



City of Sunnyvale

Meeting Minutes - Final

City Council

Tuesday, April 5, 2016

7:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order in Council Chambers.

SALUTE TO THE FLAG

Mayor Hendricks led the salute to the flag.

ROLL CALL

Mayor Hendricks announced Councilmember Whittum resigned from the City Council effective April 4, 2016.

Present: 6 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Pat Meyering
Councilmember Jim Davis

SPECIAL ORDERS OF THE DAY

[16-0170](#) SPECIAL ORDER OF THE DAY - National Library Week

Mayor Hendricks presented a proclamation in honor of National Library Week to Cynthia Bojorquez, Director of Library and Community Services.

[16-0225](#) SPECIAL ORDER OF THE DAY - Equal Pay Day
Proclamation

Mayor Hendricks presented a proclamation in honor of Equal Pay Day to Judi Pogue, President of the Sunnyvale-Cupertino Branch of the American Association of University Women.

[16-0279](#) SPECIAL ORDER OF THE DAY - April is Fair Housing Month

Mayor Hendricks presented a proclamation in honor of Fair Housing Month to Molly Current, Fair Housing Director of Project Sentinel.

ORAL COMMUNICATIONS

Councilmember Meyering announced upcoming vacancies on boards and commissions and an application deadline.

Councilmember Martin-Milius announced the iGreen April Eco-Challenge.

Rob Rothrock spoke in support of Summit Denali School.

Martin Landzaat proposed a study issue to have more youth and family entertainment and recreational activities in Sunnyvale.

CONSENT CALENDAR

Councilmember Meyering requested to pull Items 1.A and 1.B.

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

The motion carried by the following vote:

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

No: 0

1.A [16-0303](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Following action on Public Hearings/General Business Item 6, Council considered Consent Calendar Item 1.A.

Public Hearing opened at 12:14 a.m.

No speakers.

Public Hearing closed at 12:14 a.m.

MOTION: Councilmember Meyering moved to deny the lists until such time as Councilmembers are provided copies of the bills at their request.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve the list(s) of claims and bills.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
No: 1 - Councilmember Meyering

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to continue with Consent Calendar Item 1.B.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
No: 1 - Councilmember Meyering

1.B [16-0360](#) Annual Review and Approval of City's Code of Ethics and Conduct for Elected and Appointed Officials (Continued from March 29, 2016)

Public Hearing opened at 12:15 a.m.

No speakers.

Public Hearing closed at 12:15 a.m.

MOTION: Councilmember Meyering moved to amend the code to require that Councilmembers who take money from an individual or an organization are obligated to abstain from voting on any forthcoming proposal from that individual or organization.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to review and approve the 2016 Code of Ethics and Conduct for Elected and Appointed Officials with no changes from the 2015 Code as set forth in Attachment 1 of the report.

The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Meyering

MOTION: Councilmember Griffith moved to continue with the Councilmember Reports on Activities from Intergovernmental Committee Assignments agenda item. The motion died due to lack of a second.

1.C [15-1092](#) Reject Bids Received and Modify an Existing Contract for Water Meters (F16-26)

1) Reject all bids received in conjunction with Invitation for Bid No. F16-26 for water meters; and 2) approve the issuance of a blanket purchase order to extend the existing contract with Badger Meter to March 31, 2017, in substantially the same form as Attachment 2 to this report, not-to-exceed budgeted amounts, for water meters.

1.D [16-0251](#) Funding Agreement between the City of Sunnyvale and Google to Reimburse the City for the Planning, Development and Engineering Services Related to Google and City Transportation Projects

Authorize the City Manager to Execute a Funding Agreement between the City of Sunnyvale and Google to Reimburse the City for the Planning, Development and Engineering Services Related to Google and City Transportation Projects.

1.E [16-0252](#) Approve Budget Modification No. 28 to Appropriate Transportation Fund for Clean Air (TFCA) Program Manager Funds 40% Grant Funds and Vehicle Registration Funds for Retiming of Traffic Signals and Pedestrian Infrastructure Improvements and Authorize the City Manager to Execute All Grant Related Documents

Approve Budget Modification No. 28 to Appropriate Transportation Fund for Clean Air (TFCA) Program Manager Funds 40% Grant Funds and Vehicle Registration

Funds for Retiming of Traffic Signals and Pedestrian Infrastructure Improvements.

- 1.F** [16-0253](#) Approve Budget Modification No. 30 to Appropriate \$664,700 of Highway Safety Improvement Program (HSIP) Cycle 7 Grant Funds and \$50,000 in Matching Funds for a Traffic Signal Upgrade and the Installation of In-Roadway Warning Lights Pedestrian System, and Authorize the City Manager to Execute all Grant Related Documents

Approve Budget Modification No. 30 to Appropriate \$664,700 of Highway Safety Improvement Program (HSIP) Cycle 7 Grant Funds and \$50,000 in matching funds for a Traffic Signal Upgrade and the Installation of In Roadway Warning Lights Pedestrian System, and Authorize the City Manager to execute all grant related documents.

- 1.G** [16-0265](#) Award of Contract for Gymnastics Instruction Services and Camp Programs (F16-101)

1) Award a two year contract to California Sports Center to provide gymnastics instruction services, in substantially the same form as Attachment 1 of the report and authorize the City Manager to execute the contract; and 2) Delegate authority to the City Manager to renew the contract for an additional one year period, provided pricing and service remain acceptable to the City.

- 1.H** [16-0318](#) Approve Actions Related to Providing Administrative Support to the Silicon Valley Clean Energy Authority and Budget Modification No. 31, and Find that Action is Exempt from CEQA Pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5)

1) Authorize the City Manager to negotiate and execute a services agreement with the Silicon Valley Clean Energy Authority to provide staffing and administrative support; and 2) Approve Budget Modification No. 31 to support funding the earlier feasibility phase and the start up of SVCEA.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-0259](#) File #: 2014-7633
Location: 861 E. El Camino Real (APN: 211-16-021)
Zoning: C-2/ECR (Highway Business/Precise Plan for El Camino Real)
Proposed Project: Appeal by the applicant of a Decision of the Planning Commission denying a project with related applications on a 1.59-acre site:

SPECIAL DEVELOPMENT PERMIT to redevelop a vacant nursery with a 3,000 square foot building into a 162-room, five-story hotel with underground parking.

VARIANCE to allow solar shading to exceed the maximum 10% on an adjacent commercial building and a

DESIGN REVIEW PERMIT to allow new construction.

Applicant / Owner: Phillip Stewart /Sunnyvale Hospitality LLC

Environmental Review: Mitigated Negative Declaration

Director of Community Development Trudi Ryan provided the staff report and noted an error in the report regarding the applicant's estimate of transient occupancy fees in the first five years, which was \$950,000, rather than \$95,000. Director Ryan noted additional corrections regarding the language in the variance regarding solar shading and provided written materials. Director of Public Works Manuel Pineda provided additional information.

Applicant Bob Longinetti provided information regarding the project and a PowerPoint presentation. Architect Philip Stewart provided additional information.

Public Hearing opened at 8:18 p.m.

Kelly Heil reported he had nothing to say.

Peter Manca spoke regarding the impacts of the solar shading on Golfland.

Don Haisley expressed concerns regarding the impacts of development in the area and the addition of more hotels.

Frank Pham, consultant for the project, provided information regarding the shading ordinance and solar shading that is predicted.

Zachary Kaufman provided information regarding the municipal code on solar shading and provided several overhead slides.

Maria Pan spoke in support of upholding the decision of the Planning Commission.

Martin Landzaat spoke in opposition to the project at this location.

Applicant Bob Longinetti responded to comments relating to shading of the Golfland property. Architect Stewart provided additional information regarding tree shading after 15 years.

Public Hearing closed at 8:36 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Grant the appeal and adopt the Mitigated Negative Declaration and Approve the Special Development Permit and Variance based on the Findings in Attachment 3 of the report and with the recommended Conditions in Attachment 4 of the report.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to eliminate the left turn onto Wolfe Road.

Vice Mayor Larsson accepted the friendly amendment.

The motion carried by the following vote:

- Yes: 4 -** Mayor Hendricks
Vice Mayor Larsson
Councilmember Martin-Milius
Councilmember Davis
- No: 2 -** Councilmember Griffith
Councilmember Meyering

Council recessed at 9:08 p.m.

Council reconvened at 9:17 p.m. with all Councilmembers present.

- 3** [16-0182](#) Discussion and Possible Action on the Relocation of the Butcher House and Update on the Design of the Orchard Heritage Park Improvement Project (Study Issue) and Find that the Action Is Exempt from CEQA Pursuant to CEQA Guidelines Section 15262 (Feasibility and Planning Studies)

Assistant Director of Public Works Craig Mobeck provided the staff report. Director of Community Development Trudi Ryan and Director of Public Works Manuel Pineda provided additional information.

Public Hearing opened at 9:36 p.m.

Kenneth Cook spoke in favor of preservation of the heritage park orchard and open space.

Leslie Lawton, President of the Sunnyvale Historical Society and Museum Association, provided information regarding the educational programs of the

Museum and the preservation of Sunnyvale's history, and urged consideration of Alternative 1.

Margaret Butcher, a granddaughter of Arthur Butcher, provided background information on the Butcher House and encouraged moving the house to the museum.

Laura Babcock spoke in support of an open view into the parking lot and support of Alternative 1, and stated this is the only alternative the museum is prepared to support.

Jim Reynolds, Past President of the Sunnyvale Historical Society and current board member, spoke in support of moving the Butcher House as presented in Alternative 1.

Jeanine Stanek, former member of the Heritage Preservation Commission and current archivist for the Heritage Park Museum, spoke in support of saving and relocating the 1912 Butcher House as presented in Attachment 1.

Joe Shane spoke in support of Alternative 1.

Karen Ireland spoke in support of protection of the Heritage Orchard and spoke in support of Alternative 2 or Alternative 3.

Mary Egan spoke regarding the value of the orchard and requested finding another place for the house.

Debbie Pitsch speaking for daughter Elsa, spoke in support of preservation of the orchard.

John Pitsch spoke in opposition to bringing the Butcher House into the orchard and in support of preserving the orchard. Pitsch urged Council not to approve Alternative 1.

Margaret Lawson spoke in support of moving the Butcher House to the area next to the Museum as in Alternative 1.

Vladimir Preysman questioned the historical value of the Butcher House and suggested preservation of the orchard be the priority.

Irene Preysman stated it isn't clear that the museum can benefit from the addition

of the Butcher House and spoke in support of adding visits to the orchard to tours of the museum.

Craig Pasqua, representing the Parks and Recreation Commission, presented the recommendation of the commission and the rationale for the split vote.

Charlie Olson spoke regarding the trees recommended by the consultants for removal and damage to the orchard during the construction work. Olson provided background on the history of the maintenance shed and the orchard.

Rita Welsh spoke regarding the orchards in the valley in the past.

David Ginsberg stated the Butcher House may not be worthy of preservation and recommended not moving it.

Zachary Kaufman referred to the diagrams of the alternative site locations and spoke in opposition to Alternative 1.

Steve Scandalis referred to the diagrams of the alternative site locations and spoke in support of Alternative 2.

Martin Landzaat recommended that if the Butcher House is moved, it be turned into a Teen Center.

Michael Garibaldi spoke in opposition to moving the Butcher House and in support of preserving the orchard.

Public Hearing closed at 10:56 p.m.

MOTION: Councilmember Martin-Milius moved and Vice Mayor Larsson seconded the motion to study the option that would work best for Historical Society.

FRIENDLY AMENDMENT: Vice Mayor Larsson offered a friendly amendment to add a study Issue to look at a long term plan to keep the orchard financially viable. Councilmember Martin-Milius accepted the friendly amendment.

Following discussion with staff, Councilmember Martin-Milius clarified her motion is Alternative 1: Alternative Plan 1- Direct staff to move forward with the CEQA evaluation of the proposal to relocate the Butcher House to the location preferred by the Historical Society. The costs of CEQA compliance to be borne by the Historical Society.

The motion failed by the following vote:

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

MOTION: Councilmember Davis moved to approve Alternative 2: Alternative Plan 2 - Direct staff to move forward with the CEQA evaluation of the proposal to relocate the Butcher House to the lawn area and acknowledge that a future budget modification with the construction contract award will be required to provide funding for drainage improvements (re-grading and valley gutter) behind the existing multi-purpose building. The costs of CEQA compliance to be borne by the Historical Society.

The motion died due to lack of a second.

Councilmember Martin-Milius proposed a study issue to look at a long term plan to keep the orchard financially viable.

Following discussion, Councilmember Martin-Milius withdrew the study issue proposal.

MOTION: Councilmember Davis moved and Councilmember Martin-Milius seconded the motion to relocate the maintenance yard and trash area from its current location to the proposed location in the report.

Following discussion with staff, Councilmember Davis added to the motion that the vacated area be appropriately and minimally landscaped.

The motion carried by the following vote:

- Yes:** 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
- No:** 1 - Councilmember Meyering

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to direct staff to have additional discussions with the museum staff on alternatives that may exist that do not require any loss of orchard space.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Councilmember Meyering

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to continue with Item 4.

The motion carried by the following vote:

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

No: 2 - Councilmember Meyering
Councilmember Davis

- 4** [16-0213](#) Adopt Resolutions (1) Amending the Salary Table to Update Four Library Classification Pay Rates to Comply with CalPERS Requirements and (2) Amending the Salary Resolution and the Civil Service Rules and Regulations to Add Provisions for Term Limited Employment

Principal Human Resources Analyst Vienne Choi provided the staff report. Director of Human Resources Teri Silva provided additional information.

Public Hearing opened at 11:47 p.m.

No speakers.

Public Hearing closed at 11:47 p.m.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve Alternative 1: Adopt resolutions (1) amending the Salary Table for four casual library positions, and (2) the Salary Resolution and the Civil Service Rules and Regulations to add provisions for Term Limited Employment.

The motion carried by the following vote:

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

No: 0

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to continue with Item 5.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

5 [16-0219](#) Authorize the Release of a Request for Proposal (RFP) for Consultant Services for the Mary Avenue Extension Project Environmental Impact Report (EIR)

Director of Public Works Manuel Pineda provided the staff report. Assistant City Manager Kent Steffens provided additional information.

Public Hearing opened at 12:04 a.m.

No speakers.

Public Hearing closed at 12:04 a.m.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve Alternative 1: Authorize the release of an RFP for consultant services for the Mary Avenue Extension Project EIR with a scope of work including the four options described in the report; and an addition to study mass transit across Highway 101 and 237.

AMENDMENT: Councilmember Meyering moved to amend the motion to narrow the scope of work by eliminating both the four-lane and the two-lane Mary Avenue. The motion to amend died due to lack of a second.

The main motion carried by the following vote:

- Yes:** 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
- No:** 1 - Councilmember Meyering

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to take up Item 6.

The motion carried by the following vote:

- Yes:** 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
- No:** 1 - Councilmember Meyering

- 6** [16-0113](#) Appoint a Councilmember to the Valley Transportation Authority (VTA) Board of Directors Representing the City as part of the North East Cities Grouping

City Manager Deanna Santana provided the staff report.

Public Hearing opened at 12:09 a.m.

No speakers.

Public Hearing closed at 12:09 a.m.

Councilmember Davis expressed interest in the position.

Mayor Hendricks expressed interest in the position.

Vice Mayor Larsson nominated Mayor Hendricks to serve on the Valley Transportation Authority (VTA) Board of Directors representing the City as part of the North East Cities Grouping.

Mayor Hendricks accepted the nomination.

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius

seconded the motion to approve the nomination.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
No: 1 - Councilmember Meyering

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to continue with Consent Calendar Item 1.A.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
No: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[16-0345](#) Tentative Council Meeting Agenda Calendar

[16-0226](#) Information/Action Items

[16-0347](#)

Study Session Summary of December 1, 2015 - Review
Potential for Utility Users Tax Ballot Measure (Study Issue)

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 12:16 a.m.