

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JULY 9, 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 (by Teleconference)
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 Public Works Kent Steffens
Planning Officer Trudi Ryan
City Clerk Kathleen Franco Simmons

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.C, 1.D, 1.E and 1.F.

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

VOTE: 7 - 0

Council considered items pulled from the Consent Calendar following Item 5.

1.A. Approval of Council Meeting Minutes of June 25, 2013

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve the Council Meeting Minutes of June 25, 2013.

VOTE: 6 - 1 (Councilmember Meyering dissented)

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

Fiscal Items

1.C. RTC 13-161 List of Claims and Bills Approved for Payment by the City Manager – List No. 665

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

Contracts

1.D. RTC 13-163 Award of Contract for One Regenerative Air Street Sweeper (F13-58)

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to award a contract in the amount of \$205,224, in substantially the same form as the draft purchase order attached to the report, to Municipal Maintenance Equipment, Inc. for one regenerative air street sweeper.

VOTE: 7 - 0

1.E. RTC 13-164 Award of Contracts for Asphaltic Materials for Pavement Operations

MOTION: Councilmember Meyering moved and Councilmember Moylan seconded the motion to award a one-year contract for asphaltic materials, in substantially the same form as the Draft Blanket Purchase Order attached to the report and in an amount not-to-exceed \$500,000 to Graniterock Company; Award a one-year contract for asphaltic materials, in substantially the same form as the Draft Blanket Purchase Order attached to the report and in an amount not-to-exceed \$115,000 to Granite Construction Company; and award a one-year contract for asphaltic materials, in substantially the same form as the Draft Blanket Purchase Order attached to the report and in an amount not-to-exceed \$115,000 to Reed & Graham.

VOTE: 7 - 0

Other Items

- 1.F. RTC 13-162 Amend Council Policy 7.3.21 Recognition of Elected and Appointed Officials and Visiting Dignitaries to Reflect Restrictions Set by the Political Reform Act

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to strike the provisions of providing plaques and gifts to Councilmembers.

VOTE: 2 - 5 (Councilmember Moylan, Mayor Spitaleri, Vice Mayor Griffith, Councilmembers Martin-Milius and Davis dissented)
Motion failed.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Proposed Changes to Council Policy 7.3.21 Recognition of Elected and Appointed Officials and Visiting Dignitaries.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Following action on Item 1.F, Council considered Item 6.

- 1.G. ORDINANCE NO. 3000-13 Adopt Ordinance 3000-13 Amending Section 19.42.010 (Operation of Home Occupations) of Title 19 (Zoning); Repealing Chapter 19.44 (Signs); and Adding Chapter 19.44 (Sign Code) of Title 19 (Zoning) of the Sunnyvale Municipal Code

Staff Recommendation: Adopt Ordinance 3000-13.

PUBLIC COMMENTS

Andy Frazer spoke regarding public campaign financing and proposed that during election season, an election report be mailed to all residents in a similar format to the Quarterly Report.

Tap Merrick spoke regarding survey results in the Quarterly Report regarding the availability of day care in the community.

Michael Goldman provided a PowerPoint presentation regarding supermajorities.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 13-144 Discussion and Possible Action Regarding Naming of New City-owned Park at 545 Santa Real Avenue

Director of Public Works Kent Steffens presented the staff report. Steffens suggested a process for nominations and selection of the name.

Public Hearing opened at 7:21 p.m.

No speakers.

Public Hearing closed at 7:21 p.m.

Vice Mayor Griffith nominated Swegles Park.
Councilmember Davis seconded the nomination.

Councilmember Whittum nominated Rancho Posolmi Park.
Councilmember Meyering seconded the nomination.

Councilmember Martin-Milius nominated Santa Real Park.
Councilmember Meyering seconded the nomination.

Vote on Swegles Park: 5 – 0 – 2 (Councilmembers Whittum and Meyering abstained)

Vote on Rancho Posolmi Park: 2 – 0 – 5 (Councilmember Martin-Milius, Vice Mayor Griffith, Mayor Spitaleri, Councilmembers Davis and Moylan abstained)

Vote on Santa Real Park: 3 – 0 – 4 (Councilmember Davis, Vice Mayor Griffith, Mayor Spitaleri, and Councilmember Moylan abstained)

City Clerk Kathleen Franco Simmons announced the name receiving the most votes is Swegles Park.

3. RTC 13-167 2013-7313 Discussion and Possible Action on Appeals of a Decision of the Planning Commission for Related applications by Prometheus Real Estate Group (Applicant/Owner); 457-475 E. Evelyn Avenue in DSP-23 (Downtown Specific Plan – Block 23) Zoning District (APNs: 209-04-053 & 054)
 - Special Development Permit to allow the development of 117 apartments;
 - Vesting Tentative Parcel Map for the merger of two lots.

Planning Officer Trudi Ryan presented the staff report.

Councilmember Whittum disclosed he met with the applicant about a year and a half ago.

Public Hearing opened at 7:40 p.m.

John Moss, Applicant, Prometheus, provided a PowerPoint presentation regarding the proposal.

Councilmember Martin-Milius disclosed she met with the applicant.

Councilmember Moylan reported he appealed this item to Council, and disclosed that he has met with the applicant.

Members of the public spoke at 8:03 p.m.

Sandra Escobar, Silicon Valley Leadership Group and Housing Action Coalition, spoke in support of the project.

Josephine McElroy spoke in support of the change to the driveway location to respond to the headlight glare issue, expressed concerns regarding other outstanding issues relating to traffic impacts, and recommended the City require higher standards in traffic reports.

Tap Merrick spoke regarding a lack of affordable housing and noise and traffic impacts.

Eleanor Hansen spoke regarding lack of parking and regarding traffic impacts.

Maria Pan expressed concerns regarding the rear setbacks relating to rail noise.

Penny Hutchinson expressed concerns regarding traffic speed on Bayview and suggested a sign or signal between Olive and Evelyn.

Public Hearing closed at 8:21 p.m.

Applicant John Moss provided additional information regarding noise issues and concerns relating to setback from the train tracks.

MOTION: Councilmember Moylan moved and Councilmember Davis seconded the motion to approve Alternative 1: Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the conditions attached to the report, and to consider the public testimony regarding the need for a stop sign on Bayview as a request for a warrant study on Bayview.

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

4. RTC 13-166 Discussion and Possible Action to Adopt a Resolution to Approve the Annual Engineer's Report and to Levy Annual Assessment for The Downtown Parking Maintenance District Assessment for Fiscal Year 2013-2014

Councilmember Whittum disclosed his home is within 500 feet of the maintenance district and recused himself.

Director of Public Works Kent Steffens presented the staff report.

Public Hearing opened at 8:51 p.m.

No speakers.

Public Hearing closed at 8:51 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Adopt the resolution to approve the annual Engineer's Report for FY 2013/14 and to direct the Assessment Engineer to forward the assessment to the County of Santa Clara for inclusion on the property tax rolls.

VOTE: 6 - 0 (Councilmember Whittum recused)

5. RTC 13-165 Discussion and Possible Action to Create a Ballot Measure Regarding Personnel Board Eligibility Requirements for the November 5, 2013 General Election

Assistant City Manager Robert Walker presented the staff report.

Public Hearing opened at 9:07 p.m.

No speakers.

Public Hearing closed at 9:07 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Whittum seconded the motion to approve Alternative 2: Take no further action.

VOTE: 4 - 3 (Mayor Spitaleri, Councilmembers Moylan and Davis dissented)

Following action on this item, Council considered the Consent Calendar pulled items.

6. Discussion and Possible Action on Recommendations from the Community Event Grant Distribution Subcommittee

Council considered this item following Consent Calendar Item 1.F.

Councilmember Meyering stated his vote would not be on the SNAIL application.

Councilmember Tara Martin-Milius presented the report.

Public Hearing opened at 9:29 p.m.

No speakers.

Public Hearing closed at 9:29 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Davis seconded the motion to ratify the decisions of the subcommittee.

VOTE: 7 – 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Davis reported his attendance at the Lawrence Expressway improvement meeting, the Grand Boulevard Task Force and the National League of Cities Public Safety Committee meeting in Washington, D.C.

NON-AGENDA ITEMS & COMMENTS

Vice Mayor Griffith sponsored and Councilmember Martin-Milius co-sponsored a study issue to look at the way in which we determine density and apply density bonuses on projects.

MOTION: Councilmember Davis moved and Councilmember Meyering seconded the motion to put on the next agenda a discussion on whether to request a general assembly vote on the approval of the Plan Bay Area.

VOTE: 5 – 2 (Councilmember Martin-Milius and Vice Mayor Griffith dissented)

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of June 25, 2013 - Presentation on City-Owned Property Inventory
- Special Council Meeting Summary of June 29, 2013 - Building Collaboration and Improving Communications
- Draft Minutes of the Parks and Recreation Commission Special Meeting of June 12, 2013
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of June 20, 2013

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 9:40 p.m.

Kathleen Franco Simmons
City Clerk