

**APPROVED MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, AUGUST 10, 2010**

**CALL TO ORDER**

Mayor Hamilton called the meeting to order in Council Chambers.

**SALUTE TO THE FLAG**

Mayor Hamilton led the salute to the flag.

**ROLL CALL**

**PRESENT:**

Mayor Melinda Hamilton  
Vice Mayor Christopher Moylan  
Councilmember Otto Lee  
Councilmember Ron Swegles  
Councilmember Anthony (Tony) Spitaleri  
Councilmember David Whittum  
Councilmember Jim Griffith

**ABSENT:**

None.

**STAFF PRESENT:**

City Manager Gary Luebbers  
Assistant to the City Manager Coryn Campbell  
Assistant City Attorney Kathryn Berry  
Acting Director of Finance Grace Leung  
Chief of Public Safety Don Johnson  
Director of Public Works Marvin Rose  
Director of Community Development Hanson Hom  
City Clerk Kathleen Franco Simmons

**SPECIAL ORDER OF THE DAY** – Mayor Hamilton presented proclamations declaring Lakewood Elementary and Cherry Chase Elementary California Distinguished Schools.

**PUBLIC ANNOUNCEMENTS**

Councilmember Spitaleri announced upcoming community meetings regarding the medical marijuana dispensary study.

Richard Kolber, Democratic Club of Silicon Valley, announced an upcoming meeting of the club.

Jeanine Stanek, Heritage Park Museum, announced upcoming events at the museum.

## **CONSENT CALENDAR**

Councilmember Whittum requested to pull Item 1.H from the Consent Calendar.

MOTION: Vice Mayor Moylan moved and Councilmember Spitaleri seconded the motion to approve the Consent Calendar, with the exception of Item 1.H.

VOTE: 7 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of July 27, 2010
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

## **Fiscal Items**

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List  
RTC 10-206 Nos. 515 and 516

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Carryover of Council Technology Funds from FY 2009/10 to FY 2010/11  
RTC 10-207 and Approval of Budget Modification No. 3

Staff Recommendation: Alternative 1: Approve the carryover of \$5,014 in technology funds in accordance with Council Policy 7.3.13, and Budget Modification No. 3.

- 1.E. MOTION Approval of Budget Modification No. 4 for the Funding of Public Safety  
RTC 10-211 Roofing Project, Phase 2 from existing Project 819610, Public Safety  
Building Heating Ventilation & Air Conditioning (HVAC)

Staff Recommendation: Alternative 1: Approve Budget Modification No. 4 to appropriate \$300,000 from Project 819610 (Public Safety Buildings – HVAC) to Project 818100 (Public Safety Buildings – Roofs) to fund the second phase of the Public Safety Roofing project.

- 1.F. RESOLUTION Resolution to Authorize Application for a State Sustainable Communities  
RTC 10-202 Planning Grant of up to \$1 Million

Staff Recommendation: Adopt the resolution.

- 1.G. MOTION City of Sunnyvale Investment Report – 2<sup>nd</sup> Quarter 2010  
RTC 10-205

Staff Recommendation: Receive and file the investment report.

## **Personnel**

- 1.H. RESOLUTION Approval of the Public Safety Managers Association Memorandum of  
RTC 10-213 Understanding and Adoption of the Revised Salary Resolution

Public hearing opened at 7:12 p.m.

No speakers.

Public hearing closed at 7:12 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Spitaleri seconded the motion to approve Alternative 1: Approve PSMA MOU and adopt the revised salary resolution.

VOTE: 6 - 1 (Councilmember Whittum dissented)

**Contracts: Sunnyvale Works!**

- 1.I. MOTION Award of Sunnyvale Works! Bid No. F0905-103 for Homestead Road  
RTC 10-210 Resurfacing

Staff Recommendation: Award a contract in the amount of \$794,940 to C.F. Archibald Paving, Inc. for the subject project, and authorize the city manager to execute the contract when all necessary conditions have been met; and approve a construction contingency in the amount of \$79,494.

- 1.J. MOTION Approve an On-call Contract for Construction Management and Support  
RTC 10-212 Services in Conjunction with Sunnyvale Works! Projects (F1007-09)

Staff Recommendation: Award a contract to CSG Consultants, Inc. for on-call construction management and support services through June 30, 2011 in an amount not-to-exceed \$754,400.

- 1.K. MOTION Rejection of Proposals Received in Response to Request for Proposals to  
RTC 10-214 Furnish and Install a Wireless High Fidelity Network (F0904-88)

Staff Recommendation: Reject the proposals received in response to Request for Proposals F0904-88.

**STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. MOTION Response to Santa Clara County Civil Grand Jury Report, *Cities Must*  
RTC 10-203 *Rein in Unsustainable Employee Costs*

Acting Director of Finance Grace Leung presented the staff report.

Public hearing opened at 7:19 p.m.

Andy Frazer expressed concern about the City's response to item 7 in the report.

Public hearing closed at 7:22 p.m.

MOTION: Councilmember Whittum moved to form a Council Subcommittee to meet and present options for the wording to Council at either the August 17 or August 24 meeting. Motion died for lack of second.

MOTION: Vice Mayor Moylan moved and Councilmember Swegles seconded the motion to approve the City's response to the Santa Clara County Civil Grand Jury report as presented in Attachment A, adding the word "already" where appropriate. Vice Mayor Moylan clarified the motion may provide for the modification of the responses according to either the spirit of Councilmember Griffith's request to indicate wherever it states: "Has been implemented" to be modified to read: "Has already been implemented"; or as suggested by the city manager, to include a general statement that none of the actions taken to date have been as a result of the Grand Jury report and were either implemented or started before the report was issued.

VOTE: 6 - 1 (Councilmember Whittum dissented)

3. MOTION City Positions Regarding Propositions 22, 23, 25 and 26 on the  
RTC 10-204 November 2010 Ballot

Assistant to the City Manager Coryn Campbell presented the staff report.

Public hearing opened at 7:32 p.m.

Richard Kolber requested Council take a position to oppose Proposition 23.

Dan Hafeman urged opposition of Proposition 23.

Public hearing closed at 7:38 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Swegles seconded the motion to approve staff recommendation on the three propositions on which a position has previously been taken; confirm support for Proposition 22, support Proposition 25, oppose Proposition 26, and take a position to oppose Proposition 23.

VOTE: 6 - 1 (Councilmember Whittum dissented)

4. MOTION 2010-7454: Request to initiate a General Plan Amendment study to  
RTC 10-208 change the land use designation for 915 De Guigne Drive from Industry  
(IND) to Industrial-to-Residential Medium Density (ITRMED) (Continued  
from July 27, 2010.)

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:55 p.m.

Ajay Changaran, applicant, representing Spansion, spoke of the benefits of changing the land use designation. Changaran stated they do not agree with the recommendation to delay further implementation of the amendment until analysis of other areas of the City and that he believes delaying further action will only duplicate the 2007 East Sunnyvale

ITR Study. Changaran recommended Alternative 3 instead of Alternative 2.

Matt Mochary spoke regarding the unique asset of a 135KV transmission line on the site and other assets. Mochary spoke of the tax benefits to Sunnyvale of having a data center on the site and provided written materials to Council.

Ajay Changaran, applicant, stated Spansion does not have specific plans to move from Sunnyvale and that housing is the best use of the site.

Public hearing closed at 8:14 p.m.

MOTION: Councilmember Griffith moved and Councilmember Swegles seconded the motion to approve Alternative 2: Initiate a General Plan Amendment for the subject site and five additional properties shown in Attachment B (a total of 34.4 acres), and study a General Plan land use designation change from Industry to Industrial-to-Residential, considering a variety of residential densities including the potential for additional commercial sites within the overall East Sunnyvale ITR area. Incorporate the study, as well as the previously initiated study for the adjacent Equity Office Properties sites (20.5 acres), into the ongoing Horizon 2035 (Land Use and Transportation Element update) process.

VOTE: 6 - 1 (Councilmember Whittum dissented)

5. ORDINANCE Adoption of Ordinance No. 2924-10 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Properties Located at 415 North Mathilda Avenue, 425 North Mathilda Avenue, 433 North Mathilda Avenue and 435 Indio Way (in Peery Park) from M-S (Industrial & Service) To M-S/POA (Industrial & Service/Places of Assembly) Zoning District

Director of Community Development Hanson Hom introduced the ordinance.

MOTION: Councilmember Swegles moved and Councilmember Whittum seconded the motion to approve the second reading of Ordinance No. 2924-10.

VOTE: 6 - 1 (Mayor Hamilton dissented)

### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Swegles reported he and other members of Council attended a ceremony at the 129th Rescue Wing at Moffett Federal Airfield to honor members who had served in Iraq.

### **NON-AGENDA ITEMS & COMMENTS**

Councilmember Lee announced he will be serving on military duty for two weeks and will return by the August 31 Council meeting.

Mayor Hamilton inquired about Council interest in creating a subcommittee for the Grand Jury report response or having a study session. Councilmembers expressed their preferences and Mayor Hamilton indicated she would take Council's preferences under consideration.

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 10-209 Opportunity for Council to Appeal Decisions of the Planning Commission of July 26, 2010
- Draft Minutes of the Parks and Recreation Commission Meeting of July 14, 2010
- Draft Minutes of the Arts Commission Meeting of July 21, 2010
- Draft Minutes of the Council Subcommittee on Board and Commission Bylaws Amendments Meeting of July 26, 2010

**ADJOURNMENT**

Mayor Hamilton adjourned the meeting at 8:37 p.m.