



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, March 25, 2014

5:30 PM

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

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**Special Meeting-Closed Sessions-5:30 P.M. | Regular Meeting-7 P.M.**

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Mayor Griffith called the meeting to order.

#### **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**

Closed Session held pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9), Yoshida vs. City of Sunnyvale Case No. 1 11 CV 197643

Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYMENT, Title: City Manager

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS, Agency designated representatives: Council subcommittee: Mayor Griffith, Councilmembers Martin Milius and Larsson; Unrepresented employee: City Manager

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS, Agency designated representatives: Teri Silva, Director of Human Resources and Robert Walker, Interim City Manager Employee Organization: Sunnyvale Management Association and Employee Organization: Service Employees International Union, Local 521

Vice Mayor Davis reported Council met in Closed Sessions this evening; no action was taken. Davis reported that Mayor Griffith had to step out with regard to the lawsuit.

### **PUBLIC ANNOUNCEMENTS**

Councilmember Larsson announced upcoming vacancies on City Boards and Commissions and an application deadline.

### **CONSENT CALENDAR**

Councilmember Meyering requested to pull Items 1.A, 1.B, 1.C and 1.D.

MOTION: Councilmember Hendricks moved and Vice Mayor Davis seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.B, 1.C and 1.D.

City Clerk Kathleen Franco Simmons read the ordinance title for Item 1.E.

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      14-0039      Approval of City Council Meeting Minutes of March 18, 2014**

Following action on Item 8, Council considered Consent Calendar Item 1.A.

Public Hearing opened at 12:32 a.m. for Items 1.A, 1.B, 1.C and 1.D.

No speakers.

Public Hearing closed at 12:32 a.m.

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of March 18, 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      14-0321      Approve the List(s) of Claims and Bills Approved for Payment by the City Manager**

MOTION: Councilmember Whittum 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      14-0248      Approval of the Final Map (Tract No. 10196) - 16 Residential Condominium Units at 1175 Willow Avenue by Taylor Morrison of California, LLC**

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve the final map for Tract No. 10196; 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.D 14-0278** Approval of the Final Map (Tract No. 10211) - 47  
Condominium Units at 470 Persian Drive by KB Home South  
Bay, Inc.

Mayor Griffith stated he would recuse himself as his property may be within 500 feet of the subject property, and left the room.

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve the final map for Tract No. 10211; 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: 5 -** Vice Mayor Davis  
Councilmember Whittum  
Councilmember Martin-Milius  
Councilmember Hendricks  
Councilmember Larsson

**No: 1 -** Councilmember Meyering

**Recused: 1 -** Mayor Griffith

**1.E 14-0316** Adoption of Ordinance No. 3035-14 Amending Title 9, Chapter 9.28 of the Sunnyvale Municipal Code to Prohibit the Use of Electronic Smoking Devices Wherever Smoking is Prohibited

Adopt Ordinance No. 3035-14.

### **PUBLIC COMMENTS**

Holly Lofgren inquired as to the process for meeting with the Mayor.

John Simontacchi spoke regarding paid time off for City employees.

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

- 2**      **14-0037**      File #: 2013-7240  
Location: 610 E. Weddell Drive (APN: 110-28-001) and  
520-550 E. Weddell Drive (110-14-190 and 191).  
Proposed Project: Consideration of an environmental  
document prepared for related applications for development of  
a 4.04 acre site at 610 E. Weddell Drive and a 12.04 site at  
520-550 E. Weddell Drive.  
CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT  
REPORT (FEIR) East Weddell Residential Projects  
Applicants / Owner: Sares-Regis Group (610 E. Weddell  
Drive) and Raintree Partners (520 - 550 E. Weddell Drive)  
Environmental Review: An Environmental Impact Report (EIR)  
has been prepared in compliance with California  
Environmental Quality Act provisions and City Guidelines.

Mayor Griffith disclosed he owns property within 500 feet of one of the two parcels. Mayor Griffith stated regarding Item 3, he would recuse himself on all things related to the Raintree proposal, however he is eligible to vote on the Sares-Regis aspect. Mayor Griffith recused himself and left the room.

Mayor Pro Tem Davis facilitated this portion of the meeting.

Community Development Director Hanson Hom presented the staff report.

Andrew Kluter, TJKM Transportation Consultants, preparer of the traffic impact analysis for the projects, and Amy Skewes-Cox, Project Manager for the EIR, provided information and responded to questions from the Council.

Public Hearing opened at 8:07 p.m.

Mark Sabin, member of the Santa Clara County Housing Action Coalition, spoke in support of the proposed projects, citing the close proximity to workplaces.

Ken Busch, Sares-Regis Group, provided information regarding the Sares-Regis site and provided a PowerPoint presentation.

Jason Check, Raintree Partners, addressed questions and comments regarding Raintree's use of the SFPUC right-of-way, the crosswalk on Fair Oaks, and the remediation of the arsenic and vanadium present in certain locations on the site.

Brett Walinski, Hexagon Transportation Consultants, spoke regarding trip generation, peak hour trips, and the queue time during a traffic signal cycle at the Weddell and Fair Oaks intersection.

Peter Krasnoff, West Environmental, responded to questions and concerns regarding dieldrin contamination in the soil.

Public Hearing closed at 8:46 p.m.

**MOTION:** Councilmember Hendricks moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Certify the Environmental Impact Report and Approve two Resolutions of Findings and Adopting the MMRP for 610 E. Weddell Drive and 520-550 E. Weddell Drive (Attachments 6 and 7), and not including the separate recommendations.

**FRIENDLY AMENDMENT:** Councilmember Whittum offered a friendly amendment to include Alternative 2: Accept the modifications to the MMRP requested in the March 3, 2014 letters from Adams Broadwell et al (Attachments 8 and 9).

Councilmembers Hendricks and Martin-Milius accepted the friendly amendment.

Councilmember Larsson disclosed that he met with representatives of both of the applicants and attended one of the outreach meetings.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

**Recused:** 1 - Mayor Griffith

**3      14-0038      File #:** 2013-7081 & 2013-7132  
Location: 610 E. Weddell Drive (APN: 110-28-001) and  
520-550 E. Weddell Drive (110-14-190 & 191).  
Proposed Project: Discussion and possible actions on:  
GENERAL PLAN AMENDMENT to change the land use  
designation from Industrial to Residential High Density for 610  
E. Weddell Drive and 520 E. Weddell Drive (Parcel B only);

REZONING Introduction of Ordinances to Rezone from MS-PD (Industrial & Service/Planned Development for 610 E. Weddell Drive and M-S/POA (Industrial & Service/Place of Assembly) for 520 E. Weddell Drive (Parcel B only) to R-4/PD (High Density Residential/Planned Development) for both properties.

Applicant / Owner: Sares - Regis Group (610 E. Weddell Drive); Raintree / Kohl (520-550 E. Weddell Drive)  
Environmental Review: An Environmental Impact Report (EIR) has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Mayor Griffith was recused during consideration of the Raintree proposal (520-550 E. Weddell Drive).

Community Development Director Hanson Hom presented the staff report.

Public Hearing opened at 9:13 p.m.

Jason Check, Raintree Partners, provided a presentation of the proposed project at 520 E. Weddell Drive.

Public Hearing opened at 9:31 p.m.

Cheryl Pollock spoke in support of both proposals.

Paul Sanchez spoke regarding the need for affordable housing and spoke in support of the two proposals.

Willie Solis, business representative, Sheet Metal Workers Local 104, spoke on behalf of Sheet Metal Workers Local Union 104, Electrician's Local Union 332 and the Plumbers and Steamfitters Local Union 339 in support of the two proposals and submitted over 80 letters in support.

Rob Steinberg, Steinberg Architects, architect for both proposals, provide a presentation regarding the Raintree proposal.

Public Hearing closed at 9:40 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternatives: 2.a. and b. and 3 as pertains to 520 E. Weddell Drive:

2. For 520 E. Weddell Dr.:
  - a. Adopt the Resolution Amending the General Plan from Industrial to Residential High Density
  - b. Introduce an Ordinance to Rezone from M S/POA (Industrial and Service/Place of Assembly) to R 4/PD (High Density Residential/Planned Development)
3. Extend the Boundaries of the Tasman / Fair Oaks Area Pedestrian and Bicycle Circulation Plan area to include 520 E. Weddell Dr.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

**Recused:** 1 - Mayor Griffith

Council recessed at 9:51 p.m.

Council reconvened at 10:03 p.m. with all Councilmembers present.

Community Development Director Hanson Hom presented the staff report regarding Sares-Regis Group, 610 E. Weddell Drive.

Mayor Griffith disclosed that he met with the applicants.

Public Hearing opened at 10:10 p.m.

Ken Busch, Sares-Regis Group, Applicant, provided a PowerPoint presentation regarding the proposal.

Rob Steinberg, Steinberg Architects, architect for the project, continued the presentation regarding the proposal.

Marshall Goldman, President of MDE Electric Company, spoke in support of the zoning amendment for the provision of additional affordable housing and in support of Sares-Regis.



Mark Barnes, President of Lakehaven Townhomes homeowners association, spoke in support of the community outreach and mitigation provided by the applicants and stated he is hesitantly in favor of the proposal.

Holly Lofgren spoke in opposition to the proposal and expressed concerns regarding the availability of low income housing and potential air pollution.

Willie Solis, business representative, Sheet Metal Workers Local 104, spoke on behalf of Sheet Metal Workers Local Union 104, Electrician's Local Union 332 and the Plumbers and Steamfitters Local Union 393 in support of the two projects and submitted over 80 letters in support.

Cheryl Pollock spoke in support of both proposals and in favor of affordable housing.

Public Hearing closed at 10:38 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to approve Alternatives: 1.a. and 1.b., and 3 as pertains to 610 E. Weddell Dr.:

1. For 610 E. Weddell Dr.:

a. Adopt the Resolution Amending the General Plan from Industrial to Residential High Density

b. Introduce an Ordinance to Rezone from M S/PD Industrial and Service/Planned Development) to R 4/PD (High Density Residential/Planned Development)

3. Extend the Boundaries of the Tasman / Fair Oaks Area Pedestrian and Bicycle Circulation Plan area to include 610 E. Weddell Dr.

City Clerk Kathleen Franco Simmons read the ordinance title.

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

**4      14-0042      Approval of a Pilot Project for the Installation of Light Emitting**

**Diode Streetlights and Budget Modification No. 34**

Director of Public Works Kent Steffens presented the staff report.

Public Hearing opened at 10:56 p.m.

No speakers.

Public Hearing closed at 10:56 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Direct staff to conduct a pilot project for residential neighborhoods to install LED fixtures in several residential areas and approve Budget Modification No. 34 to provide funding in the amount of \$10,000 to purchase and install the demonstration fixtures. Direct staff to solicit input from the public to gauge illumination levels and overall acceptance of the new LED lighting levels and light color. 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**

**5            14-0263            Approve the 2013 Annual Progress Report on Implementation  
of the General Plan's Housing Element**

Community Development Director Hanson Hom presented the staff report.

Public Hearing opened at 10:58 p.m.

No speakers.

Public Hearing closed at 10:58 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Approve the Annual Progress Report on implementation of the Housing Element as provided in Attachment 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:** 1 - Councilmember Meyering

**6            14-0186** File #: 2012-8014  
Location: 645 Almanor Ave. (APN: 165-44-004, -005, -008, -009, -010, -011)  
Proposed Project: Discussion and Possible Action to:  
REZONE from M-S (Industrial and Service) to M-S/FAR 100 (Industrial and Service/100% FAR)  
DESIGN REVIEW to allow construction of a 6-story, 172,675 square foot office R&D building at 100% Floor Area Ratio (FAR) and serviced by a new 5-level parking structure  
Applicant / Owner: Arctec Inc. / St. Jude Medical  
Environmental Review: A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Planning Officer Trudi Ryan presented the staff report.

Public Hearing opened at 11:23 p.m.

Michael Larson, Director of Facilities, St. Jude Medical, Applicant, provided information regarding the proposed project.

Craig Almeleh, Architect, Arc Tec provided a presentation regarding the proposed project.

Public Hearing closed at 11:45 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt the Mitigated Negative Declaration; Alternative 3: Introduce an ordinance to Rezone the six parcels comprising the site from M S (Industrial and Service) to M S/100FAR (Industrial and Service/100% FAR) as contained in the Findings in Attachment 4 and Draft Ordinance in Attachment 5; and, Alternative 5: Approve the Design Review as indicated in the Site and Architectural Plans in Attachment 8, Findings of Approval in Attachment 3 and Conditions of Approval in Attachment

4 (including Planning Commission recommendations).

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion 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

### **EXTENSION OF MEETING**

MOTION: Councilmember Whittum moved and Councilmember Martin-Milius seconded the motion to consider the remainder of the items on the agenda.

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

**7            14-0209          Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Baylands Storm Pump Station No. 2 Rehabilitation Project**

Assistant Director of Public Works Manuel Pineda presented the staff report.

Public Hearing opened at 12:05 p.m.

No speakers.

Public Hearing closed at 12:05 p.m.

MOTION: Councilmember Martin-Milius moved and Vice Mayor Davis seconded the motion to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Baylands Pump Station No. 2.

Meryka Dirks, Project Manager, David Powers, provided information regarding

the comment letters received regarding the project.

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

**8            14-0228** Approve Budget Modification No. 33 for a Biological Constraints and Opportunities Analysis for the Sunnyvale Landfill and Baylands Park

Following action on Item 9, Council considered Item 8.

Assistant Director of Public Works Manuel Pineda presented the staff report.

Public Hearing opened at 12:29 a.m.

Henry Alexander III, Chair of Parks and Recreation Commission speaking for himself, suggested more research for fiscal responsibility reasons and that it be brought to the Parks and Recreation Commission for deliberation.

Public Hearing closed at 12:31 a.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Davis seconded the motion to approve Alternative 1: Approve Budget Modification No. 33 to appropriate \$50,000 to complete a Biological Constraints and Opportunities Analysis of Baylands Park and the Sunnyvale Landfill.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to add that the results of the study should come back through the Parks and Recreation Commission before coming back to Council. Councilmember Hendricks accepted the friendly amendment and requested staff take a look at whether there are opportunities to work together the study with the burrowing owl study, to enhance or optimize what's being done.

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

- 9            14-0264** Award of Contract for Program Management and Related Services for the Reconstruction of the Water Pollution Control Plant (F14-05)

Following action on Item 7, Council considered Item 9.

Director of Environmental Services Department John Stufflebean and Director of Public Works Kent Steffens presented the staff report and provided a PowerPoint presentation.

Public Hearing opened at 12:19 a.m.

No speakers.

Public Hearing closed at 12:19 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1, 2, and 3: 1. Award a contract, in substantially the same format as the attached draft and in an amount not to exceed \$6,166,807, to CDM Smith for Program Management Core Services, and authorize the City Manager to execute the contract when all the necessary conditions have been met; 2. Approve an amount not to exceed \$2,480,000 for Additional Reconstruction Program Tasks; and 3. Approve a 5% project contingency in the amount of \$308,340. 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**

Councilmember Larsson reported his attendance at a meeting of the Bay Area Water Supply and Conservation Agency (BAWSCA).

Councilmember Whittum reported his attendance at a meeting of the VTA Congestion Management Program Planning Committee and a meeting with Manolo Gonzalez-Estay, Sunnyvale's VTA representative for projects.

Vice Mayor Davis reported his attendance at a meeting at Heritage Museum regarding Peery Park and a meeting of the Santa Clara County Expressway Commission.

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

#### **-Council**

Mayor Griffith suggested a study session on Parliamentary Procedure and possibly how to reduce the length of meetings, as soon as possible.

Councilmember Whittum spoke regarding the possible formation of districts in specific areas for maintenance of sidewalks.

Mayor Griffith reported a meeting with Mike Michitaka of the Iizuka Friendship Committee regarding a student exchange.

#### **-City Manager**

Interim City Manager Robert Walker stated the Joint Study Session with the Planning Commission to discuss the balanced growth profile is scheduled for May 20.

Interim City Manager Walker stated staff is committed to getting further clarification from the SFPUC or the City and County of San Francisco regarding the John W. Christian Greenbelt as it relates to the Weddell projects.

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

- |                |  |
|----------------|--|
| <b>14-0028</b> | Tentative Council Meeting Agenda Calendar  |
| <b>14-0216</b> | Information/Action Items   |
| <b>14-0347</b> | Appointment of Replacement Members to the Lawrence Station Area Plan Citizen Advisory Group (Information Only) |

**14-0219** Draft Minutes of the Housing and Human Services  
Commission Meeting of February 26, 2014

**ADJOURNMENT**

Mayor Griffith adjourned the meeting at 12:52 a.m.