



City of Sunnyvale

Meeting Minutes City Council

Tuesday, August 25, 2015

5:00 PM

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

Special Meetings: Closed Session- 5 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 on August 18 regarding Conference with Labor Negotiators, pursuant to California Government Code Section 54957.6; direction was given.

Vice Mayor Martin-Milius reported the Council met in Closed Session on August 25 regarding Conference with Real Property Negotiators, pursuant to California Government Code Section 54956.8; direction was given.

SPECIAL ORDER OF THE DAY

[15-0074](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office
for Board and Commission Members

City Clerk Kathleen Franco Simmons administered the oath of office to new board

and commission members.

PUBLIC ANNOUNCEMENTS

Mayor Griffith announced the upcoming 2015 State of the City event in which community awards would be presented to outstanding members of the Sunnyvale community.

Michael Goldman announced an upcoming informational event regarding the Sunnyvale Public Lands for Public Use Act and provided a PowerPoint presentation.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.B, 1.I and 1.J.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve Consent Calendar Items 1.C, 1.D, 1.E, 1.F, 1.G and 1.H.

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.A [15-0789](#) Approve City Council Meeting Minutes of August 11, 2015

Public Hearing opened at 12:23 a.m.

No speakers.

Public Hearing closed at 12:23 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of August 11, 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 [15-0753](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 12:24 a.m.

No speakers.

Public Hearing closed at 12:24 a.m.

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

No: 1 - Councilmember Meyering

1.C [15-0665](#) Authorize the City Manager to Execute a Joint Use Agreement between the City of Sunnyvale and Santa Clara Valley Water District for the Sunnyvale West Channel and Sunnyvale East Channel Project

Authorize the City Manager to execute a Joint Use Agreement between the City of Sunnyvale and Santa Clara Valley Water District for the Sunnyvale West Channel and Sunnyvale East Channel Project.

1.D [15-0721](#) Approve Budget Modification No. 4 to Appropriation \$81,000 of California Office of Traffic Safety Grant Funds for the FY 2015/16 Selective Traffic Enforcement Program

Approve Budget Modification No. 4 to appropriate Office of Traffic Safety STEP Grant funds in the amount of \$81,000 to a new project, FY 2015/16 Office of Traffic

Safety Selective Traffic Enforcement Program Grant to promote vehicle, bicycle, and pedestrian safety.

1.E [15-0729](#) Approve Budget Modification No. 3 to Carry Over \$6,551 in Council Technology Funds from FY 2014/15 to FY 2015/16

Approve Budget Modification No. 3 to carry over \$6,551 in technology funds in accordance with Council Policy 7.4.2.

1.F [15-0745](#) Award a Contract for Design of Safe Routes to School - 2015 Project (F15-98)

1) Award a contract, in substantially the same format as Attachment 1 and in the amount of \$293,623, to TJKM Transportation Consultants, 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 amount of \$29,362.

1.G [15-0744](#) Modify an Existing Contract for Services Related to the Food Scrap Collection Program (F16-04)

Approve modification of an existing contract with Browning Ferris Industries of CA Inc. to extend the contract period through December 31, 2015, and increase the not to exceed value to \$159,000.

1.H [15-0675](#) Approve the City's Response and Authorize the Mayor to Sign the Letter in Response to the 2014-2015 Santa Clara Civil Grand Jury Final Report, "Protecting Our Most Vulnerable Residents"

Approve the City's response and authorize the Mayor to sign the letter in response to the Santa Clara Civil Grand Jury Report.

1.I [15-0689](#) Approve the City's Response and Authorize the Mayor to Sign the Letter in Response to the 2014-2015 Santa Clara Civil Grand Jury Final Report, "A Slow Rising Emergency - Sea Level Rise"

Public Hearing opened at 12:24 a.m.

No speakers.

Public Hearing closed at 12:24 a.m.

MOTION: Councilmember Meyering moved to agendize a discuss implementing a requirement that any application for building approval or modification in the area of in north Sunnyvale, north of Highway 237, include a description of specific ways the applicant, using their own resources, intends to protect their structure from sea

leave rise.

Councilmember Whittum seconded the motion.

The motion failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

No: 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the City's response and authorize the Mayor to sign the letter in response to the Santa Clara County Civil Grand Jury Report.

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.J [15-0796](#) Adopt Ordinance No. 3058-15 Adding Chapter 9.63 (Camping and Storage of Property in Public Areas) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code

Public Hearing opened at 12:36 p.m.

No speakers.

Public Hearing closed at 12:36 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3058 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

PUBLIC COMMENTS

Dr. Erika Torres spoke regarding traffic safety concerns on Wolfe Road and requested the current Wolfe Road study be extended to look at Wolfe Road between El Camino and Reed, or to initiate a new study. Dr. Torres submitted a letter signed by residents.

Steven Levin spoke regarding traffic concerns on Wolfe Road.

Andy Frazer spoke regarding the Sunnyvale Public Lands for Public Use Act and provided a PowerPoint presentation.

Deborah Marks spoke regarding resident participation in the Civic Center Modernization Project and provided a PowerPoint presentation.

Michael Goldman spoke regarding the Civic Center Modernization Project and provided a PowerPoint presentation.

Peter Cirigliano spoke regarding the 9212 report for the Sunnyvale Public Lands for Public Use Act.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [15-0756](#) REQUEST FOR CONTINUATION to September 15, 2015 to Introduce an Ordinance to add a new Chapter 19.76 entitled Short-term Rentals and Home Sharing to Title 19 of the Sunnyvale Municipal Code, and find that the project is exempt under CEQA pursuant to Guidelines 15061(b)(3) (Study Issue 2015-7147)

Director of Community Development Hanson Hom provided a brief report.

Public Hearing opened at 7:37 p.m.

Lorraine Heng spoke in support of non-hosted and hosted short-term rentals in

Sunnyvale.

Teresa Heng-Penner spoke in support of non-hosted short-term rentals.

Public Hearing closed at 7:42 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to continue this item to September 15, 2015 to balance the August 25, 2015 agenda.

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 [15-0755](#) Presentation from County of Santa Clara Regarding Proposed Temporary Winter Homeless Shelter on County Property Located at Fair Oaks Avenue between East California Avenue and Central Expressway in Sunnyvale, and Possible Action by City Council

City Manager Deanna Santana provided opening comments. City Attorney Joan Borger and Director of Community Development Hanson Hom and Housing Officer Suzanne Isé provided additional information.

Ky Le, Director of Homeless Systems, County of Santa Clara, responded to questions regarding the proposed temporary winter homeless shelter.

County Supervisor Joe Simitian, 5th Supervisorial District, provided information regarding the proposed temporary winter homeless shelter.

Public Hearing opened at 8:58 p.m.

Hubert Lee spoke in support of Council coming to a decision regarding the homeless shelter.

Jennifer Cauble expressed concerns regarding the perceived late notification to the

residents in the neighborhood of Fair Oaks and California, and spoke in opposition to consideration of this neighborhood as a location for the shelter.

Ravi Mishra expressed concerns regarding safety for families and children in the proposed neighborhood.

Patricia spoke in opposition to siting a homeless shelter near a school or homes with children.

Bob Greene, President of Victory Village neighbors, spoke in support of use of the Onizuka site for a homeless shelter.

Don Dubocq recommended consideration and approval of the County's offer.

Rose Gregorio spoke in support of Onizuka as the site for the cold weather shelter and consideration of the site as a permanent site.

Carol Eyring, licensed engineer, spoke in support of the County's proposal for the Onizuka site and urged the City to encourage the County to rotate the site in the future.

Joseph Coelho, San Miguel neighborhood, spoke in support of the City working with the County to provide a cold weather shelter at the Onizuka site.

Anna Konossy and Javier Eredia recommended support of the Onizuka site for the shelter.

Evelyn Dubocq spoke in support of the Onizuka site for the homeless shelter and recommended removing the Fair Oaks and California site from consideration.

Robert Aguirre provided information regarding issues faced by the homeless and requested consideration for treating them humanely.

Inga Lysaya spoke in opposition to consideration of the Fair Oaks and California site.

Marie Bernard, Executive Director of Sunnyvale Community Services, spoke regarding the services, programs and agencies available to assist once a homeless shelter is sited.

Debbi Headley spoke in support of the County's proposal for the Onizuka site.

Donna Beres, Vice President of Saint Vincent de Paul Santa Clara County and Board Member for Our Daily Bread, spoke in opposition to the Fair Oaks and California site and recommended support for the Onizuka site and 24 hour services.

Jim Smith spoke regarding the responsibility for the homeless shelter.

Phil Mastrocola spoke in support for housing for the extremely low income and the formation of a joint powers authority to end homelessness.

Todd Eyering spoke in support of rotating the temporary shelter around the city.

Anthony King spoke in support of the Onizuka site because of public transportation issues with the Fair Oaks and California site.

Shaunn Cartwright spoke in support of the Onizuka site as a permanent site with County social services available.

Don Breitbarth spoke in opposition to the Fair Oaks and California site for the shelter.

Public Hearing closed at 10:02 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to establish a City Council meeting on Tuesday, September 1 at 7 p.m. to discuss the single issue of consideration of a temporary homeless housing shelter at the Onizuka site.

Councilmember Larsson requested the meeting be noticed for any action that might be appropriate at that point.

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

MOTION: Mayor Griffith moved and Vice Mayor Martin-Milius seconded the motion to take a formal position opposing a temporary cold weather shelter at Fair Oaks and California.

The motion carried by the following vote:

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

No: 1 - Councilmember Hendricks

Council recessed at 10:40 p.m.

Council reconvened at 11 p.m. with all Councilmembers present.

4 [15-0706](#)

File #: 2014-7624

Location: 1026 Lois Avenue (APN: 198-34-011)

Zoning: R-0

Proposed Project:

Appeal by a neighbor of a Planning Commission Decision approving a Design Review to allow construction of a new two-story home with a total floor area of 2,993 square feet (2,566 square feet living area and a 427-square foot garage) resulting in 49.8 percent floor area ratio (FAR).

Applicant / Owner: BO Design (applicant) / Haiyan Gong (owner)

Environmental Review: A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Planning Officer Trudi Ryan provided the staff report.

Applicant Frank Gao provided information regarding the revised plans and presented overhead slides. Hamed Balazadeh, Architect, provided additional information.

Public Hearing opened at 11:15 p.m.

Annie Shiu spoke in opposition to approving the design and requested to stick to

the 45% FAR in the guidelines.

Mark Pool spoke for Mary Perkins in opposition to the plan due to loss of privacy and lack of fit with the neighborhood. Pool expressed opposition to the plan due to driveway setback and vision considerations.

Robert Nutall spoke in opposition to the plan due to size and loss of privacy.

David Klebanov spoke regarding the guidelines to address bulk and urged granting the appeal.

Appellant Iztok Marjanovic spoke in opposition to the plan.

Applicant Frank Gao provided closing remarks and an additional presentation.

Public Hearing closed at 12 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Deny the Appeal and uphold the Decision of the Planning Commission to Approve the Design Review, subject to recommended Conditions of Approval (Attachment 5 to the report), with the additional condition of approval to move the air conditioners to the backyard, not on the side.

The motion carried by the following vote:

Yes: 4 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to continue with the remainder of the agenda.

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

5 [15-0738](#) Approve Fair Oaks Park Master Plan Changes Related to Housing Grant Project for the Renovation/replacement of Auxiliary Restroom, Parking Lot and Associated Areas and Finding of Class 2 and Class 4 Categorical Exemptions

Director of Public Works Manuel Pineda provided the staff report.

Public Hearing opened at 12:14 a.m.

No speakers.

Public Hearing closed at 12:14 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve the conceptual design as shown on Attachment 1 to the report and make a CEQA finding of Class 2 and Class 4 categorical exemptions.

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

6 [15-0699](#) Appoint an Alternate City Representative to Valley Transportation Authority El Camino Real Bus Rapid Transit Policy Advisory Board

Director of Public Works Manuel Pineda provided the staff report.

Councilmember Hendricks, Councilmember Davis and Vice Mayor Martin-Milius expressed interest in serving as an alternate on the board.

Public Hearing opened at 12:21 a.m.

No speakers.

Public Hearing closed at 12:21 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to appoint Councilmember Davis to serve an intergovernmental assignment as an alternate on the VTA El Camino Real Bus Rapid Transit Policy Advisory Board.

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

7 [15-0800](#) Ratification of an Intergovernmental Assignment Appointment by the Cities Association of Santa Clara County to the Emergency Operational Area Council for Councilmember Jim Davis

Public Hearing opened at 12:22 a.m.

No speakers.

Public Hearing closed at 12:22 a.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to ratify an Intergovernmental Assignment Appointment by the Cities Association of Santa Clara County to the Emergency Operational Area Council for Councilmember Jim Davis.

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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported his attendance at a VTA Congestion Management Program Planning Committee meeting.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Meyering requested an update on the Summit Charter School. City Attorney Borger provided a response.

Councilmember Whittum stated interest in the appropriate avenue to discuss traffic issues on Wolfe Road north of El Camino Real.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [15-0811](#) Tentative Council Meeting Agenda Calendar
- [15-0660](#) Information/Action Items
- [15-0801](#) Board/Commission Resignation (Information Only)
- [15-0786](#) Study Session Summary of August 11, 2015 - City Attorney Recruitment and Brochure
- [15-0812](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 12:47 a.m.