

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

No: 0

- 1.G** [15-0720](#) Adopt Ordinance No. 3057-15 Amending Chapter 19.22 (Industrial Zoning Districts) and Adding Chapter 19.75 (Housing Impact Fees) of Title 19 (Zoning) of the Sunnyvale Municipal Code to allow Housing Impact Fees for Nonresidential Development and Rental Housing

Adopt Ordinance No. 3057-15.

PUBLIC COMMENTS

David Wessel, Democratic Club of Sunnyvale, renewed his request to place the issue of wage theft on the August 11 agenda and spoke in support of SB 588.

Brian Wheatley, teacher, spoke regarding wage theft and asked that the subject be added to the August 11 agenda.

Tomas Margain spoke regarding wage theft and requested the subject to be agendized.

Ruth Silver Taube, Wage Theft Coalition and adjunct professor at Santa Clara University, spoke regarding SB 588 and the importance of handling wage theft locally and recommended copying the language in the Santa Clara County code to suspend or revoke contracts for businesses that have had judgments.

Mike Serrone, Democratic Club of Sunnyvale, requested the City support SB 588 and that the subject of wage theft be placed on the August 11 agenda.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [15-0655](#) Approve a Process for the Butcher Property Annexation and Discuss Status of Development Applications, with No Action on a Proposed Project

Councilmember Meyering raised a point of order and stated any Councilmembers

who received campaign contributions from the developer should recuse themselves from hearing this item.

City Attorney Joan Borger stated campaign contributions are not a conflict of interest under State law.

Councilmembers Hendricks, Larsson and Davis disclosed they received campaign contributions from the developer of the project. Mayor Griffith disclosed he placed a lawn sign on a De Anza property.

Director of Community Development Hanson Hom provided the staff report. City Manager Deanna Santana and City Attorney Borger provided additional information.

Public Hearing opened at 8:07 p.m.

Don Haislet, neighbor to the property, stated the proposed project is similar to an R-2 development and asked Council to listen to the concerns of residents.

Mei-Ling Stefan spoke regarding the developer's agreement to delay the project and suggested waiting to see the findings of the Environmental Impact Report. Stefan urged Council to delay annexation.

Marissa Kacmarsky expressed concerns about the zoning and asked that as the annexation goes forward the concerns of the residents be considered.

Zachary Kaufman inquired as to whether an agreement could be made with the County that they could refer the decision back to the City.

John Ray spoke in support of the staff's recommendations, and when zoning is considered, asked Council to consider quality of life regarding traffic, schools, and public safety.

Nirav Mehta, owner of the building on the corner of Wolfe and Fremont, spoke regarding consideration of a dedicated turn lane from El Camino to Fremont, and urged continuing with annexation and to delay consideration of the zoning.

Holly Lofgren spoke regarding the delay in the annexation.

Mary Brunkhorst stated she would like to see the property rezoned appropriately before it is annexed.

Hinkmond Wong spoke in support of placing conditions on the annexation and requested that if no modifications are made to the plan, the property should be rezoned.

Public Hearing closed at 8:26 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve Alternatives 1 and 3: 1) Direct staff to continue the City initiated annexation process independent of and prior to action on the rezoning and development applications, and direct staff to schedule for Council action the resolution for annexation; and 3) Defer consideration of the two year changed circumstance finding until action on the rezoning and development applications.

Councilmember Meyering moved to table the motion until four weeks after the City Council of the City of Sunnyvale reviews the Environmental Impact Report. Councilmember Whittum seconded the motion.

The motion to table failed by the following vote:

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

Councilmember Meyering moved to table the motion until this document and the recommendation is run by the Sunnyvale Planning Commission. Councilmember Whittum seconded the motion.

The motion to table failed by the following vote:

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

The main motion carried by the following vote:

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

- 3** [15-0561](#) Revised Design Guidelines for Mixed-use Developments, known as the Toolkit for Mixed-use Developments; Find that the project is exempt under CEQA pursuant to Guidelines 15060(c)(3) and 15378(b)(5) (Study Issue)

Principal Planner Andrew Miner provided the staff report. Director of Community Development Hanson Hom provided additional information.

Public Hearing opened at 9:02 p.m.

No speakers.

Public Hearing closed at 9:02 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1 and 3: 1) Find that the project is exempt from CEQA pursuant to CEQA Guidelines 15060(c)(3) and 15378(b)(5), and 3) Approve the Toolkit for Mixed-use Developments with modifications to add something, in appropriate language, to talk about being able to soften, round or terrace corners of all buildings, in particular when near the street or intersections.

- Yes: 6 -** Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson
- No: 1 -** Councilmember Meyering

- 4** [15-0565](#) Adopt a Resolution for Unpaid Administrative Fines to be Placed on the FY 2015/16 County of Santa Clara Property Tax Roll

Assistant Director of Finance Tim Kirby provided the staff report.

Councilmember Whittum stated he would abstain from voting as he knows someone on the list.