

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JUNE 7, 2011

CALL TO ORDER

Mayor Hamilton called the meeting to order in 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 (excused)

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

CLOSED SESSION REPORT FOR JUNE 7, 2011

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

Vice Mayor Griffith reported Council met in Closed Session; direction was given and no action was taken.

PUBLIC ANNOUNCEMENTS

Tamon Norimoto, Government Relations Representative, PG&E, provided information regarding pressure testing of gas lines in Sunnyvale and the Pipeline 2020 program.

**Pending Council Approval*

Richard Kolber, Democratic Club of Sunnyvale, announced an upcoming meeting.

CONSENT CALENDAR

A member of the public requested to pull Item 1.D from the Consent Calendar.

MOTION: Vice Mayor Griffith moved and Councilmember Spitaleri seconded the motion to approve the Consent Calendar, with the exception of Item 1.D.

VOTE: 6 – 0 (Councilmember Swegles absent)

- 1.A. MOTION Approval of Council Meeting Minutes of May 24, 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 – Lists
RTC 11-111 No. 556 & 557

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Agreement Between the City of Sunnyvale and the Friends of the
RTC 11-107 Sunnyvale Public Library for FY 2011/12 – FY 2013/14

Public hearing opened at 7:13 p.m.

Hannalore Dietrich spoke in support of the agreement.

Public hearing closed at 7:15 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Spitaleri seconded the motion to approve the three-year agreement between the City and the Friends of the Sunnyvale Public Library and authorize the City Manager to enter into the agreement by June 30, 2011.

VOTE: 6 – 0 (Councilmember Swegles absent)

- 1.E. MOTION Appropriation of \$48,041 of FY 2010/11 State Public Library Foundation
RTC 11-108 Monies and Approval of Budget Modification No. 27.

Staff Recommendation: Approve Budget Modification No. 27 in the amount of \$48,041 and the expenditure of State Public Library Funds for use in the following special project category: Improvements to Library Services.

Contracts

- 1.F. MOTION Approval of Budget Modification No. 33 to Appropriate Department of
RTC 11-117 Homeland Security Funding, and Award of Contract to Purchase Mobile
Command Vehicle (F1001-63)

Staff Recommendation: Approve Budget Modification No. 33 to recognize and appropriate \$295,000 in Department of Homeland Security grant funding for a mobile

command vehicle; and award a contract in the amount of \$315,694, less applicable sales taxes, to Lynch Diversified Vehicles (LDV), Inc., for the vehicle purchase.

- 1.G. MOTION Award of Bid No. F1004-96 for Traffic Signal Reconstruction of Fair Oaks
RTC 11-112 Avenue and Wolfe Road and Interconnects (Rebid)

Staff Recommendation: Award a contract in the amount of \$411,502 to Prism Engineering, 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 10 % construction contingency in the amount of \$41,150.

Other Items

- 1.H. RESOLUTION Resolution Calling a General Municipal Election for November 8, 2011
RTC 11-109 for the Election of Councilmembers for Seat Numbers 4, 5, 6 and 7;
Requesting Consolidation with Other Legislative Districts within the
County and Requesting County Services

Staff Recommendation: Alternative 1: Adopt the resolution calling a General Municipal Election for the election of Councilmembers for Seat Numbers 4, 5, 6 and 7 on November 8, 2011, requesting consolidation of elections, requesting County services and determining to levy costs of candidates' statements.

- 1.I. ORDINANCE Adoption of Ordinance No. 2952-11 Amending Certain Sections of
NO. 2952-11 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

Staff Recommendation: Approve second reading of Ordinance No. 2952-11.

- 1.J. RESOLUTION A Resolution of the City of Sunnyvale Calling for Consistent Federal
RTC 11-120 and State Regulation of Medical Marijuana, Including Reclassifying the
Drug within the Schedules Set Forth in §812 of the Federal Controlled
Substance Act

Recommendation: Approve the resolution calling for consistent Federal and State regulation of medical marijuana, including reclassifying the drug within the schedules set forth in §812 of the Federal Controlled Substance Act.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Elizabeth Sarmiento, Acterra, spoke in support of continued funding for Acterra's "Green@Home" program.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Reconsideration of Human Services Awards for FY 2011-2012 (portion of
RTC 11-119 RTC 11-094 regarding 2011 Action Plan) Public Hearing

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:32 p.m.

Becky Cooper, Friends for Youth, spoke regarding the services provided by the program and thanked Council for reconsidering funding.

Kim Newell, volunteer, Friends for Youth, spoke in support of the program.

Jo Bailard, Abilities United, spoke in support of the services provided by the program and urged support of the recommendation of the Housing and Human Services Commission.

Marie Sanchez spoke in support of senior nutrition programs.

Maritza Henry, Family and Children's Services, spoke in support of the services provided by the program and requested reconsideration of funding.

Kyle Klien and David Barca, Friends for Youth, spoke in support of the services provided by the program.

Sujatha Venkatraman, West Valley Community Services, spoke in support of the services provided by the program and requested reconsideration of funding.

Amy Andonian, Catholic Charities, Daybreak III, Caregiver Support Services, spoke in support of the programs and urged support of the recommendation of the Housing and Human Services Commission.

Anna Ko, speaking on behalf of the Housing and Human Services Commission, presented the recommendation of the commission in support of Attachment A, Alternative 1 and at least Alternative 2.

Crescencia Archdale, Sunnyvale Senior Nutrition Center, spoke in support of the services provided by the program.

Joan Smithson, Sunnyvale Senior Nutrition Center, submitted a letter of support signed by numerous users of the center.

Jody Tidwell, Sunnyvale resident, spoke in support of the recommendation of the Housing and Human Services Commission.

Michele Schroeder, Senior Adult Legal Assistance, spoke in support of continued funding of the services provided by the program.

Glenn Hendricks, Vice Chair of the Planning Commission, speaking as an individual, expressed concerns regarding the supplemental funding from the General Fund and recommended Council state discretionary spending will be looked at in the context of the

following year's budget. Hendricks suggested the City add a section to the Web site to advertise the agencies so residents can make financial contributions.

Dottie Nickels, Daybreak III, spoke in support of the services provided by the program and encouraged reconsideration of funding.

My-Dung Tran, Sunnyvale Community Services, spoke in support of the services provided by the program and urged funding.

Judy Whittier, Director of Community Resources, Bill Wilson Center, spoke in support of the services provided by the program and urged Council support of Alternative 1.

Emily Hennessey, Director of Finance, Santa Clara Family Health Foundation spoke in support of the services provided by the program and urged Council support of Alternative 1.

Thong Le urged reconsideration of the decision of May 10, 2011.

Fred Fowler spoke of the value delivered by the agencies to the community and urged Council to fully fund the agencies.

Yolanda Ungo, Catholic Charities, spoke in support of the services provided by the program and requested reconsideration of funding.

Wanda Hale, Long Term Care Ombudsman, spoke in support of the program.

Daniel McClure, Founder and CEO, Generations Community Wellness, spoke in support of the program and urged full funding to the agencies.

Ben Field, South Bay Labor Council, spoke in support of the Healthy Kids program and expressed concern regarding the process used to calculate funding.

Public hearing closed at 8:32 p.m.

MOTION: Councilmember Lee moved and Councilmember Whittum seconded the motion to approve Alternative 1: Award grants to 18 programs in the pro-rated amounts recommended by the HHSC, using the available CDBG funds (\$197,717) and \$100,000 in General Funds, with a modification to fully fund Sunnyvale Community Services, such that the total amount expended is \$297,717.

VOTE: 4 - 2 (Mayor Hamilton and Councilmember Moylan dissented, Councilmember Swegles absent)

Motion carried.

3. MOTION Cupertino Middle School Open Space Master Plan Revision
RTC 11-113

Superintendent of Parks and Golf Scott Morton presented the staff report.

Public hearing opened at 8:58 p.m.

Glenn Hendricks, Vice Chair of the Planning Commission, speaking on his own behalf, expressed concerns about the reduction of open space and encouraged a Council policy with school districts to preserve open space.

Rick Hausman, Chief Business Officer, Cupertino Union School District spoke regarding the challenges of an increasing student population and provided information regarding a prior agreement that approval would not be withheld unreasonably.

Public hearing closed at 9:01 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Whittum seconded the motion to approve Alternative 1: Approve the Proposed Master Plan for Cupertino Middle School open space to include the new portable classrooms per Attachment A.

VOTE: 5 - 1 (Councilmember Moylan dissented, Councilmember Swegles absent)

Vice Mayor Griffith proposed to sponsor and Councilmember Spitaleri agreed to co-sponsor a study issue or to provide direction to hold a study session, whichever is most appropriate, on ongoing relationships with school districts and a policy on future changes to shared space.

4. MOTION Morse Avenue Park Conceptual Design, Theme and Name
RTC 11-115

Superintendent of Parks and Golf Scott Morton presented the staff report.

Public hearing opened at 9:32 p.m.

Adam Berkan, Chairman, Morse Park Neighborhood Association, expressed support for the park and urged Council approval.

Tara Martin-Milius spoke in support of the park.

Tap Merrick expressed concerns regarding parking issues at the park.

Public hearing closed at 9:37 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Spitaleri seconded the motion to approve Alternative 1: Approve the conceptual design and ocean theme at Morse Avenue Park, as noted on Attachment A; and Alternative 3: Approve the name of Seven Seas Park for Morse Avenue Park.

VOTE: 6 - 0 (Councilmember Swegles absent)

Mayor Hamilton announced a 5-minute recess at 9:40 p.m.

Council reconvened at 9:48 p.m. with all Councilmembers present except Councilmember Swegles.

5. RESOLUTION Resolution Calling a Special Municipal Election for Proposed Charter
RTC 11-110 Amendments, on a Consolidated November 8, 2011 Ballot

City Attorney David Kahn presented the staff report.

City Attorney Kahn indicated page 3 of Exhibit A should be corrected from 2012 to 2013.

Public hearing opened at 9:56 p.m.

Jody Tidwell spoke in opposition to the Charter amendments and recommended Alternative 3.

Tap Merrick provided written materials and spoke regarding comments from the public, the Charter Review Committee, and former Mayor in opposition to a directly-elected mayor and provided information supporting probable increases in voter turnout by changing City Council elections to even-numbered years.

Public hearing closed at 10:08 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to bring the item back on June 14 or June 28, making a change to Measure B inserting the wording at the beginning "to potentially limit the growth of Council salaries" or other wording suggested by the City Attorney which conveys that intent.

FRIENDLY AMENDMENT: Vice Mayor Griffith amended the motion to bring the item back on June 14.

FORMAL AMENDMENT: Councilmember Whittum moved an amendment to modify the wording in Measure B from \$2,088.64 to \$1,816.00 and \$2,784.86 to \$2,421.00.
Motion died for lack of second.

VOTE: 5 - 1 (Councilmember Whittum dissented, Councilmember Swegles absent)

6. ORDINANCE Adoption of Ordinance No. 2953-11 Amending Certain Sections of
No. 2953-11 Chapter 18.10 (Parks and Open Space Dedication) of Title 18
(Subdivisions) and Chapter 19.74 (Park Dedication Fees for Rental
Housing Projects) of Title 19 (Zoning) of the Sunnyvale Municipal Code
to Clarify Phasing of Parkland Dedication Requirements for Housing
Projects

Public hearing opened at 10:13 p.m.

No speakers.

Public hearing closed at 10:13 p.m.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded the motion to approve second reading of Ordinance No. 2953-11.

VOTE: 5 - 1 (Councilmember Spitaleri dissented, Councilmember Swegles absent)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Moylan provided a report regarding a public hearing on the redistricting process at a meeting of the County Board of Supervisors.

Mayor Hamilton thanked Council for their vote on the Santa Clara County Cities Association medical marijuana resolution.

Councilmember Lee reported a recent event hosted by Congresswoman Anna Eshoo to recognize candidates for the Naval Academy and Air Force Academy.

NON-AGENDA ITEMS & COMMENTS

Mayor Hamilton announced an upcoming meeting of the Community Event Grant Distribution Subcommittee and requested a volunteer to stand in for Councilmember Swegles.

Councilmember Lee volunteered to serve on the subcommittee.

Mayor Hamilton appointed Councilmember Lee to the subcommittee.

Mayor Hamilton reported the subcommittee will make recommendations regarding neighborhood grants.

Mayor Hamilton announced tonight is Chief of Public Safety Don Johnson's last Council meeting and wished him luck in the future. Councilmember Spitaleri congratulated Chief Johnson on his service. Councilmember Lee congratulated Chief Johnson on his service.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-114 Opportunity for Council to Appeal Decisions of the Planning Commission of May 23, 2011 and the Zoning Administrator Hearing of May 25, 2011
- Draft Minutes of the Sustainability Commission Meeting of May 16, 2011
- Draft Minutes of the Board of Library Trustees Meeting of May 16, 2011
- Draft Minutes of Arts Commission and Parks & Recreation Commission Special Joint Meeting of May 25, 2011

ADJOURNMENT

Mayor Hamilton adjourned the meeting at 10:21 p.m.