



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, July 14, 2015

5:45 PM

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

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**Special Meeting: Study Session- 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:** 6 - Mayor Jim Griffith  
Vice Mayor Tara Martin-Milius  
Councilmember David Whittum  
Councilmember Pat Meyering  
Councilmember Glenn Hendricks  
Councilmember Gustav Larsson

**Absent:** 1 - Councilmember Jim Davis

#### **PUBLIC ANNOUNCEMENTS**

Councilmember Hendricks announced an upcoming Civic Center Modernization Project Community Workshop.

#### **CONSENT CALENDAR**

Councilmember Meyering pulled Items 1.A ,1.B and 1.C.

**1.A**     [15-0581](#)     Approve City Council Meeting Minutes of June 23, 2015

Public Hearing opened at 8:58 p.m.

No speakers.

Public Hearing closed at 8:58 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks

seconded the motion to approve the City Council Meeting Minutes of June 23, 2015 as submitted.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

**Absent:** 1 - Councilmember Davis

**1.B**     [15-0654](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 9 p.m.

No speakers.

Public Hearing closed at 9 p.m.

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

**No:** 1 - Councilmember Meyering

**Absent:** 1 - Councilmember Davis

**1.C**     [15-0620](#)     Approve Budget Modification No. 2 for \$187,000 to Fund the Website Redesign Project

Public Hearing opened at 9:04 p.m.

No speakers.

Public Hearing closed at 9:04 p.m.

MOTION: Councilmember Meyering moved and Vice Mayor Martin-Milius seconded the motion to approve Budget Modification No. 2 for \$187,000 to fund the Website Redesign Project, including staffing, professional services, and the

contract with Civica for a vendor provided and hosted Content Management System (CMS) and new website.

The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Councilmember Davis

### **PUBLIC COMMENTS**

George Apostol, Ygrene Energy Fund, provided information about the services provided by the company.

Peter Cirigliano spoke regarding perceived false information communicated by a Councilmember.

David Wessel, Democratic Club of Sunnyvale, requested Council place an item on the August 11 agenda to officially endorse SB 588 regarding wage theft and an item to consider an ordinance against wage theft.

Mayor Griffith reported City staff is looking at SB 588 and will report back to Council.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2      [15-0207](#)      Introduce an Ordinance and Adopt Two Resolutions to Approve Two New Affordable Housing Impact Fees: Housing Impact Fee for Nonresidential Development and Housing Impact Fee for Rental Housing; Find that the Project is Exempt from Environmental Review Pursuant to CEQA Guideline 15378(b)(4)

Housing Officer Suzanne Ise presented the staff report and noted a correction in the date the ordinance would become effective. Director of Community Development Hanson Hom provided additional information.

Public Hearing opened at 7:31 p.m.

Annette Kirkham, housing attorney with the Law Foundation of Silicon Valley, urged approval of a rental housing impact fee at a minimum of \$17 per square foot.

Michele Beasley, Greenbelt Alliance, encouraged adoption of a housing impact fee at a minimum of \$17 per square foot and a commercial linkage fee as outlined in the coalition letter.

Pilar Lorenzana-Campo, Deputy Policy Director, Affordable Housing Association of Northern California, spoke in support of the impact fees and offered examples of best practices.

Pat Sausedo, on behalf of BIA Bay Area and NAOP Silicon Valley, stated that the private development sector is part of the solution to providing housing within the community and that a community-wide targeted funding source is needed to address housing.

Kathy Robinson spoke in support of the housing impact fees.

Leslye Corsiglia, Executive Director, SV@Home, spoke in support of approval of the housing impact fees and the ordinances, with the rental housing impact fee set at no less than \$17 per square foot.

Michelle McDermott, Allen Matkins representing Sunnyvale Office Park LLC, requested that the ambiguity be cleared up regarding the effective date of the ordinance versus when the fees will be effective, and stated she provided written materials earlier.

Marie Bernard, Sunnyvale Community Services, spoke regarding services provided by the organization.

Matt Lewis, Portfolio Manager with MidPen Housing Corporation, spoke in support of the housing impact fees to provide more affordable housing.

Charisse Ma Lebron, Director of Community Development and Policy, Working Partnerships USA, spoke in support of the housing impact fees at the recommended levels.

Public Hearing closed at 7:53 p.m.

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

the motion to approve Alternative 2: Find that the Project is Exempt from Environmental Review Pursuant to CEQA Guideline 15378(b)(4); and Introduce the Proposed Ordinance and Fee Resolutions establishing the Housing Impact Fees for Nonresidential Development and Housing Impact Fee for Rental Housing, as provided in Attachments 1, 2, and 3 to the report, with a modification to the effective date that the ordinance take effect on the same date as the resolutions, 60 days from today.

AMENDMENT: Councilmember Meyering moved to amend the motion and Councilmember Whittum seconded to set the fee at \$20 per square foot for Nonresidential development and Rental Housing based on the Nexus Study.

The motion to amend failed by the following vote:

**Yes:** 2 - Councilmember Whittum  
Councilmember Meyering

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

**Absent:** 1 - Councilmember Davis

City Clerk Kathleen Franco Simmons read the ordinance title.

The main motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Councilmember Davis

- 3**      [15-0421](#)      Approve Actions Needed to Move Forward with Developing and Launching a Multi-Jurisdictional Community Choice Energy Program in the South Bay, and Finding that these Actions are Exempt from CEQA

Environmental Services Department Division Manager Melody Tovar presented the staff report.

Public Hearing opened at 8:16 p.m.

David Wessel, Democratic Club of Sunnyvale, stated the Club fully supports the proposal.

Barbara Fukumoto spoke in support of providing cleaner electricity and recommended approval of the next steps.

Public Hearing closed at 8:18 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternatives 1, 2, 3, 4 and 5: 1) Accept the Assessment Report, The Potential for CCE in the Heart of Silicon Valley, in response to Study Issue ESD 14 02; 2) Direct staff to proceed with the Technical Study phase, including community engagement and development of JPA formation documents; 3) Delegate authority to the City Manager to negotiate and execute a multi jurisdictional agreement to continue the Silicon Valley CCE Partnership; 4) Delegate authority to the City Manager to procure and execute individual service agreements and associated amendments in amounts that may exceed \$100,000, so long as the total of Sunnyvale's financial commitment for all issued contracts does not exceed the appropriation limit of \$500,000; and 5) Find that the above actions are exempt from CEQA.

AMENDMENT: Councilmember Meyering moved to amend the motion regarding Alternative 4 to require the City Manager to notify Council before approving any amendment in excess of \$100,000.

The motion to amend died due to lack of a second.

SUBSTITUTE MOTION: Councilmember Meyering moved a substitute motion to approve Alternatives 1, 2, 3 and 5: 1) Accept the Assessment Report, The Potential for CCE in the Heart of Silicon Valley, in response to Study Issue ESD 14 02; 2) Direct staff to proceed with the Technical Study phase, including community engagement and development of JPA formation documents; 3) Delegate authority to the City Manager to negotiate and execute a multi jurisdictional agreement to continue the Silicon Valley CCE Partnership; and 5) Find that the above actions are exempt from CEQA.

The substitute motion died due to lack of a second.

AMENDMENT: Councilmember Meyering moved to amend the motion to amend the ceiling on authority to execute contracts without coming back to Council to \$150,000.

The motion to amend died due to lack of a second.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

**Absent:** 1 - Councilmember Davis

- 4      [15-0537](#)      Approve the Purchase and Sales Agreement Between the City of Sunnyvale and Toll Brothers Incorporated for the Purchase of Four Privately-Owned Properties located at 396 and 402 Charles Avenue, and 397 and 403 Mathilda Avenue; Find CEQA Exemption Pursuant to Guideline 15061(b)(3); and Approve Budget Modification No.1 to Appropriate Funding

Assistant City Manager Kent Steffens presented the staff report.

Public Hearing opened at 8:40 p.m.

Leslye Corsiglia, Executive Director, SV@Home, encouraged consideration of affordable housing on the site.

Marie Bernard, Sunnyvale Community Services, spoke in support of consideration of affordable housing on the site.

Public Hearing closed at 8:42 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve Alternatives 1 and 2: 1) Approve the Purchase and Sales Agreement between the City of Sunnyvale and Toll Brothers Incorporated for the purchase of four privately owned properties at 396 and 402 Charles Avenue, 397 and 403 Mathilda Avenue in substantially the same form attached hereto; Find that the project is exempt from CEQA pursuant to Guideline 15061(b)(3); and approve Budget Modification No. 1 to appropriate \$4.6 million from the General Fund Capital Improvement Projects Reserve to a new project to fund the purchase of these four privately owned properties, including closing costs, title insurance, relocation services, and relocation assistance (pursuant to Government Code 7260 et seq.); and, 2) Authorize the City Manager to execute all implementing

documents, including relocation transactions, close escrow and complete the sales transaction.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

**Absent:** 1 - Councilmember Davis

- 5**      [15-0365](#)      Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Assessment, and Levy Annual Assessment for The Downtown Parking Maintenance District Assessment for Fiscal Year 2015/16

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

Assistant Director of Public Works Craig Mobeck presented the staff report.

Public Hearing opened at 8:51 p.m.

No speakers.

Public Hearing closed at 8:51 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt the resolution to approve the final Engineer's report, to confirm the assessment, and levy annual assessment for the Downtown Parking Maintenance District assessment for FY 2015/16.

The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Councilmember Davis

**Recused:** 1 - Councilmember Whittum



Following action on Item 5, Councilmember Whittum returned to the room and took his seat at the dais.

- 6**      [15-0507](#)      Adopt a Resolution to Vacate Four Public Utility Easements at 520-592 East Weddell Drive and the Lands of the City and County of San Francisco

Mayor Griffith stated his residence is within 500 feet, recused himself and left the room.

Vice Mayor Martin-Milius presided during consideration of this item.

Assistant Director of Public Works Craig Mobeck presented the staff report.

Public Hearing opened at 8:56 p.m.

No speakers.

Public Hearing closed at 8:56 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to approve Alternative 1: Adopt a Resolution to Vacate four Public Utility Easements at 520 592 East Weddell Drive and the Lands of the City and County of San Francisco and authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's Office.

The motion carried by the following vote:

**Yes:** 4 - Vice Mayor Martin-Milius  
Councilmember Whittum  
Councilmember Hendricks  
Councilmember Larsson

**No:** 1 - Councilmember Meyering

**Absent:** 1 - Councilmember Davis

**Recused:** 1 - Mayor Griffith

Following action on Item 6, Mayor Griffith returned to the room and took his seat at the dais.

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Whittum provided updates on a meeting of the El Camino Real Rapid Transit Policy Advisory Board and a new VTA Board policy regarding alternates.

Councilmember Larsson reported his attendance at a meeting of the Santa Clara County Airport Land Use Commission on behalf of Councilmember Hendricks.

Mayor Griffith reported his attendance at meetings of the County Recycling and Waste Reduction Commission and a NASA Quarterly meeting.

### **NON-AGENDA ITEMS & COMMENTS**

#### **-Council**

MOTION: Councilmember Whittum moved to place on an upcoming agenda Council endorsement of SB 588 and Council discussion of a Sunnyvale anti-wage theft ordinance.

Councilmember Meyering seconded the second part of the motion, concerning a local ordinance.

RESTATED MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to place on an upcoming agenda discussion of a Sunnyvale anti-wage theft ordinance.

The motion failed by the following vote:

**Yes:** 3 - Vice Mayor Martin-Milius  
Councilmember Whittum  
Councilmember Meyering

**No:** 3 - Mayor Griffith  
Councilmember Hendricks  
Councilmember Larsson

**Absent:** 1 - Councilmember Davis

#### **-Council**

Councilmember Meyering reported information presented at a League of California Cities meeting regarding a polling clicker device which can be received from the Institute of Local Government for free. Meyering requested information regarding frequency of inspection of residential balconies in Sunnyvale.

Councilmember Hendricks sponsored a study issue regarding a wage theft ordinance.

Councilmember Whittum co-sponsored the study issue.

Councilmember Whittum proposed a study issue to look at local HOV lanes curbside per the previous note dated February 4, 2015.

Councilmember Whittum expressed interest in understanding how the downtown plan parking structure would be modified based on the study that is being completed.

Mayor Griffith reported his attendance at Dinner at the Dump.

**-City Manager**

None.

**INFORMATION ONLY REPORTS/ITEMS**

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|--------------------------------|---|
| <a href="#"><u>15-0497</u></a> | Tentative Council Meeting Agenda Calendar   |
| <a href="#"><u>15-0656</u></a> | Information/Action Items  |
| <a href="#"><u>15-0695</u></a> | Board/Commission Resignation (Information Only)   |
| <a href="#"><u>15-0698</u></a> | Study Session Summary of May 12, 2015 - Regulating<br>Short-term Residential Rental Units (Study Issue) - Joint Study<br>Session with Planning Commission |
| <a href="#"><u>15-0587</u></a> | Board/Commission Meeting Minutes  |

**ADJOURNMENT**

Mayor Griffith adjourned the meeting at 9:28 p.m.