

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, FEBRUARY 15, 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 Christopher Moylan
Councilmember Anthony (Tony) Spitaleri
Councilmember David Whittum

ABSENT:

Councilmember Ron Swegles (Arrived at 8:31 p.m.)

STAFF PRESENT:

City Manager Gary Luebbers
Assistant City Manager Robert Walker
City Attorney Kathryn Berry
Director of Finance Grace Leung
Chief of Public Safety Don Johnson
Director of Public Works Marvin Rose
Director of Community Development Hanson Hom
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

Councilmember Spitaleri announced an upcoming Lawrence Station Area Plan Community Meeting.

Jerry Nabhan, General Manager, Specialty Solid Waste and Recycling, reported they have lowered their carbon footprint by 22% and provided written materials.

Richard Kolber, Democratic Club of Sunnyvale, announced they are developing criteria for endorsement for candidates for City Council and announced an upcoming meeting.

CONSENT CALENDAR

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

VOTE: 6 - 0 (Councilmember Swegles absent)

- 1.A. MOTION Approval of Council Meeting Minutes of February 8, 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 11-038 No. 541

Staff Recommendation: Review the attached lists of bills.

Personnel

- 1.D. RESOLUTION Amendment to the Schedule of pay of the Salary Resolution: Salary
RTC 11-036 Adjustment for Pay Plan Category A (applies to Classified Public Safety Dispatchers-in-Training, Dispatchers, and Senior Dispatchers)

Staff Recommendation: Alternative 1: Amend Section 2.000 (Pay Plan Category A) of the Schedule of Pay of the Salary Resolution to reflect the new pay rates, effective February 6, 2011.

Contracts

- 1.E. MOTION Award of Bid No. F1011-50 for Pavement Slurry Seal – 2011
RTC 11-040

Staff Recommendation: Award a contract in the amount of \$238,932 to Graham Contractors, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 7% contract contingency in the amount of \$16,725.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. ORDINANCE 2010-7127 Secondary Signs (Study Issue)
RTC 11-035

Community Development Director Hanson Hom presented the staff report.

Public hearing opened at 7:23 p.m.

No speakers.

Public hearing closed at 7:23 p.m.

MOTION: Councilmember Moylan moved and Councilmember Spitaleri seconded the motion to approve Alternative 1: Introduce an ordinance to amend the code to increase allowable sign area, incorporate secondary signs into total sign area allowance, and allow up to three wall signs on more than one face of the building; and Alternative 6.a.: Apply changes only to property in the C-4 and M-S zoning districts along the south side of West Evelyn Avenue between Bernardo Avenue and Pastoria Avenue, and on Commercial Street between Arques Avenue and Kifer Road.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 6 - 0 (Councilmember Swegles absent)

3. MOTION 2010-7839 - Application to Initiate a General Plan Amendment Study to
RTC 11-037 Change the Land Use Designation for 740, 750 and 760 San Aleso
 Avenue from Industrial to Low-Medium Density Residential

Community Development Director Hanson Hom presented the staff report.

Public hearing opened at 7:36 p.m.

Scott Ward, Applicant, Vice President of Classic Communities, Inc., presented information in favor of a General Plan Amendment study and requested support for Alternative 3 or if not feasible, support for Alternative 2.

Barry Boole, member of the S.N.A.I.L. neighborhood association, spoke in opposition to opening the fence on West Ferndale Avenue and the impacts of additional cars parking on West Ferndale Avenue.

Robert Braun, resident of Madrone Avenue, supported the staff recommendation and cited impacts of nearby industrial use on the neighborhood.

Judy Esteban, resident of Madrone Avenue, expressed concerns regarding the impacts of additional cars, traffic congestion, industrial noise, and spoke in opposition to opening the wall at the end of Ferndale to cars.

Jim Quaderer, Chair of S.N.A.I.L. neighborhood association, stated S.N.A.I.L. has not had enough time to discuss the issue.

Scott Ward, Applicant, provided additional remarks in favor of the study.

Public hearing closed at 8:05 p.m.

MOTION: Councilmember Lee moved and Councilmember Spitaleri seconded the motion to approve Alternative 2: Authorize the initiation of the General Plan Amendment study to consider a change from Industrial to Residential, with a range of densities (Low-Medium to Medium Density), for the eastern side of San Aleso Avenue (seven industrial parcels).

VOTE: 3 - 3 (Councilmember Griffith, Mayor Hamilton and Councilmember Whittum dissented, Councilmember Swegles absent)
Motion failed.

MOTION: Councilmember Griffith moved and Councilmember Whittum seconded the motion to approve Alternative 4: Defer study of appropriate land use along San Aleso Avenue to the preparation of the Peery Park Specific Plan.

VOTE: 3 - 3 (Councilmembers Lee, Spitaleri and Moylan dissented, Councilmember Swegles absent)
Motion failed.

MOTION: Councilmember Lee moved and Councilmember Griffith seconded the motion to continue this item to an agenda until Councilmember Swegles returns.

VOTE: 6 - 0 (Councilmember Swegles absent)

Council revisited this item at 8:36 p.m., following the arrival of Councilmember Swegles.

MOTION: Councilmember Lee moved and Vice Mayor Griffith seconded the motion to reconsider the motion to continue Item 3: 2010-7839 - Application to Initiate a General Plan Amendment Study to Change the Land Use Designation for 740, 750 and 760 San Aleso Avenue from Industrial to Low-Medium Density Residential.

VOTE: 7 - 0

MOTION: Councilmember Lee moved and Councilmember Spitaleri seconded the motion to approve Alternative 2: Authorize the initiation of the General Plan Amendment study to consider a change from Industrial to Residential, with a range of densities (Low-Medium to Medium Density), for the eastern side of San Aleso Avenue (seven industrial parcels).

VOTE: 4 - 3 (Vice Mayor Griffith, Mayor Hamilton and Councilmember Whittum dissented)

4. MOTION Adoption of 2011 Tentative Council Meeting Agenda Calendar
RTC 11-039

Assistant City Manager Robert Walker presented the staff report.

Mayor Hamilton announced the March 29 Closed Session will be moved to following the Council meeting of March 8.

Councilmember Swegles arrived at 8:31 p.m.

Roll Call was retaken and the record shows all Councilmembers present.

MOTION: Councilmember Griffith moved and Councilmember Spitaleri seconded the motion to approve Alternative 1: Approve the 2011 Tentative Council Meeting Agenda Calendar as submitted (Attachment B) with the addition of the consideration of a position on the Sunnyvale Elementary School District parcel tax on March 8, 2011.

VOTE: 7 - 0

Council revisited Item 3 at 8:36 p.m.

5. ORDINANCE Agreement on Stranded Assets and Extension of Term, Refuse
RTC 11-032 Collection Franchise Agreement

Director of Public Works Marvin Rose presented the staff report.

Public hearing opened at 8:45 p.m.

Jerry Nabhan, General Manager, Specialty Solid Waste and Recycling, spoke in support of the agreement and of the cost savings to the City.

Rebecca Buldo, employee of Specialty Solid Waste and Recycling, spoke in support of the agreement.

Public hearing closed at 8:55 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Swegles seconded the motion to support Alternative 1: Introduce an ordinance adopting the First Amendment to Extended and Second Restated Agreement between the City of Sunnyvale and Bay Counties Waste Services, Inc. for Solid Waste Collection and Recycling and authorize the City Manager to execute the amendment, with an amendment to extend the agreement an additional year as an interim agreement while a new contract or franchise is worked out.

AMENDED MOTION: Councilmember Spitaleri amended the motion to the staff recommendation, Alternative 1: Introduce an ordinance adopting the First Amendment to Extended and Second Restated Agreement between the City of Sunnyvale and Bay Counties Waste Services, Inc. for Solid Waste Collection and Recycling and authorize the City Manager to execute the amendment. Councilmember Swegles accepted the amendment.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

6. COUNCIL Council Subcommittee Recommendations Regarding the Community
DISCUSSION Event Grant Distribution Process

Councilmember Spitaleri presented a brief report.

Public hearing opened at 9:15 p.m.

No speakers.

Public hearing closed at 9:15 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve six of the seven recommendations of the Subcommittee and remand the matter of disallowing the use of Community Event Grant program awards for fundraising events back to the subcommittee.

The six subcommittee recommendations are as follows:

- Beginning in Fiscal Year 2011/12, a Community Event Grant application will not be funded if the applicant owes a debt to the City;
- Applicants for Community Event Grant funding must submit a marketing plan with the application to include the type of advertisements to be used; where they were placed; and if the applicant wishes to use KSUN in their marketing. Furthermore, in the post-event evaluation from a successful event, the applicant must report what advertising/marketing was conducted and its frequency. The applicant must include a copy of any billing for ads and a tear-sheet or other copy of the advertisements;
- Disallow the use of Community Event Grant program awards for fundraising events;
- Grant funding is not intended to be an ongoing funding source for an event; each year each application needs to be evaluated; funding in one year is not a guarantee of future funding. Subcommittee Chair Spitaleri clarified the motion to also include both grant application forms and post-event evaluation forms must include a four-year event sustainability plan;
- The City not waive any fees; grant awards may be used to cover any cost, including City costs payable to the City;
- The grant application form include language that the subcommittee may request an interview with the applicant; and

VOTE: 7 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Mayor Hamilton reported a vacancy in an alternate position on the Silicon Valley Regional Interoperability Authority board.

Councilmember Moylan stated there is overlap with his work on the Emergency Preparedness Council and volunteered to serve.

Mayor Hamilton appointed Councilmember Moylan to fill the alternate position on the Silicon Valley Regional Interoperability Authority board.

NON-AGENDA ITEMS & COMMENTS

Councilmember Whittum reported he attended a PTA meeting at Fremont High School regarding pedestrian issues around the school.

Councilmember Moylan thanked Councilmember Swegles for coming in.

INFORMATION ONLY REPORTS/ITEMS

- Draft Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of January 20, 2011
- Draft Minutes of the Community Event Grant Distribution Subcommittee Meeting of February 8, 2011

ADJOURNMENT

Mayor Hamilton adjourned the meeting at 9:20 p.m.

Kathleen Franco Simmons
City Clerk

Date