

**APPROVED MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, OCTOBER 30, 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  
Planning Officer Trudi Ryan  
Director of Public Works Kent Steffens  
Director of Library and Community Services Lisa Rosenblum  
City Clerk Kathleen Franco Simmons

**SPECIAL ORDER OF THE DAY** – Mayor Spitaleri presented certificates to recipients of Santa Clara Valley Science and Engineering Fair Association 2012 Awards

**SPECIAL ORDER OF THE DAY** – City Clerk Kathleen Franco Simmons administered the Oath of Office to incoming Planning Commissioner Ken Olevson.

**PUBLIC ANNOUNCEMENTS**

None.

*\*Approved by Council 11/13/2012*

**CONSENT CALENDAR**

MOTION: Councilmember Meyering moved to pull Items 1.A, 1.C and asked that a No vote be recorded for him on Item 1.F.

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

Councilmember Griffith stated a No vote could be recorded on a Consent Calendar item. Additionally, he would recuse himself on Item 1.F.

AMENDED MOTION: Vice Mayor Whittum amended the motion to show that Item 1.F is included in the Consent Calendar and that a No vote is recorded for Councilmember Meyering and that Councilmember Griffith will abstain.

VOTE: 7 - 0

1.A. MOTION Approval of Council Meeting Minutes of October 16, 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 on page 2, Item 1.A., to reflect that the motion stated was that it is unwise to provide a bonus when the City is simultaneously cutting services to residents.  
Motion died for lack of a second.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of October 16, 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 12-253 Nos. 629 & 630

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

Following action on this item, Council heard an additional public comment prior to the regular order of business at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

1.D. MOTION Budget Modification No. 6 to Appropriate \$32,874 of California Juvenile  
RTC 12-256 Justice Crime Prevention Act Grant Funds from Santa Clara County  
Probation Office for Safe Summer Activities

Staff Recommendation: Alternative 1: Approve Budget Modification No. 6 to appropriate \$32,874 of California Juvenile Justice Crime Prevention Act Grant Funds from Santa Clara County Probation Office for Safe Summer Activities to a new project, FY 2012/2013 Safe Summer Activities Grant.

- 1.E. MOTION Approval of Final Loan Agreements with Garland Plaza Associates, L.P.  
RTC 12-254 for Funding Conditionally Committed in FY 2011-12 to Assist the Garland Plaza Apartments Rehabilitation Project

Staff Recommendation: Alternative 1: Approve the Housing Mitigation and HOME Loan agreements between the City and Garland Plaza Associates, L.P.

### **Other Items**

- 1.F. ORDINANCE Adopt Ordinance No. 2982-12 Amending the Precise Zoning Plan, Zoning  
2982-12 Districts Map, to Rezone Certain Properties Located at 1101 North Fair Oaks Avenue from M-S/ITR/R-3/PD (Industrial and Service Industrial to Residential Medium Density Residential and Planned Development) to R-4/PD (High Density Residential Planned Development) Zoning District

Approved on Consent: Adopt Ordinance No. 2982-12.

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

### **PUBLIC COMMENTS**

Debra Marks spoke regarding the Civic Center and provided a PowerPoint Presentation. Ms. Marks stated on behalf of Citizens for Sunnyvale Parks and Open Space that a renovation concept should be given an equal standing with a redevelopment concept.

Steve Hoffman expressed concerns regarding what he felt were anti-democratic processes at a previous Council meeting.

Tap Merrick spoke regarding pensions and income for new employees.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

2. MOTION 2012-7304 - Legacy Partners/Sunnyvale Business Park (Applicant/Owner):  
RTC 12-257 600 W. California Avenue (APN:165-26-010)
- Special Development Permit for a new 106,617 square foot office/R&D building within Sunnyvale Business Park resulting in a 47.8% Floor Area Ratio;
  - Vesting Tentative Map to create one new lot in an existing campus with nine lots and one common lot; and
  - Mitigated Negative Declaration for the Special Development Permit and Vesting Tentative Map

Vice Mayor Whittum disclosed his home is not within 500 feet of the subject property but is within 500 feet of some of the improvements presenting a potential conflict of interest, recused himself and left the room.

Councilmembers Martin-Milius, Davis, Griffith, and Mayor Spitaleri disclosed they met with the developer.

Planning Officer Trudi Ryan provided the staff report.

Mayor Spitaleri recused himself due to a potential conflict of interest relating to a family member who has a trustee role in one of the properties and left the room.

Councilmember Moylan facilitated as Mayor Pro Tempore during the remainder of this item.

Applicant Steve Dunn provided information regarding the proposal.

Architect Jim Terry provided information regarding the proposal and a PowerPoint presentation.

Public hearing opened at 7:29 p.m.

Eleanor Hansen stated concerns regarding the traffic impact analysis and access to the Caltrain parking lot.

Public hearing closed at 7:37 p.m.

Applicant Steve Dunn provided additional information regarding parking.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to approve Alternative 1: Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with conditions; and Alternative 5: Authorize the City Manager to execute an Irrevocable License Agreement for use and maintenance of the public parking lot under the Mathilda overpass in essentially the same form.

Councilmember Griffith seconded the motion to include "subject to the approval of the Director of Community Development and the City Attorney" and include a clarifying period of time.

VOTE: 4 - 1 - 2 (Councilmember Meyering dissented, Vice Mayor Whittum and Mayor Spitaleri recused)

Following action on this item, Mayor Spitaleri and Vice Mayor Whittum returned to the room and took their seats at the dais.

3. MOTION City Council Policy for Allocation of Park Dedication Fund  
RTC 12-255

Director of Public Works Kent Steffens provided the staff report.

Vice Mayor Whittum provided written materials.

Public hearing opened at 8:39 p.m.



Vice Mayor Whittum disclosed his home is within 500 feet of the Caltrain line and disqualified himself from consideration.

Councilmember Davis expressed interest in serving as the City's representative.

Mayor Spitaleri asked Councilmember Griffith to serve as the representative and Councilmember Davis to serve as the alternate.

Following action on Item 5, Council took up and considered Consent Calendar Items 1. A. and 1.C.

Following action on Item 1.C, Council heard an additional public comment prior to the regular order of business at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

Michael Goldman spoke regarding the Civic Center and provided a PowerPoint presentation.

### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Davis reported his attendance at a joint meeting of the VTA Policy Advisory Committee, Technical Advisory Committee and the Bicycle Advisory Committee.

Councilmember Moylan reported his attendance at a joint meeting of the Emergency Preparedness Councils of San Mateo County and Santa Clara County.

Mayor Spitaleri reported his attendance at the Association of Bay Area Governments Fall General Assembly.

Councilmember Martin-Milius reported her attendance at a meeting of the District Water Advisory Committee.

### **NON-AGENDA ITEMS & COMMENTS**

Councilmember Griffith reported on awards recently received by Sunnyvale Department of Public Safety officers.

MOTION: Councilmember Meyering moved to set an agenda item for the next Council meeting to receive public comment about taking court action and using eminent domain to purchase the Town Center property to take over completion of the project.  
Motion died for lack of second.

Chief Grgurina provided a report regarding the Urban Shield Competition in which staff from the Department of Public Safety competed.

Mayor Spitaleri congratulated the graduates who recently graduated from the SNAP program.

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Parks and Recreation Commission Meeting of October 10, 2012

**ADJOURNMENT**

Mayor Spitaleri adjourned the meeting at 9:28 p.m.

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Kathleen Franco Simmons  
City Clerk

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Date