

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, OCTOBER 16, 2012, 7 P.M.

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
Public Safety Chief Frank Grgurina
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
Director of Environmental Services John Stufflebean
Director of Human Resources Teri Silva
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR OCTOBER 16, 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 Conference with Legal Counsel; direction was given and no action was taken.

**Pending Council approval*

SPECIAL ORDER OF THE DAY – Awards were presented to the winners of the Annual Fire Safety Poster Contest.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

MOTION: Councilmember Meyering moved to pull Items 1.A, 1.C, and 1.K and stated his vote would be a no vote on Item 1.L.
Motion died for lack of a second.

Mayor Spitaleri announced the City Manager requested to pull Item 1.D.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve the Consent Calendar, with the exception of 1.A, 1.C, 1.D and 1.K.

VOTE: 7 - 0

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

1.A. MOTION Approval of Council Meeting Minutes of October 2, 2012

Council took up consideration of this item following the Public Hearing / General Business portion of the meeting.

MOTION: Councilmember Meyering moved to amend the minutes of October 2, 2012 on page 3, item 1.D.
Motion died for lack of a second.

MOTION: Councilmember Griffith moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of October 2, 2012.

VOTE: 6 - 1 (Councilmember Meyering dissented)

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 12-244 Nos. 627 & 628

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

- 1.D. MOTION Approval of Budget Modification No. 13 to Appropriate a \$250,000
RTC 12-230 Contribution from The Irvine Company and \$300,000 from the General
Fund Budget Stabilization Fund to Prepare the Peery Park Specific Plan
and Environmental Impact Report

Community Development Director Hanson Hom presented the staff report.

Public hearing opened at 9 p.m.

No speakers.

Public hearing closed at 9 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Moylan seconded the motion to approve Alternatives 1 and 2: 1) Approve Budget Modification No. 13 to appropriate a \$250,000 contribution from The Irvine Company and \$300,000 from the General Fund Budget Stabilization Fund to a new project, Peery Park Specific Plan; and 2. Accept \$250,000 from The Irvine Company to offset the City's upfront cost to prepare the Peery Park Specific Plan. Allow the property owner to receive a credit towards future specific plan fees if such a fee is enacted by the City Council.

AMENDMENT: Vice Mayor Whittum moved and Councilmember Griffith seconded to amend the motion to state that staff can consider the matter of San Aleso without being restricted to previous Council guidance to look at a GPA study for residential.

VOTE ON AMENDMENT: 5 - 2 (Councilmembers Meyering and Moylan dissented)

VOTE ON MAIN MOTION: 6 - 1 (Councilmember Meyering dissented)

- 1.E. MOTION City of Sunnyvale Investment Report – 3rd Quarter 2012
RTC 12-241

Staff Recommendation: Receive and file the investment report.

Contracts

- 1.F. MOTION Award of Bid No. PW13-03 for Residential and School Area Sidewalks –
RTC 12-243 Safe Routes to School

Staff Recommendation: Award a contract in the amount of \$686,501 to SpenCon Construction, Inc., for the subject project, 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 \$68,650.

- 1.G. MOTION Award of Bid No. PW13-05 for Wright Avenue Water Plant Reconstruction
RTC 12-247

Staff Recommendation: Award a contract in the amount of \$1,133,600, to Blocka Construction, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a construction contingency in the amount of \$107,854.

- 1.H. MOTION Award of Bid No. PW13-01 for Caribbean Drive Lighting Conduit
RTC 12-242 Replacement and Signal Interconnect and Approval of Budget Modification
No. 15

Staff Recommendation: Award a contract in the amount of \$305,000, to Terry Hansen Electric for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met; and approve a 15% construction contingency in the amount of \$45,750; and approve Budget Modification No. 15 to appropriate additional funding for this project.

- 1.I. MOTION Award of Bid No. PW13-06 for Concrete Sidewalks, Curbs, Gutters and
RTC 12-246 Driveway Approaches 2012

Staff Recommendation: Award a contract in the amount of \$836,490, to Spencon Construction, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 10% construction contingency in the amount of \$83,649.

- 1.J. MOTION Authorization to Modify an Existing Contract for Chlorine at the Water
RTC 12-248 Pollution Control Plant (F13-20)

Staff Recommendation: Approve modification of the existing Blanket Purchase Order with Sierra Chemical Company by increasing the not-to-exceed value from \$90,000 to \$107,000; and renew the contract for an additional one-year period in an amount not-to-exceed \$110,000; and delegate authority to the City Manager to renew the contract for an additional one-year period consistent with the terms of IFB No. F1110-23, provided pricing and service remain acceptable to the City.

- 1.K. MOTION Award of Contract for Citywide Computer Replacement Project (F13-21)
RTC 12-245

MOTION: Vice Mayor Whittum moved and Councilmember Griffith seconded the motion to award a contract to Dell Marketing LP through the Western States Contracting Alliance to furnish and install Dell desktop and laptop computers as required by the Information Technology Department.

VOTE: 7 - 0

Following action on this item, Council resumed the regular order of business at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

Other

- 1.L. ORDINANCE Adopt Ordinance No. 2981-12 Amending Certain Sections of the
No. 2981-12 Sunnyvale Municipal Code Relating to Vision Triangles

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to adopt Ordinance No. 2981-12.

VOTE: 6 - 1 (Councilmember Meyering dissented)

PUBLIC COMMENTS

Andy Frazer spoke regarding pension costs and provided a PowerPoint presentation.

Deborah Marks spoke regarding her opposition to a proposal to sell or lease the Civic Center and read emails from others against the proposal.

Marianne Cali spoke on behalf of the Stevens Creek Trail Citizens' Working Group regarding transparency and community involvement.

Kathleen Cordova spoke regarding disqualification from serving on the Citizens' Working Group due to conflict of interest based on the fact that she lives within 500 feet of the trail.

MOTION: Vice Mayor Whittum moved and Councilmember Davis seconded the motion to put discussion of the Stevens Creek Trail feasibility study on the next agenda for a study session.

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

Kim Hall expressed concern regarding the criteria disqualifying people from serving on the Citizens' Working Group if they live within 500 feet of Stevens Creek.

David Hackson spoke in favor of the Stevens Creek Trail and regarding the 500 foot rule for the Stevens Creek Trail Citizens' Working Group.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Planning Commission Appointment
RTC 12-238

**Planning Commission (1 vacancy)
1 term to 6/30/2013**

Ken Olevson

VOTE: 5 - 0 - 2 (Mayor Spitaleri and Councilmember Davis abstained)

Wilson White

VOTE: 3 - 0 - 4 (Councilmembers Meyering, Griffith, Moylan and Martin-Milius abstained)

City Clerk Kathleen Franco Simmons announced Ken Olevson has been appointed to the Planning Commission for a term expiring June 30, 2013.

3. MOTION Appointment of City Attorney and Approval of Employment Contract
RTC 12-251

Public hearing opened at 8:09 p.m.

No speakers.

Public hearing closed at 8:09 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve the appointment of Joan Borger to the position of City Attorney and approve the employment contract.

VOTE: 6 - 1 (Councilmember Meyering dissented)

4. ORDINANCE 2012-7450 St. Anton Partners: Application for the development of a multi-family structure with 97 dwelling units, associated parking and landscaping located at 1101 N. Fair Oaks Avenue in an M-S/ITR/R-3/PD Zoning District (APN: 110-14-176):
- Introduction of an Ordinance to change the Zoning designation from M-S/ITR/R-3/PD; Special Development Permit to allow the development of 97 dwelling units; and
 - Mitigated Negative Declaration for the Rezone and Special Development Permit.

Councilmember Griffith stated he has interest in real property near the subject property, recused himself and left the room.

Director of Community Development Hanson Hom provided the staff report.

Applicant, Ardie Zahedani, St. Anton Partners presented information regarding the project.

Public hearing opened at 8:27 p.m.

Don Krafft spoke in support of the project.

Robert Biro, President, Morse Park Neighborhood Association, spoke in support of the project.

Simon Chang spoke in support of the project.

Public hearing closed at 8:33 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt the Mitigated Negative Declaration and introduce an ordinance to Rezone to Residential High Density/Planned Development (R-4/PD) and approve the Special Development Permit with conditions.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 5 - 1 (Councilmember Meyering dissented, Councilmember Griffith recused)

Councilmember Griffith returned to the Council Chambers and took his seat at the dais.

5. MOTION 2012-7115 – Cultural Heritage of Sunnyvale (Study Issue) – Continued
RTC 12-239 from October 2, 2012

Director of Community Development Hanson Hom provided the staff report.

Public hearing opened at 8:44 p.m.

Jeanine Stanek, Chair, Heritage Preservation Commission, provided information regarding the Commission's support of adoption of Alternatives 1, 2, 3. Stanek, speaking as the archivist at the Heritage Park Museum, encouraged the posting of accurate information on the Website.

Public hearing closed at 8:49 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Martin-Milius seconded the motion to approve Alternatives 1, 2 and 3: 1. Recognize the comprehensive Sunnyvale History website; and, direct staff and the Heritage Preservation Commission to make a special effort to reach out to cultural and ethnic groups for the Sunnyvale Voices digital story program including outreach to recent arrivals to the community; 2. Direct staff to produce additional original research on cultural heritage and include it in the written context statement for the City, in accordance with Heritage Preservation Commission recommendation; and 3. Direct staff to take additional action to pursue documenting and publicizing Sunnyvale's cultural history.

VOTE: 7 - 0

6. MOTION Mayoral Appointment to the Santa Clara Valley Water District Recycled
RTC 12-250 Water Joint Committee

Public hearing opened at 8:53 p.m.

No speakers.

Public hearing closed at 8:53 p.m.

Mayor Spitaleri appointed Councilmembers Martin-Milius and Griffith to the Recycled Water Joint Committee.

Following action on Item 6, Council took up and considered Consent Calendar Items 1.A, 1.C, 1.D and 1.K.

Following action on Items 1.A, 1.C, 1.D and 1.K, Council received additional public comment:

Linda Larsen expressed concerns regarding media reports she believed stated Sunnyvale was facing a credit downgrade from Moody's.

City Manager Luebbers provided a response and stated the City has an AAA rating from Standard & Poor's.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith reported a meeting of the Cities Association of Santa Clara County in which the association took a support position on Proposition 39 and an oppose position on Measure M, and viewed a presentation regarding the increasing difficulty in getting people to enter the public sector.

Councilmember Davis reported a meeting of the VTA Policy Advisory Board regarding the Eco Pass system and a request of the Board to review point allocation for development points.

NON-AGENDA ITEMS & COMMENTS

Mayor Spitaleri reported an event to recognize the Santiago family for their efforts to provide scholarships.

City Manager Luebbers provided information regarding the history of the future Library and Civic Center concept and stated the history has been posted on the City Website.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Application to Initiate a General Plan Amendment - Moffett Place
- Draft Minutes of the Heritage Preservation Commission Meeting of September 5, 2012
- Draft Minutes of the Board of Library Trustees Meeting of September 10, 2012
- Draft Minutes of the Sustainability Commission Meeting of September 17, 2012
- Draft Minutes of the Arts Commission Meeting of September 19, 2012
- Draft Minutes of the Housing and Human Services Commission Meeting of September 26, 2012
- Draft Minutes of the Board of Library Trustees Meeting of October 1, 2012

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 9:29 p.m.