



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, October 14, 2014

5:00 PM

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

**Special Meetings-5 PM City Council Closed Session and Joint Closed Session with
Successor Agency to the Redevelopment Agency | 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 54957.6: Conference with Labor Negotiators; direction was given, no action was taken.

Vice Mayor Davis reported Council met in Joint Closed Session with the Successor Agency to the Redevelopment Agency pursuant to California Government Code Section 54956.9: Conference with Legal Counsel-Existing Litigation; the authority was given to pursue appellate review on a 7-0 vote in accordance with the Successor Agency to the Redevelopment Agency of the City of Sunnyvale v. Matosantos, Case No. 34-2013-80001499; Santa Clara County Office of Education v. Successor Agency, Case No. 34-2013-80001627.

SPECIAL ORDER OF THE DAY

[14-0973](#) SPECIAL ORDER OF THE DAY - Recognition of Rotary International's World Polio Day

Mayor Griffith presented a proclamation to Charlie Wasser, President of the Rotary Club of Sunnyvale declaring October 24, 2014 as World Polio Day.

[14-0929](#) SPECIAL ORDER OF THE DAY - National Breast Cancer Awareness Month

Mayor Griffith presented a proclamation to Bobbe Smiri, New Frontiers in the Prevention of Breast Cancer, and Dr. Ja-Li Le, Valley Medical Oncology Consultants at El Camino Hospital declaring October 2014 as National Breast Cancer Awareness Month in the City of Sunnyvale.

[14-0305](#) SPECIAL ORDER OF THE DAY - Fire Poster Safety Contest Award Winners

Director of Public Safety Frank Grgurina, File Marshall Lynne Kilpatrick, Neighborhood Resource Officer Todd Fekete, Public Safety Specialist Dori Fontaine and Kiwanis Club of Silicon Valley President and Sunnyvale Vice Mayor Davis presented awards to Fire Safety Poster Contest Winners.

PUBLIC ANNOUNCEMENTS

Councilmember Larsson announced the Santa Clara County Registrar of Voters' recruitment for Election Officers for the November 2014 General Election.

Councilmember Whittum announced Sunnyvale Community Services' upcoming 2014 Holiday Auction and upcoming Holiday Boutique.

Vice Mayor Davis announced an upcoming play at San Miguel Elementary School by Kaiser Permanente regarding bullying.

Victoria Armigo, Full Circle Farm, announced the opening of the pumpkin patch and haunted corn maze through November 30.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.B and 1.C from the Consent Calendar.

Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.B and 1.C. 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 [14-0033](#) Approve City Council Meeting Minutes of September 30, 2014

Public hearing opened at 1:38 a.m.

No speakers.

Public hearing closed at 1:38 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of September 30, 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 [14-0968](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public hearing opened at 1:38 a.m.

No speakers.

Public hearing closed at 1:38 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** [14-0851](#) Adopt Resolutions Approving Amendments to the City's Contribution for CalPERS Medical Insurance for Management, SEA/Confidential and SEIU Annuitants (Retirees)

Human Resources Manager Doug Baker provided information in response to a question by Council.

Public hearing opened at 1:40 a.m.

No speakers.

Public hearing closed at 1:40 a.m.

MOTION: Vice Mayor Davis moved and Councilmember Whittum seconded the motion to adopt the resolution amending the City's contribution for medical insurance with CalPERS in compliance with PEMHCA, as well as the SEA and SEIU Memoranda of Understanding, and to amend the Salary Resolution to reflect the change in contribution for Management, SEA/Confidential and SEIU annuitants. 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** [14-0884](#) Award of Bid No. PW15-05 for Park Tennis and Basketball Resurfacing Project and Finding of CEQA Categorical Exemption

- 1.E** [14-0949](#) Authorize Modification of an Existing Contract for Commonly Used Office Supplies (F15-27)

Authorize the extension of an existing contract with OfficeMax though June 30, 2015, not to exceed budgeted amounts, in substantially the same form as the draft blanket purchase order attached to the report.

- 1.F [14-0977](#) Adoption of Ordinance No. 3044-14 Amending Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code

Adopt Ordinance No.3044-14.

PUBLIC COMMENTS

Polly Bove, Superintendent, Fremont Union High School District, spoke in support of Measures J and K and provided a PowerPoint presentation.

Holly Lofgren spoke in support of Measures J and K, requested Councilmember Martin-Milius recuse herself from the Landbank item, and spoke regarding handling of public comments submitted by email.

Peter Cirigliano spoke regarding Council meeting management.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [14-0850](#) Adopt a Resolution Approving the Refinancing of the 2003 and 2007 Solid Waste Revenue Bonds

Assistant Director of Finance Tim Kirby presented the staff report.

Public hearing opened at 7:46 p.m.

No speakers.

Public hearing closed at 7:46 p.m.

Vice Mayor Davis moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt the resolution, presented as Attachment 1, authorizing the execution and delivery of a loan agreement to refinance outstanding solid waste revenue obligations of the City, and approving related agreements and actions presented as Attachments 2 and 3. 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** [14-0694](#) Introduce an Ordinance to Add Chapter 3.70 (Minimum Wage) to Title 3 of the Sunnyvale Municipal Code to Require the Payment of a Citywide Minimum Wage; Find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15061(b)(3); and Approve Budget Modification No.16.

Economic Development Manager Connie Verceles presented the staff report. Assistant City Attorney Robert Boco provided additional information.

Public hearing opened at 7:55 p.m.

Victoria Armigo spoke in support of increasing the minimum wage.

Joel Wyrick, on behalf of the Sunnyvale Downtown Association, spoke in support of increasing the minimum wage with the exception of gratuity-based employees.

Ratendra Pandey spoke in opposition to the proposed ordinance.

Emad Ibrahim, owner of Dish Dash Restaurant, spoke in opposition to increasing the minimum wage for gratuity-based employees.

Larry Stone spoke in support of increasing the minimum wage.

Maria Noel Fernandez, Director of Organizing and Civic Engagement for Working Partnerships USA, spoke in support of increasing the minimum wage and developing a goal of getting to \$15 per hour by 2018 or sooner.

Donna Beres, Our Daily Bread, spoke in support of increasing the minimum wage.

Marie Bernard, Sunnyvale Community Services, spoke in support of increasing the minimum wage.

Dr. Scott Meyers Lipton, Sociology Professor, San Jose State University, spoke in support of increasing the minimum wage and detailed the benefits of the minimum wage increase in the City of San Jose. Dr. Meyers Lipton recommended the minimum wage be increased to \$15 per hour by 2018.

Sally Lieber spoke in support of increasing the minimum wage and encouraged increasing to \$15 per hour.

Alison Hicks spoke in support of increasing the minimum wage and urged joining the City of Mountain View to raise the \$15 per hour by 2018.

Lea Machego spoke in support of increasing the minimum wage.

David Wessel, Past President and Director of Communications for the Democratic Club of Sunnyvale, spoke in support of increasing the minimum wage and stated his preference for it to be set higher.

Josh Wolf spoke in support of the ordinance and encouraged Council to adopt a policy goal similar to the one adopted by the City of Mountain View to move toward \$15 per hour by 2018.

Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve Alternatives 1, 2 and 3: Introduce an ordinance, as presented in Attachment 1, to add Chapter 3.70 (Minimum Wage) to Title 3 of the Sunnyvale Municipal Code to require the payment of a citywide minimum wage; Find that the proposed ordinance is exempt from CEQA under CEQA Guideline 15061(b)(3); and Approve Budget Modification No. 16 to fund the hybrid enforcement model; and additionally, set a goal of raising the minimum wage to \$15 per hour by 2018.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to express strong support for partnering with the City of Mountain View in their efforts to raise the minimum wage to \$15 per hour by 2018.

Vice Mayor Davis accepted the friendly amendment.

Following discussion, Vice Mayor Davis revised the motion to remove the setting of a goal of raise the minimum wage to \$15 per hour by 2018, to handle it as a separate motion.

Deputy City Clerk Lisa Natusch read the ordinance title.

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

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to adopt a goal of reaching a minimum wage of \$15 by 2018.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to express an official Council interest in working with Mountain View and other local cities towards addressing the larger problem including, but not restricted to, the goal of moving to a minimum wage of \$15 per hour by 2018. Vice Mayor Davis accepted the friendly amendment.

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

Councilmember Hendricks proposed a study issue to take a look at what it takes for Sunnyvale to work with other regional entities to come up with actionable items that the City could implement or specifically advocate for people to be able to find it easier and more affordable to live in Sunnyvale and in the County. Councilmember Larsson co-sponsored the study issue.

Councilmember Whittum stated it would be helpful to understand at the micro-level what actual margins are for small businesses and what we can be expected in the way of business success or failure based on wage movements. Whittum stated it would be good to have facts to be clear that it is actually helping the people intended to help and stated a lot of the facts are missing and requested accurate data.

Councilmember Hendricks requested the study issue paper include the kind of data and facts Councilmember Whittum requested.

Councilmember Whittum stated anecdotal or sampling type information based on interviews with small businesses if they're willing to be frank about their revenues to understand the distribution of the level of revenue, percent of labor costs and the margin leftover.

Council recessed at 8:59 p.m.

Council reconvened at 9:14 p.m. with all Councilmembers present.

- 4 [14-0695](#) File#: 2013-7525
Name: Landbank Central & Wolfe Campus
Location: Southeast corner of N. Wolfe Road and E. Arques Avenue
(APNs: 205-33-002, 205-33-005, 205-33-007, 205-33-009, 205-33-010, 205-33-011, 205-33-012, 205-33-013, and 205-33-014)
Proposed Project: Consideration of applications for a 17.84 acre site:
REZONING to change the zone from M-S to M-S/FAR 100%;
DESIGN REVIEW to allow the development of a 777,100 square foot, six story office complex and associated parking and onsite amenities;
VESTING TENTATIVE PARCEL MAP to consolidate the existing lots and street into a condominium subdivision, including the abandonment of Santa Ana Court; and
DEVELOPMENT AGREEMENT between the City of Sunnyvale and Landbank Investments, LLC.

Applicant/Owner: Scott Jacobs, Landbank Investments, LLC
Environmental Review: ENVIRONMENTAL IMPACT
REPORT

Councilmember Martin-Milius disclosed she has met with the applicant a number of times over the past year and received \$500 from the company at a fundraiser earlier this year.

Councilmember Larsson disclosed he had a phone conversation with the applicant last week.

Councilmember Whittum disclosed he met with the applicant in 2012 or 2013.

Councilmember Hendricks disclosed he had a discussion with the applicant.

Vice Mayor Davis disclosed he met with the applicant.

Mayor Griffith disclosed he met with and exchanged emails with the applicant.

Director of Community Development Hanson Hom provided the staff report and a PowerPoint presentation. Director of Public Works Manuel Pineda provided additional information.

Public hearing opened at 10:01 p.m.

Applicant Scott Jacobs, CEO, Landbank provided information about the proposed project and a PowerPoint presentation.

Paul Woolford, Design Principal, HOK, provided additional information about the proposed project.

Kathy Doi, HOK, provided information regarding the landscaping of the proposed project.

Jane Bierstedt, Fehr & Peers, provided information regarding transit access for the site.

Zorana Bosnic, Assistant Design Director, HOK, provided information about LEED requirements.

Todd Devlin spoke in support of the project for the benefits to the community and the positive impacts on the workforce.

Michael Madrigalli spoke in support of the project.

Mei-Ling Stefan spoke in opposition to the project citing concerns regarding the TDM program and requested rejection of the EIR and project.

Holly Lofgren spoke in opposition to the project citing concerns with traffic and greenhouse gas emissions and recommended rejecting it and sending it back to the applicant for revision.

Larry Stone spoke in support of the proposed project and recommended approval.

Shane Jacksteit spoke in support of the proposed project.

Bruce Paton, member of the Sustainability Commission speaking for himself, spoke in support of the proposed project.

Tom Albanese, Central Concrete Supply, spoke in support of the project.

Jean Batryn spoke in opposition to the proposed project citing traffic concerns on Wolfe Road.

Barbara Fukumoto spoke in support of the proposed project citing environmental, financial and economic benefits.

Katy Franz spoke in support of the proposed project.

John Cordes, BPAC member speaking for himself, expressed concerns regarding traffic, recommended Council approve a minimum TDM requirement of 40%, stated support of the 53% open space, stated the number of parking spaces seems excessive, suggested charging for parking to hit the TDM targets, and recommended protected bike paths.

Otto Lee spoke in support of the proposed project and expressed concerns regarding the safety of cyclists on Wolfe Road and concerns regarding the traffic on the Central Expressway onramps and off ramps.

Misuk Park, member of the Arts Commission speaking for herself, spoke in support of the proposed project.

Ted Pratter spoke in favor of the shape of the building, stated concerns regarding

water consumption and the size of the project, suggested five stories is too much and recommended that it be reduced to two or three stories.

David Kaneda, architect, engineer and former Cupertino Planning Commissioner, spoke in support of the proposed project.

Public hearing closed at 11:35 p.m.

Applicant Scott Jacobs shared positive feedback received from members of the community regarding the proposed project and requested approval of the project.

Nayan Amin, Traffic Consultant, TJKM, responded to questions regarding the traffic analysis.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 2: Adopt the Resolution to Certify the Environmental Impact Report and Make the Findings Required by CEQA, Adopt the Statement of Overriding Consideration and Mitigation Monitoring and Reporting Program, Introduce an Ordinance to Rezone the Property to M-S/100%FAR, Approve the Design Review and Vesting Tentative Parcel Map with Conditions of Approval in Attachment 4; and Introduce an Ordinance Approving a Development Agreement; and additionally give the applicant and staff a chance to look at the separated bike lane, at staff's discretion, if there can be what is perceived as an enhanced benefit, to go ahead and do that.

Following discussion, Councilmember Hendricks removed the addition regarding bicycle lanes.

Deputy City Clerk Lisa Natusch read the ordinance titles.

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

Mayor Griffith stated that as it was after 11:30 p.m., Council could not proceed with the remainder of the agenda without a vote.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to proceed with the remainder of the agenda. 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

Council recessed at 12:39 a.m.

Council reconvened at 12:46 a.m. with all Councilmembers present.

- 5** [14-0753](#) Adopt a Resolution Declaring City-Owned Residential Properties and Vacant Lots on Charles and Mathilda Avenue as Surplus Property and Authorizing for Sale the Subject Properties in Compliance with Government Code Section 54222

Assistant City Manager Kent Steffens presented the staff report.

Public hearing opened at 1:13 a.m.

Mike Sorci, owner of one of the parcels, stated that he has been trying to sell the property but has been unsuccessful because of the requirements of the Downtown Specific Plan.

Public hearing closed at 1:23 a.m.

Director of Community Development Hanson Hom provided additional information.

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to defer the item and give the City Manager an opportunity to evaluate the issues and come back to Council, potentially in a closed session, for further discussion.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment that the City Manager's efforts include a discussion with Mr. Sorci to see if we can take

advantage of his situation in a way that he would find appealing and at the very least get a better understanding of his situation.

Councilmember Hendricks accepted 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

6 [14-0598](#) Adoption of Position on State and Local Ballot Measures for the November 4, 2014 Election

Senior Management Analyst Yvette Blackford presented the staff report.

Public hearing opened at 1:31 a.m.

Scott Wilson, on behalf of the Santa Clara Valley Water District, stated the Board of the Santa Clara Valley Water District has taken a support position on Proposition 1 because of the benefits it would have for California and for Santa Clara County in particular.

Public hearing closed at 1:32 a.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to adopt a support position on Measures H, J, and K.

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

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to adopt a support position on Proposition 1. 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

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to oppose Proposition 47. The motion carried by the following vote:

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

No: 0

Abstain: 2 - Councilmember Whittum
Councilmember Meyering

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to adopt a support position on Proposition 2. The motion carried by the following vote:

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

No: 1 - Councilmember Hendricks

Abstain: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Mayor Griffith reported his attendance at a meeting of the Santa Clara County Cities Association.

NON-AGENDA ITEMS & COMMENTS**-Council**

Councilmember Whittum spoke regarding the availability of a report he wrote including a compilation of ridership statistics in Sunnyvale and some aspects of current transit projects. Whittum stated an electronic copy is available or a paper copy will be available in the Office of the City Clerk.

Councilmember Martin-Milius reported her attendance at a meeting of the Housing Action Coalition.

Councilmember Larsson inquired about an update to the TDM Toolkit. Director of Community Development Hanson Hom confirmed the Toolkit could be updated operationally.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [14-0156](#) Tentative Council Meeting Agenda Calendar
- [14-0823](#) Information/Action Items
- [14-0725](#) Study Session Summary of September 30, 2014 - Review Performance Evaluation Tools for the City Manager and City Attorney
- [14-0769](#) Study Session Summary of September 30, 2014 - City's Criteria and Standards for Accepting Park Land Dedications
- [14-0036](#) Board/Commission Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 1:44 a.m.