



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, January 7, 2014

7:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Present: 7 - Mayor Anthony (Tony) Spitaleri
Vice Mayor Jim Griffith
Councilmember Christopher Moylan
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Jim Davis

GENERAL BUSINESS

Mayor Spitaleri announced several changes to the agenda: the Ceremonial Oath of Office for Council-Elect Gustav Larsson has been postponed to the next Council meeting due to the fact that his mother, who will be swearing him in, was unable to travel due to a snowstorm; Consent Item 1.D and Public Hearing Item 8 has been moved up on the Agenda for action before the change of Council.

Councilmember Meyering requested a No vote be recorded for him for Items 1.A. and 1.D.

1.A 14-0045 Approval of City Council Meeting Minutes of December 17, 2013

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the City Council Meeting Minutes of December 17, 2013 as submitted. The motion carried by the following vote:

Yes: 6 - Mayor Spitaleri
Vice Mayor Griffith
Councilmember Moylan
Councilmember Whittum
Councilmember Martin-Milius

Councilmember Davis

No: 1 - Councilmember Meyering

SPECIAL ORDERS OF THE DAY

2 **14-0001** Certification of 2013 Election Results - Council Seats 1, 2 and
3

Public hearing opened at 7:08 p.m.

No speakers.

Public hearing closed at 7:08 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to adopt the Resolution Declaring Canvass of Returns and Results of the General Municipal Election held November 5, 2013. The motion carried by the following vote:

Yes: 7 - Mayor Spitaleri

Vice Mayor Griffith

Councilmember Moylan

Councilmember Whittum

Councilmember Meyering

Councilmember Martin-Milius

Councilmember Davis

No: 0

SPECIAL ORDERS OF THE DAY

Presentations and remarks in recognition of outgoing Councilmember Chris Moylan and Mayor Tony Spitaleri, and re-elected Councilmember Jim Griffith were provided by:

Larry Stone, County Assessor and former Mayor

Pat Castillo, former Mayor and Councilmember

John Howe, former Mayor and Councilmember

Anna Ko, representing Assemblymember Rich Gordon

Joshua Barousse, representing Senator Jerry Hill, presented Joint Resolutions of the California State Legislature.

14-0008 Recognition of Outgoing Councilmember

Mayor Spitaleri provided remarks and a presentation in recognition of outgoing Councilmember Chris Moylan.

Councilmember Moylan provided outgoing remarks.

14-0010 Recognition of Outgoing Vice Mayor

Mayor Spitaleri provided remarks and a presentation in recognition of outgoing Vice Mayor Jim Griffith.

Vice Mayor Griffith provided remarks in appreciation for his opportunity to serve as Vice Mayor.

14-0009 Recognition of Outgoing Mayor

Vice Mayor Jim Griffith provided remarks and a presentation in recognition of outgoing Mayor Tony Spitaleri.

Mayor Spitaleri provided outgoing remarks.

14-0011 Ceremonial Oath of Office for Council-Elect

The Ceremonial Oath of Office for Gustav Larsson will be administered next week as announced earlier.

Councilmember Larsson provided incoming remarks.

The Ceremonial Oath of Office for Glenn Hendricks was administered by his wife, Cindy Hendricks.

Councilmember Hendricks provided incoming remarks.

The Ceremonial Oath of Office for Jim Griffith was administered by his niece, Leah Little.

Councilmember Griffith provided incoming remarks.

RECESS

Council recessed at 8:10 p.m.

Council reconvened at 8:26 p.m.

ROLL CALL

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

PUBLIC HEARINGS/GENERAL BUSINESS

3 **14-0002** Selection of Mayor for 2014-2015

Public hearing opened at 8:28 p.m.

Tap Merrick spoke in opposition to consideration of Jim Griffith for Vice Mayor or Mayor and provided written materials.

Public hearing closed at 8:30 p.m.

Mayor Pro Tem Griffith called for nominations for Mayor.

1st nomination: Councilmember Martin-Milius nominated Jim Griffith for Mayor.

2nd nomination: Councilmember Whittum nominated Jim Davis for Mayor.

Mayor Pro Tem Griffith closed nominations.

Vice Mayor Griffith accepted the nomination.
Councilmember Davis accepted the nomination.

Mayor Pro Tem Griffith provided a candidate statement.
Councilmember Davis provided a candidate statement.

VOTE on 1st nomination - Councilmember Griffith:

Yes: 4 - Mayor Pro Tem Griffith
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Whittum

Abstained: 2 - Councilmember Meyering
Councilmember Davis

Pursuant to Council Policy, Mayor Pro Tem Griffith declared Council has elected him to serve as Mayor for the next two years.

4 14-0003 Selection of Vice Mayor for 2014

Public hearing opened at 8:43 p.m.

No speakers.

Public hearing closed at 8:43 p.m.

Mayor Griffith called for nominations for Vice Mayor.

Councilmember Hendricks nominated Jim Davis for Vice Mayor.
Councilmember Davis accepted the nomination.

Councilmember Davis nominated Tara Martin-Milius for Vice Mayor.

Councilmember Martin-Milius declined the nomination.

Mayor Griffith called for further nominations.

There being no further nominations, Mayor Griffith declared Council has selected Councilmember Davis to serve as Vice Mayor.

PUBLIC ANNOUNCEMENTS

Patrick Ahrens, representing the Office of Assemblymember Paul Fong, extended congratulations to newly-elected Mayor Jim Griffith and Vice Mayor Jim Davis.

CONSENT CALENDAR

1.B 14-0018 List(s) of Claims and Bills Approved for Payment by the City Manager

MOTION: Vice Mayor Davis moved and Councilmember Martin-Milius seconded the motion to approve the list of 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 14-0012 Approval of 2014 City Council Meeting Calendar

MOTION: Councilmember Meyering moved to amend the start time of the meeting of January 10, 2014 to 1 p.m. to allow the candidates coming from out of town to avoid having to stay overnight the night before.

Motion died for lack of a second.

MOTION: Councilmember Meyering moved to amend the February 7 Budget and Study Issues workshop that starts in the morning to be broken into two three-hour meetings the two nights preceding February 7, on February 5th and 6th, at 7 p.m.

Motion died for lack of a second.

MOTION: Vice Mayor Davis moved and Councilmember Martin-Milius seconded the motion to approve the 2014 City Council Meeting dates 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.D 14-0053 Adoption of Ordinance No. 3034-14 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 318 N. Fair Oaks Avenue from Medium Density Residential (R-3) to Medium Density Residential/ Planned Development (R-3/PP)

Item 1.D was taken out of order and handled before the change of Council.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt Ordinance No. 3034-14. The motion carried by the following vote:

Yes: 6 - Mayor Spitaleri
Vice Mayor Griffith
Councilmember Moylan
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Davis
No: 1 - Councilmember Meyering

PUBLIC COMMENTS

Interim City Manager Robert Walker provided an update regarding PG&E tree removal activities and confirmed representatives will be invited to make a presentation to Council.

PUBLIC HEARINGS/GENERAL BUSINESS

5 14-0005 Annual Public Hearing - Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2014

Senior Management Analyst Yvette Blackford provided the staff report.

Councilmember Whittum reported a request was received from a member of the public for a study issue on reviewing tenant impact on granting permits to landlords.

Public hearing opened at 8:59 p.m.

Kira Od provided written materials and spoke in support of a study issue regarding design of comprehensive signage, regulations, and a maintenance program for the WPCP recreational and parking areas that is consistent and enforceable for the safety of the public, WPCP staff, and local wildlife.

Jim Reynolds, President of Sunnyvale Historical Society, provided a PowerPoint presentation and proposed a study or budget issue regarding relocation of the Butcher Family farmhouse near the museum.

Laura Babcock proposed a study or budget issue to consider a budget modification for park dedication funds for the relocation of the Butcher Family Homestead house.

Debra Marks spoke in support of a study issue to preserve the old Butcher farmhouse.

Melinda Hamilton proposed a study or budget issue for engaging youth in democracy and civic engagement.

Denise Delange requested support for a study issue to enter into an open space agreement with the Santa Clara Unified School District for the maintenance and management of public and group use of the sports fields, tennis courts, and other adjoining publicly accessible areas when not being used by Peterson Middle School where an agreement is not already in place.

Jeanine Stanek, Chair of Heritage Preservation Commission, spoke in support of preservation of notable local structures of historical significance in the development of local technology businesses, and requested support of study issue CDD 12-02: Possible Nomination of Non-Residential Properties to the Heritage Resource Inventory.

Holly Lofgren spoke in support of three study issues: CDD 14-14: Address Non-commercial Properties in Precise Plan for El Camino Real, DPW 14-14: Optimization of Wolfe Road for Neighborhood and Commuters, and the reconfiguration of the Wolfe and El Camino intersection. Lofgren expressed concerns regarding the potential for forcing early annexation in order to relocate the Butcher Family house, traffic, and concerns regarding projects already using park dedication fees.

Ralph Kenton, member of Parks and Recreation Commission, speaking as a

citizen, and President of the Sunnyvale Tennis Club, spoke in favor of a proposal to build a co-located restroom in the area of the dog park area, picnic grove and the remote tennis courts of the Sunnyvale Municipal Tennis Center.

Kevin Jackson, member of BPAC, speaking for himself, expressed support for study issue DPW 14-04: Consideration of Policies and Actions to Support Car Sharing.

Louise Auerhahn spoke in support of a study issue to explore approaches to increase local hiring and economic opportunities that are generated by major development projects.

Kurt Erikson spoke in support of the earlier suggestion to invest in youth through encouraging civic engagement.

Shani Klienhaus, Environment Advocate for Santa Clara Valley Audubon Society, spoke in support of study issues to study habitat at Baylands Park and Sunnyvale Landfill before other actions are taken there, recommend habitat enhancement and regeneration, and identify compatible recreational opportunities to allow for appropriate use of areas along the bay.

Public hearing closed at 9:58 p.m.

Councilmember Whittum sponsored the study issue proposed by Kira Od concerning signage, regulation and maintenance for the WPCP recreational and parking areas.

Councilmember Martin-Milius co-sponsored the study issue.

Mayor Griffith co-sponsored the study issue and requested broadening it to look at improving safe access to open space and potential proximity to hunting activity.

Councilmember Whittum accepted the additional scope.

Councilmember Whittum expressed interest in a study of reconfiguration of Wolfe / El Camino / Fremont intersection to improve traffic conditions and traffic safety at that intersection and improve the usability of the parcels under development.

Councilmember Whittum expressed support for the proposal of former Mayor Melinda Hamilton for encouraging youth in civic engagement.

Mayor Griffith expressed interest in co-sponsoring the issue, and leave it to staff to determine if it is a co-sponsored study issue or a budget issue.

Councilmember Whittum seconded.

Councilmember Martin-Milius co-sponsored the issue.

Councilmember Whittum sponsored a study issue to look at reconfiguration of the Wolfe Road / El Camino / Fremont intersection.

Councilmember Hendricks co-sponsored the study issue, but recommended expanding the existing reconfiguration study issue, DPW 14-14 to add the intersection to it.

Mayor Griffith recommended proposing the issues separately and allow staff to recommend whether to combine them.

Councilmember Hendricks co-sponsored and deferred to the recommendation.

Councilmember Hendricks sponsored the Historical Society proposal about relocation of the Butcher House.

Councilmember Larsson co-sponsored the study issue.

Councilmember Martin-Milius co-sponsored the issue.

Councilmember Hendricks sponsored a separate study issue related to the proposal for Las Palmas Tennis Court restrooms, and recommended expanding the study to do a needs assessment of restroom facilities across the City at all of the other recreational facilities.

No co-sponsor.

Mayor Griffith sponsored a study issue to look at the smoking prohibition ordinance to include smokeless or e-cigarettes.

Councilmember Martin-Milius co-sponsored the issue, to include looking at the whole issue of smoking in public places, specifically in eating areas.

Councilmember Hendricks co-sponsored the study issue if it is expanded to take a look at the distances around locations such as in strip malls.

Councilmember Whittum sponsored a study issue to look at ordinances and other requirements to regulate construction impacts on livability conditions for tenants in multi-unit apartments.

Councilmember Meyering co-sponsored the study issue.

6 **14-0007** Discussion and Possible Action Regarding City Council 2014 Appointments to Intergovernmental and Internal Assignments, Council Subcommittees, and Community Member Appointments

Senior Management Analyst Yvette Blackford provided the staff report and provided several updates to Attachment 1: Page 1, Item 4: Councilmember

Davis should also have been listed as interested in the primary assignment; Page 6, item 29: Councilmember Davis was recently named Chair of the Large Cities Council of the National League of Cities.

Council offered amendments to the proposed appointments as follows:

Attachment 1: Appointments Made By Council:

Item 9 SCVWD Guadalupe/West Valley Flood Control and Watershed Advisory Committee: remove Dave Whittum, retain Glenn Hendricks as proposed.

Item 17 Water Emergency Transportation Authority Community Advisory Committee: remove Dave Whittum, retain Glenn Hendricks.

Item 8 SCVWD Lower Peninsula Flood Control and Watershed Advisory Committee: remove Glenn Hendricks, retain Tara Martin-Milius as proposed.

Item 13 VTA Board of Directors: remove Glenn Hendricks and Gustav Larsson, leaving Jim Griffith and Dave Whittum for consideration.

Item 14 VTA El Camino Real Bus Rapid Transit Policy Advisory Board: remove Glenn Hendricks and Gustav Larsson, add Jim Griffith for consideration with Dave Whittum.

Item 10 San Francisco Bay Area Regional Water System Financing Authority (RFA) Board of Directors: replace Jim Griffith with Gustav Larsson.

Item 4 Grand Boulevard Task Force Primary: remove Gustav Larsson, retain Jim Davis as presented.

Item 5 Grand Boulevard Task Force Alternate: remove Jim Davis, retain Gustav Larsson as presented.

Item 16 VTA Policy Advisory Committee: remove Glenn Hendricks, retain Gustav Larsson as presented.

Attachment 1: Appointments Made By Mayor:

Item 18 Caltrain Modernization Project Advisory Group: remove Glenn Hendricks.

Public hearing opened at 10:28 p.m.

No speakers.

Public hearing closed at 10:28 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to ratify the proposed appointments made by Council listed in Items 1 through 17 as amended, with the exception of Items 13 and 14. 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

Mayor Griffith approved the proposed "Appointments Made By Mayor" listed in Items 18 through 24, including the selection of Vice Mayor Jim Davis for Item 18: Caltrain Modernization Project Advisory Group, and appointment of himself to serve on Item 20: Cities Association of Santa Clara County (CASCC) City Selection Committee.

Mayor Griffith appointed himself to the Mayor's Performance Evaluation Tools and Recruitment Process Ad-Hoc Committee, along with Vice Mayor Davis and Councilmember Martin-Milius.

Mayor Griffith appointed Councilmember Larsson to serve on the Lawrence Station Area Plan Citizen Advisory Committee along with Councilmember Whittum and himself.

MOTION: Councilmember Whittum moved to ratify the proposed appointments made by outside agencies Items 25 through 34, and add Item 35: League of California Cities Employee Relations Committee to appoint Councilmember Meyering.

Motion died for lack of a second.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to ratify the proposed appointments made by outside agencies Items 25 through 34 as proposed. 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

MOTION: Vice Mayor Davis moved and Councilmember Meyering seconded the motion to appoint Councilmember Whittum as the Primary to the Valley Transportation Authority (VTA) Board of Directors, listed in Item 13.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include appointment of Mayor Griffith on Item 14: VTA El Camino Real Bus Rapid Transit Policy Advisory Board (PAB).

Councilmember Davis declined to include the friendly amendment in the motion.

The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Larsson

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to appoint Councilmember Whittum for Item 14: VTA El Camino Real Bus Rapid Transit Policy Advisory Board (PAB). 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

MOTION: Councilmember Martin-Milius moved and Councilmember Larsson seconded the motion to appoint Councilmember Hendricks to the Community Event Grant Distributions Standing Committee to serve with Vice Mayor Davis and Councilmember Martin-Milius. 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

MOTION: Vice Mayor Davis moved and Councilmember Martin-Milius seconded the motion to appoint Councilmember Hendricks to the Standing Committee to Review Board & Commission Bylaws Amendments along with Mayor Griffith and Councilmember Whittum. The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Meyering

7 **14-0006** Discussion and Possible Action to Approve the Proposed 2014
Priority Issues and Legislative Advocacy Positions Policy

Senior Management Analyst Yvette Blackford provided the staff report.

Public hearing opened at 11:04 p.m.

No speakers.

Public hearing closed at 11:04 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to direct staff add to the list of Legislative Advocacy Positions consideration of increasing the School Impact fees at the State level. Councilmember Whittum added to the motion: subject to staff returning to Council with language for approval. 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

MOTION: Councilmember Meyering moved to amend the 2014 Priority Issues to include pension reform in order to contain the long-term growth of pensions and retirement medical benefits to ensure the sustainability of those benefits. Motion died for lack of a second.

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to take a position advocating divestment in fossil fuel investments. The motion failed by the following vote:

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

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to approve the Proposed 2014 Priority Issues and Legislative Advocacy Positions and Council Policy 7.3.2, Legislative Advocacy Positions as proposed. 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

8 14-0052 Discussion and Possible Action to Create Council Sub Committee or Task Force to Study Paramedic Services
Contact: Mayor Spitaleri, (408) 730-7473

Item 8 was taken out of order and handled before the change of Council.

Mayor Spitaleri provided a report.

Public hearing opened at 7:06 p.m.

No speakers.

Public hearing closed at 7:06 p.m.

MOTION: Councilmember Davis moved and Councilmember Moylan seconded the motion to create a Council Sub-Committee to Study Paramedic Services as provided to the City of Sunnyvale. The motion carried by the following vote:

Yes: 7 - Mayor Spitaleri
Vice Mayor Griffith

Councilmember Moylan
Councilmember Whittum
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Davis

No: 0

9 14-0004 2014 Seating Arrangements for City Council

By consensus, and in order of seniority Council determined the seating arrangements for 2014 as follows:

Mayor Griffith remained in the Mayor's seat;

Vice Mayor Davis selected to take the seat to the Mayor's right;

Councilmember Whittum selected to remain in his current seat (to the Vice Mayor's right);

Councilmember Meyering selected to remain in his current seat (to Councilmember Whittum's right);

Councilmember Martin-Milius selected to take the seat to the Mayor's left;

Councilmember Hendricks selected to take the last seat to the Mayor's left;

Councilmember Larsson selected to take the seat to the left of Councilmember Martin-Milius.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Martin-Milius reported the Water District has voted to divest in fossil fuels.

NON-AGENDA ITEMS & COMMENTS

None.

INFORMATION ONLY REPORTS/ITEMS

- | | |
|----------------|--|
| 14-0046 | Tentative Council Meeting Agenda Calendar |
| 14-0023 | Information/Action Items |
| 14-0050 | Board/Commission Resignation (Information Only) |
| 14-0049 | Study Session Summary of December 17, 2013 - Upcoming Selection of 2014-2015 Mayor and 2014 Vice Mayor |
| 14-0025 | Draft Minutes of the Personnel Board Meeting of December 11, 2013 |

14-0021 National League of Cities Trip Report - Councilmember Moylan

ADJOURNMENT

Mayor Griffith adjourned the meeting at 11:19 p.m.