



# City of Sunnyvale

## Meeting Minutes - Draft City Council

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Tuesday, February 27, 2018

5:30 PM

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

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**Special Meetings: Study Sessions- 5:30 PM and 6 PM | Regular Meeting- 7 PM**

### **5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)**

#### **1 Call to Order in the West Conference Room (Open to the Public)**

Mayor Hendricks called the meeting to order at 5:31 p.m.

#### **2 Roll Call**

**Present:** 6 - Mayor Glenn Hendricks  
Councilmember Jim Griffith  
Councilmember Gustav Larsson  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

**Absent:** 1 - Vice Mayor Larry Klein

#### **3 Public Comment**

#### **4 Study Session**

[17-0102](#) Minimum Wage Update

#### **5 Adjourn Special Meeting**

Mayor Hendricks adjourned the meeting at 5:53 p.m.

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

#### **1 Call to Order in the West Conference Room (Open to the Public)**

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

#### **2 Roll Call**

**Present:** 6 - Mayor Glenn Hendricks  
Councilmember Jim Griffith  
Councilmember Gustav Larsson  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

**Absent:** 1 - Vice Mayor Larry Klein

### **3 Public Comment**

### **4 Study Session**

[17-1150](#) Wage Theft (Study Issue)

### **5 Adjourn Special Meeting**

Mayor Hendricks adjourned the meeting at 6:50 p.m.

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Mayor Hendricks called the meeting to order.

#### **SALUTE TO THE FLAG**

Mayor Hendricks led the salute to the flag.

#### **ROLL CALL**

**Present:** 6 - Mayor Glenn Hendricks  
Councilmember Jim Griffith  
Councilmember Gustav Larsson  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

**Absent:** 1 - Vice Mayor Larry Klein

### **SPECIAL ORDER OF THE DAY**

[18-0180](#) SPECIAL ORDER OF THE DAY - National African American History Month

Mayor Hendricks proclaimed the month of February 2018 as National African American History Month.

18-0116 SPECIAL ORDER OF THE DAY - Arbor Day Celebration and Proclamation

Mayor Hendricks presented Urban Landscape Manager Leonard Dunn with a proclamation proclaiming March 7, 2018 as Arbor Day.

18-0192 SPECIAL ORDER OF THE DAY - Recognition of Heroic Action

Mayor Hendricks recognized the heroic action by Walter Wilson to rescue a woman from her vehicle on the Caltrain tracks. Director of Public Safety Ngo presented Mr. Wilson with a Citizen Award of Valor.

**ORAL COMMUNICATIONS**

Councilmember Griffith announced board and commission recruitment and an upcoming application deadline.

Councilmember Griffith announced an upcoming Innovate Climate Action in Sunnyvale workshop and a challenge.

Andy Frazer spoke regarding transparency in government and the City of San Jose sunshine ordinance which requires lobbyist registration and making Councilmember calendars public.

Lucille and Robert Ybarra stated their strong opposition to SB 827 and SB 828.

Justin White expressed concerns regarding a proposed Verizon cellphone tower on Carlisle Way and requested assistance.

Eugene Johnson, Henderson Place Homeowners Association, spoke regarding an increase in their water bill.

Josh Grossman spoke regarding the study session on wage theft.

Judy Miner, Chancellor, Foothill-De Anza Community College District, provided information regarding a survey the college district is conducting and provided written materials.

Yagil Hertzberg spoke regarding the Verizon cellphone tower under construction on Carlisle Way and requested the City to assist with addressing concerns with Verizon.

Tao Xin spoke regarding the Verizon cellphone tower under construction on Carlisle Way and expressed frustration and concerns over the project.

Helen Liang spoke regarding the Verizon cellphone tower under construction on Carlisle Way and expressed concerns regarding inconsistency in communications with City staff.

Mayor Hendricks made the following statement: I want to inform my colleagues of an item that is being added to next week's Council agenda. This item is to request the Council to direct staff to research and return to the Council with an ordinance that would raise the minimum age to 21 to purchase a centerfire semiautomatic rifle. It would exempt rimfire rifles. It would also exempt active duty military personnel. I will be asking my colleagues to not add other gun control options to this to keep it simple and straightforward. This item is not on our agenda today, so there is no discussion. The public hearing and discussion to direct staff to take this action will take place at our next Council meeting. Since this is not a discussion item I will hold my comments as to the need and value of this until next week. I didn't want to you or the public to be surprised when the agenda is published on Thursday. Please don't forget the Brown Act rules over the next week.

### **CONSENT CALENDAR**

Councilmember Larsson reported Item 1.C would be pulled from the Consent Calendar.

MOTION: Councilmember Larsson moved and Councilmember Melton seconded the motion to approve Consent Calendar Items 1.A, 1.B, 1.D, and 1.E.

The motion carried by the following vote:

**Yes:** 6 - Mayor Hendricks  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

**Absent:** 1 - Vice Mayor Klein

**1.A**     [18-0102](#)     Approve City Council Meeting Minutes of February 6, 2018

Approve the City Council Meeting Minutes of February 6, 2018 as submitted.

- 1.B**      [17-1087](#)      Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

- 1.C**      [18-0125](#)      Authorize the Issuance of Three Purchase Orders for Networking Equipment for Colocation Facility and Additional IT Security Tools (F18-203, F18-204, F18-205)

Director of Finance Tim Kirby provided a brief report and stated a memo has been provided on the dais with a clarification to the staff recommendation language.

Public Hearing opened at 7:44 p.m.

No speakers.

Public Hearing closed at 7:44 p.m.

MOTION: Councilmember Smith moved and Councilmember Larsson seconded the motion to accept the staff recommendation as outlined in the memo: 1) Authorize the City Manager to issue three purchase orders, excluding sales tax, to IAS, Inc.: in the amount of \$757,789.84 for Cisco networking equipment (connectivity/communications), in the amount of \$513,590.30 for Palo Alto Networks networking equipment (firewalls/IT security subscription services), and in the amount of \$339,630.73 for NetApp Networks networking equipment (enterprise storage), in substantially the same form as Attachment 4; and 2) Authorize the City Manager to renew the maintenance and support for up to two additional years subject to available funding and acceptable pricing and services.

The motion carried by the following vote:

**Yes:** 6 - Mayor Hendricks  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

**Absent:** 1 - Vice Mayor Klein

- 1.D**      [18-0104](#)      Approve Budget Modification No. 41 to Appropriate \$50,000

from the Solid Waste Management Fund for Study Issue  
ESD18-02 Planning for Post-2021 Solid Waste & Recycling  
Collection Franchise

Approve Budget Modification No. 41 to appropriate \$50,000 from the Solid Waste Management Fund to fund a study of options for establishing the next franchise for solid waste and recycling collection services.

- 1.E**      [18-0154](#)      Adopt Ordinance No. 3131-18 Amending Section 19.68.040 (Accessory Dwelling Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code

Adopt Ordinance No. 3131-18.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**            [18-0060](#)            Proposed Project: Call for Review by the City Council of a Decision by the Planning Commission Approving Related Applications on a 0.34-acre site:  
SPECIAL DEVELOPMENT PERMIT: to develop four new single family homes. The existing single family home and accessory living unit are proposed to be demolished.  
VESTING TENTATIVE MAP: to subdivide one lot into four lots  
File #: 2017-7248  
Location: 838 Azure Dr. (APN: 211-18-030)  
Zoning: R-2/PD (Residential Low-Medium Density/Planned Development)  
Applicant / Owner: Xin Lu  
Environmental Review: Mitigated Negative Declaration

Planning Officer Andy Miner provided the staff report and a PowerPoint presentation. Director of Community Development Trudi Ryan provided additional information.

Public Hearing opened at 8:17 p.m.

Co-Applicant William Lei provided information about the project. Architect Rodger Griffin, Paragon Design Group, presented technical aspects of the project.

Zachary Kaufman spoke regarding the project.

Public Hearing closed at 8:27 p.m.

MOTION: Councilmember Melton moved and Councilmember Goldman seconded the motion to approve Alternative 2: Make the findings required by CEQA in Attachment 3, affirm the adoption of the Mitigated Negative Declaration and modify the decision of the Planning Commission to approve the Special Development Permit and Tentative Map with the recommended findings in Attachment 3 and modified conditions of approval in Attachment 4 with a modification to PS-1 to reinsert PS-1a, and on BP-5, remove the language that had been inserted about appropriate curb color.

Public Hearing was re-opened at 8:35 p.m.

Architect Rodger Griffin and Co-Applicant William Lei responded to questions.

Public Hearing closed at 8:40 p.m.

The motion carried by the following vote:

**Yes:** 5 - Mayor Hendricks  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Melton  
Councilmember Goldman

**No:** 1 - Councilmember Smith

**Absent:** 1 - Vice Mayor Klein

- 3**      [17-1180](#)      Authorize the City Manager to Execute a Contract Amendment for the Mary Avenue Overcrossing Environmental Impact Report (EIR) to Undertake Additional Work Required by CEQA, Approve Increase to Contract Contingency Amount and Approve Budget Modification No. 40 in the Amount of \$47,556

Transportation Manager Ria Hutabarat Lo provided the staff report and a PowerPoint presentation. City Attorney John Nagel, Interim Director of Public Works Wayne Tanda and Director of Finance Tim Kirby provided additional information.

Public Hearing opened at 9:06 p.m.

No speakers.

Public Hearing closed at 9:06 p.m.

MOTION: Councilmember Larsson moved and Councilmember Melton seconded the motion to approve Alternative 1: Authorize the City Manager to execute a contract amendment with Kimley Horn Associates in the amount of \$42,800 for the Mary Avenue Overcrossing Environmental Impact Report (EIR) to undertake additional work required by CEQA to designate a proposed project for the EIR, approve an increase in the contract contingency of \$4,756 and approve Budget Modification No. 40 in the amount of \$47,556.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to allow staff to go back and take a look at their assumptions for community outreach, and based on feedback they received here, reevaluate if that might impact the timeline. Councilmember Larsson accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment to strongly encourage staff to look at multiple outreach meetings and to increase the budget authority by \$25,000.

Councilmember Larsson accepted the friendly amendment.

Following discussion, Mayor Hendricks clarified that the friendly amendment to the motion increases the budget modification to \$72,556.

The motion carried by the following vote:

**Yes:** 6 - Mayor Hendricks  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

**Absent:** 1 - Vice Mayor Klein

- 4      [17-0778](#)      Public Hearing and Adopt a Resolution Ordering the Vacation of a Portion of Carl Road Westerly of Borregas Avenue, a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive and Reserving Public Utility Easements Therein

Interim Assistant Director of Public Works Jennifer Ng presented the staff report and a PowerPoint presentation. City Attorney John Nagel and City Manager Kent



Steffens provided additional information.

Public Hearing opened at 9:34 p.m.

Kira Od spoke regarding members of the public who use the parking lot at the location and requested Council consider other options to moving parking to Caribbean Drive.

Public Hearing closed at 9:37 p.m.

MOTION: Councilmember Griffith moved and Councilmember Larsson seconded the motion to approve Alternative 3: Take other action as Council deems appropriate: Adopt a resolution ordering the vacation of a portion of Borregas Avenue northerly of Carl Road, and a portion of Crossman Avenue, northerly of Caribbean Drive and reserve a public utility easements therein, and authorize the City Clerk to record a certified copy of the resolution to the Santa Clara County Recorder's office, and continue the hearing regarding the vacation of Carl Road until the hearing regarding the hearing on the Caribbean project comes to Council.

The motion carried by the following vote:

**Yes:** 6 - Mayor Hendricks  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

**Absent:** 1 - Vice Mayor Klein

- 5**      [18-0182](#)      Amend the Classification Plan to Add the Newly Established Classification of Assistant Director of Community Development and Amend the City's Salary Resolution to Update the Schedule of Pay to Include the Classification

Interim Director of Human Resources Tony Giles provided the staff report.

Public Hearing opened at 9:41 p.m.

No speakers.

Public Hearing closed at 9:41 p.m.

MOTION: Councilmember Larsson moved and Councilmember Smith seconded the motion to approve Alternative 1: Adopt Resolution amending Resolution Nos. 143 77 and 190 05 to Add a New Classification of Assistant Director of Community Development to the Classification Plan of the Civil Service, and amending the City's Salary Resolution to Update the Schedule of Pay to Include the New Classification.

The motion carried by the following vote:

**Yes: 6 -** Mayor Hendricks  
Councilmember Griffith  
Councilmember Larsson  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

**Absent: 1 -** Vice Mayor Klein

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

Councilmember Smith reported her attendance at a High-Speed Rail update and a meeting of Silicon Valley Clean Energy in which she was re-appointed to the advocacy subcommittee and appointed to the executive committee.

#### **NON-AGENDA ITEMS & COMMENTS**

##### **-Council**

None.

##### **-City Manager**

City Manager Kent Steffens noted the Information Only Strategic Session Follow-Up item in the agenda packet.

#### **INFORMATION ONLY REPORTS/ITEMS**

[18-0103](#) Tentative Council Meeting Agenda Calendar

[18-0057](#) Information/Action Items

[18-0044](#) Boards and Commissions Semi-Annual Attendance Report,  
July - December 2017 (Information Only)

[18-0099](#) Board/Commission Resignations (Information Only)

[18-0137](#) Strategic Session Follow-Up: Responses to Council Inquiries  
(Information Only)

[18-0066](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 9:45 p.m.