



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, June 9, 2015

5:00 PM

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

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**Special Meeting: Closed Sessions-5 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 REPORT**

Vice Mayor Martin-Milius reported Closed Session held pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; nothing to report.

Vice Mayor Martin-Milius reported Closed Session held pursuant to California Government Code Section 54957: Public Employee Performance Evaluation; nothing to report.

#### **SPECIAL ORDER OF THE DAY**

[15-0535](#) SPECIAL ORDER OF THE DAY - Recognition of Outgoing  
Personnel Board Member

Mayor Griffith presented a Certificate in Recognition to Judith Nickey, outgoing Personnel Board member.

[15-0065](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office  
for Board and Commission Members

City Clerk Kathleen Franco Simmons administered the oath of office to newly appointed board and commission members.

Mayor Griffith recognized outgoing Assistant City Manager Robert Walker for his 27 years of service to the City.

**PUBLIC ANNOUNCEMENTS**

Vice Mayor Martin-Milius announced board and commission vacancies and upcoming application deadline.

Michael Goldman announced a signature event for the Sunnyvale Public Lands for Public Use Act initiative and provided a PowerPoint presentation.

John Cordes, SNAIL Neighborhood Association Chair, announced the neighborhood's upcoming annual rummage sale.

David Wessel, Democratic Club of Sunnyvale, announced an upcoming meeting of the club and provided a PowerPoint presentation.

**PRESENTATION**

[14-0272](#) PRESENTATION - Initial Study on a Community Choice  
Energy Program for the South Bay

Melody Tovar, Division Manager, Sunnyvale Environmental Services Department and Consultant Shawn Marshall, LEAN Energy, provided a report and PowerPoint presentation. Mayor Griffith provided additional information.

**CONSENT CALENDAR**

Councilmember Meyering requested to pull Items 1.A, 1.B, 1.C, 1.D, 1.E, 1.F, 1.H and 1.I.

MOTION: Councilmember Meyering moved and Vice Mayor Martin-Milius seconded the motion to approve Consent Calendar Item 1.G.

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**     [15-0486](#)     Approve City Council Meeting Minutes of May 12, 2015

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 approve the City Council Meeting Minutes of May 12, 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**      [15-0548](#)      Approve City Council Meeting Minutes of May 19, 2015

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 approve the City Council Meeting Minutes of May 19, 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.C**      [15-0385](#)      Approve City Council Special Meeting Minutes of May 21, 2015

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 approve the City Council Special Meeting Minutes of May 21, 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.D**      [15-0549](#)      Approve the List(s) of Claims and Bills Approved for Payment  
by the City Manager

Public Hearing opened at 11 p.m.

No speakers.

Public Hearing closed at 11 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.E**      [15-0540](#)      Award of Bid No. PW15-21 for a New Traffic Signal on East  
Duane Avenue at Britton Avenue and Finding of CEQA  
Categorical Exemption

Public Hearing opened at 11:02 p.m.

No speakers.

Public Hearing closed at 11:02 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 existing facilities; 2) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$347,600, to Pacific Electric Contracting, 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% contingency in the amount of \$34,760.

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**      [15-0560](#)      Award of Contract for Professional Services to Study  
Alternatives for Traffic Improvements along the Wolfe Road  
Corridor (F15-81)

Public Hearing opened at 8:18 p.m.

Kevin Jackson, Bicycle and Pedestrian Advisory Commission member speaking for himself, expressed concern that cyclists and pedestrians be emphasized at every step of the process and referenced portions of the Consultant Services Agreement.

Public Hearing closed at 8:21 p.m.

MOTION: Councilmember Whittum moved and Councilmember Davis seconded the motion to: 1) Award a contract, in substantially the same format as Attachment 1 and in an amount not to exceed \$147,995, to Kimley Horn and Associates, Inc., 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 10% contract contingency in the amount of \$14,800, and additionally, change the wording on the last page of Exhibit A which references the additional BPAC meeting at the earlier stages, that a portion of the sentence be modified from “is considered an optional task” to “will be held.”

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.G**      [15-0475](#)      Approve the Renewal of the Service Agreement between the County of Santa Clara and the City of Sunnyvale for Juvenile Probation Services

MOTION: Councilmember Meyering moved and Vice Mayor Martin-Milius seconded the motion to approve the renewal of the Service Agreement between the County of Santa Clara and the City of Sunnyvale for juvenile probation services.

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.H**      [15-0490](#)      Renewal of Business License Tax Data Exchange Agreement with the California Franchise Tax Board

Public Hearing opened at 11:04 p.m.

No speakers.

Public Hearing closed at 11:04 p.m.

MOTION: Councilmember Meyering and Vice Mayor Martin-Milius seconded the motion to adopt a resolution to renew the agreement with the California Franchise Tax Board to exchange business information through December 31, 2017.

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.I**      [15-0470](#)      Authorization to Proceed with the Silicon Valley Regional Communication System (SVRCS) Memorandum of Understanding

Public Hearing opened at 11:15 p.m.

No speakers.

Public Hearing closed at 11:15 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to authorize the City Manager to execute the Memorandum of Understanding with the Silicon Valley Regional Interoperability Authority to complete the Regional Communications System build out.

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**

**PUBLIC COMMENTS**

Tiffany Namwong spoke regarding the threat of environmental and health effects of abandoned Red-Eared Slider Turtles and provided written materials.

Michael Goldman spoke regarding the library expansion and provided a PowerPoint presentation.

David Wessel spoke regarding minimum wage and pending legislation to increase enforcement to prosecute wage theft and provided a PowerPoint presentation.

**PUBLIC HEARINGS/GENERAL BUSINESS**



**2**      [15-0301](#)      Public Hearing - Annual Review of Proposed Fees and  
Charges for Fiscal Year 2015/16

Assistant Director of Finance Tim Kirby presented the staff report. Director of Public Works Manuel Pineda, City Manager Deanna Santana and Director of Community Development Hanson Hom provided additional information.

Public Hearing opened at 8:42 p.m.

David Scholz spoke regarding tree removal and replacement fees and in support of a tree replacement fund. Scholz provided information regarding the Sunnyvale Urban Forests Advocates volunteer group.

Public Hearing closed at 8:45 p.m.

No action was taken.

- 3**      [15-0302](#)      Proposed Utility Rate Increases for FY 2015/16 Rates of 20% for Water, 8% for Wastewater, and 5% for Solid Waste Utilities for Services Provided to Customers Within and Outside City Boundaries; Finding of CEQA Exemption Pursuant to CEQA Guideline 15273

Assistant Director of Finance Tim Kirby presented the staff report. Director of Finance Grace Leung and Director of Environmental Services John Stufflebean provided additional information.

Public Hearing opened at 9:05 p.m.

Jay Herbert expressed concerns regarding the water and sewer rate structure and proposed an alternative structure.

Maria Pan spoke in opposition to a 20% water rate increase and suggested an incremental increase.

Public Hearing closed at 9:12 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve Alternatives 1 and 2: 1) Find that the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guideline 15273 because it approves rates and charges for the purposes of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs and requirements; and (4) obtaining funds for capital projects necessary to maintain current service levels; and 2) Adopt the attached resolution increasing water rates by 20%, wastewater rates by 8%, and solid waste rates by 5% for FY 2015/16. Allocate any savings realized from lower wholesale purchase rates to the Water Fund's Rate Stabilization Reserve.

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

Council recessed at 9:22 p.m.

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

**4**      [15-0303](#)      Annual Public Hearing on FY 2015/16 Budget and Resource Allocation Plan and Establishment of Appropriations Limit

Director of Finance Grace Leung presented the staff report. Director of Public Works Manuel Pineda provided additional information.

Councilmember Whittum disclosed his home is within 500 feet of the Business Improvement District and stated he will recuse himself should any discussion occur on that.

Public Hearing opened at 9:44 p.m.

Steve Adelman spoke in support of considering different options for preserving the Butcher House rather than moving it to the apricot orchard.

Charlie Olson spoke in opposition to the study regarding the Butcher House and in opposition to moving the house to Orchard Heritage Park.

Rita Welsh spoke in support of preserving Orchard Heritage Park and provided written materials.

Joel Wyrick, Executive Director, Sunnyvale Downtown Association, spoke in support of the funding for the association.

Michael Kelley spoke regarding the issue of moving the Butcher House to the Orchard Heritage Park and urged placing the Butcher House in the parking lot.

Laura Babcock spoke in support of funding the study to identify a location for the Butcher House at Orchard Heritage Park.

Jim Reynolds spoke regarding the Historical Society's proposal to relocate the Butcher House to Heritage Park.

Public Hearing closed at 10:01 p.m.

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to use the \$50,000 to study the retaining wall and regarding the relocation of the Butcher House, only study those areas where it would not mean the removal of apricot trees.

SUBSTITUTE MOTION: Councilmember Meyering to bifurcate the motions so there is a separate vote on the allocation of money for infrastructure and site

drainage and on the allocation of money for studying the site for placement of the Butcher House.

The substitute motion died due to lack of a second.

The motion failed by the following vote:

**Yes: 3 -** Councilmember Whittum  
Councilmember Meyering  
Councilmember Davis

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

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to request staff come back with at least one option in the study that spares the trees.

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

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to revise the budget to fully fund sidewalks.

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

- 5**      [15-0496](#)      Public Hearing and Adoption of a Resolution to Cause Charges for Non-Payment of Delinquent Utility Charges to be placed on the FY 2015/16 County of Santa Clara Property Tax Roll

Assistant Director of Finance Tim Kirby presented the staff report and provided an updated attachment which reflects one less account and the partial payment of another account.

Public Hearing opened at 10:37 p.m.

No speakers.

Public Hearing closed at 10:37 p.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Adopt a Resolution to Cause Charges for Non Payment of Delinquent Utility Charges to be placed on the FY 2015/16 County of Santa Clara Property Tax Roll, as reflected in the updated attachment.

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**

- 6**      [15-0480](#)      Approve Sale of City-owned Property at 263 Jackson Street with Net Proceeds Going to the Park Dedication Fund's Land Acquisition Reserve

Director of Public Works Manuel Pineda presented the staff report.

Public Hearing opened at 10:46 p.m.

No speakers.

Public Hearing closed at 10:46 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternatives 1 and 3: 1) Approve sale of the City owned property at 263 Jackson Street on the open market with a sale price no less than the current fair market appraised value with the one time net proceeds, minus closing costs and real estate agent fees, deposited to the Park Dedication Fund's Land Acquisition Reserve to acquire and develop additional open space and/or park property; and, 3) Authorize signatory authority to the City Manager on required documents for closing on the sale of the City owned property at 263 Jackson Street.

The motion carried by the following vote:

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

- 7      [15-0563](#)      Adoption of two Resolutions Approving: (1) An Exception to the CalPERS 180 day Wait Period and Interim Appointment of Assistant City Manager and (2) Interim Appointment of Director of Library and Community Services

Director of Human Resources Teri Silva presented the staff report.

Public Hearing opened at 10:55 p.m.

No speakers.

Public Hearing closed at 10:55 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Adopt the resolutions approving the exception to the CalPERS 180 day waiting period and interim appointment of Jane Chambers to Assistant City Manager and the interim appointment of Anne Cain to Director of Library and Community Services.

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**

Councilmember Davis reported his attendance at recent meetings and events of ABAG, the Emergency Operations Council, the Italian American Heritage Day, the Civic Center Modernization Working Committee and the Community Event and Neighborhood Grant Distribution Subcommittee.

Councilmember Whittum reported his attendance at a recent meeting of VTA Board.

Vice Mayor Martin-Milius reported her attendance at recent meetings of the El Camino Corridor Plan, Stevens Creek Trail outreach, the Dedication of the 129th, Joint Recycled Water Advisory Committee, LAFCO and the Community Event and Neighborhood Grant Distribution Subcommittee.



**NON-AGENDA ITEMS & COMMENTS****-Council**

Councilmember Whittum recommended an orientation to Envision Silicon Valley to look at the draft document approved by the VTA Board, proposed Council appoint an alternate to the El Camino VTA BRT Policy Advisory Board, reported receipt of communications regarding the SR-85 project, and recommended review of the webcast of a Cupertino City Council Study Session considering Envision Silicon Valley and the T2010 Rail Plan in terms of its relevance to Sunnyvale's Downtown Specific Plan. Whittum recommended consideration of appointments of a Policy Advisory Board member and alternate to that.

Councilmember Davis reported the Mayor, Vice Mayor and he hosted the Ellis Elementary Third Grade visit to City Hall. He reported his attendance at the County Report on Homelessness, his participation in the 129th Rescue Wing Dedication at Moffett Field, and his attendance at meetings of the League of California Cities Peninsula Division Quarterly meeting, Silicon Valley Regional Economic Forum, Stevens Creek Trail meetings, Silicon Valley Leadership presentation on the Housing Nexus Study. Davis reported his attendance at the Grand Opening of Zanotto's Market and the Sunnyvale Art and Wine Festival.

Vice Mayor Martin-Milius provided information regarding the study session in Cupertino, to discuss the funding of a bond measure in 2016 and how it will be earmarked for transit dollars to some of the northern cities. Mayor Griffith provided additional information regarding the plan with regard to funding for grade separations on Lawrence.

Councilmember Whittum expressed support for the Peak Democracy surveys. Councilmember Whittum reported he took exception to a recent letter sent by the Mayor.

Mayor Griffith reported on his participation in the Art and Wine Festival, and reported his attendance at a recent meeting of city mayors with Governor Brown about measures to address the drought.

**-City Manager**

City Manager Santana reported there is a report on the Values-based Policy Statement Encouraging Local Hiring in the Information Only section of the agenda.

**INFORMATION ONLY REPORTS/ITEMS**

- [15-0426](#) Tentative Council Meeting Agenda Calendar
- [15-0372](#) Information/Action Items
- [15-0595](#) Value-based Policy Statement Encouraging Local Hiring (Information Only)
- [15-0387](#) Study Session Summary of May 12, 2015 - Caltrain Update on the Caltrain Electrification Project and High Speed Rail Presentation on the Current Status of the Project and Next Steps
- [15-0547](#) Study Session Summary of May 18, 2015 - Board and Commission Interviews
- [15-0582](#) Study Session Summary of May 19, 2015 - Land Use and Transportation Element (LUTE) - Joint Study Session with Planning Commission
- [15-0529](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Griffith adjourned the meeting at 11:38 p.m.