

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, NOVEMBER 29, 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
Assistant City Manager Robert Walker
City Attorney David Kahn
Director of Finance Grace Leung
Chief of Public Safety Frank Grgurina
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
Director of Human Resources Teri Silva
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR NOVEMBER 15, 2011

Closed Session pursuant to Government Code Section 54957 - Public Employee Performance Evaluations

Vice Mayor Griffith reported Council met in Closed Session November 15, 2011 to discuss Employee Evaluations; no direction was given; no action was taken.

SPECIAL ORDER OF THE DAY – City Clerk Kathleen Franco Simmons administered the ceremonial oath of office to newly appointed board and commission members.

PUBLIC ANNOUNCEMENTS

Councilmember Moylan announced an upcoming radio program to be presented by Judge Cordell regarding proposed legislation to replace the death penalty with life without the possibility of parole.

Councilmember Moylan announced information regarding the “*Movember*” fundraiser for prostate cancer research.

Mayor Hamilton announced the upcoming Lakewood Village Neighborhood Association’s Annual Parade and the Downtown Christmas Tree Lighting event.

Mayor Hamilton welcomed new Chief of Public Safety Frank Grgurina.

Jeanine Stanek welcomed Chief of Public Safety Frank Grgurina on behalf of Sunnyvale Historical Society and Museum Association.

CONSENT CALENDAR

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

VOTE: 6 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of November 15, 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 11-256 No. 581

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Appropriation of \$20,050 of Library Services and Technology Act (LSTA)
RTC 11-237 Student Projects Using Microsoft Surface Grant Funds and Approval of
Budget Modification No. 12

Staff Recommendation: Approve Budget Modification No. 12 to appropriate Library Services and Technology Act Grant Funds in the amount of \$20,050.

Contracts

- 1.E. MOTION Award of Bid No. F1109-20 for Morse Avenue Neighborhood Park
RTC 11-257 Development, Fair Oaks Industrial Complex – Building Demolition

Staff Recommendation: Award a contract in the amount of \$414,300, to Evans Brothers, Inc., for the subject project, and authorize the City Manager to execute the contract when all

necessary conditions are met; and approve a 15% construction contingency in the amount of \$62,145.

- 1.F. MOTION Award of Contract for the Cooperative Purchase of Industrial and
RTC 11-259 Commercial Supplies (F1111-26)

Staff Recommendation: Award a one-year contract, not-to-exceed budgeted amounts, for citywide industrial and commercial supplies, to Grainger, based upon the State of California Western State Contracting Alliance (WSCA) cooperative contract and authorize the City Manager to exercise an option to extend the contract for two additional one-year periods, provided that pricing and service remain acceptable to the City.

- 1.G. MOTION Award of a Contract for the Design of the Rehabilitation of Anaerobic
RTC 11-261 Digesters No. 1 and 2 (F1004-100)

Staff Recommendation: Award a contract in an amount not-to-exceed \$968,048, to Kennedy/Jenks Consultants, for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 15% design contingency in the amount of \$145,207.

Other Items

- 1.H. ORDINANCE Adoption of Ordinance No. 2962-11 Awarding Nonexclusive Franchise to
2962-11 Jatinder Kumar, Doing Business As Classic Cab

Staff Recommendation: Approve the second reading of Ordinance No. 2962-11.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

2. ORDINANCE Notice of Intention to Amend the CalPERS Contract to Provide
RESOLUTIONS 20475 (Different Level of Benefits), and 21363.1 (3% @ 55 Full
RTC 11-255 Formula) Applicable to Local Safety Members Entering Membership for
the First Time in a Safety Classification

Director of Human Resources Teri Silva reported this item will be postponed and brought back at a later date.

3. ORDINANCE Proposed Ordinance Allowing Neighborhood Preservation to More
RTC 11-253 Effectively Address Blighted and Vacant Properties

Neighborhood Preservation Manager Christy Gunvalsen presented the staff report.

Public hearing opened at 7:23 p.m.

Speakers:

Teri Lockhart provided information regarding a dilapidated house at Worley and Balsam which has been a neighborhood nuisance for fifteen years.

Public hearing closed at 7:26 p.m.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded the motion to approve Alternative 1: Amend Section 9.26.030 of Chapter 9.26 (Abatement of Nuisances) to provide that the following conditions are a nuisance:

- a. Any building or structure that is abandoned, partially destroyed, or left in an unreasonable state of partial construction with no active building permits.
- b. Vacant buildings, structures, or properties that pose a threat to the health, safety, or general welfare of the community; are poorly maintained; are dilapidated; are unsecured; attract illegal activity, trespassers or malicious mischief; or that constitute an attractive nuisance, fire hazard, or other dangerous condition.
- c. Boarded-up structures or buildings not having exterior grade plywood, or similar high quality materials, painted to match the existing and predominant color of the structure and installed to fit the exact doorway or window openings, so as to diminish the effects on surrounding properties.
- d. Any condition of blight, nuisance condition, or use of property so out of conformity with the general standards or maintenance of nearby properties as to cause substantial diminution of the enjoyment, use, or property values of nearby properties, as determined by the enforcing officer.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 6 – 0

Councilmember Moylan proposed a study issue for “Tools for dealing with neighborhood preservation issues related to interiors of buildings.”

Councilmember Lee seconded the study issue.

4. ORDINANCE Amendment of the Building Code (Title 16) to Require Electric Car
RESOLUTION Chargers in New Residential Developments (Study Issue)
RTC 11-258

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:32 p.m.

No speakers.

Public hearing closed at 7:32 p.m.

MOTION: Councilmember Lee moved and Vice Mayor Griffith seconded the motion to approve Alternatives 1 and 3:

1. Adopt the Resolution of Finding and Determining the Need for Modifications to the Building Code (Attachment B) and the proposed ordinance (Attachment C), with an effective date of July 1, 2012, to require the following:

- new residential construction where private garages/carports (typically single family detached and townhouses) are attached to individual dwelling units, require the garage to be pre-wired for a Level 2 electric car charger, and
- new residential construction where shared parking is provided (typically condominiums and apartments), require 12.5% of required parking spaces to be pre-

wired for Level 2 electric car chargers. Operational issues and locations shall be specified in a parking management plan.

3. Direct staff to include provisions in the City's green building program to encourage or provide incentives for the installation of electric car chargers in apartments and condominiums. This would be included in the residential green building program review that is scheduled for the City Council action in April 2012.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 6 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council

Councilmember Whittum reported a meeting of the West Valley Flood Protection Watershed Advisory Committee for the Santa Clara Valley Water District.

Mayor Hamilton reported a meeting of the Mayor and Council Economic Institute.

- City Manager

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-260 2010-7148: Retooling the Zoning Code - Title 19 (Information Only)
- RTC 11-262 Opportunity for Council to Appeal Decisions of the Planning Commission of November 14, 2011 and the Zoning Administrator Hearing of November 16, 2011
- Study Session Summary of November 15, 2011 - Discussion of Council 2012 Intergovernmental Relations Assignments
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of October 20, 2011
- Draft Minutes of the Board of Library Trustees Meeting of November 7, 2011
- Draft Minutes of the Parks and Recreation Commission Meeting of November 9, 2011

ADJOURNMENT

Mayor Hamilton adjourned the meeting at 7:40 p.m.

Kathleen Franco Simmons
City Clerk

Date