



City of Sunnyvale

Meeting Minutes City Council

Tuesday, December 9, 2014

5:00 PM

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

Special Meeting- Closed Session-5 PM | Study Session-6 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 REPORT

Vice Mayor Davis reported Council met in Closed Session pursuant to California Government Code Section 54957: Public Employee Performance Evaluation, Title: City Manager; no action was taken.

SPECIAL ORDER OF THE DAY

[14-0950](#) SPECIAL ORDER OF THE DAY - Recognition of Sunnyvale
Library Centennial

Mayor Griffith presented a certificate of congratulations to Director of Library and Community Services Lisa Rosenblum in recognition of the Sunnyvale Library Centennial.

PUBLIC ANNOUNCEMENTS

Councilmember Meyering spoke regarding the closure of the Sunnyvale homeless shelter and the need for a shelter.

Councilmember Martin-Milius encouraged visiting downtown Sunnyvale for dining and holiday shopping and reminded residents to shop local.

Stephen Hazel addressed the Council regarding multiple topics.

Jeanine Stanek, Sunnyvale Historical Society and Museum, announced the upcoming Sunnyvale Library Centennial celebration and displays at the museum.

PRESENTATION

None.

CONSENT CALENDAR

Councilmember Meyering requested to pull Items 1.A, 1.B, 1.C, 1.D and 1.E and requested a no vote be recorded on Item 1.F.

Councilmember Whittum requested to record a no vote on Item 1.F.

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, 1.C, 1.D and 1.E. 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

1.A [14-0976](#) Approve City Council Meeting Minutes of November 25, 2014

Public Hearing opened at 11:14 p.m.

No speakers.

Public Hearing closed at 11:14 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of November 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 [14-1122](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 11:14 p.m.

No speakers.

Public Hearing closed at 11:14 p.m.

MOTION: Vice Mayor Davis 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 [14-0974](#) Authorization to Accept a Metropolitan Transportation
Commission Priority Development Area Planning Grant and
Approval of Budget Modification No. 23 to Appropriate Funds
for the Comprehensive Update of the Precise Plan for El
Camino Real

Public hearing opened at 11:28 p.m.

No speakers.

Public hearing closed at 11:28 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Martin-Milius seconded

the motion to authorize acceptance of the MTC PDA Planning Grant in the amount of \$587,000 and authorize the City Manager to execute the Funding Agreement (Attachment 2); and approve Budget Modification No. 23 to appropriate grant funding received for the Comprehensive Update of the Precise Plan for El Camino Real.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to include school districts in the technical advisory committee.
Vice Mayor Davis accepted the friendly amendment.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to state that in pursuing this study, Council is not expressing support for increasing density on El Camino Real beyond the present El Camino Real Precise Plan.

MODIFIED AMENDMENT: Councilmember Whittum modified the amendment to state that Council does not support increasing height limits or reducing setbacks as they are presently expressed in the El Camino Precise Plan.
Councilmember Meyering accepted the modified amendment.

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

AMENDMENT: Councilmember Meyering moved to amend the motion to require that the two different committees that will be formed require membership by one person from the organization called "Save Sunnyvale Schools and Open Spaces".
Motion to amend died due to lack of a second.

The vote on the main motion as amended by friendly amendment 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

- 1.D** [14-0989](#) Receive and File FY 2013/14 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Transportation Impact and Sense of Place Fees

Public hearing opened at 11:38 p.m.

No speakers.

Public hearing closed at 11:38 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to receive and file the FY 2013/14 Annual Status Report on receipt and use of development impact fees and Adopt a resolution approving findings regarding unspent Transportation Impact and Sense of Place Fees. 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** [14-1091](#) Amend the Schedule of Pay of the Salary Resolution: Salary Adjustment for Pay Plan Category C (applies to Classified Public Safety Officers and Lieutenants) and Pay Plan Category D/E (applies to Public Safety Captains and Public Safety Deputy Chiefs) and Approve Budget Modification No. 27

Public hearing opened at 11:02 p.m.

No speakers.

Public hearing closed at 11:02 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the

motion to amend Pay Plan Category C and D/E of the Schedule of Pay of the Salary Resolution to reflect the new pay rates pursuant to the City's current MOUs with the PSOA and PSMA, effective retroactive to July 6, 2014 and Approve Budget Modification No. 27. 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.F [14-1132](#) Adopt Ordinance No. 3050-14 Amending Title 19 (Zoning)
Regarding the Appeal Process for Land Use Projects

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3050 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

Qin Min Ji expressed concerns regarding perceived global control of the internet and submitted written materials.

Stephen Hazel addressed the Council regarding multiple topics.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [14-0673](#) Consideration of Housing Mitigation Fee Nexus Study
Findings and Alternatives

Housing Officer Suzanne Ise presented the staff report. Director of Community Development Hanson Hom and City Manager Deanna Santana provided additional information.

Public Hearing opened at 8:05 p.m.

Pat Sausedo, Executive Director, NAIOP Silicon Valley, expressed concerns regarding some of the conclusions in the study and recommended a fee of \$12 per square foot if there is a need for a commercial fee and encouraged Council to look at the issue countywide.

James Zahradka, Law Foundation of Silicon Valley, recommended a fee of \$20 per square foot.

Shaunn Cartwright spoke in support of increasing opportunities for affordable housing and recommended a fee of \$20 per square foot.

Marie Bernard spoke in support of a Housing Mitigation Fee of \$20 per square foot.

Charisse Ma Lebron, Director of Community Development, Working Partnerships, recommended adoption of a fee of no less than \$12 per square foot to as high as \$20.

Kevin Zwick, CEO, Housing Trust Silicon Valley, recommended a fee of \$20 per square foot.

Kerry Haywood, Moffett Park Business Group, spoke in support of a fee for new development and in opposition to increasing the fee.

Iman Novin, Director of Acquisitions, MidPen Housing, spoke in support of the fee.

Dora Arias spoke in support of a fee of \$30 per square foot.

Janette D'Elia, Jay Paul Company, spoke in support of a fee of \$12 per square foot.

Andrew Boone spoke in support of a mitigation fee higher than \$12 per square foot.

Chrichelle McCloud spoke in support of a mitigation fee higher than \$20 per square foot.

Public Hearing closed at 8:39 p.m.

MOTION: Councilmember Hendricks moved to approve Alternatives 1, 2, 4 and add an Alternative 7: 1) Direct staff to prepare an ordinance to expand the Housing Mitigation Fee to all net new square footage of all office/R&D, industrial, retail, and lodging development projects in any zone; and 2) Direct staff to set the initial fee rate in the draft ordinance at \$12 per square foot for office/R&D/industrial projects

(\$6 per square foot for first 25,000 square feet), and \$6 per square foot for retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption; 4) Include a provision to clarify that the new fee rates shall apply to all covered projects for which a complete planning application is submitted on or after the effective date of the ordinance; and 7) the City would re-evaluate the fee 24 months from implementation.

Motion died due to lack of a second.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to approved Alternatives 1, 2 (modified), 4 and add Alternative 7: 1) Direct staff to prepare an ordinance to expand the Housing Mitigation Fee to all net new square footage of all office/R&D, industrial, retail, and lodging development projects in any zone; and 2) Direct staff to set the initial fee rate in the draft ordinance at \$20 per square foot for office/R&D/industrial projects (\$20 per square foot for first 25,000 square feet), and \$20 per square foot for retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption; 4) Include a provision to clarify that the new fee rates shall apply to all covered projects for which a complete planning application is submitted on or after the effective date of the ordinance; and 7) the City would re-evaluate the fee 24 months from implementation.

AMENDMENT: Councilmember Hendricks moved an amendment and Councilmember Martin-Milius seconded to change the Housing Mitigation Fee from \$20 to \$15 per square foot.

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

No: 2 - Vice Mayor Davis
Councilmember Meyering

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to charge a stepped rate of \$7.50 for the first 25,000 square feet per staff's original recommendation.

Councilmember Whittum declined to accept the friendly amendment.

AMENDMENT: Mayor Griffith moved and Councilmember Hendricks seconded to charge a stepped rate of \$7.50 for the first 25,000 square feet.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to the amendment to make it Alternative 3: Direct staff to set the initial fee rate in

the draft ordinance at \$15 per square foot for office/R&D/industrial projects (\$7.50 per square foot for first 25,000 square feet), and \$7.50 per square foot for retail and lodging projects, both adjusted annually for inflation as part of the annual fee schedule adoption.

Mayor Griffith accepted the friendly amendment.

The vote on the amendment 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

The main motion as amended 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

Council recessed at 9:23 p.m.

Council reconvened at 9:33 p.m. with all Councilmembers present.

3 [14-1076](#) 2014 4th Quarterly Consideration of GENERAL PLAN
AMENDMENT INITIATION REQUEST

File #: 2014-7958
Location: 690 E. Arques Avenue (APN: 201-31-005)
Proposed Project: Request to study a General Plan Land
Use Designation change from Industrial to Schools,
Residential High Density, or other designation that would
accommodate a middle and high school. This Study may
include other properties in the vicinity and evaluate other
General Plan designations.
Applicant / Owner: Summit Public Schools / 690 East
Arques LLC

Community Development Director Hanson Hom presented the staff report.

Public Hearing opened at 9:43 p.m.

Clint Sholl, Summit Public Schools, provided information regarding the proposal.

Public Hearing closed at 9:52 p.m.

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to approve Alternative 2: Initiate a General Plan Study solely for the site at 690 E. Arques Avenue with the analysis being solely of the designation SCH.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment that the GPA study also consider the suggestion that the future for the East Channel segment might include a trail.
Councilmember Meyering accepted the friendly amendment.

AMENDMENT: Councilmember Larsson moved an amendment and Councilmember Hendricks seconded to add Residential High Density to the General Plan designations to be considered.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include Residential Medium Density.
Councilmember Larsson accepted the friendly amendment.

The motion to amend 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

MOTION: Councilmember Meyering moved to take a separate vote on the amended main motion on each designation so the Councilmembers can express their views on SCH versus RHI.
Mayor Griffith ruled the motion out of order.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to remove Residential High from the motion as it was just amended, leaving Residential Medium.

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

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to come back to Council if staff gets to a certain point and realizes there is significantly more work with one direction than the other. Councilmember Meyering accepted the friendly amendment.

The main motion as amended 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

- 4 [14-1003](#) Update to the Status of Department of Public Safety
Recruitment and Staffing and Approval of Budget
Modification No. 28

Director of Public Safety Frank Grgurina presented the staff report.

Public Hearing opened at 10:49 p.m.

No speakers.

Public Hearing closed at 10:49 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve Alternatives 1, 2 and 3: 1) Approve Budget Modification No. 28 to appropriate \$3,228,391 to fund current recruitment projects; 2) Approve the addition of a full time Public Safety Specialist to the Recruitment Unit; and 3) Approve the addition of three PSO IIs to the Public Safety authorized sworn level in the FY 2016/17 Budget for the purpose of staffing Fire

Station 5 and include recruitment project funding for consideration in the FY 2015/16 Recruitment Project. 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

- 5** [14-1111](#) Adopt Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association (SMA) and the corresponding Resolution to Amend the City's Salary Resolution and the Resolution for Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement

Director of Human Resources Teri Silva presented the staff report.

Public Hearing opened at 10:54 p.m.

No speakers.

Public Hearing closed at 10:54 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Davis seconded the motion to approve Alternative 1: Adopt the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association, presented as Attachment 3, and the corresponding Resolution Amending the City's Salary Resolution, presented as Attachment 4, and the Resolution for Paying and Reporting the Value of Employer Paid Member Contributions, presented as Attachment 5 to the report. 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

- 6** [14-1007](#) Introduce Ordinances to Amend the Sunnyvale Municipal Code by Adding Section 2.09.220 to Comply with New State Law for the Payment of Prevailing Wages for Infrastructure Work, and by Modifying Chapter 2.08 to Increase the City Manager's Bid Rejection Threshold

Purchasing Officer Pete Gonda presented the staff report.

Public Hearing opened at 11:05 p.m.

No speakers.

Public Hearing closed at 11:05 p.m.

MOTION: Councilmember Meyering moved and Councilmember Hendricks seconded the motion to approve Alternative 2) Introduce an Ordinance adding Section 2.09.220 to Chapter 2.09 of the Sunnyvale Municipal Code (Public Works Contracting) to require the payment of prevailing wages on public works projects.

City Clerk Kathleen Franco Simmons read the ordinance title.

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

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1) Introduce an Ordinance Amending Chapter 2.08 of the Sunnyvale Municipal Code (Purchases of Goods and Services) to modify the City Manager's rejection authority for goods and services procurements.

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

- 7** [14-0953](#) Receive and File the FY 2013/14 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report, and Sunnyvale Financing Authority Financial Report; and Approve Budget Modification No. 26

Director of Finance Grace Leung presented the staff report.

Public Hearing opened at 11:11 p.m.

No speakers.

Public Hearing closed at 11:11 p.m.

MOTION: Councilmember Meyering moved to place on the next Council meeting agenda consideration of cancelling last July's rate increases for water, sewer and garbage fees given that each one of the fund balances ended \$1-3 million higher than budgeted.

Motion died due to lack of a second.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Receive and file the budgetary Year End Financial Report, the audited Comprehensive Annual Financial Report, the Report to the City Council issued by the independent auditors, and the Sunnyvale Financing Authority Financial Report and approve Budget Modification No. 26. 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

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**NON-AGENDA ITEMS & COMMENTS****-Council**

Councilmember Whittum reported the comment period for the Bus Rapid Transit DEIR was extended to mid-January and suggested a study session to hear comments from staff on the DEIR.

City Manager Deanna Santana reported a presentation will be scheduled on January 13.

Councilmember Whittum reported the second community workshop regarding Peery Park was held.

Councilmember Whittum reported a VTA press release regarding the completion of ridership projections for North South bus service concepts.

Councilmember Hendricks stated he would like VTA to come back with options based on their study.

Councilmember Whittum suggested a study issue regarding scoping of a project for completion of pedestrian facilities on Tasman between Vienna Drive and the East Channel.

Councilmember Meyering co-sponsored the study issue.

Councilmember Meyering questioned whether a mobile home park can be purchased and the vacancy rate allowed to increase to such a point that the new owner can apply for conversion of the mobile home park. Director of Community Development Hanson Hom provided a response.

Councilmember Meyering proposed a study issue to have the City write and adopt a conflict of interest ordinance in which Councilmembers who accept contributions from companies or individuals would be required to recuse themselves from voting on proposals by the individual or company.

Councilmember Whittum co-sponsored the study issue. Mayor Griffith stated the study issue is not eligible since it was dropped in 2014.

Councilmember Meyering proposed a study issue to have the City make public the proposals and counter proposals that have been made by the City and its bargaining units during negotiation.

Councilmember Whittum co-sponsored the study issue.

Councilmember Meyering proposed a study issue that the City video record negotiations that take place and make those videos accessible to Councilmembers after 10 days.

Councilmember Meyering requested the meeting be closed with a moment of silence in remembrance of long-term Sunnyvale resident Jean Lee.

Mayor Griffith reported his attendance at Java with Jerry, the annual Lakewood Village parade and the annual holiday tree lighting.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

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|--------------------------------|---|
| <u>14-0103</u> | Tentative Council Meeting Agenda Calendar |
| <u>14-1099</u> | Study Session Summary of November 11, 2014 - El Camino Real Bus Rapid Transit |
| <u>14-0822</u> | Study Session Summary of November 25, 2014 - Discussion of Council 2015 Intergovernmental Relations Assignments |
| <u>14-1047</u> | Information/Action Items |

ADJOURNMENT

Mayor Griffith adjourned the meeting at 11:50 p.m.