



City of Sunnyvale

Meeting Minutes City Council

Tuesday, April 7, 2015

5:00 PM

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

Special Meetings- Closed Session 5 PM | Study Session 6 PM | Regular Meeting- 7 PM

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Griffith opened the meeting in honor of fallen San Jose Police Officer Michael J. Johnson and held a moment of silence.

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 REPORT

Vice Mayor Martin-Milius reported Council met in Closed Session pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; no direction was given, no action was taken.

SPECIAL ORDERS OF THE DAY

[15-0142](#) SPECIAL ORDER OF THE DAY - National Library Week

Mayor Griffith presented a proclamation in honor of "National Library Week – April 12 - 18, 2015" to Director of Library and Community Services Lisa Rosenblum.

[15-0349](#) SPECIAL ORDER OF THE DAY - "April is Fair Housing Month" Proclamation Presentation

Mayor Griffith presented a proclamation for “April is Fair Housing Month” to Annette Corbin, Senior Attorney, Fair Housing Law Project.

PUBLIC ANNOUNCEMENTS

Councilmember Larsson announced upcoming board and commission vacancies and an application deadline, the upcoming Sunnyvale Fit and Fun Earth Day Fair, and the Sunnyvale Public Library E-book Launch Party.

Michael Goldman provided an announcement regarding a signature event for the Sunnyvale Public Lands for Public Use initiative, and presented a PowerPoint presentation.

Misuk Park announced Charles Street Gardens and Full Circle Farm Earth Day events.

David Wessel announced an upcoming meeting of the Democratic Club of Sunnyvale.

PRESENTATION

[15-0361](#) PRESENTATION - Presentation by the Santa Clara Valley Water District Regarding the Drought and Water Rates

Jim Fiedler, Chief Operating Officer, and Darin Taylor, Senior Project Manager, Santa Clara Valley Water District, presented information regarding the drought and water rates.

CONSENT CALENDAR

1.A [15-0168](#) Approve City Council Meeting Minutes of March 24, 2015

Public Hearing opened at 10:50 p.m.

No speakers.

Public Hearing closed at 10:50 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of March 24, 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 [15-0355](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 10:53 p.m.

No speakers.

Public Hearing closed at 10:53 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Martin-Milius 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 [15-0242](#) Approve Budget Modification No. 41 to Provide Funding for
Temporary Public Works Engineering Development Staff

Public Hearing opened at 10:56 p.m.

No speakers.

Public Hearing closed at 10:56 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to: 1) Approve Budget Modification No. 41 to appropriate \$300,000 to a special project for temporary engineering services; and 2) Delegate authority to the City Manager to amend resultant contract(s) to a level greater than \$100,000 so long as the total appropriation of \$300,000 is not exceeded. 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.D [15-0341](#) Award of Bid No. PW15-17 for Slurry Seal - 2015 and Finding of CEQA Categorical Exemption

Public Hearing opened at 10:59 p.m.

No speakers.

Public Hearing closed at 10:59 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to: 1) Make a finding of CEQA categorical exemption pursuant to Class 1, Section 15301(c) for the rehabilitation of existing streets, 2) Award a construction contract, in substantially the same format as Attachment 2 to the report and in the amount of \$361,300, to Graham Contractors, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 3) Approve a 10% construction contingency in the amount of \$36,130. 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.E [15-0299](#) Adopt a Resolution to Authorize the Receipt of a \$973,525 Grant from the State Department of Housing and Community Development, Approve Budget Modification No. 42 to Appropriate the Grant Funding, and Award a Contract to Design the Fair Oaks Park New Auxiliary Restroom and Parking Lot Improvements (F15-60)

Public Hearing opened at 10:59 p.m.

No speakers.

Public Hearing closed at 10:59 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to: 1) Adopt a resolution to authorize the receipt of \$973,525 in HRP Grant Funds; 2) Approve Budget Modification No. 42 to appropriate the funding; 3) Award a contract, in substantially the same format as Attachment 2 to the report and in the amount of \$144,883 to Harris Design for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 4) Approve a 10% design contingency in the amount of \$14,488. 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.F [15-0297](#) Approve Final Map (Tract No. 10284) - 13 Single-family Homes at 300 West Iowa Avenue by Classic 300 Iowa, L.P., a California Limited Partnership

Public Hearing opened at 11:01 p.m.

No speakers.

Public Hearing closed at 11:01 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Whittum seconded the motion to approve the final map for Tract No. 10284; authorize the Mayor to sign the subdivision agreement upon submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation. 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

PUBLIC COMMENTS

Richard Walrod spoke regarding the status of the downtown Town Center.

Michael Goldman spoke regarding alternatives for the Civic Center and a park proposal.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [14-0270](#) Leaf Blower Study and Findings (Study Issue)

Director of Environmental Services John Stufflebean presented the staff report. Environmental Programs Manager Elaine Marshall provided additional information.

Public Hearing opened at 8:44 p.m.

Steve Pavlina spoke in opposition to banning gas-driven leaf blowers.

Peter Cirigliano expressed concerns regarding consideration of a leaf blower ban and spoke in support of the staff recommendation.

Janet Hama spoke regarding the effects of gasoline spillage and spoke in support of electric leaf blowers and use of brooms.

David Wessel spoke in favor of a phase out of two-cycle leaf blowers for residential use.

Sharlene Liu spoke in support of banning leaf blowers in residential zones or in all areas, citing impacts of pollution, particulates and noise for bicyclists and pedestrians.

Jose Martinez spoke in opposition to banning gasoline leaf blowers.

Dan Hafeman spoke in support of changing attitudes about leaves and encouraging allowing leaves to remain on the ground as mulch.

Public Hearing closed at 9:08 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Direct staff to incorporate public education to Sunnyvale residents and landscape professionals regarding the current Municipal Code restrictions related to leaf blower use and education to leaf blower operators on best practices into the City's environmental education efforts as allowed within existing resources and priorities.

AMENDMENT: Councilmember Whittum moved to amend the motion and Councilmember Meyering seconded to include a permit system for leaf blowers to

help provide the funding and personal contact with the users to support the education which is proposed in the staff alternative. 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

AMENDMENT: Councilmember Meyering moved to amend the motion to include a provision amending the Sunnyvale Municipal Code to ban gas-powered leaf blowers either in residential zones or within 80 feet of any Sunnyvale residence.

Mayor Griffith ruled the amendment out of order.

SUBSTITUTE MOTION: Councilmember Meyering moved a substitute motion and Councilmember Whittum seconded to include a provision amending the Sunnyvale Municipal Code to ban gas-powered leaf blowers either in residential zones or within 80 feet of any Sunnyvale residence. The substitute motion 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

AMENDMENT: Councilmember Meyering moved an amendment to include a provision amending the municipal code to require any gas-powered leaf blower operator who is being paid to conduct that operation be provided by the person making the payment with noise-canceling headphones.
The motion to amend died due to lack of a second.

The main motion carried by the following vote:

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

Council recessed at 9:43 p.m.

Council reconvened at 9:55 p.m. with all Councilmembers present.

- 3** [15-0282](#) Introduce 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) - Continued from February 24, 2015

Councilmember Whittum disclosed his residence is within 500 feet of portions of the district, recused himself and left the room.

Senior Planner Amber El-Hajj presented the staff report. Director of Community Development Hanson Hom provided additional information.

Public Hearing opened at 10:15 p.m.

David Heindel, representing Unitronics Automated Parking Solutions, spoke in support of mechanical parking and provided written materials.

Public Hearing closed at 10:27 p.m.

MOTION: Councilmember Hendricks moved to approve Alternatives 1 and 2, and an Alternative 8: 1) Find that the project is exempt from CEQA under Guideline 15061(b)(3); 2) Introduce an ordinance to amend Chapter 19.46 of Title 19 of the Sunnyvale Municipal Code to allow (a) tandem parking in existing single family dwellings in certain circumstances and (b) to exclude garage square footage from gross floor area for existing single family dwellings when determining if additional parking is required; and an Alternative 8) Staff to bring back language that says we are open to a developer coming in and doing something with stacker or tandem spaces with the same ratios that have been described in the report, but that they would have to come to Council to explain

specific benefits that by using tandem or stacker parking that would relate to actually increasing open space or better siting of buildings or other tangible benefits that a developer could describe.

Motion died due to lack of a second.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve Alternatives 1, 2, 3 and 4: 1) Find that the project is exempt from CEQA under Guideline 15061(b)(3); 2) Introduce an ordinance to amend Chapter 19.46 of Title 19 of the Sunnyvale Municipal Code to allow (a) tandem parking in existing single family dwellings in certain circumstances and (b) to exclude garage square footage from gross floor area for existing single family dwellings when determining if additional parking is required; 3) Introduce an ordinance to amend Chapter 19.46 of Title 19 of the Sunnyvale Municipal Code to (a) allow tandem parking for up to 50 percent of the units in multi family developments and require unassigned parking consistent with other 2 car garage provisions, (b) allow independent and dependent mechanical lift parking in multi family developments and (c) to require all mechanical lift parking to be in a parking structure; and 4) Introduce an ordinance to amend Chapter 19.28 of Title 19 of the Sunnyvale Municipal Code to consider tandem parking in multi family developments within the DSP with review of a parking management plan.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment that, with staff's help, to add language that would help express through design guidelines additional benefits that would facilitate getting actual or potentially more open space and lead to better siting of buildings. Councilmember Davis declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to include a guideline that says consideration will be given if tandem or stacker parking is proposed in order to gain some benefit to the project or make the project better in a material way.

Councilmember Davis accepted the friendly amendment.

Following discussion, City Attorney Joan Borger stated that if the motion is approved, staff would draft language to include in the ordinance for the second reading.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to bring the issue back in two years for review by Council.

Councilmember Davis accepted the friendly amendment

Mayor Griffith stated the motion has been amended to include a report from staff in two years at a Council meeting to review the ordinance and its effectiveness.

The motion as amended carried by the following vote:

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

No: 1 - Councilmember Meyering

Recused: 1 - Councilmember Whittum

City Clerk Franco Simmons read the ordinance title.

Following action on this item, Councilmember Whittum returned to the room and took his seat at the dais.

- 4** [15-0317](#) Approve Changes to Council Policies 7.4.1, 7.4.2, and 7.4.3 in Council Policy Manual Chapter 7, Section 4 Regarding Council Support and Processes

Senior Management Analyst Yvette Blackford presented the staff report.

Public Hearing opened at 10:45 p.m.

No speakers.

Public Hearing closed at 10:45 p.m.

MOTION: Councilmember Larsson moved and Vice Mayor Martin-Milius seconded the motion to approve proposed changes to Council Policies as recommended in Attachments 1, 2, and 3 to the report, with edits to Attachment 2, Policy 7.4.2, to state rather than “a key card programmed to access City Hall and a mechanical key” to “the means to access City Hall.” 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

- 5** [15-0280](#) Ratification of Intergovernmental Assignment Appointment
for Councilmember Gustav Larsson

Public Hearing opened at 10:46 p.m.

No speakers.

Public Hearing closed at 10:46 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to ratify the Intergovernmental Assignment Appointment of Councilmember Gustav Larsson as a Director to the Boards of the Bay Area Water Supply & Conservation Agency and the Bay Area Regional Water System Financing Authority. 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

- 6** [15-0351](#) Discussion and Possible Action on Recommendations from
the Community Event Grant Distribution Subcommittee

Subcommittee Chair Martin-Milius presented the report.

Public Hearing opened at 10:48 p.m.

No speakers.

Public Hearing closed at 10:48 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve the same process used the previous year. The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Whittum

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Davis reported his attendance at a Grand Boulevard Initiative meeting, a meeting of the Housing and Human Services Commission, the Subcommittee on Paramedics, and a meeting of the Emergency Operations Council.

Councilmember Whittum reported his attendance at a VTA Board meeting and announced an upcoming El Camino Real Bus Rapid Transit Policy Advisory Board meeting and an upcoming VTA Board Workshop. Councilmember Whittum announced Federal Surplus Transportation Program Funds to be used for a Tasman Drive Complete Street Corridor Study, and encouraged participation in a survey at vta.org.

Vice Mayor Martin-Milius reported she attended a LAFCO meeting and a meeting of the Parks and Recreation Commission.

Mayor Griffith reported his attendance at a meeting of the Community Choice Energy Subcommittee.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Davis reported his attendance at a Stevens Creek Trail Working Group meeting, Senator Hill's Open House, a meeting with Fremont Union High School District representatives, the Cesar Chavez Teen Service Project at Baylands Park, a NASA-sponsored call-in, the Wireless Infrastructure Update in Cupertino, Officer Johnson's memorial service, a meeting with Senator Bell and the flag raising ceremony in San Jose.

Councilmember Whittum reported a note he wrote regarding sidewalks and budgeting and its availability with the City Clerk. Councilmember Whittum reported an article in San Jose Mercury News regarding Google working with a contractor to upgrade and maintain the Moffett Field golf course. Whittum reported his service as a volunteer on the SUSD Strategic Planning Financial Sustainability Team and a recent meeting of the group. Whittum requested of staff information regarding whether there is a "Fremont Corridor Study" from Belleville to Wolfe; and how the City will quantify the impact of the Stanford Clinic. Councilmember Whittum reported a March 26 email from a Bicycle and Pedestrian Advisory Commission member regarding OBAG grant projects and requested a response from staff

regarding his comments.

Mayor Griffith reported regarding the OBAG issue, BPAC members are concerned the City is missing an opportunity and requested a response from staff as soon as possible.

Councilmember Meyering inquired as to how many projects the environmental consultant PlaceWorks is working on.

Director of Community Development Hanson Hom responded to the request.

Councilmember Whittum reported April 27 at 5 p.m. is the close date for the comment period on the Notice of Preparation of the Environmental Impact Report for Butcher's Corner.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to put discussion of the Butcher's Corner Notice of Preparation and Environmental Impact Report scoping on an agenda for a study session this month. The motion 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

-Council

Mayor Griffith expressed appreciation to Department of Public Safety staff for their assistance in San Jose during the memorial for fallen officer Michael Johnson so that all San Jose officers could attend the memorial.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[15-0347](#) Tentative Council Meeting Agenda Calendar

[15-0374](#) Information/Action Items

[15-0344](#) Study Session Summary of March 17, 2015 - Proposed Fiscal

Year 2015/16 Utility Rates

[15-0335](#)

Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 11:31 p.m.