



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, March 29, 2016

5:00 PM

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

Special Meeting-Study Sessions-5 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

PRESENTATIONS

- 1 [16-0316](#) PRESENTATION - Presentation by the Sunnyvale Chamber of Commerce Regarding its Recent Survey on Transportation Priorities

The presentation was heard at 8:12 p.m. following Public Hearing Item 3.

Don Eagleston, President and CEO, Sunnyvale Silicon Valley Chamber of Commerce introduced EMC Research representatives Jessica Polsky, Vice President, and Sianna Ziegler, Research Analyst, who provided a presentation on the Sunnyvale Chamber of Commerce transportation and opinion study.

Following the presentation, Council considered Public Hearing Item 4 at 8:32 p.m.

2 [16-0155](#) PRESENTATION - PG&E Pipeline Safety Program

Mayor Hendricks announced the PG&E presentation has been postponed to April 12.

Mayor Hendricks announced Public Hearing/General Business Item 9 would be heard following Public Hearing/General Business Item 4.

ORAL COMMUNICATIONS

Councilmember Whittum announced upcoming vacancies on boards and commissions and an application deadline.

Councilmember Martin-Milius provided updates regarding Energize Sunnyvale presentations and events.

Maria Pan spoke regarding the American spirit for equality, justice and freedom.

Kevin Bock, Director of Summit Denali School, spoke regarding public Charter schools.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.B, 1.C, 1.D, 1.E, 1.F, 1.G, 1.H, 1.I, 1.M, 1.P, and 1.Q.

Councilmember Whittum announced that because his home is within 500 feet of the Business Improvement District, his vote would not be a vote on Items 1.O and 1.K.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Consent Calendar Items 1.J, 1.K, 1.L, 1.N. and 1.O.

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

Mayor Hendricks announced that due to time sensitivity Consent Calendar Items 1.E, 1.F, 1.G, 1.I, and 1.M would be handled next, and the balance of the Consent Items would be handled following the Public Hearing/General Business portion of the meeting.

1.A [16-0304](#) Approve City Council Meeting Minutes of February 9, 2016
(Continued from March 15, 2016)

Consent Calendar Items 1.A, 1.B and 1.C were taken up by unanimous action of the Council following action on Consent Calendar Item 1.P.

Public Hearing opened at 1:06 a.m.

No speakers.

Public Hearing closed at 1:06 a.m.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve the City Council Meeting Minutes of February 9, 2016 as submitted.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.B [16-0305](#) Approve City Council Meeting Minutes of February 23, 2016
(Continued from March 15, 2016)

Public Hearing opened at 1:06 a.m.

No speakers.

Public Hearing closed at 1:06 a.m.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve the City Council Meeting Minutes of February 23, 2016 as submitted.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.C [16-0268](#) Approve City Council Meeting Minutes of March 15, 2016

Public Hearing opened at 1:06 a.m.

No speakers.

Public Hearing closed at 1:06 a.m.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve the City Council Meeting Minutes of March 15, 2016 as submitted.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to continue with Item 1.D.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.D [16-0166](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 1:08 a.m.

No speakers.

Public Hearing closed at 1:08 a.m.

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

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to take up Consent Calendar Item 1.H.

The motion carried by the following vote:

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

1.E [16-0300](#) Approve Agreement with Abode Services Related to Tenant
Based Rental Assistance (TBRA) Program (Continued from
March 15, 2016)

Housing Officer Suzanne Ise responded to Council questions.

Public hearing opened at 7:19 p.m.

No speakers.

Public hearing closed at 7:19 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve the Agreement with Abode Services, in substantially the same form as Attachment 1 to the report, to provide funding for the Sunnyvale TBRA Program in an amount not to exceed \$371,898, and authorize the City Manager to execute the Agreement.

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.F [16-0306](#) Third Amendment to Outside Counsel Agreement with Rankin Stock Heaberlin for Litigation Services (Continued from March 15, 2016)

City Attorney John Nagel responded to Council questions.

Public Hearing opened at 7:24 p.m.

No speakers.

Public Hearing closed at 7:24 p.m.

MOTION: Councilmember Meyering moved to deny any further funding for the project.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Rankin Stock Heaberlin to increase the not to exceed amount by \$100,000, for a new not to exceed contract amount of \$250,000.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.G [16-0307](#) Award of Contract for Americans with Disabilities Act (ADA)
Access Evaluation and Transition Plan for City Facilities and
Rights-of-way (F16-55) (Continued from March 15, 2016)

Public Hearing opened at 7:26 p.m.

No speakers.

Public Hearing closed at 7:26 p.m.

MOTION: Councilmember Meyering moved to deny Alternative 2 regarding the 10% contingency.

The motion died due to lack of a second.

MOTION: Councilmember Davis moved and Vice Mayor Larsson seconded the motion to 1) Award a contract, in substantially the same form as Attachment 1 of the report and in the amount not to exceed \$269,415 to Sally Swanson Architects, Inc. and 2) approve a 10% contract contingency in the amount of \$26,942.

The motion carried by the following vote:

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

No: 0

Abstain: 1 - Councilmember Meyering

1.H [16-0308](#) Award of Bid No. PW16-06 for Orchard Gardens Park
Restrooms Renovation and Finding of CEQA Categorical
Exemption (Continued from March 15, 2016)

Public Hearing opened at 1:13 a.m.

No speakers.

Public Hearing closed at 1:13 a.m.

MOTION: Councilmember Meyering moved to deny recommendation number two. The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to make a finding of CEQA categorical exemption pursuant to CEQA Guideline Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that presently existing; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$120,365 to Integra Construction Services Inc.; and 3) approve a 15% construction contingency in the amount of \$18,055.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

Following action on Item 1.H, Mayor Hendricks announced Consent Calendar Item 1.Q would be handled at a future meeting.

1.I [16-0309](#) 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
(Continued from March 15, 2016)

Public Hearing opened at 7:28 p.m.

No speakers.

Public Hearing closed at 7:28 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to adopt Ordinance No. 3074 16.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.J [16-0277](#) Appoint Dr. Judy Miner to the NOVA Workforce Board

Appoint Dr. Judy Miner to the NOVA Workforce Board.

1.K [16-0281](#) Approve Recommendation from the Community Event Grant
Distribution Subcommittee to Initiate the 2016 Grant
Procedure and Process

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve the grant procedure and process, including eligibility evaluation criteria, application and time line, as outlined in the Memorandum to the Community Events Grant Distribution Subcommittee dated February 9, 2016 (Attachment 2 to this report) to initiate the 2016 Grant Procedure and Process. The Subcommittee will present their final grant distribution recommendations to the City Council during the June 28, 2016 City Council meeting, following the adoption of the Fiscal Year 2016/17 Budget.

The motion carried by the following vote:

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

No: 0

Recused: 1 - Councilmember Whittum

1.L [16-0214](#) Approve Modification to Contract for Youth Workforce
Development Services

Approve the modification of the Agreement with JobTrain for youth workforce development services, as presented in Attachment 1 of the staff report, and authorize the City Manager to Execute the Agreement increasing the not to exceed amount by \$50,000 for a new not to exceed amount of \$400,000 for services

through June 30, 2016.

- 1.M** [16-0254](#) Award of a Contract for Design Services to Upgrade the SMaRT Station Stormwater Management System in Conjunction with the San Francisco Baykeeper Settlement (F16-71)

Public Hearing opened at 7:29 p.m.

No speakers.

Public Hearing closed at 7:29 p.m.

MOTION: Councilmember Meyering moved to deny recommendation 2, the 10% design contingency.

The motion died due to lack of a second.

MOTION: Councilmember Meyering moved to take recommendations 1 and 2 separately.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to 1) Award a contract, in substantially the same form as Attachment 1 of this report and in an amount not to exceed \$149,563 to Geosyntec Consultants; and 2) approve a 10% design contingency in the amount of \$14,956.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

Following action on Consent Calendar Item 1.M, Council considered Public Hearing/General Business Item 2.

- 1.N** [16-0145](#) Adopt a Resolution Approving City Applications for CalRecycle Funding and Related Authorizations

Adopt the Resolution for Submittal of Applications for CalRecycle Payment Programs and Related Authorizations for which City of Sunnyvale is Eligible.

- 1.O** [16-0167](#) Approve the Downtown Sunnyvale Business Improvement District Report for Fiscal Year 2015/16 and Adopt the Resolution of Intention to Reauthorize the Downtown Sunnyvale Business Improvement District for Fiscal Year 2016/17

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve the submitted FY 2015/16 BID Annual Report and Adopt the Resolution of Intention, and schedule a public hearing for April 19, 2016 to reauthorize the Business Improvement District for FY 2016/17.

The motion carried by the following vote:

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

No: 0

Recused: 1 - Councilmember Whittum

- 1.P** [16-0176](#) Approve Final Map (Tract No.10316) - 7 Townhomes at 1050-1060 Helen Avenue by Casa Camino, LLC, a California Limited Liability Company

Director of Public Works Manuel Pineda, City Attorney John Nagel and Director of Community Development Trudi Ryan responded to Council questions.

Public Hearing opened at 1:03 a.m.

No speakers.

Public Hearing closed at 1:03 a.m.

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to approve the final map for Tract No. 10316; authorize the Mayor to sign Subdivision Agreement SD 15 03 upon submittal of other documents deemed necessary by the Director of Public Works; and direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

The motion carried by the following vote:

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

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to take up Consent Calendar Items 1.A, 1.B and 1.C.

FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment to take up Consent Calendar Items 1.A, 1.B and 1.C. as one item.
Councilmember Davis accepted the friendly amendment.

Public Hearing opened at 1:06 a.m.
No speakers.
Public Hearing closed at 1:06 a.m.

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.Q** [16-0246](#) Annual Review and Approval of City's Code of Ethics and Conduct for Elected and Appointed Officials

No action taken. Following action on Item 1.H, Mayor Hendricks announced Consent Calendar Item 1.Q would be handled at a future meeting.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-0311](#) RECOMMEND CONTINUANCE TO APRIL 12, 2016
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) (Continued from March 15, 2016)

Public Hearing opened at 7:31 p.m.

No speakers.

Public Hearing closed at 7:31 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to continue the item to April 12, 2016.

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** [16-0302](#) 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 (Continued from March 15, 2016.)

Housing Officer Suzanne Ise provided the staff report. Applicant Geoffrey Morgan, President and CEO of First Community Housing, provided additional information.

Public Hearing opened at 7:45 p.m.

Jan Stokely spoke regarding supportive services for independent living for developmentally disabled adults and in support of affordable housing in Sunnyvale, and provided written materials.

Lisa Wolk spoke in support of the affordable housing project for developmentally disabled adults.

JoAnn Gines spoke in support of the affordable housing project for developmentally disabled adults.

Alba Virgen spoke in support of the affordable housing project for developmentally disabled adults.

Sherry McClure spoke in support of the affordable housing project for developmentally disabled adults.

Clare Meyerson spoke in support of this and future affordable housing projects for the developmentally disabled.

Stan Hendryx spoke in support of Alternative 1.

Amy Jasper spoke in support of the project.

Public Hearing closed at 8:03 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Award a two year conditional commitment of HMF in the amount of \$6 million to FCH for redevelopment of Orchard Gardens Apartments at 245 W. Weddell Drive in Sunnyvale, generally consistent with the terms described in Attachment 5 to the report, and direct staff to include the funds committed to this project in the FY 2016 17 Projects Budget.

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

Following action on Item 3, Mayor Hendricks announced the presentation by the Sunnyvale Chamber of Commerce would be heard at this time.

4 [16-0190](#) File #: 2015-7960
Location: 882 W. McKinley Ave. (APN: 165-46-057)
Zoning: R-1.7/PD (Low Medium Density Residential / Planned
Development) Zoning District

Proposed Project:

SPECIAL DEVELOPMENT PERMIT: Appeal of a Planning Commission decision by the property owner for a first floor addition of 280 square feet to the rear of the existing two-story, single-family home resulting in a building size of 2,425 square feet including a 415 square foot garage and a floor area ratio (FAR) of 60.35 percent.

Applicant / Owner: Rong Chang USA Corporation (applicant) / King and Lynn Wu (owner)

Environmental Review: Categorical Exemption pursuant to California Environmental Quality Act Section 15301 (minor alterations and additions to existing structure)

Planning Officer Andrew Miner provided the staff report. Director of Community Development Trudi Ryan, City Attorney John Nagel and Housing Officer Suzanne Ise provided additional information.

Applicant/Appellant Kevin Wu, speaking for his parents King and Lynn Wu, provided information regarding their qualifications for reasonable accommodations and the importance to them of staying in their home and neighborhood.

Public Hearing opened at 8:48 p.m.

Othar Hansson stated his objections to the remodel due to a privacy issue with the addition of the bay window, the trend for modifications in the neighborhood, the large size of this house, and suggested alternative solutions to the reasonable accommodation. Hansson urged denial of the appeal.

Terry Glennon spoke in opposition to the proposed modifications, citing the change to the character of the neighborhood.

Izabella Briskin provided four copies of photos of the window placements, and spoke in opposition to the proposal due to privacy concerns and the negative impact to the value of her property.

James O'Brien spoke against the appeal and against the variance, citing an incompatibility with the neighborhood to create a five bedroom house.

Applicant/Appellant Kevin Wu responded to comments and concerns raised during the public hearing and stated they are willing to make changes to two rear windows.

Public Hearing closed at 9:13 p.m.

MOTION: Councilmember Davis moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Grant the appeal and approve the Special Development Permit with Reasonable Accommodation subject to the Conditions of Approval in Attachment 4 to the report and in accordance with the Findings in Attachment 3 to the report.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment that the windows on the side of the house are frosted glass.
Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to add a deed restriction that the addition cannot be used as a separate rental.
Councilmember Davis accepted the friendly amendment.

AMENDMENT: Councilmember Whittum moved to amend the motion and Councilmember Meyering seconded to amend the Conditions of Approval to remove the two bedroom windows on the proposed right west elevation.

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

Council recessed at 9:53 p.m.

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

Following the recess, Council resumed with Item 9.

- 5** [16-0299](#) Approve the 2015 Annual Progress Report on Implementation of the General Plan Housing Element (Continued from March 15, 2016)

Housing Officer Suzanne Ise provided the staff report.

Public Hearing opened at 12:02 a.m.

Stan Hendryx spoke regarding the continued need for affordable housing in Sunnyvale.

Public Hearing closed at 12:05 a.m.

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Approve the Annual Progress Report on implementation of the Housing Element.

The motion carried by the following vote:

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

MOTION: Councilmember Griffith moved and Councilmember Whittum seconded the motion to take up Item 7.

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

- 6** [16-0154](#) Hold Tax Equity and Fiscal Responsibility Act (TEFRA)
Hearing and Adopt Resolution Related to Proposed Issuance
of Tax Exempt Revenue Bonds for Preservation of “Life’s
Garden” Affordable Senior Apartments at 450 Old San
Francisco Road in Sunnyvale

Mayor Hendricks stated his grandmother lived at Life’s Garden in the 1970s-1980s and his mother worked there in the administrative office, but it would not affect his vote.

Housing Officer Suzanne Ise provided the staff report. JP Stocco, Beacon Communities, provided additional information.

Public Hearing opened at 11:57 p.m.
No speakers.
Public Hearing closed at 11:57 p.m.

MOTION: Councilmember Griffith moved and Councilmember Davis seconded the motion to approve Alternatives 1 and 2: 1) Conduct a public hearing pursuant to the Tax and Equity Fiscal Responsibility Act and the Internal Revenue Code of 1986, as amended; and 2) Adopt a Resolution approving the issuance of up to \$45,000,000 in tax exempt revenue bonds by the California Municipal Finance Authority for the Life's Garden Senior Housing Project and authorizing the City Manager or her designee to execute the CMFA Joint Exercise of Powers Agreement (Attachment 2 in the report) on the City's behalf.

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

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to continue with Item 5.

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

- 7** [16-0313](#) Discussion and Possible Council Action Relating to
Sunnyvale's Rotational Schedule on the Santa Clara Valley
Transportation Authority Board of Directors

Assistant City Manager Kent Steffens provided the staff report. City Attorney John Nagel and City Manager Deanna Santana provided additional information.

Councilmember Whittum provided written materials and information on proposed alternatives.

Public Hearing opened at 12:22 a.m.

No speakers.

Public Hearing closed at 12:22 a.m.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to reaffirm the February 6, 2012 memo on Santa Clara City stationery and signed by Mayors Matthews, Spitaleri and Esteves as voting members for District 5.

FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment that the rotation in the February 6, 2012 memo continues in that pattern forever, which is Alternative 2: Pursue an alternate rotation schedule, and authorize the Mayor, or other Councilmember, to pursue consent with the two other cities in the North-East city grouping and to communicate the alternate rotational schedule to the VTA.

Councilmember Davis accepted the friendly amendment to amend the motion to Alternative 2.

FRIENDLY AMENDMENT: Vice Mayor Larsson offered a friendly amendment to change the motion back to Alternative 1: Affirm the 2012 Rotation Schedule, presented as Attachment 2 of this report, and authorize the Mayor, or other Councilmember, to pursue resolution with the VTA and the two other cities in the northeast city grouping.

Councilmember Davis accepted the friendly amendment and specified that the rotation documented in the February 6, 2012 letter applies.

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

Councilmember Whittum submitted his resignation from the VTA Board effective upon appointment of a new representative, and provided information about upcoming meeting dates.

Councilmember Hendricks stated an item to make the VTA appointment will be added to the agenda for next Tuesday.

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to authorize the Mayor to negotiate on behalf of the City of Sunnyvale to make the rotational schedule in the 2012 letter continue in perpetuity, provided that negotiations over the first measure, in restoring our access, turn out as expected.

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

MOTION: Vice Mayor Larsson moved and Councilmember Whittum seconded the motion to take up Item 8.

Public Hearing opened at 12:48 a.m.

No speakers.

Public Hearing closed at 12:48 a.m.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 8** [16-0310](#) Review the Existing Friendly Exchange Relations Agreement with the City of Dubna, Moscow Region, Russian Federation for Potential Renewal (Continued from March 15, 2016)

Assistant City Manager Walter Rossmann provided the staff report.

Public Hearing opened at 12:50 a.m.

No speakers.

Public Hearing closed at 12:50 a.m.

MOTION: Councilmember Meyering moved and Councilmember Davis seconded the motion to request staff to contact the officials in Dubna to find out what their inclination is and discuss methods of having a friendly exchange, especially at lower age levels, and run it by the Teen Advisory Committee.

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 2: Allow the current Friendly Exchange Relationship Agreement to expire on April 8, 2016.

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

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to take up Consent Calendar Item 1.P.

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

- 9 [16-0314](#) Approve the Extension of the Closing Deadline Agreement for the Purchase and Sales Agreement for Raynor Activity Center Located at 1500 Partridge Avenue and Amend the Joint Use Agreement for Raynor Park with Stratford School to Reflect

Use Permit Conditions Approved by City Council

Assistant City Manager Kent Steffens provided the staff report. City Attorney John Nagel and City Manager Deanna Santana provided additional information.

Public Hearing opened at 10:29 p.m.

Sarah Rao spoke regarding Council discussion at the March 15 Council meeting and in opposition to Stratford use of the property.

Denise DeLange requested denial of the extension of the agreement citing concerns that the agreement is already null and void.

Demetrios Triantafyllou urged Council to deny the extension of the closing deadline, citing traffic impacts to the neighborhood, faulty traffic analysis, and inadequate mitigation measures

Terri Boyanich urged Council to not approve the extension of the closing agreement and stop the sale of the park.

Preeti Ray urged Council to not approve the extension of closing deadline agreement stating the EIR violates CEQA and stated the agenda item was not noticed to the neighborhood.

Henry Alexander urged Council to not approve the extension of the closing deadline agreement stating that it is illegal to extend an agreement that is expired and due to potential violation of the Quimby Act.

Joan Clothier requested Council consider other options for the site and urged Council to not approve the extension of the closing deadline agreement.

Clay Stringham, Stratford School, addressed comments made during the public hearing.

Tim Dietrich spoke regarding the EIR, stating it was incomplete because it did not consider the Washington Pool and Lakewood Library expansion proposals. Dietrich read from a March 15 letter to the City Council from the attorney for Save Sunnyvale.

Public Hearing closed at 10:54 p.m.

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the

motion to approve Alternatives 1, 2 and 3: 1) Find that the proposed extension of the closing deadline in the Purchase and Sale Agreement and amendments to the Joint Use Agreement will not create significant new environmental effects or increase the severity of previously identified significant effects associated with the project that would require additional environmental review under CEQA; 2) Authorize the City Manager to execute the revised Joint Use Agreement for Raynor Park with Stratford School (Attachment 1 of the report); and 3) Authorize the City Manager to execute the Extension of Closing Deadline Agreement for the Purchase and Sales Agreement for Raynor Activity Center Located at 1500 Partridge Avenue (Attachment 2 of the report).

AMENDMENT: Councilmember Meyering moved to amend the motion and Councilmember Whittum seconded to alter the provision concerning the closing deadline of the sales agreement to include a right of first refusal to require Stratford to offer the property for purchase by the City of Sunnyvale at any future time on the same terms as being offered to a third party.

MOTION TO RE-OPEN PUBLIC HEARING: Councilmember Whittum moved and Councilmember Meyering seconded the motion to re-open the public hearing.

The motion to re-open the public hearing 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

The motion to amend 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

Councilmember Griffith amended his motion to include direction to staff to enter into discussions with Stratford to see if a right of first refusal can be included and authorize the inclusion of that if negotiations are successful.

AMENDMENT: Councilmember Meyering moved to amend the motion to include in the joint use agreement a requirement that the joint use agreement be placed on the ballot at the next general election for a vote by Sunnyvale residents.
The motion to amend died due to lack of a second.

AMENDMENT: Councilmember Meyering moved to amend the motion and Councilmember Whittum seconded to change the term of the joint use agreement to two years and require voter approval of any extension.

The motion to amend failed by the following vote:

Yes: 1 - Councilmember Meyering

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

Abstain: 1 - Councilmember Whittum

MOTION AS RESTATED BY THE MAKER: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1, 2 and 3: 1) Find that the proposed extension of the closing deadline in the Purchase and Sale Agreement and amendments to the Joint Use Agreement will not create significant new environmental effects or increase the severity of previously identified significant effects associated with the project that would require additional environmental review under CEQA; 2) Authorize the City Manager to execute the revised Joint Use Agreement for Raynor Park with Stratford School (Attachment 1 of the report); and 3) Authorize the City Manager to execute the Extension of Closing Deadline Agreement for the Purchase and Sales Agreement for Raynor Activity Center Located at 1500 Partridge Avenue (Attachment 2 of the report); and Direct staff to enter into negotiations with Stratford regarding the possibility of including a right of first refusal with staff only needing to come back to Council if there was a counter-proposal or a negative response.

The main motion as amended and restated carried by the following vote:

Yes: 4 - Mayor Hendricks
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Whittum

No: 3 - Vice Mayor Larsson
Councilmember Meyering
Councilmember Davis

Following action on Item 9, due to the lateness of the hour:

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded to continue with the balance of the agenda items.

REVISED MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded to continue with Item 6.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[16-0273](#) Tentative Council Meeting Agenda Calendar

[16-0147](#) Information/Action Items

[16-0333](#) Formation of Sunnyvale Brand Subcommittee (Information Only)

[16-0280](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 1:13 a.m.