

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, APRIL 30, 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
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 Community Development Hanson Hom
Director of Public Works Kent Steffens
Director of Environmental Services John Stufflebean
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR APRIL 30, 2013

Closed Session pursuant to Government Code Section 54956.9 (d)(4) – Conference with Legal Counsel - Initiation of Litigation

Vice Mayor Griffith reported direction to initiate litigation, if necessary, has been given, and the action, defendants and other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless doing so would jeopardize our ability to effectuate service or negatively impact any settlement negotiations.

PUBLIC ANNOUNCEMENTS

Councilmember Davis announced a free adoption clinic at the Santa Clara Valley Humane Society.

Councilmember Davis announced an upcoming public meeting with Assemblymember Jerry Hill regarding the State budget.

Councilmember Martin-Milius announced the upcoming Sunnyvale Fit and Fun Fair at Fair Oaks Park.

James Marken announced an upcoming concert to benefit Faith in Action Silicon Valley Rotating Shelter.

Kevin Jackson announced a Traffic Safe Communities Network helmet giveaway at the Fit and Fun Fair and announced upcoming Bike to Work Day.

Tap Merrick announced an upcoming presentation of "Little Women" at the Sunnyvale Community Theater.

CONSENT CALENDAR

Councilmember Meyering pulled Item 1.F and requested to record a no vote on Items 1.A, 1.C and 1.J.

Councilmember Whittum pulled Item 1.I.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Consent Calendar with the exception of Items 1.F and 1.I.

VOTE: 7 - 0

Mayor Spitaleri announced the remaining Consent Calendar items would be heard following the Public Hearing / General Business portion of the agenda.

1.A. Approval of Council Meeting Minutes of April 23, 2013

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of April 23, 2013.

VOTE: 6 - 1 (Councilmember Meyering dissented)

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

Fiscal Items

- 1.C. RTC 13-095 List of Claims and Bills Approved for Payment by the City Manager – List No. 656

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

- 1.D. RTC 13-097 City of Sunnyvale Investment Report – 1st Quarter 2013

Staff Recommendation: Receive and file the investment report.

Contracts

- 1.E. RTC 13-093 Award of Bid No. PW13-17 for the Theater Lighting Replacement Project

Staff Recommendation: Award a contract in the amount of \$272,970, to Musson Theatrical, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2. Approve a 10% construction contingency in the amount of \$27,297.

- 1.F. RTC 13-099 Amendment to Agreement for the Operation of the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station)

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Authorize the City Manager to execute the first amendment to the agreement for the operation of the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station).

VOTE: 6 - 1 (Councilmember Meyering dissented)

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to put and item on next week's agenda to pursue formal censure and sanctions against Councilmember Meyering for ongoing violations of the Code of Ethical Conduct and Council Policy.

VOTE: 4 - 2 - 1 (Councilmembers Meyering and Whittum dissented, Councilmember Davis abstained.)

- 1.G. RTC 13-094 Award of Bid No. PW13-16 for 2012-13 Sanitary Sewer Main Replacement Phase 2

Staff Recommendation: Award a contract in the amount of \$1,025,520, 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; and approve a 10% construction contingency in the amount of \$102,552.

- 1.H. RTC 13-096 Authorization for Second Amendment to an Existing Contract for the Engineering Design for the Rehabilitation of Four Air Flotation Thickeners at the Water Pollution Control Plant (F13-55)

Staff Recommendation: Approve a Second Amendment to an existing contract with RMC Water and Environment for additional engineering design and construction support services related to the Rehabilitation of AFT's at the Water Pollution Control Plant, increasing the not-to-exceed value by \$32,100, from \$478,500 to \$510,600.

Other Items

- 1.I. RTC 13-092 2013 Boards and Commissions Master Work Plans

MOTION: Councilmember Whittum moved to approve the 2013 board and commission master work plans with the addition of an amendment to add an update on Fair Oaks Mobile Lodge to the Housing and Human Services Commission work calendar in May or thereabouts.

Motion died for lack of a second.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the 2013 board and commission master work plans as presented and direct the Board and Commission Subcommittee to take up the issue of possibly shifting the calendar year.

VOTE: 7 - 0

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

- 1.J. ORDINANCE 2995-13 Adopt Ordinance 2995-13 – An Ordinance of the City Council of the City of Sunnyvale Levying Special Taxes within the City of Sunnyvale Community Facilities District No. 3 (Estates at Sunnyvale)

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt Ordinance No. 2995-13.

VOTE: 6 - 1 (Councilmember Meyering dissented)

PUBLIC COMMENTS

Wilma Anderson spoke regarding the liquidambar tree in front of her house and requested it be removed and replaced.

Michael Goldman provided a PowerPoint presentation regarding potential financing options for renovations to the library.

Steve Hoffman spoke regarding proposed costs of a branch library.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 13-100 Discussion and possible action on an application to develop a multi-family structure on a 2.28-acre site (Armory site) with 117 affordable dwelling units, associated parking and landscaping located at 620 E. Maude Avenue in an M-S/ITR/R-3/PD Zoning District (APN: 205-29-014).
- Amendment to the General Plan Land Use designation from Industrial to Residential/Residential Medium Density to Residential High Density.
 - Introduction of an Ordinance to change the Zoning designation from M-S/ITR/R-3/PD to R-4/PD;
 - Special Development Permit to allow the development of 117 affordable housing units; and
 - Mitigated Negative Declaration for the General Plan Amendment, Rezone and Special Development Permit.

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 7:44 p.m.

Applicants Jan Lindenthal, MidPen Housing, and Kathy Robinson, Charities Housing, provided information and a PowerPoint presentation regarding the proposed project.

Sandra Escobar, Silicon Valley Leadership Group, spoke in support of the project.

Tap Merrick expressed concerns regarding the high density of the project, inquired about an allegation of swapping low income units for units in other developments, and establishing a public safety mitigation fee.

Karyl Eldridge, Peninsula Interfaith Action, spoke in support of the proposed project.

Chris Richardson, Downtown Streets Team, spoke in support of the proposed project.

Michael Davis, Downtown Streets Team, spoke in support of permanent long-term housing and in support of the proposed project.

Mark Sabin spoke regarding the median price of homes in Sunnyvale and expressed support for the development.

Gustav Larsson, Planning Commission Chair, presented the Planning Commission recommendation. Speaking for himself, Laarson spoke in support of a preference program for people who live or work in Sunnyvale.

The applicants provided additional information in response to Council questions.

Public Hearing closed at 8:31 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt the Mitigated Negative Declaration , amend the General Plan, Rezone properties and approved the Special Development Permit with the following actions:

- A) Adopt a Resolution to amend the General Plan to Change the General Plan land use designation of 620 E. Maude Avenue from Industrial to Residential Medium Density (ITRMED) to Residential High Density (RHI)
- B) Introduce an ordinance to rezone 620 E. Maude Avenue Industrial Service/Industrial to Residential/ Medium Density/Planned Development (M-S/ITR/R3/PD) to High Density Residential Planned Development (R4/PD).
- C) Approve the Special Development Permit with conditions listed in Attachment D to the report.

VOTE: 6 - 1 (Councilmember Meyering dissented)

City Clerk Kathleen Franco Simmons read the ordinance title.

- 3. RTC 13-090 Discussion and Possible Action on
 - 2013-7126 General Plan Amendment to consider a change to the land use designation of three mobile home parks (Ranchero, Thunderbird, and Rancho La Mesa) from Residential Low Medium Density to Mobilehome Park.
 - A General Plan Amendment initiation request from the owners of the Thunderbird and Ranchero Mobile Estates for a study of Residential Medium Density for the mobile home park sites.

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 8:50 p.m.

Andrew Faber, attorney representing the MacDonells, urged Council not to adopt the mobile home park designation to the General Plan and urged approval of Alternatives 5 and 6.

Alex MacDonell provided information regarding the history of the conversion of Ranchero and Thunderbird mobile home parks from homeowner to rental properties and spoke in opposition to changing the General Plan designation to mobile home properties. MacDonell suggested modifying Alternatives 1 and 4 and spoke in support of Alternative 6.

Tap Merrick spoke in support of the proposal.

Kenneth Rodrigues, architect for the applicant, urged approval of the general plan initiation study and requested staff and their team have the opportunity to look at other options to bring back to Council.

Public Hearing closed at 9:07 p.m.

Vice Mayor Griffith, Mayor Spitaleri, Councilmember Martin-Milius, Councilmember Moylan and Councilmember Davis disclosed they previously met with the owners and discussed the proposal.

MOTION: Councilmember Moylan moved and Councilmember Davis seconded the motion to approve Alternative 5: Approve the Planning Commission recommendation:

a. Alternative 4 Do Not Amend the General Plan for the Thunderbird and Rancho Mobile Estates.

b. Alternative 1 Adopt the Negative Declaration and Adopt the Resolution to change the General Plan designation from RLM to MHP for the Rancho La Mesa Mobilehome Park.

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

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternative 2: Initiate a General Plan amendment study to consider adjusting the density for the MHP land use designation to better correspond with the existing densities on the mobile home park sites.

VOTE: 6 - 1 (Councilmember Meyering dissented)

MOTION: Councilmember Moylan moved and Councilmember Davis seconded the motion to approve Alternative 6: Initiate the General Plan Amendment study to consider increasing the land use density from Residential Low Medium to Residential Medium as requested by the owners of the Thunderbird and Rancho Mobile Estates.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment that the General Plan Amendment Study should take a look at the possibility for a bike/pedestrian trail along the El Camino Storm Drain segment from Henderson Avenue across and then as it turns up, and north past Miramar Way.

Councilmember Moylan accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Whittum offered a motion that the General Plan Amendment Study should in addition to looking at Residential Medium, look at Very Low Density Single Family more compatible with Rockrose Avenue.

Councilmember Moylan declined to accept the friendly amendment.

Councilmember Meyering seconded the amendment.

VOTE on AMENDMENT: 3 - 4 (Mayor Spitaleri, Councilmembers Moylan, Martin-Milius and Davis dissented)

Motion to amend failed.

VOTE on MOTION: 5 - 2 (Councilmembers Meyering and Whittum dissented)

4. RTC 13-091 Consider Whether to Submit a Charter Amendment to the Voters to Change the Mayoral Appointment from a Two-Year Term to a One-Year Term and Provide for Selection of the Mayor by Seniority Rotation

City Attorney Joan Borger presented the staff report.

Public Hearing opened at 9:37 p.m.

Tap Merrick spoke regarding the Charter Review Committee regarding consideration of a directly-elected mayor and spoke in favor of a rotating mayor.

Steve Hoffman spoke in favor of a Charter amendment to rotate the selection of mayor.

Public Hearing closed at 9:42 p.m.

MOTION: Councilmember Meyering moved to approve Alternative 1: Direct staff to draft the necessary Charter amendment language and related resolutions to call a special election and place a measure on the November 5, 2013 ballot to consider changing from a two-year mayoral term to a one-year term, including a provision for selection of Mayor based on seniority.

Motion died for lack of a second.

MOTION: Councilmember Moylan moved to place a measure like this for a one-year mayor on the ballot at the next election after the November 2013 election.

Motion died for lack of a second.

MOTION: Councilmember Whittum moved to approve Alternative 2: Direct staff to draft the necessary Charter amendment language and related resolutions to call a special election and place a measure on the November 5, 2013 ballot to consider changing from a two-year mayoral term to a one-year term, not including a provision for selection of Mayor based on seniority.

Motion died for lack of a second.

MOTION: Councilmember Davis moved and Councilmember Martin-Milius seconded the motion to adopt Alternative 3: Do not pursue a ballot measure.

VOTE: 4 - 3 (Councilmembers Meyering, Whittum and Moylan dissented)

5. RTC 13-098 Discussion and Possible Action to Introduce an Ordinance to Amend Sunnyvale Municipal Code Chapter 2.24, Employer-Employee Relations, Pertaining to Impasse Procedures in Labor Negotiations

City Attorney Joan Borger presented the staff report.

Public Hearing opened at 9:53 p.m.

No speakers.

Public Hearing closed at 9:53 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Introduce this amendment to the ordinance and place on the next City Council agenda for adoption.

VOTE: 7 - 0

City Clerk Franco Simmons read the ordinance title prior to Councilmember Reports on Activities from Intergovernmental Committee Assignments.

Following action on Item 5, Council considered Consent Calendar Items 1.F and 1.I.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Davis and Councilmember Martin-Milius reported their attendance at Legislative Action Day in Sacramento.

Mayor Spitaleri reported his attendance at a meeting of the Housing Element Committee.

Mayor Spitaleri reported receipt of a certificate from the National League of Cities for forty years of membership, and submitted it to the City Clerk.

NON-AGENDA ITEMS & COMMENTS

City Manager Luebbbers reported the budget will be delivered on May 3; Michelle Lee, the director of the new U.S. Patent Office, will speak at the Library on May 8 at 4 p.m.; and the Iowa Avenue Streetscape program will begin in June.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- National League of Cities Conference Trip Report, March 2013 – Councilmember Moylan
- Draft Minutes of the Parks and Recreation Meeting of April 10, 2013
- Update on Murphy Park (Information only)

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 10:26 p.m.

Kathleen Franco Simmons
City Clerk