



City of Sunnyvale

Meeting Minutes City Council

Tuesday, September 13, 2016

5:00 PM

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

**Special Meeting-Closed Session-5 PM | Special Meeting-Study Session-6 PM | Regular
Meeting-7 PM**

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

1 Call to Order in the West Conference Room

Vice Mayor Larsson called the meeting to order at 5 p.m.

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.

2 Roll Call

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

3 Public Comment

None.

4 Convene to Closed Session

[16-0863](#)

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: Sunnyvale Employees Association
(SEA)

Employee organization: Unrepresented Employees

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 5:48 p.m.

6 P.M. SPECIAL COUNCIL MEETING (Study Session)**1 Call to Order in the West Conference Room (Open to the Public)**

Vice Mayor Larsson called the meeting to order at 6:02 p.m.

2 Roll Call

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

3 Public Comment**4 Study Session**

[16-0687](#) El Camino Real Corridor Plan Presentation of Vision and Land Use Alternatives

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the meeting at 6:57 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 Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Meyering
Councilmember Martin-Milius

Councilmember 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; Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager, Employee organizations: Sunnyvale Employees Association (SEA), Unrepresented Employees; nothing to report.

SPECIAL ORDER OF THE DAY

[16-0685](#) Certification of Special Election Results of August 16, 2016 -
Councilmember Seat Number 4 (Unexpired Term)

City Clerk Kathleen Franco Simmons provided the staff report.

Public Hearing opened at 7:07 p.m.

No speakers.

Public Hearing closed at 7:07 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to adopt the Resolution Reciting the Fact of the Special Municipal Election held August 16, 2016, Declaring the Results and such other matters as provided by law.

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

[16-0673](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office
for Councilmember-Elect

The Ceremonial Oath of Office for Larry Klein was administered by his wife, Sheri Codiana.

Councilmember Klein provided incoming remarks and took his seat at the dais.

ROLL CALL

Present: 7 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Tara Martin-Milius
Councilmember Pat Meyering
Councilmember Jim Davis
Councilmember Larry Klein

16-0470 SPECIAL ORDER OF THE DAY - Falls Prevention Awareness Day

Mayor Hendricks presented a proclamation in recognition of Falls Prevention Awareness Day to Marty Rawson, Senior Center Advisory Committee Member and Gerard Manuel, Community Services Manager, Library and Community Services.

ORAL COMMUNICATIONS

Mayor Hendricks announced board and commission recruitment and upcoming application deadline.

Esther Lucas spoke regarding parks for children with physical and cognitive disabilities and stated she has gathered 90 signatures on a petition to have these parks in Sunnyvale.

Linda Davis announced upcoming forums for the candidates for City Council.

Ron Banks, representing the Sunnyvale Mobile Home Park Residents Association, spoke regarding mobile home park rent issues.

Michael Goldman spoke regarding Measure M, the Sunnyvale Public Lands Act, and provided a PowerPoint presentation.

Steve Scandalis spoke regarding Measure M and provided a presentation.

Peter Cirigliano spoke regarding Measure M.

Maria Pan addressed the Council.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.B, 1.E and 1.H and requested to record a No vote on Item 1.I.

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

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Meyering
Councilmember Davis
Councilmember Klein

No: 0

1.A [16-0805](#) Approve City Council Meeting Minutes of August 23, 2016

Public Hearing opened at 9:45 p.m.

No speakers.

Public Hearing closed at 9:45 p.m.

MOTION: Councilmember Meyering moved to deny approval of the minutes until there is a summary of the positions expressed by dissenting voters.
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 August 23, 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

Abstain: 1 - Councilmember Klein

1.B [16-0787](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 9:46 p.m.

No speakers.

Public Hearing closed at 9:46 p.m.

MOTION: Councilmember Meyering moved to deny payment of the claims until Councilmembers are provided with 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: 6 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis
Councilmember Klein

No: 1 - Councilmember Meyering

1.C [16-0322](#) City of Sunnyvale 2016 Conflict of Interest Code Biennial Notice

Review and approve the issuance of the Biennial Notice and direct the City Clerk to return to Council within 90 days with a proposed resolution to amend the City's Conflict of Interest Code.

1.D [16-0775](#) Authorize the Issuance of a Purchase Order for the Purchase of Fire Protective Clothing, Equipment and Fire Safety Supplies for the Department of Public Safety (F17-007)

1) Authorize the issuance of a blanket purchase order in substantially the same form as Attachment 1 to the report in the amount of \$175,000 to L.N. Curtis & Sons; and 2) delegate authority to the City Manager to renew the purchase order for two additional one year periods, not to exceed budgeted amounts, provided pricing and service remain acceptable to the City.

1.E [16-0771](#) Award of Contract for Design and Construction Support Services for the Washington Community Swim Center Project (RFP No. F16-100)

Public Hearing opened at 9:46 p.m.

No speakers.

Public Hearing closed at 9:46 p.m.

MOTION: Councilmember Meyering moved to deny the contingency amount until Council is provided with oversight reports as to when and for what reason the contingencies are being used.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the motion to 1) Award a design contract, in substantially the same format as Attachment 1 to the report in an amount not to exceed \$632,555 to Dahlin Group, Inc., and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) approve a 10% design contingency in the amount of \$63,256.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.F [16-0785](#) Consider Charities Housing Development Corporation Proposal for \$403,000 in Below Market Rate In-Lieu Fee (BIF) Funds for Rehabilitation of Stoney Pine Villa Apartments at 267 W. California Avenue and Approve Budget Modification No. 9 to Appropriate Funding from the Below Market Rate Housing Fund

Award a one year conditional commitment of BIF in the amount of \$403,000 to Charities for rehabilitation of Stoney Pine consistent with the terms set forth in Attachment 4 and approve Budget Modification No. 9.

1.G [16-0810](#) Authorization to Modify an Existing Contract for Temporary Personnel for the Environmental Services Department (F17-016)

Authorize the City Manager to execute an amendment to the existing contract with On Assignment Staffing Services to increase the not to exceed amount from \$80,000 to \$145,600, in substantially the same form as Attachment 1 to the report

1.H [16-0841](#) Award of Contract for Design and Construction Support Services for the Trash Capture Devices Project No. 2

(F16-136)

Public Hearing opened at 9:46 p.m.

No speakers.

Public Hearing closed at 9:46 p.m.

MOTION: Councilmember Meyering moved to deny the contingency amount until Council is provided with oversight reports as to when and for what reason the contingencies are being used.

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 to the report and in the amount of \$117,370 to Schaaf & Wheeler Consulting Civil Engineers, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) approve a 10% design contingency in the amount of \$11,321.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.I [16-0860](#) Adopt Ordinance No. 3092-16 Adding New Chapter 18.50 of Title 18 (Subdivisions) of the Sunnyvale Municipal Code relating to the Summary Vacation of Public Service Easements

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to adopt Ordinance No. 3092-16.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 1.J** [16-0861](#) Adopt Ordinance No. 3093-16 to Add new Sections 12.24.115 (Water Theft Prohibited) and 12.24.285 (Construction Hydrant Meters) to Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code

Adopt Ordinance No. 3093-16.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-0271](#) Proposed Project: APPEAL by a member of the public of a decision by the Planning Commission to conditionally allow a: SPECIAL DEVELOPMENT PERMIT to allow an approximately 11,600 square foot new commercial building (grocery store) on an existing commercial site. The project replaces a portion (approx.7,599 s.f.) of the Orchard Supply Hardware building and storage area.
File #: 2015-7399
Location: 777 Sunnyvale-Saratoga Road (APN: 201-36-002)
Zoning: C-2/ECR
Appellant / Applicant / Owner: Michael Howland (appellant) / Ware Malcomb (applicant) / Mardit Properties, LP (owner)
Environmental Review: Mitigated Negative Declaration

Councilmember Klein stated that because he has already ruled on this matter as a Planning Commissioner, he will recuse himself from hearing the appeal and left the room.

Planning Officer Andrew Miner provided the staff report and stated supplemental materials including revised CEQA findings have been provided. Director of Public Works Manuel Pineda and Director of Community Development Trudi Ryan provided additional information.

Mark Wolfe on behalf of Appellant Michael Howland recommended consideration of the precedence of the business model in Sunnyvale and the region and requested a more thorough CEQA review with respect to traffic impacts, trip generation, pollution and noise.

Applicant Drew Johnson, Oppidan, spoke regarding the merits of the project outside of the CEQA issues: storm water treatment, shading, increased landscaping, green building practices, varied architecture, better pedestrian connections to the public sidewalk, improvement of public infrastructure such as

site lighting, fire hydrants, and replacing curb approaches. Johnson requested consideration of Condition of Approval Number 5, the one-way traffic loop to the shopping center. Michael Mowry, Kimley-Horn and Associates, Roger Bernstein, Oppidan, and Anthony Cataldo, Ware Malcomb Architects provided additional information.

Public Hearing opened at 8:25 p.m.

No speakers.

Public Hearing closed at 8:25 p.m.

Appellant Mark Wolfe expressed concerns regarding the operations of the project and the lack of identification of the end user.

Cecily Barclay, Perkins Cole, Attorney for Applicant, spoke regarding the Mitigation Negative Declaration use of ITE rates, the grocery use of the project, air quality analysis and additional information regarding the CEQA analysis.

MOTION: Councilmember Davis moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1 and 2: 1) Make the Findings Required by CEQA and for the Special Development Permit in Attachment 3 to the report, and 2) Deny the appeal, affirm the decision of the Planning Commission in part to approve the Special Development Permit subject to the conditions of approval in Attachment 4 to the report and modify in part by adopting the revised Mitigated Negative Declaration in Attachment 7 to the report.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to make PS-3 Revised Circulation Plan Alternative B, where it is both ways. Councilmember Davis and Vice Mayor Larsson accepted the friendly amendment.

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

Recused: 1 - Councilmember Klein

Following action on Item 2, Councilmember Klein returned to the room and took his

seat at the dais.

- 3 [16-0849](#) Introduce an Ordinance to Add a new Chapter 19.45 (Residential Transportation Demand Management) to the Sunnyvale Municipal Code, Adopt a Resolution Creating the Multi-family Residential Transportation Demand Management Program (Study Issue-Planning File 2015-7150), Rescind Council Policy 1.1.15 (Residential Transportation Demand Management), and Find that these Actions are Exempt from CEQA.

Principal Planner Amber Blizinski provided the staff report. Community Development Director Trudi Ryan and Director of Public Works Manuel Pineda provided additional information.

Public Hearing opened at 9:19 p.m.

John Cordes, Bicycle and Pedestrian Advisory Commission member speaking for himself, urged adoption of the staff recommendation, and recommended for monitoring, to send annual surveys to residents.

Public Hearing closed at 9:20 p.m.

MOTION: Councilmember Martin-Milius moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1, 4 and 5: 1) Introduce an ordinance to repeal Section 19.22.035 and add a new Chapter 19.45 (Residential Transportation Demand Management) to the Sunnyvale Municipal Code, and Adopt a resolution to adopt the Multi family Residential Transportation Demand Management Program (Attachments 3 and 4 of this report), 4) Rescind Council Policy 1.1.15 (Residential Transportation Demand Management), and 5) Find that these actions are exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308.

AMENDMENT: Councilmember Meyering moved to amend the motion to require that property owners monitor the trips to and from the new complexes of 10 units or greater for first 12 months.

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

FRIENDLY AMENDMENT: Councilmember Klein offered a friendly amendment to add a Condition of Approval that future yearly trip count monitoring for rental applications be paid for by the applicant with the approval of the Director of Community Development.

Councilmember Martin-Milius declined to accept the friendly amendment.

AMENDMENT: Vice Mayor Larsson moved to amend the motion and Councilmember Klein seconded to require a Condition of Approval that an owner of a rental property 50 units or greater pay for annual trip count monitoring subject to approval of the Director of Community Development.

The motion to amend failed by the following vote:

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

City Clerk Kathleen Franco Simmons read the ordinance title.

The main motion carried by the following vote:

- Yes:** 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Meyering
- No:** 2 - Councilmember Davis
Councilmember Klein

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Davis reported his attendance at a meeting of the VTA Policy Advisory Committee.

Councilmember Martin-Milius reported her attendance at the Water District Water Commission meeting.

NON-AGENDA ITEMS & COMMENTS

-Council

Mayor Hendricks inquired as to the status of the Mary Avenue Road Diet project. Director of Public Works Pineda provided information.

Councilmember Martin-Milius spoke regarding bird safe design guidelines and commented that Mitchell Park Library has examples of different types of bird safe

designs. Planning Officer Miner provided information.

-City Manager

City Manager Santana stated the September 20 meeting will start at 6 p.m.

INFORMATION ONLY REPORTS/ITEMS

- [16-0748](#) Tentative Council Meeting Agenda Calendar
- [16-0738](#) Information/Action Items
- [16-0706](#) Update on the Bird Safe Design Guidelines (Information Only)
- [16-0836](#) Study Session Summary of August 9, 2016 - Peery Park Specific Plan
- [16-0806](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks closed the meeting in memory of the victims of the September 11, 2011 tragedy.

Mayor Hendricks adjourned the meeting at 9:54 p.m.