



City of Sunnyvale

Meeting Minutes City Council

Tuesday, September 20, 2016

6:00 PM

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

Special Meeting: Workshop-6 P.M. | Regular Meeting-7 P.M.

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

1 Call to Order in the West Conference Room (Open to the Public)

Vice Mayor Larsson called the meeting to order at 6 p.m.

2 Roll Call

Present: 6 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Jim Davis
Councilmember Larry Klein

Absent: 1 - Councilmember Pat Meyering

3 Public Comment

4 Presentation

[16-0757](#) New City Logo & Brand Workshop

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 6:40 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

SALUTE TO THE FLAG

Mayor Hendricks led the salute to the flag.

ROLL CALL

Present: 7 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Pat Meyering
Councilmember Jim Davis
Councilmember Larry Klein

SPECIAL ORDER OF THE DAY

[16-0866](#) SPECIAL ORDER OF THE DAY - October is National Breast Cancer Awareness Month

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

ORAL COMMUNICATIONS

City Manager Deanna Santana introduced Director of Information Technology Kathleen Boutté Foster.

Councilmember Davis announced board and commission recruitment and an upcoming application deadline.

Councilmember Davis announced an upcoming Sunnyvale Technology Expo.

Ron Banks addressed the Council regarding affordable housing and mobile homes.

Jeanine Stanek spoke regarding current events at the Sunnyvale Heritage Park Museum and presented older model telephones on display.

Ellen Huynh, SummerHill, announced the upcoming 2016 Turkey Trot fundraising event.

Michael Goldman spoke regarding Measure M and provided a PowerPoint presentation.

Peter Cirigliano spoke regarding Measure M.

Phyllis Freeman spoke regarding increased traffic on East Duane Avenue between Fair Oaks and Mathilda, and increased airplane traffic in the area.

Ann Davis spoke regarding a mailed notification regarding Maude Avenue (Public Comment taken at 7:53 p.m.).

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.B, 1.C and 1.E and stated his vote will not be on Item 1.D. due to the proximity of his home to Peery Park.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Consent Calendar Items 1.D and 1.F.

The motion carried by the following vote:

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

No: 0

1.A [16-0082](#) Approve City Council Meeting Minutes of September 13, 2016

Public Hearing opened at 10:35 p.m.

No speakers.

Public Hearing closed at 10:35 p.m.

MOTION: Councilmember Meyering moved to deny approval of the minutes until a summary of the positions expressed by dissenting voters is included.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve the City Council Meeting Minutes of September 13, 2016 as submitted.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.B [16-0788](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 10:35 p.m.

No speakers.

Public Hearing closed at 10:35 p.m.

MOTION: Councilmember Meyering moved to deny payment of the claims until Council is provided copies of bills upon request.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve the list(s) of claims and bills.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.C [16-0654](#) Award of a Multi-year Contract for Consultant Services Associated with the Development of Recycled Water and Potable Re-use Projects (F16-145) and Approve Budget Modification No. 11 to Appropriate \$250,000 to a new project titled Recycled & Potable Water Plan Development.

Public Hearing opened at 10:37 p.m.

No speakers.

Public Hearing closed at 10:37 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to 1) Award a three year contract, in substantially the same form as Attachment 2 of the report and in the amount not to exceed \$250,000 to CDM Smith, Inc.; 2) Approve Budget Modification No. 11 to appropriate \$250,000 from the Water and Wastewater Rate Stabilization Reserves to a new project Recycled & Potable Water Plan Development; and 3) delegate authority to the City Manager to renew the contract for a period of up to two years, subject to available funding

and acceptable pricing/service.

AMENDMENT: Councilmember Meyering moved to amend the motion so that the consultant provides quarterly reports about how much time was spent and the activities they were spent on and what the dollar amount was for the charge for that activity.

The motion to amend died due to lack of a second.

The main motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.D [16-0808](#) Increase the Contract Contingency for the Peery Park Specific Plan and Environmental Impact Report and Approval of Budget Modification No. 12 in the Amount of \$30,000 (F17-008)

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to 1) Approve Budget Modification No. 12 in the amount of \$30,000 to accept the developer contribution from Lane Partners to provide additional project funding; and 2) approve a \$20,000 increase in the contract contingency, from \$40,502 to \$60,502, to the contract with Freedman, Tung & Sasaki, increasing the total contract value from \$590,000 to \$610,000.

The motion carried by the following vote:

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

No: 0

Recused: 1 - Councilmember Meyering

1.E [16-0903](#) Award of Services Agreement to Implement Microsoft Office 365 for Enhanced Communication and Collaboration Systems

(F17-032)

Public Hearing opened at 10:38 p.m.

No speakers.

Public Hearing closed at 10:38 p.m.

MOTION: Councilmember Meyering moved to deny the contingency amount until Council is provided with oversight reports as to when and for what contingencies the money was used.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to 1) Award a contract in an amount not-to-exceed \$425,000, in substantially the same form as Attachment 1 to the report, to Convergent Computing; and 2) approve a 10% contract contingency in the amount of \$42,500.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 1.F** [16-0915](#) Adopt Ordinance No. 3094-16 to Repeal Section 19.22.035 (Requirements for High-Intensity Industrial Development) of Chapter 19.22 (Industrial Zoning Districts) of Title 19 (Zoning) and to add Chapter 19.45 (Transportation Demand Management) to Title 19 (Zoning) related to Transportation Demand Management Programs in High-Intensity Industrial and Office Developments and Multi-Family Residential Developments

Adopt Ordinance No. 3094-16.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-0907](#) Adopt the PEERY PARK SPECIFIC PLAN (2013-7653) and related actions:
-Adopt a resolution to certify the EIR with errata #1 and #2, make the CEQA findings, adopt the statement of overriding considerations, mitigation monitoring and reporting program,

water supply assessment and other related items;

- Adopt a resolution to adopt the Peery Park Specific Plan and make related amendments to the General Plan;
- Introduce an ordinance to create the Peery Park Specific Plan district and rezone the parcels in the Plan Area;
- Adopt a resolution to establish fees for Peery Park;
- Adopt a motion to prioritize the flexible community benefits;
- Appropriate \$100,000 of City Funds to provide a portion of the local match for the Peery Park Rides Grant Program; and
- Direct staff to undertake the appropriate environmental analysis and community outreach and return to Planning Commission and City Council to consider whether the Peery Park Specific Plan should be amended to include additional housing opportunities on two sites.

Councilmember Meyering left the room. City Attorney John Nagel reported Councilmember Meyering was recused for the same reason as stated regarding Consent Item 1.D, due to the proximity of his home to Peery Park.

Director of Community Development Trudi Ryan and Principal Planner Amber Blizinski presented the staff report. Planner Officer Andy Miner, Director of Public Works Manuel Pineda, City Manager Santana and Erika Leachman, AMEC Foster Wheeler, provided additional information.

Public Hearing opened at 8:24 p.m.

Dave King spoke in opposition to the proposed openings in the wall on Ferndale Avenue citing concerns for safety and privacy in the SNAIL neighborhood, and reiterated an earlier request to remove the additional bicycle and pedestrian connectivity on Ferndale and Duane and include alternatives for improved connectivity.

Ron Banks expressed concerns regarding impacts of increased traffic and requested consideration of the shuttle and involvement of VTA.

John Cordes, Bicycle and Pedestrian Advisory Commission member speaking for himself, spoke regarding significant and unavoidable impacts to traffic, air quality and greenhouse gases and in support of net zero new cars in the plan.

Curt Setzer, Simeon Commercial Properties, owner of four properties in Peery Park, spoke in support of approval of the Peery Park Specific Plan (PPSP) and regarding sensitivity to developers regarding appropriate levels of providing

community benefits.

Craig Hine, Spear Street Capital, spoke in support of the plan and regarding the benefits to the community.

Sharon McKnight requested removal of the breaks in the wall citing privacy and security concerns for the SNAIL neighborhood.

Ann Davis spoke in support of landscaping on the east side of Mathilda, in opposition to the breaks in the wall, in support of the housing project on San Aleso and in support of improved connectivity in alternative ways.

Dwight Davis spoke in opposition to breaks in the wall on Duane and expressed concern regarding parking issues.

Tarik Peterson, Chairman of SNAIL neighborhood association and a cyclist, expressed members' concerns regarding the holes in the wall. Speaking for himself, Peterson stated the holes in the wall are not essential to the plan.

Valerie Soares, Vice Chair of SNAIL neighborhood association speaking for herself, spoke in opposition to the openings in the wall citing parking concerns and in support of the Peery Park project.

Phyllis Freeman spoke in opposition Peery Park development due to concerns with traffic and air quality, but stated if developed, she would like to see more benefits to the SNAIL neighborhood such as restaurants. Freeman spoke in opposition to the hole in the wall.

Peter Hellmann, Calatlantic Homes, spoke in support of the plan, and stated the overwhelming response to the neighborhood outreach has been opposition to the holes in the wall. Hellmann stated they are prepared to proceed with or without the holes in the wall.

Public Hearing closed at 8:57 p.m.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to approve Alternatives 1, 2, 3, 4, 5, and 6:

1. Adopt a Resolution (Attachment 3 to the report) to:
 - a. Certify the EIR;
 - b. Make the Findings Required by the California Environmental Quality Act;
 - c. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and

Reporting Program;

- d. Adopt the Water Supply Assessment;
 - e. Amend the General Plan to Create the Peery Park General Plan Designation;
 - f. Update the General Plan Map to Reflect the Peery Park Plan Area;
 - g. Adopt the Peery Park Specific Plan, with Modifications;
 - h. Adopt the Peery Park Specific Plan Community Benefits Table;
 - i. Repeal the Southern Pacific Corridor Specific Plan Site 2; and
 - j. Accept the errata to the EIR (Attachment 28) and find that none of the circumstances triggering recirculation of the EIR or subsequent environmental review have occurred under CEQA Guidelines Sections 15088.5 and 15162.
2. Introduce an Ordinance (Attachment 4 to the report) to:
 - a. Amend Sunnyvale Municipal Code (SMC) Section 19.16.020 (Zoning Districts Creation), repeal SMC Section 19.16.070 (Perry Park District Review Process); Add SMC Section 19.27.040 (Peery Park Specific Plan District);
 - b. Amend the Precise Zoning Plan Zoning Districts Map to add the Peery Park Specific Plan District and Rezone the Parcels in the Peery Park Specific Plan Area to Peery Park Specific Plan District; and
 - c. Rezone the Encinal Park Parcel to Public Facilities.
 3. Adopt a Resolution (Attachment 5) to:
 - a. Amend Resolution No. 762 16 (Master Fee Schedule) to add the Peery Park Plan Review Fees, Peery Park Conditional Use Permit Fees, a Peery Park Specific Plan Fee, and Peery Park Wastewater Infrastructure Fee;
 - b. Authorize the City to impose Peery Park Sense of Place and Water Infrastructure Fees on a project specific basis.
 4. Make a Motion to Prioritize the Flexible Community Benefits as recommended by staff.
 5. Direct staff to include a new project for \$100,000 to provide matching funds for the Peery Park Rides Grant Program in the FY 2017/18 Recommended Budget.
 6. Direct staff to undertake the appropriate environmental analysis and community outreach and return to Planning Commission and City Council to consider whether the Peery Park Specific Plan should be amended to include additional housing opportunities. Further direct that the PPSP housing amendment study for the California Avenue and Hermosa Court sites be completed within three years of the adoption of the PPSP and that, if formal applications to amend the Plan to include housing have not been submitted by either of the owners of the two properties within one year, staff will return to City Council for consideration of a Budget Modification for staff to proceed with the housing amendment study; With the following changes: remove Sections 4.3.3 (C) Ferndale Avenue Bike Pedestrian Connection and (D) Duane Avenue Bike Pedestrian Connection from the Peery Park Specific Plan, and additional direction that community benefits are not going toward ongoing expenses.

City Attorney Nagel stated that the sections cited in the motion are not the only sections pertaining to the connectivity through the wall and recommended a minor modification to the motion to refer to “any other sections...” that reference the connectivity through the wall.

The maker of the motion and second accepted the recommended modification.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

No: 0

Recused: 1 - Councilmember Meyering

Council recessed at 9:45 p.m.

Council reconvened at 9:50 p.m. with all Councilmembers present.

3 [16-0844](#) City-wide Residential Food Scraps Collection Program for Single-Family Households and Small Businesses that Use Commercial Cart Service

Director of Environmental Services John Stufflebean provided the staff report. Environmental Programs Manager Karen Gissibl and Director of Finance Tim Kirby provided additional information.

Public Hearing opened at 10:15 p.m.

Dan Hafeman spoke in support of the program.

Public Hearing closed at 10:17 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve Alternative 1: Direct staff to implement a split cart curbside collection program to collect food scraps along with garbage for single family households and small businesses that use commercial cart service.

The motion carried by the following vote:

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

No: 0

- 4** [16-0913](#) Amend the Salary Resolution to Update Various Benefits and the Schedule of Pay to Provide Salary Increases for Pay Plan Category G (Unrepresented Classified Confidential Employees)

Director of Human Resources Teri Silva provided the staff report. Director of Finance Kirby provided additional information.

Public Hearing opened at 10:27 p.m.

No speakers.

Public Hearing closed at 10:27 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve Alternative 1: Adopt the Resolution to Amend the Salary Resolution to Update Various Benefits and the Schedule of Pay to Provide Salary Increases for Pay Plan Category G (Unrepresented Classified Confidential Employees).

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith reported his attendance at a meeting of the Silicon Valley

Clean Energy Authority in which an office location was identified at 333 W. Mathilda and branding was discussed.

Councilmember Davis reported his attendance at a meeting of the ABAG Executive Committee in which an assessment of assets, the passing of SB 32, ABAG finances, Proposition AA the resignation of the ABAG Executive Director were discussed.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Davis inquired if Council would consider on a future agenda an exemption to the City's ordinance which would allow a research organization to research the growing of marijuana, not to be sold or consumed, and to be destroyed on the property.

City Manager Santana provided information.

Mayor Hendricks stated he will work with the City Manager to see if it is appropriate to bring the issue back to Council.

-City Manager

City Manager Santana noted the upcoming Joint Study Session with Board and Commission Chairs and Vice Chairs on October 25.

INFORMATION ONLY REPORTS/ITEMS

[16-0755](#) Tentative Council Meeting Agenda Calendar

[16-0739](#) Information/Action Items

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 10:46 p.m.