

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, OCTOBER 19, 2010

CALL TO ORDER

Mayor Hamilton called the meeting 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
Director 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 a proclamation to the Arts Commission declaring October National Arts and Humanities Month.

PUBLIC ANNOUNCEMENTS

Councilmember Lee announced two staff advisory committees.

Councilmember Lee announced the upcoming deadline for applications for boards and commissions.

Keith Turner, Leadership Sunnyvale, introduced himself and announced the next class.

CONSENT CALENDAR

Councilmember Whittum pulled Item 1.H from the Consent Calendar.

MOTION: Vice Mayor Moylan moved and Councilmember Swegles 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 October 5, 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 10-277 No. 525 and 526

Staff Recommendation: Review the attached lists of bills.

1.D. MOTION Appropriation of \$9,500 of Satterberg Foundation Grant Funds for Library
RTC 10-251 Program Audio/Visual Improvements and Approval of Budget
Modification No. 9

Staff Recommendation: Alternative 1: Approve Budget Modification No. 9 to appropriate Satterberg Foundation Grant Funds in the amount of \$9,500.

1.E. MOTION Appropriation of \$750 of Easy Aid Pacific Library Partnership (PLP) Grant
RTC 10-252 Funds for Supplies for Homework Help Center and Approval of Budget
Modification No. 10

Staff Recommendation: Alternative 1: Approve Budget Modification No. 10 to appropriate Pacific Library Partnership (PLP) Grant Funds in the amount of \$750.

1.F. MOTION City of Sunnyvale Investment Report – 3rd Quarter 2010
RTC 10-283

Staff Recommendation: Receive and file the investment report.

Contracts

1.G. MOTION Authorization to Modify an Existing Contract for Aggregate, Crushed
RTC 10-278 Granite and Sand (F1009-29)

Staff Recommendation: Modify an existing blanket purchase order with S&S Trucking by increasing the total contract value by \$25,000, making a total two year contract amount not to exceed \$125,000.

- 1.H. MOTION Award of a Contract for Urban Planning for the Lawrence Station Area
RTC 10-281 Plan (SAP) (F0905-98) and Approval of Budget Modification No. 13

Public hearing opened at 7:11 p.m.

No speakers.

Public hearing closed at 7:11 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Moylan seconded the motion to award a contract in the amount of \$150,000 to BMS Design Group for Phase 1 of the Lawrence Station Area Plan (SAP), and authorize the City Manager to Execute the contract when all the necessary conditions have been met; and 2. Approve Budget Modification No. 13 to appropriate grant funding received for this project.

VOTE: 7 - 0

- 1.I. MOTION Award of Contract for Four Cab Chassis Trucks with Service Bodies
RTC 10-282 (F1008-19)

Staff Recommendation: Award a contract for four cab chassis trucks with services bodies, in substantially the same form as the attached draft Purchase Order in the amount of \$148,844, to Serramonte Ford.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Trisha Merriam stated she is opposed to medical marijuana dispensaries in Sunnyvale and expressed concern about the nature of advertisements for marijuana dispensaries.

Michelle Roberts stated she is opposed to medical marijuana dispensaries in Sunnyvale.

George Bell stated he is opposed to medical marijuana dispensaries and provided written materials.

Arthur Schwartz announced an upcoming program called Community Calendar at Lexus of Stevens Creek.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Study Issue on Publicly-Funded Campaign Financing and Consideration
RTC 10-274 of Moving From Odd-Year to Even-Year Elections

Councilmember Whittum distributed a one-page proposal.

City Attorney David Kahn presented the staff report.

Public hearing opened at 7:40 p.m.

Richard Kolber spoke in support of even-year elections and publicly-funded campaign financing.

Craig Dunkerley spoke in support of voluntary campaign limits and publicly-funded campaign financing.

Roger Riffenburgh spoke against public financing and against even-year elections.

Public hearing closed at 7:49 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Moylan seconded the motion to approve Alternative 6: Provide direction on switching from odd-year to even-year elections and direct staff to draft a charter amendment and related reports to place ballot measure on 2011 ballot.

FORMAL AMENDMENT: Councilmember Spitaleri moved an amendment to extend the terms one year.
Councilmember Spitaleri withdrew the amendment.

VOTE: 2 - 5 (Councilmembers Lee and Griffith, Mayor Hamilton, Councilmembers Spitaleri and Swegles dissented)
Motion failed.

MOTION: Vice Mayor Moylan moved to approve Alternative 4: Direct staff to proceed with drafting an ordinance to enact campaign expenditure limits, set amount of expenditure limit, and City-funded incentives; Alternative 5: Direct staff to proceed with drafting an ordinance for City-funded public campaign financing, set amount of City funding, and designate funding source for public campaign financing; and Alternative 7: Direct staff to draft a Charter amendment and related reports for the adoption of the proposed public campaign financing and to initiate placing the Charter amendment on the 2011 ballot.
Motion died for lack of a second.

MOTION: Councilmember Griffith moved and Councilmember Spitaleri seconded the motion to approve Alternatives 1: Accept Study Issue Report on Publicly Funded Campaign Financing and Consideration of Moving from Odd-Year to Even-Year Elections; Alternative 2: Do not proceed at this time with publicly funded campaign financing; and Alternative 8: Do not switch from odd-year to even-year elections.
Councilmember Griffith amended the motion to approve Alternatives 1 and 2.

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

Mayor Hamilton proposed to sponsor and Councilmember Lee agreed to co-sponsor a study issue on all-mail ballot elections.

MOTION: Councilmember Whittum moved and Vice Mayor Moylan seconded the motion to implement a voluntary expenditure limit for the existing subsidy on the pro-rated rate for 250 signatures in-lieu of the ballot statement fee.

FRIENDLY AMENDMENT: Vice Mayor Moylan moved an amendment to set the expenditure limit at \$0.50 per registered voter.

Councilmember Whittum accepted the friendly amendment.

VOTE: 4 - 3 (Councilmember Griffith, Mayor Hamilton, Councilmember Swegles dissented)

MOTION: Councilmember Whittum moved and Councilmember Griffith seconded the motion to have a discussion on a future agenda regarding an ordinance that would declare a conflict above a certain level of campaign contribution.

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

3. ORDINANCE 2010-7125: Centralized Trash Enclosure Requirements for Attached
RTC 10-276 Housing (Study Issue)

Planning Officer Trudi Ryan presented the staff report.

Public hearing opened at 8:57 p.m.

No speakers.

Public hearing closed at 8:58 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Lee seconded the motion to Adopt options A, B, and C for design of trash and recycling management in town home developments: adopt Negative Declaration; introduce an ordinance amending Section 19.38.030; and adopt design guidelines for trash storage/collection facilities.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

4. ORDINANCE Award of Taxicab Franchise to Yellow Cab Co. Peninsula, Inc.
RTC 10-267

Councilmember Swegles requested Items 4 and 5 be considered together.

Director of Public Safety Don Johnson presented the staff report.

Public hearing opened at 9:01 p.m.

No speakers.

Public hearing closed at 9:01 p.m.

MOTION: Councilmember Lee moved and Councilmember Swegles seconded the motion to introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to Yellow Cab Co. Peninsula, Inc. for the period of December 4, 2010 through December 3, 2012 per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

5. ORDINANCE Award of Taxicab Franchise to Yellow Checker Cab Co., Inc., dba
RTC 10-268 Checker Cab of Silicon Valley

This item was considered with Item 4 and acted upon with one motion.

Director of Public Safety Don Johnson presented the staff report.

Public hearing opened at 9:01 p.m.

No speakers.

Public hearing closed at 9:01 p.m.

MOTION: Councilmember Lee moved and Councilmember Swegles seconded the motion to introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to Yellow Checker Cab Co., Inc., dba Checker Cab of Silicon Valley for the period of December 4, 2010 through December 3, 2012 per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

6. MOTION Appointment to South Bay Salt Ponds Restoration Project Stakeholder
RTC 10-275 Forum and Appointment to the High Speed Train Policy Working Group

Councilmember Whittum disclosed he lives within 500 feet of the railroad right-of-way.

Director of Public Works Marvin Rose presented the staff report.

Public hearing opened at 9:08 p.m.

No speakers.

Public hearing closed at 9:08 p.m.

MOTION: Councilmember Swegles moved and Councilmember Lee seconded the motion to appoint Councilmember Spitaleri and alternate Vice Mayor Moylan to the High Speed Train Policy Working Group (PWG).

VOTE: 6 - 0 (Councilmember Whittum abstained)

MOTION: Councilmember Swegles moved and Councilmember Spitaleri seconded the motion to appoint Councilmember Whittum to the South Bay Salt Ponds Restoration Project Stakeholder Forum.

VOTE: 7 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Mayor Hamilton announced she has been nominated to serve as Santa Clara County Cities Association president next year.

NON-AGENDA ITEMS & COMMENTS

Councilmember Griffith stated there is currently a de facto policy that a list of terms for board and commissioners is published, but not contact information. Councilmember Griffith inquired if there is Council interest in adopting a Council policy, either by study issue or by review of the Council Subcommittee on Board and Commission Bylaws, to publish at least one contact for each board or commission. Without objection, Council agreed to refer the matter to the subcommittee.

Councilmember Spitaleri provided an update on a new paramedic service provider in Santa Clara County.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of Housing and Human Services Commission Meeting of September 22, 2010
- Draft Minutes of the Board of Library Trustees Meeting of October 4, 2010

ADJOURNMENT

Mayor Hamilton adjourned the meeting at 9:25 p.m. in honor of Rose Anita Devlin.