

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JULY 16, 2013

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
Senior Assistant City Attorney Kathryn Berry
Assistant City Attorney Rebecca Moon
Utility Billing Manager Tim Kirby
Director of Public Safety Frank Grgurina
Director of Public Works Kent Steffens
Director of Environmental Services John Stufflebean
Principal Planner Andrew Miner
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A and 1.C.

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

VOTE: 7 - 0

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

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

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

Fiscal Items

1.C. RTC 13-173 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 666 and 667

MOTION: Councilmember Davis moved and Councilmember Moylan seconded the motion to approve the list of bills.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Contracts

1.D. RTC 13-172 Award of Contract for a Feasibility Study and Final Report for Establishing a Community Animal Farm and Alternative Recreational Uses at the Sunnyvale Landfill (F13-60)

Staff Recommendation: Award a contract, in substantially the same form as the draft attached to the report and in the amount of \$98,884 to Geosyntec Consultants 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% contract contingency in the amount of \$9,888.

PUBLIC COMMENTS

Deborah Marks spoke regarding the Urban Forestry Management Plan and requested the plan be given top priority and submitted to Council as soon as possible.

Councilmember Meyering moved and Councilmember Whittum seconded the motion to put discussion of the status of the Urban Forestry Management Plan on the August 13, 2013 Council meeting agenda.

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

Steve Hoffman requested information regarding fire inspection fees and provided comments regarding inspection procedures.

Tap Merrick spoke regarding apartment building numbering, recommended adopting a two-year program to bring apartment buildings into compliance and suggested a fine per unit for those not in compliance.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 13-169 Discussion and Possible Action to Adopt the Memorandum of Understanding between the City of Sunnyvale and Public Safety Managers Association (PSMA)

Director of Human Resources Teri Silva presented the staff report. Director Silva indicated a revised version of the MOU has been provided with two minor modifications that were made for clarification relating to the section on the merit increase language, changing “meets” to “achieves”, and to Section 13.13 relating to retirement, to be compliant with the PEPR laws.

Public Hearing opened at 7:21 p.m.

Tap Merrick spoke regarding cash in lieu of medical coverage as shown on page 6 of 18 and suggested it should be eliminated. Merrick also spoke regarding accumulation of PTO and suggested it be paid at the rate earned.

Public Hearing closed at 7:26 p.m.

MOTION: Councilmember Davis moved and Councilmember Moylan seconded the motion to approve Alternative 1: Adopt the Memorandum of Understanding between the City of Sunnyvale and the Public Safety Managers Association.

FRIENDLY AMENDMENT: Councilmember Moylan offered a friendly amendment to include a correction to the wording at the bottom of page 3 in the phrase “...no later than ninety (90) days of the expiration of this agreement”, to replace the word “of” with “prior to”. Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Vice Mayor Griffith offered a friendly amendment to make the changes subject to review by PSMA. Councilmember Davis accepted the friendly amendment.

VOTE: 6 - 1 (Councilmember Meyering dissented)

3. RTC 13-157 Discussion and Possible Action to Approve an Agreement Creating the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee (Study Issue ESD 09-14C)

Public Hearing opened at 7:38 p.m.

No speakers.

Public Hearing closed at 7:38 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt the resolution and authorize the City Manager to

execute the Agreement Creating the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee.

VOTE: 7 – 0

4. RTC 13-170 Public Hearing, Discussion and Possible Action to Review and Receive Comments on *City of Sunnyvale Public Health Goal Report (City's Water System)* Prepared for the California Department of Health Services with Recommendation of No Further Action Required

Public Hearing opened at 7:43 p.m.

Gustav Larsson, member of the Planning Commission but speaking for himself, spoke regarding clean, safe water as a core City service.

Public Hearing closed at 7:46 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Accept and respond to public comments on Sunnyvale's 2013 Public Health Goals Report, approve the report, and direct staff to file with the California Department of Public Health.

VOTE: 7 – 0

5. RTC 13-171 Adoption of a Resolution Calling a Special Election for November 5, 2013, to be Consolidated with the General Municipal Election, for the Purpose of Submitting to the Voters a Measure to Adopt an Ordinance Establishing Gun Safety Regulations

Senior Assistant City Attorney Kathryn Berry presented the staff report and Assistant City Attorney Rebecca Moon provided additional information.

Public Hearing opened at 7:52 p.m.

Robert Shackelford spoke in opposition to the proposed ballot measure and displayed written materials on the document camera.

Carol Weiss spoke in support of the proposed ballot measure.

Don Veith spoke in support of the proposed ballot measure.

David Wessel, President of the Democratic Club, spoke in support of the proposed ballot measure.

Nandini Balakrishna spoke in support of the ordinance and urged passage of the resolution to place the measure on the ballot as written.

Sally Lieber spoke in support of putting the measure on the ballot.

Brad Seifers requested a public debate on the issue and expressed concerns regarding the need to address mental health issues and the possibility of litigation against the City.

David O'Brien spoke in opposition to placing the measure on the ballot.

Steve Sarette requested the Council not place the measure on the ballot.

Steve Scandalis spoke in opposition to the proposed measure and presented a graph on the document camera.

Steve Hoffman spoke regarding the financial risk of litigation against the City.

Mi Truong spoke in opposition to the proposed ballot measure and encouraged Council to take no action.

Kevin Jackson spoke in support of the proposed ballot measure.

Ed Kaufman spoke in opposition to the measure.

Mike Serrone spoke in favor of putting the proposed measure on the ballot.

Margaret Okuzumi spoke in support of putting the proposed measure on the ballot.

Jill Gordon spoke in opposition to the proposed measure.

Public Hearing closed at 8:35 p.m.

MOTION: Councilmember Moylan moved and Councilmember Davis seconded the motion to adopt a resolution calling a special election for the purpose of submitting to the voters a measure to adopt an Ordinance establishing gun safety regulations within the City of Sunnyvale to be placed on the ballot at the Consolidated Election to be held in the City of Sunnyvale on November 5, 2013.

FRIENDLY AMENDMENT: Councilmember Davis offered a friendly amendment to include additional language suggested by Assistant City Attorney Rebecca Moon to exempt retired law enforcement: Subdivision 9 to Section 9.44.050(c)(9) Any retired peace officer holding a valid, current Carry Concealed Weapons permit issued under the Penal Code. Councilmember Moylan accepted the friendly amendment.

VOTE: 6 - 1 (Councilmember Whittum dissented)

6. Discussion and Possible Action on Whether to Request a General Assembly Vote on the Approval of the Plan Bay Area

Principal Planner Andy Miner presented the staff report.

Public Hearing opened at 9:05 p.m.

Kevin Jackson, member of the Horizon 2035 committee but speaking for himself, spoke in opposition to doing anything that would jeopardize the Plan Bay Area process.

Margaret Okuzumi spoke in support of Plan Bay Area and the regional process.

Barbara Fukumoto urged Council to respect the Plan Bay Area process and spoke in

support of plan.

Sue Adams spoke in opposition to the plan and expressed concerns regarding loss of local control and the way the process has been run.

Public Hearing closed at 9:16 p.m.

MOTION: Councilmember Meyering moved and Councilmember Davis seconded the motion to immediately convey a request to the ABAG General Assembly that they vote on the approval of Plan Bay Area.

VOTE: 4 - 3 (Councilmember Martin-Milius, Councilmember Moylan and Vice Mayor Griffith dissented)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Davis reported his attendance at a meeting of the Lawrence Station Advisory Committee, the presentation on the Sobrato project, Author's Day at the Heritage Park Museum, and the groundbreaking of new superior court family court in downtown San Jose.

Councilmember Martin-Milius reported her attendance at meetings of the ag water and environmental water groups.

NON-AGENDA ITEMS & COMMENTS

None.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Board of Library Trustees Meeting of July 1, 2013

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 9:45 p.m.

Kathleen Franco Simmons, City Clerk

Date