

**APPROVED MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, MAY 24, 2011**

**CALL TO ORDER**

Mayor Hamilton called the meeting to order in Council Chambers.

**SALUTE TO THE FLAG**

The Lakewood Village Color Guard led the salute to the flag.

**ROLL CALL**

**PRESENT:**

Mayor Melinda Hamilton  
Vice Mayor Jim Griffith  
Councilmember Otto Lee  
Councilmember Ron Swegles (arrived at 7:26 p.m.)  
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  
Assistant Director of Public Works Mark Rogge  
Director of Community Development Hanson Hom  
City Clerk Kathleen Franco Simmons

**CLOSED SESSION REPORT FOR MAY 17, 2011**

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

Vice Mayor Griffith reported Council met in Closed Session May 17, 2011 regarding Public Employee Performance Evaluations; no direction was given and no action was taken.

**CLOSED SESSION REPORTS FOR MAY 24, 2011**

*Closed Session pursuant to Government Code Section 54957.6 – Conference with Legal Counsel – Anticipated Litigation*

Vice Mayor Griffith reported Council met in Closed Session May 24, 2011 regarding Conference with Legal Counsel – Anticipated Litigation; direction was given and no action was taken.

**CLOSED SESSION REPORTS FOR MAY 24, 2011**

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

Vice Mayor Griffith reported Council met in Closed Session May 24, 2011 regarding Conference with Labor Negotiator; direction was given and no action was taken.

**CLOSED SESSION REPORTS FOR MAY 24, 2011**

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

Vice Mayor Griffith reported Council met in Closed Session May 24, 2011 regarding Public Employee Performance Evaluations; direction was given and no action was taken.

**SPECIAL ORDER OF THE DAY** – Chief of Public Safety Don Johnson and Deputy Chief Dayton Pang presented Department of Public Safety Special Awards.

**PUBLIC ANNOUNCEMENTS**

Councilmember Moylan announced an upcoming public meeting to present Sunnyvale's Consolidated General Plan.

Mayor Hamilton presented the Mayor's Cup trophy won by the Mayor at the Soap Box Derby.

Jeanine Stanek, Sunnyvale Historical Society, announced an upcoming meeting and a newly published historical book about Sunnyvale.

**RECONSIDERATION OF A PREVIOUS COUNCIL ACTION**

Councilmember Moylan moved and Councilmember Spitaleri seconded the motion to reconsider the action of May 10 on the HUD Action Plan for a date certain, June 7.

Councilmember Swegles arrived at 7:26 p.m.

VOTE: 6 - 0 (Councilmember Swegles abstained)

**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 May 10, 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 11-099 Nos. 554 & 555

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Council Authorization to Sign the Joint Powers Agreement to Become a  
RTC 11-105 Member of the Bay Area Regional Interoperable Communications  
Systems Authority (BayRICSA)

Staff Recommendation: Authorize the City Manager to sign the Joint Powers Agreement to become a member of the Bay Area Regional Interoperable Communications Systems Authority (BayRICSA).

**Contracts**

- 1.E. MOTION Award of Bid No. F1003-91 for ADA Curb Ramps-2011 Re-bid  
RTC 11-102

Staff Recommendation: Award a contract in the amount of \$267,000 to Spencon Construction, 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 \$16,020.

- 1.F. MOTION Award of Contract for an Emergency 911 Audio Recording Equipment  
RTC 11-096 Upgrade for the Department of Public Safety (F1004-103)

Staff Recommendation: Award a contract in the amount of \$130,954 to Capture Technologies Inc. for a 911 Emergency audio recording equipment upgrade.

- 1.G. MOTION Amend an Existing Contract for Polymer Flocculant for the Water  
RTC 11-103 Pollution Control Plant (F1004-108)

Staff Recommendation: Amend the existing three (3) year contract with Polydyne, Inc. by extending it by one year with the option of extending for two additional one year periods if pricing and service remain acceptable to the City.

**Other Items**

- 1.H. MOTION Approval of Final Map (Tract No. 10075) – Twenty-four Unit  
RTC 11-097 Condominiums at 650-660 East Taylor Avenue by City Ventures  
Homebuilding LLC

Staff Recommendation: Approve the final map for Tract No. 10075; accept the public street dedication; 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**

George Ballog spoke in support of Council's action of May 10, 2011 regarding CDBG funding.

Joan Smithson, Site Manager, Sunnyvale Senior Nutrition, spoke regarding the program and provided a packet of written materials.

Eric Anderson, Chair, Housing and Human Services Commission, spoke regarding the metric discussed at the previous meeting and recommended Council adopt a plan similar to the plan that was recommended by staff.

Mary Perkins spoke regarding the importance of the Daybreak III program to disabled seniors.

Cresencia Archdale spoke in support of funding for the senior nutrition program.

Mayor Hamilton announced the remaining speakers will be invited to speak at the end of the meeting.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. MOTION Board and Commission Appointments  
RTC 11-100

City Clerk Kathleen Franco Simmons facilitated the appointment process.

**Sustainability Commission (1 vacancy) – One term to 6/30/2015**

Cathleen Brennan

VOTE: 1 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton, Councilmember Moylan and Councilmember Swegles abstained)

John Cordes

VOTE: 3 - 0 (Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmember Whittum abstained)

Russell Doi

VOTE: 1 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmembers Moylan and Swegles abstained)

Faheem Gill

VOTE: 0 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton, Councilmember Moylan, Councilmember Whittum and Councilmember Swegles abstained)

Dan Hafeman

VOTE: 7 - 0

Mark Johnson

VOTE: 1 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmembers Moylan and Swegles abstained)

Amit Patel

VOTE: 1 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmembers Moylan and Swegles abstained)

City Clerk Kathleen Franco Simmons announced Dan Hafeman has been appointed to the Sustainability Commission for a term expiring June 30, 2015.

**Planning Commission (2 vacancies) – Two terms to June 30, 2015**

Alyson Abramowitz

VOTE: 2 – 0 (Councilmember Spitaleri, Councilmember Griffith, Mayor Hamilton and Councilmembers Moylan and Swegles abstained)

Bo Chang

VOTE: 7 - 0

Mark Johnson

VOTE: 0 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmembers Moylan, Whittum and Swegles abstained)

Arcadi Kolchak

VOTE: 5 - 0 (Vice Mayor Griffith and Councilmember Moylan abstained)

Ken Olevson

VOTE: 3 - 0 (Councilmember Lee, Councilmember Spitaleri, Mayor Hamilton and Councilmember Swegles abstained)

Ken Rheaume

VOTE: 3 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith and Councilmember Swegles abstained)

City Clerk Kathleen Franco Simmons announced Bo Chang and Arcadi Kolchak have been appointed to the Planning Commission for terms expiring June 30, 2015.

**Arts Commission (1 vacancy) – One term to June 30, 2015**

Mark Johnson

VOTE: 2 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith and Councilmembers Moylan and Swegles abstained)

Wendy Springer

VOTE: 3 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith and Mayor Hamilton abstained)

City Clerk Kathleen Franco Simmons announced neither candidate received the minimum of four votes required by Council Policy, therefore the vacancy will remain.

**Personnel Board (1 vacancy) - One term to June 30, 2015**

Judi Nickey  
VOTE: 7 - 0

Mark Johnson  
VOTE: 0 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmembers Moylan, Whittum and Swegles abstained)

City Clerk Kathleen Franco Simmons announced Judi Nickey has been appointed to the Personnel Board for a term expiring June 30, 2015.

**Parks and Recreation Commission (1 vacancy) - One term to June 30, 2015**

Alyson Abramowitz  
VOTE: 1 - 0 (Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmembers Moylan, Whittum and Swegles abstained)

Henry Alexander III  
VOTE: 3 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith and Councilmember Swegles abstained)

Mark Johnson  
VOTE: 3 - 0 (Councilmember Spitaleri, Vice Mayor Griffith and Councilmembers Moylan and Swegles abstained)

Craig Pasqua  
VOTE: 7 - 0

Wendy Springer  
VOTE: 1 - 0 (Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmembers Moylan, Whittum and Swegles abstained)

City Clerk Kathleen Franco Simmons announced Craig Pasqua has been appointed to the Parks and Recreation Commission for a term expiring June 30, 2015.

**Board of Library Trustees (1 vacancy) - One term to June 30, 2015**

Mark Johnson  
VOTE: 1 - 0 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith and Councilmembers Moylan, Whittum and Swegles abstained)

Danny Ooi  
VOTE: 2 - 0 (Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmembers Moylan and Swegles abstained)

Mukta Verma  
VOTE: 3 - 0 (Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmember Moylan abstained)

Su (Ray) Zhan  
VOTE: 7 - 0

City Clerk Kathleen Franco Simmons announced Su (Ray) Zhan has been appointed to the Board of Library Trustees for a term expiring June 30, 2015.

**Heritage Preservation Commission (2 vacancies) – Two terms to June 30, 2015**

Mark Johnson  
VOTE: 5 - 0 (Councilmembers Spitaleri and Whittum abstained)

Jeanine Stanek  
VOTE: 7 - 0

City Clerk Kathleen Franco Simmons announced Mark Johnson and Jeanine Stanek have been appointed to the Heritage Preservation Commission for terms expiring June 30, 2015.

**Board of Building Code Appeals (2 vacancies) – Two terms to June 30, 2015**

James Kim  
VOTE: 7 - 0

Patrick Walz  
VOTE: 7 - 0

City Clerk Kathleen Franco Simmons announced James Kim and Patrick Walz have been appointed to the Board of Building Code Appeals for terms expiring June 30, 2015.

3. MOTION                    Red Light Camera Intersection Monitoring Systems in the City of  
RTC 11-101                Sunnyvale (Study Issue Update)

Deputy Chief Dayton Pang presented the staff report.

Public hearing opened at 8:16 p.m.

No speakers.

Public hearing closed at 8:16 p.m.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 1: Support Red Light Camera monitoring and enforcement in the City of Sunnyvale and direct City staff to execute a Request for Proposals for Red Light Camera systems at a specified number of intersections.

FRIENDLY AMENDMENT: Councilmember Swegles moved to amend the motion to include taking a position in opposition to SB 29.  
Councilmember Moylan accepted the amendment.

FRIENDLY AMENDMENT: Mayor Hamilton requested a friendly amendment to clarify the issue of how it would work on El Camino before it goes out to bid.  
Councilmember Moylan accepted the amendment.

VOTE: 4 - 3 (Councilmember Lee, Councilmember Spitaleri and Vice Mayor Griffith dissented)  
Motion carried.

4. MOTION Appointments of a Director to the Bay Area Water Supply and Conservation Agency and the San Francisco Regional Water System Financing Authority to Serve Four Year Terms: July 2011 – June 2015  
RTC 11-088

Assistant Director of Public Works Mark Rogge presented the staff report.

Public hearing opened at 8:28 p.m.

No speakers.

Public hearing closed at 8:28 p.m.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded the motion to reappoint Councilmember Swegles to serve as a director of both the Bay Area Water Supply and Conservation Agency (BAWSCA), and the San Francisco Regional Water System Financing Authority (Authority) and to ask Councilmember Swegles to continue to make regular reports to Council after he is no longer on the Council.

VOTE: 7 - 0

5. ORDINANCE An Ordinance of the City Council of the City of Sunnyvale to Amend Certain Sections of Chapters 12.04 (Sewerage System); 12.12 (Sewer Use Regulations) and 12.18 (Enforcement) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code Relating to Sewer Regulations and Enforcement  
RTC 11-087

Assistant Director of Public Works Mark Rogge presented the staff report.

Public hearing opened at 8:30 p.m.

No speakers.

Public hearing closed at 8:30 p.m.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded the motion to approve Alternative 1: Adopt the proposed ordinance amending Chapters 12.04, 12.12, 12.18 of Title 12 of the Sunnyvale Municipal Code to incorporate the two required, and three recommended changes to be consistent with 40 CFR Part 403.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

6. ORDINANCE Introduction of an Ordinance to Amend Certain Sections of Sunnyvale  
RTC 11-104 Municipal Code Title 18 and Title 19 to Clarify Phasing of Parkland  
Dedication Requirements for Housing Projects

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 8:32 p.m.

No speakers.

Public hearing closed at 8:32 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Whittum seconded the motion to approve Alternative 1: Introduce the proposed ordinance in Attachment A to amend Section 18.10.030 and 19.74.030 to clarify residential housing projects are subject to the parkland dedication requirement effective at the time the development application is deemed complete.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 6 - 1 (Councilmember Spitaleri dissented)

7. COUNCIL Discussion and Possible Action Regarding City of Sunnyvale  
DISCUSSION Centennial Celebration

Mayor Hamilton presented a report.

Public hearing opened at 8:41 p.m.

No speakers.

Public hearing closed at 8:41p.m.

Council took no action.

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

Councilmember Moylan provided information regarding a quarterly meeting of the Stevens Creek Trail Committee.

Councilmember Moylan provided a report regarding the final meeting of the Santa Clara County Citizens Redistricting Commission. Councilmember Moylan suggested consideration of an addendum to the City's current policy regarding redistricting.

Councilmember Moylan provided a report of a meeting of the VTA Congestion Management Program & Planning Committee.

Councilmember Moylan reported a Family Fun Bike Ride on May 21.

Councilmember Moylan reported a State Redistricting Commission Public Hearing in which he presented the City's policy.

Vice Mayor Griffith requested staff follow up with members of Friends of the Stevens Creek Trail who have expressed an interest in making a contribution.

**PUBLIC COMMENT (continued at 8:48 p.m.)**

Linda Chin, Abilities United, spoke regarding services for people with disabilities.

Rebecca Doran, Program Director, Friends for Youth, encouraged Council to reconsider funding and spoke regarding the value of mentoring services.

Patrick Kapowich spoke regarding the lunch program and Daybreak III.

Ginger McClure spoke regarding the importance of Daybreak III for caregivers.

Dottie Nickels spoke in support of the Daybreak III program.

Esmeralda Mendoza spoke in support of the Friends for Youth program.

Jessica Boisselle spoke in support of the Friends for Youth program.

Twana Karney spoke regarding Acterra's "Green@Home" program.

Naomi Nakano-Matsumoto, Executive Director, West Valley Community Services, requested Council consider the different types of services and costs associate with the services, and spoke in support of the EHC shelter and case management services. Nakano-Matsumoto expressed concern regarding the lack of services for residents in 94087.

Thong Le urged reconsideration of the decision to fund the Healthy Kids program and provided written materials.

**NON-AGENDA ITEMS & COMMENTS**

None.

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 11-106 Update #6 Regarding Morse Avenue Park Site Development (Information Only)
- RTC 11-098 Opportunity for Council to Appeal Decisions of the Planning Commission Meeting of May 9, 2011 and the Zoning Administrator Hearing of May 11, 2011
- Draft Minutes of Arts Commission Special Meeting of May 3, 2011
- Study Session Summary of May 10, 2011 – Strategic Infrastructure Plan of the Water Pollution Control Plant

**ADJOURNMENT**

Mayor Hamilton adjourned the meeting at 9:24 p.m.

\_\_\_\_\_  
Kathleen Franco Simmons  
City Clerk

\_\_\_\_\_  
Date