

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 18, 2012, 7 PM

CALL TO ORDER - Mayor Spitaleri called the meeting to order in the Council Chambers.

SALUTE TO THE FLAG

Mayor Spitaleri 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
Interim City Attorney Michael Martello
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 REPORTS FOR SEPTEMBER 18, 2012

Closed Session pursuant to Government Code Section 54956.9(a) - Conference with Legal Counsel – Existing Litigation

Vice Mayor Whittum reported Council met in closed session regarding two Conferences with Legal Counsel – Existing Litigation; no direction was given and no action was taken.

SPECIAL ORDER OF THE DAY – City Clerk Kathleen Franco Simmons administered the Oath of Office to incoming members of Boards and Commissions.

**Pending Council approval*

SPECIAL ORDER OF THE DAY – Holly Lofgren, Friends of the Fremont Pool, presented a certificate to the City in Commemoration of 10 Years of Operations of the Fremont Pool.

PUBLIC ANNOUNCEMENTS

Councilmember Davis announced recruitment and an application deadline for a vacancy on the Planning Commission.

Councilmember Meyering announced the September 25 meeting of the City Council will be a joint meeting with the Sunnyvale School District Board at the Columbia Neighborhood Center.

Councilmember Meyering announced upcoming National Voter Registration Day.

Tap Merrick announced the upcoming Sunnyvale Citywide Garage Sales.

PRESENTATION – Director of Finance Grace Leung provided a presentation on the Preliminary Analysis of AB 340 - California Public Employees' Pension Reform Act of 2013.

CONSENT CALENDAR

Members of the public requested to pull Item 1.E from the Consent Calendar.

Councilmember Meyering requested his explanation of dissent be recorded in the minutes. Meyering stated regarding Item 1.B, he is not able to approve the request for payment of bills when his request for the underlying bills is refused.

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

Mayor Spitaleri announced the items pulled for discussion would be handled following Public Hearings / General Business.

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

Fiscal Items

1.B. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 12-221 No. 624

Staff Recommendation: Approve the list of bills.

1.C. MOTION Acceptance of \$13,347 in FFY 2012 Justice Assistance Grant Funds to
RTC 12-222 Purchase Electronic Citation Writers

Staff Recommendation: Alternative 1: Accept the FFY 2012 Justice Assistance Grant in the amount of \$13,347 and approve its use to purchase electronic citation writers.

Contracts

- 1.D. MOTION Amend an Existing Contract for the Provision of a Broadcast Control
RTC 12-224 Room System for City Council and Other Public Meetings (F13-08)

Staff Recommendation: Amend the existing contract Purchase Order with TV Magic Inc. for the Broadcast Control Room system by increasing the not-to-exceed value from \$274,900 (excluding taxes) to \$289,494 (including taxes and additional required equipment).

Personnel

- 1.E. MOTION Amendment to Agreement for Services between the City of Sunnyvale
RTC 12-225 and the City Manager

Public hearing opened at 8:33 p.m.

Denise DeLange spoke in opposition to the amendment and urged a no vote.

Public hearing closed at 8:38 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to authorize the Mayor to execute the amendment to the Agreement for Services between the City of Sunnyvale and the City Manager.

MOTION to CLOSE DEBATE: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to close debate.

VOTE to CLOSE DEBATE: 5 – 0 (Councilmember Davis absent, Councilmember Meyering did not vote)

Mayor Spitaleri called a recess at 9:17 p.m.

Council reconvened at 9:22 p.m. with all members present.

VOTE on MAIN MOTION: 6 – 1 (Councilmember Meyering dissented)

MOTION: Councilmember Moylan moved and Councilmember Griffith no special comments be added to the minutes.

VOTE: 5 – 2 (Councilmembers Meyering and Davis dissented)

Following action on this matter, Council resumed the regular order of the agenda with Councilmember Reports on Activities from Intergovernmental Committee Assignments.

Other Items

- 1.F. ORDINANCE Adoption of Ordinance No. 2978-12 Amending Chapter 10.56 of Title 10
NO. 2978-12 (Vehicles and Traffic) of the Sunnyvale Municipal Code Related to Bicycle
Licensing

Staff Recommendation: Approve the second reading of Ordinance No. 2978-12.

- 1.G. ORDINANCE Adoption of Ordinance No. 2979-12 Amending Certain Sections of Title 5
NO. 2979-12 (Business Licenses and Regulations) of the Sunnyvale Municipal Code
Pertaining to Taxicabs

Staff Recommendation: Approve the second reading of Ordinance No. 2979-12.

PUBLIC COMMENTS

Andy Frazer spoke regarding the Stockton bankruptcy and presented a PowerPoint presentation.

Michael Goldman spoke regarding the replacement of the Library and Civic Center and presented a PowerPoint presentation.

Deborah Marks expressed strong disagreement with a proposal to sell or lease 14 acres of Civic Center property and the removal of many varieties of trees. She reported the formation of a group called Citizens for Sunnyvale Parks and Green Space for the purpose of preserving the City's heritage.

Tap Merrick spoke regarding bicycle lanes on Pastoria Avenue and regarding the practice of moving the discussion on pulled Consent Calendar items to the end of the agenda.

Jim Enloe spoke regarding the City's presentation on AB 340.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Explore Tools for Resolving Interior Hoarding Conditions at Residential
RTC 12-185 Properties (Study Issue)

Neighborhood Preservation Manager Christy Gunvalsen provided the staff report.

Public hearing opened at 8:16 p.m.

Janet Knight spoke regarding her lengthy experience dealing with neighbors who are hoarders through City and County resources.

Public hearing closed at 8:19 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1 and 2: 1) Continue with the creation of an ad hoc task force to address interior hoarding conditions at residential properties, and 2) Create a City Web page which would provide the public with information and resources about hoarding.

VOTE: 7 - 0

3. RESOLUTION 2012-7532: Introduction of an Ordinance to Amend the Zoning Code for Development over 70% Floor Area Ratio (FAR) to add Requirements for Housing Mitigation and Transportation Demand Management; and Adoption of a Resolution for Modification to the Green Building Program
ORDINANCE
RTC 12-223

Planning Officer Trudi Ryan provided the staff report.

Public hearing opened at 8:30 p.m.

No speakers.

Public hearing closed at 8:30 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1 and 2: 1) Introduce an ordinance to amend Title 19 (Zoning) to require development in the industrial intensification areas that achieve an FAR greater than 70% to: a. Implement a transportation demand management program that achieves 25% peak hour trip reductions and 20% total daily trip reductions. b. Comply with housing mitigation for all square footage greater than 70% FAR, and 2) Approve a resolution to amend the Green Building Program for specified industrial developments greater than 70% FAR.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Following action on Item 3, Council took up and considered Consent Calendar Item 1.E.

Following action on Item 1.E., Council resumed the regular order of the agenda at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Whittum reported he attended a meeting of the VTA Policy Advisory Committee.

Councilmember Griffith reported he attended a meeting of the Cities Association of Santa Clara County.

Councilmember Martin-Milius reported she attended meetings of the Guadalupe Flood Protection and Watershed Advisory Committee and the Lower Peninsula Flood Protection and Watershed Advisory Committee.

NON-AGENDA ITEMS & COMMENTS

Vice Mayor Whittum expressed appreciation to Public Works for Coastal Cleanup Day.

Vice Mayor Whittum spoke regarding dialogue during the Public Comments section of the agenda.

Councilmember Griffith spoke regarding a comment that was made that the Civic Center project presented in July was initiated by staff and stated his recollection was that options for the future of the City facilities were provided to Council much earlier.

City Manager Luebbers provided background information regarding the Civic Center facilities.

Mayor Spitaleri reported he attended a meeting of the Caltrain Modernization Local Policymaker Meeting.

Interim City Attorney Martello reported on California Public Utilities Commission regulations regarding limousine permits.

Interim City Attorney Martello reported he would prepare a report for Council on key Parliamentary Procedures.

Director of Public Works Kent Steffens reported on a previous request to remove City trees.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of August 30, 2012

ADJOURNMENT

Mayor Spitaleri closed the meeting in honor of Officer Kenyon Youngstrom.

Mayor Spitaleri adjourned the meeting at 10:05 p.m.