



City of Sunnyvale

Meeting Minutes City Council

Tuesday, October 13, 2015

7:00 PM

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

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

[15-0471](#) SPECIAL ORDER OF THE DAY - Annual Fire Safety Poster
Contest Awards Presentation

Chief of Public Safety Frank Grgurina, Network Resource Officer Jahari Tracy, Public Safety Specialist Dori Fontaine and Kiwani's Club of Silicon Valley President Joanne Barr presented the fire safety poster contest awards.

ORAL COMMUNICATIONS

Mayor Griffith announced a special Closed Session meeting on October 20 regarding successor agency litigation and real property negotiations related to the Town Center.

Councilmember Davis announced a Family Fun Day event at Columbia Neighborhood Center.

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

Ellen Huynh, SummerHill Housing Group, announced the upcoming Turkey Trot event.

Stan Hendryx spoke regarding the Public Lands for Public Use Act and requested a public hearing be scheduled on the next Council meeting agenda. Hendryx provided a PowerPoint presentation.

Kevin Chen, President, Sunnyvale Teen Advisory Committee (TAC), announced an upcoming pumpkin decoration and costume contest and an upcoming open mic night.

Raymond Greer spoke in opposition to the massage ordinance and requested reconsideration of the ordinance.

Michael Goldman announced an upcoming event regarding the Sunnyvale Public Lands for Public Use Act and provided a PowerPoint presentation.

Maria Pan spoke regarding posting outreach meeting notices at the Library.

David Wessel spoke regarding the massage ordinance and the California Massage Therapy Act and provided a PowerPoint presentation.

Sima Srivistava, Sunnyvale Urban Forest Advocates (SUFA), proposed a study issue regarding the urban forest management plan and provided written materials.

Stela Jacobs spoke in opposition to the massage ordinance.

CONSENT CALENDAR

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

Councilmember Davis pulled Item 1.E.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve Consent Calendar Items 1.F and 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 [15-0922](#) Approve City Council Meeting Minutes of September 29, 2015

Public Hearing opened at 11:40 p.m.

No speakers.

Public Hearing closed at 11:40 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to approve the City Council Meeting Minutes of September 29, 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 [15-0871](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 11:41 p.m.

No speakers.

Public Hearing closed at 11:41 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis 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 [15-0858](#) Approve Budget Modification No. 7 to Appropriate FY 2015/16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Grant Funds Totaling \$11,432 for Law Enforcement Equipment

Public Hearing opened at 11:43 p.m.

No speakers.

Public Hearing closed at 11:43 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve Budget Modification No. 7 to appropriate Department of Justice, Office of Justice Programs FY 15 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Grant funds in the amount of \$11,432 to a new project, FY2015/16 JAG Grant.

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.D [15-0863](#) Award of Contract for Waste Reduction Behavior Change Strategies (F15-95)

Public Hearing opened at 11:45 p.m.

No speakers.

Public Hearing closed at 11:45 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to 1) Award a contract in the amount of \$199,945 to Action Research to

develop and implement a comprehensive behavior change program, in substantially the same form as the draft consultant services agreement attached to the report; and 2) approve a 5% contract contingency in the amount of \$10,000.

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 [15-0403](#) Adopt a Resolution to Endorse Destination:Home Community Plan to End Homelessness in Santa Clara County 2015-2020

Housing Officer Suzanne Ise responded to questions of Council.

Public Hearing opened at 8:02 p.m.

Anthony King requested deferral of consideration of the resolution for one year.

Shaunn Cartwright spoke regarding the need for an end-user study to get more information about how well the services are helping the users.

Colleen Haley, Destination:Home, spoke in support of the resolution and responded to questions of Council.

Public Hearing closed at 8:35 p.m.

MOTION: Councilmember Whittum moved and Councilmember Davis seconded the motion to refer this to the Housing and Human Services Commission with Council's comments and discussion and with the public input and request a recommendation from them as to the resolution wording Council should consider.

The motion failed by the following vote:

Yes: 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Hendricks

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

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to adopt a resolution to endorse the Destination:Home Community Plan to End Homelessness in Santa Clara County 2015-2020.

FRIENDLY AMENDMENT: Councilmember Davis offered a friendly amendment to strike the last "Whereas" statement and number two on page two.
Vice Mayor Martin-Milius declined to accept the friendly amendment.

FORMAL AMENDMENT: Councilmember Davis moved and Councilmember Meyering seconded a formal amendment to strike the last "Whereas" statement and item number two under "Therefore be it resolved..."

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to the formal amendment to restore the last "Whereas" statement to state, "Whereas, the City desires to endorse the Community Plan."
Councilmember Davis accepted the friendly amendment to the formal amendment.

The motion to amend 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

The main motion as amended 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.F** [15-0937](#) Adopt Ordinance No. 3063-15 Amending the List of Official Plan Line Maps in Section 19.06.050 (Maps-Adopted-Designation) of Title 19 (Zoning) of the Sunnyvale Municipal Code to Amend the Mathilda Avenue Plan Line

Adopt Ordinance No. 3063-15.

- 1.G** [15-0864](#) Adopt the City's Investment Policy for Fiscal Year 2015/16 and Receive the Annual Performance Report for Fiscal Year 2014/15

Adopt the Investment Policy for FY 2015/16 as presented.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [15-0185](#) FILE #: 2015-7636
Location: 838 Azure Street and 842 Sunnyvale-Saratoga Road (APN: 211-18-030)
Proposed Project:
General Plan Amendment Initiation request to study changing the General Plan from Low Density Residential to Low Medium Density Residential.
Applicant/Owner: Xin Lu (owner)
Environmental Review: Not required to initiate a General Plan study. The potential General Plan change and future projects will be subject to the provisions of the California Environmental Quality Act (CEQA).

Community Development Director Hanson Hom provided the staff report.

Public Hearing opened at 9:14 p.m.

Michael Goldman spoke in opposition to changing the density designation to a higher density.

Roger Griffin, Paragon Design Group, on behalf of Xin Lu (owner), provided information regarding the application for a General Plan change and responded to questions of Council.

Public Hearing closed at 9:31 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Initiate a General Plan Amendment

study to consider changing the site designation from Residential Low Density (RLO 0 7 dwelling units per acre) to Residential Low Medium Density (RLM 7-14 dwelling units per acre), and to consider possible RLM zoning designations of R-1.5, R-1.7 and R-2; and additionally, to expand the area to the north to try to make the zoning and general plan designations consistent.

The motion carried by the following vote:

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

No: 2 - Councilmember Meyering
Councilmember Davis

3 [15-0373](#) Discussion and Direction on Study Issue and Report Related to Car/Ride Share Impacts on Taxicab Franchises and Review of Taxicab Franchise Regulations (Study Issue DPS 15-0102)

Department of Public Safety Management Analyst Elaine Ketell provided the staff report. Consultant Daniel Goncher, Harvey M. Rose Associates, LLC, presented an overview of the findings in the Study of Car/Ride Share Impacts on Taxicab Franchises and Review of Taxicab Franchise Regulations. Community Development Director Hanson Hom and Chief of Public Safety Frank Grgurina provided additional information.

Public Hearing opened at 10:47 p.m.

No speakers.

Public Hearing closed at 10:47 p.m.

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to approve Alternative 1: Direct staff to prepare an ordinance amending Sunnyvale Municipal Code, Section 5.36 Taxicabs, in consideration of Consultant study findings and policy options 1, 2, 3, 5, 8 and 9 as presented in this report; and add option 4 as a directive to the City Manager, the Director of Public Safety and/or the Mayor to open a regional dialogue on the idea of taxicab regulations on a Countywide basis.

FRIENDLY AMENDMENT: Vice Mayor Martin-Milius offered a friendly amendment to change option 4 to specifically direct the Mayor to take it to the Cities Association, not the Director of Public Safety or the City Manager. Councilmember Davis accepted the friendly amendment.

FORMAL AMENDMENT: Councilmember Whittum moved to amend the motion and Councilmember Meyering seconded to remove the requirement for 24-hour service.

The motion to amend failed by the following vote:

Yes: 1 - Councilmember Whittum
No: 6 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Meyering
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

The main 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

Council recessed at 11 p.m.

Council reconvened at 11:10 p.m. with all Councilmembers present.

4 [15-0821](#) Adopt a Resolution to Approve the Annexation of the Butcher Property and Find the Project Categorically Exempt under the California Environmental Quality Act

Community Development Director Hanson Hom provided the staff report.

Public Hearing opened at 11:21 p.m.

Zachary Kaufman recommended changing the zoning to R-2 and then annexing it.

Andre Gueziec requested delaying the annexation this year to allow time to look at the best possible use and zoning.

Holly Lofgren recommended pre-zoning before annexing.

Public Hearing closed at 11:28 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Martin-Milius seconded the motion to approve Alternatives 1 and 2: 1) Find that the project is categorically exempt from CEQA pursuant to guideline 15319(a); and 2) Adopt the resolution to approve the annexation of the Butcher property.

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

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to continue with the remaining agenda items.

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

Vice Mayor Martin-Milius reported her attendance at a LAFCO meeting.

Councilmember Whittum reported his attendance at an El Camino Real BRT Policy Advisory Committee meeting and a meeting of the VTA Board.

Councilmember Hendricks reported his attendance at an El Camino Real BRT Policy Advisory Committee meeting and a Department of Public Safety joint fire

training.

Councilmember Meyering reported his attendance at the League of California Cities Annual Conference.

NON-AGENDA ITEMS & COMMENTS

-Council

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to put on an agenda discussion of deferring Council actions prospectively covered by the Sunnyvale Public Lands for Public Use Act.

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

Councilmember Whittum asked questions of staff regarding scheduling a study session regarding the Stevens Creek Trail project.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to put on our agenda discussion of crossing guard program budget authority.

The motion carried by the following vote:

Yes: 4 - Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Meyering
Councilmember Davis

No: 3 - Mayor Griffith
Councilmember Hendricks
Councilmember Larsson

-Council

Councilmember Meyering requested to be one of the co-sponsors on the study

issue suggested earlier concerning the regulation of trees and tree canopies.

Mayor Griffith reported an all-day Closed Session is being considered on December 10 to discuss the Town Center.

Mayor Griffith reported his attendance at the International Economic Development Conference in Anchorage, Alaska in which the City of Sunnyvale received six awards.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[15-0848](#) Tentative Council Meeting Agenda Calendar

[15-0766](#) Information/Action Items

[15-0813](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 12:09 a.m.