



City of Sunnyvale

Meeting Minutes City Council

Tuesday, December 15, 2015

4:30 PM

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

**Special Meetings- Closed Session-4:30 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 Council met in Closed Session held pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; nothing to report.

Mayor Griffith presented a plaque to City Attorney Joan Borger in recognition of her retirement and years of service to the City.

ORAL COMMUNICATIONS

Mei-Ling Stefan spoke regarding the impact on citizens who want to participate in public meetings if the bus routes that stop outside City Hall on West Olive are removed, and provided written materials.

Richard Kolber provided information regarding the "Voters Right to Know Act" initiative for new disclosure requirements for campaign ads, and provided a PowerPoint presentation.

Deborah Marks spoke on behalf of Sunnyvale Urban Forest Advocates (SUFA) regarding a proposal for the establishment of a tree fund.

Andy Frazer spoke regarding the sunshine laws of neighboring cities and provided written materials.

Michael Goldman spoke regarding economic ups and downs, housing prices and the importance of cautious planning, and provided a PowerPoint presentation.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.B, 1.C, 1.G, 1.H and 1.I.

Councilmember Whittum pulled Item 1.K.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve Consent Calendar Items 1.D, 1.E, 1.F, 1.J and 1.L

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 [15-0902](#) Approve City Council Meeting Minutes of November 17, 2015

Public hearing opened at 12:51 a.m.

No speakers.

Public hearing closed at 12:51 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of November 17, 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 [15-0938](#) Approve City Council Meeting Minutes of December 1, 2015

Public hearing opened at 12:51 a.m.

No speakers.

Public hearing closed at 12:51 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve the City Council Meeting Minutes of December 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 [15-0999](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public hearing opened at 12:51 a.m.

No speakers.

Public hearing closed at 12:51 a.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.D** [15-1003](#) Award of Contract for Three Service Trucks for the
Departments of Environmental Services and Public Works
(F16-46)

Award a contract in the amount of \$111,727 to Oroville Ford for three service trucks, in substantially the same form as draft purchase order attached to the report.

- 1.E** [15-1017](#) Award of Contract for Self-Contained Breathing Air (SCBA)
Compressors at Fire Stations 1 and 2 (F16-42)

Award a contract in the amount of \$130,322 to Bauer Compressors for SCBA compressors at fire stations 1 and 2 in substantially the same form as the draft purchase order attached to the report.

- 1.F** [15-1025](#) Award of Contract for Annual Maintenance of the Computer
Aided Dispatch, Mobile Data Computing and Records
Management Systems (F16-59)

1) Award a contract, in substantially the same form as the draft Purchase Order attached to the report and in the amount of \$102,534, including taxes, to Tiburon, Inc. for annual maintenance and support for CAD, MDC and RMS; and 2) delegate authority to the City Manager to renew the contract for up to five (5) additional one year periods, subject to available funding and acceptable pricing and service.

- 1.G** [15-1053](#) Award of Bid No. PW16-09 for the Federally-funded Safe
Routes to School 2014 Project for Bike and Pedestrian
Improvements, and Finding of CEQA Categorical Exemption

Public hearing opened at 12:51 a.m.

No speakers.

Public hearing closed at 12:51 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks to 1)
Make a finding of CEQA categorical exemption pursuant to Class 1 Section
15301(c) for existing facilities; 2) award a contract, in substantially the same format

as Attachment 2 to the report and in the amount of \$438,787 to St. Francis Electric LLC; and 3) approve a 15% construction contingency in the amount of \$65,818.

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** [15-1062](#) Award of Bid No. PW16-16 for Duane Avenue Bicycle Lanes, Make a Finding of CEQA Categorical Exemption, and Approve Budget Modification No. 16 to Appropriate \$28,304 in Transportation Impact Fees (TIF) to Provide Additional Project Funding

Public hearing opened at 12:51 a.m.

No speakers.

Public hearing closed at 12:51 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to 1) Make a finding of CEQA categorical exemption pursuant to Class 1 Section 15301(c) for existing facilities; (2) approve Budget Modification No. 16 to provide \$28,304 in additional project funding; (3) award a contract, in substantially the same format as Attachment 2 to the report and in the amount of \$105,315 to Chrisp Company; and (4) approve a 15% construction contingency in the amount of \$15,797.

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** [15-1076](#) Award of Bid No. PW16-13 for Fair Oaks Park Auxiliary Restroom and Parking Lot Renovation, and Finding of CEQA

Categorical Exemption

Public hearing opened at 12:51 a.m.

No speakers.

Public hearing closed at 12:51 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to 1) Make a finding of CEQA categorical exemption pursuant to Class 2 Section 15302 for replacement of existing structures and facilities, and Class 4 Section 15304(b) for replacement of existing landscaping with water efficient landscaping; 2) award a contract, in substantially the same format as Attachment 2 to the report and in the amount of \$685,738 to Redgwick Construction Company; and 3) approve a 15% construction contingency in the amount of \$102,861.

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 [15-0985](#) Receive and File FY 2014/15 Annual Status Report on
Receipt and Use of Development Impact Fees

Receive and file the FY 2014/15 Annual Status Report on receipt and use of development impact fees.

1.K [15-1054](#) Delegation of Contract Award Authority to the City Manager
for the Purchase of Citywide Office Supplies

Public hearing opened at 12:54 a.m.

No speakers.

Public hearing closed at 12:54 a.m.

MOTION: Councilmember Whittum moved and Councilmember Larsson seconded the motion to delegate authority to the City Manager to award office supply contracts greater than \$100,000 should the need arise, not to exceed budgeted amounts.

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.L** [15-1079](#) Adopt a Resolution Authorizing the City Manager to Grant an Easement to PG&E for Utility Purposes on a City-owned Property Located at 620 E. Maude Avenue

Adopt a resolution authorizing the City Manager or his/her designee to grant the requested easement deed to PG&E and to sign any related escrow documents in final form as approved by the City Attorney.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [15-1021](#) Introduce an Ordinance Amending Ordinance 3053-15, Taxicab Franchise and Agreement, Yellow Checker Cab Co. Inc.

Management Analyst Elaine Ketell provided the staff report.

Public hearing opened at 7:28 p.m.

Larry Silva, applicant, requested Council support of the staff recommendation.

Public hearing closed at 7:28 p.m.

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Introduce an ordinance amending the existing non-exclusive franchise for taxicab service to Yellow Checker Cab Co., Inc. dba Checker Cab of Silicon Valley for the period of March 15, 2015 through March 14, 2017 to add a dba Rainbow Cab, and authorize the City Manager to execute all implementing documents.

City Clerk Kathleen Franco Simmons read the ordinance title.

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** [15-0952](#) Approve Actions Related to the Formation of, and Sunnyvale's Membership in, the Silicon Valley Clean Energy Authority, an Independent Joint Powers Authority, to Establish a Community Choice Energy Program, Find that these Actions are Exempt from CEQA, and Approve Budget Modification No. 20

Regulatory Programs Division Manager Melody Tovar provided the staff report. John Dalessi, President, Pacific Energy Advisors, Inc., provided additional information.

Public hearing opened at 8:01 p.m.

Bruce Carney, President of the Board of Directors of Carbon Free Mountain View, spoke in support of the Community Choice Energy (CCE) Program.

Russ Melton, member of the Planning Commission speaking for himself, spoke in support of Alternatives 1 through 7.

John Scarboro, Carbon Free Mountain View, spoke in support of the Community Choice Energy (CCE) Program.

Cherie Walkowiak, Founder, Carbon Free Mountain View, spoke in support of the Community Choice Energy (CCE) Program.

Gary Bailey spoke in support of the Community Choice Energy (CCE) Program.

Bruce Naegel spoke in support of the Community Choice Energy (CCE) Program.

John Cordes, Vice Chair of the Bicycle and Pedestrian Advisory Commission speaking for himself, spoke in support of Alternatives 1 through 7.

Gary Latshaw, Sierra Club, spoke in support of the support of the Community Choice Energy (CCE) partnership and provided written materials.

Dan Hafeman spoke in support of the Community Choice Energy (CCE) Program but stated he is not excited about scenario one only to reduce the price of electricity, but stated the goal should be clean energy and greenhouse gas reduction.

Mike Balma, Carbon Free Mountain View and SunWork, spoke in support of the Community Choice Energy (CCE) Program.

Public hearing closed at 8:18 p.m.

MOTION: Mayor Griffith moved and Vice Mayor Martin-Milius seconded the motion to approve Alternatives 1, 2, 3, 4, 5, 6, and 7:

1. Introduce an Ordinance to authorize the implementation of a Community Choice Aggregation program and find that the project is exempt from CEQA pursuant to CEQA Guidelines 15378(a), 15061(b)(3), and 15308;
2. Adopt a Resolution to approve the Joint Powers Authority Agreement establishing and authorizing participation in the Silicon Valley Clean Energy Authority, and find that the project is exempt from CEQA pursuant to CEQA Guidelines 15378(b)(5) and 15061(b)(3);
3. Authorize the City Manager to remit up to \$450,000 to the Silicon Valley Clean Energy Authority to support the initial costs of the Authority;
4. Approve Budget Modification No. 20 for \$100,000 to support funding the initial costs of the Authority;
5. Direct staff to return to Council with an update and potential action regarding bridge financing for the Authority;
6. Direct staff to return to Council with a proposal to provide interim project and/or staffing support to the Authority via a separate services agreement; and
7. Direct staff to return to Council for appointment of a regular Director and alternate Director to the Authority's Board of Directors.

City Clerk Kathleen Franco Simmons read the ordinance title.

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** [15-1081](#) Approve Three Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$160 million in Clean Water State Revolving Funds to Fund the City of Sunnyvale - Headworks and Primary Treatment, Phase 1(A) Project

Assistant Director of Finance Tim Kirby provided the staff report.

Public hearing opened at 8:32 p.m.

No speakers.

Public hearing closed at 8:32 p.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve Three Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$160 million in Clean Water State Revolving Funds to Fund the Rehabilitation of the City of Sunnyvale Water Pollution Control Plant.

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

Council recessed at 8:35 p.m.

Council reconvened at 8:46 p.m. with all Councilmembers present.

- 5** [15-0445](#) Consideration of Land Use Alternatives and Financing Options for the Civic Center Modernization Project and Approval of Budget Modification No. 21 in the Amount of \$125,000, with Funding from the Future Projects Set Aside in the Infrastructure Fund, to Continue Public Outreach and Planning Activities for the Project

Assistant City Manager Kent Steffens provided the staff report. Pamela Anderson, Anderson Brule Architects, City Manager Deanna Santana, City Attorney Joan Borger and Director of Finance Grace Leung provided additional information.

Public hearing opened at 10:27 p.m.

Deborah Marks spoke in support of the site proposal by Councilmember Davis and requested it be added to the list of alternatives with the addition of public art, an outdoor gathering space and a play area near the library.

Erin Jew spoke in support of including Councilmember Davis' proposal and provided written materials.

Michael Goldman spoke in support of Councilmember Davis' proposal and provided a PowerPoint presentation.

Stan Hendryx spoke in support of the staff recommendations with a modification to remove the sale of the Charles Street land to raise money for the civic center modernization.

Mei-Ling Steffen expressed concerns regarding the prototypes and spoke in support of including Councilmember Davis' proposed prototype.

John Cordes spoke in support of the staff recommendations and recommended consideration of more branch libraries and an infrastructure fund.

Margaret Lawson spoke regarding the 'rabbit hutches' and in support of a bond measure.

Bob Lawson spoke in support of the staff recommendations and Prototype F with no sale of land.

Mark Diaz spoke in support of conducting the poll and consideration of more branch libraries.

Bruce Euzent spoke in support of a lower cost alternative to the proposed plans and in opposition to selling community property.

Elaine Manley spoke in support of the project and encouraged consideration of the legacy the City wants to have, and in support of building efficient buildings.

Public hearing closed at 10:57 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternatives 1, 2 and 3: 1) Approve Budget Modification No. 21 in the amount of \$125,000, with Funding from the Future Infrastructure Projects Set Aside in the Infrastructure Fund, to Continue Public Outreach and Planning Activities for the Civic Center Project; 2) Eliminate Prototype G from further consideration; and 3) Modify Prototype F to eliminate the sale of land at the Civic Center.

AMENDMENT: Councilmember Davis moved to amend the motion and Councilmember Whittum seconded to add an Alternative 4 to add to the poll questions about phasing in the project, with the city hall building first. Following discussion, Councilmember Davis revised the amendment to: Ask that the poll include questions about phasing in the project, period.

The motion to amend carried by the following vote:

- Yes: 4 -** Councilmember Whittum
Councilmember Meyering
Councilmember Davis
Councilmember Larsson
- No: 3 -** Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Hendricks

The main 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 Whittum moved and Councilmember Larsson seconded the motion to continue with the remaining items on the agenda following a break.

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 11:46 p.m.

Council reconvened at 11:59 p.m. with all Councilmembers present.

- 6** [15-0945](#) Receive and File the FY 2014/15 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report, and Sunnyvale Financing Authority Financial Report and Approve Budget Modification No. 18

Assistant Director of Finance Tim Kirby provided the staff report and noted that the budget modification was omitted in the recommendation and staff recommends inclusion of this in the motion. City Manager Deanna Santana and Director of Public Safety Frank Grgurina provided additional information.

Public hearing opened at 12:08 a.m.

No speakers.

Public hearing closed at 12:08 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve Alternative 1: Receive and file the budgetary Year End Financial Report, the audited Comprehensive Annual Financial Report, the Report to the City Council issued by the independent auditors, and the Sunnyvale Financing Authority Financial Report, and Alternative 2: Approve Budget Modification No. 18.

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

- 7** [15-1071](#) Adopt Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association (SMA) and the Corresponding Resolutions to (1) Amend the City's Salary Resolution and (2) Pay and Report the Value of Employer Paid Member Contributions for CalPERS Retirement

Director of Human Resources Teri Silva provided the staff report.

Public hearing opened at 12:11 a.m.

No speakers.

Public hearing closed at 12:11 a.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded the motion to Alternative 1: Adopt the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association, and the corresponding Resolutions (1) amending the City's Salary Resolution 190 05, by amending the pay schedule and benefits for employees represented by the Sunnyvale Managers Association and the pay schedule for the unrepresented position of Assistant Director of Finance and (2) for Paying and Reporting the Value of Employer Paid Member Contributions to CalPERS.

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

- 8** [15-1088](#) Approve the Appointment of the City Attorney and Approve the Employment Agreement

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 12:13 a.m.

No speakers.

Public Hearing closed at 12:13 a.m.

MOTION: Councilmember Whittum moved and Councilmember Davis seconded the motion to approve Alternative 1: Approve the appointment of John Nagel as the City Attorney.

The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Meyering

MOTION: Councilmember Whittum moved and Vice Mayor Martin-Milius seconded the motion to approve Alternatives 2 and 4: 2) Approve the employment agreement as outlined in Attachment 1; and 4) Appoint Senior Assistant City Attorney Rebecca Moon as acting City Attorney during any transition period, and authorize a 5% pay increase during her period of service.

MOTION: Councilmember Meyering moved to bifurcate the vote on Alternative 2 and Alternative 4.

The motion died due to lack of a second.

The main 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

9 [15-1083](#) Discussion and Possible Action Regarding the City's Crossing Guard Program

Director of Public Safety Frank Grgurina provided the staff report. Director of Human Resources Teri Silva, City Manager Deanna Santana and Captain Jeff Hunter provided additional information.

Public Hearing opened at 12:44 a.m.

No speakers.

Public Hearing closed at 12:44 a.m.

MOTION: Councilmember Whittum moved and Councilmember Hendricks seconded the motion to approve Alternative 2: Direct staff to introduce a Resolution amending the City's Salary Resolution with a new salary schedule for the Casual Crossing Guard and Casual Seasonal Crossing Guard classifications with a 7% raise.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to include Alternative 1: Direct staff to continue robust recruitment and retention efforts and return in six months with a progress report, and Alternative 4: Direct staff to consider alternative methods of service delivery options for the City's Crossing Guard Program, in accordance with the guidelines in Council Policy 7.3.6 Service Delivery Options and report back to Council with recommendations for service delivery.

Councilmember Whittum accepted the friendly amendment.

The motion carried by the following vote:

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

No: 1 - Mayor Griffith

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Hendricks reported his attendance at a meeting of the State Route 85 Policy Advisory Board.

Vice Mayor Martin-Milius reported her attendance at a meeting of the State Route 85 Policy Advisory Board and a LAFCO meeting.

NON-AGENDA ITEMS & COMMENTS

-Council

Mayor Griffith reported the Town of Los Gatos voted 4 – 1 to provide funding and bring forward a Community Choice Energy ordinance.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- [15-0459](#) Tentative Council Meeting Agenda Calendar
- [15-0919](#) Information/Action Items
- [15-0198](#) Study Session Summary of September 29, 2015 - Update on Sunnyvale Municipal Golf Course Restaurant Operations and Golf Finances
- [15-0514](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Griffith adjourned the meeting at 12:56 a.m.