



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, September 29, 2015

5:30 PM

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

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**Special Meetings: Closed Session-5:30 PM | Study Session-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 Tara Martin-Milius  
Councilmember David Whittum  
Councilmember Pat Meyering  
Councilmember Jim Davis  
Councilmember Glenn Hendricks  
Councilmember Gustav Larsson

#### **CLOSED SESSION REPORT**

Vice Mayor Martin-Milius reported the Council met in Closed Session pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; nothing to report.

#### **SPECIAL ORDER OF THE DAY**

[15-0772](#) SPECIAL ORDER OF THE DAY - Arts and Humanities Month

Mayor Griffith presented a proclamation in honor of Arts and Humanities Month to Interim Director of Library and Community Services Anne Cain and Arts Commission Chair Misuk Park.

[15-0850](#) SPECIAL ORDER OF THE DAY - National Breast Cancer Awareness Month

Mayor Griffith presented a proclamation in honor of National Breast Cancer Awareness Month to Bobbe Smirni, New Frontiers in Prevention of Breast Cancer.

### **PUBLIC ANNOUNCEMENTS**

Councilmember Meyering announced board and commission vacancies and an application deadline.

Councilmember Whittum announced an upcoming Civic Center Modernization Project Community Workshop.

Michael Goldman announced an upcoming event of the Public Lands for Public Use Act and presented a PowerPoint presentation.

David Wessel announced an upcoming meeting of the Democratic Club of Sunnyvale.

### **CONSENT CALENDAR**

Mayor Griffith announced a member of the public requested to pull Item 1.G.

Councilmember Meyering pulled Items 1.A, 1.B, 1.C and 1.E and requested to record a No vote on Items 1.F and 1.G, and abstain on Item 1.H.

Councilmember Whittum stated his vote on the Consent Calendar would not be a vote on Item 1.H, as his home is potentially within 500 feet of the location.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve Consent Calendar Items 1.D , 1.F and 1.H, and to record abstentions by Councilmembers Meyering and Whittum on Item 1.H.

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

**No:** 0

**1.A**     [15-0075](#)     Approve City Council Meeting Minutes of September 15, 2015

Public Hearing opened at 11:03 p.m.

No speakers.

Public Hearing closed at 11:03 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of September 15, 2015 as submitted.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

**1.B**     [15-0855](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 11:03 p.m.

No speakers.

Public Hearing closed at 11:03 p.m.

MOTION: Councilmember 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 Martin-Milius  
Councilmember Whittum  
Councilmember Davis  
Councilmember Hendricks  
Councilmember Larsson

**No:** 1 - Councilmember Meyering

**1.C**     [15-0809](#)     Award of Contract for Design and Construction Support Services for Pavement Rehabilitation 2016 (F15-99)

Public Hearing opened at 11:04 p.m.

No speakers.

Public Hearing closed at 11:04 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded

the motion to approve 1) Award a contract, in substantially the same format as Attachment 1 to the report and in the amount of \$247,700 to NCE Engineering and Environmental Services Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) Approve a 10% design contingency in the mount of \$24,770.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

**1.D**      [15-0816](#)      Amend an Existing Contract for Ammunition and  
Miscellaneous Safety Items (F16-16)

Amend an existing contract with Adamson Police Products for the purchase of ammunition by increasing the not-to-exceed value from \$157,000 to \$167,000.

**1.E**      [15-0817](#)      Renew Contract with Bill Wilson Center to Provide Limited  
Youth Workforce Development Services

Public Hearing opened at 7:31 p.m.

No speakers.

Public Hearing closed at 7:31 p.m.

MOTION: Councilmember Meyering moved and Vice Mayor Martin-Milius seconded the motion to renew the contract with Bill Wilson Center in an amount not to exceed \$121,914 to provide youth workforce development services from October 1, 2015 through June 30, 2016.

The motion carried by the following vote:

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

**No:** 0

- 1.F**      [15-0885](#)      Adopt Ordinance Nos. 3060-15 Repealing and Reenacting Chapter 8.16 (Solid Waste Management And Recycling) of Title 8 (Health And Sanitation); 3061-15 Amending Certain Sections of Chapter 10.04 (General Provisions) of Title 10 (Vehicles And Traffic); and 3062-15 Amending Certain Sections of Title 12 (Water And Sewers) of the Sunnyvale Municipal Code.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to adopt Ordinance Nos. 3060-15, 3061-15, and 3062-15.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

- 1.G**      [15-0889](#)      Adopt Ordinance No. 3059-15 Adding Chapter 19.76 (Short-Term Rental of Residential Property) to Title 19 (Zoning) of the Sunnyvale Municipal Code

Lorraine Heng spoke in opposition to the ordinance as introduced and requested it be amended to allow unhosted short term rentals.

Public Hearing closed at 7:35 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Martin-Milius seconded the motion to adopt Ordinance No. 3059-15.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

- 1.H**      [15-0923](#)      Request for City Council Endorsement and Local Match Commitment for a Metropolitan Transportation Commission Grant Application from the City of Sunnyvale and Santa Clara Valley Transportation Authority for the Peery Park Rides Program

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Authorize the City Manager to issue a letter to MTC to endorse the proposed Peery Park Rides Program and to preliminarily commit up to \$400,000 as the City's recommended local match for the program; direct staff to work with Peery Park property owners and businesses to participate in the program and contribute to the local match.

The motion carried by the following vote:

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

**No: 0**

**Abstain: 2 -** Councilmember Whittum  
Councilmember Meyering

### **PUBLIC COMMENTS**

Rick Smith, Ygrene, spoke regarding the services provided by the company and provided written materials.

David Wessel, Democratic Club of Sunnyvale and Santa Clara County Wage Theft Coalition, spoke regarding wage theft and provided written materials.

Michael Goldman spoke regarding public library bond issues and provided a PowerPoint presentation.

Deborah Marks spoke regarding the Civic Center Modernization Project.

Mark Pool, representing the Greenwood Manor Neighborhood, spoke regarding consideration of a single story overlay in the neighborhood and the fee associated with pursuing it.

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

- 2**      [15-0857](#)      Approve a License Agreement with the County of Santa Clara to Allow Use of Parcel A of the City's Onizuka Site for a Temporary County Cold Weather Shelter for the 2015-16 Winter Season, and Find that the Project is Categorically Exempt pursuant to CEQA Guideline Section 15304(e)

Community Development Director Hanson Hom provided the staff report.

Public Hearing opened at 8 p.m.

Marie Bernard, Executive Director of Sunnyvale Community Services, spoke in support of the plan.

Public Hearing closed at 8:01 p.m.

MOTION: Councilmember Davis moved and Councilmember Vice Mayor Martin-Milius seconded the motion to approve Alternatives 1 and 2: 1) Approve the License Agreement in substantially the same form as shown in Attachment 1 to the report; and 2) Find that the project is categorically exempt pursuant to CEQA Guideline Section 15304(e).

The motion carried by the following vote:

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

**No:** 0

- 3**      [15-0247](#)      Adopt the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue as approved by Planning Commission Resolution 1-15; Introduce an Ordinance to Adopt Official Plan Lines; and Find that CEQA Review is Complete

Assistant City Engineer Jennifer Ng provided the staff report. Director of Public Works Manuel Pineda provided additional information.

Public Hearing opened at 8:19 p.m.

Kevin Jackson, Bicycle and Pedestrian Advisory Commission member speaking for himself, spoke in support of the ordinance and asked questions of staff regarding elements of the report that were not initially presented to the commission.

Dave Jones, Bicycle and Pedestrian Advisory Commission Chair, presented the recommendations of the commission and expressed concerns regarding elements of the report that were not initially presented to the commission.

Public Hearing closed at 8:30 p.m.

MOTION: Councilmember Larsson moved and Councilmember Davis seconded the motion to approve Alternative 1: Find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP; Adopt the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; and introduce an Ordinance to amend SMC Section 19.06.050 to incorporate the revised Official Plan Lines, and direct that the Plan Line map be filed with the County Recorder's Office.

FRIENDLY AMENDMENT: Councilmember Hendricks proposed a friendly amendment to take the plan line between All America and El Camino on Mathilda and moving it over three feet. Councilmember Larsson declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved Councilmember Hendricks' friendly amendment. Councilmember Meyering seconded the motion to amend.

The motion to amend failed by the following vote:

**Yes:** 3 - Councilmember Whittum  
Councilmember Meyering  
Councilmember Hendricks

**No:** 4 - Mayor Griffith  
Vice Mayor Martin-Milius  
Councilmember Davis  
Councilmember Larsson

City Clerk Kathleen Franco Simmons read the ordinance title.

The main motion carried by the following vote:



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

**No:** 0

- 4**      [15-0564](#)      Introduce an Ordinance Amending Chapter 9.41 (Massage Establishments and Massage Therapists) and Title 19 (Zoning) of the Sunnyvale Municipal Code; Adopt a Resolution Amending Related Fees, Rates and Charges; and Find CEQA Exemption per Guideline 15061(b)(3)

Department of Public Safety Management Analyst Elaine Ketell provided the staff report. Chief of Public Safety Frank Grgurina provided additional information.

Public Hearing opened at 9:35 p.m.

David Wessel, speaking for himself, provided information in opposition to some proposed provisions of the ordinance and provided a PowerPoint presentation.

Sally Lieber spoke regarding concerns about prostitution and human trafficking and expressed support for the ordinance.

Public Hearing closed at 9:46 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve Alternatives 1, 2 and 3: 1) Introduce an Ordinance Repealing and Reenacting Sunnyvale Municipal Code Chapter 9.41 (Massage Establishments and Massage Therapists) of Title 9 (Public Peace Safety and Welfare) and amending Title 19 (Zoning), Sections 19.12.140 (Definitions "M"), 19.18.030 (Table Permitted, Conditionally Permitted Uses in Residential Districts), and 19.60.010 (Adult Businesses) of the Sunnyvale Municipal Code; 2) Adopt a Resolution Amending Resolution No. 704-15, the City's Fees, Rates and Charges Resolution, Pertaining to Adult Entertainment and Massage Establishments Licensing and Permitting Fees; and 3) Find that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

Council recessed at 9:59 p.m.

Council reconvened at 10:14 p.m. with all Councilmembers present.

- 5**      [15-0776](#)      Approve the Vision Statement, Success Criteria, and Needs Assessment for the Civic Center Modernization Project

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 10:20 p.m.

Michael Goldman expressed concerns about the needs assessment and provided a PowerPoint presentation.

Margaret Lawson spoke in support of expanding the vision to think beautiful, sustainable and innovative.

Public Hearing closed at 10:30 p.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Approve the final Vision Statement, Success Criteria, and Needs Assessment documents as presented in Attachments 2, 4 and 6 to the report.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to add to the list of success criteria under "increase usability of open space," to direct staff to add language that supports preserving the function of the community gardens but not necessarily the exact form and let staff come up with the wording. Councilmember Davis accepted the friendly amendment.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

- 6**      [15-0777](#)      Approve Budget Modification No. 8 to Appropriate \$25,000 to Fund Consultant Services Related to the Civic Center Modernization Project with Funding from the Future Infrastructure Projects Set Aside in the Infrastructure Fund

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 10:48 p.m.

Michael Goldman spoke regarding modernization options that would save money and expressed concerns about selling City property.

Public Hearing closed at 10:52 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternatives 1 and 2: 1) Approve Budget Modification No. 8 to appropriate \$25,000 to fund consultant services related to the Civic Center Modernization Project with funding from the Future Infrastructure Projects Set Aside in the Infrastructure Fund; and 2) Authorize the City Manager to amend the service agreement with Anderson Brule Architects, up to the new appropriation limit.

The motion carried by the following vote:

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

**No:** 2 - Councilmember Meyering  
Councilmember Davis

- 7**      [15-0810](#)      Appoint One City Councilmember to Serve as Member and Another to Serve as Alternate on the Valley Transportation

Authority State Route 85 Corridor Policy Advisory Board

Director of Public Works Manuel Pineda provided the staff report.

Public Hearing opened at 11 p.m.

No speakers.

Public Hearing closed at 11 p.m.

MOTION: Councilmember Larsson moved and Councilmember Davis seconded the motion to appoint Councilmember Hendricks to serve on the Valley Transportation Authority State Route 85 Corridor Policy Advisory Board.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to appoint Vice Mayor Martin-Milius to serve as alternate on the Valley Transportation Authority State Route 85 Corridor Policy Advisory Board.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

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

Councilmember Davis spoke regarding changes in the relationship between Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

Councilmember Whittum reported his attendance at a meeting of the VTA Congestion Management Program Planning Committee, a VTA Board workshop

and announced an upcoming meeting of the El Camino Real Bus Rapid Transit Policy Advisory Board.

Vice Mayor Martin-Milius reported her attendance at a NOVA Board member selection meeting.

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

#### **-Council**

Mayor Griffith reported that beginning with the next meeting the speaker cards will have one public comments section called Oral Communications in place of Public Announcements.

#### **-City Manager**

City Manager Deanna Santana reported the City closed on the Charles Street properties.

At the request of Councilmember Hendricks, Chief Grgurina provided an update on the verbal noticing given to homeless persons camping in violation of the camping ordinance. Director of Public Works Manuel Pineda reported staff is working with a contractor to assist with the cleanup and storage.

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

<a href="#"><u>15-0186</u></a>	Tentative Council Meeting Agenda Calendar
<a href="#"><u>15-0765</u></a>	Information/Action Items
<a href="#"><u>15-0739</u></a>	Study Session Summaries of August 18, 2015: Item A: 15-0671 Transportation Initiatives, Proposed Ballot Measure, and Upcoming Update to the Transportation Impact Fee and Project Prioritization Item B: 15-0606 Update on Draft Land Use and Transportation Element and Consideration of Land Use Alternatives for Environmental Impact Report Item C: 15-0631 Peery Park Specific Plan - Consideration of Land Use Alternatives for the Environmental Impact Report and Community Benefits Program Item D: 15-0797 Transportation Impact Fees: (1) Review of Projects and Funding, (2) Discussion of an Updated Fee
<a href="#"><u>15-0808</u></a>	Board/Commission Meeting Minutes

**ADJOURNMENT**

Councilmember Davis held a moment of silence in honor of the memory of Alice Endter.

Mayor Griffith adjourned the meeting at 11:23 p.m.