



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, June 28, 2016

4:00 PM

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

Special Meeting: Closed Sessions-4 PM | Study Session-6 PM | Regular Meeting-7 PM |

Special Meeting:

Redevelopment Successor Agency (Study Session - Immediately following City Council meeting)

4 P.M. SPECIAL COUNCIL MEETING (Closed Sessions)

1 Call to Order in the West Conference Room

Vice Mayor Larsson announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

Vice Mayor Larsson called the meeting to order at 4:02 p.m.

2 Roll Call

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

Absent: 1 - Councilmember Meyering

3 Public Comment

None.

4 Convene to Closed Session

[16-0326](#)

Closed Session held pursuant to California Government Code
Section 54957: PUBLIC EMPLOYEE PERFORMANCE
EVALUATION
Title: City Manager

Closed Session held pursuant to California Government Code

Section 54957.6: CONFERENCE WITH LABOR
NEGOTIATORS

Agency designated representatives: City Council
Compensation Subcommittee
Unrepresented Employee: City Manager

[16-0330](#)

Closed Session held pursuant to California Government Code
Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 5:35 p.m.

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

1 Call to Order in the Council Chambers (Open to the Public)

Mayor Hendricks called the meeting to order in the Council Chambers at 6 p.m.

2 Roll Call

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

3 Public Comment

4 Study Session

[16-0370](#)

Mobile Home Park Policies

5 Adjourn Special Meeting

Mayor Hendricks adjourned the meeting at 6:57 p.m.

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

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

CLOSED SESSION REPORT

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957: Public Employee Performance Evaluation, California Government Code Section 54957.6: Conference With Labor Negotiators; City Manager, and California Government Code Section 54957: Public Employee Performance Evaluation, City Attorney; nothing to report.

SPECIAL ORDERS OF THE DAY

[16-0074](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

City Clerk Kathleen Franco Simmons administered the Oath of Office to new and returning Board and Commission Members. Mayor Hendricks congratulated the new members and thanked them for their service.

[16-0469](#) SPECIAL ORDER OF THE DAY - July is Parks and Recreation Month

Mayor Hendricks presented a proclamation declaring July as Parks and Recreation Month to Director of Library and Community Services Cynthia Bojorquez and Director of Public Works Manuel Pineda. Library and Community Services Cynthia Bojorquez provided information regarding the parks and recreation services provided by the City.

ORAL COMMUNICATIONS

Mayor Hendricks announced the upcoming State of the City Event.

Ronald Banks spoke regarding rent stabilization for mobile home parks.

MOTION: Councilmember Meyering moved to set an agenda item for the last Council meeting in July to consider a rent stabilization ordinance along that of Santa Clarita, which was passed recently.

The motion died due to lack of a second.

Councilmember Davis proposed a study issue regarding rent stabilization for mobile home parks.

Michael McCarthy spoke regarding a potential ballot measure for rent control.

MOTION: Councilmember Meyering moved to put rent stabilization on the agenda along the line of the Santa Clarita ordinance for the first Tuesday meeting in August.

The motion died due to lack of a second.

Linda Davis, League of Women Voters Cupertino-Sunnyvale, announced an upcoming candidate forum.

Holly Lofgren spoke regarding the high tech sector and housing unaffordability.

Michael Goldman spoke regarding the size of the library and provided a PowerPoint presentation.

CONSENT CALENDAR

Mayor Hendricks stated a member of the public requested to pull Item 1.H.

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

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

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 [16-0064](#) Approve Corrected City Council Meeting Minutes of May 3, 2016

Public Hearing opened at 9:21 p.m.
No speakers.

Public Hearing closed at 9:21 p.m.

MOTION: Councilmember Meyering moved to deny approval of the minutes until a summary of the positions expressed by dissenting votes is included in the minutes for each agenda item.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve the corrected City Council Meeting Minutes of May 3, 2016 as submitted.

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 [16-0073](#) Approve City Council Meeting Minutes of June 14, 2016

Public Hearing opened at 9:21 p.m.

No speakers.

Public Hearing closed at 9:21 p.m.

MOTION: Councilmember Meyering moved to deny approval of the minutes until a summary of the positions expressed by dissenting votes is included in the minutes for each agenda item.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve the City Council Meeting Minutes of June 14, 2016 as submitted.

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.C** [16-0604](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 9:22 p.m.

No speakers.

Public Hearing closed at 9:22 p.m.

MOTION: Councilmember Meyering moved to deny the claims until Councilmembers are provided copies of bills upon request.
The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis 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

- 1.D** [16-0473](#) Reject All Bids Received in Response to Bid No. PW16-08 for Fire Station No. 2 Roof Replacement

1) Reject all bids received in response to Invitation for Bids No. PW16 08 for Fire Station No. 2 Roof Replacement.

- 1.E** [16-0536](#) Authorize the Issuance of a Purchase Order for Sodium Hypochlorite for the Water Pollution Control Plant (F16-125)

1) Authorize the issuance of a one year purchase order to Univar USA, Inc. in an amount not to exceed \$150,000 for the purchase of sodium hypochlorite; 2) Delegate authority to the City Manager to award annual purchase orders for sodium hypochlorite for a period not to exceed four years to those companies determined by the BACC to be the lowest responsive and responsible bidders, subject to: a) continued participation in the Bay Area Chemical Consortium cooperative purchasing program, b) funding availability, c) acceptable pricing/service; and 3) Delegate authority to the City Manager to increase the not to exceed amount of the annual purchase orders within operating budgeted appropriation limits if additional quantities are needed for wastewater treatment processes.

- 1.F** [16-0583](#) Award of Bid No. PW16-11 for Improvements to Downtown

Parking Lots and Finding of CEQA Categorical Exemption

Public Hearing opened at 9:23 p.m.

No speakers.

Public Hearing closed at 9:23 p.m.

MOTION: Councilmember Meyering moved to deny recommendation for Items 1.F and 1.G, for the contingency amount.

The motion to amend died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to 1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$230,354 to Alaniz Construction Inc.; and 3) approve a 10% construction contingency in the amount of \$23,035.

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.G [16-0572](#) Award of Bid No. PW16-25 for Baylands Stormwater Pump Station No. 2 Rehabilitation

Public Hearing opened at 9:23 p.m.

No speakers.

Public Hearing closed at 9:23 p.m.

MOTION: Councilmember Meyering moved to deny recommendation for Items 1.F and 1.G, for the contingency amount.

The motion to amend died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to 1) Award a construction contract, in substantially the same form as Attachment 2 to the report and in the amount of \$3,342,000 to JMB Construction Inc.; and 2) Approve a 10% construction contingency in the amount of \$334,200.

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.H [16-0668](#) Adopt Ordinance No. 3086-16 to Amend Section 12.34.020 of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code relating to Prohibition of Nonessential Uses of Water

Public Hearing opened at 7:36 p.m.

Zachary Kaufman spoke regarding restrictions in parts 6 and 4 of the ordinance.

Public Hearing closed at 7:40 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to adopt Ordinance No. 3086-16.

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

PUBLIC HEARINGS/GENERAL BUSINESS

2 [16-0137](#) Adoption of the FY 2016/17 Budget, Fee Schedule, and Appropriations Limit

Director of Finance Tim Kirby provided the staff report.

Public Hearing opened at 7:46 p.m.

Sandra Delateur, Director of Tenant Landlord Services, Project Sentinel, spoke regarding the services and rent assistance mediation the organization provides and in support of the budget.

Public Hearing closed at 7:49 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve Alternative 1: Make the findings required by CEQA, approve the resolutions presented as Attachment 1 (including Exhibits A through D) to the report, Attachment 2 (including Exhibit A) to the report and Attachment 3 (including Exhibit A) to the report that provide for the adoption of the FY 2016/17 Budget, Fee Schedule, and Appropriations Limit.

AMENDMENT: Councilmember Meyering moved to amend the motion to delete funding from the budget for Councilmember pay raises.
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

3 [16-0606](#) File #: 2015-7400
Location: 1184 N. Mathilda Avenue (APNs: 110-25-042, 110-25-49, and 110-25-55)
Zoning: Moffett Park Specific Plan Transit Oriented Development (MP-TOD)
Proposed Project: Related applications on a 19.31-acre site:
SPECIAL DEVELOPMENT PERMIT: to demolish a portion of the existing surface parking and construct a new 248,259 square foot, five story office building over three stories of parking with additional rooftop and underground parking and reconfiguration of the surface parking lots within the existing office campus.
Applicant / Owner: FSP-Sunnyvale Office Park, LLC (owner) /Jeffery Jacobsen, Commonwealth Partners (applicant)
Environmental Review: Mitigated Negative Declaration

Director of Community Development Trudi Ryan provided the staff report. Director of Finance Tim Kirby provided additional information. Director of Public Works Manuel Pineda clarified data in the Traffic Impact Analysis report.

Applicant Jeff Jacobsen, Commonwealth Partners, provided information regarding the project. Steve Worthington, RMW Architecture and Engineers, provided additional information regarding the project and a PowerPoint presentation.

Public Hearing opened at 8:26 p.m.

John Cordes, speaking for himself, recommended including requirements to reduce the number of trips.

Public Hearing closed at 8:27 p.m.

Applicant Jeff Jacobsen provided concluding remarks.

Vice Mayor Larsson noted a correction needed in Attachment 3, page 5 of 5, that the recommended findings for the Mitigated Negative Declaration mention the Planning Commission in several places, and it should be City Council.

MOTION: Councilmember Davis moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Make the required CEQA findings set forth in Attachment 3 in the report and adopt the Mitigated Negative Declaration and approve the Major Moffett Park Special Development Permit with recommended findings in Attachment 3 in the report and the Recommended Conditions of Approval in Attachment 4 in the report;
Including the corrections to page 5 of Attachment 3, that the references to Planning Commission in the recommended findings for the Mitigated Negative Declaration should be changed to City Council, as noted by Vice Mayor Larsson.

AMENDMENT: Councilmember Meyering moved to amend the motion to change the special development permit to require that the property owner purchase and provide for free to all employees of the building annual transit passes for Santa Clara Valley Transportation Authority Express bus service, light rail and Caltrain. 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

4 [16-0479](#) Review and Approve Recommendations from the Community
Event Grant Distribution Subcommittee

Community Event Grant Distribution Subcommittee Chair Martin-Milius provided the report. Director of Library and Community Services Cynthia Bojorquez and Director of Finance Tim Kirby provided additional information.

Public Hearing opened at 9:11 p.m.

No speakers.

Public Hearing closed at 9:11 p.m.

MOTION: Councilmember Meyering moved that Council consider Items 1, 2 and 3 as separate motions.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to adopt Subcommittee recommendations 1, 2 and 3 and appropriate \$900 from the Council set-aside fund:

1. Approve Community Event Grants in the amount of \$10,200 as included in the FY 2016/17 Recommended Budget, itemized as follows:
 - a. Pakistani Culture Center: \$1,000 for Basant Kite Flying Festival
 - b. Sunnyvale Downtown Association: \$4,000 for Holiday Tree Lighting
 - c. Sunnyvale Downtown Association: \$3,675 for Jazz and Beyond
 - d. Sunnyvale Historical Society: \$525 for Antique Appraisal Faire
 - e. Crosswalk Church: \$1,000 for The Hunt, provided that Crosswalk Church is required to ensure that their event and their publicity includes only secular activities as a condition of this grant funding. If Crosswalk Church declines this requirement, the declined grant funds will be awarded equally to Sunnyvale Downtown Association's Holiday Tree Lighting and Jazz and Beyond events.
2. Approve Neighborhood Grants in the amount of \$6,248 as included in the FY 2016/17 Recommended Budget, itemized as follows:
 - a. Cherry Chase NA: \$1,000 for Cultural and Social Improvement
 - b. Cherryhill NA: \$1,000 for Grow Together
 - c. Cumberland South NA: \$750 for July 4 Parade and Potluck
 - d. Cumberland West NA: \$400 for Block Parties
 - e. Ortega Park NA: \$500 for National Night Out
 - f. SNAIL NA: \$1,000 for National Night Out
 - g. Stratford Gardens NA: \$623 for Emergency Response Project
 - h. Sunnysarts NA: \$575 for Community Building/Neighborhood Pride
 - i. Valley Forge Neighborhood Group: \$400 for Block Party.
3. Approve Neighborhood Grants in the amount of \$900 from the Council Service Level Set Aside Fund, itemized as follows:

- a. Evelyn Glen Owners Association: \$500 for Drought Tolerant Landscaping
- b. Hazelheads Neighborhood Group: \$400 for Block Party/Formalize Association.

AMENDMENT: Councilmember Griffith moved to amend the motion and Councilmember Meyering seconded to remove the Evelyn Glen Owners Association funding.

The motion to amend failed by the following vote

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

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

- 5** [16-0667](#) Introduce an Ordinance to Amend Section 9.26.030 (Nuisances Described - Authority to Abate) of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Maintain Prohibitions Related to Parking on Unpaved Surfaces; Finding of CEQA Exemption Pursuant to Guideline Section 15061(b)(3) (Continued from June 21, 2016, formerly RTC 16-0437)

Neighborhood Preservation Manager Christy Gunvalsen provided the staff report.

Public Hearing opened at 9:18 p.m.

No speakers.

Public Hearing closed at 9:18 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Find that the ordinance is exempt from environmental review pursuant to CEQA Guideline 15061(b)(3), and Introduce an Ordinance to Amend Section 9.26.030 (Nuisances Described Authority to Abate) of

Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Maintain Prohibitions Related to Parking on Unpaved Surfaces.

City Clerk Kathleen Franco Simmons read the ordinance title.

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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Mayor Hendricks reported his attendance at a meeting of the VTA Board regarding the ½ cent sales tax measure to be placed on the November ballot.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Davis proposed a study issue regarding rent stabilization for mobile home parks.

Councilmember Griffith and Councilmember Martin-Milius co-sponsored the study issue.

MOTION: Councilmember Meyering moved to place on the agenda consideration of the Santa Clarita ordinance four weeks from tonight.

The motion died due to lack of a second.

MOTION TO RECONSIDER: Councilmember Martin-Milius moved and Councilmember Griffith seconded the motion to reconsider Council's action on the historical museum vote, excluding the capital project, maintenance yard, and trash enclosure; and including the fencing issue, the gate, and the planting

Councilmember Griffith clarified that the motion is only regarding permanent versus temporary entryway features to the museum.

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

-Council

Councilmember Meyering requested an update on the board and commission policy regarding email responses.

Councilmember Meyering inquired about a change in the process regarding broadcasting candidate statements.

-City Manager

City Manager Santana noted two information only items on the agenda regarding the Feasibility of Establishing a Park Mitigation Fee for Non residential Development Study Issue and Follow Up and Update on the Relocation of the Butcher House to Orchard Heritage Park.

INFORMATION ONLY REPORTS/ITEMS

- [16-0535](#) Tentative Council Meeting Agenda Calendar
- [16-0385](#) Information/Action Items
- [15-0903](#) Feasibility of Establishing a Park Mitigation Fee for Non-residential Development Study Issue DPW 15-09 (Information Only)
- [16-0474](#) Follow Up and Update on the Relocation of the Butcher House to Orchard Heritage Park (Information Only)
- [16-0191](#) Board/Commission Meeting Minutes

ORAL COMMUNICATIONS (RE-OPENED AT 9:48 P.M.)

Ron Banks spoke regarding sponsored study issue regarding rent stabilization and in support of a moratorium.

ADJOURNMENT TO SPECIAL MEETING OF THE REDEVELOPMENT SUCCESSOR AGENCY

Mayor Hendricks adjourned the meeting at 9:50 p.m.

SPECIAL REDEVELOPMENT SUCCESSOR AGENCY STUDY SESSION
(Immediately following City Council Meeting)

CALL TO ORDER

Chair Hendricks called the Redevelopment Successor Agency meeting to order at 9:50 p.m.

ROLL CALL

Present: 6 - Chair Hendricks
Vice Chair Larsson
Board Member Griffith
Board Member Meyering
Board Member Martin-Milius
Board Member Davis

PUBLIC COMMENT

None.

STUDY SESSION

Vice Chair Larsson disclosed he lives near the Downtown, has received advice from the Fair Political Practices Commission stating he might have a conflict of interest with a portion of the subject matter, recused himself and left the room.

City Attorney John Nagel clarified that the FPPC stated there were two areas in which Vice Chair Larsson and Board Member Davis would be able to participate if the discussion was segmented, and those areas are decisions regarding modifying the liquidated damages provision and whether to delete the developers entitlement to the annual tax increment financing payments. Nagel stated staff will be making a presentation on everything about the modified restated ADDOPA at which time Vice Chair Larsson and Board Member Davis would step out of the room, and then return for the discussion on the two items.

Board Member Davis recused himself for the same reason and left the room.

- 1 [16-0551](#) Discussion and Provide Direction on the 2016 Modified and Restated Amended Disposition and Development and Owner Participation Agreement for the Sunnyvale Town Center Project

Assistant City Manager/Chief of Downtown Planning Hanson Hom provided the staff report for Part A. Karen Tiedemann, Partner at Goldfarb & Lipman LLP, and

City Attorney John Nagel and City Manager Deanna Santana provided additional information.

Vice Chair Larsson and Board Member Davis returned to the room and took their seats at 10:34 p.m.

Assistant City Manager/Chief of Downtown Planning Hanson Hom provided the staff report for Part B.

Public Comment opened at 10:47 p.m.

No speakers.

Public Comment closed at 10:47 p.m.

ADJOURN SPECIAL MEETING

Chair Hendricks adjourned the meeting at 10:49 p.m.