



City of Sunnyvale

Meeting Minutes City Council

Tuesday, September 15, 2015

7:00 PM

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

Regular Meeting-7 PM

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

SPECIAL ORDER OF THE DAY

[15-0771](#) SPECIAL ORDER OF THE DAY - Falls Prevention Day

Mayor Griffith presented a proclamation to Dr. Tamar Semerjian of Silicon Valley Healthy Aging Partnership and Sunnyvale Community Services Manager Gerard Manuel in recognition of Falls Prevention Awareness Day.

PUBLIC ANNOUNCEMENTS

Mayor Griffith announced an upcoming "Small Business Ignite" program.

Councilmember Whittum announced board and commission vacancies and an application deadline.

Michael Goldman announced an upcoming event to provide information about the Sunnyvale Public Lands Act and presented a PowerPoint presentation.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A through 1.E and 1.G through 1.J.

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

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 [15-0826](#) Approve City Council Meeting Minutes of August 25, 2015

Public Hearing opened at 12:05 a.m.

No speakers.

Public Hearing closed at 12:05 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of August 25, 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 [15-0833](#) Approve City Council Special Meeting Minutes of September 1, 2015

Public Hearing opened at 12:05 a.m.

No speakers.

Public Hearing closed at 12:05 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the City Council Special Meeting Minutes of September 1, 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 [15-0778](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 12:06 a.m.

No speakers.

Public Hearing closed at 12:06 a.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: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.D [15-0790](#) Authorize Amending an Existing Contract for Cellular Wireless Phone Services (F16-24)

Public Hearing opened at 12:07 a.m.

No speakers.

Public Hearing closed at 12:07 a.m.

MOTION: Councilmember Meyering moved and Vice Mayor Martin-Milius seconded the motion to 1) Approve an amendment to an existing contract with Verizon Wireless to increase the contract value by \$20,000, from \$96,000 to

\$116,000; and 2) delegate authority to the City Manager to renew the contract for up to four additional one year periods, subject to available funding, acceptable pricing and service.

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.E** [15-0794](#) Approve Budget Modification No. 5 to Modify Funding for Two-Phase Feasibility Study of Structural Stormwater Best Management Practices for the SMaRT Station® and the Concrete Recycling Facility and Modify Contract with Geosyntec Accordingly

Public Hearing opened at 12:09 a.m.

No speakers.

Public Hearing closed at 12:09 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve 1) Approve Budget Modification No. 5 and 2) Modify the Geosyntec contract scope of work to delete the concrete recycling facility study and add the supplement to the SMaRT Station feasibility study.

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** [15-0702](#) Reject Bid for Vehicle Exhaust Removal Systems at Three Fire Stations (F15-86)

Reject the one bid received from Air Exchange Inc. in the amount of \$231,153.

- 1.G** [15-0761](#) Approve Final Map (Tract No. 10294) - 67-unit Condominiums at 680 and 698 East Taylor Avenue by Taylor Morrison of California, LLC, a California Limited Liability Company

Public Hearing opened at 12:11 a.m.

No speakers.

Public Hearing closed at 12:11 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to approve the final map for Tract No. 10294; 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

- 1.H** [15-0758](#) Approve Final Map (Tract No. 10299) - 184-unit Condominiums at 701 East Evelyn Avenue by DR Horton Bay, Inc., a Delaware Corporation

Public Hearing opened at 12:11 a.m.

No speakers.

Public Hearing closed at 12:11 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to approve the final map for Tract No. 10299; 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

- 1.I** [15-0787](#) Approve Final Map (Tract No. 10285) - Seven Single-family Homes at 523 E. Homestead Road by Madison Terrace, LLC, a California Limited Liability Company

Public Hearing opened at 12:11 a.m.

No speakers.

Public Hearing closed at 12:11 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to approve the final map for Tract No. 10285; 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

- 1.J** [15-0825](#) Adopt Resolutions Approving Amendments to the City's Contribution for CalPERS Medical Insurance for Management, SEA/Confidential and SEIU Annuitants (Retirees)

Public Hearing opened at 12:17 a.m.

No speakers.

Public Hearing closed at 12:17 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to adopt two resolutions (1) fixing the employer's contribution under the Public Employee's Medical and Hospital Care Act ("PEMHCA") for 2016, and (2)

amending Salary Resolution No. 190 05 to modify the City's contribution for medical insurance for Management, SEA/Confidential and SEIU employees and annuitants.

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

Michael Goldman spoke regarding costs of public libraries and provided a PowerPoint presentation.

Andy Frazer spoke regarding the Sunnyvale Public Lands for Public Use Act and provided a PowerPoint presentation.

Peter Cirigliano spoke regarding a recent article in The Metro.

Maria Pan spoke regarding freedom of speech.

Steve Scandalis spoke regarding the Sunnyvale Public Lands for Public Use Act.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [15-0847](#) REQUEST FOR CONTINUATION to October 27, 2015 to Introduce an Ordinance to Amend various sections of the Sunnyvale Municipal Code Title 19 (Zoning) Related to Child Care Facilities (CDD 15-11); Approve Guidelines for Commercial Child Care; and Finding of CEQA Exemption Pursuant to CEQA Guideline 15061(b)(3). (Planning File: 2015-7149)

Director of Community Development Hanson Hom provided the recommendation to continue this item to October 27.

Public Hearing opened at 7:39 p.m.

No speakers.

Public Hearing closed at 7:39 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to continue this item to October 27, 2015.

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

- 3** [15-0856](#) Council Update and Possible Direction on Establishing a Temporary County Cold Weather Shelter for the 2015-16 Winter Season at the City's Onizuka Site

Community Development Director Hanson Hom provided the staff report. City Manager Deanna Santana, City Attorney Joan Borger and Neighborhood Preservation Manager Christy Gunvalson provided additional information.

Public Hearing opened at 7:52 p.m.

David Wessel, Democratic Club of Sunnyvale, spoke in support of the Onizuka site for the emergency cold weather shelter and clarified his comments from a previous Council meeting regarding the effect of the Sunnyvale Public Lands for Public Use Act.

Diana Nguyen spoke regarding enforcement of shuttle service for the shelter to prevent loitering and the need to address security concerns.

Marie Bernard, Sunnyvale Community Services, spoke in support of the Onizuka site for a temporary cold weather shelter and regarding services that will be provided by community service groups.

Public Hearing closed at 7:58 p.m.

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to receive the report.

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

- 4** [15-0562](#) Introduce an Ordinance to add a new Chapter 19.76 entitled “Short-term Rentals and Home Sharing” to Title 19 of the Sunnyvale Municipal Code, and find that the project is exempt under CEQA pursuant to Guidelines 15061(b)(3) (Study Issue 2015-7147) (Continued from August 25, 2015)

Principal Planner Andrew Miner provided the staff report and noted a correction to the report on page 13 in the last paragraph, that the list of provisions for unhosted rentals should not have been included. Director of Community Development Hanson Hom and Director of Finance Grace Leung provided additional information.

Public Hearing opened at 8:53 p.m.

Linda McGahen spoke in support of short-term rentals and home sharing and provided information regarding personal verification procedures she uses.

Diana Ngyuen requested consideration of changing the ordinance for the occupancy limits to two people per room.

Charisse Ma Lebron, Director of Community Development and Health Policy, Working Partnerships USA, spoke in support of allowing hosted short-term rentals, and requested amendments such as a permanent City of Sunnyvale residency requirement, that Council not permit unhosted rentals and provide close monitoring of the potential impact on the affordable housing stock.

Majid Bargh expressed concerns regarding potential negative impacts of short-term rentals on long-term rentals and neighborhoods and recommended strict limitations on short-term rentals including a permanent residency requirement.

Sarah McDermott, Unite Local 19, stated they have been working with Working Partnerships to ensure short-term rentals are not impacting affordable housing and hospitality workers. McDermott spoke in support of the staff recommendation of hosted only, and recommended strict limitations on unhosted if approved, including

a 90-day limit for unhosted and 180 days for hosted rentals. McDermott recommended the owner of the property be a Sunnyvale resident.

Dan Paustian spoke in support of allowing unhosted short-term rentals and provided information on the careful review of potential clients.

Jackie Nicoli spoke in support of allowing short-term rentals and regarding the reviews available on both sides.

David Wessel spoke in opposition to the ordinance altogether, citing problems with enforcement and lack of notice to the public.

Nancy Smith expressed concerns regarding loss of rentals in Sunnyvale, accountability of owners or tenants, the potential for coercion of tenants by raising rental rates, and including restrictions for hosts in the ordinance.

John Cordes, SNAIL Neighborhood Association Chair speaking for himself, spoke in support of allowing short-term rentals including the unhosted option. Cordes also provided information regarding the short-term rental of RVs.

Ray Crump expressed concerns regarding safety of children and spoke in opposition to unhosted rentals.

Ed Gocka spoke in support of the staff recommendation of restricting short term rentals to hosted.

Simone Yan spoke in support of short-term rentals for the opportunities it provides to people who otherwise cannot afford long-term rent in Sunnyvale. Yan also spoke in support of the benefits to the economy.

Chris Oliva spoke regarding the opportunity to defray long-term costs of a mother-in-law unit and in support of the ordinance.

Public Hearing closed at 9:36 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve Alternatives 1, 2 and 3: (1) Introduce an Ordinance to add a new Chapter 19.76 entitled Short term Rentals and Home Sharing to Title 19 of the Sunnyvale Municipal Code; (2) Direct staff to return with a Resolution amending the Fee Schedule to reflect the appropriate processing fee for short term rentals; and (3) Find that the project is exempt from CEQA under Guideline 15061(b)(3).

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to add the language “as amended from time to time” as suggested by staff in the response to Council comments.

Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to allow a host to stay in an accessory dwelling unit if they are renting the primary unit.

Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to return to Council in two years with an update on how it has gone and a chance to revisit the ordinance.

Councilmember Davis stated this is already covered by the first friendly amendment.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to add a requirement that any lister must include the City permit number in their listing.

Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to exclude mobile home parks.

Councilmember Davis declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved to amend the motion to exclude mobile home parks from the ordinance.

Councilmember Hendricks seconded the motion to amend.

Following discussion, Councilmember Whittum withdrew the motion to amend and Councilmember Davis accepted the exclusion of mobile home parks as a friendly amendment, with direction to staff to prepare the appropriate language when the ordinance comes back to Council for adoption.

City Clerk Kathleen Franco Simmons read the ordinance title.

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 10:42 p.m.

Council reconvened at 11 p.m. with all Councilmembers present.

- 5** [15-0741](#) Introduce an Ordinance to Amend Sunnyvale Municipal Code Chapter 8.16 (Solid Waste Management and Recycling), Chapter 10.04 (General Provisions), and Title 12 (Water & Sewers).

Director of Environmental Services John Stufflebean provided the staff report.

Director of Finance Grace Leung provided additional information.

Public Hearing opened at 11:09 p.m.

No speakers.

Public Hearing closed at 11:09 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Introduce the proposed Ordinance to Amend Sunnyvale Municipal Code Chapter 8.16 (Solid Waste Management and Recycling), Chapter 10.04 (General Provisions), and Title 12 (Water & Sewers).

AMENDMENT: Councilmember Meyering moved to amend the motion to, at the moment, delete the resetting in section 12.24.230 and postpone a determination about changing the meter resetting charge until we have more concrete information as to what the new charge will be.

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

City Clerk Kathleen Franco Simmons read the three ordinance titles.

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** [15-0818](#) Adopt Memorandum of Understanding between the City of Sunnyvale and the Communication Officers Association and the Corresponding Resolution to Amend the City's Salary Resolution and the Resolution for Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 11:15 p.m.

No speakers.

Public Hearing closed at 11:15 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt the Memorandum of Understanding between the City of Sunnyvale and the Communication Officers Association, and the corresponding Resolution amending the City's Salary Resolution and the Resolution for Paying and Reporting the Value of CalPERS Employer Paid Member Contributions.

The 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

- 7** [15-0852](#) Consider a Request for Funding from Urban Systems Laboratories for an Automated Transit Network Development Partnership and Approval of Budget Modification No. 6

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 11:22 p.m.

No speakers.

Public Hearing closed at 11:22 p.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded the motion that the City of Sunnyvale, contingent upon other communities joining in the partnership with additional funds, and that any partnership agreement that is drafted, it is understood that we are interested in pursuing the concept, not buying in to the development or building of the structure.

The motion failed by the following vote:

Yes: 3 - Councilmember Whittum
Councilmember Davis
Councilmember Hendricks

No: 4 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Meyering
Councilmember Larsson

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to proceed with the remaining agenda items.

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

No: 0

8 [15-0369](#) Cast Vote as Member City for the League of California Cities
Peninsula Division 2016 Election of Officers

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 11:56 p.m.

No speakers.

Public Hearing closed at 11:56 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to ratify the list in the report:

President: Liz Kniss, Councilmember, Palo Alto

Vice President: Alicia Aguirre, Council Member, Redwood City

Secretary-Treasurer: Marilyn Librers, Councilmember, Morgan Hill

Board Director (Two-Year Term): Kirsten Keith, Council Member, Menlo Park

San Mateo County: Larry Moody, Councilmember, East Palo Alto

Santa Clara County: Jim Davis, Councilmember, Sunnyvale

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

- 9** [15-0773](#) Approve City Position on Proposed League of California Cities' 2015 Annual Resolutions

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 11:59 p.m.

No speakers.

Public Hearing closed at 11:59 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve resolution positions:

1. League Bylaw Amendment - Support
2. Overconcentration of Alcohol & Drug Treatment Facilities - Support
3. Residential Rentals, Support for SB 593 (McGuire) - Support
4. Compensation for Prolonged Electrical Power Outages - Take No Position

AMENDMENT: Councilmember Meyering moved to amend the motion to take no action on Resolution #2.

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

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to take no position on Resolution #2 pending clarification on the item.

Councilmember Hendricks declined to accept 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: 2 - Councilmember Whittum
Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported his attendance at meetings of the El Camino Real Bus Rapid Transit Policy Advisory Committee and a VTA Board meeting.

Vice Mayor Martin-Milius reported her attendance at the CALAFCO conference.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Whittum reported the comments he made earlier on the water rates study are available on the dais or electronically.

Mayor Griffith reported on the State of the City Address and Community Awards event held on September 12.

-City Manager

Assistant City Manager Kent Steffens reported SB588 passed the legislature and is on Governor's desk for signature.

INFORMATION ONLY REPORTS/ITEMS

- | | |
|--------------------------------|--|
| <u>15-0769</u> | Tentative Council Meeting Agenda Calendar |
| <u>15-0701</u> | Information/Action Items |
| <u>15-0759</u> | \$15 by 2018 Regional Minimum Wage Goal Update
(Information Only) |
| <u>15-0831</u> | Study Session Summary of August 25, 2015 - Sunnyvale
Clean Water Program - Master Plan Update |

[15-0073](#)

Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 12:22 a.m.