

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 27, 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
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

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

Grace Kay, Silicon Valley Leadership Group, announced the Annual Silicon Valley Turkey Trot.

CONSENT CALENDAR

A member of the public pulled item 1.D from the Consent Calendar.

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

VOTE: 6 – 0

- 1.A. MOTION Approval of Council Meeting Minutes of September 20, 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 11-211 No. 573

Staff Recommendation: Review the attached lists of bills.

- 1.D. RESOLUTION Re-Programming of Federal Transportation Funding from East Channel
RTC 11-214 Trail Project to Downtown Streetscape Project, Approval of Resolution of
Support, and Approval of Budget Modification No. 8

Councilmember Whittum announced his home is within 500 feet, recused himself, and left the room.

Public Hearing opened at 7:07 p.m.

Kevin Jackson stated he hopes the City does everything it can to ensure the project is completed as planned.

Public Hearing closed at 7:09 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Lee seconded the motion to approve Alternative 1: Approve the Resolution of Support committing to complete the Downtown Streetscape Phase II project and stating the City's understanding of the funding process, invalidate previously approved Resolution 467-11 committing to complete the East Channel Trail Project utilizing Federal funds, and approve Budget Modification No. 8 to re-appropriate grant revenues in the amount of \$594,000 from the East Channel Trail project to the new Downtown Streetscape Phase II project as well as appropriate the total required local match of \$149,000 from dedicated local transportation grant matching funds.

VOTE: 5 - 0 (Councilmember Whittum recused)

- 1.E. MOTION Agreement Between the City of Sunnyvale and Silicon Valley Leadership
RTC 11-210 to Provide Leadership Sunnyvale Training Program

Staff Recommendation: Approve Attachment A, In-Kind Services Agreement between the City of Sunnyvale and SVL; and Attachment B, Outside Group Funding Agreement and authorize the City Manager to enter into said Agreements.

Personnel

- 1.F. RESOLUTIONS Amendment to the Salary Resolution and Classification Plan to Include
RTC 11-218 the Following Classification Title Changes: Wastewater Collections
Supervisor; Public Works Supervisor; Water Distribution Supervisor;
Wastewater Collections Crew Leader; Public Works Crew Leader; Senior
Maintenance Worker; Senior Wastewater Collections Worker;
Maintenance Worker I/II; Public Safety Maintenance Worker; WPC
Mechanic; Senior WPC Mechanic; Heavy Equipment Operator; WPCP
Division Manager; Solid Waste Programs Division Manager; Parks
Manager; Community Services Manager; Street Operations Manager;
Wastewater Operations Manager; Utility Billing Manager; and, Director of

Environmental Services

Staff Recommendation: Alternative 1: Adopt resolutions to amend the City's Classification Plan and Salary Resolution to change the classification titles that will become effective on September 28, 2011.

- 1.G. RESOLUTIONS Amendment to the Salary Resolution and Classification Plan to Include
RTC 11-219 the New and Revised Classifications of Water and Sewer Systems
Division Manager and Regulatory Programs Division Manager

Staff Recommendation: Alternative 1: Adopt resolutions to amend the City's Classification Plan and Salary Resolution to include the following new and revised classifications: Water and Sewer Systems Division Manager and Regulatory Programs Division Manager that will become effective on September 27, 2011.

Other Items

- 1.H. RESOLUTION Community Design and Transportation Program Grant Application for
RTC 11-212 Downtown Sunnyvale Gateway Project – Resolution of Support

Staff Recommendation: Alternative 1: Approve the Resolution of Support for Transportation Enhancement Funding through the VTA CDT Program for a Sunnyvale Downtown Gateways project.

PUBLIC COMMENTS

Alany Helmantoler expressed concern regarding the City's response to her public records request regarding firearms.

PUBLIC HEARINGS/GENERAL BUSINESS

2. ORDINANCE Location and Operation of Firearm Sales Businesses (Study Issue)
RTC 11-209

This item was heard following Item 3.

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 7:58 p.m.

Kris Adler spoke regarding the importance of looking at the facts found by the study and recommended a vote for no zoning.

Frank Lacy expressed concerns regarding increasing gun regulations and asked Council to do nothing.

Brad Seifers stated the vast majority of guns used in crimes are not sold in retail establishments and that it is not the time to be discouraging businesses from opening in the City.

Jeffrey Sato, federally licensed firearms dealer operating out of his home, discouraged adoption of the ordinance.

Steve Sarette stated the ordinance is unnecessary and urged Council to reject it.

Dan Walsh requested Council not pass additional zoning restrictions on gun stores.

Paul Tomaszewski encouraged Council to not enact further regulations.

Anne Tomaszewski requested Council not enact further restrictions and zoning regulations to gun stores in Sunnyvale.

Cari Napoles requested concurrence with the Planning Commission's recommendation and suggested Council go further and look at regulation of ammunition, inspection of inventory and restriction of minors from entering the store without being accompanied by an adult.

Julie Hensen, member, Legal Community Against Violence, spoke regarding smart and proactive gun regulations.

Lindsay Nichols, attorney, Legal Community Against Violence, stated LCAV supports the regulations and provided information regarding gun violence. Nichols recommended additional regulations including a one thousand foot buffer.

Martin Lee urged a no vote on the ordinance.

Daniel Lacero spoke in opposition to the correlation of gun stores with adult businesses and liquor stores and spoke regarding second amendment rights.

Loran Courpet, home gun dealer, provided information regarding his activities promoting responsible gun ownership and urged Council to reject the Planning Commission recommendation.

David O'Brien spoke in opposition to the Planning Commission recommendation.

Alany Helmantoler expressed concern regarding the proposed regulations and provided written materials.

Dan Todd stated there is no significant safety issue and spoke regarding the fundamental right of citizens to have guns.

Laura Cutilletta, attorney, Legal Community Against Violence, provided information regarding gun crimes and a model law written by LCAV included in Attachment L.

Paul Hogan stated he is not a gun owner, however he is not worried about retail gun sales and expressed concerns about the City of Sunnyvale becoming a ping pong between a San Francisco non-profit and the NRA, and the City potentially spending hundreds of thousands of dollars defending a statute they have adopted.

Eric Fisher, owner, US Firearms, stated the store is heavily regulated and he is liable if any of his employees have a criminal background.

Public hearing closed at 9:20 p.m.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded the motion to approve Alternative 3, similar to Alternative 1, with modifications: Introduce an ordinance to amend the Municipal Code, with modifications to remove 1.b Amend the Zoning District Tables (Title 19) to prohibit firearm sales in any commercial and industrial zoning districts located within 200 feet of a public school, and replace it with 3.b. Require a Use Permit with noticed public hearing; and add 1.c. i. Amend Title 9 to require a new Firearm Dealer Permit issued by the Director of Public Safety to require a security plan to include inventory and checks on ammunition, subject to approval by DPS.

VOTE: 1 - 5 (Councilmember Lee, Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmember Whittum dissented)
Motion failed.

MOTION: Councilmember Spitaleri moved and Councilmember Whittum seconded the motion to approve Alternative 4: Make no changes to the existing code requirements.

VOTE: 4 - 2 (Mayor Hamilton and Councilmember Moylan dissented)
Motion carried.

3. MOTION Approval of Revision to the Orchard Heritage Park Master Plan
RTC 11-216

This item was heard prior to Item 2.

Superintendent of Parks Scott Morton presented the staff report.

Public Hearing opened at 7:18 p.m.

Laura Babcock, Sunnyvale Historical Society, spoke in support of the revision to the master plan.

Public Hearing closed at 7:21 p.m.

MOTION: Councilmember Lee moved and Councilmember Whittum seconded the motion to approve the proposed site plan of Orchard Heritage Park as depicted by Attachment A.

VOTE: 6 - 0

4. MOTION Selection of a Council Representative to Negotiate Representation on the
RTC 11-215 Santa Clara Valley Transportation Authority (VTA) Board of Directors

Mayor Hamilton reported City staff pulled this item from the agenda.

5. COUNCIL Report from Campaign Ethics Subcommittee and Possible Action by
DISCUSSION Council

Councilmember Moylan presented the report.

MOTION: Vice Mayor Griffith moved and Councilmember Lee seconded the motion to remand the matter of one City-sponsored forum/debate back to the Ethics Subcommittee, giving the committee final authority to set the date and carry out the details.

VOTE: 6 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Moylan reported he carried out Council's wishes at the League of California Cities Annual Business Meeting.

Councilmember Spitaleri reported a meeting of the LCC Employee Relations Policy Committee in which pension reform was discussed.

Mayor Hamilton reported a meeting of the LCC Revenue and Taxation Policy Committee in which a legislative update was provided.

NON-AGENDA ITEMS & COMMENTS

None.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-213 Opportunity for Council to appeal decisions of the Planning Commission of September 12, 2011 and the Zoning Administrator Hearing of September 14, 2011
- RTC 11-217 Board/Commission Resignation (Information Only)
- Draft Minutes from the Bicycle and Pedestrian Advisory Commission Special Meeting of August 18, 2011
- Draft Minutes from the Heritage Preservation Commission Meeting of September 7, 2011
- Draft Minutes from the Board of Library Trustees Meeting of September 12, 2011
- Draft Minutes from the Parks and Recreation Commission Meeting of September 14, 2011

ADJOURNMENT

Mayor Hamilton adjourned the meeting at 9:58 p.m.