

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, MAY 12, 2009

5 P.M. SPECIAL COUNCIL MEETING (Closed Sessions) - Conference with Real Property Negotiator, Property: Sunnyvale Town Center, Negotiating Parties: Gary Luebbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC, Under Negotiation: Terms of ARDDOPA

Conference with Labor Negotiator pursuant to Government Code Section 54987.6; Negotiator: Erwin Young, Director of Human Resources; Employee Organizations: Sunnyvale Managers Association (SMA), Service Employees International Union (SEIU) Local 715 (part-time employees), Sunnyvale Employees Association (SEA), Sunnyvale Public Safety Officers Association (PSOA), Sunnyvale Communication Association (COA)

7 P.M. COUNCIL MEETING

CALL TO ORDER

SALUTE TO THE FLAG

Mayor Spitaleri led salute to the flag.

ROLL CALL

PRESENT:

Mayor Anthony Spitaleri
Vice Mayor Christopher Moylan
Councilmember John Howe
Councilmember Ron Swegles
Councilmember Melinda Hamilton
Councilmember David Whittum
Councilmember Dean Chu

ABSENT:

None

STAFF PRESENT:

City Manager Gary Luebbers
Assistant City Manager Robert Walker
City Attorney David Kahn
Community Development Director Hanson Hom
Housing Officer Suzanne Ise
Planning Office Trudi Ryan
Director of Public Works Marvin Rose
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT

Vice Mayor Moylan reported that Council met in two closed sessions earlier regarding: Conference with Real Property Negotiator, Property: Sunnyvale Town Center, Negotiating Parties: Gary Luebbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC, Under Negotiation: Terms of ARDDOPA, and Conference with Labor Negotiator pursuant to Government Code Section 54987.6; Negotiator: Erwin Young, Director of Human Resources; Employee Organizations: Sunnyvale Managers Association (SMA), Service Employees International Union (SEIU) Local 715 (part-time employees), Sunnyvale Employees Association (SEA), Sunnyvale Public Safety Officers Association (PSOA), Sunnyvale Communication Association (COA).

Vice Mayor Moylan reported no action was taken, but some direction was given.

SPECIAL ORDERS OF THE DAY

Proclamation Recognizing Hepatitis B Awareness Week

Proclamation Recognizing May as National Foster Care Month

Department of Public Safety Special Awards

PUBLIC ANNOUNCEMENTS

Councilmember Whittum announced the following events: *Hands on the Arts*; 2009 City of Sunnyvale Health & Safety Fair, and an educational workshop for parents regarding internet safety for children.

Arthur Schwartz announced an upcoming public meeting of the Restoration Advisory Board for the Moffett Naval Air Station.

Councilmember Chu announced Bike to Work Day.

CONSENT CALENDAR

Councilmember Swegles removed Items 1.A and 1.B from the Consent Calendar.

MOTION: Vice Mayor Moylan moved and Councilmember Whittum seconded to approve the Consent Calendar with the exception of Items 1.A and 1.B.

VOTE: 7-0

1.A. Approval of Council Meeting Minutes of May 4, 2009

Councilmember Swegles stated he pulled this item in order to abstain from voting as he

was on an excused absence from this meeting.

Public comments opened.

No comments.

Public comments closed.

Mayor Spitaleri stated he will abstain from voting on this item as he was also absent from this meeting.

1.B. Approval of Council Meeting Minutes of May 5, 2009

Councilmember Swegles stated pulled this item in order to abstain from voting as he was on an excused absence from this meeting.

Public comments opened.

No comments.

Public comments closed.

Mayor Spitaleri stated he will abstain from voting on this item as he was also absent from this meeting.

MOTION: Councilmember Howe moved and Vice Mayor Moylan seconded to approve Items 1.A and 1.B.

VOTE: 5-0 (Councilmember Swegles and Mayor Spitaleri abstained)

1.C. Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.D. RTC 09-118 List of Claims and Bills Approved for Payment by the City Manager - List No. 452

Staff Recommendation: Review the attached lists of bills.

1.E. RTC 09-125 Notice of Intent to Accept and Appropriate Funding from the Department of Homeland Security – Assistance to Fire Fighter Grant in the Amount of \$211,871 for the Purchase, Installation and Operation of Fire Apparatus Mobile Data Terminals and Approval of Budget Modification No. 36

Staff Recommendation: Approve Alternative 1 - Allow Public Safety to accept and appropriate the Federal funding in the amount of \$211,871 and expend \$52,967 in matching funds to incorporate Mobile Data Terminals in the Fire apparatus. Accept and Approve Budget Modification No. 36.

Contracts

1.F. RTC 09-122 Award of Bid No. F0803-57 for Pavement Rehabilitation of Various Streets Phase II

Staff Recommendation:

1. Award a contract, in substantially the same form as the attached draft and in the amount of \$1,227,979 to Top Grade Construction, Inc. for Pavement Rehabilitation of Various Streets Phase II; and
2. Approve a contingency in the amount of \$184,197.

1.G. RTC 09-121 Award of Bid No. F0803-58 for Intersection and Traffic Signal Reconstruction, North Sunnyvale Avenue at Arques Avenue

Staff Recommendation:

1. Award a contract, in substantially the same form as the attached draft and in the amount of \$310,200 to Pacific Electric Contracting, Inc. for Intersection and Traffic Signal Reconstruction at North Sunnyvale Avenue and Arques Avenue; and
2. Approve a project contingency in the amount of \$31,020.

Other

1.H. ORDINANCE 2896-09 Adoption of Ordinance 2896-09 Amending Certain Sections of Chapter 12.04 (Sewerage System); Chapter 12.12 (Sewer Use Regulations); and Chapter 12.18 (Enforcement) of Title 12 (Water and Sewers) Relating to Regulations of the Publicly Owned Treatment Works

Staff Recommendation: Approve the second reading of Ordinance No. 2896-09

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Sue Robb stated representatives from Orchard Gardens submitted their petition to the City requesting speed bumps in their neighborhood; however, nothing was installed. Robb stated she attended a recent meeting of the Housing and Human Services Commission to request funding assistance; however, she has not heard back from the City. Robb explained that low cost recycled speed bumps are available and expressed the need for speed control in the neighborhood.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 09-127 Request for Continuation of Consideration and Approval of RTC 09-114: Consideration of a Distribution List Linking E-mail Addresses to Geographic Mailing Addresses (Study Issue)

Assistant City Manager Robert Walker requested this item be continued to the July 28, 2009 Council meeting in order that staff may insert additional information to assist Council in making an informed decision on this matter.

Public hearing opened at 7:55 p.m.

No speakers.

Public hearing closed 7:55 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Hamilton seconded to approve staff recommendation to continue RTC 09-127 to the July 28, 2009, Council meeting in order to permit inclusion of additional relevant information, and to allow for a July 13 Planning Commission hearing.

VOTE: 7-0

3. RTC 09-124 Consider Approval of Substantial Amendment to FY 2008/09 Action Plan - Continued from May 5, 2009 Council Meeting

Community Development Director Hanson Hom explained that Items 3 and 4 on tonight's agenda are somewhat related but require separate actions. Item 3 involves a one-time allotment to the City through the American Recovery and Reinvestment Act and Economic Stimulus funds and is referred to as Community Development Block Grant Recovery Program (CDBG-R). Item 4 involves the regular allotment of (CDBG) funds.

Director Hom responded to speaker Robb's earlier comments regarding the need for speed bumps in Orchard Gardens. Director Hom stated the area is eligible for CDBG funds; therefore, it would be appropriate during the public hearing for the CDBG Action Plan, Item 4, for Robb to request Council consider allocating CDBG funds for speed bumps in the Orchard Gardens neighborhood.

Housing Officer Suzanne Ise presented the staff report and explained that Attachment A (Substantial Amendment to the FY 2008-09 Action Plan) has a slight modification to the last paragraph on page 16 of the amendment. The changes are listed below with strikeouts and bold inserted text.

*The City proposes a ~~50-50 split between~~ **funding** Accessibility Improvements ~~and to Pedestrian Infrastructure Replacement~~ so that all intersections in the City conform to ADA requirements ~~and/or Improvement activities to fund the reconstruction and/or improvement of substandard~~ **at** sidewalks, crosswalks and related pedestrian infrastructure. ~~in income eligible block groups.~~*

Councilmember Swegles inquired as to why public agencies requests were not included in the CDBG-R funding. Director Hom explained that staff felt the CDBG-R funds should be allocated 100 percent for public improvements and Americans with Disability Act (ADA) type improvements. Director Hom stated the amount the City received for regular CDBG funds did go up slightly and staff recommends maintaining an additional 15 percent for human service agency funding from CDBG in addition to the General Fund allocation of \$100,000. Director Hom explained that the City also received an award under the Homeless Prevention and Rapid Re-Housing Program (HPRP) and those funds will be available to

social service agencies through a Request for Proposal (RFP) process at the first of the year.

Housing Officer Ise explained that the City was strongly encouraged by Housing and Urban Development (HUD) to use the CDBG-R funds for physical construction work.

Councilmember Howe questioned how the allocation of \$100,000 in General Fund monies will affect the 20 year Resource Allocation Plan.

Councilmember Howe verified with Housing Officer Ise that some of the HPRP funds could be used to offset the General Fund supplement for some of the grants awarded to human service agencies. Housing Officer Ise cautioned that the offset would only be eligible if the agencies who receive an award are willing to use those funds for homeless services as specifically outlined within the HPRP program. Some agencies would not qualify because they do not provide homeless related services. Director Hom added that after review of the human service agencies who have applied for funding assistance, it appears that three or four agencies may qualify for the HPRP funds.

Councilmember Howe verified with Housing Officer Ise that 15 percent of the CDBG-R funds could be used toward public services; however, the emphasis from HUD is to use the funds for job creation and construction type projects.

Councilmember Hamilton verified with Director Hom that if Council approves a 15 percent allocation of CDBG-R funds toward public service, then that should be part of Council's action this evening. Councilmember Hamilton inquired if Council would need to also specify in their action this evening regarding replacement of General Funds with HPRP funds. Housing Officer Ise stated that the recommendation for HPRP funds is to be awarded by a subsequent RFP; therefore, Council action on this item would not be necessary this evening.

Public hearing opened at 8:16 p.m.

Colleen Hudgen, Executive Director for Live Oak Adult Day Care Services, spoke of their need for funding assistance. Hudgen offered an overview of their services. Hudgen expressed concern over the recommend cut in their funding and urged Council to consider the service this organization provides to seniors.

Councilmember Swegles explained that Hudgen's comments pertain to Item 4. Councilmember Swegles verified with Hudgen that the center serves 70 seniors of which 31 are from Sunnyvale. Councilmember Swegles noted that Hudgen's proposal states that the agency serves 28 seniors, not 31.

Public hearing closed at 8:22 p.m.

MOTION: Councilmember Swegles moved and Councilmember Howe seconded to approve Alternative 1: Council approves the Substantial Amendment to FY 2008-09 Action Plan for the \$508,191 Homelessness Prevention and Rapid Re-Housing Program Grant and \$332,405 Community Development Block Grant – Recovery Program Grant (Attachment A).

Councilmember Howe offered a friendly amendment to include direction to staff to use the maximum amount allowable from the CDBG-R funds to replace the General Fund supplement relating to programs in Item 4, and to provide direction to the city manager to use the maximum allowable from the \$508,000 to replace the General Fund supplement for some of the human services agencies.

Councilmember Swegles accepted the friendly amendment.

Restated MOTION: Councilmember Swegles moved and Councilmember Howe seconded to approve Alternative 1: Council approves the Substantial Amendment to FY 2008-09 Action Plan for the \$508,191 Homelessness Prevention and Rapid Re-Housing Program Grant and \$332,405 Community Development Block Grant – Recovery Program Grant (Attachment A)

with staff to use the maximum amount allowable from the CDBG-R funds to replace the General Fund supplement relating to programs in Item 4, and the city manager to use the maximum allowable from the \$508,000 in HPRP funds to replace the General Fund supplement for some of the human services agencies.

Councilmember Chu stated he will support the motion and requested the allowable funds from CDBG-R be used for installation of speed bumps in the Orchard Gardens neighborhood. Housing Officer Ise explained that projects which qualify for CDBG-R funds must be ready to go with contracts set within 120 days of February 17, 2009. The Orchard Gardens project could be allocated from regular CDBG funding.

Councilmember Whittum stated he is in favor of full allocation of the CDBG-R funds being used for ADA retrofit projects and he is not in favor of diverting 15 percent of these funds to support the General Fund. Councilmember Whittum stated he will not support the motion.

Councilmember Howe explained that the City has a Sunnyvale Works Program which is being funded by the General Fund and this motion would put money back into the General Fund and subsequently into the projects within this program.

Mayor Spitaleri clarified with staff that the projects in the Sunnyvale Works Program are capital improvement projects and the funding does not come out of the General Fund. City Manager Gary Luebbers explained that the majority of funding for the Sunnyvale Works Program comes from a variety of dedicated sources. City Manager Luebbers explained that approximately 60 million will be needed to complete the necessary capital improvement projects within the City.

Vice Mayor Moylan expressed his support for the motion. Vice Mayor Moylan explained the reasoning behind the process change for the \$100,000 human services distribution. The amount was capped at \$100,000 and moved into the General Fund as a means to simplify the process. Vice Mayor Moylan stated he is in favor of Council making the decision on how to use the money as opposed to having to abide by ADA regulations. Vice Mayor Moylan offered an example of how complying with ADA regulations actually hurt those it was meant to assist. Vice Mayor Moylan stated he completely supports this motion.

VOTE: 6-1 (Councilmember Whittum dissented)

4. RTC 09-126 Consider Approval of FY 2009/10 Action Plan: Recommendation for Use of Community Development Block Grant (CDBG) and HOME Funds - Continued from May 5, 2009 Council Meeting

Housing Officer Suzanne Ise provided the staff report.

Councilmember Hamilton verified with Housing Officer Ise that the ADA accessibility retrofits may be done anywhere Citywide; however, other types of public facilities improvements such as sidewalks or streets may only be done in the income eligible area block groups.

Councilmember Hamilton clarified with Housing Officer Ise that the ADA retrofits pertain to any public infrastructure or facility that was not in compliance prior to 1990; however, the activity staff has proposed in the action plan is primarily curb cuts. Councilmember Hamilton verified that a sidewalk which has pushed up because of a tree root would qualify for this funding only if a wheelchair could not get over the sidewalk.

Councilmember Hamilton questioned why several organizations, listed on page 4 of Attachment A, vary widely in their units proposed versus units accomplished. Housing Officer Ise explained that some agencies report only those units that were funded by the Sunnyvale grant and others report on the total units that were served by all the funding that they have received.

Councilmember Swegles questioned if the administrative costs for CDBG could be cut to 18 percent from 20 percent in order to use that money to assist more programs. Director Hom responded that traditionally approximately 20 percent has been allocated from CDBG for administrative costs. The level of staffing defined by the 20 percent is what is needed to administer the CDBG program; therefore, should Council reduce this amount, funding would need to come from another source to cover the shortfall or staff hours would need to be reduced.

Public hearing opened at 8:46 p.m.

Sharon Davis, board member for Sunnyvale Community Services, read her prepared statement and provided Council copies. Davis requested her comments be added to the record. Davis explained that the recommendations from the Housing and Human Services Commission were made based upon allocating both CDBG and \$100,000 from the General Fund. Davis spoke in support of the new process of allocating funding.

Becky Cooper, Executive Director of Friends for Youth Mentoring Program, thanked Council for their past support and current consideration of their request for funding. Cooper spoke in support of the City's high standard for community support and also the youth mentoring program.

Ben Kong, representative for EHC LifeBuilders, thanked Council for their past support and spoke in support the homeless shelter services they provide and the need for continued support due to the increase demand for their services.

Wanda Hale, Long Term Care Ombudsman Program, stated they serve as advocates for long term care for seniors. Hale explained that the governor cut all their funding this year and their funding need is great. Councilmember Swegles verified with Hale that of the 1,120

clients served last year, 291 clients were from Sunnyvale.

Kathleen King, Executive Director of the Santa Clara Family Health Foundation, spoke of the number served in the Healthy Kids program. King gave an overview of the program and explained that the foundation has not previously applied for assistance from the City of Sunnyvale. King explained that El Camino Hospital will match every dollar that Sunnyvale funds for this program.

Georgia Bacil, Directing Attorney for Senior Adults Legal Assistance, stated they provide free attorney service for seniors at the Sunnyvale Community Center. Bacil requested an increase in the amount of funding that has been proposed in order to provide their current level of service.

Naomi Matsumoto, Executive Director for West Valley Community Services, spoke about the benefits of their rotating shelter program. Matsumoto thanked Council for their funding assistance in the past and expressed their desire for a long-term partnership with the City in order to offer this service to the community. Councilmember Chu verified with Matsumoto that the organization had a recent name change from Cupertino Community Services to their current name, West Valley Community Services. The name change was made to reflect all the communities they serve.

Public hearing closed at 9:02 p.m.

Councilmember Hamilton verified with City Manager Luebbers that what Council approves this evening for funding will be dependent on final approval of the budget. The \$100,000 of General Fund monies has been included in the proposed budget submitted to Council.

Councilmember Howe verified with City Manager Luebbers over two million will come out of the General Fund over the 20 year budget cycle, should Council continue to award \$100,000 per year to human services agencies.

MOTION: Councilmember Swegles moved and Councilmember Howe seconded to approve Alternative 2: Council approves the 2009 Action plan as shown in Attachment A, with modifications as may be determined by the City Council, appropriating \$1,660,074 in CDBG funds and \$761,634 in HOME funds for use in the FY 2009-10, and authorizing the city manager to execute all required assurances and forms for submittal with the 2009 Action Plan for FY 2009-10 to HUD for approval

with the following recommended changes to the action plan:

Reductions

Bill Wilson Center – reduce to \$12,864

EHC LifeBuilders - reduce to \$23,000,

Family and Children Services – reduce to \$19,000

First United Methodist Church – reduce to \$19,000

Live Oak Adult Services – reduce to \$11,000

Santa Clara Family Health Foundation – reduce to \$13,000

Support Network for Battered Women – reduce to \$17,000

West Valley Community Services – reduce to \$9,000

Increases

Catholic Charities: Long Term Care Ombudsman – increase to \$17,775.

Councilmember Swegles explained that the reason for the changes is because the \$500,000 of HPRP funds will assist in making many agencies receive their original requested amounts. Councilmember Swegles spoke about the benefits of the Long Term Care Ombudsman Program and the need for the protection they offer seniors.

Councilmember Howe offered a friendly amendment to notify the representatives of the Ombudsman Program that this increase in funding would only be for this year, and that all agencies shall be notified that next year CDBG funds could be different and that Council will not exceed \$100,000 in funding from the General Fund.

Councilmember Swegles accepted the friendly amendment.

Councilmember Howe and City Manager Luebbers discussed if the \$100,000 from the General Fund was set to increase by two percent annually. Councilmember Howe stated he was against this motion at the time and suggested City Manager Luebbers verify with the majority of Council as to whether they meant for the annual \$100,000 in funding to increase by an inflation percentage or to remain at \$100,000 annually.

Councilmember Whittum clarified with Councilmember Swegles that the motion will add \$10,000 to the Ombudsman program after the offsetting cuts are made. Councilmember Whittum stated he will not support the motion but would support leaving the funding as recommended and allocating an additional \$10,000 in funding from the General Fund for the Ombudsman Program.

Councilmember Swegles stated that he would not support Councilmember Whittum's suggestion, because this year there is an additional \$500,000 available in HPRP funds available that the other agencies may apply for in the near future.

Director Hom explained that staff reviewed the guidelines for the HPRP funding and based on the type of agencies that have applied for assistance, staff estimates that four agencies might qualify for the HPRP funds. Those agencies include Catholic Charities: Housing Search and Stabilization; EHC LifeBuilders: Homeless Shelter Services; Sunnyvale Community Services: Emergency Services and West Valley Community Services: Rotating Shelter Program.

Councilmember Swegles clarified with Housing Officer Ise that agencies which operate a housing or shelter facility and/or offer related supportive services are not eligible for HPRP funds. The funds are for those who are about to be displaced, due to economic circumstances, from regular rental housing. Funding can be used to assist those to stay in their current rental housing or to move to other regular rental housing.

Councilmember Hamilton stated she will not support the motion because most of the programs that Councilmember Swegles is suggesting be cut are programs that support children. Councilmember Hamilton stated she is not in agreement with taking money from one organization to give to another when they all have a great need for assistance. Councilmember Hamilton stated she also does not agree with taking an additional \$10,000 from the General Fund. Councilmember Hamilton stated she supports the staff recommendation.

Vice Mayor Moylan stated he will not support the motion for many reasons. Vice Mayor Moylan stated the new process of allocating a set amount of funding has not yet been given a chance. Council should not go back on its original direction nor ignore the recommendations from the Housing and Human Services Commission. Vice Mayor Moylan stated the commission did a lot of work to fairly allocate the funds. It would be unfair for Council to unilaterally change the work that was done by the commission. Vice Mayor Moylan stated there are many seats open presently on the Housing and Human Services Commission and his concern is how potential commission members would view Council redlining the commission's recommendations, especially given the fact Council did not do any of the homework that the commission did to arrive at their recommendations. Vice Mayor Moylan stated Council needs to approve the staff recommendation and to carry through with the orders given to the Housing and Human Services Commission. Additionally, Council needs to ensure that the total allocation does not exceed \$100,000.

Mayor Spitaleri stated he does not agree that recommendations from the Housing and Human Services Commission are set in stone and cannot be changed. Mayor Spitaleri explained that the recommendations are suggestions only. Mayor Spitaleri suggested a compromise on the \$10,000 increase to \$5,000 for the ombudsman program. Mayor Spitaleri stated Council's job is to review the commission's recommendation and if Councilmembers do not agree, then they may suggest changes.

Mayor Spitaleri offered a friendly amendment to reduce the additional funding to the Ombudsman program to \$5,000.

Councilmember Swegles explained that he researched each agency, reviewed the Housing and Human Services Commission meeting minutes, and took staff's recommendation into consideration. That is how he came up with his recommendations. Councilmember Swegles stated that he is not saying that the other agencies do not have a need; however, the clients of the Ombudsman program have no recourse whatsoever regarding their treatments in nursing homes. Councilmember Swegles stated he will not accept the friendly amendment; however, if his motion does not pass, he will consider the reduction for another motion.

Councilmember Whittum offered a formal amendment to approve the staff recommendation with a \$10,000 increase in funding to the Long-Term Care Ombudsman Program.

Amendment failed for lack of a second.

Restated MOTION: Councilmember Swegles moved and Councilmember Howe seconded to approve Alternative 2: Council approves the 2009 Action plan as shown in Attachment A, with modifications as may be determined by the City Council, appropriating \$1,660,074 in CDBG funds and \$761,634 in HOME funds for use in the FY 2009-10, and authorizing the city manager to execute all required assurances and forms for submittal with the 2009 Action Plan for FY 2009-10 to HUD for approval **with** the following recommended changes to the action plan:

Reductions

Bill Wilson Center – reduce to \$12,864
EHC LifeBuilders - reduce to \$23,000,
Family and Children Services – reduce to \$19,000
First United Methodist Church – reduce to \$19,000
Live Oak Adult Services – reduce to \$11,000

Santa Clara Family Health Foundation – reduce to \$13,000
Support Network for Battered Women – reduce to \$17,000
West Valley Community Services – reduce to \$9,000

Increases

Catholic Charities: Long-Term Care Ombudsman – increase to 17,775.

and

notify the representatives of the Long-Term Care Ombudsman Program that this increase in funding is for this year only. All agencies shall be notified that next year CDBG funds could be different and Council will not exceed \$100,000 in funding from the General Fund.

VOTE: 2-5 (Councilmember Whittum, Vice Mayor Moylan, Mayor Spitaleri and Councilmembers Chu and Hamilton dissented)

Motion failed.

MOTION: Councilmember Howe moved and Councilmember Chu seconded to approve Alternative 2: Approve the 2009 Action Plan as shown in Attachment A, with modifications as may be determined by the City Council, appropriating \$1,660,074 in CDBG funds and \$761,634 in HOME funds for use in FY 2009-10, and authorizing the city manager to execute all required assurances and forms for submittal with the 2009 Action Plan to HUD for approval

with

Staff to identify those agencies eligible for HPRP funds and those four agencies will each receive a reduction in their funding allocation of \$2,500, to be made up later by HPRP funds. The \$10,000 received from the reduction shall be an increase to the Long-Term Care Ombudsman Program.

with

City Manager Luebbers to withhold \$10,000 out of the \$35,000 in allowable CDBG funds, as backfill to the General Fund in case an agency does not qualify for the HPRP funds.

Councilmember Chu offered a friendly amendment to approve the amounts recommended by the Housing and Human Services Commission in Column 2 of Attachment B. Approving Column 2 saves an additional \$2,000, which can be used toward the Long-Term Care Ombudsman Program; thereby, reducing the need for additional funding to \$8,000 from \$10,000.

Councilmember Howe accepted the friendly amendment.

Vice Mayor Moylan explained that Column 3 is actually what the Housing and Human Services recommended.

Councilmember Chu stated the Housing and Human Services Commission used Column 2 as a placeholder and was the minimum necessary for each group. Approving Column 2 will allow the four charities that qualify for HPRP funds, to be reduced by \$8,000, which will later be replaced to the charities by HPRP funding. Councilmember Chu verified with Councilmember Howe that he accepted the friendly amendment.

Councilmember Hamilton verified with Councilmember Chu that the motion approves Column 2 as the allocation amounts with the exception of Catholic Charities: Housing Search and Stabilization; EHC LifeBuilders; Homeless Shelter Services; Sunnyvale

Community Services: Emergency Services, and West Valley Community Services: Rotating Shelter Program being reduced by \$2,000 each.

Councilmember Hamilton verified with Councilmember Chu that the motion includes a set-aside fund for \$8,000 from the General Fund, by means of some CDBG funds, to cover the four agencies should they not qualify for the HPRP funds.

Vice Mayor Moylan explained that Council could change the allocations from what the Housing and Human Services Commission recommended, but he is not in favor of that and will not support the motion.

Councilmember Whittum stated he will not support the motion as he is in support of the staff recommendation and does not favor changing the recommended allocations.

Councilmember Whittum stated he would have been in favor of a \$10,000 increase in allocation for the Ombudsman Program.

Councilmember Hamilton stated she will not support the motion but requested a friendly amendment to include notation that this is for one year only.

Councilmember Howe accepted the friendly amendment and stated that the ombudsman program would receive a note that this increase is a one year allocation and future funding is unknown.

VOTE: 3-4 (Councilmember Whittum, Vice Mayor Moylan, Mayor Spitaleri and Councilmember Hamilton dissented)

MOTION failed.

MOTION: Vice Mayor Moylan moved and Councilmember Whittum seconded to approve Alternative 1: Approve the 2009 Action Plan as shown in Attachment A, appropriating \$1,660,074 in CDBG funds and \$761,634 in HOME funds for use in FY 2009-10 (Attachment A), and authorizing the city manager to execute all required assurances and forms for submittal with the 2009 Action Plan to HUD for approval.

with

as much as possible of the General Fund (as shown in column 5 of Attachment B) to be supplemented from any and all qualifying stimulus funds, as identified in the last agenda item.

Councilmember Swegles stated he will not support this motion and offered a friendly amendment for staff to identify those agencies eligible for HPRP funds and those four agencies will each receive a reduction in their funding allocation of \$2,500, to be made up later by HPRP funds. The \$10,000 received from the reduction shall be an increase to the Long-Term Care Ombudsman Program.

with

City Manager Luebbers to withhold \$10,000 out of the \$35,000 in allowable CDBG funds, as backfill to the General Fund in case an agency does not qualify for the HPRP funds.

Councilmember Howe stated if Council is not going to review the recommendations and make changes when necessary, then perhaps the commission's recommendation should not come to Council. Councilmember Howe stated he supports increasing agencies' funding when it is possible and especially when there are additional funding needs due to the state

cutting its funding.

Vice Mayor Moylan explained that there is a system in place for allocating funding for agencies and he is not in favor of reducing funding of some agencies just because they are eligible to apply for additional funding. Vice Mayor Moylan did not accept the friendly amendment.

Councilmember Whittum encouraged his colleagues to offer an amendment to allocate additional funding to the Ombudsman Program.

Councilmember Swegles offered a friendly amendment for an increase in the allocation to the Long-Term Care Ombudsman Program by \$10,000. Increase shall be realized from the 15 percent of CDBG funds for human service agencies.

Vice Mayor Moylan responded as long as less than \$100,000 in funding comes from the General Fund, then he will accept the friendly amendment. Vice Mayor Moylan stated the stimulus funds will help to offset the need for funds to come from the General Fund.

Director Hom explained that Council has designated 15 percent of the CDBG-R funds to backfill the General Fund supplement and the current General Fund supplement is approximately \$55,000.

Councilmember Hamilton verified with Director Hom that the CDBG-R funds may be used for human service agencies. The uncertain funds are for HPRP funds.

Vice Mayor Moylan explained that the motion would use the maximum amount available from either fund to offset the General Fund. Vice Mayor Moylan verified with Director Hom that the City should receive \$45,000 from the CDBG-R funds and it is very likely that the City will receive more.

Councilmember Hamilton expressed concern over the City stepping in to assist every human service agency that has received a cut in their funding from the state or elsewhere.

Councilmember Swegles spoke in support of his amendment.

Councilmember Howe offered a friendly amendment to include notation that this is for one year only.

Friendly amendment accepted by Vice Mayor Moylan.

Councilmember Hamilton verified with Director Hom that Council is able to allocate funding from the CDBG-R funds this evening.

VOTE: 7-0

5. RTC 09-109 2009-0149 Heritage Resource Nominations for Individual Properties (Study Issue)

Planning Officer Trudi Ryan presented the staff report.

Public hearing opened at 9:52 p.m.

Beverly Cochran David spoke about her family history in Sunnyvale. David expressed her support for the nomination of her family property as a heritage resource.

Public hearing closed at 9:56 p.m.

MOTION: Councilmember Whittum moved and Councilmember Hamilton seconded to approve Alternative 1: Do not nominate any of the researched properties.

VOTE: 7-0

**6. ORDINANCE 2008-0926 Heritage Resource Nominations for Southwood and
RTC 09-117 Fairorchard Neighborhoods which include Rezoning to add a
Heritage Housing (HH) Combining District (Study Issue)**

Vice Mayor Moylan stated he will recuse himself from this item because he resides within 500 feet of many of the properties in the area.

Vice Mayor Moylan left the dais at 9:58 p.m.

Planning Officer Trudi Ryan provided the staff report.

Councilmember Swegles verified with Planning Officer Ryan the Fairorchard neighborhood currently is zoned as a single-story combining district zoning. Should Council wish to rezone this area, staff would then propose to add Heritage Housing Combining District zoning (HH). The area would then be zoned R-1S (single story heritage housing), which would restrict second story additions and provide historical context for any modifications to the homes.

Councilmember Hamilton verified with Planning Officer Ryan that the non-contributor houses which are homes that do not have the character of the neighborhood such as a second story had previously been added or the exterior is severely modified and does not meet the character of the neighborhood. Councilmember Hamilton inquired as to how this zoning would affect those properties. Planning Officer Ryan responded that the non-contributing structure would not be allowed to add additional space to the second story and they would not be able to deviate any further from the character of the neighborhood.

Councilmember Hamilton verified with Planning Officer Ryan that the design guidelines will be available this week on the website.

Councilmember Whittum stated staff is recommending no action on the Southwood neighborhood but is recommending adopting the HH zoning for the Fairorchard neighborhood. Councilmember Whittum verified with Planning Officer Ryan that the response from property owners in Fairorchard resulted in more opposition than approval for the HH district. Councilmember Whittum explained that in contrast, support from property owners for the single story combining district was the opposite with a high percentage of support from residents. Planning Officer Ryan explained that the single-story combining district seemed to satisfy what the residents wanted for the neighborhood.

Councilmember Whittum verified with Planning Officer Ryan that resident concerns over adopting HH zoning appears to be in opposition to further restrictions over the ability to make modifications to their homes.

Councilmember Hamilton verified the Eichler guidelines will come before Council at a future meeting, regardless of what is approved for this zoning, as the guidelines pertain to approximately 1,000 homes within Sunnyvale.

Public hearing opened at 10:09 p.m.

Wilma Anderson spoke in support of adopting the HH district.

Margaret Klugherz stated she is against HH zoning for the Fairorchard neighborhood.

Norma Marcus verified with Planning Officer Ryan that the HH guidelines would require that the entire exterior of the house follow the character of the neighborhood; whereas, the interior of the home is not required to follow any guidelines. Marcus stated she supports HH zoning for the Fairorchard neighborhood due to the historical significance of the area.

Nelly Lambert stated she supports preserving the character of the neighborhood and is in favor of adopting HH zoning.

Councilmember Swegles disclosed that he has had numerous conversations with Lambert regarding her home located in the Fairorchard neighborhood.

Moses Huang stated he opposes the HH zoning because Eichler homes are poorly insulated and are not seismically safe.

Councilmember Whittum confirmed with Mr. Huang his statement that seismic retrofits on an Eichler would modify the exterior.

Lou Wirtz stated the results that came back to Council regarding support or opposition for an HH district may have been skewed due to a short time frame for responding back to the City. Wirtz stated the restrictions are not specific enough and questioned what protections are being offered. Wirtz questioned whether Council is moving too quickly and should wait for the Eichler design guidelines to see if an HH district is really needed for this area. Wirtz stated he is not in favor of the HH district because there are too many unknowns at this time; however, if the guidelines and restrictions were made clearer, he may support this in the future.

Councilmember Hamilton requested staff respond to Wirtz's concerns. Planning Officer explained the Eichler design guidelines will offer general direction for modification to a home. The HH district would require compliance with the character of the particular neighborhood and would be a little more restrictive than the guidelines and offers protection for the character of the neighborhood.

Tracy Tripp Meyer stated she is a resident of the Southwood neighborhood and is against adoption of the HH district because it would restrict what could be done to their home. Meyer stated support for the staff recommendation to not include the Southwood neighborhood in the HH district.

Public hearing closed at 10:34 p.m.

MOTION: Councilmember Swegles moved and Councilmember Hamilton seconded to approve Alternatives 1b and 2a:

Alternative 1b) Southwood Neighborhood – Do not take any action.

Alternative 2a) Fairorchard Neighborhood – The neighborhood be rezoned from R-1/A to R-1/S/HH and listed locally in the Heritage Resources Inventory.

Councilmember Howe verified with Planning Officer Ryan that solar panels have protection from the state and therefore a homeowner could install solar panels in a HH district.

Councilmember Howe verified with Planning Officer Ryan that the building code would likely take priority over a historical designation; however, there are some exceptions in the building code for historical properties.

Councilmember Howe verified with Planning Officer Ryan that staff has not explored in detail what type of modifications would be necessary for structural upgrades for seismic purposes. Director Hom stated staff needs to review the guidelines to see what flexibility would be needed in order to achieve both the seismic requirements as well as balance the guidelines for Eichler homes.

Councilmember Chu inquired if staff has changed their original recommendation since additional opposition to the HH district has been received. Planning Officer Ryan stated staff has not changed their position; however, if there had been a significant amount of responders, staff may have conferred regarding the staff recommendation.

Councilmember Whittum stated he does support the staff recommendation for Southwood but he opposes the motion because he would like to first review the Eichler guidelines. Councilmember Whittum stated if the Fairorchard neighborhood supports the HH designation by a majority after the Eichler guidelines have been reviewed, he would then support a zoning change.

Councilmember Hamilton stated she supports the motion and spoke in favor of designated districts. Councilmember Hamilton explained that a HH designation does provide protections from tearing houses down and rebuilding homes that are not in character of the neighborhood. Councilmember Hamilton explained that she lives in a heritage designated neighborhood and the designation has not affected the property values in her area at all.

Councilmember Chu stated he agrees with the staff recommendation for Southwood but is not sure about adopting the HH designation for Fairorchard. Councilmember Chu stated the Eichler design guidelines that will be reviewed by Council may offer the same purpose as the HH intent without being as restrictive. Councilmember Chu stated he supports delaying a decision on the Fairorchard neighborhood until the design guidelines have been reviewed.

VOTE: 2-4 (Councilmember Whittum, Mayor Spitaleri, Councilmembers Chu, Howe dissented, Moylan recused)

MOTION failed.

MOTION: Councilmember Whittum moved and Councilmember Chu seconded to approve Alternatives 1b and 2b.
Southwest Neighborhood

Alternative 1b) Do not take any action.
Fairorchard Neighborhood
Alternative 2b) Do not take any action.

Councilmember Chu offered a friendly amendment to remove alternative 2b from the motion and instead continue taking action on the Fairorchard neighborhood after the design guidelines have been adopted.

Councilmember Whittum accepted the friendly amendment.

Director Hom suggested moving action on the Fairorchard neighborhood to the same Council meeting that the design guidelines will be adopted.

Councilmembers Whittum and Chu accepted staff's suggestion.

Restated MOTION: Councilmember Whittum moved and Councilmember Chu seconded to approve Alternative 1b.

Southwest Neighborhood
Alternative 1b) Do not take any action.

with

Council to take action on the Fairorchard neighborhood at the same meeting in which the Eichler design guidelines will be presented for adoption.

Councilmember Howe expressed support for the motion and stated he is in favor of reviewing the guidelines prior to making a decision on any zoning change for the Fairorchard neighborhood. Councilmember Howe stated questions regarding seismic retrofitting will be answered by waiting to review the guidelines.

Councilmember Swegles stated he will not support the motion.

Councilmember Whittum verified with Director Hom that the Fairorchard residents will be informed of the continued hearing. Councilmember Whittum stated that he includes re-noticing of the Fairorchard residents of the continued hearing on this item as part of his motion.

Restated MOTION: Councilmember Whittum moved and Councilmember Chu seconded to approve Alternative 1b.

Southwest Neighborhood
Alternative 1b) Do not take any action.

with

- Council to take action on the Fairorchard neighborhood at the same meeting in which the Eichler design guidelines will be presented for adoption, and
- Fairorchard residents shall be noticed of the continued hearing on this item.

VOTE: 5-1 (Councilmember Swegles dissented, Vice Mayor Moylan recused)

Vice Mayor Moylan returned to the dais at 10:50 p.m.

**7. RESOLUTION 2008-0486 Lawrence Station Transit Village (Study Issue)
RTC 09-120**

Councilmember Chu recused himself, stating he owns real estate in the study area.

Councilmember Chu left the dais at 10:51 p.m.

Mayor Spitaleri called for a recess at 10:52 p.m.

Mayor Spitaleri reconvened the Council meeting at 11:03 p.m.

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 11:08 p.m.

Ray Crump stated he is concerned about what the expectation would be regarding the total impact to the neighborhood. Crump stated the sidewalk by the train station the weeds are growing over the sidewalks and he would like to see that area cleaned up. Vice Mayor Moylan explained that staff has recommended returning to Council with a work program and questioned if incorporating the results of the recent county expressway policy study into the work program would assist with any concerns. Crump responded that including that information would assist with his concerns.

Arthur Schwarz stated Lawrence Station is at or above capacity on a daily basis. Schwarz stated the proposed development will make the situation worse, regardless of train use. The increased automobile use will create parking issues and increase congestion. Schwarz stated the study proposal should be delayed in order to be reworked to come up with real numbers as to how much development can be tolerated in order to increase the transit ridership.

Wes Gans inquired as whether a water availabilities study is available because without enough water, spending money on a study would be a waste. Gans inquired if citizens of Sunnyvale have been polled to see if they are interested in having this project along Lawrence Expressway. Gans questioned if those who live in the area take the train because that would be a good indication as to whether building such a project would actually increase rider use.

Councilmember Swegles verified with Director Hom that there is a state mandate that the City verify water is available prior to a development being built. Director Hom explained the entire infrastructure system and traffic impacts would need to be reviewed.

Public hearing closed at 11:18 p.m.

Councilmember Whittum verified with Director Hom that if residential were to be a significant component of the specific plan area, then there would need to be plans for open space.

Councilmember Whittum verified with Director Hom that staff could investigate recycled water availability to the area.

Councilmember Whittum stated the train service going south is not as good as it could be and perhaps with a denser development, train use may increase. Councilmember Whittum stated the VTA uses one-third of a mile as a radius for transit use, not the half-mile that staff

has used. Councilmember Whittum verified with Director Hom that half-mile is the suggested study area; however, staff can use one-third of a mile because it is true that beyond that distance, ridership use does decrease.

MOTION: Vice Mayor Moylan moved and Councilmember Howe seconded to approve Alternatives 1 and 2:

Alternative 1: Council action to

- a. Adopt study goals and principles to guide the development of a Station Area Plan; direct staff to develop a comprehensive Station Area Plan.
- b. Direct staff to develop a comprehensive Station Area Plan for the Lawrence Station Transit Village study area.
- c. Proceed to negotiate a Memorandum of Understanding (MOU) between the cities of Sunnyvale and Santa Clara to develop a comprehensive and joint Station Area Plan.
- d. Adopt the resolutions to apply for and accept the Caltrans grant and accept the VTA (Valley Transportation Authority) grant (Attachments F and G).
- e. Pursue additional grants opportunities to raise funds for a comprehensive study, and

Alternative 2: Return to Council with a work program, including a detailed schedule, budget and MOU, when adequate funding for the study becomes available or in nine months, whichever is sooner

with

Include the ideas/suggestions presented by the speakers including the concept of extending the recycled pipes to bring recycled water to this project.

Vice Mayor Moylan stated a delay on this study issue would not be a good idea since staff has identified available grant money. Vice Mayor Moylan explained that the City is mandated on the number of housing units that must be added on a yearly basis and this is an opportunity to add the necessary housing in such a way as to utilize transit.

VOTE: 6-0 (Councilmember Chu recused)

Councilmember Chu returned to the dais.

Councilmember Howe requested Item 8 be continued to the next regularly scheduled Council meeting and move forward to Item 9. Mayor Spitaleri stated there are speakers for Item 8 and Councilmember Howe removed his request.

8. RTC 09-098 Consider Revisions to Council Policy Governing Attendance Policies for Board and Commission Members (Study Issue)

Assistant City Manager Robert Walker provided the staff report.

Councilmember Hamilton asked for an explanation on excused versus unexcused. Assistant City Manager Walker explained that the City Charter states that three consecutive unexcused absences will result in removal from a board or commission. The Council policy allows for the Mayor to send a letter or gentle reminder to those members who fall below 75 percent attendance in a quarter. The individual board or commission determines whether a commission member's absence is excused or unexcused.

Councilmember Hamilton suggested removing the distinction between excused and unexcused. Assistant City Manager Walker stated that would make things a little stricter as all absences would be considered unexcused. Councilmember Hamilton stated she would like to hear from the speakers what their thoughts are about removing the distinction between excused and unexcused absences.

Councilmember Whittum verified with Assistant City Manager Walker that commissions did not submit recommendations on this item because Council policy is not within the board and commission members' purview. However, all board and commission members were asked to submit their comments and encouraged to attend this meeting in order to offer their opinions on this item.

Councilmember Whittum inquired if this item helps with recruitment and retention of board and commission members and Assistant City Manager Walker stated he is not sure whether a potential applicant would consider this to be a deterrent or a positive item.

Public hearing opened at 11:31 p.m.

Harriet Rowe stated she is neutral about the 25% non-attendance receiving a gentle reminder from the Mayor and also approves of removal after three consecutive absences. Rowe stated there should be three unexcused absences for the Planning Commission due to the number of meetings they hold. Rowe stated the unexcused absence hold a negative connotation. Rowe stated she does not feel with all that the Planning Commission does, that to allow for three unexcused absences is not too much to ask for.

Councilmember Hamilton inquired if the process of absence should identify whether the absence is excused or unexcused. Rowe stated she would prefer the board or commission not have to vote on whether absence is excused or not.

Jim Griffith stated he agrees with staff's opinion that a more restrictive policy is better in that it sends the message that attendance is important and their input is needed. Griffith stated he does not see the value in designating excused or unexcused absences if there is no real difference between them; however, his one concern would be over members not bothering to show up and not telling anyone should the distinction be removed. Griffith stated that conveying to the members that they need to respect the commission that they serve on, serves the best interest of the City.

Public hearing closed at 11:38 p.m.

Assistant City Manager Walker explained that if the distinction of excused or unexcused absences were removed, staff would find it difficult to implement the intent of the City Charter.

MOTION: Vice Mayor Moylan moved and Councilmember Hamilton seconded to approve approve Alternative 4: Council adopts revisions to Council Policy 7.2.19 as depicted by Attachment F, increase the number of regular meetings allowed to be missed in any twelve month period and declare vacant any seat whose member is absent and unexcused for more than 25 percent of the regularly scheduled meetings in any twelve month period.

Councilmember Hamilton requested a potential adjustment that the staff liaison in conjunction with the chair of the board or commission should determine whether an absent member had an excused or unexcused absence and not the entire board or commission. Vice Mayor Moylan accepted the request.

Councilmember Whittum stated he will not support the motion and would prefer that Council take no action on this item. Councilmember Whittum would prefer this item be brought before the boards and commissions for their comments. Councilmember Whittum inquired as to why at the end of March was there only one applicant for the boards and commission openings and stated that the real question is recruitment and retention.

Councilmember Howe verified with Vice Mayor Moylan that the motion includes that the staff liaison, with input from the chair of the commission, shall make the determination as to whether the member was excused or unexcused. Councilmember Howe asked Vice Mayor Moylan if the staff liaison and chair disagree, who comes up with the final determination. Vice Mayor Moylan stated there is not any gray area because the reasons for an excused absence are specifically detailed. The only question would be whether anyone heard from the member as to their absence. Councilmember Howe suggested the board or commission members may object to the determination when the minutes are up for approval.

Assistant City Manager Walker stated the City Charter requires that the board or commission determine whether the absence is excused or not. The current practice allows the chair to say that unless any member of the board differs, the absence is excused and the board may accept by consent.

Vice Mayor Moylan stated the motion is intended to be consistent with the City Charter; but that it should not be an arbitrary decision by the board or the chair. The staff liaison should provide the criteria for making a determination of an excused absence, and confirm with the chair.

Councilmember Hamilton expressed her support of the motion and the importance of having an attendance policy for the boards and commissions. Councilmember Hamilton stated it is important for all members to be at the meetings.

Mayor Spitaleri explained that the letter he sends out is a gentle reminder that their attendance is important when they start to fall behind in attending the meetings.

Vice Mayor Moylan stated the importance of this is not how it affects attendance, rather it is how it will affect the member's performance of the boards and commissions. Vice Mayor Moylan stated if this policy deters someone wanting to serve on a board or commission because they would be required to attend the meetings, the City is better off with a vacancy because of the way it would affect the rules of having a quorum.

Councilmember Whittum stated his comments were not meant to lower attendance standard in order to assist recruitment; rather he supports having the board and commissions reviewing this at their regularly scheduled meetings, not at this Council meeting.

Mayor Spitaleri verified with Assistant City Manager Walker that all board and commission members were informed of this policy change and were encouraged to send back any changes or comments; however, only two responses came back.

VOTE: 6-1 (Councilmember Whittum dissented)

9. RTC 09-123 Approve Addendum to the Environmental Impact Report (EIR) for Sunnyvale Downtown Improvement Program Update to Include the Current Murphy Avenue Streetscape and Utilities Project

Councilmember Whittum stated he will recuse himself because his personal home is within 500 feet of this area.

Councilmember Whittum left the dais.

Director of Public Works Marvin Rose presented the staff report.

Public hearing opened at 11:51 p.m.

No speakers.

Public hearing closed at 11:51 p.m.

MOTION: Councilmember Howe moved and Councilmember Swegles seconded to approve Alternative 1: Council approves the attached addendum to the 2003 Environmental Impact Report (EIR) for Sunnyvale Downtown Improvement Program Update. Council approval will allow the project to continue to construction.

VOTE: 6-0 (Whittum recused)

Councilmember Whittum returned to the dais 11:52

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Hamilton stated she attended a town hall meeting with Governor Schwarzenegger in attendance. Councilmember Hamilton stated the Governor reiterated his support of not taking local funds away and stated his budget revise will be released shortly.

Vice Mayor Moylan stated the second meeting of the informal inter-city working group for the Stevens Creek Trail was held recently and the other jurisdictions sent their thanks to Council for allowing these discussions. Vice Mayor Moylan stated he asked the City of Mountain View to document the effects of the trail, the City of Cupertino stated they would review where they would prefer to have the trail go and the City of Los Altos stated they would revisit the work that they did which originally presumed that the trail could not go through the City of Sunnyvale. The next meeting will be held in August 2009.

NON-AGENDA ITEMS & COMMENTS

COUNCIL: Councilmember Swegles thanked staff and his colleagues for the kindness shown to him after his operation.

Vice Mayor Moylan requested the following items be added to an upcoming agenda:

- 1) Hold a pre-Council meeting workshop to discuss how all public hearing items could be finished by 10 p.m. If needed, return suggestions to Council for direction.
- 2) Appoint a committee to run the elections debate and put out ethics brochure. Five Councilmembers are eligible to serve on this committee.
- 3) Hold a discussion regarding shrinking the size of two of the City commissions. Vice Mayor Moylan stated the Housing and Human Services historically has had nine members but there is no reason this commission needs to be that large. Also, consider reducing the Building Code of Appeals from five to three members.

Councilmember Whittum requested an update on the status of the inter-city meetings. Mayor Spitaleri explained to City Manager Luebbbers that he would like to continue these meetings. City Manager stated he is in the process of setting up another meeting.

Councilmember Howe stated he would like to discuss the length of the meetings sooner rather than later.

Mayor Spitaleri announced that he participated with the Challenge Team Ride with Councilmember Chu. Mayor Spitaleri stated he enjoyed the ride and it was a great event.

STAFF: City Manager Luebbbers announced that the proposed budget is currently available on the City's website.

Vice Mayor Moylan requested the list for those wanting to receive the budget on a CD, as opposed to the binders, be re-established.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 09-119 Opportunity for Council to Appeal Decisions of the Planning Commission of April 27, 2009 and the Administrative Hearing of April 29, 2009
- Draft Bicycle and Pedestrian Advisory Commission Meeting Minutes of April 16, 2009

ADJOURNMENT

Councilmember Howe requested the meeting be closed in honor of former City Manager Amy Chan's mother-in-law. Councilmember Howe requested Mayor Spitaleri prepare the proper documents for Amy Chan's husband, Raymond Chan, in honor of his mother and called for a moment of silence.

Mayor Spitaleri adjourned the Council meeting at 12:03 a.m.

Kathleen Franco Simmons
City Clerk

Date