

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, NOVEMBER 1, 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 David Whittum

ABSENT:

Councilmember Anthony (Tony) Spitaleri

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 Environmental Services John Stufflebean
Director of Public Works Kent Steffens
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

MOTION: Vice Mayor Griffith moved and Councilmember Lee seconded the motion to approve the Consent Calendar.

VOTE: 5 - 0 (Councilmember Spitaleri absent)

- 1.A. MOTION Approval of Council Meeting Minutes of October 18, 2011
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

**Approved by Council 11/15/2011*

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 11-239 No 577 & 578

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Budget Modification No. 4 to Appropriate \$162,594 of Department of
RTC 11-242 Homeland Security, State Homeland Security Grant Program Funds for
Training

Staff Recommendation: Alternative 1: Approve Budget Modification No. 4 to appropriate \$162,594 of Department of Homeland Security, State Homeland Security Grant Program funds to a special project for training purposes.

- 1.E. MOTION Budget Modification No. 5 to Appropriate \$83,721 of Department of
RTC 11-243 Homeland Security, State Homeland Security Grant Program Funds for
2011 Urban Shield

Staff Recommendation: Alternative 1: Approve Budget Modification No. 5 to appropriate \$83,721 of Department of Homeland Security, State Homeland Security Grant Program funds to a special project for 2011 Urban Shield.

Contracts

- 1.F. MOTION Amendment of Outside Counsel Agreement with Bertrand, Fox & Elliot
RTC 11-238 for Litigation Advice and Services

Staff Recommendation: Alternative 1: Approve a Fourth Amendment to the Outside Counsel Services Agreement with Bertrand Fox & Elliot for legal services in an additional amount not to exceed a total contract amount of \$650,000, and extending the term to 2015.

Other Items

- 1.G. ORDINANCE Adoption of Ordinance No. 2959-11 Award of Taxicab Franchise to
NO. 2959-11 Rahul Malik and Tesfalem Abraha dba Green Cab

Staff Recommendation: Approve second reading of Ordinance No. 2959-11.

- 1.H. ORDINANCE Adoption of Ordinance No. 2960-11 Award of Taxicab Franchise to
NO. 2960-11 Barkat Osman dba All Time Cab

Staff Recommendation: Approve second reading of Ordinance No. 2960-11.

PUBLIC COMMENTS

Tap Merrick spoke regarding integrity in advertising in publications supporting Measure A.

Holly Lofgren expressed concerns regarding a proposed loss of a number of parking spaces in the parking lot at Fremont Pool.

Steve Hoffman spoke regarding his opposition to Measure A and asked that Councilmembers who have received contributions from developers recuse themselves from making any decision that would benefit those developers.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2010-7090 Phase 1 Report for Lawrence Station Area Plan (SAP)
RTC 11-240

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:32 p.m.

Ray Crump spoke in support of the protection of the existing residential area and expressed concerns regarding traffic impacts of the proposed grade separations at the Reed-Lawrence or Kifer-Lawrence intersections, the question of whether Caltrain will continue to use Lawrence Station and the issue of the long-term plan of Caltrain to electrify their system.

Tap Merrick spoke regarding the need for expanded bus cross-transportation to Lawrence Station.

Robert Swierk, Senior Transportation Planner, Valley Transportation Authority, reported that the direction of the Phase 1 study is in line with Valley Transportation Authority's goals and policies, and encouraged Council to accept the Phase 1 plan. Swierk responded to questions from Council.

Arthur Schwartz spoke regarding consideration of tricycles in design of bicycle lanes and requested that in the documentation of this and other projects, the definition of bicycle include tricycles. He stated bicycle lanes should be designed to measure four to five feet from the edge of the concrete as now exists on Remington Drive.

Public hearing closed at 7:50 p.m.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 1: Accept the first phase plan for Lawrence SAP as provided in Lawrence Station Area Plan (Attachment B), and explicitly state that every point raised in the Council Study Session, the public hearing and various other meetings be specifically addressed in Phase 2.

VOTE: 5 - 0 (Councilmember Spitaleri absent)

3. MOTION Consider Municipal Code Revisions to Allow for the Filtering of
RTC 11-244 "Graywater" and the reuse of Filtered Graywater for Household Purposes

Director of Environmental Services John Stufflebean presented the staff report.

Public hearing opened at 8:07 p.m.

No speakers.

Public hearing closed at 8:07 p.m.

MOTION: Councilmember Whittum moved and Councilmember Moylan seconded the motion to approve Alternative 2: Adopt the Resolution of Findings determining the need for modifications to the 2010 Plumbing Code and ordinance modifying Chapter 16.24 Section 16.24.030 of the Sunnyvale Municipal Code.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 5 - 0 (Councilmember Spitaleri absent)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported he attended a South Bay Salt Pond Restoration Project Stakeholder Forum and a kickoff workshop for the Bay Area Regional Disaster Resilience Initiative.

Vice Mayor Griffith reported a meeting of the County Recycling and Waste Reduction Commission in which issues regarding Kirby Canyon were discussed.

NON-AGENDA ITEMS & COMMENTS

None.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Housing and Human Services Commission Meeting of September 28, 2011

ADJOURNMENT

Councilmember Moylan closed the meeting in memory of Dave Severns.

Mayor Hamilton adjourned the meeting 8:16 p.m.

Kathleen Franco Simmons
City Clerk

Date