



# City of Sunnyvale

## Meeting Minutes - Final City Council

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Tuesday, April 19, 2016

6:15 PM

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

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**Special Meeting-Closed Session-6:15 PM | Regular Meeting-7 PM**

### **6:15 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

#### **1 Call to Order in the West Conference Room**

Vice Mayor Larsson called the meeting to order.

#### **2 Roll Call**

Present: 6 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Meyering (arrived at 6:19 p.m.)  
Councilmember Martin-Milius  
Councilmember Davis

#### **3 Public Comment**

None.

#### **4 Convene to Closed Session**

Vice Mayor Larsson reported the Closed Session has been announced and convened to Closed Session.

[16-0393](#)

Closed Session held pursuant to California Government Code  
Section 54957.6: CONFERENCE WITH LABOR  
NEGOTIATORS

Agency designated representatives: Teri Silva, Director of  
Human Resources; Deanna J. Santana, City Manager

Employee organization: Public Safety Officers Association  
(PSOA)

Employee organization: Sunnyvale Employees Association  
(SEA)

#### **5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 6:53 p.m.

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Mayor Hendricks called the meeting to order in Council Chambers at 7:32 p.m.

#### **SALUTE TO THE FLAG**

Mayor Hendricks led the salute to the flag.

#### **ROLL CALL**

**Present:** 6 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Tara Martin-Milius  
Councilmember Pat Meyering  
Councilmember Jim Davis

#### **CLOSED SESSION REPORT**

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

#### **ORAL COMMUNICATIONS**

Councilmember Martin-Milius announced the upcoming Fit & Fun Fair.

Kirk Vartan stated a public comment should be included online with the agenda packet for transparency to the public.

Deborah Marks, Sunnyvale Urban Forest Advocates, extended an invitation to attend an upcoming presentation regarding Urban Forestry and presented a PowerPoint presentation.

Joel Wyrick extended an invitation to two upcoming events by the Sunnyvale Downtown Association, Magic of Sunnyvale and Wine Stroll.

Holly Lofgren spoke regarding the open swim rates at the Fremont High School Pool. Lofgren made a Public Records Act request for the rate survey and requested a public hearing at the next Council meeting.

#### **CONSENT CALENDAR**

Mayor Hendricks stated a member of the public requested to speak regarding Item 1.K.

Councilmember Meyering requested to pull Items 1.A, 1.B, and 1.E, 1.F, 1.G and 1.J and requested to record a No vote on Item 1.L.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Consent Calendar Items 1.C, 1.D, 1.H, 1.I and 1.L.

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**

**1.A**     [16-0350](#)     Approve City Council Meeting Minutes of April 5, 2016

Public Hearing opened at 10:37 p.m.

No speakers.

Public Hearing closed at 10:37 p.m.

MOTION: Councilmember Meyering moved to approve the minutes with an amendment to include a 25-word description of the dissenting vote explanation. The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve the City Council Meeting Minutes of April 5, 2016 as amended.

The motion carried by the following vote:

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

**No: 1 -** Councilmember Meyering

**1.B**     [16-0374](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 10:38 p.m.

No speakers.

Public Hearing closed at 10:38 p.m.

MOTION: Councilmember Meyering moved to deny the claims until such time as Councilmembers are provided copies of bills upon request.

The motion died due to lack of a second.

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:** 5 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Martin-Milius  
Councilmember Davis

**No:** 1 - Councilmember Meyering

**1.C**     [16-0278](#)     Approve 2016 Board and Commission Master Work Plans

Approve the 2016 master work plans as submitted.

**1.D**     [16-0048](#)     Approve Drought Grant Reimbursement Agreement between the City of Sunnyvale and Santa Clara Valley Water District (SCVWD) for Receipt and Administration of State Grant Funds for the Sunnyvale Continuous Recycled Water Production Facilities and Wolfe Road Pipeline project and approval of Budget Modification No. 24

1) Authorize the City Manager to execute the drought grant reimbursement agreement between the City of Sunnyvale and Santa Clara Valley Water District (SCVWD) for receipt and administration of state grant funds for the Sunnyvale Continuous Recycled Water Production Facilities and Wolfe Road Pipeline project; and 2) Approve Budget Modification No. 24 to appropriate the grant funds to the WPCP Chlorine Conversion Project.

**1.E**     [16-0319](#)     Approve Loan Agreements with Crescent Terrace, Inc. to Rehabilitate Crescent Terrace Apartments

Housing Officer Suzanne Ise provided information. City Attorney John Nagel provided additional information.

Public Hearing opened at 10:17 p.m.

Peter Villareal, MidPen Housing Corporation, provided information regarding the rehabilitation.

Public Hearing closed at 10:19 p.m.

MOTION: Councilmember Meyering moved and Vice Mayor Larsson seconded the motion to Approve Loan Agreements with Crescent Terrace, Inc. for \$500,000 in Community Development Block Grant Funds and \$550,000 in HOME Investment Partnerships Program Funds, in substantially the form provided in Attachments 1 and 2 of the report, and authorize the City Manager to execute the Agreements in a final form approved by the City Attorney.

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

Following action on Consent Calendar Item 1.E, Council considered Public Hearings/General Business Item 6.

**1.F**      [16-0371](#)      Modify an Existing Contract for Temporary Staffing for the Information Technology Department (F16-109)

Director of Information Technology David Jensen provided information.

Public Hearing opened at 10:40 p.m.

No speakers.

Public Hearing closed at 10:40 p.m.

MOTION: Councilmember Meyering moved and Councilmember Davis seconded the motion to approve 1) Authorize the City Manager to execute a Second Amendment to an existing contract with Robert Half Technology in substantially the same form as Attachment 1 to the report, by extending the contract through December 31, 2016 and increasing the not to exceed value from \$90,000 to

\$190,000; and 2) Delegate authority to the City Manager to extend the contract for an additional period of time not to exceed one year, if operationally necessary and subject to the availability of funds.

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

**1.G**      [16-0372](#)      Approve the Second Amendment to Outside Counsel Agreement with Bertrand, Fox & Elliot for Litigation Services

Public Hearing opened at 10:42 p.m.

No speakers.

Public Hearing closed at 10:42 p.m.

MOTION: Councilmember Meyering moved to deny the second amendment until such time as Councilmembers are provided copies of bills upon request.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to authorize the City Attorney to execute a Second Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Bertrand, Fox & Elliot to increase the not to exceed amount by \$90,000, for a new not to exceed contract amount of \$225,000.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

**1.H**      [16-0399](#)      Adopt Ordinance No. 3075-16 Awarding Nonexclusive Franchise for Taxicab Service to Silicon Valley Taxi Drivers, Inc. dba Green Cab

Adopt Ordinance No. 3075-16.

- 1.I**      [16-0400](#)      Adopt Ordinance No. 3076-16 Awarding Nonexclusive Franchise for Taxicab Service to Silicon Valley Cab Co., Inc. dba Silicon Valley Cab

Adopt Ordinance No. 3076-16.

- 1.J**      [16-0401](#)      Adopt Ordinance No. 3077-16 to Amend Chapter 9.86 of Title 9 (Public Peace, Safety or Welfare) and Various Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code Relating to an Express Prohibition on Medical Marijuana Cultivation, Commercial Activity, Distribution and Delivery

Public Hearing opened at 10:43 p.m.

No speakers.

Public Hearing closed at 10:43 p.m.

MOTION: Councilmember Meyering moved to adopt the ordinance with an amendment to include a provision that there can be outdoor cultivation of up to one plant by residents pursuant to doctor prescribed recommendations.

The motion died due to lack of second.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to adopt Ordinance No. 3077 16.

The motion carried by the following vote:

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

**No:** 0

**Abstain:** 1 - Councilmember Meyering

Following action on Consent Calendar Item 1.J, Council proceeded with the Councilmembers Reports on Activities from Intergovernmental Committee Assignments portion of the agenda.

- 1.K**      [16-0402](#)      Adopt Ordinance No. 3078-16 to Amend Section 3.80.040 (Minimum Wage) of Chapter 3.80 (Minimum Wage Ordinance) to Title 3 (Revenue And Finance) of the Sunnyvale Municipal

### Code to Increase the City-Wide Minimum Wage

Public Hearing opened at 7:44 p.m.

Kirk Vartan spoke regarding the impacts of the minimum wage increase on his businesses.

Ram spoke in support of a regional approach.

Rene Blom spoke regarding the impacts of the minimum wage increase on his business and the potential loss of jobs.

Julia Blom spoke regarding the benefits and health insurance that will have to be cut and asked that the increase be slowed or to consider tips in total compensation.

Public Hearing closed at 7:55 p.m.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to Adopt Ordinance No. 3078 16.

MOTION: Councilmember Meyering moved to amend the motion to include a provision that in years where employment decreases in Sunnyvale, the issue of the minimum wage increase is brought before City Council for a vote on whether or not to postpone it.

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

The main motion carried by the following vote:

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

**No:** 0

**Abstain:** 1 - Councilmember Meyering

**1.L**      [16-0403](#)      Adopt Ordinance No. 3079-16 Amending Section 3.50.070 (Fee Payment) of Chapter 3.50 (Transportation Impact Fee) of Title 3 (Revenue And Finance) and Section 19.75.020 (General Applicability) of Chapter 19.75 (Housing Impact Fees) of Title 19 (Zoning)

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded



the motion to Adopt Ordinance No. 3079 16.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

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

- 2      [16-0291](#)      Conduct a Public Hearing and Adopt a Resolution confirming the Downtown Sunnyvale Business Improvement District Annual Report for FY 2016/17 and to Levy and Collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District

Economic Development Manager Connie Verceles presented the staff report and explained the process for the public hearing and reported just prior to the meeting she received a protest letter signed by 15 business owners. On request, Economic Development Manager Verceles read the letter into the record.

Joel Wyrick, Executive Director, Sunnyvale Downtown Association, addressed some of the issues raised in the protest letter that was read by Economic Development Manager Verceles.

Public Hearing opened at 8:06 p.m.

Rich Taylor, City Place Wine Bar, expressed concern for businesses located on Washington Avenue during events on Murphy, and requested a stay on the funding until all businesses can benefit.

Public Hearing closed at 8:09 p.m.

Economic Development Manager Verceles reported the protests received account for 9 percent of the total assessment.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve Alternative 1: Adopt the Resolution confirming the Downtown Sunnyvale Business Improvement District Annual Report for FY 2016/17 and to Levy and Collect an Annual Assessment for the Downtown Sunnyvale Business

Improvement District.

SUBSTITUTE MOTION: Councilmember Meyering moved a substitute motion to continue the matter for 60 days with a request that the BID provide detailed comments in response to the de facto closing of Washington Avenue and a log of dates of communications when individuals were responded to. The substitute motion died due to lack of a second.

Joel Wyrick, Executive Director, Sunnyvale Downtown Association provided additional comments.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

- 3**      [16-0169](#)      File #: 2015-8091  
Location: 748-838 Dartshire Way and 747-837 Devonshire Way (APNs 309-28-001, 309-28-002, 308-28-003, 309-28-036)  
Zoning: R-0  
Proposed Project: Introduction of Ordinance to Rezone 36 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)  
Applicant / Owner: Martin Griffiths  
Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (not a project that may have a significant effect on the environment).

Principal Planner Gerri Caruso presented the staff report.

Public Hearing opened at 8:19 p.m.

Applicant Martyn Griffiths provided information regarding the proposed rezone.

Public Hearing closed at 8:31 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Introduce an Ordinance to Rezone 36 contiguous single family home lots from R 0 (Low Density Residential) to R 0/S (Low Density Residential/Single Story).

City Clerk Kathleen Franco Simmons read the ordinance title.

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

- 4      [16-0358](#)      File #: 2015-7275  
Location: 1111 Lockheed Martin Way (APNs: 110-01-036 and 110-01-038)  
Proposed Project: Discussion and possible actions on related applications for a 47.4 acre parcel at 1111 Lockheed Martin Way:  
SPECIFIC PLAN AMENDMENT for two parcels from Moffett Park General Industrial (MP-I) to Moffett Park Transit Oriented Development (MP-TOD) and associated text changes;  
REZONING Introduction of an Ordinance to Rezone two parcels from MP-I (Moffett Park Industrial) to MP-TOD (Moffett Park Transit Oriented Development).  
ENVIRONMENTAL DOCUMENT: Subsequent Environmental Impact Report.  
Applicant / Owner: Jay Paul Company/ Lockheed Martin Corporation

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

Applicant Jay Paul and Janette D'Elia, Jay Paul Company, provided information regarding the project.

Public Hearing opened at 9 p.m.

John Cordes spoke regarding Transportation Demand Management requirements

and urged Council not to certify the supplemental EIR and to not adopt the Statement of Overriding Concerns and requested staff provide additional environmental analysis. Cordes spoke regarding the need for shuttle buses, pedestrian and bicyclist access to get to the location and the need to change planning processes and requirements to not allow additional traffic.

Gabriel Lewis, on behalf of the Santa Clara Valley Audubon Society, suggested a reduction of the use of glass where possible and the adoption of bird protective measures.

Janette D'Elia, Jay Paul Company, responded to comments regarding traffic.

Public Hearing closed at 9:06 p.m.

MOTION: Councilmember Martin-Milius moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1, 3 and 5: 1) Adopt a resolution certifying the Subsequent Environmental Impact Report adopting the Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program as shown in Attachment 6 and 7 to the report; 3) Adopt a resolution to amend the MPSP to change the Land Use Designation from Moffett Park Industrial to MP TOD for Lots 2 and 4 as contained in the Findings in Attachment 2 to the report and Resolution in Attachment 3 to the report, and 5) Introduce an ordinance to Rezone Lots 2 and 4 within MPSP from MP I to MP TOD as contained in the Findings in Attachment 2 and Draft Ordinance in Attachment 4 to the report.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

**No:** 1 - Councilmember Meyering

Council recessed at 9:27 p.m.

Council reconvened at 9:35 p.m. with all Councilmembers present.

**5**      [16-0383](#)      Adopt two Resolutions: (1) Declaring Councilmember Seat Number 4 Vacant and (2) Calling a Special Municipal Election

to be held on Tuesday, August 16, 2016 for the Purpose of Filling the Vacancy in Councilmember Seat Number 4 for the Unexpired Term, Requesting Election Services from the Santa Clara County Registrar of Voters, Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements

City Clerk Kathleen Franco Simmons presented the staff report. City Attorney John Nagel provided additional information.

Public Hearing opened at 10 p.m.

Russ Melton provided comments in appreciation of Councilmember Whittum's service and stated he hopes there will be a formal event to thank him for his service.

Larry Klein spoke regarding the occurrence of the temporary vacancy in 2009, and regarding the impacts to candidates for Seat Number 4.

Public Hearing closed at 10:05 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt two Resolutions: (1) Declaring Councilmember Seat Number 4 Vacant and (2) Calling a Special Municipal Election to be held on Tuesday, August 16, 2016 for the Purpose of Filling the Vacancy in Councilmember Seat Number 4 for the Unexpired Term, Requesting Election Services from the Santa Clara County Registrar of Voters, Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements.

The motion carried by the following vote:

**Yes:** 5 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Martin-Milius  
Councilmember Davis  
**No:** 1 - Councilmember Meyering

Following action on Item 5, Council considered Consent Calendar Item 1.E

- 6**      [16-0243](#)      Steps to Achieving a Silver Level Designation in the League of American Bicyclists - Bicycle Friendly Communities (Study Issue)

Director of Public Works Manuel Pineda presented the staff report. Lola Torney, Alta Planning and Design

Public Hearing opened at 10:24 p.m.

Kevin Jackson, Bicycle and Pedestrian Advisory Commission member speaking for himself, spoke in support of the recommendation.

John Cordes, Vice Chair, Bicycle and Pedestrian Advisory Commission, yielded his time to the Dave Jones, Chair of the Bicycle and Pedestrian Advisory Commission.

Dave Jones, Chair, Bicycle and Pedestrian Advisory Commission, support of the Bicycle and Pedestrian Advisory Commission and staff recommendation.

Public Hearing closed at 10:26 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Davis seconded the motion to approve Alternative 1: Apply to be considered as a Silver Level Bicycle Friendly Community.

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

- 7**      [16-0106](#)      Introduce an Ordinance to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code (SMC) and Update the Water-Efficient Landscaping Regulations per California Governor's Executive Order B-29-15 and make a Finding that the Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15307 and 15308 (Planning File: 2016-7032)

Director of Community Development Trudi Ryan presented the staff report.

Public Hearing opened at 10:34 p.m.

No speakers.

Public Hearing closed at 10:34 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve Alternatives 1 and 2: 1) Introduce an ordinance to amend Sunnyvale Municipal Code Chapter 19.37 (Landscaping and Usable Open Space) per the State of California Governor's Executive Order B 29 15, as set forth in Attachment 1 of the report; and 2) Find that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308.

City Clerk Kathleen Franco Simmons read the ordinance title.

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

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

Vice Mayor Larsson reported on the snow pack at Hetch Hetchy.

Councilmember Martin-Milius reported her attendance at a meeting of the Water Commission and the Silicon Valley Clean Energy Authority meeting last week as the alternate.

Councilmember Griffith reported his attendance at the inaugural meeting of the Silicon Valley Clean Energy Authority.

Councilmember Davis reported his attendance at a meeting of the Valley Transportation Authority Policy Advisory Committee.

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

**-Council**

None.

**-City Manager**

City Manager Santana reported the addition of a 6 p.m. June 21 Special Council meeting. Santana noted the Information Only memo in the packet regarding the status of Town Center.

**INFORMATION ONLY REPORTS/ITEMS**

- |                                |  |
|--------------------------------|--|
| <a href="#"><u>16-0390</u></a> | Tentative Council Meeting Agenda Calendar  |
| <a href="#"><u>16-0227</u></a> | Information/Action Items   |
| <a href="#"><u>16-0405</u></a> | Town Center Status Update and Proposed Schedule of Key Milestones (Information Only) |
| <a href="#"><u>16-0346</u></a> | Board/Commission Meeting Minutes   |

**ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 10:51 p.m.