



City of Sunnyvale

Meeting Minutes City Council

Tuesday, April 8, 2014

5:15 PM

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

Special Meetings-Closed Session-5:15 PM | Study Session-6 P.M. |
Regular Meeting-7 P.M.

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 Jim Davis
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Glenn Hendricks
Councilmember Gustav Larsson

Mayor Griffith announced Agenda Items 3 and 4 would not be heard at this meeting and would be rescheduled.

CLOSED SESSION REPORT

Closed Session held pursuant to California Government Code Section 54957:
PUBLIC EMPLOYMENT, Title: City Manager

Closed Session held pursuant to California Government Code Section 54957.6:
CONFERENCE WITH LABOR NEGOTIATORS, Agency designated
representatives: Council subcommittee: Mayor Griffith, Councilmembers Martin
Milius and Larsson; Unrepresented employee: City Manager

Vice Mayor Davis reported Council met in Closed Session to discuss the hiring
procedures for the City Manager and direction was given to place an action item

regarding the City Manager recruitment effort on the next Council meeting agenda.

SPECIAL ORDERS OF THE DAY

[14-0171](#) SPECIAL ORDER OF THE DAY - National Library Week

Mayor Griffith presented a proclamation to Director of Library and Community Services Lisa Rosenblum regarding National Library Week.

[14-0358](#) SPECIAL ORDER OF THE DAY - National Crime Victims' Rights Week

Mayor Griffith presented a proclamation to Zhazil Gurbiel, Victim Advocate, Silicon Valley Faces Victim Witness Assistance Program, regarding National Crime Victims' Rights Week.

PUBLIC ANNOUNCEMENTS

Councilmember Hendricks announced upcoming vacancies on City Boards and Commissions and an application deadline.

CONSENT CALENDAR

Councilmember Meyering requested to pull Items 1.A, 1.B and 1.D and requested to record a No vote on Items 1.G and 1.H.

Mayor Griffith stated he would be recused from the vote on Item 1.G.

Vice Mayor Davis requested a No vote to be recorded for him on Item 1.C.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.B and 1.D. The motion carried by the following vote:

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

No: 0

1.A [14-0326](#) Approval of City Council Meeting Minutes of March 25, 2014

Council considered Item 1.A following action on Item 6.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to approve the City Council Meeting Minutes of March 25, 2014 as submitted. The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.B [14-0362](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

MOTION: Vice Mayor 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 Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.C [14-0092](#) Approve a Resolution Creating School Zone Speed Limits on Lakechime, Meadowlake, and Silverlake Drives near Lakewood Elementary School and Determine that the Action is Exempt from the California Environmental Quality Act

Approve the attached resolution establishing 15 mile per hour school zones on Lakechime Drive, Meadowlake Drive, and Silverlake Drive adjacent to Lakewood Elementary School per the requirements of the California Vehicle Code. The motion carried by the following vote:

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

No: 1 - Vice Mayor Davis

- 1.D** [14-0222](#) Award of Bid No.PW14-05 for Concrete Sidewalks, Curbs, Gutters, and Driveway Approaches - 2014, Approval of Budget Modification No. 30, and Finding of CEQA Categorical Exemption

Public comment opened at 8:07 p.m.

No speakers.

Public comment closed at 8:07 p.m.

MOTION: Councilmember Meyering moved and Vice Mayor Davis seconded the motion to 1.) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$586,554, to Spencon Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; 2.) approve a 10% construction contingency in the amount of \$58,655; 3). Approve Budget Modification No. 30 to appropriate an additional \$405,209 to Project 829400 (Sidewalk, Curb and Gutter Replacement) from the Infrastructure Contingency Reserve in the City's Infrastructure Renovation and Replacement Fund; and 4.) Make a finding that the project is categorically exempt from CEQA pursuant to Class 1, Section 15301 for the rehabilitation of existing facilities. The motion carried by the following vote:

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

No: 0

- 1.E** [14-0257](#) Approve Budget Modification No. 35 to Appropriate Funds for a Water and Wastewater Engineering Fee Study and Re-prioritize Funding for Water Pollution Control Plant Capital Projects

Approve Budget Modification No. 35 to appropriate funds for a water and wastewater engineering fee study and re-prioritize Water Pollution Control Plant capital projects.

- 1.F** [14-0119](#) Approve 2014 Board and Commission Master Work Plans
Approve the 2014 master work plans as submitted.

- 1.G** [14-0389](#) Adoption of Ordinance No. 3036-14 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 520 E. Weddell Drive from M-S/POA (Industrial And Service/ Place of Assembly) to R-4/PD (High Density Residential/ Planned Development) Zoning District

Adopt Ordinance No. 3036 14. The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

Recused: 1 - Mayor Griffith

- 1.H** [14-0392](#) Adoption of Ordinance No. 3037-14 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 610 E. Weddell Drive from M-S/PD (Industrial And Service/ Planned Development) to R-4/PD (High Density Residential/ Planned Development) Zoning District

Adopt Ordinance No. 3037 14. The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

PUBLIC COMMENTS

Mayor Griffith announced Agenda Items 3 and 4 would not be heard at this meeting and would be tentatively rescheduled to April 29.

Judith Hamilton spoke regarding labor and sex trafficking and the consequences resultant from SB 731 on the regulation of massage parlors, and provided written materials.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [14-0256](#) Authorize the City Manager to Enter into an Agreement with the Irvine Company for Construction of a Tot Lot at Swegles Park and Adopt a Finding of Categorical Exemption Under CEQA Guideline 15303.

Director of Public Works Kent Steffens presented the staff report.

Public Hearing opened at 7:23 p.m.

No speakers.

Public Hearing closed at 7:23 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Direct the City Manager to enter into an agreement with the Irvine Company for construction of a tot lot at Swegles Park. The motion carried by the following vote:

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

No: 0

- 3 [14-0200](#) File #: 2013-7542
Location: 420 S. Pastoria Ave. (APN: 165-04-002)
Proposed Project: Appeal by a resident of a Decision of the Planning Commission Approving a Special Development Permit for a Child Care Center for up to 188 students located at 420 S. Pastoria Ave.
Applicant / Owner: Teresa Lai / Distel LP
Environmental Review: Negative Declaration

This item was rescheduled to April 29, 2014.

- 4 [14-0133](#) File #: 2013-7860
Location: 479 N. Pastoria Avenue (APN: 165-30-002):
Proposed Project: Consideration of an application for a 2.17-acre site:
USE PERMIT to allow a new 52,394 square foot, 4-story office/R&D building (with surface and underground parking)

resulting in approximately 55% Floor Area Ratio.
Applicant / Owner: ArchiRender Architects / Peery-Arrillaga
Environmental Review: Mitigated Negative Declaration

This item was rescheduled and not heard at this time.

- 5** [14-0190](#) Introduce an Ordinance to Amend Chapter 19.32 of Title 19 of the Sunnyvale Municipal Code to Modify the Height Requirements for the R-3 (Medium Density Residential) Zoning District (Non-Townhouse), (Study Issue, 2013-7143), and a Finding that the Proposed Ordinance is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline 15061(b)(3)

Planning Officer Trudi Ryan presented the staff report.

Public Hearing opened at 7:30 p.m.

No speakers.

Public Hearing closed at 7:30 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1, 2, and 3 find that the Project is exempt from CEQA, introduce an ordinance (Attachment 2) to amend Chapter 19.32 of Title 19 of the Sunnyvale Municipal Code to modify the height limit for non townhouse style development within the R 3 zoning district to match the standard for townhouse style developments (3 stories, 35 feet) and modify the underground parking height incentive to include R 3 projects, and incorporate the new Design Guidelines (Attachment 3) into the Citywide Design Guidelines.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 6** [14-0303](#) Approve the Downtown Sunnyvale Business Improvement District (BID) Annual Report for Fiscal Year 2013/2014 and

Adopt Resolution of Intention to Reauthorize BID for Fiscal
Year 2014/2015

Councilmember Whittum stated he lives within 500 feet of the Business Improvement District, recused himself and left the room.

Economic Development Manager Connie Verceles presented the staff report.

Public Hearing opened at 7:42 p.m.

Joel Wyrick, Executive Director, Sunnyvale Downtown Association, provided information regarding the district's funding request.

Public Hearing closed at 7:49 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Approve the Fiscal Year 2013/2014 BID Annual Report without approving matching funds from the City's General Fund budget, adopt the Resolution of Intention, and schedule a public hearing for May 6, 2014 to reauthorize the Business Improvement District for Fiscal Year 2014/2015.

AMENDMENT: Councilmember Larsson moved an amendment and Councilmember Meyering seconded to refer the request for matching funds to be heard as part of the recommended fiscal year 2014/2015 budget. The amendment carried by the following vote:

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

No: 1 - Mayor Griffith

Recused: 1 - Councilmember Whittum

The main motion carried by the following vote:

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

No: 0

Recused: 1 - Councilmember Whittum

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Following action on Item 1.D, Council resumed the regular order of the agenda at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

Vice Mayor Davis reported his attendance at meetings of the Caltrain Modernization Committee, the Grand Boulevard Initiative, the Cold Weather Task Force, the Sunnyvale Collaborative Committee and the Friends of Stevens Creek Trail; a Cesar Chavez Youth Action Day event, the Kirby Canyon Open House, a LCC Public Safety Committee meeting, a Board of Library Trustees meeting and the Annual Tartan Day Flag Raising at San Jose City Hall.

Councilmember Whittum reported his attendance at a VTA Board meeting.

Councilmember Larsson reported his attendance at the Grand Boulevard Initiative meeting.

Councilmember Martin-Milius reported her attendance at the Heritage Preservation Commission meeting, the LCC Environmental Quality Policy Committee meeting and the Water Bond Task Force.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Whittum reported receipt of a request for initiation of a general plan amendment for 915 De Guigne Drive.

Councilmember Whittum expressed interest in putting an item on an agenda concerning the massage regulation issue raised earlier.

Vice Mayor Davis stated he's become aware Texas Instruments is selling some of its property along Kifer Road including a fully operational park, and would like a further discussion regarding the opportunity to purchase that property.

Councilmember Whittum seconded the discussion.

Mayor Griffith stated he will discuss next steps with the City Manager.

Councilmember Hendricks and Councilmember Martin-Milius also expressed

support for the issue.

Councilmember Martin-Milius reported she met with Rich Gordon's representative regarding legislation to prevent scams on small businesses with regard to ADA issues.

MOTION: Councilmember Meyering moved and Councilmember Hendricks seconded the motion to direct staff to compile a list of projects where a contingency fee is approved so that after a twelve-month period we're able to identify what percentage of those approvals result in part or all of the contingency approval being used, and what percentage.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment that it be subject to the city manager's discretion.
Councilmember Meyering declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved an amendment and Mayor Griffith seconded that it be subject to review and approval by the city manager. The amendment carried by the following vote:

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

No: 1 - Councilmember Meyering

The main motion failed by the following vote:

Yes: 2 - Vice Mayor Davis
 Councilmember Whittum

No: 5 - Mayor Griffith
 Councilmember Meyering
 Councilmember Martin-Milius
 Councilmember Hendricks
 Councilmember Larsson

MOTION: Councilmember Meyering moved and Vice Mayor Davis seconded the

motion that as part of the presentation at the April 29 Council meeting four City-owned properties be identified that can be used on a one-time basis for an emergency homeless shelter for calendar year 2014-2015.

REVISED MOTION: Councilmember Meyering revised the motion to put on an agenda within the next couple of months direction to staff to come back with information about City-owned property, whether or not we have to put portables on for a temporary period of time or the property already has a structure, that staff identify possibilities.

Vice Mayor Davis concurred with the revised motion. The motion failed by the following vote:

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

Mayor Griffith reported that Google maps has designated Sunnyvale as the center of Silicon Valley.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

<u>14-0131</u>	Tentative Council Meeting Agenda Calendar
<u>14-0375</u>	Information/Action Items
<u>14-0177</u>	Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of March 20, 2014
<u>14-0370</u>	Draft Minutes of the Parks and Recreation Commission Meeting of March 12, 2014

ADJOURNMENT

Mayor Griffith adjourned the meeting at 8:40 p.m.