



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, September 30, 2014

7:00 PM

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

Special Meetings- Study Session-5 PM | Study Session-6 PM | Regular Meeting-7PM

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

SPECIAL ORDERS OF THE DAY

[14-0401](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office
for Board and Commission Members

City Clerk Kathleen Franco Simmons administered the ceremonial oath of office to newly appointed board and commission members.

[14-0826](#) SPECIAL ORDER OF THE DAY - Recognition of National Arts
and Humanities Month

Mayor Griffith presented a proclamation to Director of Library and Community Services Lisa Rosenblum declaring the month of October 2014 "National Arts and Humanities Month."

PUBLIC ANNOUNCEMENTS

Mayor Griffith announced an education program by New Frontiers in Prevention of Breast Cancer.

Monica Gomez, Applied Materials, announced the 10th Annual Applied Materials Silicon Valley Turkey Trot event on Thanksgiving Day.

CONSENT CALENDAR

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

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.B, 1.C and 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 [14-0869](#) Approve City Council Meeting Minutes of September 16, 2014

Public Hearing opened at 9:32 p.m.

No speakers.

Public Hearing closed at 9:32 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of September 16, 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 [14-0882](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 9:33 p.m.

No speakers.

Public Hearing closed at 9:33 p.m.

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 [14-0775](#) Award of Bid No. PW14-15 for Sunnyvale Bicycle Lanes
Project, Finding of CEQA Categorical Exemption, and
Approval of Budget Modification No. 12 to Combine Four
Existing Bicycle Lane Projects into the New Sunnyvale Bicycle
Lanes Project, and to Appropriate a \$12,000 Developer
Contribution

Public Hearing opened at 9:37 p.m.

No speakers.

Public Hearing closed at 9:37 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to: 1) Award a contract in substantially the same form as Attachment 2 and in the amount of \$160,940, to Chrisp Company for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; 2) Approve a 10% construction contingency in the amount of \$16,094; 3) Make a finding of CEQA categorical exemption pursuant to Section 15304(h) for the installation of bike lanes within the existing rights of way, and 4) Approve Budget Modification No. 12 to combine four existing bicycle lane projects into the new Sunnyvale Bicycle Lanes Project, and to appropriate a \$12,000 developer contribution. 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.D** [14-0809](#) Rejection of Proposal Received in Response to Request for Proposals No. F14-85 for Design and Construction Support Services for Mary Avenue Bicycle Lanes

Reject the proposal received in response to Request for Proposals No. F14-85.

- 1.E** [14-0827](#) Approval of Budget Modification No. 17 to Provide Funding for Temporary Planning Staff and Authority to Modify Contracts (F15-17)

Public Hearing opened at 9:39 p.m.

No speakers.

Public Hearing closed at 9:39 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to: 1) Approve Budget Modification No. 17 to appropriate \$300,000 to a special project for temporary planning services; and 2); Delegate authority to the City Manager to amend resultant contract(s) to a level greater than \$100,000 so long as there is a corresponding decrease to the other contracts and the total appropriation of \$300,000 is not exceeded. 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.F [14-0828](#) Award of Contract to Purchase Chlorine for the Water
Pollution Control Plant (F15-16)

1) Award a contract to Sierra Chemical Company in the amount of \$125,000; and
2) Delegate authority to the City Manager to renew the contract for up to two additional one year periods, provided the operational need exists, budgeted funding is available and pricing/service remain acceptable.

1.G [14-0838](#) Authorization to Accept \$651,000 Contract to Administer
Workforce Investment Act Operations for the County of San
Mateo

Authorize NOVA to accept a \$651,000 contract with San Mateo County to administer Workforce Investment Act operations in San Mateo County through June 30, 2015.

1.H [14-0839](#) Award of Bid No. PW15-02 for Pavement Repair Digouts and
Finding of CEQA Categorical Exemption

1) Award a contract, in substantially the same form as Attachment 2 and in the amount of \$397,400, to O'Grady Paving, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met, 2) Approve a 10% construction contingency in the amount of \$39,740, and 3) Make a finding of CEQA categorical exemption pursuant to Section 15301(c) for the rehabilitation of existing streets with no expansion of existing use.

1.I [14-0840](#) Award of Contract for Asphalt Patch Truck (F15-06)

Award a contract in the amount of \$130,571 in substantially the same form as the attached draft purchase order, to Big Valley Ford for one asphalt patch truck.

1.J [14-0841](#) Award of Contracts for Public Safety Uniforms and Equipment
(F14-94)

1) Award a three year contract, in substantially the same form as the Draft Purchase Order presented as Attachment 2 and in an amount not to exceed \$400,000 to Summit Uniforms; 2) Award a three year contract, in substantially the same form as the Draft Purchase Order presented as Attachment 3 and in an amount not to exceed \$200,000 to LC Action Police Supply; and 3) Delegate authority to the City Manager to renew the Purchase Orders for two additional one year periods, not to exceed budgeted amounts, if pricing and services are acceptable to the City.

- 1.K** [14-0843](#) Reject Bids Received in Response to Invitation for Bids No. PW15-04 for Baylands Park Equipment Replacement

Reject the three bids received in response to Invitation for Bids No. PW15-04.

- 1.L** [14-0813](#) City of Sunnyvale 2014 Conflict of Interest Code Biennial Notice

Review the Conflict of Interest Code Biennial Notice (Attachment 2) pursuant to state law and direct staff to return to Council within 90 days a resolution amending the Conflict of Interest Code to include proposed revisions to designated City positions as submitted (Attachment 3).

PUBLIC COMMENTS

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [14-0902](#) REQUEST FOR CONTINUATION to October 28, 2014 for the Introduction of an Ordinance Amending Chapter 19.44 (Signs) Of Title 19 (Zoning), Adding Chapter 9.58 (Signs On City Property) of Title 9 (Public Peace, Safety Or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code Related to Various Clean-Up Items and Adding Provisions for Signs on City Property

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 7:30 p.m.

No speakers.

Public Hearing closed at 7:30 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to continue this item to October 28, 2014. 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

- 3 [14-0595](#) Approval of a Cost Sharing Agreement with the Santa Clara Valley Water District for Construction of the Wolfe Road Recycled Water Facilities, and Consideration of an Addendum to the Previously-Adopted Mitigated Negative Declaration for the Wolfe Road Recycled Water Project; Approval of an Agreement with the Santa Clara Valley Water District for Recycled Water Supply for Non-Potable Use; and Approval of the Framework for a Long-Term Integration Agreement with the Santa Clara Valley Water District to Supply Recycled Water from Sunnyvale's Wastewater Plant for Potable Water Reuse

Mayor Griffith disclosed this matter pertains to his employer, recused himself and left the room.

Vice Mayor Davis presided during consideration of this matter.

Director of Environmental Services Department John Stufflebean presented the staff report.

Public Hearing opened at 7:42 p.m.

No speakers.

Public Hearing closed at 7:42 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1, 2, 3 and 4: 1) Find that the Addendum to the Mitigated Negative Declaration for the Wolfe Road Recycled Water Project makes minor technical changes or additions to the Mitigated Negative Declaration that will not involve new significant environmental impacts or increase the severity of previously identified environmental impacts, and that no further environmental review is required; 2) Authorize the City Manager to execute the Cost Sharing Agreement with the Santa Clara Valley Water, in substantially the same form as set forth in Attachment 2, for Construction of the Wolfe Road Recycled Water Facilities; 3) Authorize the City Manager to execute an Agreement with the Santa Clara Valley Water District for Recycled Water Supply for Non Potable Use, in substantially the same form as set forth in Attachment 3; and 4) Approve the Framework for a Long Term Agreement with the Santa Clara Valley Water District, presented as Attachment 4, to Supply Recycled Water from Sunnyvale's Wastewater Plant for Potable Water Reuse. The motion carried by the following vote:

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

No: 0

Recused: 1 - Mayor Griffith

Following action on this item, Mayor Griffith returned to the room and took his seat at the dais.

4 [14-0607](#) Lawrence Expressway Grade Separations Study -
Consideration of Conceptual Alternative

Director of Public Works Manuel Pineda presented the staff report.

Public Hearing opened at 7:54 p.m.

Dave Jones, Chair of the Bicycle and Pedestrian Advisory Commission, presented the recommendations of the commission and requested access for bicyclists and pedestrians be considered.

Public Hearing closed at 7:55 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Whittum seconded the motion to approve Alternative 1: Endorse the Recommended Final Concept for Lawrence Expressway Grade Separations for inclusion in the County Expressway Plan. 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 [14-0762](#) Adopt a Resolution to Amend Annual Fee Resolution to update FY 2014/15 Park Dedication In-Lieu Fee Land Valuation

Planning Officer Trudi Ryan presented the staff report.

Public Hearing opened at 8:16 p.m.

Don Babbitt, Director of Forward Planning, D.R.Horton, stated they are not in opposition to the \$96 per square foot fee but requested consideration for projects already in the pipeline by phasing it in over three years.

Dennis Martin, representing BIA Bay Area, stated that fee increases should be given a minimum of 14 days' notice and they were only given seven days; the fee is to be retroactive to last fiscal year which causes problems for builders pro forma and the increase is too great an increase at one time and requested consideration of a phase in of the fee. Martin requested projects in the pipeline receive more leeway and recommended consideration of adopting a credit system for privately provided recreational open space facilities to mitigate the fee increase and incentivize developers to provide quality amenities.

Rodger Miller, Warmington Residential, provided information regarding a project which is in plan check right now. Miller inquired as to the definition of when the final map is considered complete and requested to pay the current fee at the end of the 60 day period.

Public Hearing closed at 8:49 p.m.

MOTION: Councilmember Whittum moved and amendment and Councilmember Meyering seconded to approve Alternative 1: Adopt a Resolution Amending the Annual Fee Resolution setting the Park Land Valuation for FY 2014/15 at \$96 per square foot.

FRIENDLY AMENDMENT: Councilmember Martin-Milius offered a friendly amendment to extend the timeframe to 90 days.

Councilmember Whittum stated he would accept the friendly amendment, but suggested it be made a regular amendment to allow everyone an opportunity to speak to it.

AMENDMENT: Councilmember Martin-Milius moved an amendment and Councilmember Larsson seconded to extend the timeframe to 90 days. The motion to amend carried by the following vote:

- Yes:** 4 - Mayor Griffith
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Larsson
- No:** 3 - Vice Mayor Davis
Councilmember Meyering
Councilmember Hendricks

The main motion as amended 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

Councilmember Hendricks proposed a study issue to look at what is the appropriate time in the planning process to tie to when we lay in the fees. Mayor Griffith co-sponsored the study issue.

- 6** [14-0568](#) Consider Requirements for Budget Issue Sponsorship Similar to Study Issue Sponsorship

Mayor Griffith presented the report.

Public Hearing opened at 9:16 p.m.

No speakers.

Public Hearing closed at 9:16 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius seconded the motion to approve Alternative 2) Approve the addition of a Council Policy on Budget Items and direct staff to draft the policy, based on the language provided in Attachment 1 with modifications to revise the language to refer to the "Council Study/Budget Issues Workshop" and reflect the intent that a budget issue be written up in advance of the Study/Budget Issues Workshop.

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

No: 1 - Councilmember Meyering

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 3: Approve as part of the new policy a change to require co-sponsorship of Budget Issue papers.

AMENDMENT: Councilmember Whittum moved an amendment and Mayor Griffith seconded to approve as part of the new policy a change to require co-sponsorship to get a staff write-up of a Budget Issue paper.
No action was taken at this time.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to approve as part of the new policy a change to require co-sponsorship to get a staff write-up of a Budget Issue paper.
Councilmember Hendricks accepted the friendly amendment.
Following discussion, Councilmember Whittum withdrew the friendly amendment.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to approve as part of the new policy a change to require co-sponsorship to get a staff write-up of Budget Issue papers. 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 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

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

Vice Mayor Davis reported he was appointed as an alternate to ABAG and has attended two meetings. Vice Mayor Davis also reported his attendance at a meeting of the Caltrain Modernization Committee.

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 VTA Workshop.

NON-AGENDA ITEMS & COMMENTS

-Council

Vice Mayor Davis reported his attendance at the ABAG economic working group, the Best of the West SWAT Team competition, a Challenge Team meeting and the Silicon Valley Leadership Group's Game Changers Event.

Councilmember Whittum sponsored a study issue to prohibit smoking in multi-family residences.

Councilmember Martin-Milius co-sponsored the study issue.

Councilmember Whittum provided information regarding online noise monitoring.

Councilmember Whittum reported an issue with low-flying aircraft over the 49ers stadium.

City Manager Deanna Santana will provide response and summary of the issue in the City Manager's Bi-Weekly Report.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[14-0872](#) Tentative Council Meeting Agenda Calendar

[14-0761](#) Information/Action Items

[14-0886](#) Study Session Summary of September 2, 2014 - City Council
Strategic Planning Meeting

[14-0874](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 9:51 p.m.