

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, OCTOBER 18, 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 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

SPECIAL ORDER OF THE DAY – Mayor Hamilton presented a proclamation to Bobbe Smirni declaring October Breast Cancer Awareness Month.

SPECIAL ORDER OF THE DAY – Mayor Hamilton presented a proclamation to Arts Commissioner Noelle Hughes and Director of Library and Community Services Lisa Rosenblum declaring October National Arts and Humanities Month.

CLOSED SESSION REPORT FOR OCTOBER 18, 2011

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

Vice Mayor Griffith reported Council met in Closed Session for a Conference with Real Property Negotiator. No direction was given; no action was taken.

**Approved by Council 11/01/2011*

PUBLIC ANNOUNCEMENTS

Councilmember Moylan announced the City-sponsored Candidate Forum.

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

CONSENT CALENDAR

Vice Mayor Griffith pulled Item 1. F and a member of the public requested to pull Item 1.J from the Consent Calendar.

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

VOTE: 6 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of October 4, 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 11-229 No. 575 & 576

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION City of Sunnyvale Investment Report – 3rd Quarter 2011
RTC 11-230

Staff Recommendation: Receive and file the investment report.

Contracts

- 1.E. MOTION Award of Contract for the Design of the Sunnyvale Avenue/Old San
RTC 11-228 Francisco Road Intersection (Re-issue) (F1107-02)

Staff Recommendation: Award a contract in the amount of \$183,940 to BKF Engineers 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% design contingency in the amount of \$18,394.

- 1.F. MOTION Rejection of Bid No. F1107-05 for Tasman-Fair Oaks Pedestrian and
RTC 11-234 Bicycle Circulation Plan Improvements – Phase 2

Vice Mayor Griffith stated he has a conflict of interest as his residence is within 500 feet, recused himself and left the room.

Public hearing opened at 7:16 p.m.

No speakers.

Public hearing opened at 7:16 p.m.

MOTION: Councilmember Lee moved and Councilmember Moylan seconded the motion to reject both bids received in response to Invitation for Bids No. F1107-05 for Tasman-Fair Oaks Pedestrian and Bicycle Circulation Plan Improvements – Phase 2.

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

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

- 1.G. MOTION Award of Contract for Camera Inspection Monitoring System and Vehicle
RTC 11-231 (F1004-101)

Staff Recommendation: Award a contract for a camera inspection monitoring system in the amount of \$147,220 to WECO Industries.

- 1.H. MOTION Award of Contracts for Piping Supplies (F1108-13)
RTC 11-232

Staff Recommendation: Award two one-year contracts, not-to-exceed the budgeted amount, to R & B Company of San Jose and to Corix Water Products of Santa Clara for piping supplies; and delegate authority to the City Manager to exercise an option to extend the contracts for two additional one-year periods, provided that price and service remain acceptable to the City.

Personnel

- 1.I. RESOLUTION Amendment of the City's Contribution for CalPERS Medical Insurance
RTC 11-233 for Management, SEA and SEIU Annuitants (Retirees)

Staff Recommendation: Alternative 1: Adopt the resolution amending the City's contribution for medical insurance with CalPERS in compliance with PEMHCA, and to amend the Salary Resolution to reflect the change in contribution for Management, SEA and SEIU annuitants.

Other Items

- 1.J. ORDINANCE Adoption of Ordinance No. 2958-11 Awarding Nonexclusive Franchise
NO. 2958-11 to Lashkar Singh and Amarjit Singh (Silicon Valley Cab Company, Inc.),
Doing Business as Silicon Valley Cab Co.

Public hearing opened at 7:18 p.m.

Carmen Calderon stated she objects to adding another taxi cab service citing issues with competition and parking at the Caltrain parking lot.

Public hearing closed at 7:19 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the second reading of Ordinance No. 2958-11.

VOTE: 6 - 0

PUBLIC COMMENTS

Tap Merrick spoke regarding the importance of gun control and requested support of a 28th Amendment to the U.S. Constitution.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2011-7652: Application to Initiate a General Plan Amendment to study a change in the Land Use Designation of a property located at 620 Iris Avenue (Highlander Apartments) from Residential High Density to Residential Very High Density
RTC 11-227

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:42 p.m.

Marvin Bamburg, Architect, on behalf of the applicant, responded to questions from the Council.

Public hearing closed at 7:45 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Initiate the GPA study as requested for 620 Iris Avenue to study a change from Residential High Density to Residential Very High Density.

VOTE: 6 - 0

3. MOTION Approve the Final Initial Study and Adopt the Mitigated Negative Declaration and the Mitigated Monitoring and Reporting Program in Accordance with the California Environmental Quality Act (CEQA) for Morse Avenue Neighborhood Park
RTC 11-226

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

Public hearing opened at 7:54 p.m.

No speakers.

Public hearing closed at 7:54 p.m.

MOTION: Councilmember Lee moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Approve the Final Initial Study, adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Morse Avenue Neighborhood Park Project.

VOTE: 6 - 0

4. ORDINANCE Award of Taxicab Franchise to Rahul Malik and Tesfalem Abraha dba
RTC 11-224 Green Cab

Mayor Hamilton announced Items 4 and 5 would be considered at the same time.

Deputy Chief of Public Safety Dayton Pang presented the staff reports for Items 4 and 5.

Public Hearing opened at 7:57 p.m.

No speakers.

Public Hearing closed at 7:57 p.m.

MOTION: Councilmember Spitaleri moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to Rahul Malik and Tesfalem Abraha dba Green Cab for the period October 18, 2011 through October 17, 2013 per applicants' request and authorize the City Manager to execute necessary documents of agreement and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 6 - 0

Councilmember Spitaleri sponsored a study issue to look at the regulation of cab companies and limousine services in the City, areas of regulation, permits and such, as it affects the City of Sunnyvale, and to study consideration of a Charter amendment to allow for approval of these franchises at the staff level.

Councilmember Moylan and Vice Mayor Griffith co-sponsored the study issue.

Councilmember Lee co-sponsored the study issue with the addition of a study of the rules and the City's role regarding fare structure for cab services.

5. ORDINANCE Award of Taxicab Franchise to Barkat Osman dba All Time Cab
RTC 11-225

Public Hearing opened at 7:57 p.m.

No speakers.

Public Hearing closed at 7:57 p.m.

MOTION: Councilmember Spitaleri moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to Barkat Osman dba All Time Cab for the period October 18, 2011 through October 17, 2013 per applicant's request and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE 6 - 0

6. MOTION Consideration of Alternatives for Santa Clara Valley Transportation
RTC 11-236 Authority Board of Directors Representation

Director of Public Works Kent Steffens presented the staff report.

Public hearing opened at 8:12 p.m.

No speakers.

Public hearing closed at 8:12 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Moylan seconded the motion to approve Option 2 Rotation with Population Weighting.

FRIENDLY AMENDMENT: Councilmember Moylan requested to amend the motion to broaden it to allow the Mayor more discretion in the event Option 2 does not work out. Councilmember Spitaleri accepted the amendment.

VOTE 4 - 2 (Vice Mayor Griffith and Mayor Hamilton dissented)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Mayor Hamilton reported a meeting of the Legislative Action Committee of the Santa Clara County Cities Association.

NON-AGENDA ITEMS & COMMENTS

Councilmember Whittum reported he attended the 50th anniversary of the El Camino Hospital District.

Councilmember Lee congratulated El Camino Hospital District on their 50th anniversary.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes from the Bicycle and Pedestrian Advisory Commission Special Meeting of September 22, 2011
- Draft Minutes from the Board of Library Trustees Meeting of October 3, 2011

ADJOURNMENT

Mayor Hamilton adjourned the meeting at 8:25 p.m.

Kathleen Franco Simmons
City Clerk

Date