

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, FEBRUARY 26, 2013, 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 Jim Griffith
Councilmember Christopher Moylan (arrived at 9:49 p.m.)
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Jim Davis

STAFF PRESENT:

City Manager Gary Luebbers
Assistant City Manager Robert Walker
City Attorney Joan Borger
Director of Finance Grace Leung
Public Safety Captain Vince Chetcuti
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

Vice Mayor Griffith announced an upcoming Board and Commission application deadline.

Myra Diamond, Sunnyvale Community Players, announced upcoming performances at the Sunnyvale Theatre.

CONSENT CALENDAR

Councilmember Meyering requested to record a no vote on Items 1.A, 1.C and 1.I.

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve the Consent Calendar.

VOTE: 6 – 0 (Councilmember Moylan absent)

1.A. Approval of Council Meeting Minutes of February 12, 2013

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve the minutes of February 12, 2013 as submitted.

VOTE: 5 – 1 (Councilmember Meyering dissented, Councilmember Moylan absent)

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

Fiscal Items

1.C. RTC 13-050 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 646 and 647

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve the lists of bills.

VOTE: 5 – 1 (Councilmember Meyering dissented, Councilmember Moylan absent)

Personnel

1.D. RTC 13-049 Amendment to the Salary Resolution and Classification Plan to Include the Following Classification Title Changes: Buyer I/II, Environmental Programs Manager, Head Golf Professional; and to Add the Newly Established Classifications of Senior Environmental Engineer and Public Safety Officer Academy Attendee/Graduate

Staff Recommendation: Alternative 1: Adopt resolutions to amend the City's Classification Plan and Salary Resolution to change the classification titles and to add the newly established classifications of Senior Environmental Engineer and Public Safety Officer Academy Attendee/Graduate as listed within this report that will become effective the beginning of the first pay period after February 26, 2013.

Contracts

1.E. RTC 13-039 Reject Bids for Four Electric Utility Service Carts (F13-31) and One Tractor Loader (F13-33)

Staff Recommendation: Reject the six bids received in response to Invitation for Bids F13-31 for four electric utility service carts and reject the one bid received in response to Invitation for Bids F13-33 for one tractor loader with box scraper.

- 1.F. RTC 13-048 Award of a Contract for the Design of a Sodium Hypochlorite Disinfection System for the Water Pollution Control Plant (F13-14)

Staff Recommendation: Award a contract, in substantially the same form as the draft attached draft to the report and in the amount of \$360,180 to HDR Engineering, Inc., and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 15% design contingency in the amount of \$54,027.

- 1.G. RTC 13-040 Award of a Contract for Engineering Design and Construction Support Services for Traffic Signal Reconstruction at Four (4) Locations (F13-16)

Staff Recommendation: Award a contract, in substantially the same form as the draft attached to the report and in the amount of \$133,998 to TJKM Transportation Consultants, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 10% design contingency in the amount of \$13,400.

- 1.H. RTC 13-043 Award of Contract for Gymnastics Instruction Services and Camp Programs (F13-40)

Staff Recommendation: Award a two year contract to California Sports Center to provide gymnastics instruction services, in substantially the same form as the draft services agreement attached to the report; and delegate authority to the City Manager to renew the contract for an additional one-year period, provided pricing and service remain acceptable to the City.

Other Items

- 1.I. RTC 13-044 Approval of the First Final Map (Tract No. 10165) – 22 Townhomes, 36 Condominium Units at 660 West El Camino Real by SummerHill Homes

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve the final map for Tract No. 10165; authorize the Mayor to sign the subdivision agreement upon: submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

VOTE: 5 -1 (Councilmember Meyering dissented, Councilmember Moylan absent)

- 1.J. RTC 13-046 One Bay Area Grant Program Grant Applications for Transportation Projects – Resolution of Support

Staff Recommendation: Alternative 1: Approve the Resolution of Support for One Bay Area Grant Program funding.

- 1.K. ORDINANCE 2991-13 Adoption of an Ordinance 2991-13 Awarding Nonexclusive Franchise to Jasraj Bhatia (fka Bikram Singh), Owner of Yellow Cab Company Peninsula, Inc.

Staff Recommendation: Adopt Ordinance 2991-13.

- 1.L. ORDINANCE Adoption of Ordinance 2989-13 Awarding Nonexclusive Franchise to
2989-13 Lawrence Silva, President of Yellow Checker Cab Co., Inc., dba
Checker Cab of Silicon Valley

Staff Recommendation: Adopt Ordinance 2989-13.

- 1.M. ORDINANCE Adoption of an Ordinance 2990-13 Awarding Nonexclusive Franchise to
2990-13 Jorawar Singh, Owner of A Orange Cab

Staff Recommendation: Adopt Ordinance 2990-13.

- 1.N. RTC 13-052 Approve Budget Modification No. 35 to Appropriate Additional Housing
Mitigation Funds to Project 828100 First Time Homebuyer Loans

Staff Recommendation: Approve Budget Modification No. 35 to appropriate \$200,000 from the Housing Mitigation Fund Reserve to Project 828100 First Time Homebuyer Loans to allow staff to assist eligible BMR buyers during the remainder of the fiscal year.

PUBLIC COMMENTS

Steve Hoffman spoke regarding the civic center.

Michael Goldman spoke regarding the civic center and provided a PowerPoint presentation.

Peggy Kitting, Fair Oaks Mobile Lodge, spoke regarding lack of enforcement of civil codes by the owner of the mobile home park and provided a PowerPoint presentation.

Tap Merrick spoke regarding the issue of a salary raise for the City Manager from the previous Council meeting.

Larry Alba spoke in opposition to selling the Sunnyvale Armory property.

PUBLIC HEARINGS/GENERAL BUSINESS

Mayor Spitaleri announced Item 3 would be moved to follow Item 5.

2. RTC 13-042 Discussion and Possible Action Regarding Adoption of Council-ranked
Study Issue Presentation Dates for 2013

Senior Management Analyst Yvette Blackford provided the staff report.

Public Hearing was opened at 7:27 p.m.

No speakers.

Public Hearing closed at 7:27 p.m.

MOTION: Councilmember Whittum moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Approve the Study Issues Priorities List by Department as submitted.

VOTE: 6 - 0 (Councilmember Moylan absent)

Following action on this item, Council took up and considered Item 4.

3. RTC 13-041 2012-8003 Lawrence Station Area Plan Phase 2, Discussion and Possible Action to Select Land Use Alternative and Circulation Framework

This item was considered following Item 5.

Director of Community Development Hanson Hom provided the staff report.

Public Hearing was opened at 10:12 p.m.

Larry Nissen, Intuitive Surgical, spoke regarding planned expansion of the firm, stated their commitment to work with the City to connect Kifer with Sonora Court using the bike/pedestrian pathway, and expressed concerns relating to the roadway through Sonora Court.

Andy Frazer spoke in support of the Lawrence Station Area Plan and urged dialogue between the City and Caltrain regarding ridership issues. Frazer also spoke regarding avoiding the dark feel of the west end of Washington Avenue downtown.

Bena Chang, Silicon Valley Leadership Group, spoke regarding the importance of having homes on the north and south sides of the tracks.

Shalni Rajkumar spoke in support of mixed use, affordable housing and jobs in the area, and suggested an emphasis on bicycle and pedestrian connectivity including mid-block crossings and improved pedestrian crossings across the tracks.

Tap Merrick spoke regarding the need for additional public safety officers, an education fee and a commitment from VTA to provide public transportation down Lawrence Expressway.

Sue Harrison, member of the citizen's advisory group, spoke regarding the benefits of mixed use development in this location to address the demographics of young professionals and empty nesters. Harrison also spoke regarding the desirability of office space along a rail and the benefit of mixed use to the tax base.

John Cordes suggested keeping the housing/job ratio lower and recommended green building design.

Margaret Okuzumi, Sierra Club, spoke in support of the Lawrence Station Area Plan and the importance of affordable housing, a walkable community, and mixed use development.

Kurt Anthony spoke in support of the Sierra Club's comments regarding the Lawrence Station Area Plan.

Kirti Kulkarni spoke in support of the Sierra Club's comments regarding the Lawrence Station Area Plan and requested consideration of more mixed uses in the area and walkable neighborhoods including 200 foot blocks.

Barbara Fukumoto spoke in support of a flexible mixed use model and requested a specific target be set for affordable housing. Fukumoto spoke in favor of protection of the Sonora Court trees, the provisions for open space and the design guidelines which will require sustainable development. Fukumoto urged that the Lawrence Station area become a regional model of sustainability.

Ray Crump spoke in support of the mixed use model and expressed concerns regarding traffic.

Adina Levin, Friends of Caltrain and member of the Sierra Club, spoke in support of Caltrain and Sierra Club recommendations, benefits of electric trains. Levin recommended transit oriented development, mixed use and affordable housing.

Robert Swierk, Senior Transportation Planner, VTA, expressed VTA's support of the LSAP.

Public Hearing closed at 10:52 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Accept the Flexible Mixed Use alternative and circulation and open space framework for LSAP as outlined in Attachment A to the report as the recommended alternative to include in future plan preparation and environmental review preparation, with the addition to look at concerns expressed by Intuitive Surgical, the owners of 1150 and 1170 Kifer per the letter, as well as ongoing with Costco to attempt to mitigate their concerns and address them.

FRIENDLY AMENDMENT: Councilmember Davis requested to include negotiations with Caltrain in regards to using the right-of-way for the roadway system. Vice Mayor Griffith accepted the friendly amendment.

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

4. RTC 13-047 2010-7148 Discussion and Possible Action on Retooling the Zoning Code (Title 19 of the Sunnyvale Municipal Code) with Focus on Organizational Structure and Article 1 (Purpose, Applicability, Administration and Nonconforming Uses, Structures and Lots)

Council considered this item following Item 2.

Director of Community Development Hanson Hom provided the staff report.

Public Hearing was opened at 7:39 p.m.

No speakers.

Public Hearing closed at 7:39 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Approve the new organizational structure and draft language of Article 1, and direct staff to proceed with the next phases of Retooling the Zoning Code.

VOTE: 6 - 0 (Councilmember Moylan absent)

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to direct Planning Commission and staff regarding replacement of non-conforming structures that priority should be given to the safety and the minimization of blight over rendering structures conforming, and to that end, an approach that goes with either number one or number three on page seven of the report is the preferred approach that Council should take.

VOTE: 6 – 0 (Councilmember Moylan absent)

5. RTC 13-051 Referral by Mayor for Consideration of Possible Legislation Related to Firearm and Ammunition Safety Measures

Mayor Spitaleri provided a report and a list of nine additional items for consideration.

Public Hearing was opened at 7:55 p.m.

William Corona spoke in opposition to regulations.

Robert Shackelford spoke in opposition to gun regulations.

Anna Ravenscroft spoke in opposition to a proposed ordinance.

Vitaly Luban spoke regarding the proposed regulations.

Tap Merrick spoke in support of the Mayor's recommendation.

Daniel Parrish spoke in opposition to the proposed regulations.

David Wessel spoke in favor of the Mayor's proposal and requested the Council approve a study.

Bill Wiese spoke in opposition to the proposed regulations.

Margaret Okuzumi spoke in support of the proposal.

David O'Brien spoke in opposition to additional regulations of firearms.

Brad Seifers spoke in opposition to the proposed regulations.

Forrest Jadick spoke in opposition to the proposed regulations.

Steve Hoffman spoke regarding the need for more police officers and recommended hiring an independent auditor to look at salary negotiations.

Carol Weiss spoke in support of a study of the proposed regulations.

Dan Hafeman spoke in support of the proposed study.

Steve Sarette spoke in opposition to the proposed regulations and regarding the need to address mental health issues.

Simon Gerraty recommended allowing more citizens to carry concealed weapons and spoke in opposition to the proposed regulations.

Danette Lee spoke in support of Council educating themselves on firearms.

Nandini B. spoke regarding firearms and ammunition regulations in San Francisco and urged a comprehensive study.

Public Hearing closed at 8:56 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Griffith seconded the motion to add as an agenda item for the next joint meeting with the school district discussion of mental health (legislative advocacy, residential care facilities, low income housing, managed care), gang interdiction for youth (youth recreation, youth services), and discussion of the Mayor's list of proposed legislation regarding gun control.

VOTE: 6 – 0 (Councilmember Moylan absent)

Mayor Spitaleri called a recess at 9:26 p.m.

Council reconvened at 9:47 p.m. with all present except Councilmember Moylan.

Councilmember Moylan arrived at 9:49 p.m.

Following action on this item, Council considered Item 3.

6. Council Subcommittee Recommendations Regarding the Community Event Grant and Neighborhood Grant Distributions

Council considered this item following Item 3.

Councilmember Martin-Milius provided a report.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Martin-Milius reported meetings of the Stevens Creek Trail working group.

Councilmember Whittum reported a meeting of a VTA Policy Advisory Committee.

NON-AGENDA ITEMS & COMMENTS

Vice Mayor Griffith reported the City of San Jose passed an EPS food container ban.

Councilmember Whittum reported issues related to smoking in multi-unit developments and provided written materials to Council.

Councilmember Meyering requested follow up information regarding a complaint letter received by Council regarding Fair Oaks Park.

Mayor Spitaleri spoke regarding Council Policy regarding use of the Community Center for a Hepatitis B event by a non-profit organization and the possibility of putting the issue on an upcoming agenda.

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to put consideration of this item on the March 5 Council meeting agenda.

VOTE: 7 – 0

Councilmember Whittum clarified that he misspoke regarding the Study Session he requested at the February 12 Council meeting and stated that the subject should be Moffett Field and not Moffett Park.

City Manager Luebbers reported an update on the U.S. Patent Office.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of February 12, 2013 - Comprehensive Sign Code Revisions (Study Issue)
- Draft Minutes of the Board of Library Trustees Meeting of February 4, 2013

ADJOURNMENT

Councilmember Davis closed meeting in honor of two Santa Cruz police officers killed in the line of duty.

Mayor Spitaleri adjourned the meeting at 11:49 p.m.

Kathleen Franco Simmons
City Clerk