



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, May 6, 2014

5:30 PM

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

**Special Meetings: Closed Session 5:30 PM | Joint Study Session 6:15 PM | Regular
Meeting 7 PM**

7 P.M. COUNCIL MEETING

CALL TO ORDER

SALUTE TO THE FLAG

14-0438 Lakewood School Color Guard Presentation

The Lakewood School Color Guard and Honor Guard presented the flag and led the pledge of allegiance.

ROLL CALL

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

CLOSED SESSION REPORT

Closed Session held pursuant to California Government Code Section 54957(a):
THREAT TO PUBLIC SERVICES OR FACILITIES

Vice Mayor Davis reported Council met in Closed Session regarding security procedures for Council; no action was taken.

SPECIAL ORDER OF THE DAY

14-0206 SPECIAL ORDER OF THE DAY - Department of Public Safety
Special Awards

Mayor Griffith and Chief of Public Safety Frank Grgurina presented the Public Safety Special Awards.

PUBLIC ANNOUNCEMENTS

Kevin Jackson announced the upcoming Bike to Work Day event.

CONSENT CALENDAR

Councilmember Meyering requested to pull Items 1.A, 1.B, 1.C.

Mayor Griffith announced the Consent Calendar items would be heard after the public hearings/general business portion of the meeting.

1.A 14-0266 Approval of City Council Meeting Minutes of April 29, 2014

Public Hearing opened.

No speakers.

Public Hearing closed.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of April 29, 2014 as submitted. The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.B 14-0482 Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 11:37 p.m.

No speakers.

Public Hearing closed at 11:37 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks 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 Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.C 14-0421 Authorize the City Manager to Execute a Quitclaim Deed to Extinguish Parking Easements and Accept and Grant a New Ingress/Egress Easement at a Location on Pastoria Avenue to Benefit the Properties of the City and the Adjoining Landowner

Public Hearing opened at 11:41 p.m.

No speakers.

Public Hearing closed at 11:41 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to authorize the City Manager to execute a Quitclaim Deed to extinguish Parking Easements and accept and grant a new Ingress/Egress Easement at a location on Pastoria Avenue to benefit the properties of the City and the adjoining landowner. The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

PUBLIC COMMENTS

Andy Frazer spoke regarding pension funding and provided a PowerPoint presentation.

PUBLIC HEARINGS/GENERAL BUSINESS

2 14-0339 Adopt a Resolution to Update the Green Building Program for Residential Projects, Non-Residential Projects and Public Facilities

Community Development Director Hanson Hom presented the staff report. Chief Building Official Ali Fatapour and Planning Officer Trudi Ryan provided additional

information.

Public Hearing opened at 8:17 p.m.

Pat Sausedo, Executive Director of NAIOP Silicon Valley, requested the item be continued for non-residential to give an opportunity for the NAIOP real estate community to be part of the process.

Kerry Haywood, Moffett Park Business Group, concurred with the previous speaker and encouraged continuance of the item to give more time for the development community to be part of the process.

Janette D'Elia, Jay Paul Company, concurred with the previous two speakers, stated support of the LEED standards, and recommended at minimum not applying the standards retroactively to projects already under design.

Elisabeth Arslaner, NetApp Inc., stated support of sustainable building practices and commitment to LEED Gold standard and expressed concerns regarding the implications of the new building standards on their already approved and designed projects. Arslaner requested continuance of the item to allow staff to engage the community further.

Troy Ward, Juniper Networks, stated commitment to energy efficient design and green building standards and requested continuation of the item.

Phil Mahoney, Partner, Cornish & Carey Commercial, asked that deeper consideration and more time be given to study the ramifications of the proposed standards.

Erik Dyrr spoke regarding the ongoing changes to the LEED system and Title 24 State Energy Requirements and recommended taking a closer look at the impacts of the proposed requirements.

Byron Renfro, Orchard Commercial, stated increasing the LEED standards will do a disservice to the City and recommended letting the market decide what to do.

Tom Gilman, architect, recommended tying the trigger point to entitlements for major projects.

Public Hearing closed at 8:37 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Whittum seconded the motion to adopt Alternative 4: Take no action and maintain the current green building standards, and have the staff return to Council within one year with an update in regard to green building standards.

AMENDMENT: Councilmember Meyering moved to amend the motion to have it return to Council in 90 days, with the provision that no new entitlements will be granted in the next 90 days.

Motion died due to a lack of a second.

AMENDMENT: Councilmember Whittum moved to amend the motion and Councilmember Larsson seconded to change the one year timeframe in the motion to an August timeframe.

Vice Mayor Davis accepted the amendment as a friendly amendment.

The motion as amended carried by the following vote:

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

No: 0

3 14-0304 Conduct Public Hearing and Adopt a Resolution to Levy an Annual Assessment for the Downtown Sunnyvale Business Improvement District for Fiscal Year 2014/2015

Councilmember Whittum reported his home is within 500 feet of the business improvement district, recused himself and left the room.

Economic Development Manager Connie Verceles presented the staff report and indicated no written protests have been received by staff.

Joel Wyrick, Executive Director of the Sunnyvale Downtown Association, reported the Board unanimously approved the BID.

Public Hearing opened at 9 p.m.

No speakers.

Public Hearing closed at 9 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Meyering seconded the motion to approve Alternative 1: Adopt the Resolution to Levy an Annual Assessment for the Downtown Sunnyvale Business Improvement District. The motion carried by the following vote:

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

No: 0

Recused: 1 - Councilmember Whittum

Following action on Item 3, Councilmember Whittum returned to the room and took his seat.

4 **14-0191** 2014 Quarterly Consideration of General Plan Amendment
Initiation Requests: 915 De Guigne Drive - Industrial to
Residential Medium Density

File #: 2014-7244 (associated with file #s: 2011-7021 &
2011-7017)

Location: 915 De Guigne Drive (APN: 205-21-001)

Proposed Project:

GENERAL PLAN AMENDMENT INITIATION Request to study
a change from Industrial to Residential Medium Density and
discussion of an Area Plan, Sense of Place Plan, Market and
Fiscal Impact Analysis and parkland dedication.

Owner/Applicant: Watt Companies

Community Development Director Hanson Hom presented the staff report and distributed written materials from the Applicant.

Director of Public Works Kent Steffens provided additional information.

Public Hearing opened at 9:52 p.m.

Applicant Max Frank, Vice President, Watt Investments, provided information regarding the proposed project.

Preston Brooks, Environmental Attorney, Cox, Castle and Nicholson, provided additional information regarding the environmental condition of the site.

Roy Arsan, neighboring property owner, spoke in support of the initiation request but requested alternatives to the three-way intersection at De Guigne due to safety issues.

Liza Stoner, resident, recommended a traffic study of safety issues at the three-way intersection at De Guigne, encouraged transit and amenities such as a grocery store and a pharmacy within walking distance and revisiting the criteria for park space.

Martin Landzaat requested that a school impact analysis be added to the list of requirements before approving the request.

Applicant Max Frank confirmed their willingness to study the intersection at De Guigne, perform a school impact analysis and to explore a variety of densities.

Public Hearing closed at 10:10 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Hendricks seconded the motion to approve Alternative 1.a) Approve the GPI request allowing the applicant to submit a General Plan Amendment application to study changing the land use from Industrial to Medium Density Residential, including studying possible development standards or zoning regulations to buffer and minimize conflicts with adjacent office/industrial uses; strike Alternative 2) Area Plan and Sense of Use Plan, and modify Alternative 3 to prepare a study, to be funded by the applicant and contracted by the City, to assess the fiscal impacts and benefits to the City of residential and non-residential land uses.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include the Sense of Place Plan.
Councilmember Martin-Milius declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved to amend the motion and Councilmember Meyering seconded to insert back language from Alternative 2.a.) Prepare a Sense of Place Plan for transit, pedestrian, bicycle and automobile circulation for an expanded East Sunnyvale area (~100 acres) as shown on Attachment 1 to be funded by the applicant.
Councilmember Martin-Milius agreed to accept the amendment as a friendly amendment.

AMENDMENT: Councilmember Whittum moved to amend the motion and

Councilmember Meyering seconded to allow staff in the course of the study to look at neighborhood-serving commercial for some portion of the site and to look at the question of whether there is adequate POA and PF zoning in the area. The motion on the amendment failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

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

AMENDMENT: Councilmember Whittum moved to amend the motion and Councilmember Meyering seconded to allow staff to look at neighborhood-serving commercial. The motion on the amendment failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

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

AMENDMENT: Councilmember Whittum moved and Councilmember Meyering seconded an amendment to direct staff to pursue a development agreement with the property owner that the property owner to put five acres and conditions suitable for use as a park and dedication as a park or alternatively use as a park while retaining ownership by the present owner, with the public access or public use agreement, with maintenance by the City. The motion on the amendment failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

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

Councilmember Hendricks
Councilmember Larsson

Mayor Griffith restated the main motion as amended: Alternative 1.a. as presented, 2.a as presented, and 3.a removing the market analysis.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to modify 1.a. which currently reads "...from Industrial to Medium Density Residential..." to "from Industrial to Residential up to Medium Density Residential..."
Councilmember Martin-Milius accepted the friendly amendment.

The motion as amended carried by the following vote:

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

No: 2 - Councilmember Whittum
Councilmember Meyering

**5 14-0479 Consider Housing and Urban Development (HUD) Action Plan
for FY 2014-15**

Housing Officer Suzanne Isé presented the staff report.

Public Hearing opened at 10:52 p.m.

Pilar Furlong, Director of Community Resources, Bill Wilson Center, provided information regarding the services provided by the center.

Michele Schroeder, Supervising Attorney for Senior Adults Legal Assistance (SALA), spoke in support of the proposed grant funding.

Marie Bernard, Director of Sunnyvale Community Services, provided information regarding the services provided by the organization and in support of the proposed grant funding.

Greg Pensinger, Project Manager, Downtown Streets Team, provided information regarding the services provided to the City.

Wanda Hale, Program Manager, Long-Term Care Ombudsman program, provided information regarding the program services.

Colleen Hudgen, Executive Director, Live Oak Adult Day Services, provided information regarding the program services.

Public Hearing closed at 11:09 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Approve the 2014 Action Plan as presented in Attachment 1 to the report, and authorize the City Manager to execute all required assurances and forms for submittal to HUD. The motion carried by the following vote:

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

No: 0

- 6 14-0261** Introduce an Ordinance to Create Chapter 19.47 (Off-Site Stadium Event Parking) of Title 19 of the Sunnyvale Municipal Code to Add Off-Site Parking Standards and Regulations Related to Levi's (49ers) Stadium (2014-7021) and Find the Project is exempt from CEQA pursuant to Guideline 15061(b) (3)

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternatives 1 and 2: 1) Introduce an ordinance (Attachment 1) to create Chapter 19.47 (Off Site Stadium Event Parking) of Title 19 of the Sunnyvale Municipal Code to add off site parking standards and regulations related to the new Levi's (49ers) Stadium; and, 2) Direct staff to monitor the ordinance and parking and return to Council in one year (or sooner if necessary) to discuss the regulations and provide suggested modifications as needed; with a modification that allows a decision by the Director that is appealable to the City Council and while an item is being appealed, it is revoked. The motion was clarified to state that the decision of staff stands until the appeal is resolved, and that staff will be able to take immediate, actionable, definitive action if deemed appropriate.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported his attendance at a meeting of the VTA Board.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Meyering requested the date that the Urban Forestry Management Plan will be presented to Council. Director of Public Works Kent Steffens stated he estimates by June.

Councilmember Meyering inquired about the date for the clarification regarding the San Francisco Public Utilities Commission position concerning Christian Greenbelt as it relates to Weddell development projects. Interim City Manager Walker stated it is an information only item forthcoming in the next month.

Mayor Griffith reported a discussion of Council procedures will be scheduled when the new City Manager comes on board.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- | | |
|----------------|---|
| 14-0276 | Tentative Council Meeting Agenda Calendar |
| 14-0385 | Information/Action Items |
| 14-0489 | Draft Minutes of the Board of Library Trustees Meeting of April 7, 2014 |
| 14-0491 | Draft Minutes of the Parks and Recreation Commission Meeting of April 9, 2014 |

14-0493 Draft Minutes of the Arts Commission Meeting of April 16, 2014**ADJOURNMENT**

Mayor Griffith closed the meeting in honor of Aldyth Parle, former Santa Clara Councilmember, and adjourned the meeting at 11:48 p.m.