

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, FEBRUARY 28, 2012

CALL TO ORDER

Vice Mayor Whittum called the meeting to order in the Council Chambers.

SALUTE TO THE FLAG

Vice Mayor Whittum led the salute to the flag.

ROLL CALL

PRESENT:

Vice Mayor David Whittum
Councilmember Christopher Moylan
Councilmember Jim Griffith
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Jim Davis

ABSENT:

Mayor Anthony (Tony) Spitaleri (excused)

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
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR FEBRUARY 28, 2012

Closed Session pursuant to Govt. Code Section 54956.8 – Conference with Real Property Negotiators

Vice Mayor Whittum reported the closed session regarding *Conference with Real Property Negotiators* was continued to follow adjournment of the regular session meeting.

SPECIAL ORDER OF THE DAY – Vice Mayor Whittum and Heritage Preservation Chair Jeanine Stanek provided a presentation of recognition in Memory of Former Heritage Preservation Commissioner and Charter Review Committee Member Ted Ringel to members of his family.

**Approved as amended by Council 3/6/2012*

PUBLIC ANNOUNCEMENTS

Councilmember Meyering announced recruitment and application deadline for upcoming openings on Boards and Commissions.

Councilmember Moylan provided an announcement regarding an upcoming community outreach meeting coordinated by the Greenbelt Alliance to provide information on the Grand Boulevard Initiative.

Former Mayor Melinda Hamilton announced an upcoming Centennial Writing Contest for Kindergarten through Fifth grade students.

Marie Bernard announced the Miniature Art Show at the Sunnyvale Art Gallery through the month of March.

CONSENT CALENDAR

Councilmember Griffith pulled item 1.A, Councilmember Meyering pulled Item 1.J, and Councilmember Davis pulled Item 1.I from the Consent Calendar.

MOTION: Councilmember Griffith moved and Councilmember Moylan seconded the motion to approve the Consent Calendar, with the exception of Items 1.A, 1.I and 1.J.

VOTE 6 - 0 (Mayor Spitaleri absent)

1.A. MOTION Approval of Council Meeting Minutes of February 3, 2012

Public comment opened at 7:17 p.m.

No speakers.

Public comment closed at 7:17 p.m.

MOTION: Councilmember Griffith moved and Councilmember Moylan seconded the motion to refer the minutes to staff to re-order the items in the order they were actually voted on.

VOTE 6 - 0 (Mayor Spitaleri absent)

1.B. MOTION Approval of Council Meeting Minutes of February 7, 2012

1.C. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager
RTC 12-046

Staff Recommendation: Review the lists of bills.

- 1.E. MOTION Budget Modification No. 23 to Appropriate \$330,415 of Supplemental
RTC 12-045 Law Enforcement Services Funding and \$4,335 of Justice Assistance
Grant Funding

Staff Recommendation: Alternative 1: Approve Budget Modification No. 23 to appropriate \$330,415 of Supplemental Law Enforcement Services Funding and \$4,335 of Justice Assistance Grant Funding.

- 1.F. RTC 12-050 Approval to Increase Contract Contingency in Conjunction with the
Land Use and Transportation Element Environmental Impact Report
and Associated Climate Action Plan and Approval of Budget
Modification No. 26 (F1101-42)

Staff Recommendation: Increase the contingency awarded on this project from \$49,973 to \$81,973 an increase of \$32,000; and approve Budget Modification No. 26 to provide additional funding for this project.

Contracts

- 1.G. MOTION Award of Bid No. F1112-37 for Pavement Slurry Seal – 2012
RTC 12-043

Staff Recommendation: Award a contract in the amount of \$313,873 (Base Bid plus Additive Alternate), to Graham Contractors, Inc., 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 \$31,387.

- 1.H. MOTION Award of a Contract for the Murphy Park Recreation Building Renovation
RTC 12-042 Design (F1002-84)

Staff Recommendation: Award a contract in the amount of \$109,095 to Noll & Tam Architects and Planners 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 \$16,364.

Other Items

- 1.I. RESOLUTION Resolution To Authorize and Establish New School Zone Speed
RTC 12-040 Limits

Public hearing opened at 7:28 p.m.

Tap Merrick spoke regarding the need for measures other than reducing the speed limit to 15 mph at Laurelwood School and Patrick Henry School, and recommended installing a three-way stop at Dunford and Quail.

Kevin Jackson spoke in favor of reducing the speed limit for safety reasons and provided information regarding the success San Francisco and San Jose are having with it.

Arthur Schwartz spoke in favor of reducing the speed limit to 15 mph and suggested the black and white speed limit signs be made more visible. He suggested the expanded use of a rotating speed monitoring system such as is on Hollenbeck.

Public hearing closed at 7:37 p.m.

MOTION: Councilmember Meyering moved to request staff to allocate \$30,000 to enforcement.

Motion died for lack of a second.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Approve the Resolution modifying speed limits to 15 miles per hour at 37 locations near schools in Sunnyvale.

VOTE: 3 – 3 (Councilmembers Meyering, Griffith, and Davis dissented, Mayor Spitaleri absent)

Motion failed.

MOTION: Councilmember Davis moved and Councilmember Meyering seconded the motion to defer the item.

FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment to defer the item to be included in the larger study.

Councilmember Davis accepted the friendly amendment.

VOTE: 4 - 2 (Vice Mayor Whittum and Councilmember Moylan dissented, Mayor Spitaleri absent)

1.J MOTION Updated Policy 7.3.2 Including *Revised* 2012 Priority Issues
RTC 12-048

Public hearing opened at 7:43 p.m.

No speakers.

Public hearing closed at 7:43 p.m.

MOTION: Councilmember Meyering moved to suspend any further work on legislative advocacy program until the budget problems are resolved.

Motion died for lack of a second.

MOTION: Councilmember Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Approve Attachment A, *Proposed Policy 7.3.2 Including Updated 2012 Priority Issues*

VOTE: 5 – 1 (Councilmember Meyering dissented, Mayor Spitaleri absent)

PUBLIC COMMENTS

Andy Frazer, with Sunnyvale Pension Reform, addressed the Council regarding unfunded public pension liabilities in California and provided written materials.

Tap Merrick spoke regarding deferred interest on Sunnyvale management employee debt.

Michael Goldman spoke regarding the effect of reduced earnings by CalPERS on Sunnyvale City Employment, and provided written materials.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Adoption of 2012 Tentative Council Meeting Agenda Calendar
RTC 12-049

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 7:57 p.m.

Speakers:

Kathy Broquard, President of the Friends of the Sunnyvale Library, expressed appreciation for the study session on the Library, and spoke to the need for new study rooms for students.

Jill Shanmugasundaram, Chair of the Library Board of Trustees, spoke in support of the study session on Development of a new Library.

Public hearing closed at 8:01 p.m.

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Approve the 2012 Tentative Council Meeting Agenda Calendar as submitted (Attachment B).

VOTE 6 - 0 (Mayor Spitaleri absent)

3. MOTION 2011-7906: Application to Initiate a General Plan Amendment to Study a
RTC 12-039 Change in the Land Use Designation of two properties, Located at 457 &
475 E. Evelyn Avenue, from Commercial General Business to Residential
Very High Density

Director of Community Development Hanson Hom presented the staff report and reported the applicant will be requesting a continuance to expand the study.

Applicant Jon Moss, with Prometheus Real Estate Group, addressed the Council and requested continuance of this item.

Public hearing opened at 8:21 p.m.

Linda Larsen expressed concerns regarding the proposal for four-story residential units and 1.25 parking spaces per unit. She stated residential housing neighborhoods should be limited to two-story housing, and parking should be planned to provide two parking spaces for each unit, or three parking spaces for two-bedroom units.

Arthur Schwartz spoke in favor of increased density and recommended planning for at least two parking spaces per unit.

Public hearing closed at 8:27 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to continue this item to some time in approximately one month at a time that is acceptable to staff and the applicant.

AMENDMENT: Vice Mayor Whittum offered an amendment that staff is re-directed to include consideration of park needs of the development, including specific guidance to staff to include in the considerations Murphy Park.

Councilmember Moylan declined to accept the amendment.

Motion died for lack of a second.

VOTE 4 - 2 (Councilmember Meyering and Vice Mayor Whittum dissented, Mayor Spitaleri absent)

Councilmembers speaking in favor of the motion stressed that the application to initiate a General Plan amendment did not indicate staff or Council support for any change to the General Plan, nor did it indicate support for any particular project or associated zoning changes. It simply allowed the study of various options to proceed, allowing Council to take action on any specific project or proposed rezoning at a future time.

Councilmember Meyering stated that his reasons for dissent are that he doesn't believe that the City Council should be amending its general plan to benefit private landowners, and that closing down commercial space doesn't benefit the residents.

4. Council Subcommittee Recommendations Regarding the Community Event Grant and Neighborhood Grant Distribution Process

Councilmember Martin-Milius presented a report of the Subcommittee.

Public hearing opened at 8:39 p.m.

No speakers.

Public hearing closed at 8:39 p.m.

No action was taken.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith provided a report of a meeting of the Santa Clara County Recycling and Waste Reduction Commission and provided information regarding committee recommendations on the schedule of implementation of ordinances banning expanded polystyrene food containers.

Vice Mayor Whittum reported he served as alternate for a recent meeting of the VTA Congestion Management Committee.

Councilmember Martin-Milius provided a report of a meeting of the Watershed Advisory Committee.

NON-AGENDA ITEMS & COMMENTS

Councilmember Griffith reported he attended an event at which he spoke with Senator Feinstein regarding her position on the location of a satellite office of the U.S. Patent Trade Office in this area.

Councilmember Meyering requested the written reports and PowerPoint materials from the workshop on February 10 to be posted on the City Website and a binder of the materials be placed on reserve in the Library.

INFORMATION ONLY REPORTS/ITEMS

- RTC 12-044 Board/Commission Resignation (Information Only)
- RTC 12-047 Opportunity for Council to appeal decisions of the Zoning Administrator Hearing of February 15, 2012.
- Draft Minutes of the Board of Library Trustees Meeting of February 6, 2012
- Joint Study Session Summary of February 7, 2012 -- Consider Park Dedication Policies and Review Project Priorities

ADJOURNMENT

Vice Mayor Whittum adjourned the meeting at 8:45 p.m. to continue the Closed Session pursuant to Govt. Code Section 54956.8 – Conference with Real Property Negotiators.

Kathleen Franco Simmons
City Clerk

Date