

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, MARCH 1, 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
Director of Community Development Hanson Hom
City Clerk Kathleen Franco Simmons

REDEVELOPMENT AGENCY CLOSED SESSION REPORT FOR MARCH 1, 2011

Closed Session pursuant to Government Code Section 54956.9(c) – Conference with Legal Counsel

Vice Mayor Griffith reported the Redevelopment Agency met in closed session; direction was given and action was taken.

CITY COUNCIL CLOSED SESSION REPORT FOR MARCH 1, 2011

Closed Session pursuant to Government Code Section 54956.9(c) – Conference with Legal Counsel

Vice Mayor Griffith reported the City Council met in closed session; direction was given and action was taken.

PUBLIC ANNOUNCEMENTS

Councilmember Moylan announced the 2011 Charter Review Committee will hold a public hearing on March 24 to receive public input on whether Sunnyvale should or should not change to a directly-elected mayor, and whether the current Council compensation provisions should be kept or changed.

Anne Smart, Director of Energy, Silicon Valley Leadership Group, announced upcoming advocacy events and provided written materials. Tom Bryant, NetApp, provided additional information.

CONSENT CALENDAR

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

VOTE: 7 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of February 15, 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 11-045 No. 542 and 543

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Continuation of Supplemental Law Enforcement Services Funding
RTC 11-044

Staff Recommendation: Alternative 1: Appropriate the full amount available from SLES into the City's Supplemental Law Enforcement Sub-fund to assist in funding one Public Safety Officer position in Police Field Operations.

Contracts

- 1.E. MOTION Award of a Contract for the Design of Downtown Streetscape
RTC 11-049 Improvements (F1012-54)

Staff Recommendation: Award a contract in the amount of \$216,878 to HMM Consulting for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 10% design contingency in the amount of \$21,688.

- 1.F. MOTION Award of Contract to Provide Music Together Classes for the City's
RTC 11-050 Recreation Program (F1002-74)

Staff Recommendation: Award a two-year contract to Music For Families Inc. in an amount not to exceed \$75,000 per year, to provide music classes for the City's Recreation Program; and delegate authority to the city manager to exercise an option to extend the contract for one additional year, provided that pricing and service remain acceptable to the City.

Other Items

- 1.G. MOTION Approval of Amendment No. 5 to the Transit Shelter Advertisement
RTC 11-042 Program Implementation Agreement With the Valley Transportation
Authority and Clear Channel Outdoor and Authorization for the City
Manager to Execute Future Amendments

Staff Recommendation: Alternative 1: City Council approves Amendment No. 5 to the Implementation Agreement between the Valley Transportation, Clear Channel Outdoor and the City of Sunnyvale for a two year extension, and authorize the city manager to execute future amendments to this agreement.

- 1.H. RESOLUTION Approval by Resolution of the Tier 2 Drought Implementation Plan (DRIP)
RTC 11-041 for Wholesale Customers of San Francisco Pursuant to Section 3.11.C of
the Water Supply Agreement with San Francisco

Staff Recommendation: Alternative 1: Approve by resolution the Tier 2 Drought Implementation Plan pursuant to Section 3.11.C of the Water Supply Agreement with San Francisco.

- 1.I. ORDINANCE Adoption of Ordinance No. 2948-11 Amend Certain Sections and Tables
NO. 2948-11 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal
Code Relating to Secondary Signs

Staff Recommendation: Approve second reading of Ordinance No. 2948-11.

- 1.J. ORDINANCE Adoption of Ordinance No. 2949-12 Adopting the First Amendment to
NO. 2949-11 Extended and Second Restated Agreement Between the City of Sunnyvale
and With Bay Counties Waste Services, Inc. for the Collection of Solid
Waste and Recycling

Staff Recommendation: Approve second reading of Ordinance No. 2949-11.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Board and Commission Appointment
RTC 11-047

City Clerk Kathleen Franco Simmons presented the staff report.

Councilmember Swegles announced he was not present for the interviews but was present previously for an interview with Robert Kinder, and would recuse himself from the vote.

Public hearing opened at 7:08 p.m.

No speakers.

Public hearing closed at 7:08 p.m.

**Parks and Recreation Commission (1 vacancy)
One term expiring June 30, 2013**

Kinder, Robert

VOTE: 4 - 0 (Vice Mayor Griffith and Councilmember Moylan abstained, Councilmember Swegles recused)

Pasqua, Craig

VOTE: 4 - 0 (Councilmembers Lee and Spitaleri abstained, Councilmember Swegles recused)

City Clerk Kathleen Franco Simmons announced a tie vote and called for another vote.

Kinder, Robert

VOTE: 4 - 0 (Vice Mayor Griffith and Councilmember Moylan abstained, Councilmember Swegles recused)

Pasqua, Craig

VOTE: 3 - 0 (Councilmembers Lee, Spitaleri and Whittum abstained, Councilmember Swegles recused)

City Clerk Kathleen Franco Simmons announced Robert Kinder has been appointed to the Parks and Recreation Commission for a term ending June 30, 2013.

3. MOTION Consideration of the Formation of a Council Sub-committee to Recognize
RTC 11-046 Socially Responsible Businesses

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 7:13 p.m.

No speakers.

Public hearing closed at 7:13 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Lee seconded the motion to create a Council subcommittee.

AMENDED MOTION: Councilmember Spitaleri amended the motion to make the committee an ad hoc committee.

VOTE: 7 - 0

Mayor Hamilton appointed Councilmember Spitaleri, Councilmember Lee and Vice Mayor Griffith to serve on the ad hoc committee.

4. MOTION Consideration of a Position on Measure B (May 2011 Special Mail Ballot)
RTC 11-051

Public hearing opened at 7:28 p.m.

No speakers.

Public hearing closed at 7:28 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Lee seconded the motion to take a position of support for Measure B.

VOTE: 6 - 1 (Councilmember Whittum dissented)

5. COUNCIL Consideration of a City Position on County Redistricting
DISCUSSION

Councilmember Moylan provided a report.

Public hearing opened at 7:42 p.m.

No speakers.

Public hearing closed at 7:42 p.m.

MOTION: Councilmember Moylan moved and Councilmember Spitaleri seconded the motion to establish a legislative policy that the City of Sunnyvale not be split in any State or County redistricting.

VOTE: 7 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Swegles reported his attendance of a meeting of the Council on Aging in which scams targeting the elderly were discussed.

Councilmember Swegles reported his attendance at Senator Elaine Alquist's Women's Health Forum.

Councilmember Moylan reported an upcoming meeting of the County Citizens Redistricting Commission.

Councilmember Spitaleri reported he was appointed to the policy group dealing with the High Speed Rail issue and the group has not yet met.

Councilmember Moylan reported an upcoming meeting of the Silicon Valley Regional Interoperability Authority board which he will attend as alternate.

NON-AGENDA ITEMS & COMMENTS

Councilmember Swegles wished Councilmember Moylan happy birthday this Thursday.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-043 Installation of T-Mobile Facilities in the Public Right-of-Way (Information Only)
- RTC 11-048 Opportunity for Council to Appeal Decisions of the Planning Commission of February 14, 2011 and the Zoning Administrator Hearing of February 16, 2011
- Draft Minutes of the Sustainability Commission Meeting of January 18, 2011
- Approved Minutes of the Housing and Human Services Commission Meeting of January 12, 2011

ADJOURNMENT TO JOINT CITY COUNCIL AND ONIZUKA LOCAL REDEVELOPMENT AUTHORITY MEETING

Mayor Hamilton closed the meeting in memory of Thomas Peter Sparacino.

Mayor Hamilton adjourned to the Joint City Council and Onizuka Local Redevelopment Authority meeting at 7:50 p.m.

**JOINT CITY COUNCIL AND ONIZUKA LOCAL REDEVELOPMENT AUTHORITY (LRA)
MEETING**

(immediately following the Sunnyvale City Council meeting.)

CALL TO ORDER

Authority Chair Ron Swegles called the meeting to order at 7:50 p.m.

ROLL CALL

PRESENT: Councilmember and Authority Chair Ron Swegles
Councilmember and Authority Vice Chair Otto Lee
Mayor and Authority Member Melinda Hamilton
Councilmember and Authority Member Anthony (Tony) Spitaleri
Councilmember and Authority Member Christopher Moylan
Councilmember and Authority Member David Whittum
Councilmember and Authority Member Jim Griffith

ABSENT: None.

STAFF PRESENT: City Manager Gary Luebbers, Authority Executive Director
Assistant City Manager Robert Walker
Authority Secretary Hanson Hom, Director of Community Development
Authority Counsel David Kahn
Authority Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

Mark Andrews, Sunnyvale AYSO, announced their fundraiser program.

CONSENT CALENDAR

MOTION: Authority Member Moylan moved and Authority Member Griffith seconded the motion to approve the Consent Calendar.

VOTE: 7 - 0

LRA 1.A. MOTION Approval of Draft Minutes of Regular Meeting of October 5, 2010

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2010-7313 - Alternative Land Use Options for Onizuka Air Force Station,
LRA 11-001 including Possible Public Benefit Conveyances (PBC)

Authority Secretary Hanson Hom, Director of Community Development, presented the staff report.

Public hearing opened at 8:22 p.m.

Kerry Haywood, Moffett Park Business & Transportation Association, expressed concerns that the use of the space be within the character and the needs of the Moffett Park area and requested a stipulation that the current traffic conditions be mitigated.

Charles Allen, Executive Director of Facilities, Foothill/De Anza Community College District, introduced Kevin McElroy, Vice Chancellor of Business, and provided information about their search for a permanent location for an education center. Allen stated a preliminary review indicates the Onizuka site may meet their criteria.

Mark Andrews, Sunnyvale AYSO, proposed a joint effort to help fund artificial turf fields at this or some other location.

Arthur Schwartz spoke in support of the sports complex concept.

Public hearing closed at 8:54 p.m.

MOTION: Councilmember and Authority Member Griffith moved and Councilmember and Authority Vice Chair Otto Lee seconded the motion to approve Option 2, a fire station expansion and public park sports complex with a variant to include a dual path with the sports complex and looking into the possibility of a PBC usage to meet the needs of the Foothill/De Anza expansion effort.

The motion includes authorizing the city manager to pursue the following actions:

LRA Actions:

- 1. Discuss with the homeless housing providers the feasibility of relinquishing their claims on the Onizuka AFS site, and revise the HAS and LBA accordingly;*
- 2. Amend the Redevelopment Plan for LRA adoption to reflect Option 2.*

City Council Actions:

- 1. Initiate discussions with FEMA to submit a PBC request for expanding the Fire Station #5 site, including preparing a needs assessment, financing plan and refined cost estimates;*
- 2. Initiate discussions with NPS and potential sports complex developers/vendors to submit a PBC request for a public park, including preparing a needs assessment, conceptual park plan and financing plan;*
- 3. Allocate up to \$100,000 in park-dedication in-lieu fee funds for a Phase II environmental assessment, market and financial feasibility analysis, site plan studies and a refinement of development and operational costs for the public park PBC;*
- 4. Determine options and the fiscal impacts to the City for interim caretaker obligation of the public park PBC site; and*
- 5. Authorize discussions with the two homeless housing providers on the City's Armory site as a possible alternative site for affordable housing.*

VOTE: 7 - 0

ADJOURNMENT

Authority Chair Swegles adjourned the meeting at 9:07 p.m.

Kathleen Franco Simmons
City Clerk

Date