



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, August 26, 2014

5:30 PM

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

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**Special Meeting-Board and Commission Interviews-5:30 PM | Regular Meeting-7PM**

### **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

#### **SPECIAL ORDERS OF THE DAY**

**14-0802** SPECIAL ORDER OF THE DAY - Presentation of Donation  
Drive Check from Goodwill Silicon Valley to Lakewood  
Neighborhood Association

Ryan Gleason, Director of Operations, Goodwill Silicon Valley, presented a donation drive check to Fred Fowler, President, Lakewood Neighborhood Association.

**14-0812** SPECIAL ORDER OF THE DAY - Recognition of American  
Youth Soccer Organization's 50th Nationwide, and 40th  
Sunnyvale, Anniversaries

Mayor Griffith presented a certificate of congratulations to the AYSO Region 44 Board.

**PUBLIC ANNOUNCEMENTS**

None.

**CONSENT CALENDAR**

Councilmember Meyering requested to pull Items 1.A, 1.B and 1.F.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the Consent Calendar with the exception of 1.A, 1.B and 1.F.

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 14-0782** Approve City Council Meeting Minutes of August 12, 2014

MOTION: Councilmember Meyering moved to amend the minutes to include the two sentence explanation about each dissenting vote.

Motion died due to lack of a second.

Public Hearing opened at 11:40 p.m.

No speakers.

Public Hearing closed at 11:40 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of August 12, 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 14-0774** Approve the List(s) of Claims and Bills Approved for Payment

by the City Manager

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 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 14-0662** Approval of Budget Modification Number 3 for Hendy Avenue Complete Streets Project: Appropriate \$400,000 in Santa Clara Valley Transportation Authority Vehicle Registration Fee Grant Funds; Increase Federal Transportation Program Grant Funds by \$25,975; and Increase the Construction Contract Contingency by up to \$400,000

Approve Budget Modification Number 3 to appropriate the Santa Clara Valley Transportation Authority Vehicle Registration Fee grant funds in the amount of \$400,000 and increase Federal Transportation Program grant funds by \$25,975 for the Hendy Avenue Complete Streets project, and increase the Hendy Avenue Complete Street Improvements Project construction contract contingency by up to \$400,000.

**1.D 14-0704** Approve a Resolution Establishing a 40 MPH Speed Limit along Fair Oaks Avenue and Java Drive between Highway 101 and Mathilda Avenue

Approve the attached resolution establishing a 40 mile per hour speed limit on Fair Oaks Avenue and Java Drive between Highway 101 and Mathilda Avenue.

**1.E 14-0731** Appropriation of \$87,846 of CalRecycle Household Hazardous Waste Discretionary Grant Funds and Approval of Budget Modification No. 10

Approve Budget Modification No. 10 to appropriate CalRecycle Household Hazardous Waste Discretionary Grant Funds in the amount of \$87,846 to a new

project, Gas Cylinder Reuse and Refilling Education and Outreach.

- 1.F 14-0770** Award of Bid No. PW14-08 for Traffic Signal Reconstruction - Homestead at Hollenbeck Avenue/Stelling Road, Arques Avenue at Oakmead Parkway, Hollenbeck Avenue at Alberta Avenue, and Make a Finding of CEQA Categorical Exemption

Public Hearing opened at 11:42 p.m.

No speakers.

Public Hearing closed at 11:42 p.m.

MOTION: Councilmember Meyering moved and Vice Mayor Davis seconded the motion to: 1) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$1,127,911, to Columbia Electric, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met, 2) Approve a 10% construction contingency in the amount of \$112,791; and 3) Make a finding of CEQA categorical exemption Section 15301(a), rehabilitation of existing facilities, for the project. 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.G 14-0773** Award of Contract to Purchase Chemicals for the Water Pollution Control Plant (F15-11)

1) Award a ten-month contract to Univar USA, Inc. in the amount of \$130,000; 2) Delegate authority to the City Manager to renew the contract annually for a period not-to-exceed five years, provided budgeted funding is available and pricing/service remain acceptable, subject to the City participation in the Bay Area Chemical Consortium cooperative purchasing program; and 3) Delegate authority to the City Manager to increase the annual contracts within operating program appropriation limits if additional quantities are needed for wastewater treatment processes.

### **PUBLIC COMMENTS**

Michael Goldman provided a PowerPoint presentation regarding global warming.

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

**2**      **14-0193**      2014 Quarterly Consideration of General Plan Amendment  
Initiation Requests - Continued from August 12, 2014

FILE #:      2014-7357  
Location:      539 E. Weddell Drive (APN: 110-14-158)  
Proposed Project:      GENERAL PLAN AMENDMENT INITIATION  
Request to study a General Plan designation change from  
Industrial to Public Facility or other designation that would  
accommodate a child care center use (pre-school). Study may  
include other properties in the vicinity and evaluate other  
General Plan designations.  
Applicant / Owner:      New Hope International Church

FILE #:      2014-7364  
Location:      210 W. Ahwanee Avenue (APN: 204-03-003)  
Proposed Project:      GENERAL PLAN AMENDMENT  
INITIATION Request to study a General Plan designation  
change from Industrial to Medium Density Residential (14-27  
d.u. per acre). Study may include other properties in the  
vicinity and evaluate a range of General Plan residential  
designations.  
Applicant / Owner:      Saeed Erfan

FILE #:      2014-7304  
Location:      1024, 1026, 1028-1030, 1034-1038, 1042, 1058  
and 1052-1078 W. Evelyn Avenue (161-35-008,-007,-006,-  
005, -004, 003, and -002)  
Proposed Project:      GENERAL PLAN AMENDMENT  
INITIATION Request to study a General Plan designation  
change from Industrial to Medium Density Residential (14-27  
d.u. per acre). Study may include other properties in the  
vicinity and evaluate a range of General Plan residential  
designations.  
Applicant / Owner:      Alto View Properties/John Travis

GPI "A"

FILE #: 2014 7357

Location: 539 E. Weddell Drive (APN: 110 14 158)

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 7:24 p.m.

Applicant Pastor Jorge Marsal, New Hope International Church, provided information regarding the proposed project.

Maria Pan requested clarification on the recommended alternatives.

Public Hearing closed at 7:28 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to approve Alternative 1: GPI "A" 539 E. Weddell Drive: Initiate the General Plan Amendment study for the expanded study area including an analysis of CC Civic Center and CNS Commercial Neighborhood Shopping.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to open it up to the adjacent parcels.  
Councilmember Whittum declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to look at the zoning of the park parcel.  
Councilmember Whittum indicated that was part of the staff recommendation and the motion.  
Mayor Griffith withdrew 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

GPI "B"

FILE #: 2014 7364

Location: 210 W. Ahwanee Avenue (APN: 204 03 003)

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 7:42 p.m.

Applicant/Owner Saeed Erfan and his representative provided information

regarding the proposed project.

Public Hearing closed at 7:48 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Davis seconded the motion to approve Alternative 2. GPI "B" 210 W. Ahwanee Ave.: Initiate the General Plan Amendment study for the expanded study area for the whole block including an analysis of CNS Commercial Neighborhood Shopping, Residential Low Medium Density (RLM 7-14 dwelling units per acre), Residential Medium Density (RMED 14-27 dwelling units per acre) and Residential High Density (RHI 27-45 dwelling units per acre). 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

GPI "C"

FILE #: 2014 7304

Location: 1024, 1026, 1028 1030, 1034 1038, 1042, 1058 and 1052 1078 W. Evelyn Avenue (161 35 008, 007, 006, 005, 004, 003, and 002)

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 8:14 p.m.

Applicant / Owner of Alto View Properties John Travis provided information regarding the proposed request.

James Bond, owner of Zuccato's Auto Care and tenant of one of the properties, spoke in opposition to the rezoning of the properties.

Tom and Betsy Trago, owners of Anchor Auto Body, spoke in opposition to the study.

David and Marie Hamilton, owners of Maaco, spoke in opposition to rezoning the properties.

Ron Gates, owner of one of the properties on Evelyn Avenue, spoke regarding an alleged conflict of interest in the potential future purchase of the properties.

Nick Travis, representing the Applicant, provided additional information regarding the request.

Public Hearing closed at 8:41 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Whittum seconded the motion to deny the application for General Plan amendment and maintain the current zoning along Evelyn Avenue. The motion failed by the following vote:

**Yes: 3 -** Vice Mayor Davis  
Councilmember Whittum  
Councilmember Meyering

**No: 4 -** Mayor Griffith  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve GPI "C" 1024 1078 W. Evelyn Ave.: Initiate the General Plan Amendment study for Bernardo to Mary including an analysis of Residential Low Medium Density (RLM 7-14 dwelling units per acre), including Residential Medium Density (RMED 14-27 dwelling units per acre) to Residential High Density (RHI 27-45 dwelling units per acre) and appropriate commercial uses. The study would include an analysis of the opportunity for affordable housing as well as a preliminary opportunities and constraints analysis regarding streetscape improvements and opportunities for open space or park in lieu fees. The study would also look at the broader community to determine if adequate space is available for the uses that would be displaced.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to remove Residential High Density from the motion. Councilmember Hendricks declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to remove Residential High Density from the motion. The motion carried by the following vote:

**Yes: 4 -** Mayor Griffith  
Vice Mayor Davis  
Councilmember Whittum  
Councilmember Meyering



**No: 3 -** Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to include as part of the study that the City should at least scope what right-of-way it may need for the Bernardo bike undercrossing and for a potential future Mary Avenue grade separation.  
AMENDMENT WITHDRAWN: Following discussion, Councilmember Whittum withdrew the amendment.

The main 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

MOTION: Councilmember Whittum moved to place on a future agenda an item to understand the footprint potentially needed for the Bernardo bike undercrossing and Mary Avenue grade separation.  
Motion died due to lack of a second.

**3            14-0282            Recreational Hunting and Safe Access to Open Space (Study Issue)**

Deputy Chief of Public Safety Dave Pitts presented the staff report.

Public Hearing opened at 9:38 p.m.

Kira Od provided information and recommendations on how to make the area safer using color coded trail markers, and submitted written materials.

Shani Kleinhaus, Santa Clara Valley Audubon Society, provided information and recommended a full time Sunnyvale Ranger during hunting season and preparation of a petition to the California Fish and Game Commission to banish hunting in Sunnyvale.

Public Hearing closed at 9:47 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius

seconded the motion to approve Alternative 1: Acknowledge staff's operational approach to this issue by increasing and improving signage in the area, in combination with coordinated enforcement efforts with CDFW and the City of San Jose during hunting season, and take a look at what could be done from an enforcement perspective to improve communication and materials to help people to be more aware of what's appropriate or not in that area.

FRIENDLY AMENDMENT: Vice Mayor Davis offered a friendly amendment to include the markers that Ms. Od suggested.  
Councilmember Hendricks stated he agreed with the concept but didn't want to dictate the form of signage from the dais.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to direct staff to consult with stakeholders prior to adopting any specific plan for markers.

RESTATED MOTION: Councilmember Hendricks clarified and restated the motion as previously stated, to add a fourth bullet so that signage, enforcement, communication and markers be determined by the appropriate people.

AMENDMENT: Councilmember Whittum moved to amend and Councilmember Meyering seconded the motion to include that Council is interested to hear about financial mechanisms for supporting a greater public safety presence in that area, such as fines or agreements with San Jose or CDFW that allow the City to provide an enforcement presence in return for their support providing a public safety presence.

The motion to amend 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 Meyering moved to amend and Councilmember Whittum seconded the motion to direct that the item be brought back to Council in four weeks. The motion 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

The main motion as restated by the maker of 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

Council recessed at 10:10 p.m.

Council reconvened at 10:21 p.m. with all Councilmembers present.

- 4**      **14-0283**      Introduce an Ordinance to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to General Procedures and noticing requirements; Adopt a Council Policy to Increase Public Awareness of Development Proposals (Study Issue, 2014-7261); and make a Finding that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline 15061(b)(3) (Study Issue, Planning File number: 2014-7261)

Senior Planner Amber El-Hajj presented the staff report. Director of Community Development Hanson Hom provided additional information.

Public Hearing opened at 10:54 p.m.

Jim Quaderer provided recommendations regarding noticing distances, reported loss of television reception due to height of LinkedIn buildings, and recommended notifying people what can go wrong such as loss of television reception, the need for realistic renderings of buildings, and stated the importance of interactive maps.

Public Hearing closed at 11:04 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Davis seconded the motion to approve Alternatives 1, 2, 3 and 5: Introduce an Ordinance to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to General Procedures

and noticing requirement; Adopt a Council Policy to Increase Public Awareness of Development Proposal; Find that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline 15061(b)(3); and Adopt a policy of 2,000 foot noticing radius for six story buildings, leave the noticing radius at 300 feet for one and two story buildings, and 1,000 feet for three to five story buildings.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to direct that the mailed notice should include some indication of issues that may be studied or discussed, with the language to be determined by staff. Councilmember Hendricks accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Meyering offered a friendly amendment to amend the category of up to 30 feet to include the greater distance of 300 feet or 15 homes away from a project. Councilmember Hendricks declined to accept the friendly amendment.

AMENDMENT: Councilmember Meyering moved to amend the motion to amend the category of up to 30 feet to include the greater distance of 300 feet or 15 homes away from a project. Motion to amend died due to lack of a second.

The main motion as amended by friendly amendment carried by the following vote:

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

**5**      **14-0430**      City Position on Proposed League of California Cities' 2014 Annual Resolution

Senior Management Analyst Yvette Blackford presented the staff report.

Public Hearing opened at 11:17 p.m.  
No speakers.  
Public Hearing closed at 11:17 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve a SUPPORT position for proposed

Resolution #1, Illegal Marijuana Grow Site. 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            14-0477            League of California Cities Peninsula Division 2015 Election of Officers**

Senior Management Analyst Yvette Blackford presented the staff report.

Public Hearing opened at 11:19 p.m.

No speakers.

Public Hearing closed at 11:19 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Take action to vote for one candidate in each position:

President: Kirsten Keith, Council Member, Menlo Park

Vice President: Nancy Shepherd, Mayor, Palo Alto

Secretary-Treasurer: Alicia Aguirre, Council Member, Redwood City

At-Large - One Candidate in Each County:

San Mateo County: Art Kiesel, Vice Mayor, Foster City

Santa Clara County: Jim Davis, Vice Mayor, Sunnyvale

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

**No: 0**

**7            14-0751            Adopt a Resolution Implementing Stage 1 Water Use Prohibitions as Outlined in the City of Sunnyvale Water Shortage Contingency Plan**

Director of Environmental Services Department John Stufflebean presented the staff report. Water and Sewer Systems Division Manager Nasser Monsour provided additional information.

Public Hearing opened at 11:24 p.m.

No speakers.

Public Hearing closed at 11:24 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt a Resolution, presented as Attachment 1, Implementing Stage 1 Water Use Prohibitions as outlined in the City of Sunnyvale Water Shortage Contingency Plan and add a sunset date of April 30, 2015.

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

**No: 0**

- 8**      **14-0793**      Amend the Salary Resolution and Salary Tables and the Resolutions for Paying and Reporting the Value of Employer Paid Member Contributions for Unrepresented Management and Department Directors

City Manager Deanna Santana presented the staff report.

Public Hearing opened at 11:31 p.m.

No speakers.

Public Hearing closed at 11:31 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to approve Alternative 1: Approve amendments to the Salary Resolution and the Salary Tables presented as Attachment 1, the Resolution for Paying and Reporting the Value of Employer Paid Member Contributions presented as Attachment 2 for Unrepresented Classified Management employees, Unrepresented Unclassified Management employees, and Department Directors, and the Resolution for Paying and reporting the Value of Employer Paid Member Contributions for the Director of Public Safety presented as Attachment 3. 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 Valley Transportation Authority Policy Advisory Committee meeting and a meeting of the County Expressway Commission.

### **NON-AGENDA ITEMS & COMMENTS**

#### **-Council**

Councilmember Whittum announced an upcoming VTA public meeting regarding the North Central County Bus Improvement Plan.

Councilmember Whittum expressed appreciation for the strategic planning workshop and the consent calendar item regarding lowering of the speed limit on Fair Oaks north of 101.

Councilmember Whittum announced those interested in free AYSO referee training could contact him by email.

Councilmember Whittum inquired about allowing child care in places of assembly zoning with a use permit.

MOTION: Councilmember Whittum moved to request information from staff to understand the footprint involved in the Bernardo bike undercrossing and potential Mary Avenue grade separation.

Motion died due to lack of second.

#### **-City Manager**

City Manager Santana announced the materials for the September 2 Strategic Planning Session would be available on Thursday.

### **INFORMATION ONLY REPORTS/ITEMS**

- 14-0784** Tentative Council Meeting Agenda Calendar
- 14-0642** Information/Action Items
- 14-0705** Municipal Code Modification for Sidewalk Standards  
(Information Only)
- 14-0246** Board/Commission Meeting Minutes

**ADJOURNMENT**

Vice Mayor Jim Davis closed the meeting in honor of the memory of Elaine Schwartz.

Mayor Griffith adjourned the meeting at 11:52 p.m.