



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, November 10, 2015

5:00 PM

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

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**Special Meetings- Closed Session-5 PM | Study Session-6 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 the Council met in Closed Session pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; direction was given, no action was taken.

#### **ORAL COMMUNICATIONS**

Emily Goodwin, Ygrene Energy Fund, spoke regarding the Property Assessed Clean Energy (PACE) services provided by the company to residential and commercial customers.

Michael Goldman spoke regarding space considerations for the Library and provided a PowerPoint presentation.

Vice Mayor Martin-Milius announced recruitment for members of the Advisory

Committee on Accessibility.

**CONSENT CALENDAR**

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

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve Consent Calendar Item 1.D.

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**     [15-0823](#)     Approve City Council Meeting Minutes of October 27, 2015

Public Hearing opened at 9:53 p.m.

No speakers.

Public Hearing closed at 9:53 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of October 27, 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**     [15-0978](#)     Approve the List(s) of Claims and Bills Approved for Payment  
by the City Manager

Public Hearing opened at 9:55 p.m.

No speakers.

Public Hearing closed at 9:55 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks 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**      [15-0599](#)      Approve Budget Modification No. 9 to Provide Funding for Temporary Public Works Transportation and Traffic Services Staff and Authorize the City Manager to Amend or Enter into Implementing Contract(s) to a Level Greater than \$100,000 so long as the Total Appropriation of \$300,000 is Not Exceeded

Public Hearing opened at 10 p.m.

No speakers.

Public Hearing closed at 10 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Whittum seconded the motion to approve Budget Modification No. 9 to appropriate \$300,000 for temporary transportation and traffic services and authorize the City Manager to amend or enter into implementing contract(s) to a level greater than \$100,000 so long as the total appropriation of \$300,000 is not exceeded.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Davis

**1.D**      [15-0991](#)      Adopt Ordinance No. 3064-15 Repealing and Reenacting Chapter 9.41 (Massage Establishments and Massage

Therapists) of Title 9 (Public Peace, Safety or Welfare) and Amending Sections 19.12.140 (Definitions-"M"), 19.18.030 (Table-Permitted, Conditionally Permitted and Prohibited Uses in Residential Zoning Districts), and 19.60.010 (Adult Businesses) of the Sunnyvale Municipal Code

Adopt Ordinance No. 3064 15.

**1.E**      [15-0992](#)      Adopt Ordinance No. 3065-15 Amending Title 19 (Zoning) of the Sunnyvale Municipal Code Relating to Child Care Centers

Public Hearing opened at 10:03 p.m.

No speakers.

Public Hearing closed at 10:03 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3065-15, as amended to clarify the definition of "business sponsored" as shown in Attachment 1 to the report in redline.

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

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

**2**      [15-0511](#)      Introduce an Ordinance to Repeal Section 19.42.080 of Title 19 (Zoning) Regarding Private Security Cameras, and Find that the Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b)(3)(Planning File: 2015-7148; Study Issue CDD 15-08)

Director of Community Development Trudi Ryan provided the staff report. Chief of Public Safety Frank Grgurina and City Attorney Joan Borger provided additional information.

Public Hearing opened at 7:28 p.m.

Steve Sarette spoke in favor of removing the ordinance, or suggesting that Public Safety stop encouraging security cameras.

Public Hearing closed at 7:30 p.m.

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to approve Alternatives 1 and 2: (1) Introduce an ordinance to repeal Sunnyvale Municipal Code Section 19.42.080 regarding the installation and location of private surveillance cameras; and (2) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3).

AMENDMENT: Councilmember Meyering moved to amend the motion to include a requirement that a camera mounter must get written permission of the neighboring property owner and occupants before including a field of vision on the adjacent property, not across the street property.

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

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

- 3**      [15-0865](#)      File #: 2015-7259  
Location: 423 E. Maude Ave. (APN: 204-21-006)  
Zoning: R-3 (Medium Density Residential)  
Proposed Project:      Call for Review by the City Council of a decision by the Planning Commission approving related applications on a 0.59-acre site:  
DESIGN REVIEW to allow 11 townhome units;  
VESTING TENTATIVE MAP to subdivide one lot into 11 lots plus one common lot, and  
VARIANCE to allow an average front yard setback along Maude Ave. of 18 feet 10 inches, where 20 feet average is required.

Applicant / Owner: Classic Communities / Robert Alonso  
Trustee

Environmental Review: Mitigated Negative Declaration

Director of Community Development Trudi Ryan provided the staff report. Director of Public Works Manuel Pineda provided additional information.

Public Hearing opened at 8:11 p.m.

Applicant Adam Kates, Classic Communities, provided information about the project.

Linda Garcia expressed concerns regarding traffic congestion and pedestrian safety on Maude and suggested the project is not right for the location.

John Cordes, Bicycle and Pedestrian Advisory Commission member speaking for himself, requested Council reject Alternative A and send the project back to the Planning Commission with recommendations regarding a traffic study, a building height of 30 feet, a parking study, and recommended Council consider rezoning the property to R-2 to make it more compatible with the neighborhood, or reduce the size of the units.

Don Breitbarth expressed concerns regarding the R-3 zoning and inquired as to when the property was first zoned R-3 and what will happen to the current tenants.

Applicant Adam Kates stated they would be agreeable to eliminating the four foot sidewalk that connects Morse Avenue to the parking stalls and to working with staff on leasing restrictions so that bedrooms would not be leased out to non-family members, and responded to additional questions.

Public Hearing closed at 8:59 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Uphold the decision of the Planning Commission to adopt the Mitigated Negative Declaration and approve the Design Review, Vesting Tentative Map, and Variance based on the findings in Attachment 3 and with the recommended conditions of approval in Attachment 4.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to consider lease restrictions to avoid multiple occupancy and proliferation of vehicles onsite.

Councilmember Hendricks did not accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved to amend the motion and Councilmember Meyering seconded to lower the height to 30 feet.

The motion to amend 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

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment that tandem parking or stacker could be permitted.  
Councilmember Hendricks declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to ask staff to take another look at the color scheme to see if there is something amenable to the applicant that might further break up the mass and help compliment the neighborhood, at the discretion of the Director of Community Development.  
Councilmember Hendricks 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:** 2 - Councilmember Whittum  
Councilmember Meyering

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

Councilmember Whittum spoke regarding a meeting of the VTA El Camino BRT Policy Advisory Board meeting in which new BRT concept alternatives were introduced.

Vice Mayor Martin-Milius reported her attendance at the water district delta tour, a meeting of the Santa Clara Valley Water District Advisory Committee and her attendance at the National League of Cities conference.

Councilmember Meyering reported a discussion at the National League of Cities conference regarding legislation for highway funding and infrastructure funding.

Councilmember Whittum reported his attendance at a meeting of the VTA Board in which financial assistance to businesses on Alum Rock was discussed.

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

#### **-Council**

Councilmember Whittum proposed a study issue regarding a policy for consolidation of curb cuts on redevelopment of properties on transit lines. Councilmember Meyering co-sponsored the study issue.

Councilmember Whittum spoke regarding the Information Only report on the Mary Avenue Extension and suggested an agenda item for discussion and action.

MOTION: Councilmember Whittum moved to add the Mary Avenue Extension item as an agenda item for discussion and action. Councilmember Meyering seconded the motion.

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**

Mayor Griffith proposed a study issue regarding the friendship city relationship with Iizuka to upgrade it to a sister city relationship. Councilmember Hendricks co-sponsored the study issue.

Councilmember Whittum co-sponsored the Sunnyvale Urban Forest Advocate study issue proposed previously.

#### **-City Manager**

City Manager Deanna Santana announced a special Council meeting regarding the downtown on December 10 at 9 a.m.



**INFORMATION ONLY REPORTS/ITEMS**

[15-0402](#) Tentative Council Meeting Agenda Calendar

[15-0916](#) Information/Action Items

[15-0953](#) Mary Avenue Extension (Information Only)

**ADJOURNMENT**

Mayor Griffith adjourned the meeting at 10:36 p.m.