



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, July 26, 2016

6:00 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 PM | Special Redevelopment Successor Agency  
Meeting-6:45 PM | Regular City Council Meeting-7 PM**

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

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

Vice Mayor Larsson announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

Vice Mayor Larsson called the meeting to order at 6:01 p.m.

#### **2 Roll Call**

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

Councilmember Meyering arrived at 6:05 p.m.

#### **3 Public Comment**

None.

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

[16-0767](#)

Closed Session held pursuant to California Government Code  
Section 54956.9(d)(1): CONFERENCE WITH LEGAL  
COUNSEL-EXISTING LITIGATION  
Name of case: Filld, Inc. vs. Lynne Kilpatrick, Fire Marshal,  
and Sunnyvale Department of Public Safety, Case No.  
16CV295872

Councilmember Meyering left the meeting at 6:33 p.m.

[16-0741](#) Closed Session held pursuant to California Government Code  
Section 54957: PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION  
Title: City Attorney

## **5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 6:47 p.m.

### **6:45 P.M. SPECIAL REDEVELOPMENT SUCCESSOR AGENCY MEETING**

#### **1 Call to Order in the Council Chambers (Open to the Public)**

Successor Agency Chair Hendricks called the meeting to order at 6:50 p.m.

#### **2 Roll Call**

Present: 6 - Chair Hendricks  
Vice Chair Larsson  
Board Member Griffith  
Board Member Meyering  
Board Member Martin-Milius  
Board Member Davis

#### **3 Public Comment**

None.

#### **4 Consent Calendar**

Board Member Meyering pulled Item 4.B.

**A** [16-0728](#) Approve Redevelopment Successor Agency Special Meeting  
Minutes of June 30, 2016

MOTION: Agency Vice Chair Larsson moved and Board Member Griffith seconded the motion to approve the Redevelopment Successor Agency Special Meeting Minutes of June 30, 2016 as submitted.

AMENDMENT: Board Member Meyering moved to amend the motion so that comments of dissenting people with regard to the prior votes that took place in that meeting be incorporated.

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

The main motion carried by the following vote:

Yes: 5 - Chair Hendricks  
Vice Chair Larsson  
Board Member Griffith  
Board Member Martin-Milius  
Board Member Davis

No: 1 - Board Member Meyering

**B**      [16-0701](#)      Approve the Second Amendment to Outside Counsel Agreement with Goldfarb Lipman for Town Center Development Matters and Approve Budget Modification No. 4 to appropriate \$100,000 to the Project Management for Town Center Development Agreement Project

MOTION: Agency Vice Chair Larsson moved and Board Member Griffith seconded the motion to authorize the Agency Counsel 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 Goldfarb Lipman to increase the not to exceed amount by \$100,000, for a new not to exceed contract amount of \$200,000.

The motion carried by the following vote:

Yes: 6 - Chair Hendricks  
Vice Chair Larsson  
Board Member Griffith  
Board Member Martin-Milius  
Board Member Davis  
Board Member Meyering

## **5 Adjourn Special Meeting**

Chair Hendricks adjourned the meeting at 6:55 p.m.

## **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:** 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 the Council met in Closed Session pursuant to California Government Code Section 54956.9(d)(1): Conference with Legal Counsel-Existing Litigation; Name of case: Fild, Inc. vs. Lynne Kilpatrick, Fire Marshal, and Sunnyvale Department of Public Safety, Case No. 16CV295872; Council voted unanimously to give legal counsel approval to defend the litigation.

Vice Mayor Larsson reported the Council met in Closed pursuant to California Government Code Section 54957: Public Employee Performance Evaluation; Title: City Attorney; nothing to report.

### **ORAL COMMUNICATIONS**

Councilmember Martin-Milius provided an update on Energize Sunnyvale and iGreen Sunnyvale.

Vice Mayor Larsson announced vacancies on boards and commissions and an application deadline.

Maria Pan addressed the Council.

### **CONSENT CALENDAR**

Councilmember Meyering pulled Consent Calendar Items 1.A, 1.B, 1.C, 1.D, 1.F and 1.G.

A member of the public requested to pull Item 1.H.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Consent Calendar Items 1.E and 1.I.

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**     [16-0658](#)     Approve City Council Meeting Minutes of June 28, 2016

Public Hearing opened at 8:20 p.m.

Russ Melton, speaking on both 1.A and 1.B, recommended approval of the minutes and requested clarification on whether absences from Closed Sessions are excused or unexcused and suggested the Vice Mayor's Closed Session report could include a report of the attendance at the Closed Session.

Public Hearing closed at 8:22 p.m.

MOTION: Councilmember Meyering moved to deny approval of the minutes until comments by dissenting voters are included in the minutes.  
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 June 28, 2016 as submitted.

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**     [16-0695](#)     Approve City Council Meeting Minutes of July 12, 2016

MOTION: Councilmember Meyering moved to deny approval of the minutes until comments by dissenting voters are included in the minutes.  
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 June 28, 2016 as submitted.

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**      [16-0676](#)      Approve the List(s) of Claims and Bills Approved for Payment  
by the City Manager

Public Hearing opened at 8:23 p.m.

No speakers.

Public Hearing closed at 8:23 p.m.

MOTION: Councilmember Meyering moved to deny the claims until bills are readily made available to Councilmembers.

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.D**      [16-0564](#)      Appoint a City Representative to the Valley Transportation  
Authority Bicycle and Pedestrian Advisory Committee

Public Hearing opened at 8:24 p.m.

John Cordes, Sunnyvale Bicycle and Pedestrian Advisory Commission member, spoke in support of appointing David Simons to the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee.

Public Hearing closed at 8:24 p.m.

MOTION: Councilmember Meyering moved that the vacancy be filled with the same process for boards and commissions of the City, in that a notice is posted that an opening is coming up and applications are accepted from all residents who might be interested and Council personally interviews those individuals and has a public vote.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to appoint David Simons to the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two year term, ending June 30, 2018.

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.E**      [16-0642](#)      Authorize the City Manager to Execute an Agreement with the Peninsula Corridor Joint Powers Board for the Caltrain Peninsula Corridor Electrification Project

Authorize the City Manager to Execute an Agreement with the Peninsula Corridor Joint Powers Board for the Caltrain Peninsula Corridor Electrification Project.

**1.F**      [16-0644](#)      Allow the Withdrawal of a Bid in Conformance with State Law and Reject a Bid Received for the Wolfe-Evelyn Water Plant Reconstruction Project (PW16-20)

Director of Finance Tim Kirby and City Attorney John Nagel provided information.

Public Hearing opened at 8:30 p.m.

No speakers.

Public Hearing closed at 8:30 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to 1) Allow Blocka Construction to withdraw its bid in conformance with State law; and 2) Reject the bid received from Mountain Cascade Inc.

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**      [16-0659](#)      Modify an Existing Construction Contract for the Traffic Signal Project at Mathilda/Olive Avenues and Approval of Budget Modification No. 3 in the Amount of \$71,873 (PW16-05-1)

Director of Public Works Manuel Pineda provided information.

Public Hearing opened at 8:33 p.m.

No speakers.

Public Hearing closed at 8:33 p.m.

MOTION: Councilmember Meyering moved to deny the contingency amount due to lack of oversight.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to 1) Authorize the City Manager to execute a change order to an existing construction contract with Tennyson Electric in an amount not to exceed \$71,873; and 2) Approve Budget Modification No. 3 in the amount of \$71,873 to provide additional funding for the project.

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**      [16-0468](#)      Authorize the Issuance of a Purchase Order for Street Tree Maintenance Services (F16-90) and Finding a CEQA Categorical Exemption

Public Hearing opened at 7:11 p.m.



Enrique Argueno spoke in support of the staff recommendation.

Public Hearing closed at 7:12 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve 1) Make a finding of a CEQA categorical exemption pursuant to CEQA Guidelines Section 15301 (h) 6 for the maintenance of existing landscape; 2) Authorize the issuance of a two year Purchase Order in the amount not to exceed \$1,498,460 to West Coast Arborists, Inc. in substantially the same form as Attachment 2 of the report; and 3) delegate authority to the City Manager to renew the Purchase Order for three additional one year periods, providing pricing and service remain acceptable to the City.

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

- 1.1      [16-0746](#)      Adopt Ordinance No. 3089-16 Awarding Nonexclusive Franchise for Taxicab Service to My Ekadea, Inc. dba California Cab Company

Adopt Ordinance No. 3089-16.

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

- 2            [16-0467](#)      Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Old Mountain View-Alviso Road Bridge Replacement at Calabazas Creek Project, and Approve Proceeding with the Project.

Assistant Director of Public Works Craig Mobeck provided the staff report.

Public Hearing opened at 7:20 p.m.

No speakers.

Public Hearing closed at 7:20 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Make the Findings Required by CEQA

(Attachment 5 in the staff report), Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Old Mountain View Alviso Road Bridge Replacement at Calabazas Creek Project, and approve proceeding with the Project.

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

- 3**      [16-0491](#)      Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Assessment, and Levy Annual Assessment for The Downtown Parking Maintenance District Assessment for Fiscal Year 2016/17

Assistant Director of Public Works Craig Mobeck provided the staff report.

Public Hearing opened at 7:23 p.m.

No speakers.

Public Hearing closed at 7:23 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to approve Alternative 1: Adopt the resolution to approve the final Engineer's report, to confirm the assessment, and levy annual assessment for the Downtown Parking Maintenance District assessment 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

- 4**      [16-0601](#)      Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY

## 2016/17 County of Santa Clara Property Tax Roll

Director of Finance Tim Kirby provided the staff report. City Attorney John Nagel and Neighborhood Preservation Manager Christy Gunvalsen provided additional information.

Public Hearing opened at 7:26 p.m.

George Sarkissian stated he has communicated with City staff about many code enforcement issues and requested to discuss them with City Council.

Public Hearing closed at 7:38 p.m.

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to direct staff to continue this matter to a date certain of August 9 for further consultation with the City Attorney's office and other relevant staff, as appropriate.

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

- 5**      [16-0652](#)      Public Hearing and Approval of the City of Sunnyvale's 2016 Public Health Goal Report on Water Quality ( 2013-2015), Direct Staff to file with the California State Water Resources Control Board Division of Drinking Water, and Find that the Action is Exempt from CEQA

Director of Environmental Services John Stufflebean responded to Council questions.

Public Hearing opened at 7:46 p.m.

No speakers.

Public Hearing closed at 7:46 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Find that the Action is Exempt from CEQA,

Approve the City of Sunnyvale's 2016 Public Health Goal Report on Water Quality (2013 2015) and Direct Staff to file with the California State Water Resources Control Board Division of Drinking Water.

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

- 6      [16-0707](#)      Rescind Previous Council Action and Provide a Recommendation on the Relocation of the Butcher House and Improvements at Orchard Heritage Park

Director of Public Works Manuel Pineda provided the staff report.

Public Hearing opened at 7:58 p.m.

Leslie Lawton, President, Sunnyvale Historical Society, stated she and Historical Museum Director Laura Babcock are available to answer any questions.

Charlie Olson requested Council uphold Alternative 3 and leave the orchard alone.

Public Hearing closed at 7:59 p.m.

Public Hearing re-opened at 8:01 p.m.

Zachary Kaufman spoke against having the Butcher House in the orchard.

Public Hearing closed at 8:01 p.m.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve Alternatives 1 and 3: 1) Rescind the motion passed by the City Council at its April 5, 2016 meeting regarding this project and 3) Do not relocate the Butcher House, design improvements in the vacated area per Attachment 2 in the report, and acknowledge that a future budget modification at the time of construction contract award will be required to provide funding for drainage improvements (re-grading and valley gutter) behind the existing multi purpose building.

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      [16-0762](#)      Approve the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association (SMA) and Adopt 3 Resolutions: (1) Amending the Salary Resolution for SMA, Unrepresented Management Employees, and Department Directors; (2) For Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement for SMA, Unrepresented Management Employees, and Department Directors; and (3) For Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement for the Director of Public Safety

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 8:10 p.m.

No speakers.

Public Hearing closed at 8:10 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Davis seconded the motion to approve Alternative 1: Authorize the City Manager to Execute the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association (SMA), presented as Attachment 3 of this report, and Adopt 3 Resolutions: (1) Amending the Salary Resolutions for SMA, Unrepresented Management Employees, Department Directors (Attachment 4 to the report); (2) For Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement for SMA, Unrepresented Management, and Department Directors (Attachment 5 to the report); and (3) For Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement for the Director of Public Safety (Attachment 6 to the report).

AMENDMENT: Councilmember Meyering moved to amend the motion to include a requirement that the City inform the Santa Clara County Superior Court Grand Jury that the City's prior filed response is going to be changed so that the City will not be

requiring full employee contribution.

The motion to amend died due to the 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:** 1 - Councilmember Meyering

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

Councilmember Davis reported his attendance at the Executive Board meeting of the Association of Bay Area Governments.

Councilmember Martin-Milius reported her attendance at a meeting of the Silicon Valley Clean Energy Authority.

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

#### **-Council**

None.

#### **-City Manager**

Assistant City Manager Kent Steffens noted the Information Only item in the agenda packet regarding the status of the branch library.

### **INFORMATION ONLY REPORTS/ITEMS**

<a href="#">16-0070</a>	Tentative Council Meeting Agenda Calendar
<a href="#">16-0507</a>	Information/Action Items
<a href="#">16-0605</a>	Status on the Branch Library Project and Deferral of Fair Oaks Park Project (Information Only)

### **ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 8:35 p.m.