

**DRAFT MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, JANUARY 25, 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 Jim Griffith  
Councilmember Otto Lee  
Councilmember Ron Swegles  
Councilmember Christopher Moylan  
Councilmember Anthony (Tony) Spitaleri  
Councilmember David Whittum

**ABSENT:**

None.

**STAFF PRESENT:**

City Manager Gary Luebbers  
Assistant City Manager Robert Walker  
City Attorney David Kahn  
Director of Finance Grace Leung  
Chief of Public Safety Don Johnson  
Director of Public Works Marvin Rose  
City Clerk Kathleen Franco Simmons

**CLOSED SESSION REPORT FOR JANUARY 11, 2011**

*Closed Session pursuant to Government Code Section 54956.9 Subdivision (a) - Conference with Legal Counsel - Existing Litigation, Sunnyvale West Neighborhood Association vs. City of Sunnyvale City Council, 6th District Court of Appeal No. H035135*

Vice Mayor Griffith reported Council met in Closed Session on January 11 and direction was given and action was taken.

**SPECIAL ORDER OF THE DAY** – Mayor Hamilton presented a proclamation for “Sunnyvale Reads” Month, received by Director of Libraries Lisa Rosenblum.

**SPECIAL ORDER OF THE DAY** – Mayor Hamilton recognized outgoing Vice Mayor Christopher Moylan. Councilmember Moylan provided brief remarks.

**SPECIAL ORDER OF THE DAY** – City Clerk Kathleen Franco Simmons oversaw the administration of the Ceremonial Oath of Office to Vice Mayor Jim Griffith by Jim Davis. Vice Mayor Griffith provided brief remarks.

**PUBLIC ANNOUNCEMENTS**

Councilmember Lee announced the deadline to receive applications for vacancies on City commissions.

Vice Mayor Griffith announced a meeting regarding Energy Upgrade California.

Vice Mayor Griffith announced the Sunnyvale Rotary Club Crab Feed and Auction.

Jeanine Stanek, Sunnyvale Historical Society, announced an upcoming general meeting and a new museum exhibit.

**CONSENT CALENDAR**

Vice Mayor Griffith stated his vote would be a recusal on Item 1.J. as his residence is located in close proximity.

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

VOTE: 7 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of January 4, 2011
- 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 11-010 Nos. 535, 536, 537 and 538

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Approval of Budget Modification No.23 to Recognize Grant Funding and  
RTC 11-007 Appropriate Funds for Project Readiness Initiative *Capital Project That Provides Financial Support for Grant Preparation Activities for Transportation Projects*

Staff Recommendation: Alternative 1: Approve Budget Modification No. 23 to appropriate an additional \$25,000 of the subject grant funding to project 828840, Project Readiness Initiative Program.

- 1.E. MOTION Appropriation of \$15,000 of Library Services and Technology Act (LSTA)  
RTC 11-011 Family Place Grant Funds and Approval of Budget Modification No. 24

Staff Recommendation: Alternative 1: Approve Budget Modification No. 24 to appropriate Library Services and Technology Act (LSTA) Funds in the amount of \$15,000.

**Personnel**

- 1.F. RESOLUTIONS Amendment to the Salary Resolution and Classification Plan to Add the  
RTC 11-016 Classifications of Storekeeper/Buyer; Quality Assurance Officer; and,  
Regulatory Programs Manager

Staff Recommendation: Alternative 1: Adopt a resolution to amend the City's Salary Resolution and Classification Plan to add the classifications of Storekeeper/Buyer; Quality Assurance Officer; and, Regulatory Programs Manager that will become effective the beginning of the first pay period after January 25, 2011.

**Contracts**

- 1.G. MOTION Authorization to Modify an Existing Contract for Asphaltic Materials  
RTC 11-014 (F1001-62)

Staff Recommendation: Approve modification of the existing Blanket Purchase Order with Granite Construction Company, in substantially the same form as the attached draft Change Order, by increasing the not-to-exceed value from \$85,000 to \$245,000.

- 1.H. MOTION Rejection of Proposal Received in Response to Request for Proposals for  
RTC 11-020 Fair Housing Services (F1009-31)

Staff Recommendation: Reject the proposal received in response to Request for Proposals F1009-31.

**Other Items**

- 1.I. MOTION Approval of Revised Council Policy 7.2.19, Boards and Commissions  
RTC 11-009

Staff Recommendation: Alternative 1: Approve the policy revisions as presented.

- 1.J. MOTION Approval of Final Map (Tract No. 10025) for a Mixed-Use Development at  
RTC 11-015 615 Tasman Drive by Essex Property Trust

Staff Recommendation: Approve the final map for Tract No. 10025; accept the sidewalk and public utility easements; authorize the Mayor to sign the subdivision agreement upon: developer's signatures, submittal of improvement securities, payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's statement; and direct the City Clerk to forward the final map for recordation.

**STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

None.

**PUBLIC COMMENTS**

Christa Shaw, General Manager, Faultline Brewing Company, spoke regarding recent car break-ins.

Steve Hoffman spoke regarding City code violations and provided written materials.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. MOTION Request by Staff for Continuation of 2010-7127 Secondary Signs (Study  
RTC 11-012 Issue)

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:29 p.m.

No speakers.

Public hearing closed at 7:29 p.m.

MOTION: Councilmember Moylan moved and Councilmember Swegles seconded the motion to continue this item to February 15, 2011.

VOTE: 7 - 0

3. MOTION Raynor Activity Center - Public Notice Update and Future Development  
RTC 11-008 Options

Director of Public Works Marvin Rose presented the staff report.

Public hearing opened at 7:31 p.m.

Juergen Mueller, President, Sunnyvale Gymnastics Club, spoke regarding activities of the club and urged looking at the social aspects the club brings to the community.

Diane Ammon, parent, Sunnyvale Gymnastics Club, spoke in support of the club.

William Huey, Premier International Language Academy, requested information regarding the process for leasing space at Raynor Activity Center.

Tap Merrick urged consideration of a longer notice period for master lease holders and encouraged ethnic neutrality.

Public hearing closed at 7:40 p.m.

MOTION: Councilmember Moylan moved and Councilmember Swegles seconded the motion to approve Alternative No. 1: Direct staff to proceed with a Request for Proposals – Master Lease of Raynor Activity Center, incorporating further direction from Council on what constitutes a community use and return to Council at a future date for final approval **and** to use the bulleted items on page 4 as a list of eligible tenants and not to prioritize them at this time.

VOTE: 7 - 0

4. RESOLUTION     A Resolution of the City Council of the City of Sunnyvale Regarding the  
RTC 11-013        Exploration of Consolidated and/or Shared Services and Assets Between  
                         the Cities of Palo Alto, Sunnyvale, Mountain View, and Los Altos

Director of Public Safety Don Johnson presented the staff report.

Public hearing opened at 7:49 p.m.

No speakers.

Public hearing closed at 7:49 p.m.

MOTION: Councilmember Lee moved and Councilmember Spitaleri seconded the motion to approve Alternative 1: Adopt a Resolution endorsing the exploration of further cooperative opportunities between the four cities including but not limited to a joint communications center, centralized records management, a centralized evidence facility, shared equipment, emergency planning, arson investigation and fire prevention; and instructing the City Manager to engage in said exploration and to report back periodically to the Council on the status of these efforts (Attachment A).

VOTE: 7 - 0

5. MOTION            Charter Review Committee Appointments  
RTC 11-018

Assistant City Manager Robert Walker provided a brief report.

Public hearing opened at 7:51 p.m.

No speakers.

Public hearing closed at 7:51 p.m.

MOTION: Councilmember Swegles moved and Councilmember Moylan seconded the motion to reduce the number of members to seven.

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

MOTION: Vice Mayor Griffith moved and Councilmember Whittum seconded the motion to appoint all eleven applicants to serve on the Charter Review Committee.

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

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

Councilmember Swegles provided a report of the League of California Cities Housing Committee meeting.

Councilmember Spitaleri provided a report of the League of California Cities Employee Relations Committee meeting.

Vice Mayor Griffith provided a report of the "State of the County" address.

Councilmember Moylan provided a report of a "Save Caltrain" event.

Councilmember Swegles provided a report of the Bay Area Water Supply & Conservation Agency meeting.

Mayor Hamilton provided a report of the Santa Clara County Cities Association meeting.

Mayor Hamilton provided a report of a meeting with Congresswoman Lofgren regarding a coalition of elected officials, health agencies and public safety organizations to work with the FDA on medical marijuana regulations.

Mayor Hamilton reported she met with NASA and Congresswoman Eshoo.

Mayor Hamilton reported she met with Congressman Buck McKeon regarding NOVA issues.

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

Councilmember Whittum requested information regarding comments made by Mr. Hoffman.

Vice Mayor Griffith provided information regarding a study issues survey he conducted.

Mayor Hamilton provided an announcement regarding the Study Issues/Budget Issues Workshop January 28, 2011.

#### **INFORMATION ONLY REPORTS/ITEMS**

- Draft 2011 Tentative Council Meeting Agenda Calendar
- RTC 11-017 Opportunity for Council to appeal decisions of the Planning Commission of January 10, 2011 and the Zoning Administrator Hearing of January 12, 2011
- RTC 11-019 Board and Commission Attendance Report (Information only)
- Draft Minutes of the Board of Library Trustees Meeting of January 3, 2011

#### **ADJOURNMENT TO THE REDEVELOPMENT AGENCY**

Mayor Hamilton adjourned to the Redevelopment Agency at 8:19 p.m.