



City of Sunnyvale

Meeting Minutes City Council

Tuesday, June 21, 2016

3:00 PM

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

Special Meetings: Workshop-3 PM | Closed Session-5 PM | Special Council Meeting-6 PM

3 P.M. SPECIAL COUNCIL MEETING (Workshop)

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

Mayor Hendricks called the meeting to order in Council Chambers.

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

3 Public Comment

Mike Sabin addressed the Council regarding pension liabilities and provided written materials.

4 Workshop

[16-0552](#) Workshop to Present Information Regarding the City's
Pension Obligations

City Manager Deanna Santana provided opening remarks. Director of Finance Tim Kirby provided the staff report. Consulting Actuarial John Bartel provided a presentation.

5 Adjourn Special Meeting

Mayor Hendricks adjourned the meeting at 4:35 p.m.

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. in the West Conference Room.

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

Vice Mayor Larsson announced the Closed Session and invited the public to make comments.

3 Public Comment

None.

4 Convene to Closed Session

[16-0581](#)

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: Sunnyvale Managers Association
(SMA)

Employee organization: Public Safety Officers Association
(PSOA)

Unrepresented Employees

5 Adjourn Special Meeting

Vice Mayor Larsson adjourned the special meeting at 5:35 p.m.

6 P.M. SPECIAL 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 54957.6: Conference with Labor Negotiators. Employee Organizations: Sunnyvale Employees Association (SEA), Sunnyvale Managers Association (SMA), Public Safety Officers Association (PSOA), Communications Officers Association (COA) and Unrepresented Employees; nothing to report.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.B, 1.C and 1.D.

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

AMENDMENT: Councilmember Meyering moved to amend the motion to have the ordinance and the development agreement include a requirement that the developer provide on an annual basis free transit passes for each employee of those buildings, allowing them to travel on light rail, VTA Express bus service and Caltrain.

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: 1 - Councilmember Meyering

1.A [16-0599](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Public Hearing opened at 6:06 p.m.

No speakers.

Public Hearing closed at 6:06 p.m.

MOTION: Councilmember Meyering moved to deny 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: 5 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
Councilmember Davis

No: 1 - Councilmember Meyering

1.B [16-0550](#) Award of Bid No. PW16-14 for Mary-Carson Water Tank No. 1
Refurbishment and Finding of CEQA Categorical Exemption

Public Hearing opened at 6:08 p.m.

No speakers.

Public Hearing closed at 6:08 p.m.

MOTION: Councilmember Meyering moved to deny recommendation number two
on Items 1.B, 1.C, and 1.D.
The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Councilmember Davis seconded the
motion to approve Consent Items 1.B, 1.C, and 1.D: 1) 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 which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$799,000 to Blastco Inc.; and 3) approve a 15% construction contingency in the amount of \$119,850.

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 [16-0555](#) Modify an Existing Contract for Design Services for the Mary Avenue Bicycle Lanes Project and Approval of Budget Modification No. 39 in the Amount of \$16,170 (F16-127)

MOTION: Councilmember Meyering moved to deny recommendation number two on Items 1.B, 1.C, and 1.D.

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 an amendment to the existing contract with W Trans adding \$14,700 and increasing the not to exceed amount from \$189,900 to \$204,600, in substantially the same form as Attachment 1 to the report; 2) approve a 10% contract contingency for the contract amendment in the amount of \$1,470; and 3) Approve Budget Modification No. 39 in the amount of \$16,170 to provide additional funding.

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 [16-0519](#) Award of Contract for Design and Construction Support Services for the Fair Oaks Avenue Bikeway and Streetscape Project (F16-57)

MOTION: Councilmember Meyering moved to deny recommendation number two on Items 1.B, 1.C, and 1.D.

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 \$254,486 to CSG Consultants, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 10% design contingency in the amount of \$25,449.

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 [16-0650](#) Adopt Ordinance No. 3085-16 Approving and Adopting a Development Agreement between MT II LLC and the City of Sunnyvale Related to the Development of Property commonly known as Moffett Towers II

Adopt Ordinance No. 3085-16.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [16-0240](#) Formalize the Current Friendship City Relationship with Iizuka, Japan to a Sister City Relationship Including Membership in Sister Cities International (Study Issue)

Mayor Hendricks stated his daughter is travelling on a program related to the Sister City program, there has been no related financial compensation, and the City Attorney has advised that he does not need to recuse himself from the item.

Senior Management Analyst Yvette Blackford provided the staff report. City Manager Deanna Santana provided additional information.

Public Hearing opened at 6:12 p.m.

Mark Kato, President of Sunnyvale Sister City Association, provided a presentation

in support of a Sister City Relationship with Iizuka, Japan.

Shoichi Nagayoshi, Deputy Consul General at Consulate General of Japan in San Francisco, provided remarks in support of a Sister City Relationship.

Jim Michelotti, parent of an exchange student, provided information regarding the positive experiences he and his family have had in an exchange program.

Sheila McKell, teacher at Sunnyvale Middle School, spoke in support of a Sister City Relationship.

Nate Michelotti, exchange student, shared his experiences in the Japanese exchange program.

Annie Shian, parent of an exchange student, spoke regarding her daughter's experiences on the current trip and spoke in support of the Sister City Relationship.

Traci Oberman, parent of an exchange student, spoke regarding the positive experiences her daughter is having on the trip and spoke in support of broadening the Sister City Relationship.

Public Hearing closed at 6:35 p.m.

MOTION: Councilmember Griffith moved and Councilmember Davis seconded the motion to authorize posting the video on the city website; to authorize Option C: Membership in Sister Cities International (SCI) and Establish a Sister City Relationship and authorize the Mayor to sign a Sister City Agreement with the City of Iizuka, Japan, in a form approved by the City Attorney (Types of Agreements Option C); Resources to Increase Engagement, and (5) Authorize funding of up to \$5,000 from the Council set-aside to be used toward increased engagement, with any additional money that may be required to be authorized by Council on a case-by-case basis.

FRIENDLY AMENDMENT: Councilmember Martin-Milius offered a friendly amendment to fund at a \$10,000 level from the Council set-aside, and \$1,000 for official SCI.

Councilmember Griffith accepted the friendly amendment that the \$1,000 is separate and declined the friendly amendment to raise it to \$10,000.

AMENDMENT: Councilmember Martin-Milius moved to amend the motion and Vice Mayor Larsson seconded to fund at a \$10,000 level.

The motion to amend carried by the following vote:

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

No: 1 - Councilmember Davis

The main motion as amended 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 Item 2, Council considered Item 4.

- 3** [16-0380](#) Proposed Utility Rate Increases for FY 2016/17 Rates for Water, Wastewater, and Solid Waste Utilities for Services Provided to Customers Within and Outside City Boundaries; Finding of CEQA Exemption Pursuant to Public Resource Code Section 21080(b)(8) and CEQA Guidelines Section 15273

Director of Finance Tim Kirby provided the staff report and reported 126 protests have been received. Director of Environmental Services John Stufflebean and City Manager Deanna Santana provided additional information.

Public Hearing opened at 9:38 p.m.

Jay Herbert spoke in opposition to the rate increases and provided a PowerPoint presentation.

Joyce Loewy provided written materials and disputed the inequity in the way rate increases are applied.

Mike Comer, owner in the Hollenbeck Condominium Association and Treasurer for

the association, provided information and written materials regarding the fiscal impact of the rate increases on the association.

James Irving requested information regarding the mobile home park rate increases.

Phyllis Freeman spoke regarding the impact of the big increase on some residents.

Kathleen Virmani expressed concerns over why her rates are going up when she is so careful about conserving water, while large users are getting a decrease.

Tim Kerr stated people in mobile homes are working hard to save water and are being unfairly charged.

Bob Balter stated he feels he is being penalized for conserving water.

Public Hearing closed at 9:58 p.m.

MOTION: Councilmember Griffith moved and Councilmember Davis seconded the motion to approve Alternative 3: Adopt rates lower than those proposed, which is do Alternative 1: Find that the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 because it approves rates and charges for the purposes of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs and requirements; and (4) obtaining funds for capital projects necessary to maintain current service levels; with an adjustment for this year only, to keep the Rate Stabilization Fund flat, and lower the rate accordingly, assuming a flat Rate Stabilization Fund.

Councilmember Griffith clarified that the motion is to adopt the sewer (wastewater) and solid waste rates as proposed and adopt the water rates with freezing the Rate Stabilization Fund and dropping the water rate accordingly.

AMENDMENT: Councilmember Meyering moved to amend the motion to retain the current water meter, sewer and garbage rates for residents who use 300 or less cubic feet of water per billing cycle in order to provide financial stability to low and fixed income residents.

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

The motion failed by the following vote:

Yes: 3 - Councilmember Griffith
Councilmember Meyering
Councilmember Davis

No: 3 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Martin-Milius

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1 and 2: 1) Find that the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 because it approves rates and charges for the purposes of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs and requirements; and (4) obtaining funds for capital projects necessary to maintain current service levels; and 2) Adopt the resolution attached to the report increasing water, wastewater, and solid waste rates for FY 2016/17.

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 3, Council considered Item 5.

4 [14-0273](#) Authorize Capacity and Safety Improvements to the Wolfe Road Corridor from El Camino Real to Homestead Road (Study Issue)

Director of Public Works Manuel Pineda provided the staff report. Adam Dankberg, Kimley-Horn and Associates, Inc., and City Manager Deanna Santana provided additional information.

Public Hearing opened at 7:33 p.m.

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

Commission recommendations.

Tony Spitaleri spoke in opposition to removal of residential on-street parking.

Carlos Cifuentes spoke in opposition to removal of residential on-street parking on Wolfe.

Dave Jones, Chair of Bicycle and Pedestrian Advisory Commission, provided the unanimous recommendation of the Commission and safety concerns expressed at the meeting regarding the meandering and varying width of the bike lanes.

Faisal Jandal questioned the traffic impact projections when the Apple campus is open.

Richard Kolber, Bicycle and Pedestrian Advisory Commission member speaking for himself, recommended another alternative to allow left turn lanes into driveways to improve safety.

Erin McGauley Hebard spoke in opposition to the proposal to remove parking on Wolfe Road.

Gene Ravizes provided information regarding his father's ownership of property on Wolfe Road until he gave it to the county to widen the road, and spoke in opposition to the removal of parking on Wolfe Road.

Jessie Jaswant spoke in opposition to loss of on-street parking on Wolfe. He stated he has difficulty walking and wouldn't be able to park away from his residence.

Tom Pelosi spoke in opposition to removing his street parking and stated it will affect his quality of life and property values.

Eleanor Hansen spoke in opposition to removal of residential parking on Wolfe.

Norman Mahon spoke in opposition to removal of parking on Wolfe.

Public Hearing closed at 8:11 p.m.

MOTION: Councilmember Griffith moved to direct staff to pursue Triangle Alternative 1 and pursue funding for a future project, to complete a more detailed traffic study, and to coordinate with Caltrans on this alternative, with a potential modification as an either/or: either Alternative 1 as-is or Alternative 1 moving the

westbound left-hand turn onto El Camino onto southbound Wolfe down to Fremont and eliminating the left-hand turn westbound on El Camino.

The motion died due to lack of a second.

MOTION: Vice Mayor Larsson moved and Mayor Hendricks seconded the motion to approve Triangle Alternative 3 as fully described in Attachment 5 - Triangle Alternative 3, and pursue funding for a future project to complete a more detailed traffic study and coordinate with Caltrans on this alternative.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to add special emphasis to try and figure out a different answer for the eastbound El Camino traffic to northbound Wolfe.

Vice Mayor Larsson accepted the friendly amendment.

The motion failed by the following vote:

Yes: 3 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Martin-Milius

No: 3 - Councilmember Griffith
Councilmember Meyering
Councilmember Davis

MOTION: Councilmember Meyering moved and Councilmember Davis seconded the motion to direct staff to study the placing of an underpass at the intersection of Wolfe and El Camino, one going under the other, and that the study identify funding and a step-by-step way to acquire the funding.

The motion failed by the following vote:

Yes: 2 - Councilmember Meyering
Councilmember Davis

No: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius

MOTION: Councilmember Griffith moved and Mayor Hendricks seconded the motion to authorize selection of Triangle Alternative 3 as fully described in Attachment 5 - Triangle Alternative 3, and pursue funding for a future project to complete a more detailed traffic study and coordinate with Caltrans on this alternative; eliminating from consideration the U-turn and preserving the existing left-hand turn on eastbound El Camino.

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

MOTION: Councilmember Griffith moved and Mayor Hendricks seconded the motion to approve Corridor Alternative 4 - Do not make any modifications to the Corridor.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to include direction to staff to take a look at completion of the bike lane piece as it gets to Homestead and potentially looking at an additional signalized traffic light. Councilmember Griffith accepted the friendly amendment.

Following discussion with staff, Mayor Hendricks clarified the additional signalized traffic light in his friendly amendment is at the intersection at Dartshire.

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

Council recessed at 9:08 p.m.

Council reconvened at 9:16 p.m. with all Councilmembers present.

Following recess, Council considered Item 3.

- 5** [16-0557](#) File #: 2015-7756
Location: 803 W El Camino Real (APN: 165-01-029, 042, and 043)
Zoning: C-2 / ECR (Highway Business / El Camino Real Precise Plan)
Proposed Project: Appeal by a member of the public of a decision by the Planning Commission to conditionally allow:

SPECIAL DEVELOPMENT PERMIT for a mixed use development on a 2.97 acre site with 49 residential units (40 apartments + 8 attached single family homes + 1 detached single family home), approximately 5,662 square feet of commercial space, and expansion of the adjacent Grand Hotel (51 rooms)

VESTING TENTATIVE MAP to subdivide the 3 existing lots into 11 separate lots. A condominium map is requested for lot #11.

Applicant / Owner: De Anza Properties (applicant) / Pastoria El Camino Partnership (owner)

Environmental Review: Mitigated Negative Declaration

Councilmember Meyering raised a point of order requesting Councilmembers who took money from either party in the appeal recuse themselves from consideration of the appeal.

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

Appellant Stan Hendryx provided information regarding Below Market Rate housing requirements and requested Council remand the matter to staff with instructions to modify the Conditions of Approval to rent some of the units at affordable rates until the units are sold. Hendryx requested Council approve relocating the bus pad out of the traffic lane.

Public Hearing opened at 10:47 p.m.

Appellant Hendryx provided concluding remarks and a PowerPoint presentation.

Applicant John Vidovich, De Anza Properties, provided information regarding the intent to rent the condominium apartments.

Public Hearing closed at 10:54 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve Alternative 1: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map subject to the revised recommended conditions of approval in Attachment 4 of the report.

AMENDMENT: Councilmember Meyering moved to amend the motion to include a refund of the filing fee to the appellant.

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

AMENDMENT: Councilmember Meyering moved to amend the motion to require that the Conditions of Approval require that six of the rental units be at below market rate rental levels.

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

AMENDMENT: Councilmember Meyering moved to amend the motion to include a requirement that the property owner provide annual free transit passes to every resident for Santa Clara Valley Transportation Authority Express bus service, light rail and Caltrain.

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: 1 - Councilmember Meyering

- 6 [16-0613](#) File #: 2016-0613
Location: 225 S. Taaffe Street (Block 18 of Downtown Specific Plan bounded by Mathilda, Washington, Sunnyvale and Iowa Avenues)
Proposed Project: Appeal by a member of the public of a decision by the Planning Commission to approve:
SPECIAL DEVELOPMENT PERMIT to amend the Final Conditions of Approval for the Sunnyvale Town Center project to allow for rental housing units with a ground floor leasing office and an agreement to provide affordable housing within the project.
Applicant / Owner: STC Venture, LLC (applicant) / REDUS SVTC, LLC (owner)
Environmental Review: No additional environmental review is necessary; the proposed amendments to the Special Development Permit Final Conditions of Approval are within the scope of the previous environmental analysis for the Downtown Program Improvement Update, pursuant to CEQA

Guidelines Section 15168(c)(2) and in addition are categorically exempt pursuant to CEQA Guidelines Section 15304 and 15305.

Vice Mayor Larsson stated he lives near the Downtown, recused himself and left the room.

Councilmember Davis stated he also lives near the Downtown, recused himself and left the room.

Assistant City Manager/Chief of Downtown Planning Hanson Hom provided the staff report.

Appellant Jody Tidwell provided information regarding the project and requested the appeal be granted and all units be constructed and offered for sale.

Applicant Dave Hopkins, Saris Regis Group, provided information regarding the project and a PowerPoint presentation.

Public Hearing opened at 11:34 p.m.

Stan Hendryx spoke in support of the affordable rental housing planned in this project.

Joel Wyrick, Executive Director of the Sunnyvale Downtown Association, spoke in support of the rental housing.

Eleanor Hansen spoke in support of getting the project going and rejection of the appeal.

Appellant Jody Tidwell provided concluding remarks and requested specificity on ownership units.

Applicant Dave Hopkins, Saris Regis Group, provided concluding remarks and addressed comments.

Public Hearing closed at 11:50 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Griffith seconded the motion to approve Alternative 1 (a and b): Deny the appeal and affirm the decision of the Planning Commission: a. Find that the proposed amendments to the Special Development Permit Final Conditions of Approval for the Sunnyvale

Town Center project are categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 and 15305 and in addition that no additional environmental review is necessary as the proposed amendments are within the scope of the previous environmental analysis for the Downtown Program Improvement Update pursuant to CEQA Guidelines Section 15168(c)(2), subject to the findings in Attachment 7 to the report; and b. Approve the findings and Amended Final Conditions of Approval pursuant to Attachments 16 and 17 to the report.

AMENDMENT: Councilmember Meyering moved to amend the motion to require one of the Conditions of Approval be that the landlord be required to purchase and provide for free for all tenants of the buildings annual free transit passes for Santa Clara Valley Transportation Authority express bus service, light rail and Caltrain. The motion to amend died due to lack of a second.

The main motion carried by the following vote:

Yes: 3 - Mayor Hendricks
Councilmember Griffith
Councilmember Martin-Milius

No: 1 - Councilmember Meyering

Recused: 2 - Vice Mayor Larsson
Councilmember Davis

Following action on this item, Vice Mayor Larsson and Councilmember Davis returned to the room and took their seats.

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to hear Item 7.

The motion carried by the following vote:

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

No: 1 - Councilmember Davis

7 [16-0436](#) Introduce an Ordinance to Amend Chapter 9.28 of Title 9
(Public Peace, Safety or Welfare) of the Sunnyvale Municipal

Code Relating to Regulation of Smoking in Outdoor Areas;
Consider Amendment to Section 9.28.030(d) of Title 9 to
Modify or Eliminate the Requirement that Taverna Bistro and
Lounge (133 S. Murphy Ave) Comply with the Prohibition on
Smoking in Outdoor Dining Areas Following a Two-Year
Amortization Period for Use Permit No. 2006-0827 (Hookah);
Finding of CEQA Exemption Pursuant to Guideline Section
15061(b)(3)

Consultant Leslie Zellers provided the report. Neighborhood Preservation Manager Christy Gunvalsen and City Attorney John Nagel provided additional information.

Public Hearing opened at 12:17 a.m.

Julia Barba, Breathe California of the Bay Area, spoke regarding the health effects of smoking and second-hand smoke, in support of additional prohibitions and requested removal of the exemption for golf courses.

Gizem Gures spoke on behalf of her parents, owners of the Taverna Bistro and Lounge, stated the lounge area is 25 feet from the door, and 27 feet from the neighboring business, and requested the business be grandfathered in.

Unidentified man, expressed support of Taverna Bistro and Lounge.

Joel Wyrick, Sunnyvale Downtown Association, spoke in support of the smoking regulations with a grandfather clause for the lifetime of the hookah lounge owners.

Public Hearing closed at 12:24 a.m.

City Attorney John Nagel distributed a handout with options for alternative ordinance language for amortization or grandfathering in.

MOTION: Councilmember Griffith moved and Mayor Hendricks seconded the motion to approve Alternatives 1 and 4: 1) Find that the ordinance is exempt from environmental review pursuant to California Environmental Quality Act Guidelines section 15061(b)(3); and 4) Introduce a modified ordinance that changes the two-year amortization in SMC section 9.28.030(d) to either extend the amortization period for hookah use or grandfather the hookah use for the restaurant located at 133 S. Murphy Avenue, with Alternative 2 that was handed out as the modification that would grandfather in the hookah use for the current operator only.

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

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to hear Item 9. The motion carried by the following vote:

- Yes:** 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
- No:** 2 - Councilmember Meyering
Councilmember Davis

- 8 [16-0437](#) Introduce an Ordinance to Amend Section 9.26.030 (Nuisances Described - Authority to Abate) of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Maintain Prohibitions Related to Parking on Unpaved Surfaces; Finding of CEQA Exemption Pursuant to Guideline Section 15061(b) (3)

This item was not heard due to the lateness of the hour, and will be brought back at the next Council meeting.

- 9 [16-0398](#) Adopt a Resolution Adopting the 2015 Urban Water Management Plan (UWMP)

Director of Environmental Services John Stufflebean provided the staff report.

Public Hearing opened at 12:34 a.m.

No speakers.

Public Hearing closed at 12:34 a.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to approve Alternative 1: Adopt a resolution adopting the 2015 Urban Water

Management Plan as presented and direct staff to forward the UWMP to the California State Department of Water Resources.

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

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to take up Item 10.

The motion carried by the following vote:

Yes: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius

No: 2 - Councilmember Meyering
Councilmember Davis

- 10** [16-0537](#) Introduce an Ordinance to Amend Section 12.34.020 (Water Conservation Restrictions) of the Sunnyvale Municipal Code; Adopt a Resolution to be in Effect from July 1, 2016 through June 30, 2017 declaring a Continued Drought Condition, Setting Stage 1 Water Reduction Target at 15%, Restricting Use of Potable Water for Landscape and Turf Irrigation, and Approve Budget Modification No. 37 to Add \$125,000 for the Turf Rebate Program; Find the Action Exempt from CEQA pursuant to Guideline 15307

Director of Environmental Services John Stufflebean provided the staff report.

Public Hearing opened at 12:40 a.m.

No speakers.

Public Hearing closed at 12:40 a.m.

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1, 2 and 3: 1) Introduce an Ordinance

(Attachment 1 to the report) to Amend Section 12.34.020 (Water Conservation Restrictions) of the Sunnyvale Municipal Code; 2) Adopt a Resolution (Attachment 2 to the report), to be in effect from July 1, 2016 through June 30, 2017 declaring a Continued Drought Condition, Setting Stage 1 Water Reduction Target at 15%, limiting use of potable water for landscape and turf irrigation to three scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion, and environmental mitigation projects; and 3) Approve Budget Modification 37 providing \$125,000 for water conservation including rebates.

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

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to hear Item 11. The motion carried by the following vote:

Yes: 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius

No: 2 - Councilmember Meyering
Councilmember Davis

11 [16-0538](#) Appoint a Councilmember to Serve on the Council
Subcommittee on Board and Commission Bylaws
Amendments

Mayor Hendricks introduced the item. Senior Management Analyst Yvette Blackford provided additional information.

Vice Mayor Larsson expressed interest in serving on the subcommittee.

Public Hearing opened at 12:44 a.m.

No speakers.

Public Hearing closed at 12:44 a.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Griffith seconded the motion to confirm Vice Mayor Larsson as the third member on the Council Subcommittee on Board and Commission Bylaws Amendments.

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

MOTION: Councilmember Griffith moved and Vice Mayor Larsson seconded the motion to take up Item 12. The motion carried by the following vote:

- Yes:** 4 - Mayor Hendricks
Vice Mayor Larsson
Councilmember Griffith
Councilmember Martin-Milius
- No:** 2 - Councilmember Meyering
Councilmember Davis

- 12** [16-0066](#) Ratify Cities Association Appointments of Mayor Hendricks to the County of Santa Clara Airport Land Use Commission and Councilmember Davis to the Association of Bay Area Governments Executive Board

Senior Management Analyst Yvette Blackford provided the staff report.

Public Hearing opened at 12:45 a.m.

No speakers.

Public Hearing closed at 12:45 a.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to ratify the Cities Association appointments of Mayor Hendricks to the County of Santa Clara Airport Land Use Commission and Councilmember Davis to

the Association of Bay Area Governments Executive Board.

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

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

None.

NON-AGENDA ITEMS & COMMENTS

-Council

None.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

[16-0069](#) Tentative Council Meeting Agenda Calendar

[16-0505](#) Information/Action Items

ADJOURNMENT

Mayor Hendricks closed the meeting in honor of the memory of Caroline Musso Ryan.

Mayor Hendricks adjourned the meeting at 12:46 a.m.