



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, November 25, 2014

6:00 PM

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

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**Special Meeting- 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 Jim Davis  
Councilmember David Whittum  
Councilmember Pat Meyering  
Councilmember Tara Martin-Milius  
Councilmember Glenn Hendricks  
Councilmember Gustav Larsson

#### **PUBLIC ANNOUNCEMENTS**

Councilmember Whittum announced the upcoming second and third community workshops regarding the Peery Park Specific Plan.

Councilmember Hendricks announced the upcoming Sunnyvale Library Centennial Celebration.

#### **CONSENT CALENDAR**

Councilmember Meyering requested to record a no vote on Items 1.A, 1.B and 1.N and requested to pull Items 1.F, 1.I, 1.K, 1.L and 1.M from the Consent Calendar.

Councilmember Whittum requested to record a no vote on Item 1.N.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the

motion to approve the Consent Calendar with the exception of Items 1.F, 1.I, 1.K, 1.L and 1.M. 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**     [14-0945](#)     Approve City Council Meeting Minutes of November 11, 2014

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of November 11, 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**     [14-1110](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

**No: 1 -** Councilmember Meyering

**1.C**     [14-0669](#)     Approve Budget Modification No. 19 to Appropriate \$60,000 of California Office of Traffic Safety Grant Funds for Selective Traffic Enforcement Program - Bicycle and Pedestrian Safety

Approve Budget Modification No. 19 to appropriate California Office of Traffic Safety Selective Traffic Enforcement Program Grant funds in the amount of \$60,000 to enhance bicycle and pedestrian safety to a new project, FY 2014/15 OTS Bicycle and Pedestrian Safety.

- 1.D**      [14-0961](#)      Approve Budget Modification No. 20 to Appropriate \$11,500 of California Office of Traffic Safety Avoid the 13 Grant Funds for a Driving Under the Influence Checkpoint

Approve Budget Modification No. 20 to appropriate \$11,500 of California Office of Traffic Safety Avoid the 13 Grant Funds for a DUI Checkpoint to a new project, FY 2014/15 Avoid the 13.

- 1.E**      [14-1009](#)      Approve Budget Modification No. 29 to Appropriate \$95,000 of Department of Homeland Security, Bay Area Urban Area Security Initiative Grant Funds to Develop a Countywide Computer Aided Dispatch Interface

Approve Budget Modification No.29 to appropriate \$95,000 in Department of Homeland Security, Bay Area Urban Area Security Initiative funds to a new project, 2014 UASI - Data Exchange (Dx) CAD Interface.

- 1.F**      [14-1051](#)      Approve Budget Modification No. 25 to Appropriate \$300,000 to Capital Project 830560 Fremont Pool House Infrastructure Improvements, Approve "Fourth Amendment to Use Agreement Between City of Sunnyvale and Fremont Union High School District for the Development and Operation of a 50 Meter Swimming Pool and Related Facilities at Fremont High School"

Public hearing opened at 10:25 p.m.

Holly Lofgren provided background information on the original project and stated there may not have been an adequate design review at the time and usage of the building was likely under planned.

Public Hearing closed at 10:28 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve Budget Modification No. 25 to appropriate \$300,000 to Capital Project 830560 Fremont Pool House Infrastructure Improvements; and, approve the Fourth Amendment to Use Agreement Between City of Sunnyvale and Fremont Union High School District for the Development and Operation of a 50 Meter Swimming Pool and Related Facilities at Fremont High

School. 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**     [14-1026](#)     Award of Contract for Three Service Trucks (F15-26)

1) Award a contract in the amount of \$129,764 to Tracy Ford for three service trucks in substantially the same form as the draft purchase order attached to the report.

**1.H**     [14-1052](#)     Award of Contract for Design and Construction Support Services for Sunnyvale Golf Course Building Upgrades (F14-76)

1) Award a contract, in substantially the same format as Attachment 1 and in the amount of \$90,755, to IBI Group Architectural Planning, 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 15% design contingency in the amount of \$13,613.

**1.I**     [14-1004](#)     Award of Contract for Design of the Wolfe/Evelyn Water Plant Mechanical Reconstruction (F14-97)

Public hearing opened at 10:31 p.m.

No speakers.

Public hearing closed at 10:31 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to 1) Award a contract, in substantially the same format as Attachment 1 and in the amount of \$374,622 to HydroScience Engineers 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 \$37,462. 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.J**      [14-1089](#)      Award of Bid No. PW15-13 for Concrete Sidewalk, Curb, Gutter and Driveway Approaches CDBG 2015 and Finding of CEQA Categorical Exemption

1) Make a finding of CEQA categorical exemption pursuant to Class 1, Section 15301(c) and (d) for the restoration or rehabilitation of deteriorated or damaged sidewalks, gutters and similar facilities; 2) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$129,485, to Spencon Construction, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 3) Approve a 6% construction contingency in the amount of \$8,192 to utilize available grant funding.

**1.K**      [14-1092](#)      Award of Bid No. PW15-10 for ADA Curb Ramps Installation CDBG - 2015 and Finding of CEQA Categorical Exemption

Public hearing opened at 10:34 p.m.

No speakers.

Public hearing closed at 10:34 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to 1) Make a finding of CEQA categorical exemption pursuant to Class 1, Section 15301(c) and (d) for the restoration or rehabilitation of deteriorated or damaged sidewalks, gutters and similar facilities; 2) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$178,100, to Trident Contractors, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 3) Approve a 25% construction contingency in the amount of \$45,110 in order to utilize all available grant funding. 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.L**      [14-1065](#)      Approve Final Map (Tract No. 10234) - 156 Residential Units and a 41,000 Square Foot Office Building at 1095 West El Camino Real by Sobrato Interests 2, a California Limited Partnership

Public hearing opened at 10:36 p.m.

No speakers.

Public hearing closed at 10:36 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the final map for Tract No. 10234; authorize the Mayor to sign the subdivision agreement upon submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation. 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.M**      [14-0716](#)      Adopt a Resolution to Summarily Vacate an Existing Public Utility Easement at 457 East Evelyn Avenue

Public hearing opened at 10:37 p.m.

No speakers.

Public hearing closed at 10:37 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to adopt the resolution to summarily vacate an existing public utility easement at 457 East Evelyn Avenue; and to authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's office. 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.N**      [14-1103](#)      Adopt Ordinance No. 3049-14 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property located at 1071 Noriega Avenue from Medium Density Residential (R-3) to Medium Density Residential/ Planned Development (R-3/PD)

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3049-14. 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

### **PUBLIC COMMENTS**

Arlene Goetze spoke regarding megadroughts and provided written materials

Michael Goldman spoke regarding the design of the Civic Center in Menlo Park and provided a PowerPoint presentation.

Lisa Chung, Senior District Representative and Liaison for Senator Jerry Hill, 13th Senate District, offered greetings from the Senator and announced an upcoming "Java with Jerry" event.

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

- 2**      [14-0917](#)      Approval of a Work Plan to Achieve the 2020 Greenhouse Gas Reduction Targets in the Adopted Climate Action Plan and Budget Modification No. 22

Environmental Services Department Division Manager Melody Tovar presented the staff report. Director of Community Development Hanson Hom, Director of Public Works Manuel Pineda, Assistant Director of Finance Tim Kirby and Assistant City Manager Robert Walker provided additional information.

Public hearing opened at 8:01 p.m.

Ralph Kenton, representing the Parks and Recreation Commission, stated the commission's support of the five elements of the plan within the purview of the commission, as pertains to activities OS-2 through OS-3.5.

Kevin Jackson, Bicycle and Pedestrian Advisory Commission member and Horizon 2035 Committee member speaking for himself, expressed support for the plan and requested Council's approval.

Margaret Okuzumi spoke in support of approval of the plan and recommended accelerating the timeline as much as possible.

Public hearing closed at 8:07 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1 through 5: 1) Approve the Climate Action Plan Work Plan 2020; 2) Approve the biennial CAP monitoring and reporting timeframe; 3) Approve the biennial CAP modification process; 4) Approve revised CAP action related to residential energy and water audits; and 5) Approve Budget Modification No. 22 to provide funding for the CAP tracking tool and for initial outreach for CAP implementation. 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

- 3**      [14-0287](#)      Introduce an Ordinance to Amend Title 19 (Zoning) Regarding the Appeal Process for Land Use Projects (Study Issue, CDD



14-15); Repeal Council Policy 1.1.4 on Appeals; and make a Finding that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(b)(3) - Continued from November 11, 2014 (Planning File: 2014-7434)

Director of Community Development Hanson Hom presented the staff report. Planning Officer Trudi Ryan provided additional information. Director of Community Development Hom provided a supplemental table comparing the current versus proposed appeal provisions.

Public hearing opened at 9:25 p.m.

Holly Lofgren expressed concerns regarding confusion about the level of appeals under discussion and spoke in opposition to the proposal to require two Councilmembers to file an appeal and encouraged dropping the proposal and revisit later if necessary.

Hannalore Dietrich expressed concerns regarding possible restriction of due process with appeals and spoke in opposition to removal of Policy 1.1.4.

Michael Goldman spoke in opposition to changes to the appeal process.

Public hearing closed at 9:33 p.m.

MOTION: Councilmember Larsson moved and Councilmember Hendricks seconded the motion to approve Alternatives 1 and 4: 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3); 4) Introduce the Ordinance to amend Title 19.98.070 as set forth in Attachment 4 to the report with the following modifications: to remove the language that an appeal decision by Planning Commission is final for variance, minor use permit, minor special development permit and parcel map and modify Council Policy 1.1.4 to remove the language that conflicts with the ordinance.

FRIENDLY AMENDMENT: Vice Mayor Davis offered a friendly amendment to remove the demand to have two Councilmembers required for an appeal. Councilmember Larsson declined to accept the friendly amendment.

AMENDMENT: Vice Mayor Davis moved an amendment and Councilmember Whittum seconded to remove under item two, bullet point one, the Call for Review process that requires a minimum of two Council Members or Planning

Commissioners to request City Council or Planning Commission review of a decision. The motion to amend 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

AMENDMENT: Councilmember Whittum moved an amendment and Vice Mayor Davis seconded to change the requirement for Planning Commissioners from two to one. The motion to amend carried by the following vote:

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

**No: 3 -** Mayor Griffith  
Councilmember Martin-Milius  
Councilmember Larsson

AMENDMENT: Councilmember Meyering moved an amendment and Vice Mayor Davis seconded that Councilmembers need a second Councilmember only after having initiated a Call for Review once in the last rolling 12-month period. The motion to amend 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

The main motion as amended carried by the following vote:

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

**No: 3 -** Vice Mayor Davis  
Councilmember Whittum  
Councilmember Meyering

Deputy City Clerk Lisa Natusch read the ordinance title.

Council recessed at 10 p.m.

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

**4**      [14-0993](#)      Amend the Salary Table of the Salary Resolution and the Classification Plan to Add the Newly Established Classifications of Principal Network Engineer, Principal Design and Construction Operator, and Water Pollution Control Plant (WPCP) Control Systems Integrator

Director of Human Resources Teri Silva presented the staff report.

Public hearing opened at 10:13 p.m.

No speakers.

Public hearing closed at 10:13 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to approve Alternative 1: Adopt Resolutions to amend the Salary Table of the City's Salary Resolution and the Classification Plan to add the newly established classifications of Principal Network Engineer, Principal Design and Construction Operator, and WPCP Control Systems Integrator that will become effective at the beginning of the first pay period after November 11, 2014. The motion carried by the following vote:

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

**No: 1 -** Vice Mayor Davis

**5**      [14-1054](#)      Amend the Salary Table of the Salary Resolution to Add the Newly Established Classification of Part Time Meter Reader

and to Increase the Pay Range of the Golf Operations  
Manager Classification

Director of Human Resources Teri Silva presented the staff report.

Public hearing opened at 10:21 p.m.

No speakers.

Public hearing closed at 10:21 p.m.

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Adopt Resolution to amend the Salary Table of the City's Salary Resolution to add the newly established classification of Part Time Meter Reader and to increase the pay range of the Golf Operations Manager classification from Pay Range 17 (control point \$107,589) to Pay Range 18 (control point \$120,740) that will become effective at the beginning of the first pay period after December 9, 2014. 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

- 6**      [14-0061](#)      Approve a New Section of the Council Policy Manual to Hold Policies Relating to Council Support and Processes, Including a Reorganization of Existing Council Policies 7.3.2; 7.3.12; 7.3.13, and 7.3.28

Senior Management Analyst Yvette Blackford presented the staff report.

Public hearing opened at 10:23 p.m.

No speakers.

Public hearing closed at 10:23 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Approve Proposed Reorganization of Council

Policies as presented in Attachments 1 and 2 to the report. 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**

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

None.

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

#### **-Council**

Councilmember Whittum reported that VTA has completed its ridership estimates for the North-South bus route concept and suggested it might be timely to have a discussion or a presentation.

Councilmember Whittum stated his interest in a possible study issue regarding sidewalks connecting Tasman to Vienna Drive from the East Channel area and provided a write-up of the issue.

Councilmember Whittum reported his attendance at the Air Force Association Annual Awards banquet.

Councilmember Whittum reported receipt of a note from a member of the public concerning the availability of playing fields from December through February and expressed interest in whether there has been a policy change.

Councilmember Meyering reported his attendance at a "Mayor's Challenge to End Homelessness" session at the National League of Cities Conference.

Councilmember Martin-Milius reported her attendance at the National League of Cities Conference.

#### **-City Manager**

Assistant City Manager Robert Walker reported on behalf of City Manager Santana

that the study session regarding School Enrollment Rate and Projections tentatively scheduled for December 16 will be rescheduled to a new date.

**INFORMATION ONLY REPORTS/ITEMS**

[14-0871](#) Tentative Council Meeting Agenda Calendar

[14-0958](#) Information/Action Items

[14-0873](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Griffith adjourned the meeting at 10:45 p.m.