

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 20, 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:

None.

STAFF PRESENT:

City Manager Gary Luebbers
City Attorney David Kahn
Director of Finance Grace Leung
Deputy Chief of Public Safety Dayton Pang
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
Director of Environmental Services Department John Stufflean
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR SEPTEMBER 20, 2011

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

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

SPECIAL ORDER OF THE DAY – City Clerk Kathleen Franco Simmons issued the Oath of Office to newly appointed Commission members.

PUBLIC ANNOUNCEMENTS

Faye Rachford, Energy Upgrade California, announced an upcoming homeowners' workshop.

CONSENT CALENDAR

Councilmember Whittum pulled Item 1.A from the Consent Calendar.

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

VOTE: 6 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of September 13, 2011

Councilmember Whittum offered an amendment to the minutes, page 5, on the motion on agenda item 4., the phrase at the bottom "in the conditions of approval" should be "in the IS/MND."

MOTION: Councilmember Whittum moved and Vice Mayor Griffith seconded the motion to approve Item 1.A, as amended.

VOTE: 6 - 0

- 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 11-206 No. 572

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Approval of Budget Modification No. 9 to Appropriate Office of Economic
RTC 11-204 Adjustment Grant Funding for Onizuka Air Force Station (AFS) Base
Realignment and Closure

Staff Recommendation: Approve Budget Modification No. 9 to appropriate the Office of Economic Adjustment's Redevelopment Plan Amendment Funding and local City match.

- 1.E. MOTION Approval of Budget Modification No. 7 to Recognize Grant Funding and
RTC 11-190 Appropriate Funds for a West Channel Trail Conceptual Design Study

Staff Recommendation: Approve Budget Modification No. 7 to appropriate \$75,000 of grant funding from the Santa Clara Valley Transportation Authority (VTA), and \$20,000 from dedicated local transportation grant matching funds to a new project, West Channel Trail Conceptual Design Study.

Contracts

- 1.F. MOTION Award of Bid No. F1107-04 for Raynor Water Well Rehabilitation
RTC 11-207

Staff Recommendation: Award a contract in the amount of \$306,500, to Blocka Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met; and approve a 10% construction contingency in the amount of \$30,650.

Other Items

- 1.G. MOTION Approval of Final Map (Tract No. 10081) – Seven-unit single family
RTC 11-205 homes at 408 Flora Vista Avenue

Staff Recommendation: Approve the final map for Tract No. 10081; 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 forward the final map for recordation.

- 1.H. ORDINANCE Adoption of Ordinance No. 2955-11 Approving and Adopting a First
NO. 2955-11 Amendment to the Development Agreement among MT SPE, LLC,
Moffett Park Drive, LLC and the City of Sunnyvale (Lot 1 and Ariba
Campus)

Staff Recommendation: Approve second reading of Ordinance No. 2955-11.

- 1.I. ORDINANCE Adoption of Ordinance No. 2956-11 Approving and Adopting a First
NO. 2956-11 Amendment to the Development Agreement between Moffett Towers
Lot 3, LLC and the City of Sunnyvale (Lot 3)

Staff Recommendation: Approve second reading of Ordinance No. 2956-11.

- 1.J. ORDINANCE Adoption of Ordinance No. 2957-11 Enacted pursuant to Health and
NO. 2957-11 Safety Code Section 34193 to Elect and Implement Participation by
the City of Sunnyvale and the Redevelopment Agency of the City of
Sunnyvale in the Voluntary Alternative Redevelopment Program
Pursuant to Part 1.9 of the California Community Redevelopment Law

Staff Recommendation: Approve second reading of Ordinance No. 2957-11.

- 1.K. RESOLUTION Resolution of the City Council of the City of Sunnyvale Approving and
RTC 11-208 Authorizing the Execution of the Agency Transfer Payment Agreement
with the Redevelopment Agency of the City of Sunnyvale Pursuant to
Part 1.9 of the Redevelopment Law

Staff Recommendation: Approve a Resolution of the City Council of the City of Sunnyvale approving and authorizing the execution of the Agency Transfer Payment Agreement with the Redevelopment Agency of the City of Sunnyvale pursuant to Part 1.9 of the Redevelopment Law.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Fair Oaks Avenue/Route 237 Parking Facility Study – Study Issue
RTC 11-203

Vice Mayor Griffith stated this issue which focuses on Fair Oaks and Route 237 has been tied to parking on Karlstad Drive and at the point that happens it creates a conflict of interest for him. He stated for that reason he would recuse himself, and left the room.

Director of Public Works Kent Steffens presented the staff report.

Public hearing opened at 7:14 p.m.

Danny Saldanha, resident near the subject area, asked that the issue be revisited in greater detail.

Public hearing closed at 7:18 p.m.

MOTION: Councilmember Whittum moved and Councilmember Moylan seconded the motion to approve Alternative 1: Accept the findings of the study issue and take no further action on the establishment of a self-pay, improved parking facility at the City property at Fair Oaks Avenue and Route 237.

FRIENDLY AMENDMENT: Councilmember Moylan offered a modification to add, “at such time that a 49ers Stadium is constructed, the City may want to revisit the issue.” Councilmember Whittum accepted.

VOTE: 5 - 0 (Vice Mayor Griffith absent by recusal)

Following the hearing of this item, Vice Mayor Griffith returned to the room and took his seat at the dais.

3. MOTION Toll Brothers: Applications for a 10-acre site located at 700 Timberpine
RTC 11-196 Avenue in an R-0/PD Zoning District (APN: 213-12-002): 2010-7672 -
Appeal of a decision by the Planning Commission to approve a Special
Development Permit to allow the development of 51 new single-family
homes; and Vesting Tentative Map for 51 parcels and one remnant lot.

Mayor Hamilton reported the appellant withdrew the appeal.

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:36 p.m.

Applicant Rick Nelson, Division President, Toll Brothers, provided written materials and addressed questions of Council.

Ratendra Pandey expressed concerns regarding projections into the road and suggested they might pose hazards to vehicles and bicyclists. Pandey stated access to the property from south of El Camino would be through Poinciana Drive, and proposed a stop on Poinciana.

Barbara Hamel inquired about tax revenue from the homes, and whether a market study has been done to identify if there are buyers for homes in the price range. Hamel commented that traffic on Poinciana is dangerous.

The applicant addressed comments regarding street projections.

Public hearing closed at 7:56 p.m.

MOTION: Councilmember Spitaleri moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Deny the appeal and adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

VOTE: 4 - 2 (Councilmembers Moylan and Whittum dissented)
Motion carried.

4. MOTION 2011-7552: Application to Initiate a General Plan Amendment to study a
RTC 11-195 change in the Land Use Designation of a City-owned site located at 620
 E. Maude Avenue (also known as the Armory site) from Industrial to
 Residential Medium Density to Very High Density Residential

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 8:17 p.m.

Mathew Franklin, President, MidPen Housing, stated MidPen and Charities Housing are very interested in the Armory site for affordable housing and requested approval of the staff recommendation.

Arthur Schwartz spoke in favor of the plan.

Public hearing closed at 8:25 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Approve the request to initiate a General Plan Amendment study to study changing the General Plan Land Use Designation to Industrial to Very High Density Residential for the site.

VOTE: 6 - 0

5. MOTION Approve an Exclusive Negotiating Agreement (ENA) between the City
RTC 11-185 and MidPen Housing Corporation and Charities Housing Development
 Corporation as the Developers of an Affordable Housing Project at 620
 East Maude Avenue

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 8:27 p.m.

No speakers.

Public hearing closed at 8:27 p.m.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded the motion to approve: Alternative 1: Approve the Exclusive Negotiated Agreement between the City and MidPen Housing Corporation and Charities Housing Development Corporation for development of affordable housing on the City-owned Armory site.

VOTE: 6 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Moylan reported he received clarification regarding how Pastoria Avenue was selected by Valley Transportation Authority Bicycle and Pedestrian Advisory Committee for a bicycle lane project.

NON-AGENDA ITEMS & COMMENTS

Mayor Hamilton reported a successful Mayor's Round Table with a number of Sunnyvale biotech companies.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

Mayor Hamilton adjourned to the Redevelopment Agency at 8:31 p.m.