



City of Sunnyvale

Meeting Minutes City Council

Tuesday, February 24, 2015

5:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

Special Meetings- Joint Study Sessions- 5 PM and 5:45 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 Tara Martin-Milius
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Jim Davis
Councilmember Glenn Hendricks
Councilmember Gustav Larsson

CLOSED SESSION REPORTS

None.

SPECIAL ORDER OF THE DAY

[15-0196](#) SPECIAL ORDER OF THE DAY - Arbor Day, Tree City USA
Proclamation Presentation

Mayor Griffith presented a proclamation to Leonard Dunn, Street Tree Services Program Manager, in honor of Arbor Day.

PUBLIC ANNOUNCEMENTS

Councilmember Meyering announced upcoming vacancies on City boards and commission and an application deadline.

Councilmember Meyering announced a Cesar Chavez Youth Action Day event at

Baylands Park.

Michael Goldman provided information and a PowerPoint presentation regarding the Sunnyvale Public Lands Act initiative.

Dave Wessel, Democratic Club of Sunnyvale, provided information regarding upcoming club meetings.

CONSENT CALENDAR

Councilmember Meyering requested to pull Items 1.A, 1.B and 1.H.

MOTION: Councilmember Whittum moved and Vice Mayor Martin-Milius seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.B and 1.H. The motion carried by the following vote:

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

No: 0

1.A [15-0191](#) Approve City Council Meeting Minutes of February 10, 2015

MOTION: Vice Mayor Martin-Milius moved and Councilmember Whittum seconded the motion to approve the City Council Meeting Minutes of February 10, 2015 as submitted. The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.B [15-0181](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

No: 1 - Councilmember Meyering

1.C [15-0130](#) Award of Contract for the Design of Park Buildings
Rehabilitation at Washington, Raynor, De Anza and
Ponderosa Parks (F15-29)

1) Award a contract, in substantially the same format as Attachment 1 and in the amount of \$330,785 to Dougherty + Dougherty Architects, LLP for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) Approve a 15% design contingency in the amount of \$49,618.

1.D [15-0176](#) Award of Contracts for Piping Supplies for Water and Sewer
Services (F15-12)

1) Award one-year contracts to Ferguson Enterprises dba Groeniger & Company and Corix Water Products in substantially the same form as the draft blanket purchase orders attached to the report, not to exceed budgeted amounts, and 2) Authorize the City Manager to renew the contracts for up to three additional one-year periods provided that pricing and service remain acceptable to the City.

1.E [15-0177](#) Award of Contract for Voice Over Internet Protocol Equipment
to Replace the Citywide Telephone System (F14-92)

1) Award a contract to AMS.Net in the amount of \$731,375, in substantially the same form as the Draft Purchase Order and associated Implementation Agreement attached to the report; and 2) approve a 10% contract contingency in the amount of \$73,138.

1.F [15-0133](#) Authorize an Amendment to an Existing Design Contract for
the Rehabilitation of Storm Pump Station No. 2 (F15-59)

1) Authorize an amendment to an existing contract, in substantially the same format as Attachment 1, with Schaaf & Wheeler Consulting Civil Engineers for additional services related to the Rehabilitation of Storm Pump Station No. 2 to increase the total contract value by \$167,556, bringing the total contract value to \$483,649; and 2) Approve a 10% contingency on the additional services in the amount of \$16,756.

- 1.G** [15-0182](#) Renew Joint Exercise of Powers Agreement: Workforce Development Services for NOVA Consortium to Include San Mateo County

Approve the revised Joint Exercise of Powers Agreement; Workforce Development Services for the NOVA consortium to include the addition of San Mateo County.

- 1.H** [15-0127](#) Approve a Memorandum of Agreement between the City of Sunnyvale and Foothill-De Anza Community College District for Replacement of an Existing Public Sanitary Sewer Pipeline; Authorize the City Manager to Execute the Subject Agreement and Approve Budget Modification No. 39

Public hearing opened at 1:42 a.m.

No speakers.

Public hearing closed at 1:42 a.m.

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to approve a Memorandum of Agreement between the City of Sunnyvale and Foothill De Anza Community College District for Replacement of an Existing Public Sanitary Sewer Pipeline; Authorize the City Manager to Execute the Subject Agreement and Approve Budget Modification No. 39. The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 1.I** [15-0132](#) Receive and File the City of Sunnyvale Investment Report - 4th Quarter 2014

Receive and file the City of Sunnyvale FY 2014/15 Period 7 investment report.

- 1.J** [15-0219](#) Adopt Ordinance No. 3053-15 Awarding Nonexclusive Franchise to Yellow Checker Cab Company, Inc., dba Checker Cab of Silicon Valley

Adopt Ordinance No. 3053-15.

PUBLIC COMMENTS

Carol Weiss, Santa Clara County Human Relations Commissioner and Chair of the Social Equity Committee, spoke regarding wage theft and recommended suspending business licenses and enacting a wage theft ordinance.

Andy Frazer spoke regarding campaign finance reporting of independent expenditure disclosure, and submitted written materials.

Mark Robichek requested reconsideration of the Planning Commission approval of the permit for the expansion of the daycare center in Lakewood Village citing traffic impacts, noise, his belief that the owner/operator does not reside at the center as required, and alleged false statements made by the applicant.

Councilmember Whittum reported he submitted a request for a review of the decision.

Councilmember Meyering co-sponsored the request for review.

Laura Robichek provided information regarding objections to the expansion of the daycare center in Lakewood Village.

Michael Goldman spoke regarding the Hannon Library at Southern Oregon State University and provided a PowerPoint presentation.

Jim Cole expressed concerns regarding the square footage of the daycare center in Lakewood Village to accommodate 12-14 children, and provided an overhead slide.

Lorne Boden expressed concerns regarding the decision by the Planning Commission regarding the daycare center in Lakewood Village.

Richard Kolber provided information regarding a new version of the Disclose Act.

Regarding the daycare center issue, City Attorney Joan Borger stated that according to the new rules related to calls for appeal, two requests for appeal by Councilmembers must be in by 5 p.m. on the 15th day.

PUBLIC HEARINGS/GENERAL BUSINESS

- | | | |
|----------|--------------------------------|--|
| 2 | <u>15-0131</u> | Policy Discussion on El Camino Real Bus Rapid Transit and Potential City Council Action on a Formal Position Relative to a Preferred Alternative |
|----------|--------------------------------|--|

Director of Public Works Manuel Pineda presented the staff report and provided updated information. VTA Director of Planning and Program Development John Ristow provided additional information.

Public Hearing opened at 8:28 p.m.

Kevin Jackson spoke in support of a single dedicated lane for bus service.

Robert Kirby spoke in support of a no build option.

Wayne Amacher recommended other alternatives to BRT and provided written materials.

Scott Irby expressed concerns regarding impacts to access to restaurants and retail centers on opposite sides of El Camino.

Joe Coogan spoke in opposition to the dedicated lanes option, citing overflow traffic, congestion on El Camino Real, access issues for public safety vehicles, and concerns that the ridership numbers don't support the option.

Tony Spitaleri spoke in opposition to dedicated lanes, citing displaced traffic to neighborhood streets and impacts to car-based businesses such as drive-ins.

Mark Johnson spoke in support of dedicated lanes due to significant benefits to people with disabilities.

Margaret Okuzumi spoke in support of alternatives to improve transportation and to support VTA studying other alternatives.

Julie Lovins spoke in support of BRT with dedicated lanes in Sunnyvale.

Mei-Ling Stefan spoke in opposition to dedicated lanes for BRT on El Camino Real, citing difficulty for the disabled to access median and curb stops, increased greenhouse gas emissions and less room for trucks to maneuver in narrowed lanes.

Brennan Robins spoke in support of dedicated lanes for BRT, the addition of bicycle lanes and diversity of travel on El Camino.

Margaret Lawson spoke in support of BRT.

Phil Stewart spoke in opposition to dedicated lanes on El Camino.

Vincent Gomez spoke in support of BRT to support students and people of color.

Mounia O'Neal spoke in support of BRT to help families with children who rely on the bus system.

Janani Dhinakaran spoke in support of BRT to increase bike and pedestrian safety, improve business along the corridor and to encourage a multimodal system to reduce congestion over time.

Steve Scandalis spoke in support of an alternative for mixed flow with curb cutouts and out of lane boarding, and presented an overhead slide.

Lauren Ledbetter, speaking for herself, spoke in support of the dedicated lanes option, citing balanced considerations and environmental sustainability, and provided written materials.

Dylan Russo spoke in support of BRT and the benefits it will produce in reducing greenhouse gas emissions.

Joe Cala, owner of Cala Shopping Center, spoke in opposition to the loss of two lanes on El Camino Real.

Deborah Olson, business owner on El Camino and member of the El Camino Coalition, spoke in support of mixed flow or other alternatives such as a more efficient transit grid.

Ed Hadad spoke in opposition to the loss of two lanes citing increased traffic congestion, impacts to businesses and loss of revenues.

Cindy Meek spoke in opposition to the dedicated lanes option.

Brad Clausen spoke in opposition to dedicated lanes.

John Cordes, Bicycle and Pedestrian Advisory Commissioner speaking for himself, spoke in support of dedicated lanes.

Ria Hutabarat Lo spoke in support of full BRT on El Camino Real.

Holly Lofgren spoke in opposition to the dedicated lanes option and in favor of the

mixed flow option.

David Wessel spoke in support of the dedicated lanes option for BRT.

Lucia Maldonado spoke regarding induced demand, safe walkable communities and alternative transportation, and in support of dedicated bus lanes.

Mark Balestra, member of the El Camino Coalition, spoke in opposition to dedicated lanes stating it will remove trees, significantly increase congestion and impact businesses.

Pedro Enriquez spoke in support of BRT to decrease transit times for students.

Matthew Estolano spoke in support of BRT citing benefits to students.

Dan Hafeman spoke in support of BRT in consideration of the addition of high density units on El Camino Real and the long-term benefits for the Climate Action Plan.

Mike Kurtz spoke in support of mixed use and in opposition to dedicated lanes.

Chris Lepe spoke in support of dedicated lanes and recommended Council direct staff to conduct a more robust analysis of the project.

Andrew Boone spoke in support of bus only lanes, improvement of travel times, reduced emissions and improved health.

Brian Bautista spoke in support of BRT dedicated lanes to improve bicycle safety, reduce greenhouse gas emissions, and provide transportation alternatives for people who cannot drive.

Jaymar Hardesty spoke in support of improved public transit for students and families.

John Bailey spoke in opposition to dedicated lanes.

Eamonn Gormley spoke in support of dedicated lanes.

Dora Arias spoke in support of BRT dedicated lanes.

Charisse Ma Lebron, Director of Community Development, Working Partnerships

USA, spoke in support of BRT with dedicated lanes to accommodate future growth and provide viable transportation alternatives.

Barbara Fukumoto spoke in support of dedicated lanes.

Ron Gates spoke in opposition to BRT and dedicated lanes.

Kim Jelfs expressed concerns about what will happen if nothing is done and spoke in support of BRT with dedicated lanes.

Adina Levin spoke in support of BRT with dedicated lanes to provide incentives for people to use the bus.

Sue Harrison spoke in support of BRT with dedicated lanes to improve transit times and relieve congestion.

Omar Chatty spoke in opposition to BRT dedicated lanes.

Linda Larsen suggested an experiment to close down the center two lanes and left turn lanes on El Camino in Sunnyvale to study what will happen and expressed concern about the safety of the disabled and the elderly accessing transit in the center lane.

Man, no speaker card, spoke in opposition to BRT dedicated lanes and recommended VTA look at other alternatives.

Public Hearing closed at 10:40 p.m.

Steve Fisher, Project Manager, VTA responded to questions.

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to take a policy position for the City of Sunnyvale to recommend a mixed use flow for the Locally Preferred Alternative (LPA), not dedicated lanes; VTA could take a look at not adding bulb-outs or adding the cutout option; include improved signal prioritization, and possibly looking at variable pricing.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to add the statement that we do not support dedicated lanes in Sunnyvale. Councilmember Hendricks accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to state we have serious concerns regarding bulb-outs. Councilmember Hendricks accepted the friendly amendment.

The motion carried by the following vote:

Yes: 4 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks

No: 3 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Larsson

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to proceed with the remainder of the agenda. The motion carried by the following vote:

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

No: 2 - Councilmember Meyering
Councilmember Davis

Council recessed at 11:53 p.m.

Council reconvened at 12:08 a.m. with all Councilmembers present.

3 [15-0111](#) Approval of the Community Engagement Plan and Range of Project Alternatives for the Civic Center Modernization Project

Assistant City Manager Kent Steffens presented the staff report.

Public Hearing opened at 12:50 a.m.

Michael Goldman spoke regarding the importance of openness throughout the process of community engagement and provided a PowerPoint presentation.

Mei-Ling Stefan recommended consideration of more funding options including fundraising and donations and having an advisory vote by the citizens before Council makes the final decision.

Public Hearing closed at 12:55 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve Alternatives 1 and 3: 1) Approve the Community Engagement Plan as presented in Attachment 1 to the report, and 3) Approve the Range of Project Alternatives as presented in Attachment 2 to the report.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to strike the site alternative for a new Library building located at the Sunnyvale Community Center.

Councilmember Hendricks accepted the friendly amendment.

Following discussion, Councilmember Whittum withdrew the friendly amendment.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded the motion to strike the site alternative for a new Library building located at the Sunnyvale Community Center. The motion to amend failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

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

The main motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 4** [14-0288](#) Introduction of an Ordinance to Amend Sunnyvale Municipal Code Chapters 19.28 (DSP) and 19.46 (Parking) to include Modifications based on the Tandem and Stacker Parking Study Issue (2014-7435); Finding of CEQA Exemption Pursuant to CEQA Guideline 15061 (b)(3)

Senior Planner Amber El-Hajj presented the staff report. Director of Community

Development Hanson Hom provided additional information.

Public Hearing opened at 1:31 a.m.

No speakers.

Public Hearing closed at 1:31 a.m.

MOTION: Councilmember Hendricks moved to approve Alternatives 1 and an Alternative 5: 1) Find that the project is exempt from CEQA under Guideline 15061(b)(3), and 5) Make the modifications contiguous to 19.46.050; no stackers, no tandem but address the concern on page 5 of Attachment 2.
Motion died due to lack of a second.

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to table the item.
Motion withdrawn.

MOTION: Councilmember Meyering moved to continue the item to a date certain in 2017.
Motion died due to lack of a second.

MOTION: Councilmember Whittum moved and Vice Mayor Martin-Milius seconded the motion to continue the item to the next meeting or a date that staff determines.
The motion carried by the following vote:

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

No: 1 - Councilmember Hendricks

5 [15-0202](#) Election of the League of California Cities Peninsula Division
2014-15 Executive Committee Vice President

Assistant City Manager Robert Walker presented the staff report.

Public Hearing opened at 1:38 a.m.

No speakers.

Public Hearing closed at 1:38 a.m.

MOTION: Councilmember Larsson moved and Vice Mayor Martin-Milius seconded the motion to vote for Jim Davis for 2014-15 Executive Committee Vice President. The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Hendricks reported he attended the San Jose Earthquakes soccer game.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

<u>15-0107</u>	Tentative Council Meeting Agenda Calendar
<u>15-0032</u>	Information/Action Items
<u>15-0218</u>	Study Session Summary of February 10, 2015 - Discussion of Rental Housing Impact Fee
<u>15-0201</u>	Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 1:43 a.m.