

**DRAFT MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, APRIL 23, 2013, 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 Jim Griffith  
Councilmember Christopher Moylan  
Councilmember David Whittum  
Councilmember Pat Meyering  
Councilmember Tara Martin-Milius  
Councilmember Jim Davis

**ABSENT:**

None

**STAFF PRESENT:**

City Manager Gary Luebbers  
Assistant City Manager Robert Walker  
City Attorney Joan Borger  
Director of Finance Grace Leung  
Director of Public Safety Frank Grgurina  
Director of Library and Community Services Lisa Rosenblum  
Director of Community Development Hanson Hom  
Director of Public Works Kent Steffens  
Director of Environmental Services John Stufflebean  
City Clerk Kathleen Franco Simmons

**SPECIAL ORDER OF THE DAY** – Mayor Spitaleri presented a proclamation in honor of National Crime Victims' Rights Week to Zhazil Gurbiel, Santa Clara County Victim Witness Assistance Program.

**SPECIAL ORDER OF THE DAY** – Mayor Spitaleri presented Earth Day Poster Awards to Sunnyvale elementary and middle school students.

*\*Pending Council approval*

Mayor Spitaleri presented Green Business Certificates of Commendation to Keri Morales, Director of Manufacturing, JSR Micro, Inc., Peter and Megan Xu, Owners, Nature's Best Cleaners, Richard DeBorba, General Manager, Sports Basement, Jorge Martinez, Facilities Manager, West Valley Staffing Group, and Chef Cecilia Garza, Owner, Wild Tastes Catering.

**SPECIAL ORDER OF THE DAY** – Mayor Spitaleri presented awards from the California Water Environment Association to Jackie Davison, Outreach Coordinator, Environmental Services Department.

**PUBLIC ANNOUNCEMENTS**

Mayor Spitaleri announced an upcoming Lawrence Station Area Plan community meeting.

**CONSENT CALENDAR**

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

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

VOTE: 7 - 0

1.A. Approval of Council Meeting Minutes of April 9, 2013

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of April 9, 2013.

VOTE: 6 – 1 (Councilmember Meyering dissented)

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

**Fiscal Items**

1.C. RTC 13-088 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 654-655

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

VOTE: 6 – 1 (Councilmember Meyering dissented)

1.D. RTC 13-080 Budget Modification No. 39 to Appropriate \$13,500 of Library Services and Technology (LSTA) Competitive Grant Funds for Printing Old and New: Letterpress and 3D Printing

Staff Recommendation: Approve Budget Modification No. 39 to appropriate LSTA funds in the amount of \$13,500 to a new project, Printing Old and New.

Staff Contact: Lisa G. Rosenblum, (408) 730-7315

## **PUBLIC COMMENTS**

Steve Hoffman spoke regarding the Model of Excellence and requested revisions to the Code of Ethics.

Michael Goldman provided a PowerPoint presentation demonstrating renovations to the Southern Oregon State University Library.

Deborah Marks provided a PowerPoint presentation regarding trees on current construction sites and future development sites and suggested in-lieu fees for replacement of mature trees.

Tap Merrick spoke regarding an alleged violation of the Code of Ethics and Conduct of Elected and Appointed Officials at a previous meeting.

Mike Sabin spoke regarding CalPERS' adoption of a new funding formula and provided written materials.

Andy Frazer spoke regarding CalPERS rate increases and provided a PowerPoint presentation.

Andrei Herasimchuk spoke regarding the homes on Jackson Street and requested removal of the four cypress trees near the amphitheater for safety reasons.

Robert Sweezo spoke regarding the need for recycling cardboard dumpsters at other apartment complexes and recommended abolishing automatic delivery of telephone books.

## **PUBLIC HEARINGS/GENERAL BUSINESS**

### 2. RTC 13-081 Review and Selection of the Seven Seas Park Public Art Project

Director of Library and Community Services Lisa Rosenblum presented the staff report.

Public Hearing opened at 8:27 p.m.

Misuk Park, Chair of the Arts Commission, provided the commission's comments in support of its recommendation of Proposal #2, "Under the Umbrella".

Dominic Panziera, co-artist of "Under the Umbrella" provided additional information regarding the proposal.

Tap Merrick recommended putting dog bowls throughout the community wherever there are drinking fountains.

Public Hearing closed at 8:40 p.m.

**MOTION:** Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 2: Approve design Proposal 2 "Under the Umbrella" by the artistic team Artelettica and direct staff to enter into an Artist's Agreement and to work with the artist to address safety, durability and design concerns as necessary throughout the design, fabrication and installation phases, with additional direction to staff to work with the artist to modify the imagery to reflect more of an ocean theme.

**VOTE:** 7 - 0

3. Council Discussion Regarding Fair Oaks Mobile Home Park

Councilmember Meyering provided information regarding his proposal to set a date for a hearing to consider revoking the mobile home park owner's business license.

City Attorney Borger provided information regarding revenue provisions for collection of business license taxes, procedures for revocation of a business license, abatement of nuisance violations, and mobile home residency law.

Public Hearing opened at 9:05 p.m.

Tap Merrick spoke in support of protecting low-income mobile home owners.

Sean Dechte spoke regarding Fair Oaks Mobile Home Park pool conditions, open season and rules. Dechte submitted a copy of a petition signed by 44 residents.

Peggy Kitting spoke regarding alleged violations of park rules, public nuisance and abatement regulations, loss of home equity and inability to sell homes by the mobile home owners. Kitting requested Council to put on an upcoming agenda a hearing to revoke the park owner's business license.

Sandra Pacheco spoke in support of the home owners in Fair Oaks Mobile Home Park.

Craig Schoonover requested the City hold a hearing to discuss revoking the mobile home park owner's business license.

Denise Gallardo provided information regarding rents and amenities at other Sunnyvale mobile home parks and spoke in support of assisting the mobile home owners.

Steve Hoffman spoke in support of assisting the mobile home park residents and recommended doing drastic rent control on this property and revoking the business license.

Marlice Salsbery spoke regarding loss of equity and inability to sell her home in the park.

Public Hearing closed at 9:47 p.m.

**MOTION:** Councilmember Davis moved and Vice Mayor Griffith seconded the motion to direct the City Attorney to consult with legal experts in the field of mobile home acquisition and report back to the City Council on the legalities of the situation at Fair Oaks Mobile Home Park, and that this effort be funded through the set-aside discretionary budget.

**FRIENDLY AMENDMENT:** Vice Mayor Griffith requested the maker of the motion to clarify that the motion directs the City Attorney to prepare a report, drawing on outside counsel if appropriate or necessary at her discretion. Councilmember Davis accepted the clarification.

**VOTE:** 7 - 0

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to direct the city manager to have the finance director send a certified letter to the park owner that the City is doing an investigation and setting a hearing date in front of the finance director concerning the continued viability of their business license.

VOTE: 1 - 6 (Councilmember Whittum, Vice Mayor Griffith, Mayor Spitaleri, Councilmembers Moylan, Martin-Milius and Davis dissented)  
Motion failed.

MOTION: Councilmember Whittum moved and Councilmember Griffith seconded a procedural motion to put on a future agenda to consider a legislative advocacy position to support restoration of charter city powers with respect to mobile home parks.

VOTE: 7 - 0

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded a procedural motion to have a study session at a future date for staff to review for Council the options and procedures on consideration of a rent stabilization ordinance for mobile home parks.

VOTE: 3 - 4 (Vice Mayor Griffith and Councilmembers Moylan, Martin-Milius and Davis dissented)  
Motion failed.

4. RTC 13-086 Discussion and Possible Action on the Steps to Form Sunnyvale Community Facility District No. 3 (Estates at Sunnyvale), Including Public Hearing, Special Election and Budget Modification No. 41 to Appropriate \$49,445 in Deposited Funds from the Property Owner

Director of Environmental Services Department John Stufflebean and Senior Management Analyst Brice McQueen presented the staff report.

Public Hearing opened at 10:36 p.m.

Mayor Spitaleri asked if anyone wished to file a written protest at this time.  
No written protests were filed.

Mayor Spitaleri asked if any interested persons wished to provide comments, questions, and any oral protests.  
No speakers.

Public Hearing closed at 10:37 p.m.

City Clerk Franco Simmons reported no written protests were received.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 1.a: Adopt Resolution of Formation of Community Facilities District.

VOTE: 6 - 1 (Councilmember Meyering dissented)

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 1.b: Adopt Resolution Calling Special Landowner Election.

VOTE: 6 - 1 (Councilmember Meyering dissented)

City Clerk Franco Simmons opened the ballot and reported the results of the special landowner election as follows: The City is in receipt of one ballot representing 51 parcels totaling 8 votes; the number of votes in favor is 8 votes, 100% of the vote, and zero against. The city clerk completed the Canvass and Statement of Result of Election.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 1.c: Adopt Resolution Declaring Results of Special Landowner Election and Directing Recording of Notice of Special Tax Lien.

VOTE: 6 - 1 (Councilmember Meyering dissented)

City Clerk Franco Simmons read the ordinance title.

MOTION: Councilmember Moylan moved and Councilmember Davis seconded the motion to approve Alternative 1.d: Introduce Ordinance Levying Special Taxes;

VOTE: 6 - 1 (Councilmember Meyering dissented)

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Alternative 2: Approve Budget Modification No. 41.

VOTE: 6 - 1 (Councilmember Meyering dissented)

5. RTC 13-085 Discussion and Possible Action Regarding Zero Waste Strategic Plan

Director of Environmental Services Department John Stufflebean presented the staff report.

Public Hearing opened at 11:12 p.m.

Jillian Hogan, speaking on behalf of the Bay Counties Waste Services, spoke in support of pursuit of the Zero Waste goals.

Barbara Fukumoto spoke in support of the Zero Waste Plan, and encouraged meeting the zero waste goals early and getting organics out of the waste stream as soon as possible.

Andy Frazer spoke in support of Alternative 2 and expressed concerns regarding the projected replacement of the recycling plant in 2020 at the same time the peak of the recent CalPERS rate increase will occur.

John Cordes spoke in support of Alternative 4, to pursue more aggressive diversion goals and recommended consideration of partnering with Palo Alto to build an anaerobic digester and consideration of charging by the kilogram for waste.

Gustav Larsson, Chair of the Planning Commission, speaking for himself, spoke in support of setting a clear target for diversion now to allow staff to engage other future partners in moving toward a partnership in the 2021 to 2030 timeframe.

Public Hearing closed at 11:23 p.m.

MOTION: Councilmember Davis moved and Councilmember Martin-Milius seconded the motion to approve Alternative 2: Pursue the actions outlined in the report to achieve 70 percent diversion by 2015, 75 percent diversion by 2020, and 90 percent diversion by 2030. Bring all actions that have significant rate impacts, or other impacts on the residents or businesses of Sunnyvale, to Council for consideration.

FRIENDLY AMENDMENT: Councilmember Martin-Milius offered a friendly amendment to keep the targets as they stand, but with the caveat to pursue anything that can be done to improve diversion early in cost effective ways.  
Councilmember Davis accepted the friendly amendment.

VOTE: 5 - 2 (Vice Mayor Griffith and Councilmember Moylan dissented)

MOTION: Councilmember Whittum moved to add to the previous motion to instruct staff to look at what would be involved in charging by the kilogram for waste.  
Motion died for lack of a second.

MOTION: Vice Mayor Griffith moved to propose a study issue to review standards for trash enclosures, to see if they need to be adjusted in order to achieve zero waste goals.  
Motion died for lack of a second.

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

Councilmember Davis reported on a recent meeting of the Valley Transportation Authority Policy Advisory Board and reported that in the bicycle expenditure program, Sunnyvale will receive \$ 5.1 million in grants which includes Hendy Avenue bike lanes, Mathilda Avenue bike lanes, and Mary Avenue bike lanes. Additionally, the City is scheduled to receive \$ 37.1 million for fourteen proposed projects that includes \$ 20 million for the Stevens Creek Trail.

Councilmember Davis reported on his attendance at the Association of Bay Area Governments General Assembly.

Councilmember Whittum reported on a recent meeting of the VTA in a General Budget Workshop and provided information regarding recruitment for General Manager.

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

- Council
- City Manager

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

- Tentative Council Meeting Agenda Calendar
- RTC 13-089 Branch Library Update #2 (Information Only)
- Draft Minutes of the Housing and Human Services Commission Meeting of March 27, 2013

**ADJOURNMENT**

Mayor Spitaleri adjourned the meeting at 11:36 p.m.