



City of Sunnyvale

Meeting Minutes City Council

Tuesday, July 12, 2016

5:00 PM

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

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

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

1 Call to Order in the West Conference Room

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.

Vice Mayor Larsson called the meeting to order at 5:02 p.m.

2 Roll Call

Present: 5 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Jim Davis

Absent: 1 - Councilmember Pat Meyering

3 Public Comment

None.

4 Convene to Closed Session

[16-0328](#)

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

Closed Session held pursuant to California Government Code
Section 54957.6: CONFERENCE WITH LABOR
NEGOTIATORS
Agency designated representatives: City Council
Compensation Subcommittee

Unrepresented Employee: City Manager

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 6:03 p.m.

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

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

Vice Mayor Larsson called the meeting to order at 6:06 p.m.

2 Roll Call

Present: 6 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Pat Meyering
Councilmember Jim Davis

3 Public Comment

4 Study Session

[16-0603](#) Next Network Project - Valley Transportation Authority (VTA)

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 6:52 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order in Council Chambers.

SALUTE TO THE FLAG

Mayor Hendricks led the salute to the flag.

ROLL CALL

Present: 6 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Pat Meyering
Councilmember Jim Davis

CLOSED SESSION REPORT

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957: Public Employee Performance Evaluation: City Manager and Closed Session held pursuant to California Government Code Section 54957.6: Conference With Labor Negotiators. Larsson reported the Agency's designated representative was the City Council Compensation Subcommittee consisting of Councilmember Griffith, Councilmember Davis and Councilmember Martin-Milius. Larsson reported there was nothing to report, and the subject of the Closed Session was also announced before Council convened the Closed Session.

ORAL COMMUNICATIONS

Mayor Hendricks spoke regarding the recent State of the City Event and the groundbreaking ceremony for the new Water Pollution Control Plant.

Michael Goldman spoke regarding library space needs and provided a PowerPoint presentation.

Ray Johnson spoke regarding the cost of the Special Election and requested the Mayor call an emergency executive session of the Council to cancel the Special Election.

MOTION: Councilmember Meyering moved that the Council consider setting the emergency meeting to consider action on the special election. The motion died due to lack of a second.

Ron Banks spoke regarding rent stabilization for mobile home parks.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A and 1.B and requested to record a No vote on Item 1.D.

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

The motion carried by the following vote:

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

No: 0

1.A [16-0518](#) Approve City Council Special Meeting Minutes of June 21, 2016

MOTION: Councilmember Meyering moved to amend the minutes on page 6, Item 1.E, to include the statement that Meyering voted no on 1.E.
The motion died due to lack of a second.

Public Hearing opened at 7:52 p.m.
No speakers.
Public Hearing closed at 7:52 p.m.

MOTION: Councilmember Meyering moved to deny the minutes until a summary of the positions expressed by dissenting voters is included.
The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve the City Council Special Meeting Minutes of June 21, 2016 as submitted.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.B [16-0649](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 7:54 p.m.
No speakers.
Public Hearing closed at 7:54 p.m.

MOTION: Councilmember Meyering moved to deny the claims until Councilmembers are provided with copies of bills upon request. The motion died due to lack of a second.

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

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.C [16-0526](#) Adopt Resolution Authorizing Application for Affordable Housing Sustainable Communities (AHSC) Grant for Edwina Benner Plaza and Persian Drive Sidewalk Extension

Adopt the resolution authorizing application for an Affordable Housing Sustainable Communities (AHSC) Grant for Edwina Benner Plaza and Persian Drive sidewalk extension.

1.D [16-0669](#) Adopt Ordinance No. 3087-16 to Amend Chapter 9.28 of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code Relating to Regulation of Smoking in Outdoor Areas

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to adopt Ordinance No. 3087-16.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.E [16-0694](#) Adopt Ordinance No. 3088-16 Amending Section 9.26.030 (Nuisances Described-Authority to Abate) Of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or

Welfare) of the Sunnyvale Municipal Code to Maintain Prohibitions related to Parking on Unpaved Surfaces

Adopt Ordinance No. 3088-16.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-0241](#) RECOMMEND CONTINUANCE TO AUGUST 9, 2016
Introduce an Ordinance to Amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code related to the Solar Access Requirements Study Issue (2016-7279)

Director of Community Development Trudi Ryan provided introductory remarks.

Public Hearing opened at 7:16 p.m.

No speakers.

Public Hearing closed at 7:16 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to continue this matter to August 9, 2016.

The motion carried by the following vote:

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

No: 0

- 3** [16-0597](#) Introduce an Ordinance to Award a Non-Exclusive Taxicab Franchise to My Ekadea, Inc DBA California Cab Company

Management Analyst Elaine Ketell provided the staff report.

Public Hearing opened at 7:19 p.m.

No speakers.

Public Hearing closed at 7:19 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Introduce an Ordinance to Award a Non exclusive Taxicab Franchise to My Ekadea, Inc. DBA California Cab Company and authorize the City Manager to execute the franchise agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

No: 0

- 4 [16-0600](#) Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016, for the Purpose of Submitting to City Voters a Measure to Modernize the Utility Users Tax; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments

Purchasing Officer Pete Gonda provided the staff report and reported a memo was provided to clarify that the tax is not being broadened to include new tax categories and that a rate increase is not being proposed. City Attorney John Nagel provided additional information.

Vice Mayor Larsson noted a potentially misplaced quotation mark in Attachment A, page 3, Definitions, (1)(b) "Detailed telecommunications" and suggested the quotation mark should be moved to read, "Detailed telecommunications billing service."

Mayor Hendricks expressed willingness to be a signer of the argument.

Public Hearing opened at 7:29 p.m.

No speakers.

Public Hearing closed at 7:29 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016, for the Purpose of Submitting to City Voters a Measure to Modernize the Utility Users Tax; Requesting Consolidation with the Statewide General Election

and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and authorizing the Mayor to submit a written argument for the measure as outlined in Option B; and moving the quotation mark in Attachment A, page 3, Definitions, (1)(b) from "Detailed telecommunications" to "Detailed telecommunications billing service."

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

Mayor Hendricks asked Councilmembers to let him know if they would also like to sign the argument for the measure.

- 5** [16-0655](#) Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016, for the Purpose of Submitting to City Voters an Initiative Ordinance to Require Voter Approval for Any Sale, Lease, Lease Extension, Lease Renewal, Land Swap or Transfer of Property Owned, Leased Or Used by the City as a Public Park or Community Service Amenity (The "Public Lands For Public Use Act"); Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments

City Attorney John Nagel provided the staff report.

Public Hearing opened at 7:40 p.m.

No speakers.

Public Hearing closed at 7:40 p.m.

Mayor Hendricks expressed willingness to be a signer of the argument against the measure.

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt Ballot Question Option 1: A Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016, for the Purpose of Submitting to City Voters an

Initiative Ordinance to Require Voter Approval for Any Sale, Lease, Lease Extension, Lease Renewal, Land Swap or Transfer of Property Owned, Leased Or Used by the City as a Public Park or Community Service Amenity (The "Public Lands For Public Use Act"); Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and select Option (b) to provide for authority to submit written ballot arguments and rebuttal arguments to the Mayor or his designee.

City Manager Santana provided additional information regarding the distinctions between Option 1 and Option 2.

FRIENDLY AMENDMENT: Following discussion, Councilmember Griffith accepted the recommendation as a Friendly Amendment to insert after the word "citywide" in the ballot question, the words, "special or general."
Councilmember Martin-Milius accepted the friendly amendment.

The motion carried by the following vote:

- Yes:** 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
- No:** 1 - Councilmember Meyering

- 6** [16-0511](#) Consider Amending the Employment Agreement between the City of Sunnyvale and City Manager Deanna Santana and the City's Salary Schedule to Adjust the City Manager's Compensation

City Manager Deanna Santana left the Council Chambers.

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 7:49 p.m.

No speakers.

Public Hearing closed at 7:49 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Griffith seconded the motion to approve the 2 percent Cost of Living Adjustment for the City Manager, inclusive of the current pay period.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Mayor Hendricks expressed appreciation for the Valley Transportation Authority Study Session held earlier.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[16-0081](#) Tentative Council Meeting Agenda Calendar

[16-0506](#) Information/Action Items

[16-0683](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 7:59 p.m.