

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, OCTOBER 5, 2010

CALL TO ORDER - Call to order in the 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 City Manager Robert Walker
City Attorney David Kahn
Acting Director of Finance Grace Leung
Deputy Chief of Public Safety Dayton Pang
Director of Public Works Marvin Rose
Director of Community Development Hanson Hom
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR OCTOBER 5, 2010

Closed Session pursuant to Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation

Vice Mayor Moylan reported direction was given.

PUBLIC ANNOUNCEMENTS

Councilmember Whittum announced board and commission vacancies and the October 29 application deadline.

Councilmember Griffith announced the Sunnyvale Rotary Club car show has been cancelled.

Tap Merrick spoke to encourage vehicle, bicycle, and pedestrian safety measures at night.

CONSENT CALENDAR

MOTION: Vice Mayor Moylan moved and Councilmember Spitaleri seconded the motion to approve the Consent Calendar.

VOTE: 7 - 0

Councilmember Lee announced his vote was not on Item 1.A.

- 1.A. MOTION Approval of Council Meeting Minutes of September 28, 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 10-269 No. 524

Staff Recommendation: Review the attached lists of bills.

Contracts

- 1.D. MOTION Amend an Existing Contract with Peterson Power Systems Inc. for
RTC 10-271 Preventative Maintenance Services (F1009-27)

Staff Recommendation: Amend the existing contract with Peterson Power Systems Inc. for preventative maintenance services to increase the not-to-exceed value from \$90,000 to \$145,000.

Other Items

- 1.E. ORDINANCE Adoption of Ordinance No. 2925-10 Amending Section 10.16.120 of
No. 2925-10 Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of
the Sunnyvale Municipal Code Relating to Parking Limits

Staff Recommendation: Approve second reading of Ordinance No. 2925-10.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Tap Merrick spoke regarding staff salaries and encouraged the establishment of an evaluation of all City salaries and hiring practices to ensure consistency at all levels.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2010-7454: Reconsideration of City Council Decision on Initiation of a
RTC 10-256 General Plan Amendment Study for the East Sunnyvale ITR Area

Community Development Director Hanson Hom reported Equity Office Properties requested the item be continued to October 19.

Public hearing opened at 7:11 p.m.

No speakers.

Public hearing closed at 7:11 p.m.

MOTION: Councilmember Griffith moved and Councilmember Spitaleri seconded the motion to continue this item to October 19, 2010.

VOTE: 3 - 4 (Vice Mayor Moylan, Mayor Hamilton, Councilmembers Whittum and Swegles dissented)
Motion failed.

MOTION: Councilmember Griffith moved and Councilmember Whittum seconded the motion to reopen the public hearing.

VOTE: 6 - 1 (Mayor Hamilton dissented)

Public hearing reopened at 7:19 p.m.

Ajay Changaran, Spansion, requested Council reconsider the August 10, 2010 decision and pursue a shorter study.

Public hearing closed at 7:24 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Swegles seconded the motion to approve Alternative 1: Confirm the City Council's August 10, 2010 decision.

SUBSTITUTE MOTION: Councilmember Whittum moved and Councilmember Spitaleri seconded the motion to postpone this item to a definite time at the next meeting. Councilmember Whittum amended and restated the motion as moved for October 26, 2010.

VOTE on SUBSTITUTE MOTION: 4 - 3 (Vice Mayor Moylan, Mayor Hamilton, Councilmember Swegles dissented)

By this action, the pending MAIN MOTION was postponed.

3. MOTION Positions on State and Local Ballot Measures for the November 2, 2010
RTC 10-270 Election

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 7:34 p.m.

No speakers.

Public hearing closed at 7:34 p.m.

MOTION: Councilmember Swegles moved and Councilmember Griffith seconded the motion to Alternative 1: Adopt the following positions on the ballot measures:

State Ballot Measures:

Proposition 19 - Changes California Law to Legalize Marijuana and Allow it to be Regulated and Taxed: **Oppose.**

Local Ballot Measures:

A - Santa Clara County Children's Health Protection: **Support.**

B - Santa Clara Valley Transportation Authority: **Support.**

VOTE: 6 - 1 (Councilmember Whittum dissented)

MOTION: Councilmember Griffith moved and Councilmember Swegles seconded the motion to take a position in support of Measures E and H: Foothill-De Anza Community College District and Santa Clara Unified School District.

VOTE: 6 - 1 (Councilmember Whittum dissented)

MOTION: Vice Mayor Moylan moved and Councilmember Swegles seconded the motion to take an oppose position on Proposition 27: Eliminates the Redistricting Commission.

VOTE: 5 - 2 (Councilmembers Lee and Whittum dissenting)

MOTION: Vice Mayor Moylan moved and Councilmember Griffith seconded the motion to take a support position on Measure C: Santa Clara Valley Water District.

VOTE: 5 - 2 (Councilmembers Spitaleri and Whittum dissenting)

MOTION: Vice Mayor Moylan moved and Mayor Hamilton seconded the motion to take a support position Proposition 20.

VOTE: 3 - 4 (Councilmembers Lee, Griffith, Spitaleri and Whittum dissenting)
Motion failed.

4. COUNCIL Discussion and Possible Action Regarding Funding for the Pet Parade
DISCUSSION

Councilmember Spitaleri presented the report.

Jim Davis, Chair of the Pet Parade Committee, provided a report.

Public hearing opened at 8:39 p.m.

No speakers.

Public hearing closed at 8:39 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Whittum seconded the motion to approve the amount requested of \$3,306, minus any amount that is refundable, be divided and removed from the travel budgets of the three Councilmembers who did not go to the League of California Cities Conference plus any mitigation that any other Councilmember felt they could contribute from their travel budget.

VOTE: 6 - 1 (Mayor Hamilton dissented)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

Councilmember Swegles reported Former Mayor of Campbell Don Burr passed away.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of September 16, 2010

ADJOURNMENT TO THE ONIZUKA LOCAL REDEVELOPMENT AUTHORITY

Mayor Hamilton closed the meeting in honor of Col. John "Jake" Kapowich, USMCR, Ret.

Mayor Hamilton adjourned to the Onizuka Local Redevelopment Authority at 8:55 p.m.

Kathleen Franco Simmons
City Clerk

Date