

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, OCTOBER 26, 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

PUBLIC ANNOUNCEMENTS

Mayor Hamilton announced the Unique Boutique at the Senior Center.

Councilmember Swegles announced the upcoming Board and Commission deadline.

Dennis Cima provided information regarding the 6th Annual Applied Materials Turkey Trot.

Margaret Randazzo, Chief Financial Officer, Westinghouse Solar, announced the Mayor's Cup Challenge as part of the 6th Annual Applied Materials Turkey Trot.

Kathleen King provided information regarding the point system for the 6th Annual Applied Materials Turkey Trot.

Jim Davis announced the Sunnyvale Pet Parade.

PRESENTATION – Richard Santos, Director, Santa Clara Valley Water District, provided a presentation regarding the Santa Clara Valley Water District.

CONSENT CALENDAR

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

VOTE: 7 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of October 19, 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 10-283 No. 527

Staff Recommendation: Review the attached lists of bills.

Personnel

- 1.D. MOTION Contract Renewals for Dental and Vision Insurance for Calendar Year
RTC 10-279 2011

Staff Recommendation: Alternative 1: Authorize the City Manager to enter into a contract with Delta Dental for the period of January 1, 2011 through December 31, 2011 and authorize the city manager to enter into a contract with Vision Service Plan for the period of January 1, 2011 through December 31, 2012. Further, the city manager or his designee is authorized to sign future contract amendments with Delta Dental and Vision Service Plan.

- 1.E. RESOLUTION Amendment of the City's Contribution for CalPERS Medical Insurance for
RTC 10-282 Management, SEA and SEIU Annuitants (Retirees)

Staff Recommendation: Alternative 1: Adopt the resolution amending the City's contribution for medical insurance with CalPERS in compliance with PEMHCA, and to amend the Salary Resolution to reflect the change in contribution for Management, SEA and SEIU annuitants.

Contracts

- 1.F. MOTION Reject All Bids Received for Rotary Mowers (F1008-20)
RTC 10-286

Staff Recommendation: Reject all bids received in response to Invitations for Bids F1008-20.

- 1.G. MOTION Award of Contract for the Purchase of Water Meters (F1008-16)
RTC 10-284

Staff Recommendation: Award a one-year contract to Badger Meter, not-to-exceed budgeted amounts, and delegate authority to the City Manager to exercise an option to extend the contract for two additional one-year periods, provided pricing and service remain acceptable to the City.

- 1.H. MOTION Award of a Contract for the Design of Raynor Water Well Rehabilitation
RTC 10-289 and Approval of Budget Modification No. 15 (F1007-06)

Staff Recommendation: Award a contract to Lee & Ro, Inc. in the amount of \$149,930 for the design of the Raynor Water Well Rehabilitation; approve a design contingency in the amount of \$14,993; and approve Budget Modification No. 15 to provide funding for this project.

- 1.I. MOTION Award of Contract for One Regenerative Air Street Sweeper (F1009-24)
RTC 10-287

Staff Recommendation: Award a contract for one regenerative air street sweeper in the amount of \$163,461, to Municipal Maintenance Equipment, Inc.

Contracts: Sunnyvale Works!

- 1.J. MOTION Award of Sunnyvale Works! Bid No. F1008-18 for Water Main
RTC 10-288 Replacement 2011 at Bartlett Avenue Area and Approval of Budget
Modification No. 14

Staff Recommendation: Award a contract in the amount of \$735,225 to West Valley Construction Company, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; approve a construction contingency in the amount of \$73,523; and approve Budget Modification No. 14 to provide additional funding for the project.

Other

- 1.K. ORDINANCE Adoption of Ordinance No. 2926-10 Amending Section 19.38.030
NO. 2926-10 (Recycling and Solid Waste Enclosures) to Chapter 38 (Required
Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code Relating
to Centralized Trash Enclosure Requirements for Attached Housing

Staff Recommendation: Approve second reading of Ordinance No. 2926-10.

- 1.L. ORDINANCE Adoption of Ordinance No. 2927-10 Awarding Nonexclusive Franchise to
NO. 2927-10 Jasraj Bhata (fka Bikram Singh), doing business as Yellow Cab Co.
Peninsula, Inc.

Staff Recommendation: Approve second reading of Ordinance No. 2927-10.

- 1.M. ORDINANCE Adoption of Ordinance No. 2928-10 Awarding Nonexclusive Franchise to
NO. 2928-10 Yellow Checker Cab Co., Inc., dba Checker Cab of Silicon Valley

Staff Recommendation: Approve second reading of Ordinance No. 2928-10.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

George Bell spoke regarding reasons to reject medical marijuana dispensaries, submitted written statements and provided a PowerPoint Presentation.

Marline Brodeur spoke on behalf of residents of Life's Garden retirement community regarding traffic crossing concerns on Cezanne Drive and Old San Francisco Road and provided written materials.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2010-7454: Reconsideration of City Council decision on initiation of a
RTC 10-285 General Plan Amendment study for the East Sunnyvale ITR Area
(Continued from October 5, 2010)

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:44 p.m.

Matt Edwards, Applicant, Director of Development, Equity Office, requested approval of Alternative 2.

Public hearing closed at 7:58 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Lee seconded the motion to approve Alternative 2: Modify the City Council's August 10, 2010 decision. Initiate a General Plan Amendment study for all of the subject East Sunnyvale ITR properties, but exclude the study for the Equity Office sites on the east side of De Guigne Drive from the Horizon 2035 process, allowing the property owner to request an independent General Plan Amendment study for these sites. Continue to incorporate the study for the properties on the west side of De Guigne Drive (including the Spansion site) into the Horizon 2035 process.

VOTE: 2 - 5 (Councilmember Griffith, Vice Mayor Moylan, Mayor Hamilton, Councilmembers Whittum and Swegles dissented)
Motion failed.

MOTION: Vice Mayor Moylan moved and Councilmember Griffith seconded the motion to approve Alternative 1: Confirm the City Council's August 10, 2010 decision to initiate a General Plan Amendment study for all of the subject East Sunnyvale ITR properties and incorporate the study into the Horizon 2035 (Land Use and Transportation Element update) process.

VOTE: 4 - 3 (Councilmembers Lee, Spitaleri, Whittum dissented)

3. MOTION Consideration of Remington Drive Street Space Allocation Study
RTC 10-280

Transportation and Traffic Manager Jack Witthaus presented the staff report.

Public hearing opened at 8:11 p.m.

James Wilcox spoke in support of the staff recommendation.

Michael Murray spoke against the addition of bike lanes and recommended Alternative 3.

James Chase spoke in support of the recommended alternative.

Patrick Grant spoke regarding the crossing at Spinosa and federal standards and submitted written materials.

Ralph Durham, Vice Chair, Bicycle and Pedestrian Advisory Commission, conveyed the commission's support of Alternative 1.

Barbara Fukumoto spoke in support of Alternative 1.

Arthur Schwartz spoke in support of Alternative 1.

Kevin Jackson spoke in support of the staff recommendation.

Public hearing closed at 8:27 p.m.

MOTION: Councilmember Lee moved and Vice Mayor Moylan seconded the motion to approve Alternative 1: Direct staff to allocate street space on Remington Drive between Mary Avenue and Tilton Drive in order to provide one travel lane in each direction, center two way left turn lane, bike lanes each of which are at least six feet wide, and on-street parking.

VOTE: 7 - 0

4. MOTION Establishment of Guided Bicycle Routes through Neighborhoods – Study
RTC 10-257 Issue

Transportation and Traffic Manager Jack Witthaus presented the staff report.

Public hearing opened at 8:45 p.m.

Patrick Grant spoke in favor with one modification to provide for safe intersections and

recommended Alternative 2 in compliance with federal standards.

Ralph Durham, Vice Chair, Bicycle and Pedestrian Advisory Commission, stated the commission's support of Alternative 1.

Arthur Schwartz spoke in favor of the route system.

Kevin Jackson spoke in support of the route.

Barbara Fukumoto spoke in support of the routes.

Public hearing closed at 8:55 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Lee seconded the motion to Alternative 1: Accept the guided bike route concept map as presented in Attachment B and consider a guided bicycle route signage project and a project for associated improvements as part of the FY 2011/12 Capital budget.

VOTE: 7 - 0

5. ORDINANCE Adoption of Ordinance Amending Section 10.26.050 of Title 10 (Vehicles
RTC 10-272 and Traffic) of the Sunnyvale Municipal Code to Make Minor
 Modifications to Address Administrative and Community Concerns

Transportation and Traffic Manager Jack Witthaus presented the staff report.

Public hearing opened at 9:04 p.m.

No speakers.

Public hearing closed at 9:04 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Swegles seconded the motion to approve the Ordinance Amending Section 10.26.050 of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code to make minor modifications to address administrative and community concerns.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith reported a meeting of the Recycling and Waste Reduction Commission in which the issue of providing guidance to local jurisdictions on the elimination of polystyrene food containers for foodservice was discussed. Griffith reported a recommendation would be issued in the February timeframe.

Vice Mayor Moylan reported a VTA Board Workshop on the ongoing structural fiscal issues of VTA.

NON-AGENDA ITEMS & COMMENTS

Councilmember Swegles thanked Dick Oliver for his service on the Parks and Recreation Commission.

Councilmember Swegles welcomed his brother and sister-in-law to California from Michigan.

Councilmember Swegles stated there are new sidewalks on Morse but no crosswalks to Tasman. Director of Public Works Marvin Rose stated he will get back to Council with a response.

Councilmember Lee announced there would be no Council meeting next Tuesday, November 2 and reminded everyone to vote.

Mayor Hamilton stated there is a vote by mail collection box in the Finance office.

Councilmember Griffith stated the study issues and budget workshop in January is a tactical discussion without public discussion on big picture strategy. Griffith suggested adding time to the workshop to discuss where Council wants to go in the next few years. Councilmember Whittum stated his support for such a discussion.

Vice Mayor Moylan provided information regarding the use of voting machines for those who wish to use them.

Councilmember Spitaleri stated he likes the concept suggested by Councilmember Griffith, as long as we don't look at only a few things per year.

Mayor Hamilton stated there was discussion earlier in the year regarding a Council retreat including directors.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 10-290 Opportunity for Council to Appeal Decisions of the Zoning Administrator Hearing of October 13, 2010
- RTC 10-291 Update #4 Regarding Morse Avenue Park Site Development (Information Only)

ADJOURNMENT

Mayor Hamilton adjourned the meeting at 9:17 p.m.

Kathleen Franco Simmons
City Clerk

Date