

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
and
JOINT STUDY SESSION WITH SUNNYVALE CITY COUNCIL, PLANNING COMMISSION AND
SUSTAINABILITY COMMISSION
TUESDAY, MAY 8, 2012

CALL TO ORDER

Mayor Spitaleri called the meeting to order in the Council Chambers.

SALUTE TO THE FLAG

Lakewood School Color Guard made a presentation and led the salute to the flag.

ROLL CALL

PRESENT:

Mayor Anthony (Tony) Spitaleri
Vice Mayor David Whittum
Councilmember Christopher Moylan
Councilmember Jim Griffith
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Jim Davis

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 April 30, 2012

Closed Session pursuant to Government Code Section 54957- Public Employee Appointment: City Attorney

Vice Mayor Whittum reported Council met in closed session regarding *Public Employee Appointment: City Attorney*; no action was taken, direction was given.

**Approved by Council 5/15/2012*

CLOSED SESSION REPORT FOR May 1, 2012

Closed Session pursuant to Government Code Section 54956.9 (a) and (c) - Conference with Legal Counsel : Existing Litigation and Initiation of Litigation

Vice Mayor Whittum reported Council met in closed session regarding *Conference with Legal Counsel: Existing Litigation and Initiation of Litigation*; no action was taken, direction was given.

CLOSED SESSION REPORT FOR May 8, 2012

Closed Session pursuant to Government Code Section 54956.95 – Liability Claims: Robert W. Beveridge vs. City of Sunnyvale

Vice Mayor Whittum reported Council met in closed session regarding *Liability Claims: Robert W. Beveridge vs. City of Sunnyvale*; action was taken, direction was given.

SPECIAL ORDER OF THE DAY – Former Mayor Melinda Hamilton recognized Centennial Writing and Drawing Contest winners.

PUBLIC ANNOUNCEMENTS

Vice Mayor Whittum announced a call for applications for the Lawrence Station Area Plan Citizens Advisory Group.

Vice Mayor Whittum announced the upcoming 2012 Hands on the Arts event.

Councilmember Davis announced an upcoming Family Bicycle Ride event at Ponderosa Elementary School sponsored by Safe Routes to School.

Kevin Jackson announced the upcoming First National Bike to School Day and Bike to Work Day events.

PRESENTATION – Homestead High School AP Environmental Science students presented their Student Project: “Abolish Polystyrene Movement”

CONSENT CALENDAR

Councilmember Meyering pulled Item 1.C from the Consent Calendar.

MOTION: Councilmember Davis moved and Vice Mayor Whittum seconded the motion to approve the Consent Calendar, with the exception of Item 1.C.

VOTE: 7 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of April 24, 2012
- 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 12-112 Nos. 604 & 605

Councilmember Meyering requested his explanation of dissent be recorded in the minutes. Meyering stated he has asked for copies of bills and his requests have been refused.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to review the list of bills.

VOTE: 6 – 1 (Councilmember Meyering dissented)

- 1.D. MOTION Budget Modification No. 24 to Appropriate \$34,808 of 911 Emergency
RTC 12-111 Medical Services Incentive Funds and \$25,000 of Santa Clara County
Funded EMS Enhancement Projects

Staff Recommendation: Alternative 1: Approve Budget Modification No. 24 to appropriate \$59,808 of 911 Emergency Medical Services Provider Incentive Funds and Santa Clara County Funded EMS Enhancement Projects and include \$80,000 expected revenues for FY 2012/2013 in the recommended FY 2012/2013 Budget.

Contracts

- 1.E. MOTION Authorization to Amend an Existing Contract to Provide Traffic
RTC 12-115 Engineering Services for the Mary Avenue Street Space Allocation Study
(F1104-58)

Staff Recommendation: Approve an amendment to an existing contract with TJKM Transportation Consultants of Pleasanton to increase the total contract value by \$67,860 to provide a Traffic and Simulation Analysis and a CEQA Initial Study associated with the Mary Avenue Street Space Allocation Study.

Other Items

- 1.F. ORDINANCE Adoption of Ordinance No. 2970-12 Amending the Precise Zoning Plan,
2970-12 Zoning Districts Map, to Rezone Certain Properties Located at 411-425
North Fair Oaks Avenue and 599 East Taylor Avenue from R-3 (Medium
Density Residential) to R-3/PD (Medium Density Residential/Planned
Development) Zoning District

Staff Recommendation: Approve the second reading of Ordinance No. 2970-12

- 1.G. RESOLUTION Adopt a Resolution to Authorize the Filing of the Fiscal Year 2012/13
RTC 12-108 Transportation Development Act Article 3 Application for Pedestrian and
Bicycle Projects

Staff Recommendation: Alternative 1: Adopt the attached resolution authorizing the filing of a project application with the VTA and MTC for allocation of Transportation Development Act funds for FY 2012/13 for the Duane Avenue bicycle lanes.

PUBLIC COMMENTS

Arlene Goetze provided written materials and spoke regarding fluoride in water and the impact it has on children's dental health in Sunnyvale.

Tap Merrick addressed the previous speaker's comments regarding fluoride. He also spoke regarding information he had requested on the drop in the City's employment in one or two years. Merrick expressed concerns regarding the way the city disseminates information to the public and requested more time be allowed for public input.

Andy Frazer, Sunnyvale Pension Reform, presented information and several slides demonstrating how employee pension costs are or could be distributed between the City and the employees.

Marie Bernard spoke in favor of the CDBG funding program.

Hannalore Dietrich spoke regarding the recent opening of the Columbia Neighborhood Center.

Linda Larsen spoke regarding the establishment of priority development areas in Sunnyvale and suggested the Council direct the city attorney to communicate with the city attorney of Livermore regarding a lawsuit regarding its priority development area.

Susan Adams expressed concerns regarding the rapid bus system, the timing of intersections, the possible increase in traffic that might come down Evelyn and have an impact on area residents.

Councilmember Griffith requested staff to bring back more information on the question of the priority development areas in the City.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RESOLUTION Reject Proposals for the Long-Term Lease of Raynor Activity Center, and
 RTC 12-113 Approve a Resolution to Declare Raynor Activity Center Surplus Property

Director of Public Works Kent Steffens presented the staff report and provided a corrected version of Attachment B showing the approximate boundaries of the property for sale.

Public hearing opened at 8:30 p.m.

Speakers:

Ikko Fushiki, co-owner of My Dream Academy, spoke in support of the way the City is imposing the conditional uses as a school and for public use. He suggested consideration of incremental use of portable buildings and recommended the City investigate alternative solutions before selling and to consider renovations to upgrade the property.

Liang Zhao expressed concerns regarding the sale of the property and the type of development the developers would bring in. Additionally, he expressed concerns about the waste of tearing down and rebuilding structures and the impacts of additional traffic in the neighborhood.

Mitchell Pearce stated he represents One World Montessori and provided information regarding the reasons the school did not bid on the property, including the lack of an easement for use of the athletic fields.

Kevon Wade inquired as to the sale process and how the City is notifying prospective buyers about the type of development that will be allowed.

Andy Frazer spoke regarding the communications among the neighbors related to the budget and the sale of the activity center.

Woody Dornbusch, spoke in support of more open space for children's sports activities.

Kai Goebel, member of the community of German International School of Silicon Valley, stated his school put a lot of effort into developing their proposal for the property. He expressed concerns regarding the process or weight of evaluation criteria and the lack of an opportunity to negotiate. He asked Council not to reject the bids and instead engage with the bidders about the shortcomings of the bid.

Terry Gonzales spoke against the staff resolution and recommendation and stated the current lessees pay the costs and provide a positive cash flow.

Demetrios Triantafyllou, Vice President of Raynor Park Neighborhood Association, requested consideration of options in the following priority order: keep the zoning of the property public facilities zoning district so the land can only be used as a school or for educational purposes, renew the long term lease agreement with My Dream Academy and the other current tenants, accept either one of the two proposals from the Appleseed Montessori Incorporated or the German International School of Silicon Valley or any other school that appears feasible and desirable to the City.

Heidi Yamagi spoke in support of My Dream Academy, asked that the property not be sold and spoke regarding the importance of education for under-three-years-old children.

Betty Gonzales asked Council to reject the staff recommendation and vote no on the resolution. She stated decisions of Cupertino to allow expansion of Apple and Sunnyvale relating to the new Kaiser hospital have made big impacts and the neighborhood can't sustain the traffic from further development.

Denise DeLange, spoke in support of taking the opportunity to slowly upgrade the buildings one at a time and recommended renegotiating the leases.

Mark Nitzberg, with the German School, asked that the proposals not be rejected at this time and leave them open for consideration.

Mary Klenk spoke against selling the property because the zoning could change and spoke in support of keeping the property for recreation and education purposes and improving the park buildings.

Michelle Philips suggested the property would provide an opportunity to build a branch library.

Tap Merrick stated four years ago the Council made the decision to approve continued use as long as it remained revenue neutral and recommended maintaining the current use. He provided information and written materials regarding average residency per acre of usage comparing Birdland West and Birdland East. Merrick responded to questions regarding flyers he distributed in the neighborhood which claimed "Behind closed doors our Sunnyvale Council voted 4 to 3 to sell the 3.7 acre Raynor Activity Center."

Councilmember Griffith addressed the Assistant City Attorney with a request to call attention to the fact that apparently somebody has released closed session information and stated the City has a responsibility to find out who so that they are not invited to future closed sessions.

Steve Hoffman spoke in opposition to selling the property and provided information regarding business reasons why not to sell the property in the current economy.

Larry Alba spoke in favor of continued leasing of the property for educational and recreational purposes and suggested the City find out if the people of the area would support the property through donations, a fundraising campaign or small parcel tax.

Elizabeth Sanborn, real estate advisor for the German International School, asked that the proposals not be rejected at this time and to delay making a decision until after the 60-day period. She recommended when it is put out for sale, to do it in the form of an RFP as opposed to an open auction.

Public hearing closed at 9:29 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Whittum seconded the motion to not sell the Raynor Activity Center.

VOTE: 3 - 4 (Councilmembers Griffith, Spitaleri, Moylan, Martin-Milius dissented)
Motion failed.

MOTION: Vice Mayor Whittum moved and Councilmember Davis seconded the motion to restart the RFP for lease process with modifications taking into account public input, one of which was that we were not clear on park sharing.

VOTE: 3 - 4 (Councilmembers Griffith, Spitaleri, Moylan, Martin-Milius dissented)
Motion failed.

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to approve staff recommendation to approve Alternatives 1, 2, 3, 4 and 5: Reject all proposals for the long-term lease of Raynor Activity Center; approve a resolution declaring Raynor Activity Center surplus and available for sale and direct staff to initiate the public agency notification process; direct staff to notify prospective purchasers of Raynor Activity Center that commercial or residential developments are not considered compatible uses within the Public Facility zoning at the Raynor site; direct staff to offer current tenants of the site one year lease extensions until June 2013 at existing rental rates, modified to allow for as long as it takes for the process; and, direct staff to place proceeds from the sale of Raynor Activity Center into an infrastructure reserve fund to be used specifically for the major renovation or replacement of buildings at the Civic Center including the Library, City Hall, or Public Safety Building.

AMENDMENT: Councilmember Griffith offered amendments to direct staff to investigate what is necessary in order to make any options for joint use of the parks clear as part of any process, to investigate adding that the City would have the right of first refusal, to require that when the item comes back, schedule a minimum of two weeks public notice and to expand the notification area.

Councilmember Moylan accepted the amendments.

VOTE: 4 - 3 (Councilmembers Meyering, Whittum and Davis dissented)

Mayor Spitaleri called for a recess at 10:04 p.m.

Mayor Spitaleri reconvened the meeting at 10:14 p.m. and announced Item 4 would be heard before Item 3.

3. MOTION Approve Housing and Urban Development (HUD) Action Plan for FY
RTC 12-110 2012-13 and Approve a Conditional Loan Commitment of \$1.5 Million in
 HOME funds for Rehabilitation of Garland Plaza

This item was heard following the hearing of Item 4.

Housing Officer Suzanne Ise presented the staff report.

Public hearing opened at 10:27 p.m.

Speakers:

Marie Bernard, speaking on behalf of Sunnyvale Community Services and Downtown Streets Team of Palo Alto, provided information regarding the programs to provide homelessness services and requested support for the recommendation.

Unidentified woman, speaking on behalf of Summer-Lee Rodriguez for West Valley Community Services, spoke in support of the staff recommendation.

Lillian Lew-Hailer, speaking on behalf of MidPen Housing, spoke regarding the rehabilitation of Garland Plaza, improvements to the physical property and to the quality of life for the residents and requested support for the staff recommendation.

Michele Schroeder, on behalf of Senior Adults Legal Assistance (SALA), provided information regarding the services provided and spoke in support of the services provided to SALA by Sunnyvale Community Services.

Jo Bailard, representing Abilities United, provided information regarding the services the agency provides and spoke in favor of continued funding.

Emily Hennessy, Santa Clara County Family Health Foundation, provided information regarding the agency's comprehensive medical and dental health services and urged approval of the staff recommendation.

Joan Smithson, Sunnyvale Senior Nutrition Program, provided information regarding the nutrition and social program services the agency provides.

Olivia Garcia, field Ombudsman - Long Term Care Ombudsman Program, provided information regarding the program.

Colleen Hudgen, Executive Director of Live Oak Adult Day Care Services provided information regarding the program services and spoke in support of the staff recommendation.

Ben Kong, speaking on behalf of EHC Life Builders, spoke in support of the staff recommendation.

Adriana Caldera, representing YWCA Silicon Valley Domestic Violence Department, provided information regarding the services provided and spoke in support of the staff recommendations.

Public hearing closed at 10:55 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Moylan seconded the motion to approve Alternative 1: a) Approve the Action Plan for FY 2012-13 as shown in Attachment A, which allocates a total of \$1,183,718 in CDBG funds and \$1,908,633 in HOME funds for housing and community development activities in FY 2012-13, and authorize the City Manager to execute all required assurances and forms for submittal with the 2012 Action Plan to HUD for approval; and b) Authorize the City Manager to execute a conditional commitment of \$1.5 million for the rehabilitation of Garland Plaza Apartments.

VOTE: 7 - 0

Following this item, Item 5 was heard.

4. MOTION Renewal of Taxicab Franchise to Jasraj Bhatia (FKA Bikram Singh) dba
RTC 12-116 California Cab Company (*Continued from April 24, 2012*)

Following recess at 10:04 p.m., Mayor Spitaleri reconvened the meeting at 10:14 p.m. and heard this item before Item 3.

Manager of Strategic Services Ann Durkes presented the staff report.

Public hearing opened at 10:17 p.m.

Speakers:

Julia Miller spoke in support of the renewal of this franchise.

Jasraj Bhatia expressed appreciation for working with them.

Public hearing closed at 10:18 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to introduce and adopt an ordinance renewing a non-exclusive franchise for taxicab service to Jasraj Bhatia (FKA Bikram Singh) dba California Cab Company for the period June 8, 2012 through June 7, 2014 per applicant's request and authorize the City Manager to execute necessary documents of agreement, including additional provisions as directed by Council and an administrative extension of the previous franchise agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

Following this item, the order of the agenda was resumed with the hearing of Item 3.

5. MOTION Discussion and Possible Action on Ballot Measures Scheduled for June
RTC 12-098 5, 2012 Election

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 10:57 p.m.

No speakers.

Public hearing closed at 10:57 p.m.

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to take a position in support on all 5 measures: Propositions 28, 29, Measures A, C and H.

VOTE: 2 - 5 (Councilmembers Meyering, Whittum, Spitaleri, Martin-Milius and Davis dissented)
Motion failed.

MOTION: Councilmember Griffith moved and Councilmember Moylan seconded the motion to take a position in support on Proposition 28.

VOTE: 4 - 3 (Councilmember Meyering, Whittum and Davis dissented)

Councilmember Meyering requested his explanation of dissent be recorded in the minutes. Meyering's statements included that he was opposing the motion because he thinks that the problems in Sacramento are not a reflection of the number of years the individual spends there, but rather the connection of campaign finance and that he doesn't think that lengthening the terms of those individuals is going to break the connection.

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to take a position in support of Measure H.

VOTE: 4 - 3 (Councilmember Meyering, Whittum and Davis dissented)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

Vice Mayor Whittum, Councilmember Moylan, Mayor Spitaleri and Councilmember Martin-Milius provided comments regarding the earlier study session on the El Camino Real Bus Rapid Transit (BRT) issue.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 12-109 2011 Annual Progress Report on Implementation of the Housing Element of the General Plan (Information Only)
- Study Session Summary on Consider Revisions to the Zoning Code for Conversions of Mobile Home Parks to Other Uses (Study Issue) for March 20, 2012
- Final Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of March 15, 2012
- Approved Minutes of the Personnel Board Meeting of March 19, 2012

- Draft Meeting Minutes of the Sustainability Commission of April 16 , 2012
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of April 19, 2012
- Draft Minutes of the Housing and Human Services Commission Meeting of April 25, 2012

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 11:16 p.m.

Kathleen Franco Simmons
City Clerk

Date