



City of Sunnyvale

Meeting Minutes City Council

Tuesday, November 11, 2014

3:45 PM

Sunnyvale Community Center
Community Room, 550 E. Remington Dr.
and Council Chambers, City Hall, 456 W.
Olive Ave., Sunnyvale, CA

**Special Meetings- Closed Sessions-3:45 PM | Joint Study Session with Planning
Commission and Bicycle and Pedestrian Advisory Commission-5:15 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 Jim Davis
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Glenn Hendricks
Councilmember Gustav Larsson

CLOSED SESSION REPORTS

Vice Mayor Davis reported Council met in Closed Session regarding Conference with Labor Negotiators - Employee organization: Sunnyvale Managers Association and Conference with Real Property Negotiators - Properties: 396 Charles Avenue and 397 S. Mathilda Avenue, 402 Charles Avenue, 403 S. Mathilda Avenue; direction was given, no action was taken.

PUBLIC ANNOUNCEMENTS

Deborah Marks announced a meeting of the Urban Forestry Management Advocacy Group.

CONSENT CALENDAR

Councilmember Meyering requested to pull Items 1.A, 1.B and 1.C, and requested a No vote be recorded on Item 1.G.

Councilmember Whittum requested a No vote be recorded on Item 1.G.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.B and 1.C. 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 [14-0879](#) Approve City Council Meeting Minutes of October 28, 2014

Public Hearing opened at 12:03 a.m.

No speakers.

Public Hearing closed at 12:03 a.m.

MOTION: Councilmember Larsson moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of October 28, 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 [14-1083](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 12:03 a.m.

No speakers.

Public Hearing closed at 12:03 a.m.

MOTION: Councilmember Larsson moved and Councilmember Hendricks 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 [14-0666](#) Approve Assignment and Assumption and Modification Agreements between Senior Housing Solutions, Sunnyvale Senior Homes LLC (an affiliate of Charities Housing), and the City of Sunnyvale Regarding Transfer of 1230 Klee Court and 1675 S. Wolfe Road in Sunnyvale

This item was considered immediately following Item 3.

Public Hearing opened at 8:04 p.m.

No speakers.

Public Hearing closed at 8:04 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the Assignment and Assumption and Modification Agreements between Senior Housing Solutions, Sunnyvale Senior Homes LLC (an affiliate of Charities Housing), and the City, both in final form as approved by the City Attorney; and authorize the City Manager to execute agreements and related loan documents required to facilitate the transfer of 1230 Klee Court and 1675 S. Wolfe Road from Senior Housing Solutions to Sunnyvale Senior Homes LLC. 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.D [14-0983](#) Award of Contract for Three Quintuple Combination Fire Service Apparatus (F15-02)

1) Award a contract in substantially the same form as the draft purchase order attached to the report and in the amount of \$2,501,198 to Ferrara Fire Apparatus, Inc. for three quintuple combination fire service apparatus; and 2) approve a 2% contingency in the amount of \$51,624.

1.E [14-1045](#) Award of Contract for Cisco Equipment to Upgrade the City Network Infrastructure (F15-22)

Approve the award of a contract in the amount of \$241,377, excluding sales tax, to NetXperts Inc., in substantially the same form as the draft purchase order attached to the report.

1.F [14-0855](#) Adopt a Resolution Amending the City of Sunnyvale Conflict of Interest Code

Adopt the proposed resolution (Attachment 1) amending the City's Conflict of Interest Code, as submitted.

1.G [14-1084](#) Adopt Ordinance No. 3048-14 Amending Chapter 1.04 (General Penalty) of Title 1 (General Provisions), adding Chapter 9.58 (Signs On City Property) to Title 9 (Public Peace, Safety Or Welfare), and Amending Various Sections of Chapter 19.44 (Sign Code); of Title 19 (Zoning) of the Sunnyvale Municipal Code

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to adopt Ordinance No. 3048-14. The motion carried by the following vote:

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

No: 2 - Councilmember Whittum
Councilmember Meyering

PUBLIC COMMENTS

Phyllis Freeman inquired about the status of the homeless shelter in Sunnyvale.

MOTION: Councilmember Meyering moved and Vice Mayor Davis seconded the motion to put on the November 25 agenda a discussion and analysis of a list prepared by the city manager of the three most possibly useful buildings the City has in possession, including the vacant house on Mathilda, for use by one of the non-profits that we could rent to handle a 120-day homeless program that we've had in the past. The motion failed by the following vote:

Yes: 3 - Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering

No: 4 - Mayor Griffith
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

PUBLIC COMMENTS

Michael Goldman spoke regarding the Civic Center.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [14-1067](#) REQUEST FOR CONTINUATION to November 25, 2014 for the Introduction of an Ordinance to Amend Title 19 (Zoning) Regarding the Appeal Process for Land Use Projects (Study Issue, CDD 14-15); Repeal of Council Policy 1.1.4 on Appeals; and making a Finding that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(b)(3)
(Planning File: 2014-7434)

City Manager Deanna Santana presented the staff report.

Public Hearing opened at 7:17 p.m.

No speakers.

Public Hearing closed at 7:17 p.m.

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve continuance of this item to November 25, 2014. 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** [14-0787](#) Determine Priority Needs for Human Services for Fiscal Years 2015-16 and 2016-17 and Supplemental Funding Amount for Fiscal Year 2015-16

Housing Officer Suzanne Ise presented the staff report.

Public Hearing opened at 7:29 p.m.

Pilar Furlong, Director of Community Resources, Bill Wilson Center, spoke regarding the services provided by the center and urged a minimum of \$100,000 for human services grants.

Sujatha Venkatraman, West Valley Community Services, spoke regarding the increasing need for supporting human services for the homeless.

Marie Bernard, Sunnyvale Community Services, spoke regarding the continuing hunger index in Silicon Valley and the growing income gap and urged inclusion of the 15% increase.

Wanda Hale, long term care ombudsman, spoke regarding the services the organization provides.

Georgia Bacil, Directing Attorney, SALA provided information about the services the organization provides and requested support of the staff recommendation.

Public Hearing closed at 7:42 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Whittum seconded the

motion to approve Alternatives 1, 3 and 4: 1) Approve the list of priority needs as shown above, excerpted from the ConPlan, 3) Determine a supplemental funding amount of \$115,000 (modified from \$100,000) for human services grants for FY 2015 16, and 4) Modify the Human Services Policy to increase the minimum grant limit, only for applicants seeking CDBG funds, to \$25,000, and retain the current maximum grant limit of 25% of total human services funding available.

AMENDMENT: Mayor Griffith moved to amend and Councilmember Martin-Milius seconded the motion to drop it to \$100,000. The motion to amend failed by the following vote:

Yes: 1 - Mayor Griffith

No: 6 - Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

The main 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

- 4** [14-0817](#) File #: 2014-7423
Location: 1071 Noriega Ave. (APNs: 161-37-017, 161-37-018)
Proposed Project: Related applications on a 0.48-acre site:
REZONE: Introduction of an Ordinance to rezone the site from
R-3 (Medium Density Residential) to R-3/PD (Medium Density
Residential/Planned Development);
SPECIAL DEVELOPMENT PERMIT: for 10 residential
townhome units; and
VESTING TENTATIVE MAP: to subdivide two lots into 10 lots
plus a common lot.
Applicant / Owner: Classic Communities (applicant) / Classic

1071 Noriega LP (owner)
Environmental Review: Mitigated Negative Declaration

Planning Officer Trudi Ryan presented the staff report.

Public Hearing opened at 8:25 p.m.

Applicant Jim Pollard, representing Classic Communities, provided written materials and a PowerPoint presentation regarding the project.

Sharon Ashley, neighbor of the project, stated they had put in landscaping to screen the view of the current apartments and expressed concerns regarding the impact of the higher density project among single family homes in the community and the height of the proposed units.

Applicant Jim Pollard stated they have tried to work with the neighbors to minimize the impact particularly to the single family homes to the west. Adam Kates, Classic Communities, provided additional information.

Public Hearing closed at 9:02 p.m.

MOTION: Alternative 1: Adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit for 10 residential townhome units and Vesting Tentative Map to subdivide two lots into 10 lots plus a common lot based on the findings in Attachment 3 and with the recommended conditions of approval in Attachment 4, and a modification to add a condition of approval that four to five 36-inch box trees be placed on the west side of the property with the approval of the Director of Community Development.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to amend a condition of approval that the height of the structures in lots 1, 2, 3 and 4 be limited to 30 feet. The motion to amend failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

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

The main motion carried by the following vote:

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

5 [14-0818](#) Examine Ways to Increase Local Hiring in Major Private Developments (Study Issue)

Assistant City Manager Robert Walker introduced the item. City Manager Deanna Santana provided additional information. Economic Development Manager Connie Verceles presented the staff report.

Public Hearing opened at 10:04 p.m.

Josue Garcia, Building Trades Council, encouraged creation of a strong local hiring policy.

Terri Carroll spoke in support of local hiring through an apprenticeship program.

Carol Weiss, Chair of Social Equity on the Santa Clara Human Rights Commission encouraged well-paying, local jobs and job training and apprenticeship programs, and in support of expanding the scope of the study.

Louise Auermahn, Working Partnerships, spoke regarding income inequality and recommended a broad, comprehensive analysis to look at policy and integrated approach that would integrate local hiring and apprenticeship opportunities

Angelo Ricci, Sheet Metal Workers Union Local 104, spoke in support of providing opportunities for veterans returning to the area and opening further veteran outreach programs.

Ruth Silver Taube, Supervising Attorney of Katharine & George Alexander Community Law Center's Worker's Rights Clinic and member of the Santa Clara County Wage Theft Coalition, spoke in support of local hiring and job quality and encouraged looking at other local hiring ordinances and select the best pieces of them.

Cheryl Pollock spoke in support of local hiring and pre-apprenticeship programs for local high school students.

Tony Spitaleri spoke in support of requiring at least 50% of the workforce on construction projects be from Santa Clara County, and recommended a citizen's blue ribbon type commission made up of Council, staff and labor groups to come up with a good policy.

Mark Van Der Heuvel, Sheet Metal Workers Union, spoke regarding a growing trend of bringing workers in from other areas and encouraged a local apprenticeship program for local youth and urged a policy approach.

Marie Bernard, Sunnyvale Community Services, spoke in support of a blue ribbon committee to bring in the constituencies.

Public Hearing closed at 10:36 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Meyering seconded the motion to approve Alternative 3: Send the report back to staff for refinement, ask staff to address the position that when a developer comes in the City asking for variances, that we request the developers be required to commit to hiring contractors and subcontractors who will employ a majority of their skilled labor from the Bay Area communities.

MOTION to TABLE: Councilmember Hendricks moved to table the motion. Councilmember Whittum seconded the motion. The motion to table carried by the following vote:

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

No: 2 - Vice Mayor Davis
Councilmember Meyering

MOTION: Councilmember Whittum moved to ask staff to work with the Mayor to develop a framework for a blue ribbon committee which would include representation of certain members to produce the work product within a couple months and come back to Council in a study session with alternatives and a recommendation.

Motion died due to lack of a second.

City Manager Santana summarized her understanding of Council's discussion, stating that there is interest in an ordinance of local hiring for public or private development projects which are larger in scale, to be defined; staff needs to come back with additional definitions as a start, with trade-offs, pros and cons, and what's left off the table.

MOTION: Councilmember Whittum moved that Council affirm the prioritization of the study issue as outlined by the city manager, for emphasis on private development projects, and in parallel, the Mayor to form a blue ribbon committee and that committee to report within three months in a study session with Council, coordinated with staff.

Motion died due to lack of a second.

MOTION: Councilmember Meyering moved to institute a one-year pilot program that developments over six units or 6,000 square feet require local employment of 60% or more including skilled and unskilled labor.

Motion died due to lack of a second.

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to direct the City Manager look at ordinances that could be applied to private and public projects as it relates to local hiring to be defined as county and surrounding counties that could be implemented and come back to Council with how long staff thinks it will take to do that, to be developed through stakeholder engagement.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment that the motion only include private development.

Councilmember Hendricks declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved an amendment and Vice Mayor Davis seconded that the motion only include private developments. The motion to amend failed by the following vote:

Yes: 3 - Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering

No: 4 - Mayor Griffith
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to, in addition to the broad direction, specifically take a look at insuring proper licensing

of contractors and subcontractors, encouraging use of apprenticeship programs and potentially requiring reports from major developments on their planning for hiring local labor; providing job projections and an outreach plan. Councilmember Hendricks accepted the friendly amendment.

SUBSTITUTE MOTION: Councilmember Whittum moved a substitute motion and Councilmember Meyering seconded to bring Vice Mayor Davis' motion back from the table. The substitute motion failed by the following vote:

Yes: 3 - Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering

No: 4 - Mayor Griffith
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

MOTION RESTATED with FRIENDLY AMENDMENTS: Councilmember Hendricks restated the motion with assistance from City Manager Santana: Direct the city manager to bring forward a local hiring ordinance for both public and private large development projects, to be defined; in addition, to ensure proper licensing, to use apprenticeship programs, require reports on local labor and the employment plans, job projections and outreach plans as well as to ensure stakeholder engagement and bring back a plan for the plan with a schedule and timeline. 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: 1 - Councilmember Whittum

Council recessed at 11:10 p.m.

Council reconvened at 11:25 p.m. with all Councilmembers present.

City Clerk Kathleen Franco Simmons read the ordinance title for Item 4 at this time.

6 [14-1059](#) Adopt a Resolution Declaring City-Owned Residential Properties and Vacant Lots on Charles Street and Mathilda Avenue as Surplus Property and Authorizing for Sale the

Subject Properties in Compliance with Government Code
Section 54222

Assistant City Manager Kent Steffens presented the staff report.

Public Hearing opened at 11:43 p.m.

Deborah Marks stated many other people were present to speak about this issue earlier and spoke in favor of keeping the properties, making the area into a park, and dedicating it as Veterans Memorial Park. Marks requested that this topic be postponed and placed earlier on the agenda.

Michael Goldman stated he was speaking partly for the people who came to speak regarding this topic but had to leave due to the late hour, and spoke in favor of keeping the properties for green space or a park.

Public Hearing closed at 11:49 p.m.

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to schedule this issue for a public hearing item regarding what the public wants to have done with the downtown area including this parcel, scheduled with six weeks' notice given to the public, to be held in the Council Chambers and televised.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to strike the six weeks.

Councilmember Meyering accepted the friendly amendment.

The motion failed by the following vote:

Yes: 3 - Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering

No: 4 - Mayor Griffith
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

MOTION: Councilmember Hendricks moved and Mayor Griffith seconded the motion to approve Alternative 4: Do not declare the subject City-owned properties within Block 15 as surplus property.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to schedule

a closed session meeting.

Councilmember Hendricks accepted the friendly amendment.

AMENDMENT: Councilmember Meyering moved to amend the motion to include having a public hearing before the closed session with the title of the agenda item "Should Sunnyvale City Government be an Aggregator?"

Motion to amend died due to lack of a second.

The main motion carried by the following vote:

- Yes: 5 -** Mayor Griffith
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson
- No: 2 -** Vice Mayor Davis
Councilmember Meyering

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to continue the meeting to complete the remaining two Consent Calendar items.

- Yes: 6 -** Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson
- No: 1 -** Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Whittum reported the draft Environmental Impact Report for El Camino Real Bus Rapid Transit is available and stated his intent to request the public comment period be extended from 45 days to 60 days due to the size of the document.

-City Manager

City Manager Santana reported responses to Council questions on the agenda are posted online and going forward, staff would like to receive Council questions by 8 a.m. on Monday so staff may respond by the end of the day and post them online. City Manager Santana stated questions submitted after the 8 a.m. deadline would be responded to verbally at the Council meeting.

INFORMATION ONLY REPORTS/ITEMS

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| <u>14-0281</u> | Tentative Council Meeting Agenda Calendar |
| <u>14-0957</u> | Information/Action Items |
| <u>14-1074</u> | Study Session Summary of October 28, 2014 - Review Performance Evaluation Tools for the City Manager and City Attorney |
| <u>14-1082</u> | Study Session Summary of October 28, 2014 - Consideration of Housing Mitigation Fee Nexus Study Findings and Alternatives |
| <u>14-0302</u> | Board/Commission Minutes |

ADJOURNMENT

Mayor Griffith closed the meeting with a moment of silence in respect for the service of veterans on Veterans Day.

Mayor Griffith adjourned the meeting at 12:23 a.m.