

City of Sunnyvale

Meeting Minutes City Council

Tuesday, March 15, 2016

4:30 PM

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

Special Meeting-Closed Session-4:30 PM | Joint Study Session with Bicycle and Pedestrian Advisory Commission-5:30 PM | Regular Meeting-7 PM

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order in Council Chambers.

SALUTE TO THE FLAG

Mayor Hendricks led the salute to the flag.

ROLL CALL

Present: 7 - Mayor Glenn Hendricks

Vice Mayor Gustav Larsson Councilmember Jim Griffith

Councilmember Tara Martin-Milius Councilmember David Whittum Councilmember Pat Meyering Councilmember Jim Davis

CLOSED SESSION REPORT

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; nothing to report.

SPECIAL ORDER OF THE DAY

City Clerk Kathleen Franco Simmons administered the oath of office to new board and commission members.

PRESENTATION

16-0068

PRESENTATION - Presentation by the Sunnyvale Chamber of Commerce Regarding its Recent Survey on Transportation Priorities

Mayor Hendricks reported the presentation was postponed.

ORAL COMMUNICATIONS

Councilmember Griffith announced announced upcoming board and commission vacancies and an application deadline.

Councilmember Martin-Milius announced the first and third place winners of for the Energize Sunnyvale challenge are from Sunnyvale.

Mark Diaz spoke in support of the proposed Lakewood Branch Library.

Larry Kein spoke regarding bicycle transportation in the City and the new update to the bike plan.

Marny Warren spoke in support of Summit Denali school.

Fred Fowler spoke in support of the proposed Lakewood Branch Library.

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

CONSENT CALENDAR

Mayor Hendricks announced members of the public requested to speak on Item 1.K.

Councilmember Meyering requested to pull Items 1.A, 1.B, 1.C, 1.D, 1.E, 1.H, 1.J and 1.L.

MOTION: Vice Mayor Larsson moved and Councilmember Whittum seconded the motion to approve Consent Calendar Items 1.F, 1.G and 1.I.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks

Vice Mayor Larsson

Councilmember Griffith

Councilmember Martin-Milius

Councilmember Whittum

Councilmember Meyering

Councilmember Davis

No: 0

1.A Approve City Council Meeting Minutes of February 9, 2016

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

- **1.B** <u>16-0231</u> Approve City Council Meeting Minutes of February 23, 2016 Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.
- **1.C** Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

1.D Approve Agreement with Abode Services Related to Tenant Based Rental Assistance (TBRA) Program

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

1.EThird Amendment to Outside Counsel Agreement with Rankin Stock Heaberlin for Litigation Services

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

Authorize the Issuance of a Purchase Order for the Purchase of Self-checkout Machines, a Security Gate, and Related Software and Hardware for the Sunnyvale Public Library (F16-91)

Authorize the issuance of a purchase order substantially in the same form as Attachment 1 to the report in the amount of \$99,995, excluding sales tax, to Bibliotheca ITG for six (6) SmartServe 1000 self-checkout machines, a SmartGate 400 Single Aisle Security Gate, and related software and hardware.

- **1.G** Award of Contract for Instructional Classes and Camps (F16-83)
- 1) Award a two-year contract to Kidz Love Soccer to provide instructional classes and camps, in substantially the same form as Attachment 1 of the report; and 2) Delegate authority to the City Manager to renew the contract for an additional one-year period, provided pricing and service remain acceptable to the City Manager.

1.HAward of Contract for Americans with Disabilities Act (ADA)
Access Evaluation and Transition Plan for City Facilities and Rights-of-way (F16-55)

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

1.I Authorization to Accept the Pavement Maintenance
Technology Assistance Program Grant from the Metropolitan
Transportation Commission to Update the City's Pavement
Management System

Authorize the City Manager to Accept the Metropolitan Transportation Commission Pavement Maintenance Technology Assistance Program Grant to Update the City's Pavement Management System.

1.J Award of Bid No. PW16-06 for Orchard Gardens Park Restrooms Renovation and Finding of CEQA Categorical Exemption

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

1.K Approve the Agreement Renewal with Sustainable Community Gardens for Property Located at 433 Charles Street

Director of Public Works Manuel Pineda responded to Council questions. Assistant City Manager Kent Steffens and City Attorney John Nagel provided additional information.

Public Hearing opened at 7:24 p.m.

Katie Barnes spoke in support of a five-year lease for the Community Gardens.

Janet Hamma spoke in support of a five-year lease for the Community Gardens.

George Hamma spoke in support of a five-year lease for the Community Gardens.

Hazel Donaldsen spoke in support of a five-year lease for the Community Garden.

Eric Fulda, a manager of the garden, spoke in support of a five-year lease.

Public Hearing closed at 7:36 p.m.

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to approve Alternative 1 (modified): Approve renewal of the Agreement, in substantially the same form as Attachment 1 to the report, with Sustainable Community Gardens for the operation and maintenance of the Charles Street Community Gardens for a three year term and authorize the City Manager to enter into yearly renewals of the Agreement on behalf of the City.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to change the 3 year term to a 5 year term.

Councilmember Davis declined to accept the friendly amendment.

AMENDMENT: Councilmember Meyering moved to amend the motion and Councilmember Whittum seconded to change the term to 5 years.

The motion to amend failed by the following vote:

Yes: 2 - Councilmember Whittum Councilmember Meyering

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

AMENDMENT: Councilmember Meyering moved to amend the motion and Councilmember Whittum seconded to include a clause that the City Manager may not deny renewal of the agreement without a public hearing and a majority vote of the City Council.

The motion to amend failed by the following vote:

Yes: 2 - Councilmember Whittum Councilmember Meyering

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

The main motion carried by the following vote:

Yes: 7 - Mayor Hendricks

Vice Mayor Larsson

Councilmember Griffith

Councilmember Martin-Milius

Councilmember Whittum

Councilmember Meyering

Councilmember Davis

No: 0

Following action in Item 1.K, Council considered Public Hearing Item 2.

1.L 16-0235 Adopt Ordinance No. 3074-16 Amending Certain Sections in

Chapters 18.04 (General Provisions) and 18.20 (Maps) of Title

18 (Subdivisions) of the Sunnyvale Municipal Code

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

PUBLIC HEARINGS/GENERAL BUSINESS

2 16-0260 RECOMMEND CONTINUANCE

File #: 2015-7530 and 2015-7936

Location: 521 E. Weddell Drive (APN: 110-14-196), 531 E. Weddell Drive (APN: 110-14-186), 539 E. Weddell Drive (APN: 110-14-158), 1010 Morse Ave. (APN: 110-14-202)

Proposed Project:

GENERAL PLAN AMENDMENT: Proposed land use designation change from Industrial to School on three parcels (521, 531, and 539 E. Weddell Drive) and from Industrial to Residential/Medium to High Density to Park on one parcel (1010 Morse Ave. - Seven Seas Park); and REZONING from MS-POA (Industrial and Service - Places of Assembly Combining District) on three parcels (521, 531 and 539 E. Weddell Drive) and MS-ITR-R3-PD (Industrial and Service - Industrial to Residential/Medium Density Residential/Planned Development) on one parcel (1010 Morse Ave. - Seven Seas Park) to PF (Public Facilities) zoning. Applicant / Owner: Sunnyvale International Church and Summit School (applicants) / Sunnyvale International Church (owner - 521 and 539 E. Weddell Drive), 1st Morning Light

Chinese Christian Church (owner - 531 E. Weddell Drive), and City of Sunnyvale (owner - 1010 Morse Ave.)

Environmental Review: Negative Declaration

Director of Community Development Trudi Ryan presented the staff report.

Public Hearing opened at 7:51 p.m.

Kevin Bock, Director of Summit Denali School, spoke in support of school use for the location.

Public Hearing closed at 7:53 p.m.

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to continue the item per the staff report.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks

Vice Mayor Larsson

Councilmember Griffith

Councilmember Martin-Milius

Councilmember Whittum

Councilmember Meyering

Councilmember Davis

No: 0

3 16-0180 File #: 2014-7990

Location: 1500 Partridge Avenue (APN: 313-24-031)

Zoning: PF (Public Facility)

Proposed Project:

TWO APPEALS of decision by the Planning Commission:

Appeal No. 1) Certifying an Environmental Impact Report; and Appeal No. 2) Denying a Use Permit to allow a private school

(Stratford School) at the former Raynor Activity Center. Applicant / Owner: Stratford School (applicant) / City of

Sunnyvale (owner)

Environmental Review: Environmental Impact Report

Mayor Hendricks provided an overview of the process for hearing the item.

Director of Community Development Trudi Ryan and Assistant City Manager Kent Steffens provided the staff report. Director of Community Development Ryan noted an error in the staff recommendation in the staff report and stated staff recommends Alternative 3 in reference to Attachment 4. Director of Public Works Manuel Pineda and City Attorney John Nagel provided additional information.

MOTION: Councilmember Meyering moved to terminate the hearing and to vacate the findings of the Planning Commission concerning the EIR based on the grounds that the sales agreement between the City of Sunnyvale and the buyer clearly states that the closing deadline can be no more than two years after the effective date which was November 2013.

The motion died due to lack of a second.

Appellant Ray-Nor Park Neighborhood Association: Wee-Lee Lim provided information and a PowerPoint presentation in opposition to certification of the EIR, citing questionable traffic analysis including the magnitude of impact of Apple traffic, lack of analysis of pedestrian/bicyclist safety, inadequate parking and concerns regarding air quality. Lim expressed concerns regarding the joint use agreement and the RFP process, lack of seismic improvement to the buildings for safety of the students and lack of mitigation of parking issues. Lim urged Council to overturn the certification of the EIR and uphold the denial of the use permit.

Applicant/Appellant Stratford School: Clay Stringham, Stratford School, provided information and a PowerPoint presentation regarding the proposed project. Stringham cited potential improvements and benefits to the neighborhood including proposed plans for improvement to the buildings, that Stratford will pay the park maintenance costs, a new basketball court will be added to the park and additional bleachers and other equipment will be added for use by sports associations. Stringham cited Stratford's monitoring of current daytime use of the park and addressed comments made by the other Appellant regarding the EIR. Stringham stated that Stratford has completed all studies required, met all requirements and has agreed to all Conditions of Approval. Stringham requested Council certify the EIR and approve the use permit.

Council recessed at 9:37 p.m.

Council reconvened at 9:49 p.m. with all Councilmembers present.

Public Hearing opened at 9:49 p.m.

Aylin Salanifar spoke in support of Stratford School and requested approval of the conditional use permit to allow Stratford to move to a larger facility.

Riya Mehta spoke in support of Stratford School and requested approval of the

conditional use permit to allow the Santa Clara Stratford School to move to a larger school.

Arni Kulkarni spoke in support of Stratford School.

Ameya Mulay spoke in support of Stratford School.

Denise DeLange requested denial of the conditional use permit citing traffic and safety issues, and recommended the land be retained for public use.

Mark Isaak, speaking for himself, spoke in support of Stratford and regarding field use and traffic impacts.

Vaishali Angal spoke in support of Stratford School.

Vidya Janardhanan spoke in support of Stratford School.

George Nakamura spoke in support of Stratford School citing outstanding educational benefits and in support of a future Branch Library at Lakewood.

Mary Sullivan spoke in support of denial of the conditional use permit citing questions regarding the bid process and the 1978 deed restriction to park, recreational or open space use only.

Elizabeth Craig spoke in support of Stratford School and stated Raynor Park would be shared between the school and the community.

Che Angkham spoke in support of Stratford School citing the benefit to students and the community.

Dorian Jewett expressed concerns regarding out of area students, traffic impacts, bicycle and pedestrian safety, and recommended redoing the EIR and use permit.

Sue Harrison, speaking for herself, stated she passes the area numerous times per week and rarely observes neighborhood use of the park, and feels inconvenience to the neighborhood is a nominal concern.

Tyler Smith spoke regarding potential traffic impacts to students walking to school and the park, conflicts of afterschool use of the park by the school, and traffic impacts of parents dropping off children.

Brad Bereznak spoke in support of Stratford School and urged approval of the conditional use permit.

Barbara McGarvey spoke in support of Stratford School.

Ashish Verma spoke in support of retaining public open spaces and expressed concerns regarding pedestrian safety to residents of the neighborhood and children.

Jill Shanmugasundaram, speaking as a representative of the Board of Directors of AYSO, stated they are not in opposition to the Stratford School proposal and they do not feel the joint use agreement will impact AYSO.

Fred Fowler, former President of the Lakewood Village Neighborhood Association, stated the Board's affirmative support of the conditional use permit for Stratford School.

Sarah Rao spoke in opposition to location of the Stratford School at Raynor Park.

Sudhakar Ram spoke in support of the need for quality local schools and expressed support for Stratford School.

Mitchell Pearce, realtor, spoke in support of Stratford School, citing increased property values and increased educational value.

Daniel Clothier, umpire, Metro Little League, spoke in opposition to loss of field use at Raynor Park and increased traffic and requested upholding the decision of the Planning Commission.

Joan Clothier expressed concerns regarding traffic impacts and safety and spoke in favor of saving open space. Clothier requested upholding the Planning Commission denial of the conditional use permit for Raynor Park.

Henry Alexander submitted signatures of over 1,000 people who support saving Raynor Park, and spoke regarding the impact of adding over 800 cars daily in the neighborhood.

Michael Goldman spoke in support of allowing the people to vote on this issue.

Brenda Mula spoke in support of Stratford School and provided information regarding student community service programs that benefit the community.

Mary Klink addressed comments regarding low field use and provided information regarding heavy field use times. Klink also expressed concerns regarding traffic safety and safety of the neighborhood children and pedestrians.

Preeti Ray spoke regarding overcrowding at Laurelwood School and the need to re-open Patrick Henry, and stated Raynor is not the right location for Stratford.

Preeti Sharma expressed concern regarding earlier statements by a Stratford teacher, bicycle and pedestrian safety, and the joint use agreement.

Shomir Dighe expressed concerns regarding the RFP, the traffic study, noise levels from the drop-off corridor, pollution, safety hazards, and negative impacts to property values.

Demetrios Triantafyllou spoke in opposition to the school citing increased traffic and noise pollution, and asked the Council to uphold the Planning Commission denial of the conditional use and declare the land surplus and put on the market.

Brooks Shaw expressed concerns regarding traffic impacts to the area and the use agreement.

Neena Razdan spoke in opposition to any school that would increase traffic in the Birdland neighborhood and requested Council vote against it.

Kirti expressed concerns regarding bicycle and pedestrian safety in the neighborhood.

Kuntal Thakore spoke against the proposal and stated there are already many great schools in the area. Thakore expressed concerns regarding traffic and pedestrian safety and urged denial of the proposal.

Jean Batryn expressed concerns regarding priority use of public lands, school start times, and traffic impacts.

Wendy Hales spoke regarding traffic impacts and the traffic study and recommended keeping the park.

Arjun Ray spoke regarding the current traffic problems in the neighborhood, use of the fields, and spoke in favor of retaining the park for public use.

Suzanne Gokel expressed concerns regarding traffic and safety in the neighborhood.

Shilpa Bhat spoke regarding the proposed use of the park by Stratford and requested Council deny the priority use and the use permit.

David Lieberman spoke in opposition to the Stratford School proposal citing neighborhood preservation, traffic and safety concerns.

Mike Kurtz spoke in opposition to Stratford's priority use of Raynor Park and the conditional use permit.

EIR Applicant: Wee-Lee Lim addressed comments regarding property values and provided recommendations for overturning the EIR and requested denial of the use permit.

Use Permit Applicant: Clay Stringham addressed comments regarding traffic impacts, the number of proposed classrooms, use of the park in the summer, no problem with the soccer groups, and stated he will reach out to the neighbors in Birdland.

Public Hearing closed at 12:07 a.m.

APPEAL NO. 1: EIR ACTIONS:

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve Alternative 1: Deny the appeal by the Ray Nor Neighborhood Association of the Certification of the Environmental Impact Report, Make the Findings Required by CEQA and Certify the EIR.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks

Vice Mayor Larsson

Councilmember Griffith

Councilmember Martin-Milius

Councilmember Davis

No: 2 - Councilmember Whittum

Councilmember Meyering

APPEAL NO. 2: USE PERMIT

MOTION: Councilmember Davis moved and Councilmember Whittum seconded

the motion to uphold the decision of the Planning Commission and deny the Use Permit.

The motion failed by the following vote:

Yes: 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis

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

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to approve Alternative 4 (modified) to Grant the appeal by the applicant of the Use Permit, make the Findings Required by the CEQA, adopt a Statement of Overriding Considerations and Mitigation Monitoring Program as set forth in Attachment 6 and 7 of the report, and approve the Use Permit with modification the Conditions of Approval: a cap of 460 students, acceptance of Stratford's offer of \$23,000 per year for maintenance, inclusion in the Conditions of Approval the requirement that Stratford offered regarding the reservation pool, exploration of options for dealing with overflow as part of the Conditions of Approval, and to include the City Attorney's comments regarding the Sales Agreement, to add a Condition of Approval which would require an amendment to Section 5(c)(ii) to extend the closing date to a reasonable time acceptable to the City in terms of the close of escrow.

Councilmember Griffith clarified that his motion included a Condition of Approval that would protect public street parking against spillover in the event the church and the school property are insufficient to handle special event parking.

Director of Community Development Ryan suggested language such as, "Attendees at special events shall use off-street parking on the school site or other offsite locations. Special event attendees shall be directed not to park on public streets in the residential neighborhood."

Councilmember Griffith accepted the language for inclusion in his motion.

AMENDMENT: Councilmember Whittum moved to amend the motion and Councilmember Meyering seconded to make the student cap 416 students.

The motion to amend failed by the following vote:

Yes: 2 - Councilmember Whittum Councilmember Meyering

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

AMENDMENT: Councilmember Meyering moved to amend the motion to include a Condition of Approval that the school provide 5 scholarships each year to Sunnyvale residents.

The motion to amend died due to lack of second.

The main motion as clarified by the maker of the motion, carried by the following vote:

Yes: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius

No: 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis

MOTION: At 1:41 a.m., Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to proceed with Item 5, Item 6 and the Non-Agenda Items, and continue the balance of the items to March 29, 2016.

REVISED MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to proceed with Items 5 and 6, and continue the balance of the items to March 29, 2016.

The motion failed by the following vote (per Council Policy, supermajority required):

Yes: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius

No: 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis

MOTION: Councilmember Meyering moved and Councilmember Davis seconded the motion to terminate the meeting immediately and continue the balance of the agenda items to March 29, 2016.

The motion failed by the following vote:

Yes: 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis

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

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded to proceed with Item 6 and continue the balance of the agenda items to March 29, 2016.

The motion failed by the following vote (per Council Policy, supermajority required):

Yes: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius

No: 3 - Councilmember Whittum
Councilmember Meyering
Councilmember Davis

MOTION to RECONSIDER: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to reconsider Councilmember Meyering's earlier motion to terminate the meeting immediately and continue the balance of the agenda items to March 29, 2016.

The motion to reconsider the earlier motion carried by the following vote:

Yes: 5 - Mayor Hendricks

Vice Mayor Larsson
Councilmember Griffith
Councilmember Whittum
Councilmember Davis

No: 2 - Councilmember Martin-Milius Councilmember Meyering

The motion to terminate the meeting immediately and continue the balance of the agenda items to March 29, 2016 carried by the following vote:

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

No: 1 - Councilmember Martin-Milius

4 15-0392 Introduce an Ord

Introduce an Ordinance to Amend Titles 3 (Revenue and Finance) and 19 (Zoning) of the Sunnyvale Municipal Code related to the Transportation Impact Fee and Housing Impact Fees in Conjunction with the Study Issue to Evaluate the Timing of Park Dedication In-lieu Fee Calculation and Payment (2015-7151)

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

5 <u>15-1019</u> Approve the 2015 Annual Progress Report on Implementation of the General Plan Housing Element

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

6 16-0047

Consider First Community Housing Proposal for \$6 Million in Housing Mitigation Funds for Redevelopment of Orchard Gardens Apartments at 245 W. Weddell Drive, Resulting in an 87-Unit Affordable Housing Project

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

7 <u>16-0234</u> Review the Existing Friendly Exchange Relations Agreement with the City of Dubna, Moscow Region, Russian Federation for Potential Renewal

Based on Council action after Item 3, this item was continued to the March 29, 2016 Council meeting.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

<u>16-0244</u>	Clarification on Sunnyvale's Representation on the Santa Clara Valley Transportation Authority Board of Directors (Information Only)
<u>16-0237</u>	New Green Bike Lanes Implementation Standards (Information Only)
<u>16-0270</u>	City of Sunnyvale Brand Report and Next Steps (Information Only)
<u>16-0061</u>	Tentative Council Meeting Agenda Calendar
<u>16-0022</u>	Information/Action Items
<u>16-0080</u>	Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 1:50 a.m.