

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, MARCH 29, 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 (via teleconference)

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
Planning Officer Trudi Ryan
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR MARCH 8, 2011

Closed Session pursuant to Government Code Section 54957 – Public Employee Performance Evaluations

Vice Mayor Griffith reported Council met in closed session on March 8; no direction was given and no action was taken.

CLOSED SESSION REPORT FOR MARCH 29, 2011

Closed Session pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator

Vice Mayor Griffith reported Council met in closed session with labor negotiator regarding Sunnyvale Managers Association; direction was given and action was taken.

Vice Mayor Griffith reported Council met in closed session with labor negotiator regarding Public Safety Officers Association; the meeting was continued to after the Council meeting.

REDEVELOPMENT AGENCY CLOSED SESSION REPORT FOR MARCH 29, 2011

Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator

Vice Mayor Griffith reported the Redevelopment Agency met in closed session; no direction was given and no action was taken.

SPECIAL ORDER OF THE DAY – Mayor Hamilton presented a proclamation regarding National Volunteer Week 2011.

PRESENTATION – Stephen Fisher, Senior Transportation Planner, Valley Transportation Authority (VTA), provided a presentation on the El Camino Real Bus Rapid Transit Project.

SPECIAL ORDER OF THE DAY – City Clerks Association of California Legislative Director and Past President Dawn Abrahamson presented a Certificate of Exceptional Professional Achievement to City Clerk Kathleen Franco Simmons.

PUBLIC ANNOUNCEMENTS

Councilmember Lee announced summer recruitment for board and commission members and an upcoming application deadline.

Councilmember Swegles announced an upcoming Dinner at the Dump event.

Julia Miller announced an upcoming Charter Review Committee meeting. Miller, as a member of the San Francisco Bay Trail, announced a proposal to change the name of the bay trail and solicited public comments on the name change to take to the ABAG Executive Board.

PRESENTATION – Director of Libraries Lisa Rosenblum provided a presentation regarding the history of the Sunnyvale Public Library in honor of National Library Week.

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 March 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 11-060 Nos. 545, 546 and 547

Staff Recommendation: Review the lists of bills.

Contracts

- 1.D. MOTION Award of Bid Invitation No. F1001-71 for Modular Buildings at the Water
RTC 11-061 Pollution Control Plant

Staff Recommendation: Award a contract in the amount of \$156,436 to Design Space Modular Buildings, 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 construction contingency in the amount of \$15,644.

Other Items

- 1.E. MOTION Annual Review of City's Code of Ethics and Conduct for Elected and
RTC 11-058 Appointed Officials

Staff Recommendation: Alternative 1: Review and approve the 2011 Code of Ethics and Conduct for Elected and Appointed Officials with no changes.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Cathy Helgerson, resident of Cupertino, spoke regarding health hazards from Lehigh Quarry and Stevens Creek Quarry and Cement.

Edward Reed, resident of Sunnyvale, spoke regarding a health risk assessment relating to Lehigh Quarry and Stevens Creek Quarry and Cement.

Bill Almon, Founder of Quarry No, spoke regarding health impacts from Lehigh Cement on Sunnyvale residents and schools and encouraged placement of the issue on an upcoming agenda.

Art Schwartz spoke regarding bicycle safety and the need for increased width of bicycle lanes for tricycles or adoption of non integral curbs. Schwartz and requested Council consider a study session on the matter.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 11-057 Public Hearing to Review and Receive Comments on *City of Sunnyvale Public Health Goal Report* (City's Water System) Prepared for the California Department of Health Services with Recommendation of no Further Action Required

Director of Public Works Marvin Rose presented the staff report.

Public hearing opened at 7:48 p.m.

No speakers.

Public hearing closed at 7:48 p.m.

MOTION: Councilmember Moylan moved and Councilmember Swegles seconded the motion to approve Alternative 1: Receive and acknowledge comments from the public on the PHG Report and refer any comments to the Department of Public Works for consideration and to address as appropriate.

VOTE: 7 - 0

3. ORDINANCE 2010-7456/2010-7738 - Taylor Morrison CA LLC: Applications for a 7.3-acre project located at 1044 East Duane Avenue in an M-S/ITR/R-4/PD (Industrial and Service/Industrial-to-Residential/High Density Residential/Planned Development) Zoning District (APN: 205-23-001): Certify the Addendum to the Environmental Impact Report (EIR); General Plan Amendment from ITRHI (Industrial-to-Residential High Density) to ITRMED (Industrial-to-Residential Medium Density); Rezone from M-S/ITR/R-4/PD to M-S/ITR/R-3/PD (Industrial and Service/Industrial-to-Residential/Medium Density Residential/Planned Development); Special Development Permit to allow the development of 132 townhome-style condominiums; and Vesting Tentative Map to allow 132 condominium units and 32 common lots.

Planning Officer Trudi Ryan presented the staff report.

Public hearing opened at 8:01 p.m.

Jay Pawlek, Taylor Morrison, Applicant, provided a PowerPoint presentation regarding the project.

Mayor Hamilton and Councilmember Lee disclosed they met with the applicant earlier.

Tara Martin-Milius spoke in support of the project.

Richard Walrop expressed support from the neighborhood for the project.

Glen Chambers spoke in support of the project and suggested a left turn lane could be put in at Duane Avenue and Duane Court. Chambers stated the interchange at Duane Avenue and AMD Place locks up when the pedestrian button is pushed. Chambers also inquired

about construction hours.

Jay Pawlek, Applicant, provided concluding remarks.

Public hearing closed at 8:28 p.m.

MOTION: Councilmember Griffith moved and Councilmember Spitaleri seconded the motion to approve alternative 1: Adopt a Resolution to certify the EIR Addendum; adopt a Resolution to amend the General Plan designation for 1044 East Duane Avenue from ITRHI to RMED; introduce an Ordinance to Rezone 1044 East Duane Avenue from M-S/ITR/R-4/PD to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with the attached conditions.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

4. MOTION Update on Potential for Utility Users Tax Ballot Measure
RTC 11-055

Director of Finance Grace Leung presented the staff report.

Public hearing opened at 8:37 p.m.

No speakers.

Public hearing closed at 8:37 p.m.

MOTION: Councilmember Lee moved and Councilmember Spitaleri seconded the motion to approve Alternative 2: Take no action.

VOTE: 6 - 1 (Councilmember Moylan dissented)

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

Councilmember Spitaleri presented a brief report.

Public hearing opened at 9:03 p.m.

No speakers.

Public hearing closed at 9:03 p.m.

MOTION: Councilmember Griffith moved and Councilmember Lee seconded the motion to approve the subcommittee's recommendation that "fundraiser" is defined as any event that solicits funds from attendees either through direct ticket sales or asking for a donation. Furthermore, barring any subcommittee or sub-organization of the sponsoring organization from asking for funds in the form of raffle tickets, silent auction bids or items of similar intent.

VOTE: 7 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Moylan reported he has been selected to serve as Vice Chair of the Valley Transportation Authority (VTA) Policy Advisory Board and of the VTA Congestion Management Program Planning Committee.

Mayor Hamilton announced an upcoming meeting of the Santa Clara County Cities Association.

Mayor Hamilton announced an upcoming joint VTA and Metropolitan Transportation Commission (MTC) meeting.

NON-AGENDA ITEMS & COMMENTS

Councilmember Swegles reported his attendance at the National League of Cities Conference in Washington D.C.

Mayor Hamilton requested information from staff regarding paving for tricycles.

Mayor Hamilton announced that match.com named Sunnyvale as the best place to date a nerd.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-062 Opportunity for Council to appeal decisions of the Planning Commission of March 14, 2011 and the Zoning Administrator Hearing of March 16, 2011
- Draft Minutes of the Arts Commission Meeting of February 16, 2011
- Draft Minutes of the Board of Library Trustees Meeting of March 7, 2011
- Draft Minutes of the Parks and Recreation Commission Meeting of March 9, 2011
- Draft Minutes of the Sustainability Commission Meeting of March 14, 2011

ADJOURNMENT

Mayor Hamilton adjourned back to closed session at 9:09 p.m.

Kathleen Franco Simmons
City Clerk

Date