



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, October 28, 2014

4:30 PM

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

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Special Meetings-Closed Session-4:30 PM | Study Sessions-5:15 PM and 6 PM | Regular  
Meeting-7 PM

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Mayor Griffith called the meeting to order in Council Chambers.

#### **SALUTE TO THE FLAG**

Mayor Griffith led the salute to the flag.

#### **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 REPORTS**

Vice Mayor Davis reported Council met in Closed Session pursuant to California Government Code Section 54956.9: Conference with Legal Counsel-Existing Litigation and pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; direction was given, no action was taken.

#### **PUBLIC ANNOUNCEMENTS**

Members of the Teen Advisory Committee announced an upcoming open mic night and an upcoming blood donation drive.

#### **CONSENT CALENDAR**

Councilmember Meyering requested to pull Items 1.A, 1.B, 1.H, 1.I, 1.J and 1.K.

Councilmember Whittum requested to record a no vote on Item 1.L.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.B, 1.H, 1.I, 1.J and 1.K. 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**

**1.A**     [14-0870](#)     Approve City Council Meeting Minutes of October 14, 2014

Public Hearing opened at 9:01 p.m.

No speakers.

Public Hearing closed at 9:01 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Whittum seconded the motion to approve the City Council Meeting Minutes of October 14, 2014 with an amendment to the Closed Session Report language as appropriate, as determined by staff. 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**     [14-0987](#)     Approve the List(s) of Claims and Bills Approved for Payment  
by the City Manager

Public Hearing opened at 9:03 p.m.

No speakers.

Public Hearing closed at 9:03 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**     [14-0804](#)     Adopt the City's Investment Policy for Fiscal Year 2014/15 and Receive the Annual Performance Report for Fiscal Year 2013/14

Adopt the Investment Policy for FY 2014/15 as presented.

- 1.D**     [14-0970](#)     Receive and File the City of Sunnyvale Investment Report - 3rd Quarter 2014

Receive and file the City of Sunnyvale FY 2014/15 Period 3 investment report.

- 1.E**     [14-0911](#)     Award of Contracts for a Wheel Loader (F15-10) and Two Dump Trucks (F15-15)

1) Award a contract in the amount of \$103,507 to Sonsray Machinery for one wheel loader; and 2) Award a contract in the amount of \$232,797 to Peterson Trucks for two dump trucks, with both contracts in substantially the same form as the draft purchase orders attached to the report.

- 1.F**     [14-0954](#)     Award of Contract for Preventive Maintenance and Corrective Repairs to Water and Wastewater Engines (F15-20)

1) Award a three year contract in substantially the same form as the draft services agreement attached to the report, not to exceed \$2,000,000, to Peterson Power Systems for emergency and routine maintenance and repair services; 2) Delegate authority to the City Manager to renew the contract for up to two additional years, subject to budgeted funding and provided pricing and service remain acceptable to the City and; 3) Find that the contract is not a project under CEQA.

- 1.G**     [14-0883](#)     Approve Budget Modification No. 15 to Appropriate \$13,361 of Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Grant Funds for Frontline Law

## Enforcement

Approve Budget Modification No. 15 to appropriate \$13,361 of Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Grant Funds for Frontline Law Enforcement to a new project, FY 2014/15 Justice Assistance Grant.

**1.H**      [14-0972](#)      Award of Bid No. PW15-03 for Repaint Street Light Poles Project and Finding of CEQA Categorical Exemption

Public Hearing opened at 9:04 p.m.

No speakers.

Public Hearing closed at 9:04 p.m.

MOTION: Councilmember Meyering moved to send the item back for re-bid. Motion died due to lack of a second.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to: 1) Make a finding of CEQA categorical exemption Section 15301(d) for the restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety; 2) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$124,000 to Everlast Builders, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 3) Approve a 2% construction contingency in the amount of \$2,480. 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.I**      [14-0982](#)      Award of Contract for Ammunition (F15-21)

Public Hearing opened at 9:09 p.m.

No speakers.

Public Hearing closed at 9:09 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to: 1) Award a one year contract, in substantially the same form as the Draft Purchase Order in Attachment 1 and in an amount not to exceed \$157,000 to Adamson Police Products; and 2) Delegate authority to the City Manager to renew the Purchase Order for two additional one year periods, not to exceed budgeted amounts. 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**

- 1.J**      [14-1014](#)      Adoption of Ordinance No. 3045-14 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at East Argues and North Wolfe Road from M-S (Industrial and Service) to M-S Far 100% Zoning District

Public Hearing opened at 9:11 p.m.

No speakers.

Public Hearing closed at 9:11 p.m.

Councilmember Whittum noted a typo in the spelling of Arques.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3045 14. 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

- 1.K**      [14-1016](#)      Adoption of Ordinance No. 3046-14 Approving and Adopting a Development Agreement between Landbank Investments, LLC and the City of Sunnyvale Related to the Development of

Property Commonly Known as the Landbank Central & Wolfe  
Campus Project

Public Hearing opened at 9:11 p.m.

No speakers.

Public Hearing closed at 9:11 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3046 14. 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

- 1.L**      [14-1017](#)      Adoption of Ordinance No. 3047-14 to Add Chapter 3.70 to Title 3 (Revenue And Finance) of the Sunnyvale Municipal Code to Require the Payment of a City-Wide Minimum Wage

MOTION: Vice Mayor Davis moved and Councilmemnber Hendricks seconded the motion to adopt Ordinance No. 3047-14. The motion carried by the following vote:

- Yes: 6 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Meyering  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson
- No: 1 -** Councilmember Whittum

### **PUBLIC COMMENTS**

Erin Jew spoke regarding the impact of high density residential development on Cumberland School.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**            [14-0274](#)      Feasibility of Entering Into a Joint-Use Agreement with the Santa Clara Unified School District for Open Space Areas at Peterson Middle School (Study Issue)

Superintendent of Parks and Golf Scott Morton presented the staff report.

Public Hearing opened at 7:19 p.m.

Denise DeLange requested support for Alternative 1 and expressed concern regarding the language stating “at the initiation of the district.”

Public Hearing closed at 7:22 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Whittum seconded the motion to approve Alternative 1: Direct staff to stay in communication with the SCUSD and discuss the possibility of a joint use agreement for the open space at Peterson Middle School.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to direct the City Manager to maintain awareness of what's going on and if the level of effort becomes such that she deems appropriate, come back to Council before they continue on.

Vice Mayor Davis stated that direction was part of the motion and declined to accept the friendly amendment.

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**

**3**      [14-0275](#)      Implementation of a Bike Share Program (Study Issue)

Director of Public Works Manuel Pineda presented the staff report.

Public Hearing opened at 7:36 p.m.

No speakers.

Public Hearing closed at 7:36 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 2: Monitor the Bay Area Bike Share Pilot Program for resolution of ongoing funding issues at a regional level before re evaluating the future of a bike share program in Sunnyvale. 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**

- 4**      [14-0701](#)      Approve the Amended Request for Modification of 2003 CDBG Loan to Sunnyvale Community Services

Housing Officer Suzanne Isé presented the staff report.

Public Hearing opened at 7:42 p.m.

John Howe spoke regarding the services provided to the homeless by Sunnyvale Community Services and recommended forgiveness of the past, present and future interest on the loan.

Marie Bernard, Sunnyvale Community Services, spoke regarding the unique role of Sunnyvale Community Services to provide assistance services to the homeless.

Dixie Larsen expressed support of the recommendation to forgive the accrued and future interest on the loan.

Poncho Guevara, Executive Director of Sacred Heart Community Services, expressed support for Sunnyvale Community Services and urged forgiveness of the loan.

Stan Hendryx spoke regarding the benefits of Sunnyvale Community Services' service to the community and stated support of the recommendation to approve Option 2 to forgive the interest.

Public Hearing closed at 7:53 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Whittum



seconded the motion to approve Alternative 1: Approve the current SCS request ("Option 2") to revise the existing loan agreement to forgive the interest accrued to date and reduce interest rate to zero percent, and make a formal policy statement that this action shall not be seen as a precedent for other borrowers, and is made only due to the unique role of SCS in the Sunnyvale community. 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**

- 5**      [14-0709](#)      Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning), Adding Chapter 9.58 (Signs on City Property) of Title 9 (Public Peace, Safety or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code related to various clean-up items and adding provisions for signs on City property; Find that the project is exempt under CEQA pursuant to Guideline 15061(b) (3) - Continued from September 30, 2014.

Principal Planner Andrew Miner presented the staff report and noted a correction to page 11 of Attachment 1, that 19.44.180(a)(4) should state "120 days." Principal Planner Miner clarified regarding signs on City property, the lease agreement between the City and the company would state they have to meet the City zoning sign standards as applicable at that time.

Director of Community Development Hanson Hom provided additional information.

Public Hearing opened at 8:13 p.m.

No speakers.

Public Hearing closed at 8:13 p.m.

City Clerk Kathleen Franco Simmons read the ordinance title.

MOTION: Councilmember Larsson moved and Councilmember Hendricks seconded the motion to approve Alternatives 1 and 3: 1) Find that the project is

exempt from CEQA pursuant to CEQA Guideline 15061(b)(3); and 3) Adopt the ordinance as presented in Attachment 1 with the two modifications as mentioned by staff to section 19.44.180(a)4 to specify 120 days and to include text in the lease agreements for City owned properties. 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

- 6**      [14-0746](#)      Approve Budget Modification No. 21 to Appropriate \$400,000 to Fund Consultant Services Related to the Civic Center Modernization Project

Assistant City Manager Kent Steffens presented the staff report. City Manager Deanna Santana provided additional information.

Public Hearing opened at 8:32 p.m.

Michael Goldman spoke in support of giving great emphasis on community engagement and presented a PowerPoint presentation.

Public Hearing closed at 8:36 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve Alternatives 1 and 2: 1) Approve Budget Modification No. 21 to appropriate \$400,000 to the Civic Center Modernization Capital Improvement Project to fund consultant services associated with implementation of the Civic Center and Main Library Decision Tree, and 2) Delegate authority to the City Manager to procure and execute individual service agreements and associated amendments in amounts that may exceed \$100,000, so long as the total of all issued contracts does not exceed the appropriation limit of \$400,000. 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

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Vice Mayor Davis reported his attendance at a meeting of the County Emergency Operations Council.

Councilmember Martin-Milius reported her attendance at meetings of the water commission and the water summit, and a regional water meeting.

Councilmember Whittum reported he met with VTA staff regarding BART Phase 2.

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to continue the study session item on how the City Council works together. The motion carried by the following vote:

**Yes: 4 -** Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 3 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Meyering

**-Council**

Councilmember Whittum reported the release of the El Camino Real Bus Rapid Transit project draft Environmental Impact Report. Whittum reported his attendance at VTA Diversity Day, the Diwali celebration, and a meeting of the Bicycle and Pedestrian Advisory Commission. Whittum announced the availability of Sunnyvale Community Services Annual Holiday Auction tickets, reported his attendance at a ribbon cutting for Maitri Boutique, and shared concerns regarding dust produced by construction projects near residences.

Mayor Griffith reported November 11 is scheduled to be a lengthy meeting.

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to post Council questions and answers on the City website at the same time they are provided to Councilmembers.

City Manager Santana stated she would look into the issue operationally and provide a response in the City Manager's Bi-Weekly Report.

Councilmember Meyering withdrew the motion.

**-City Manager**

None.

**INFORMATION ONLY REPORTS/ITEMS**

- [14-0194](#) Tentative Council Meeting Agenda Calendar
- [14-0824](#) Information/Action Items
- [14-1035](#) Study Session Summary of March 18, 2014 - Lawrence Expressway Grade Separations Study
- [14-1025](#) Study Session Summary of May 6, 2014 - Joint Study Session with the Bicycle and Pedestrian Advisory Commission to Discuss Recent Updates to the City's Sidewalk Standards
- [14-1032](#) Study Session Summary of May 20, 2014 - Joint Study Session with the Planning Commission to Discuss the Balanced Growth Profile
- [14-1027](#) Study Session Summary of June 10, 2014 - Review of Design Alternatives for the Mathilda Avenue and Highway 237/101 Interchange Improvement Project
- [14-0951](#) Study Session Summary of June 24, 2014 - Progress Update on the Water Pollution Control Plant (WPCP) Master Plan
- [14-0624](#) Study Session Summary of August 26, 2014 - Board and Commission Interviews
- [14-0944](#) Study Session Summary of September 16, 2014 - Board and Commission Interviews
- [14-0260](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Griffith adjourned the meeting at 9:29 p.m.