

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JANUARY 4, 2011

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
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 Mona Helmhold, American Red Cross, proclaiming January 2011 National Blood Donor Month.

PUBLIC ANNOUNCEMENTS

Councilmember Whittum announced the extension of the deadline to receive applications for the Charter Review Committee.

CONSENT CALENDAR

Councilmember Swegles stated his vote would be an abstention on the minutes as he was not present at the meeting of December 14.

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

VOTE: 6 - 0 (Councilmember Swegles abstained)

- 1.A. MOTION Approval of Council Meeting Minutes of December 14, 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 11-003 No. 534

Staff Recommendation: Review the attached lists of bills.

Contracts

- 1.D. MOTION Award of Contract for Environmental Remediation Planning and
RTC 11-006 Oversight for Morse Park (F1011-45)

Staff Recommendation: Award a contract to Erler & Kalinowski, Inc. (EKI) in an amount not to exceed \$532,000 for Environmental Remediation Planning and Oversight for Morse Park and approve a 10% design contingency in the amount of \$53,200.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Dick Kolber, Democratic Club of Sunnyvale, announced an upcoming meeting.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. ORDINANCE Adoption of Ordinance 2947-10 Adding Chapter 9.86 to Title 9 (Public
2947-10 Peace, Safety or Welfare) and Chapter 19.62 to Title 19 (Zoning) of the Sunnyvale Municipal Code Relating to Medical Marijuana Distribution Facilities; and Amending Table 19.18.030, Table 19.20.030, Table 19.22.030, Table 19.24.030, Table 19.28.070, Table 19.28.080, and Table 19.29.050 of Title 19 (Zoning) of the Sunnyvale Municipal Code Related to Permitted, Conditionally Permitted and Prohibited Uses in City Zoning Districts

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 Lee seconded the motion to approve the second reading of Ordinance 2947-10.

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

3. MOTION Annual Public Hearing - Potential Council Study Issues and Budget
 RTC 11-001 Issues for Calendar Year 2011

Mayor Hamilton introduced the item.

Public hearing opened at 7:23 p.m.

Noelle Hughes, Vice Chair, Arts Commission presented the commission's study issue recommendation to defer DCS 09-01 and their rank in order of priority: DCS 11-02, DCS 11-01, DPW 09-07.

Patrick Walz, Chair, Bicycle and Pedestrian Advisory Commission, presented the commission's recommendations for their top four study issues in order of preference: DPW 09-01, DPW 11-06, DPW 11-07, DPW 11-04. Walz spoke in support of two budget issues: funding the implementation of the neighborhood bike route initiative and funding a day to cite motorists and bicyclists that violate traffic law. Walz spoke in support of Public Safety being more vigorous in enforcing laws when it comes to motorists infringing on the rights of cyclists or cyclists running lights.

Holly Lofgren spoke regarding Habitat for Humanity Silicon Valley opening a ReStore in Santa Clara County and the need for start-up funds.

Mather White spoke in support of DPW 11-07.

Kevin Jackson spoke in support of all Bicycle and Pedestrian Advisory Commission recommendations and strongly emphasized support of DPW 11-07.

Arthur Schwartz spoke regarding the issue of products manufactured in the United States and recommended a policy that asks the federal government to pursue these matters. Schwartz stated he supports the comments of previous speaker regarding bicyclists and sustainability. Schwartz recommended spending the money for the Mary Avenue overpass on bicycle and bus transportation.

Hussein Abed requested sponsorship of a study issue to allow flags or banners to be used for marketing for small businesses other than just for grand openings.

Public hearing closed at 7:55 p.m.

Councilmember Griffith requested discussion of the policy regarding Council sponsorship of budget issues at the January 28 Study Issues Workshop.

Vice Mayor Moylan proposed a study issue for additional signage options for retail businesses that are not visible from the street. Councilmember Whittum co-sponsored the study issue.

4. MOTION 2011 City Council Intergovernmental (IGR) Assignments and City Council
RTC 11-002 Subcommittees

Assistant City Manager Robert Walker presented the staff report. Assistant City Manager Walker reported one change to Attachment A: Vice Mayor Moylan is no longer chair of the Emergency Preparedness Council. Assistant City Manager Walker stated staff recommends Council appoint a Councilmember to the Valley Transportation Authority El Camino Real Rapid Transit Policy Advisory Board.

Mayor Hamilton stated a correction to her term on the LCC Revenue and Taxation Policy Committee; the term is only until 2011.

Councilmember Swegles stated he has a presidential appointment for the LCC Housing Committee.

Councilmember Griffith stated he is now the Vice Chair of the Santa Clara County Recycling and Waste Reduction Commission.

Vice Mayor Moylan volunteered for the position on the Valley Transportation Authority El Camino Real Rapid Transit Policy Advisory Board.

Mayor Hamilton announced a change in the process for the voting delegates for NLC and LCC conferences.

Public hearing opened at 8:20 p.m.

No speakers.

Public hearing closed at 8:20 p.m.

MOTION: Vice Mayor Moylan moved and Councilmember Swegles seconded the motion to approve Alternatives 1, 2 and 3, as corrected and modified: 1. Approve 2011 appointments by Council as proposed in Attachment A.; 2. Ratify assignments appointed by outside agencies as identified in Attachment A.; and 3. Appoint a Councilmember to the Valley Transportation Authority El Camino Real Rapid Transit Policy Advisory Board.

VOTE: 7 - 0

5. MOTION Selection of Vice Mayor for 2011
RTC 11-004

Assistant City Manager Robert Walker presented a brief staff report.

Councilmember Swegles nominated Chris Moylan.

Vice Mayor Moylan accepted the nomination.

Councilmember Whittum nominated Jim Griffith.

Councilmember Griffith accepted the nomination.

Vice Mayor Moylan provided a brief statement on his behalf.

Councilmember Griffith provided a brief statement on his behalf.

VOTE on Chris Moylan for Vice Mayor: 3 - 0 (Councilmembers Lee and Griffith, Mayor Hamilton and Councilmember Whittum abstained)

VOTE on Jim Griffith for Vice Mayor: 5 - 0 (Vice Mayor Moylan and Councilmember Swegles abstained)

Mayor Hamilton extended congratulations to Councilmember Griffith on his selection as Vice Mayor and extended appreciation to Councilmember Moylan on his service as Vice Mayor.

6. MOTION 2011 Seating Arrangements for City Council
RTC 11-005

Vice Mayor Griffith selected the seat currently occupied by Vice Mayor Moylan.

Councilmember Lee selected to stay in current seat.

Councilmember Swegles selected to stay in current seat.

Councilmember Moylan selected the seat to the Mayor's left.

Councilmember Spitaleri selected the seat currently occupied by Councilmember Griffith.

Councilmember Whittum retained his current seat.

Mayor Hamilton announced the seating arrangement will take effect at the next Council meeting.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

Councilmember Swegles announced his grandson Airman Brandon Swegles recently graduated from the Air Force Training Center in San Antonio, Texas.

Vice Mayor Griffith suggested rescheduling the regular Council meeting items from January 11 to January 25, and to hold only the Closed Session on January 11.

Without objection, Mayor Hamilton announced the regular meeting scheduled January 11 will be cancelled.

Councilmember Spitaleri inquired as to the status of the application for a new night club at the old Abyss site. Community Development Director Hanson Hom stated there is an application under review and he will get back to Council with an update.

City Manager Luebbers reported Fresh & Easy Market should open this summer at Fair Oaks and Tasman.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of December 14, 2010 – Upcoming Selection of Vice Mayor for 2011

ADJOURNMENT

Councilmember Griffith closed the meeting in memory of Frederick Austin Fritz Stawitcke.

Mayor Hamilton adjourned the meeting at 8:39 p.m.

Kathleen Franco Simmons
City Clerk

Date