



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, August 11, 2015

4:30 PM

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

Special Meeting: Study Session-4:30 PM | Study Session-5:30 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 Tara Martin-Milius
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Jim Davis
Councilmember Glenn Hendricks
Councilmember Gustav Larsson

PUBLIC ANNOUNCEMENTS

Councilmember Whittum announced an upcoming park beautification and tree planting event and Parks and Recreation Commission meeting at Raynor Park.

Jeanine Stanek, Sunnyvale Heritage Park Museum, announced an upcoming appraisal faire and antique collectible sale.

David Wessel, Democratic Club of Sunnyvale, announced an upcoming meeting of the club.

Mary Brunkhorst, Sunnyvale Urban Forest Advocates, announced an upcoming tree planting event at Raynor Park.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A through 1.C and 1.E through 1.G.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve Item 1.D.

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

1.A [15-0659](#) Approve City Council Meeting Minutes of July 28, 2015

Public Hearing opened at 10:08 p.m.

No speakers.

Public Hearing closed at 10:08 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of July 28, 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** [15-0680](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 10:09 p.m.

No speakers.

Public Hearing closed at 10:09 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson 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** [15-0641](#) Authorize the City Manager to Execute a Cost Reimbursement Agreement with Moffett Place LLC for the Construction of Additional Improvements for the Moffett Place Public Safety Facility and Authorize the City Manager to enter into an Agreement with Motorola to Furnish and Install a Monopole at Moffett Place Public Safety Facility (new Fire Station No. 5)

Public Hearing opened at 10:17 p.m.

No speakers.

Public Hearing closed at 10:17 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to authorize the City Manager to Execute a Cost Reimbursement Agreement with Moffett Place LLC for the Construction of Additional Improvements for the Moffett Place Public Safety Facility and Authorize the City Manager to Enter into An Agreement with Motorola to Furnish and Install a Monopole at Fire Station Number 5.

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.D [15-0723](#) Receive and File the City of Sunnyvale Investment Report -
2nd Quarter 2015

Receive and file the City of Sunnyvale FY 2014/15 Period 13 investment report.

1.E [15-0677](#) Approve Acceptance of \$24,000 of California Public Library
Broadband Grant Funds for Purchase of Computer Network
Equipment Enabling a High-Speed Broadband Internet
Connection at the Sunnyvale Public Library

Public Hearing opened at 10:20 p.m.

No speakers.

Public Hearing closed at 10:20 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve acceptance of \$24,000 of California Public Library Broadband Project Grant Funds for purchase of computer network equipment enabling a high speed broadband internet connection at the Sunnyvale Public Library.

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

1.F [15-0742](#) Award of Bid No. PW15-18 for Duane Avenue Pavement Rehabilitation 2014 and Finding of CEQA Categorical Exemption

Public Hearing opened at 10:22 p.m.

No speakers.

Public Hearing closed at 10:22 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to 1) Make a finding of CEQA categorical exemption pursuant to Class 1 Section 15301(c) for existing facilities including highways and streets, 2) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$1,285,445 to Granite Construction Company, 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 10% construction contingency in the amount of \$128,545.

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.G [15-0732](#) Award of Contract for Design of the Orchard Heritage Park Project (F15-111)

Public Hearing opened at 10:28 p.m.

No speakers.

Public Hearing closed at 10:28 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to 1) Award a contract, in substantially the same format as Attachment 1 to the report and in the amount of \$123,363, to Callander Associates Landscape Architecture, 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 10% design contingency in the amount of \$12,336.

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

PUBLIC COMMENTS

David Wessel addressed the Council regarding the importance of dealing with the issue of wage theft at the local level.

Deborah Marks spoke regarding the importance of watering trees during the drought and provided a PowerPoint presentation.

Michael Goldman spoke regarding alternative ideas for libraries and provided a PowerPoint presentation.

Maria Pan addressed the Council regarding miscellaneous concerns.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [15-0390](#) REQUEST FOR CONTINUATION to September 15, 2015 to Introduce an Ordinance to Amend Sunnyvale Municipal Code Chapters 19.12 (Definitions), 19.18 (Residential Zoning Districts), 19.20 (Commercial Zoning Districts), 19.22 (Industrial Zoning Districts), 19.24 (Office and Public Facilities Zoning Districts), 19.29 (Moffett Park Specific Plan District) and 19.98 (General Procedures) to Include Modifications based on the Appropriate Locations for Child Care Centers Study Issue (CDD 15-11); Approve Guidelines for Commercial Child Care; and Finding of CEQA Exemption Pursuant to CEQA Guideline 15061 (b)(3) (Planning File: 2015-7149)

Director of Community Development Hanson Hom provided the staff report.

Public Hearing opened at 7:32 p.m.

No speakers.

Public Hearing closed at 7:32 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Martin-Milius seconded the motion to continue this item to September 15, 2015 to allow staff to further address provisions for child care centers in office and industrial areas.

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 [15-0072](#) Appoint Applicants to Boards and Commissions

City Clerk Kathleen Franco Simmons conducted paper ballot votes, tallied the votes and reported the results as follows:

HERITAGE PRESERVATION COMMISSION (1 term to 6/30/2019):

Valenzuela, Kenneth

VOTE: 6 – 0 – 1 (Councilmember Davis abstained)

City Clerk Franco Simmons announced Kenneth Valenzuela was appointed to the Heritage Preservation Commission for a term expiring June 30, 2019.

PERSONNEL BOARD (Council-nominated seat; 1 term to 6/30/2019):

Cohen, Jonathan

VOTE: 6 – 0 – 1 (Councilmember Meyering abstained)

Torres, Erika

VOTE: 2 – 0 – 5 (Vice Mayor Martin-Milius, Mayor Griffith, Councilmembers Hendricks, Larsson and Davis abstained)

City Clerk Franco Simmons announced Jonathan Cohen was appointed to the Personnel Board for a term expiring June 30, 2019.

BOARD OF LIBRARY TRUSTEES (1 term to 6/30/2017 and 1 term to 6/30/2019):

Torres, Erika

VOTE: 5 – 0 – 2 (Councilmembers Hendricks and Davis abstained)

Woo, Howard

VOTE: 3 – 0 – 4 (Vice Mayor Martin-Milius, Mayor Griffith, Councilmembers Larsson and Davis abstained)

City Clerk Franco Simmons announced Erika Torres was appointed to the Board of Library Trustees and one continuing vacancy will remain.

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to appoint Erika Torres to the Board of Library Trustees term expiring June 30, 2017.

VOTE: 7 – 0

PLANNING COMMISSION (1 term to 6/30/2019):

Alexander III, Henry

VOTE: 3 – 0 – 4 (Vice Mayor Martin-Milius, Mayor Griffith, Councilmembers Hendricks and Larsson abstained)

Melanie Holthaus

VOTE: 0 – 0 – 7 (All Councilmembers abstained)

Narendra Pathak

VOTE: 1 – 0 – 6 (Councilmember Whittum, Vice Mayor Martin-Milius, Mayor Griffith, Councilmembers Hendricks, Larsson and Davis abstained)

Stetson, Elinor

VOTE: 2 – 0 – 5 (Councilmember Whittum, Mayor Griffith, Councilmembers Hendricks, Larsson and Davis abstained)

Thangamuthu, Kandaswamy

VOTE: 0 – 0 – 7 (All Councilmembers abstained)

City Clerk Franco Simmons announced a continuing vacancy remains on the Planning Commission.

- 4 [15-0672](#) Introduce an Ordinance to Add Chapter 9.63 (Camping and Storage of Property in Public Areas) to Chapter 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code

Superintendent of Parks and Golf Scott Morton and Director of Public Safety Frank Grgurina provided the staff report.

Director of Public Works Manuel Pineda, City Manager Deanna Santana and City Attorney Joan Borger provided additional information.

Public Hearing opened at 7:51 p.m.

Craig Pasqua, Chair of the Parks and Recreation Commission, presented the views of the commission.

Public Hearing closed at 7:54 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Introduce an ordinance to add Chapter 9.63 (Camping and Storage of Property in Public Areas) to Chapter 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code.

SUBSTITUTE MOTION: Councilmember Meyering offered a substitute motion to continue this matter until four weeks after it is presented to the Housing and Human Services Commission.

The substitution motion died due to lack of a second.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

No: 2 - Councilmember Meyering
Councilmember Davis

5 [15-0600](#) Authorize the City Manager to Execute a Concession License Agreement between the City of Sunnyvale and Gold Rush Eatery for Certain Facilities at Sunken Gardens Golf Course

Superintendent of Parks and Golf Scott Morton provided the staff report and noted corrections to the last paragraph of the report to change the word "Golf" to "Gold," on page one of the agreement, first paragraph, delete "at Sunnyvale Golf Course," in Section III.A.6., change the word "police" to "supervise," and on page two of three of the report, in the "Exclusive Use" section, remove the last sentence "parking lots at both courses will be shared between the lessee and the City."

Public Hearing opened at 8:19 p.m.

Kris Zankich, Gold Rush Eatery, provided information about the business.

Public Hearing closed at 8:24 p.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Authorize the City Manager to execute a concession license agreement for certain areas and facilities at Sunken Garden Golf Course with Gold Rush Eatery, with the corrections noted by staff.

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

- 6 [15-0747](#) Consider Actions Related to the Initiative Ordinance Petition to Require Voter Approval for Any Sale, Lease, Lease Extension, Lease Renewal, Land Swap, or Transfer of Property Owned, Leased, or Used by the City as a Public Park or Community Service Amenity ("Public Lands for Public Use Act" Initiative)

City Attorney Joan Borger provided the staff report. Andy Belknap and Steve Toler, Management Partners, presented the impact report and a PowerPoint presentation.

City Manager Deanna Santana, Director of Public Works Manuel Pineda and Assistant City Manager Kent Steffens provided additional information.

Public Hearing opened at 9:31 p.m.

Peter Cirigliano spoke regarding negative impacts of the proposed ordinance and spoke in opposition to adopting the ordinance.

Andy Frazer spoke regarding the proposed ordinance and provided comments in disagreement with the City's impact report, and requested Council adopt the ordinance at the next City Council meeting.

Michael Goldman spoke regarding the signature gathering process and his observations of the community members who signed the petition.

Luke Faubion spoke in support of the initiative.

Daniel Bremond spoke in support of Alternatives 1, 2, and 3(b), to submit the ordinance to the voters at the next municipal election.

Steve Scandalis spoke in support of accepting the initiative and provided a PowerPoint presentation.

Public Hearing closed at 9:50 p.m.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to approve Alternative 1: Accept the Certificate of Sufficiency issued by the County of Santa Clara Registrar of Voters regarding the Public Lands for Public Use Initiative.

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

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to request the City Attorney to provide a legal memo regarding the ballot measure language.

RESTATED MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to request the City Attorney to provide a legal memo abstracting relevant elements from the confidential memo.

RESTATED MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to request the City Attorney release the legal memo.

The motion failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

No: 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternatives 2 and 3(b): 2) Accept the report prepared under Section 9212 of the Elections Code, and 3(b) Submit the initiative ordinance, without alteration, to the voters during the next general municipal election to be held on November 8, 2016, and direct staff to bring the necessary actions back at the appropriate time to order an election.

The motion carried by the following vote:

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

No: 1 - Councilmember Whittum

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

Councilmember Davis reported his attendance at an ABAG meeting.

Vice Mayor Martin-Milius expressed appreciation to Public Safety for National Night Out and reported her attendance at meetings of the Stevens Creek Trail Committee, Civic Center Core team and the El Camino Specific Plan Committee.

Councilmember Whittum reported his attendance at a recent VTA Board meeting and spoke regarding the El Camino Real Bus Rapid Transit tentative schedule.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Hendricks reported his participation in National Night Out and spoke regarding the Information Only report to Council regarding selection of members to serve on the El Camino Real Corridor Plan Advisory Committee.

Councilmember Whittum spoke regarding the upcoming presentation by the County regarding the temporary winter homeless shelter and expressed concern that members of the public have an opportunity to speak on the item.

Councilmember Whittum spoke in support of having a study session regarding Envision.

City Manager Deanna Santana reported that Envision will be discussed as part of the study sessions on August 18.

Councilmember Whittum spoke regarding retail wraparound uses in the downtown area.

Councilmember Meyering asked about the frequency of building inspections for multi-story residential buildings in Sunnyvale.

MOTION: Councilmember Meyering moved to put on an agenda for a convenient date no more than 60 days from tonight consideration of institution of regular frequency for building inspections for residential multi-story buildings with regard to balcony problems.

The motion died due to lack of a second.

Councilmember Davis inquired as to whether the City has applied for any VTA projects in regards to Envision. Director of Public Works Manuel Pineda stated information would be provided at the upcoming study session.

Mayor Griffith announced City Manager Deanna Santana was selected by the National Association of Professional Women for their VIP Woman of the Year Circle Award.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [15-0678](#) Tentative Council Meeting Agenda Calendar
- [15-0658](#) Information/Action Items
- [15-0626](#) Boards and Commissions Semi-Annual Attendance Report, January - June 2015 (Information Only)
- [15-0774](#) Appointed Members to the Sunnyvale El Camino Real Corridor Plan Advisory Committee (Information Only)
- [15-0768](#) Study Session Summary of July 28, 2015 - Board and Commission Interviews
- [15-0679](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 10:51 p.m.