



City of Sunnyvale

Meeting Minutes - Final City Council

Tuesday, January 24, 2017

5:00 PM

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

Special Meeting: Closed Session-5 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 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 5 p.m.

2 Roll Call

Present: 7 - Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Larry Klein
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

3 Public Comment

No speakers.

4 Convene to Closed Session

[16-1133](#)

Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 213-12-001 1142 Dahlia Court/1197 Lily Avenue (commonly referred to as Corn Palace)
Agency negotiator: City Manager Deanna Santana; Director of Community of Development Trudi Ryan; Director of Public Works Manuel Pineda; City Property Administrator Ryan Sandoval

Negotiating parties: Gabriel Francia Trustee, or authorized buyer

Under negotiation: Price and terms of payment

[16-0329](#)

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 6:31 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Hendricks called the meeting to order.

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 Larry Klein
Councilmember Nancy Smith
Councilmember Russ Melton
Councilmember Michael S. Goldman

Councilmember Goldman arrived at 7:05 p.m.

CLOSED SESSION REPORT

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54956.8: Conference with Real Property Negotiators; nothing to report.

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

SPECIAL ORDER OF THE DAY

[17-0003](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office
for Mayor and Vice Mayor

The ceremonial Oath of Office for Mayor Glenn Hendricks was administered by his son, Griffin Hendricks.

Mayor Hendricks provided incoming remarks.

The ceremonial Oath of Office for Vice Mayor Gustav Larsson was administered by Sue Harrison.

Vice Mayor Larsson provided incoming remarks.

ORAL COMMUNICATIONS

Councilmember Griffith announced Board and Commission recruitment and an upcoming application deadline.

Mitchell Harnett, study.com, provided information regarding Mountain View Working Scholars and submitted written materials.

Andrew Boone spoke regarding the quality of public involvement in Sunnyvale, and expressed concerns regarding the Mary Avenue overcrossing. Boone spoke regarding alternatives for solving traffic issues on Lawrence Expressway and regarding Valley Transportation Authority's proposal for bus only lanes on El Camino Real.

Zachary Kaufman spoke regarding campaign finance reform.

Adam Hogsett spoke regarding the cost of attending local universities and the minimum wage in Sunnyvale.

CONSENT CALENDAR

Councilmember Melton stated he would abstain from voting on Item 1.A as he did not participate in the Council meeting, and he would recuse himself from voting on Item 1.M as he participated in decisions regarding the matter while a member of the Planning Commission.

Councilmember Goldman stated he would abstain from voting on Item 1.A as he did not participate in the Council meeting, and he would recuse himself from voting on Item 1.M as he was vocal regarding the subject matter.

Councilmember Smith stated she would abstain from voting on Item 1.A as she did

not participate in the Council meeting.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

1.A [16-1034](#) Approve City Council Meeting Minutes of December 13, 2016

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the City Council Meeting Minutes of December 13, 2016 as submitted.

The motion carried by the following vote:

Yes: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein

No: 0

Abstain: 3 - Councilmember Smith
Councilmember Melton
Councilmember Goldman

1.B [16-1040](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

1.C [17-0035](#) Approval to Modify Contract to Provide Employment and Training Services for NOVA Ready to Work Grant

Authorize the City Manager to execute an amendment to the agreement with City of San Francisco (Office of Economic and Workforce Development) for workforce development services to increase the contract amount by \$300,000 for a new

contract amount of \$1,280,000 for services through October 31, 2018.

- 1.D** [16-0954](#) Approve a Transportation/Traffic Impact Fee Reimbursement Agreement with Christensen Holdings LP for Construction of Mathilda Avenue Median Improvements at 433 N. Mathilda Avenue and Approve Budget Modification No. 25 to appropriate \$49,556 to a new Project, Improvements at Mathilda and Maude

Approve Cost Reimbursement Agreement, in substantially the same form as Attachment 2 to the report, with Christensen Holdings LP for the Construction of Additional Improvements for the Mathilda median and authorize the City Manager to Execute the Agreement and Approve Budget Mod No. 25 in the amount of \$49,556.

- 1.E** [16-1022](#) Authorization to Amend Three Temporary Personnel Services Agreements for Fire Inspection Services (F17-061) and Approval of Budget Modification No. 26 in the Amount of \$480,000

1) Approve Budget Modification No. 26 in the amount of \$480,000 in Development Enterprise Fund Reserves to provide funding for fire protection system plan review and inspection services; and 2) authorize the City Manager to execute the amendments, in substantially the same form as Attachment 1 to the report, to increase the not exceed contract amounts for the existing temporary personnel services agreements as follows: a) 4Leaf, Inc. from \$75,000 to \$155,000; b) Fire & Risk Alliance, LLC from \$175,000 to \$375,000 and c) Jensen Hughes, Inc. from \$175,000 to \$375,000.

- 1.F** [16-0996](#) Adopt a Resolution Authorizing the City Manager to Execute an Agreement for Purchase of Certain Property Rights and Acceptance of Two Temporary Construction Easements and Two Aerial Easement Deeds in Relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project.

Adopt the resolution authorizing the City Manager or her designee to execute the Agreement for Purchase of Certain Property Rights with Monument 3: Realty Fund VII, LTD and with Monument 3: Realty Fund VIII, LTD in the amount of \$382,275, and accept on the behalf of the City two aerial easement deeds and two temporary construction easements in relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project.

- 1.G** [17-0036](#) Approve the Second Amendment to Outside Counsel Agreement with Burke, Williams & Sorensen, LLP for

Litigation Services

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 Burke, Williams & Sorensen, LLP, to extend the term of the Agreement until April 13, 2020, and to increase the not to exceed amount by \$27,000, for a new not to exceed contract amount of \$127,000.

- 1.H** [17-0115](#) Approve the Second Amendment to Outside Counsel Agreement with Renne Sloan Holtzman Sakai, LLP for Labor Negotiation Services

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 Renne Sloan Holtzman Sakai, LLP, to increase the not to exceed amount by \$50,000, for a new not to exceed contract amount of \$150,000.

- 1.I** [17-0028](#) Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the State Board of Equalization and any other related document for Implementation of the Local Prepaid Mobile Telephony Services Collection Act (Collection of UUT for Prepaid Wireless Service)

Adopt a Resolution Authorizing the City Manager to execute the Agreement with the State Board of Equalization and any other related documents for Service for Implementation of the Local Prepaid Mobile Telephony Services Collection Act.

- 1.J** [17-0031](#) Award of Bid No. PW17-10 for the Wolfe-Evelyn Water Plant Reconstruction Re-bid Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption and Approval of Budget Modification No. 27 in the Amount of \$2,000,000

1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15302(c) for the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity; 2) award a contract, in substantially the same form as Attachment 2 to the report and in the amount of \$3,428,450 to JMB Construction Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 10% construction contingency in the amount of \$342,845; and 4) approve Budget Modification No. 27 in the amount of \$2,000,000 to provide additional project funding.

- 1.K** [16-1140](#) Award of Contract for Electric Golf Car Lease for the Sunnyvale and Sunken Gardens Golf Courses (F17-054)

Award a four year Municipal Master Lease Agreement, in substantially the same form as Attachment 2 of the report, in the amount of \$286,056 to Yamaha Golf Car Company for the lease of eighty electric golf cars and authorize the City Manager to execute the Lease.

- 1.L** [17-0032](#) Award of Bid No. PW17-14 for the Fair Oaks Park Recreation Building and Skate Park Lighting Project and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$777,314 to ICC General Contractors Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$77,731.

- 1.M** [16-1170](#) Adopt Ordinance No. 3107-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone certain property located at 895 East Fremont Ave. (APN Number 211-25-033) from Neighborhood Business/EI Camino Real Precise Plan (C-1/ECR) to Medium Density Residential/EI Camino Real Precise Plan (R-3/ECR)

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to adopt Ordinance No. 3107-17.

The motion carried by the following vote:

Yes: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith

No: 0

Recused: 2 - Councilmember Melton
Councilmember Goldman

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-1141](#) Make Required Findings and Approve Conversion Impact

Report for Blue Bonnet Mobile Home Park, Located at 617 E.
Evelyn Avenue in Sunnyvale

Interpreters announced availability of headsets for Spanish, Vietnamese and Chinese language translations.

Director of Community Development Trudi Ryan provided the staff report and recommended continuance of the item to March 7 to allow residents a 30-day noticing period for review of new information from an attorney representing some of the park residents.

Public Hearing opened at 7:35 p.m.

John Cordes, Bicycle and Pedestrian Advisory Commission member speaking for himself, highlighted comments by the attorney for the residents of the mobile home park. Cordes recommended the transition not be approved until additional low income and very low income housing can be created.

Vincent Swerkes, resident of Blue Bonnet, stated moving to another park is not a viable option and spoke in opposition to approval of the Conversion Impact Report. Swerkes stated his experience was that AutoTemp has not been helpful, approachable or available and has only recommended one option. Swerkes requested Council take a closer look at the impact report.

Andrew Boone stated he would like to see the mobile home park preserved.

Pin Liang Li, resident and owner at Blue Bonnet, requested Council not close the park or that residents be given enough to have a permanent housing solution. Li stated the ordinance is outdated and owners need enough resources to relocate and have similar conditions.

Mary Lou Clark, President of Blue Bonnet Mobile Home Community Association, stated she agreed with comments by the previous speaker. Clark stated safe, secure, and affordable housing is a common good of the community.

Mike McKenna on behalf of Mrs. Freeman, an owner and resident at the mobile home park, spoke regarding affordable housing in Sunnyvale and the importance of maintaining diversity in the community.

Natalie Swerkes, real estate professional and daughter-in-law of one of the residents of the mobile home park, provided information regarding limited active listings for mobile homes in Sunnyvale. Swerkes stated the owners need more

money to relocate or the park should not be closed.

Mei-Ling Stefan urged Council to find some way to keep Blue Bonnet Mobile Home Park.

Public Hearing closed at 8:02 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to continue the hearing to a date certain, March 7, 2017.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

- 3** [16-1131](#) Authorize City Manager to Execute a First Amendment to the Agreement Between the City of Sunnyvale and the Valley Transportation Authority for the State Route 237/US 101/Mathilda Avenue Interchange Improvement Project

Director of Public Works Manuel Pineda provided the staff report.

Public Hearing opened at 8:17 p.m.

Andrew Boone spoke regarding the VTA Measure B Complete Streets Policy and how it will apply to the project and recommended design improvements to widen sidewalks and bike lanes for pedestrians and cyclists. Boone stated removal of continuous on-ramps is an improvement.

Public Hearing closed at 8:20 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternative 1: Authorize the City Manager to Execute the First Amendment to the Agreement Between the City of Sunnyvale and the Valley Transportation Authority for the Mathilda Avenue/Route 237/Route 101 Interchange Improvement Project to extend the term until December 31, 2018, increasing the not to exceed amount of the City's financial contribution from \$4,000,000 to

\$8,000,000 and other minor amendments.

The motion carried by the following vote:

Yes: 7 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

- 4** [16-1143](#) Proposed Project: Introduction of Ordinance to REZONE 54 contiguous lots (53 single-family homes and a lot owned by the California Water Service) from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)
File #: 2016-7467
Location: Multiple properties bound by Panama Park on the west, Dartshire Way on the south, Mallard Way on the east and Carlisle Way on the north including Coventry and Cornwall Courts.
1403-1457 Mallard Way (APNs: 309-11-039 through 309-11-041, 309-11-053 to 309-11-055, and 309-11-022),
800-862 Carlisle Way (APNs: 309-11-036 through 309-11-038 and 309-12-013), 321-361 Dartshire Way (APNs: 309-11-023 through 309-11-025 and 309-12-029 through 309-12-032),
854-870 Cornwall Court (APNs: 309-11-042 through 309-11-052), 812-827 Coventry Court (APNs: 309-12-019 through 309-12-026), and 1402-1458 Kingfisher Way (APNs: 309-11-026 through 309-11-035, 309-12-014 through 309-12-018, and 309-12-027 through 309-12-028).
Zoning: R-0
Applicant / Owner: Paul Healy (plus multiple owners)
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) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Mayor Hendricks stated he grew up in an Eichler and lives in an Eichler in a single-story overlay district, but not near the properties in this item.

Councilmember Melton reported he heard this item and the next item as a Planning Commissioner and in consultation with the City Attorney, because both of the items are legislative, has determined he does not have a conflict of interest and there is no need for him to recuse himself from participating in the items.

Councilmember Goldman reported he lives in an Eichler but has no conflict of interest with this item, but as a signer of the petition for the next item, will recuse himself from participating in that item.

Planning Officer Andy Miner provided the staff report.

Public Hearing opened at 8:31 p.m.

Applicant Paul Haley provided information and a PowerPoint presentation regarding the application and urged support for the height limitation.

Sheau Voon Lee spoke in support of the single story combining district.

Mei-Ling Stefan provided information regarding the single story combining district.

Peter Stefan spoke in support of the single story combining district and provided information regarding privacy.

Sang Park provided information and a PowerPoint presentation regarding the privacy impacts of second-story houses on Eichler houses, and requested approval of the proposal.

Eberhard Waiblinger spoke in support of the application, citing privacy considerations.

Tina Baumgartner spoke in support of the petition.

Terry Grossman spoke in support of the petition, citing privacy considerations.

Joni Lindenstruth spoke in support of approval of the request.

Applicant Paul Haley stated that the California Water parcel should not be impacted by the application.

Public Hearing closed at 8:53 p.m.

MOTION: Councilmember Klein moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); and 2) Introduce an Ordinance to Rezone 53 contiguous single family homes and a lot owned by California Water Service 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: 7 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Klein
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

Council recessed at 9:23 p.m.

Council reconvened at 9:30 p.m. with all Councilmembers present.

- 5** [16-1167](#) Proposed Project: Introduction of Ordinance to REZONE 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
File #: 2016-7578
Location: 1156-1198 Sesame Drive (APNs: 202-08-007 through 202-08-016), 1136-1160 Snowberry Court (APNs: 202-08-022 through 202-08-031), and 614-646 Torrington Drive (APNs: 202-08-017 through 202-08-021)
Zoning: R-1
Applicant / Owner: François Cornillon (plus multiple owners)
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) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect

on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Councilmember Goldman stated he signed the petition, recused himself, and left the room.

Mayor Hendricks stated he grew up in an Eichler near the area but has no financial interest in the property and that he lives in an Eichler in a single-story overlay.

Planning Officer Andy Miner provided the staff report.

Public Hearing opened at 9:36 p.m.

Applicant Francois Cornillon provided information regarding the application.

William Veruti spoke regarding the small space between homes in the neighborhood, and stated second story homes would impact the solar access and enjoyment of the homes.

Public Hearing closed at 9:40 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); 2) Introduce an Ordinance to Rezone 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/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 Klein
Councilmember Smith
Councilmember Melton

No: 0

Recused: 1 - Councilmember Goldman

Following action on Item 5, Councilmember Goldman returned to the room and took his seat at the dais.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Larsson reported his attendance at a meeting of BAWSCA in which a proposal from the State Water Resources Control Board regarding the San Joaquin River and its tributaries was discussed.

Councilmember Klein reported his attendance at a meeting of the Cities Association of Santa Clara County in which Mayor Hendricks was selected as a representative to the Citizens' Oversight Committee for Measure A.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Goldman proposed to sponsor a study issue regarding the voting process for Vice Mayor and suggested the process be handled by seniority. There was no co-sponsor.

Councilmember Goldman proposed to sponsor a study issue regarding Measure M and suggested the City propose a similar narrowed measure.

Mayor Hendricks stated he is working with staff to find alternatives to bring to Council and requested that before it be sponsored as a potential study issue, to allow those alternatives to be presented. Councilmember Goldman accepted Mayor Hendricks' request.

City Manager Deanna Santana provided additional information.

-City Manager

City Manager Santana requested Council contact her if they need support in their IGR assignments; reported information regarding advocacy on the City's position regarding the BAWSCA issue; reminded Council of the upcoming Strategic Sessions at the Community Center and the 4:30 p.m. Closed Session on February 7; and provided comments regarding the Information Only reports in the agenda packet.

INFORMATION ONLY REPORTS/ITEMS

[16-0510](#)

Tentative Council Meeting Agenda Calendar

- [17-0013](#) Information/Action Items
- [17-0048](#) Board/Commission Resignation (Information Only)
- [17-0131](#) Mayoral Announcement of Dissolution of Mayor-Appointed Ad Hoc Advisory Committee: Lawrence Station Area Plan Citizen Advisory Committee Appointment Committee (Information Only)
- [17-0132](#) Adopted 2017 Priority Advocacy Issues (Information Only)
- [17-0133](#) Update on the SMaRT Station Memorandum of Understanding Negotiation with the City of Milpitas (Information Only)
- [16-0203](#) Board/Commission Meeting Minutes

ADJOURNMENT

Mayor Hendricks adjourned the meeting at 10:02 p.m.