



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, March 24, 2015

5:00 PM

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

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**Special Meetings: Closed Sessions-5 PM and 6 PM | Regular Meeting- 7 PM**

### **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 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 Council met in Closed Session held pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; there is nothing to report.

Vice Mayor Martin-Milius reported Council met in Closed Session held pursuant to California Government Code Section 54956.8: Conference with Real Property Negotiators; direction was given regarding price and terms.

#### **PUBLIC ANNOUNCEMENTS**

Vice Mayor Martin-Milius announced upcoming board and commission vacancies and an application deadline.

**CONSENT CALENDAR**

Mayor Griffith pulled Item 1.D.

Councilmember Whittum stated his vote on the Consent Calendar would not be a vote on Item 1.E as his home is within 500 feet of the business district, and requested a no vote be recorded on Item 1.C.

Councilmember Meyering pulled Items 1.A, 1.B and 1.C.

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

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

**No: 0**

**1.A**     [15-0309](#)     Approve City Council Meeting Minutes of March 17, 2015

Public Hearing opened at 8:09 p.m.

No speakers.

Public Hearing closed at 8:09 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of March 17, 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**      [15-0342](#)      Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 8:10 p.m.

No speakers.

Public Hearing closed at 8:10 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Martin-Milius 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**      [14-1098](#)      Adopt a Resolution and Revise Council Policy 7.1.5 to Authorize the City Manager to Appropriate Certain Types of Grants up to \$100,000

Public Hearing opened at 8:13 p.m.

No speakers.

Public Hearing closed at 8:13 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve adopt a resolution and revise Council Policy 7.1.5 to authorize the city manager to appropriate grants meeting certain criteria up to \$100,000. The motion carried by the following vote:

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

**No:** 2 - Councilmember Whittum  
Councilmember Meyering

**1.D**      [15-0050](#)      Review and Approve City's Code of Ethics and Conduct for Elected and Appointed Officials

Mayor Griffith referred to a sentence on page 11 of 19 for discussion, "Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed."

Following Council discussion, Assistant City Manager Robert Walker suggested striking the noted sentence and under the "Maintain an open mind" section, revising the second sentence to, "To express an opinion or pass judgment prior to the close of a public hearing can cast doubt on a member's ability to conduct a fair review of the issue" and add, "Members' personal opinions or inclinations about upcoming votes should be revealed in such a manner that is to make it obvious that an open mind is maintained" and leave the last sentence, "This is particularly important when officials are serving in a quasi-judicial capacity."

Public Hearing opened at 8:25 p.m.

No speakers.

Public Hearing closed at 8:25 p.m.

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to strike the sentence on page 11 of 19, "Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed" and approve the City's Code of Ethics and Conduct for Elected and Appointed Officials.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to add the sentence suggested by the Assistant City Manager. Councilmember Whittum accepted the friendly amendment.

AMENDMENT: Councilmember Meyering moved to amend the motion to include a provision that states that Councilmembers must recuse themselves from voting on an item proposed by an individual or organization from which the Councilmember has received money.

Motion to amend died due to lack of a second.

The main motion carried by the following vote:

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

**No:** 0

**Abstain:** 1 - Councilmember Meyering

- 1.E**     [15-0100](#)     Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2014/2015 and Adopt the Resolution of Intention to Reauthorize the Downtown Sunnyvale Business Improvement District for Fiscal Year 2015/2016

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the fiscal year 2014/2015 BID Annual Report and adopt the Resolution of Intention, and schedule a public hearing for April 28, 2015, to reauthorize the Business Improvement District for fiscal year 2015/2016. The motion carried by the following vote:

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

**No:** 0

**Recused:** 1 - Councilmember Whittum

- 1.F**     [15-0353](#)     Adopt Ordinance No. 3054-15 Awarding Nonexclusive Franchise to A Orange Cab, Inc.

Adopt Ordinance No. 3054-15.

- 1.G**     [15-0354](#)     Adopt Ordinance No. 3055-15 Awarding Nonexclusive Franchise to Ekadea, Inc. dba Yellow Cab Company Peninsula, Inc.

Adopt Ordinance No. 3055-15.

**PUBLIC COMMENTS**

Deborah Marks spoke regarding the civic center and library and provided a PowerPoint presentation.

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2      [14-0277](#)      Review of Park Use Policies and Related User Fees (Study Issue)

Director of Library and Community Services Lisa Rosenblum presented the staff report.

Public Hearing opened at 7:22 p.m.

Ralph Kenton, Parks and Recreation Commission, presented the recommendation of the commission in support of Alternatives 1 and 2.

Public Hearing closed at 7:25 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to approve Alternatives 1 and 2: 1) Reaffirm existing Council policy as the basis for park use policies and related user fees; and 2) Acknowledge staff's proposed operational responses, as outlined in the report, to address issues identified throughout the course of the study. 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**      [14-0670](#)      Amend the Temporary/Casual Employee Salary Table to Comply with CalPERS Requirements, Amend the Salary Resolution, and Add the Classifications of Casual and Casual Seasonal Senior Center Case Manager

Human Resources Manager Doug Baker presented the staff report, and provided a correction to Attachment 1 regarding the wage rate for Council/Mayor; it should be listed as annual, not monthly. Mayor Griffith confirmed that if Council approves the staff recommendation, it should include that amendment.

Public Hearing opened at 7:32 p.m.

No speakers.

Public Hearing closed at 7:32 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Adopt the resolution to implement a single consolidated Salary Table in compliance with CalPERS requirements, Amend the Salary Resolution and add the classifications of Casual and Casual Seasonal Senior Center Case Manager.

AMENDMENT: Councilmember Meyering moved to amend the motion to authorize and instruct staff to create the additional categories necessary for part time workers not to receive a pay decrease.

Motion to amend died due to lack of a second.

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

**4**      [15-0159](#)      Approve the 2014 Annual Progress Report on Implementation  
of the General Plan's Housing Element

Affordable Housing Manager Ernie DeFrenchi presented the staff report.  
Community Development Director Hanson Hom and Director of Finance Grace  
Leung provided additional information.

Public Hearing opened at 7:41 p.m.

No speakers.

Public Hearing closed at 7:41 p.m.

MOTION: Councilmember Whittum moved and Councilmember Larsson seconded  
the motion to approve Alternative 1: Approve the Annual Progress Report on  
implementation of the Housing Element. 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**

**5**      [14-1072](#)      Consider Change in Service Level for Care Management Program at the Senior Center

Director of Library and Community Services Lisa Rosenblum presented the staff report. City Manager Deanna Santana and Director of Finance Grace Leung provided additional information.

Public Hearing opened at 7:48 p.m.

No speakers.

Public Hearing closed at 7:48 p.m.

MOTION: Councilmember Whittum moved and Councilmember Davis seconded the motion to approve Alternatives 1 and 4: 1) Consistent with Council Policy, Planning and Management Policy A.1.13- "All competing requests for City resources should be weighed within the formal budget process", defer any permanent funding decisions on the Care Management Program until the formal budget process occurs for the next two year budget cycle - FY 2016/18, and 4) Allocate \$73,026 from the Council Service Level Set Aside in the General Fund for FY 2015/16 and the following 20 years to permanently continue Care Management Program at a service level of 68 hours per week.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to, instead of the 20 year commitment, to allocate the \$73,026 this year and then in the normal budget process have a discussion about how to deal with this.

Councilmember Whittum declined to accept the friendly amendment.

The motion failed by the following vote:

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

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Consistent with Council Policy, Planning and Management Policy A.1.13- "All competing requests for City resources should be weighed within the formal budget process", defer any permanent funding decisions on the Care Management Program until the formal budget process occurs for the next two year budget cycle - FY 2016/18; and a modified version of Alternative 2, replacing the \$40,000 with \$73,026.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to round up the amount to \$75,000.  
Councilmember Whittum accepted the friendly amendment.

City Manager Santana clarified the motion assumes 68 hours per week.

CLARIFIED MOTION AS AMENDED: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Consistent with Council Policy, Planning and Management Policy A.1.13- "All competing requests for City resources should be weighed within the formal budget process", defer any permanent funding decisions on the Care Management Program until the formal budget process occurs for the next two year budget cycle - FY 2016/18; and a modified version of Alternative 2: Allocate \$75,000 from the Council Service Level Set Aside in the General Fund for FY 2015/16 to continue current Care Management Program service level of 68 hours per week.

The motion carried by the following vote:

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

**No:** 1 - Mayor Griffith

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

Councilmember Davis reported his attendance at an Association of Bay Area Governments meeting in which Plan Bay Area was discussed, and reminded Council of an ABAG General Meeting on April 23. Councilmember Davis reported his attendance at a County Expressway and Roadway Commission meeting.

Vice Mayor Martin-Milius reported her attendance at the first Core Group Meeting for the Civic Center, a solstice celebration at Baylands, and a meeting of the Stevens Creek Trail Committee.

Councilmember Whittum reported VTA announced the Transit Service Plan for FY 2015/16 and highlighted changes proposed for July 2015 and July 2016.

Councilmember Hendricks reported he and Councilmember Davis attended the meeting regarding the Civic Center, and stated that more information and a survey is available on the City website.

**NON-AGENDA ITEMS & COMMENTS****-Council**

Councilmember Whittum inquired about an opportunity for Council discussion regarding the long term plan for sidewalks.

Director of Public Works Manuel Pineda reported a study session is scheduled for April 7.

Councilmember Whittum inquired about the information to be provided relating to charter school use of open space as it relates to the City's agreement with the school district.

City Manager Deanna Santana stated information will be included in the next City Manager Bi-Weekly Report (CMBWR).

Mayor Griffith reported a Council meeting has been added on April 21, and the May 12 meeting which was originally scheduled for board and commission interviews only, is now a regular meeting. Mayor Griffith stated staff is looking to reschedule the board and commission interviews to a date May 11 – May 18.

Mayor Griffith reported a meeting with Colonel Jones, Commander of the 129th Air Rescue Wing.

**-City Manager**

None.

**INFORMATION ONLY REPORTS/ITEMS**

- [15-0259](#) Tentative Council Meeting Agenda Calendar
- [15-0135](#) Information/Action Items
- [15-0339](#) Board/Commission Resignations (Information Only)
- [15-0334](#) Study Session Summary of March 3, 2015 - Discussion of General Plan Amendment, Proposed Watt Companies Project and Sense of Place Plan in East Sunnyvale ITR Area
- [15-0348](#) Study Session Summary of March 3, 2015 - Update on Cold Weather Shelter Programs and the Community Plan to End Homelessness, presented by the County Office of Supportive Housing and Destination: Home
- [15-0183](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Griffith closed in honor of the memory of Shirley Klein.

Mayor Griffith adjourned the meeting at 8:43 p.m.