



City of Sunnyvale

Meeting Minutes City Council

Tuesday, December 1, 2015

4:30 PM

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

**Special Meetings-Closed Sessions-4:30 PM and 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.

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 held pursuant to California Government Code Section 54957: Public Employee Performance Evaluation: City Manager; no direction was given, no action was taken.

Vice Mayor Martin-Milius reported the Council met in Closed Session held pursuant to California Government Code Section 54957: Public Employee Appointment: City Attorney; direction was given.

SPECIAL ORDER OF THE DAY

[15-0359](#)

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.

ORAL COMMUNICATIONS

Vice Mayor Martin-Milius announced the upcoming opening of the cold weather shelter and provided information regarding opportunities to volunteer to provide food services.

Michael Goldman spoke regarding the Civic Center and provided a PowerPoint presentation.

Deborah Marks spoke regarding the location of the library in the design of the Civic Center modernization project and provided a PowerPoint presentation.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.B, 1.D, 1.E, 1.F and 1.G.

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

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 [15-0998](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 9:48 p.m.

No speakers.

Public Hearing closed at 9:48 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.B [15-0990](#) Award of Contract for a Laboratory Information Management System for the Water Pollution Control Plant Laboratory (F15-88)

Public Hearing opened at 9:49 p.m.

No speakers.

Public Hearing closed at 9:49 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve 1) Award a contract in the amount of \$178,145 to Ethosoft, Inc. to implement a comprehensive Laboratory Information Management System, in substantially the same form as the draft agreement attached to the report; and 2) approve a 10% contract contingency in the amount of \$17,815.

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 [15-1060](#) Approve Budget Modification No. 15 to Appropriate Funds from the General Fund for Payment Pursuant to the Redevelopment Agency Dissolution Law

Approve Budget Modification No. 15 to appropriate \$14,175,000 in Funds from the General Fund Reserves for Payment of former Redevelopment Agency Obligations Pursuant to Redevelopment Agency Dissolution Law.

1.D [15-1030](#) Adopt Ordinance No. 3066-15 Repealing Section 19.42.080 (Surveillance Cameras - Restrictions) of Chapter 19.42 (Operating Standards) of Title 19 (Zoning) of the Sunnyvale

Municipal Code

Public Hearing opened at 9:52 p.m.

No speakers.

Public Hearing closed at 9:52 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Martin-Milius seconded the motion to adopt Ordinance No. 3066-15.

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** [15-1059](#) Adopt Ordinance No. 3067-15 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 645 Almanor Avenue from M-S (Industrial And Service) to M-S 100% Far (Industrial and Service 100% Floor Area Ratio) Zoning District

Public Hearing opened at 9:54 p.m.

No speakers.

Public Hearing closed at 9:54 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to adopt Ordinance No. 3067-15.

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

- 1.F** [15-1064](#) Adopt Ordinance No. 3068-15 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property

Located at 915 Deguigne Avenue from M-S (Industrial And Service) to Medium Density Residential/Planned Development (R-3/PD)

Public Hearing opened at 9:54 p.m.

No speakers.

Public Hearing closed at 9:54 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to adopt Ordinance No. 3068-15.

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

1.G [15-1065](#) Adopt Ordinance No. 3069-15 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 936 Duane Avenue from M-S (Industrial And Service) to Public Facilities (PF)

Public Hearing opened at 9:54 p.m.

No speakers.

Public Hearing closed at 9:54 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to adopt Ordinance No. 3069-15.

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 HEARINGS/GENERAL BUSINESS

2 [15-0951](#) Minimum Wage - Update on Regional Efforts to Reach \$15 by 2018

Economic Development Manager Connie Verceles provided the staff report. Senior Assistant City Attorney Robert Boco and City Manager Deanna Santana provided additional information.

Public Hearing opened at 8:16 p.m.

Mark Johnson spoke in support of leading the way regionally in raising the minimum wage to help address affordability and disparity.

Marie Bernard, Executive Director at Sunnyvale Community Services, provided information regarding income levels that qualify for low income services and asked consideration to be given to how an increase would help the working poor.

Dave Offen spoke in support of moving regionally to \$15 per hour, and supported raising it to \$11 in January 2016, and provided written materials.

Meghan Fraley spoke in support of “Clean \$15 by 2018” and adjusting the schedule to \$12 in July 2016, \$13 in January 2017 and \$15 in January 2018.

Sara Selis spoke in support of Sunnyvale taking a lead role in raising minimum wage and the moral issue to having a fare wage.

Alison Hicks spoke in support of taking a leadership role along with Mountain View by passing a \$15 by 2018 ordinance.

John Cordes spoke in support of clear numbers and targets to allow for business planning, a “carve out” for youth under \$18 and a longer phase-in for smaller businesses. Cordes spoke against an exemption for tip wage earners.

Russ Melton spoke in support of Alternative 3 to work with the City of San Jose to achieve a regional consensus, or Alternative 2 as a back-up plan.

Kirk Vartan spoke regarding alternative business models that his business is considering such as a co-op, and encouraged Council to educate the community on what is being considered.

Carol Weiss spoke regarding a regional example set for living wage by the County Board of Supervisors at \$19.06 per hour effective July 1, 2015. Weiss spoke in support of \$15 by 2018 at a minimum.

Poncho Guevara spoke in support of the movement toward increasing the minimum wage citing significant improvements in quality of life for low income earners.

Rene and Julia Blou spoke regarding the impacts a substantial minimum wage increase would have on their small business.

Jessica Lynam, speaking on behalf of the California Restaurant Association, provided information regarding increasing costs for restaurants and spoke in support of a regional increase to \$15 by 2020. Lynam spoke in support of a total compensation model, a youth wage to protect wages for youth, and a small business exemption.

Public Hearing closed at 8:57 p.m.

MOTION: Councilmember Davis moved and Councilmember Meyering seconded the motion to approve Alternative 1: Change the CPI in the City's current Minimum Wage Ordinance from the U.S. city average to the San Francisco Bay Area CPI average, and Alternative 2: Direct staff to return to Council with an ordinance similar to the ordinance the City of Mountain View adopted November 10, 2015, but due to timing would have a later implementation date of July 2016, with a schedule of \$11 on July 1, 2016, \$13 on January 1, 2017 and \$15 on January 1, 2018.

AMENDMENT: Councilmember Whittum moved to amend the motion to allow small businesses with 55 employees or less to have an extra year to phase-in. The motion to amend died for lack of second.

AMENDMENT: Councilmember Whittum moved to amend and Councilmember Hendricks seconded the motion to allow businesses to extend a youth training period of 160 hours for new hires, therefore exempting them from the wage for the first 160 hours.

The motion to amend failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Hendricks

No: 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Meyering
Councilmember Davis
Councilmember Larsson

The main motion carried by the following vote:

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

No: 2 - Councilmember Whittum
Councilmember Hendricks

MOTION: Mayor Griffith moved and Councilmember Davis seconded the motion to send a letter to Mountain View to request they consider amending their ordinance such that instead of calculating this year by year, they calculate it using 2018 as a base year and doing all of the CPI adjustments based on that, in order to correct both the rounding issue and the problem with down years, followed by the City of Sunnyvale revisiting this and possibly editing our ordinance if they choose to go that way.

The motion carried by the following vote:

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

No: 2 - Councilmember Whittum
Councilmember Hendricks

3 [15-0980](#) Direct Staff to Proceed with LED Streetlights Citywide
Conversion Project and Approve Budget Modification No. 14

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

Public Hearing opened at 7:25 p.m.

Kirk Vartan spoke regarding the benefits of switching to LED and requested inclusion of sensor technology in the lamp heads for providing an ongoing open data source.

Public Hearing closed at 7:30 p.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded

the motion to approve Alternative 1: Direct Staff to proceed with the LED Streetlights Citywide Conversion Project to convert all remaining HPS streetlights in the City and approve Budget Modification No. 14.

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** [15-1005](#) Amend the Salary Resolution to Revise the Paid Time Off and Paid Medical Leave Provisions for Unrepresented Classified Confidential Employees

Human Resources Manager Doug Baker provided the staff report.

Public Hearing opened at 9:38 p.m.

No speakers.

Public Hearing closed at 9:38 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt a Resolution Amending Resolution 190-05, the City's Salary Resolution, to Revise Section 3.110(g) (Paid Time Off Leave (PTO) and Paid Medical Leave Confidential Employees) to Require 120 hours of Paid Time Off prior to Paid Medical Leave Eligibility for Unrepresented Classified Confidential Employees.

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

- 5 [15-1007](#) Amend the Schedule of Pay in the Salary Resolution to provide Salary Increases, effective retroactive to July 5, 2015, for Pay Plan Category C (Classified Public Safety Officers and Lieutenants) and Pay Plan Category D/E (Public Safety Captains and Public Safety Deputy Chiefs) pursuant to the City's current MOUs with the PSOA and PSMA

Human Resources Manager Doug Baker provided the staff report.

Public Hearing opened at 9:41 p.m.

No speakers.

Public Hearing closed at 9:41 p.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded the motion to Adopt a Resolution Amending the City's Salary Resolution to Amend the Schedule of Pay for Pay Plan Categories C (Classified Public Safety Officers and Lieutenants) and D/E (Public Safety Captains and Public Safety Deputy Chiefs) pursuant to the City's current MOUs with the PSOA and PSMA.

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

Whittum stated he will miss the next VTA Board meeting due to the December 10 special City Council meeting.

Councilmember Davis reported his attendance at a meeting of the ABAG Executive Board.

Mayor Griffith reported his attendance at a meeting of the Santa Clara County Clean Energy Coalition in which Community Choice Energy (CCE) was discussed.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Meyering requested information regarding the December 10 special Council meeting.

-City Manager

City Manager Santana reported the City of Cupertino voted unanimously tonight to participate in the Community Choice Energy JPA.

INFORMATION ONLY REPORTS/ITEMS

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| <u>15-0743</u> | Tentative Council Meeting Agenda Calendar |
| <u>15-0918</u> | Information/Action Items |
| <u>15-0934</u> | New Transportation Demand Management (TDM) Program Guidelines (Information Only) |
| <u>15-1037</u> | Board/Commission Resignations (Information Only) |
| <u>15-0368</u> | Study Session Summary of November 17, 2015 - Discussion of Council 2016 Intergovernmental Relations Assignments |

ADJOURNMENT

Mayor Griffith adjourned the meeting at 10:07 p.m.