



City of Sunnyvale

Meeting Minutes City Council

Tuesday, April 28, 2015

6:00 PM

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

Special Meeting- Closed Session-6 PM | Regular Meeting-7 PM

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Griffith called the meeting to order.

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 held pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; there is nothing to report.

Mayor Griffith announced the meeting will be held in honor of former Sunnyvale Public Safety Officer Keith Kumada.

SPECIAL ORDER OF THE DAY

[15-0230](#)

SPECIAL ORDER OF THE DAY - Department of Public
Safety Special Awards

Mayor Griffith and Chief of Public Safety Frank Grgurina presented the Public Safety Special Awards.

[15-0318](#)SPECIAL ORDER OF THE DAY - 2015 Green Business
Certification Recipients

Mayor Griffith, Solid Waste Program Manager Mark Bowers and Commercial Recycling Coordinator Mary Lindemuth presented Certificates of Recognition to the 2015 Green Business Certification recipients.

PUBLIC ANNOUNCEMENTS

Councilmember Whittum announced the City of Sunnyvale has partnered with Silicon Valley Talent Partnership and the Sunnyvale Downtown Association to host a Small Business Ignite program.

Michael Goldman announced an upcoming event for the Sunnyvale Public Lands for Public Use ballot initiative.

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

CONSENT CALENDAR

Mayor Griffith pulled Item 1.E.

Councilmember Meyering requested a No vote be recorded on Items 1.A and 1.D.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the Consent Calendar with the exception of Item 1.E., with a No vote registered for Councilmember Meyering on Items 1.A and 1.D.

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

No: 0

1.A [15-0455](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

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

No: 1 - Councilmember Meyering

1.B [15-0360](#) Award of Bid No. PW15-01 for Hypochlorite Conversion and Continuous Recycled Water Production Facilities Project, and Finding of CEQA Categorical Exemption

1) Make a finding of CEQA categorical exemption, pursuant to Class 1, Section 15301; 2) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$4,212,000 to Anderson Pacific Engineering Construction, 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 15% construction contingency in the amount of \$631,800.

1.C [15-0290](#) Countywide AB 939 Fee and Household Hazardous Waste Agreements for FY 2015/16 through 2017/18

Authorize the City Manager to execute both the Agency Agreement for Countywide AB 939 Fee and the Agency Agreement for Countywide Household Hazardous Waste Collection Program (with an augmentation amount of \$232,000) and continue to delegate to the City Manager the authority to approve an increase of up to 20 percent (\$46,400) in the City's augmentation amount.

1.D [15-0398](#) Appoint New Member to the NOVA Workforce Board

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to appoint Mr. Josue Garcia to the NOVA Workforce Board. 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 [15-0049](#) Approve 2015 Board and Commission Master Work Plans

Mayor Griffith provided information for consideration regarding discussion items on the BPAC and Sustainability Commission work plans. Mayor Griffith outlined the following items on the BPAC work plan had not been added per staff or Council direction:

May 21: Discussion – Buffered Bike Lane Standards

May 21: Discussion – Public Safety Department working with bicycle community

September 17: Discussion – State of Bicycling and Walking in Sunnyvale report

July 16: Discussion – Bollards/Chicanes on Off-Street Paths

October 15: Discussion - Program to reduce cyclist/pedestrian/motor vehicle crashes

Mayor Griffith outlined the following items on the Sustainability Commission work plan that had not been added per staff or Council direction:

June: Discussion Item: Energy (CA Building Code)

July: Discussion Item: Leading Edge Sustainability Practices of Other Communities

September: Discussion Item: EcoDistrict Protocol

September: Discussion Item: Water

December: Energy (Building Code and Development)

Public Hearing opened at 12:21 a.m.

No speakers.

Public Hearing closed at 12:21 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve the 2015 Boards and Commissions master work plans as submitted, with the caveat that the five BPAC items and the five Sustainability Commission items identified by the Mayor are not approved.

Councilmember Hendricks clarified that the motion is to approve the master work plans but make no decision on the 10 items and let the Chairs come talk to Council and offer their opinion.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to send a message to the boards and commissions that the discussions are appropriate in the context of their already scheduled study issues hearings if they feel that's more appropriate.

Councilmember Hendricks declined to accept the friendly amendment.

SUBSTITUTE MOTION: Councilmember Whittum moved a substitute motion to move the item to the next meeting to hear from the chairs.

Councilmember Whittum restated the substitute motion to approve all of the work plans except BPAC and Sustainability and put the BPAC and Sustainability Commission work plans on the next Consent Calendar.
Substitute motion 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: 1 - Councilmember Whittum

Absent: 1 - Councilmember Meyering

PUBLIC COMMENTS

Caroline and Jimmy Nell spoke in support of an ordinance that would allow keeping goats in backyards.

Michael Goldman provided comments on the civic center forum and provided a PowerPoint presentation.

Barry Boole spoke in opposition to consideration of a pedestrian access from Mathilda to Duane and recommended a crosswalk over Borregas and stop signs.

David Wessel spoke regarding the need for affordable housing.

Yasmin Tyebjee expressed disappointment regarding loss of privacy due to the LinkedIn buildings and the letter and \$500 offer received from Kilroy.

Ann Davis, member of Sunnyvale Residents Preserving and Enhancing Quality Neighborhoods, inquired about a contact number to report watering violations and expressed the need for a policy change regarding rules for planting City trees to allow tenants to plant trees. Davis also spoke in agreement with the previous speaker's comments regarding the letter from Kilroy.

Dwight Davis, member of Sunnyvale Residents Preserving and Enhancing Quality Neighborhoods, spoke regarding the letter from Kilroy pertaining to 505 Mathilda.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [15-0103](#) Conduct Protest Hearing and Adopt a Resolution of the City of Sunnyvale to Levy an Annual Assessment for the Downtown Sunnyvale Business Improvement District

Councilmember Whittum reported his home is within 500 feet of the Business District, recused himself and left the room.

Economic Development Manager Connie Verceles presented the staff report.

Public Hearing opened at 8:24 p.m.

No speakers.

Public Hearing closed at 8:24 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Adopt the Resolution to Levy an Annual Assessment for the Downtown Sunnyvale Business Improvement District. 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

Recused: 1 - Councilmember Whittum

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

3 [14-0034](#) Biological Constraints and Opportunities Analysis for the Sunnyvale Landfill and Baylands Park and Protecting Burrowing Owl Habitat on City Facilities (Study Issue)

Assistant Director of Public Works Craig Mobeck presented the staff report.
Superintendent of Parks and Golf Scott Morton provided additional information.

Public Hearing opened at 8:45 p.m.

John Cordes spoke in support of Alternatives 2 and 3.

Shani Kleinhaus, Santa Clara Valley Audubon Society, spoke in support of Alternatives 2 and 3.

Public Hearing closed at 8:49 p.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded the motion to approve Alternatives 1, 2 and 3: 1) Direct staff to work with Animal Assisted Happiness if they choose to provide a proposal for locating their facilities at Baylands and the County is amenable to considering this type of use at the park; 2) Direct staff to submit a proposed project in the Capital Program for constructing low impact park enhancements (shade structures, benches, water fountains, trail connections etc.) and planting native perennials in various locations at the Landfill, including installing additional artificial burrows at both the Landfill and Baylands preserve and providing other habitat enhancements for owls at the Landfill; and 3) Direct staff to incorporate into the operating budget additional costs, estimated to be \$10,000 for Baylands and \$25,000 for the Landfill, related to enhancement and management of habitat.

AMENDMENT: Councilmember Larsson moved to amend the motion and Vice Mayor Martin-Milius seconded to drop Alternative 1 from the motion.

The motion to amend failed by the following vote:

Yes: 3 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Larsson

No: 4 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks

AMENDMENT: Councilmember Meyering moved to amend the motion and Councilmember Whittum seconded to include with Alternative 1 direction to staff to work with Animal Assisted Happiness to consider locating their facilities at Baylands Park and/or the Sunnyvale Civic Center complex.

Mayor Griffith ruled the motion out of order as a violation of the Brown Act.

The main motion carried by the following vote:

Yes: 5 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 2 - Mayor Griffith
Vice Mayor Martin-Milius

Council recessed at 9:25 p.m.

Council reconvened at 9:35 p.m. with all Councilmembers present.

4 [14-0030](#) Peery Park Specific Plan - Draft Project Description, Draft Vision, Guiding Principles, Goals and Policies and Conceptual Policy Framework Diagrams and Maps

Councilmember Meyering recused himself and left the room.

Community Development Director Hanson Hom provided the staff report. Director of Public Works Manuel Pineda provided additional information.

Public Hearing opened at 10:16 p.m.

Dave King requested rejection of the suggestion to remove left turn lanes on Mathilda and expressed concerns regarding over-narrowing of lanes.

Caroline Yacoub, County Council, Santa Clara County Green Party, expressed disappointment with moving ahead with the plan and spoke regarding the need for more affordable housing.

Brett Leon, Standard Pacific Homes, spoke in support of Alternative 1.

Dwight Davis expressed concerns regarding potential noise and traffic if there is a break in the wall at Duane and Pine, encouraged requirement for shades on timers in the windows of tall buildings, and stated the east side of Mathilda between Maude and San Aleso should have the same setback and notification standards as Peery Park.

Jim Quaderer spoke regarding a change in television reception in the neighborhood and provided a PowerPoint presentation.

John Cordes, SNAIL neighborhood, stated an opportunity is being missed to put in more green space and parking, expressed support for adding more housing, raising TDM requirements, more open space to include natural habitat and a controlled gate between San Aleso and Ferndale. Cordes spoke in opposition to parking along Pastoria and in support of more retail and restaurants along Mathilda.

Shani Klienhaus, Santa Clara Valley Audubon Society, spoke in support of adding habitat enhancements for birds and butterflies to the guiding principles, wider setbacks and not allowing in-lieu payments, and submitted written materials.

Carlene Matchniff, Irvine Company, spoke in support of a transportation management association (TMA) and stated the company's commitment to a TMA in

Peery Park and willingness to initiate a TMA study and invest \$100,000 in up-front costs to determine the services to be provided by a TMA, the valuation of alternative governance options, budget needs, staffing requirements, mandatory participation requirements, monitory programs, articles of incorporation, bylaws and timing and phasing of implementation.

Ann Davis spoke regarding the break in the wall and expressed concerns regarding privacy and noise. Davis requested the addition of a sound wall instead of a break in the wall, shades through the transition, no signage to be seen in the neighborhood, make Maude between Mathilda and Fair Oaks more bicycle and pedestrian-friendly.

Ann Davis read a statement by Glenda Orteiz-Galan expressing concerns regarding the proposed pedestrian walkway through the neighborhood and the height per floor of buildings.

Mariany Ramli expressed concerns regarding the opening in the wall citing safety concerns.

Don Breitbarth expressed concerns regarding traffic, transportation and the TV reception issue and spoke in agreement with the comments made regarding the opening in the wall. Breitbarth spoke regarding a perceived conflict of interest of the Mayor.

Public Hearing closed at 10:55 p.m.

MOTION: Councilmember Larsson moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Recommend that Council direct staff to prepare the draft Specific Plan and draft EIR based on the draft project description (Attachment 2) and conceptual policy framework (Attachments 3 and 4); and add that the Sustainability Commission review the sustainability policies in the plan; direct staff to come back with a plan for additional outreach to the SNAIL neighborhood regarding issues such as opening up the wall and the level of shading required.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to include consideration of a boulevard-like sidewalk standard on Mathilda which might be wider.

Councilmember Larsson accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment

to include consideration of a preference for neighborhood serving commercial on Mathilda.

Councilmember Larsson declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to include tightened requirements regarding the aesthetics of glare, signage and shades in residential areas.

Councilmember Larsson stated staff has heard those comments and he expects those items to be part of the outreach to the SNAIL neighborhood.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment that the concept include eventual completion of bike lanes from Sunnyvale Avenue to Mathilda.

Councilmember Larsson declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved to amend the motion to provide more specifics on the plan for transportation and transit supporting this concept. Motion died due to lack of a second.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment regarding Guideline 8: Respect Nearby Neighborhoods to change the word "respect" to "protect."

Councilmember Larsson accepted the friendly amendment.

The motion carried by the following vote:

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

No: 1 - Councilmember Whittum

Recused: 1 - Councilmember Meyering

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to proceed with the remaining items on the agenda. The motion carried by the following vote:

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

No: 0

Absent: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported his attendance at a meeting El Camino Real Bus Rapid Transit Policy Advisory Committee. Whittum suggested it would be worthwhile for the Council to convene to look at the legal aspects of CEQA compliance for VTA for this project.

Vice Mayor Martin-Milius reported her attendance at the Civic Center core team meeting, the Civic Center workshop and an ABAG meeting.

Councilmember Davis reported his attendance at a meeting of the Caltrain Modernization Committee.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Whittum reported his attendance at the last Financial Sustainability Committee for Santa Clara Unified School District. Whittum expressed appreciation to staff and Parks and Recreation Commissioner Henry Alexander for setting up a neighborhood meeting regarding traffic.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[15-0188](#) Tentative Council Meeting Agenda Calendar

[15-0281](#) Study Session Summary of April 7, 2015 - Sidewalk Repair Program Modifications

[15-0375](#)

Information/Action Items

ADJOURNMENT

Councilmember Davis closed the meeting in honor of former Sunnyvale Public Safety Officer Keith Kumada and held a moment of silence.

Mayor Griffith adjourned the meeting at 12:35 a.m.