Modification No. 3

Approve the required resolutions to accept One Bay Area Grant Cycle 2 and Sustainable Transportation Planning Grant Funds and Approve Budget Modification No. 3 in the amount of \$382,000.

- 1.F** [17-0575](#) Award of Bid No. PW17-12 for the Federally-Funded Safe Routes to School Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 2 to provide \$441,756 in Additional Funding

1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for the 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 \$1,872,509 to FBD Vanguard Construction, 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 \$187,251; and 4) Approve Budget Modification No. 2 to provide \$441,756 in additional project funding.

- 1.G** [17-0600](#) Award of Contract for Digester #1 Cleanout at the Water Pollution Control Plant (F17-107) and Approve Budget Modification No. 4

1) Award a contract in substantially the same form as Attachment 2 to the report in the amount not to exceed \$158,840 to Synagro-WWT, Inc. for Digester #1 Cleanout at the WPCP authorize the City Manager to execute the contract when all conditions have been met; 2) approve a 10% contract contingency in the amount of \$15,884; 3) and approve Budget Modification No. 4 to provide additional funding for the project.

- 1.H** [17-0622](#) Award of Contract for the Preliminary Design and

Environmental Clearance of the Bernardo Undercrossing
Project (F17-075) and Budget Modification No. 5

1) Award a contract, in substantially the same form as Attachment 1 to the report and in an amount not to exceed \$586,577, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) approve a contract contingency in the amount of \$46,334.

- 1.I [17-0661](#) Award of Contract to the Santa Clara Valley Transportation Authority to Implement a California Energy Commission Initiative Supporting Transit Apprenticeship Development

Award a contract to Santa Clara Valley Transportation Authority for an amount not to exceed \$125,000 and expiring June 30, 2018; and authorize the City Manager to execute a contract when all necessary conditions have been met.

- 1.J [17-0686](#) Adopt Ordinance No. 3119-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone 63 contiguous properties located on Royal Ann Court, N. Sage Court, Hollenbeck Avenue, W. Remington Drive, Sheraton Drive, Smyrna Court, and Spinosa Drive from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

Adopt Ordinance No. 3119-17.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [17-0659](#) Proposed Project: Introduce an Ordinance to REZONE 49 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
Location: 801-825 Ticonderoga Drive (Assessor's Parcel Number 202-18-003 through 202-18-006 and 202-18-046), 849-891 Ticonderoga Drive (202-21-018 through 202-21-025), 850-886 Somerset Drive (202-21-007 through 202-21-013), 1150 Revere Drive (202-20-004), 1150-1166 Shenandoah Drive (202-20-033 through 202-20-036), 1151-1157 Shenandoah Drive (202-20-031 and 202-20-032), 861-879 Somerset Drive (202-20-001 through 202-20-003), 1130-1194 Pimento Avenue (202-18-007 through 202-18-018), 1149-1167 Pimento Avenue (202-20-045 through 202-20-048), 1181-1199 Pimento Avenue (202-21-014 through 202-21-017), 1149-1161 Plum Avenue (202-18-023 through 202-18-025).
File #: 2016-7734

Existing Zoning: R-1

Applicant / Owner: Molly Kauffman (plus multiple owners)

Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA

Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Mayor Hendricks stated his home is within the designated distance, recused himself and left the room. Vice Mayor Larsson presided during this item.

Principal Planner Gerri Caruso provided the staff report and stated a revised Attachment 9 and two additional emails from members of the public have been provided on the dais. Director of Community Development Trudi Ryan and City Attorney John Nagel provided additional information.

Applicant Molly Kauffman provided information and a PowerPoint presentation regarding the application.

Public Hearing opened at 7:32 p.m.

Howard Mueller spoke in support of the single-story rezoning request.

Judy Faulhaber provided comments in support of maintaining Eichler neighborhoods as designed.

Barbara Bullis spoke in support of approval of the application.

James Bullis spoke in support of the artistry and workmanship of Eichler homes.

Gopal Parupudi spoke regarding his family's process for selecting a home in an Eichler neighborhood.

Bob Ormiston spoke in support of Eichler homes.

David Weingaertner spoke in support of the application.

Paul Detering spoke in support of Eichler homes.

Linda Anthony spoke in support of the application.

Applicant Molly Kauffman provided closing remarks in support of the application.

Public Hearing closed at 8:08 p.m.

MOTION: Councilmember Klein moved and Councilmember Melton seconded the motion to approve Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 and 15061(b)(3); and, 2) Introduce an Ordinance to Rezone 49 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

FRIENDLY AMENDMENT: Vice Mayor Larsson offered a friendly amendment to remove the eight properties between Plum and Pimento, the three properties on Plum and the five northern-most properties.

Councilmember Klein declined to accept the friendly amendment.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

Yes: 5 - Vice Mayor Larsson
Councilmember Klein
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 1 - Councilmember Griffith

Recused: 1 - Mayor Hendricks

Following action on Item 2, Mayor Hendricks returned to the room and took his seat at the dais.

- 3** [17-0429](#) 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 2017/18

City Property Administrator Ryan Sandoval provided the staff report. Director of Public Works Manuel Pineda provided additional information.

Public Hearing opened at 8:40 p.m.

No speakers.

Public Hearing closed at 8:40 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternative 1: Adopt the 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 FY 2017/18.

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

4 [17-0670](#) Approve a Conceptual Design for the Washington Community Swim Center Project

Director of Public Works Manuel Pineda and Director of Library and Community Services Cynthia Bojorquez provided the staff report. Architect Gregor Markel, Dahlin Group, Community Services Manager Nancy Grove, and Director of Community Development Trudi Ryan provided additional information.

Public Hearing opened at 9:46 p.m.

Mark Pool spoke in support of a zero ramp, six lanes for lap swimming, a protective rail, and parking like the Serra Park parking lot.

Ralph Kenton, Vice Chair, Parks and Recreation Commission, provided the recommendation of the commission.

Daniel Bremond, speaking for himself, encouraged a 2-meter lane width and a roof over the pool to protect swimmers from the sun.

Daniel McCune spoke regarding pool size and budget constraints, the difficulty of recruiting lifeguards, and urged expanding the footprint of the project and increasing the budget.

Public Hearing closed at 9:59 p.m.

MOTION: Councilmember Melton moved and Councilmember Klein seconded the motion to approve Alternative 1: Approve the recommended conceptual design as shown on Attachment 5 to the report and authorize staff to proceed with detailed design and preparation of bid documents; with direction to staff that it should be a zero-depth entry, guidance to staff and the architect to see what can be done about the width of the pool, and direction to staff to come back to Council with an informational report to Council once the detailed design has turned into a final design.

FRIENDLY AMENDMENT: Councilmember Klein offered a friendly amendment to look at adding a barrier between the splash pad and the shallow pool. Councilmember Melton accepted the friendly amendment.

AMENDMENT: Councilmember Smith moved to amend the motion and Councilmember Goldman seconded to switch the splash pool to the hybrid model.

The motion to amend failed by the following vote:

Yes: 2 - Councilmember Smith
Councilmember Goldman

No: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Melton

The main 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

Council recessed at 10:24 p.m.

Council reconvened at 10:35 p.m.

- 5 [17-0671](#) Approve the Concept of Constructing an Inclusive Playground at Fair Oaks Park and Authorize the City Manager to Execute an Agreement Between Magical Bridge Foundation and the City of Sunnyvale for Design and Construction Services Related to the Playground

Director of Public Works Manuel Pineda provided the staff report. Superintendent of Parks and Golf Jim Stark provided additional information.

Public Hearing opened at 10:47 p.m.

Esther Lucas provided information regarding her actions to bring a Magical Bridge playground to Sunnyvale.

Kristine Kelly, President of Sunnyvale MOMS Club, spoke in support of the Magical Bridge playground.

Doaa Hamed, Chair, Williams Syndrome Association, spoke in support of Magical Bridge playgrounds.

Maria Bergeron spoke in support of accessible playgrounds.

Dawn Billman, Magical Bridge Foundation, spoke in support of the Magical Bridge playground.

Adam Juratovac, Advisory Board Member, Magical Bridge, provided information regarding the playground.

Olenka Villarreal, Founder, Magical Bridge, provided information regarding the playground concept.

Ralph Kenton expressed appreciation to staff for the presentation.

Public Hearing closed at 11:01 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternatives 1 and 3: 1) Approve the Concept of Constructing an Inclusive Playground at Fair Oaks Park; and 3) Authorize the City Manager to Execute an Agreement Between the Magical Bridge Foundation and the City of Sunnyvale in the amount of \$1,800,000 for Design and Construction Services Related to the Playground.

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

- 6** [17-0410](#) Introduce an Ordinance Mandating Use of Online or Electronic Filing of Campaign Statements and Statements of Economic Interests

City Clerk Kathleen Franco Simmons provided the staff report.

Public Hearing opened at 11:29 p.m.

Steve Scandalis spoke in support of the ordinance and provided comments regarding his experience with the current process.

Public Hearing closed at 11:32 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Introduce an Ordinance to Add Chapter 2.29 (Electronic Filing) to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Related to Electronic Filing of Campaign Statements and Statements of Economic Interests (Fair Political Practices Commission Form 700), and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378(b)(5).

City Clerk Kathleen Franco Simmons read the ordinance title.

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 Melton moved and Councilmember Griffith seconded the motion to continue with Councilmembers Reports on Activities from Intergovernmental Committee Assignments.

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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith reported his attendance at a special meeting of Silicon Valley Clean Energy Authority in which recruitment for a new CEO was discussed following resignation of the current CEO.

Councilmember Smith reported her attendance at a CalMod meeting.

Councilmember Goldman reported his attendance at a meeting of the Grand Boulevard Task Force.

Councilmember Melton reported his attendance at a San Mateo Board of Supervisors meeting regarding airplane noise.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to continue with Non-Agenda Items and Comments.

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

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Griffith inquired about the wording of Council policy as it pertains to the need for separate votes to proceed with items after 11:30 p.m.

City Attorney Nagel stated he plans to bring an update to Council Policy for consideration at the July 25 Council meeting.

-City Manager

Assistant City Manager Walter Rossmann noted the Information Only items in the agenda packet regarding a Minimum Wage Update and an update on the CAP 2.0 Community Advisory Committee. Assistant City Manager Rossmann reported the upcoming launch of the new website, new City logo and Access Sunnyvale, the City's new Customer Relationship Management (CRM) system.

Councilmember Griffith expressed interest in discussion of the alignment of minimum wage with other cities.

Assistant City Manager Rossmann stated he will work with the Mayor to schedule an agenda item.

Vice Mayor Larsson provided comments regarding the process for amending single-story zoning districts and inquired if the scope of the study issue that fell below the line in 2017 could be amended.

Mayor Hendricks requested staff note this request and bring it back to Council at the appropriate time.

INFORMATION ONLY REPORTS/ITEMS

[17-0093](#) Tentative Council Meeting Agenda Calendar

[17-0548](#) Information/Action Items

[17-0687](#) Minimum Wage Update (Information Only)

[17-0691](#) Update on CAP 2.0 Community Advisory Committee
(Information Only)

[17-0299](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 11:45 p.m.