

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, NOVEMBER 20, 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
Director 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

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

Councilmember Meyering pulled Item 1.C.

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

VOTE: 7 - 0

- 1.A. Approval of Council Meeting Minutes of November 13, 2012
- 1.B. Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. RTC 12-270 List of Claims and Bills Approved for Payment by the City Manager – List No. 633

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

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

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

- 1.D. RTC 12-276 Approve a Resolution Authorizing Participation in the Bay Area Water Supply and Conservation Agency's Bond Issuance to Prepay Capital Debt Owed to San Francisco

Staff Recommendation: Alternative 1: Adopt a resolution authorizing the Bay Area Water Supply and Conservation Agency to prepay the City's portion of capital debt owed by BAWSCA members to the City and County of San Francisco.

- 1.E. RTC 12-266 Approval of Budget Modification No. 18 to Appropriate \$91,380 of Department of Homeland Security, State Homeland Security Grant Program Funds for 2012 Urban Shield

Staff Recommendation: Alternative 1: Approve Budget Modification No. 18 to appropriate \$91,380 of Department of Homeland Security, State Homeland Security Grant Program funds to a new project, 2012 Urban Shield (FFY 2010).

- 1.F. RTC 12-268 Approval of Budget Modification No. 21 to Appropriate \$79,470 of Department of Homeland Security, State Homeland Security Grant Program Funds for Personal Protective Equipment

Staff Recommendation: Alternative 1: Approve Budget Modification No. 21 to Appropriate \$79,470 of Department of Homeland Security, State Homeland Security

Grant Program funds to two new projects, Gas Mask Canister Replacement (FFY 2010 SHSGP) and Mobile Command Vehicle Radio System (FFY 2010 SHSGP).

Contracts

- 1.G. RTC 12-267 Award of Contract for Three Service Trucks (F13-18)

Staff Recommendation: Award a contract in the amount of \$117,648 to Frontier Ford for three service trucks.

- 1.H. RTC 12-274 Award of Bid No. PW13-07 for Construction of Water Line Replacement 2012-13 and Authorization to Amend an Existing Contract for Engineering Design and Construction Support Services

Staff Recommendation: Award a contract in the amount of \$4,688,000, to K.J. Woods Construction, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; approve a 15% construction contingency in the amount of \$703,200; approve an amendment to an existing contract with Bellecci & Associates, Inc. in the amount of \$64,990, for increased construction support services associated with the subject project; and approve an approximate 10% construction support contingency in the amount of \$6,500.

PUBLIC COMMENTS

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

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 12-271 Discuss and Consider Introducing an Ordinance to Amend Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code Relating to Conversions of Mobile Home Parks to Other Uses

Director of Community Development Hanson Hom provided the staff report.

Public hearing opened at 7:39 p.m.

Diana Schaller, member GSMOL Chapter 34 and resident at Fair Oaks Mobile Home Lodge, requested Council not approve the amendment to the municipal code as proposed and requested approval of a rate of compensation of 100% of the fair market value of a manufactured home located in another mobile home park in Sunnyvale or return to staff for further analysis.

Marlice Salsbery, member GSMOL Chapter 34 and resident at Fair Oaks Mobile Home Lodge, requested consideration of relocation assistance, compensation at 100% of fair market value, and that the in-place value be compared with the fair market value of a similar home in a thriving mobile home park.

Peggy Kitting, resident at Fair Oaks Mobile Home Lodge, spoke in opposition to the section of the ordinance relating to compensation at 85% value and requested consideration of an increase to 100% of fair market value.

Charles Olson, attorney representing the owners of Plaza del Rey mobile home park, stated their position is based on their belief that the current ordinance violates State law and that the proposed ordinance exacerbates that. He provided information regarding reasonable and maximum compensation to mobile home owners and submitted written materials.

Public hearing closed at 7:51 p.m.

MOTION: Councilmember Moylan moved to approve Alternative 1: Introduce the Ordinance to Amend Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code relating to the Conversions of Mobile Home Parks to Other Uses; and Alternative 3: Consider amending the General Plan to change the land use designation of one or more of the parks listed on Page 15 of the report from R-LM to MHP.

Motion died for lack of a second.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve Alternative 3: Consider amending the General Plan to change the land use designation of one or more of the parks listed on page 15 of the report from R-LM to MHP.

VOTE: 7 - 0

MOTION: Councilmember Griffith moved and Vice Mayor Whittum seconded the motion to approve Alternative 2: Introduce the draft Ordinance to Amend Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code relating to the Conversions of Mobile Home Parks to Other Uses with modifications: to change the 85% compensation to 100%, adopt the language suggested by the City Attorney: "If the appraisers identify lack of maintenance, deferred maintenance and/or deterioration of the subject park which negatively affects the value of the mobile home the appraiser shall determine the value of the home with an upward adjustment in value if necessary to eliminate the negative effect in value caused by the lack of maintenance, deferred maintenance or deterioration, normal wear and tear and age excepted."

VOTE: 4 - 3 (Councilmembers Moylan, Martin-Milius and Davis dissented)

MOTION: Vice Mayor Whittum moved and Councilmember Griffith seconded the motion to approve an amendment to the ordinance to contract with and directly supervise the relocation specialist.

VOTE: 7 - 0

MOTION: Vice Mayor Whittum moved and Councilmember Martin-Milius seconded the motion to approve an amendment to the ordinance to expand the potential 24-month rent subsidy to cover eligible low income households.

VOTE: 6 – 1 (Councilmember Davis dissented)

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve an amendment to the ordinance to provide a "right of negotiated purchase" but retain the 90 days.

VOTE: 7 – 0

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE on the ORDINANCE as AMENDED: 7 – 0

3. RTC 12-272 Discussion and Possible Action to Award a Contract for Real Estate Consulting Services for the Sale of Raynor Activity Center (F13-23) and Approval of Budget Modification No. 17

Director of Public Works Kent Steffens provided the staff report.

Public hearing opened at 8:32 p.m.

Mei-Ling Stefan spoke in opposition to the sale of Raynor Activity Center.

Tap Merrick spoke in support of Alternative 4, to do nothing.

Steve Hoffman spoke in opposition to the sale of Raynor Activity Center.

Public hearing closed at 8:42 p.m.

MOTION: Councilmember Griffith moved and Councilmember Moylan seconded the motion to approve Alternatives 1, 2 and 3: 1) Award a contract in an amount not to exceed \$135,000 to CB Richard Ellis, Inc. (CBRE) for consulting services related to the sale of Raynor Activity Center, and authorize the City Manager to execute the contract when all the necessary conditions have been met; 2) Approve a 10% contract contingency in the amount of \$13,500; and 3) Approve Budget Modification No. 17 to provide funding for this project.

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

4. RTC 12-275 2012-7761 – Discussion and Possible Action Regarding an Application to Initiate a General Plan Amendment study to change the Moffett Park Specific Plan Land Use Designation for 1152, 1153, 1175, 1180 Bordeaux Drive, 155 Moffett Park Drive, 1215 Borregas Avenue and 1116 and 1130 N. Mathilda Avenue from Moffett Park Industrial (MP-I) to Moffett Park Transit Oriented Development (MP-TOD)

Director of Community Development Hanson Hom provided the staff report.

Vice Mayor Whittum and Councilmember Griffith disclosed they met with the developer.

Public hearing opened at 9:37 p.m.

Tap Merrick suggested charging extra fees to cover public safety and school costs to resolve some financial issues. Merrick expressed concerns regarding the lack of public transportation near the site and the need and cost of a new fire station in the area.

Applicant Jay Paul provided additional information about the project.

Steve Hoffman requested consideration of what the citizen's vision would be for Sunnyvale in terms of growth.

Public hearing closed at 9:48 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Whittum seconded the motion to approve Alternative 1: Authorize the initiation of the Specific Plan Amendment study to consider a change from MP-I to MP-TOD for sites 1, 3 and 4 as described in Attachment A to the report, with direction regarding additional on-site improvements that should be included in the study.

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

5. RTC 12-273 2012-7728 – Discussion and Possible Action on an Application to Initiate a General Plan Amendment Study to Change the Land Use Designation for 610 E. Weddell Drive from Industrial to Residential Very High Density

Interim City Attorney Martello announced that he would be step aside on this item to avoid the appearance of impropriety due to the applicant's relationship with his law firm, although unrelated to the City of Sunnyvale.

Mayor Spitaleri called a recess at 10:16 p.m.

Council reconvened at 10:25 p.m.

Director of Community Development Hanson Hom provided the staff report.

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

Public hearing opened at 10:39 p.m.

Tap Merrick urged Council to do nothing.

Mark Barnes, President, Lakehaven Townhomes Homeowners Association, spoke in favor of conversion of the property to residential use and expressed concern regarding non-resident foot traffic through the complex.

Applicant Todd Regonini, Sares Regis Group of Northern California, provided a report and a PowerPoint presentation.

Martin Landzaat stated the school district is at capacity and provided written materials.

Steve Hoffman requested the study include a history of the zoning of the area.

Public hearing closed at 11:19 p.m.

MOTION: Councilmember Davis moved and Councilmember Moylan seconded the motion to approve Alternative 3: Initiate a General Plan Amendment study to consider changing the site's land use designation from Industrial to Residential with a narrower range of densities than the range described in Alternative 2, and combine this study with the previously initiated study for 520 East Weddell Drive.

AMENDMENT: Vice Mayor Whittum moved and Councilmember Martin-Milius seconded to amend the motion to include study of Very High Density.

VOTE on AMENDMENT: 4 – 3 (Councilmembers Meyering, Moylan and Davis dissented)

VOTE ON MAIN MOTION: 4 – 3 (Councilmembers Meyering, Moylan and Davis dissented)

6. RTC 12-277 Discussion and Possible Action to Amend the CalPERS Contract to Provide 20475 (Different Level of Benefits) and Section 21353 (2% @ 60 Full Formula)

Director of Human Resources Teri Silva provided the staff report.

Public hearing opened at 11:33 p.m.

Tap Merrick spoke in support of the amendment and encouraged the City to conduct salary surveys to ensure we are on par with other cities.

Public hearing closed at 11:35 p.m.

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to approve adopt the Resolution of Intention to amend the CalPERS contract to provide Section 20475 (Different Level of Benefits) and Section 21353 (2% @ 60 Full Formula Single Highest Year calculation) applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this contract amendment; and Section 414(h)(2) of the Internal Revenue code, whereby employee-paid contributions are made on a pre-tax basis. Adopt the related resolutions.

VOTE: 7 - 0

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

Following action on Item 1.C, 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

Councilmember Griffith reported his attendance at a meeting of the Bay Area Water Supply and Conservation Agency.

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

NON-AGENDA ITEMS & COMMENTS

Mayor Spitaleri reported he participated in an event with Lockheed Martin to provide Christmas boxes for the troops.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft minutes of the Board of Library Trustees meeting of November 5, 2012
- Draft minutes of the Sustainability Commission meeting of October 15, 2012

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 11:41 p.m.

Kathleen Franco Simmons
City Clerk

Date