

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JULY 23, 2013, 7 P.M.

CALL TO ORDER

Vice Mayor Griffith called the meeting to order in the Council Chambers.

SALUTE TO THE FLAG

Vice Mayor Griffith led the salute to the flag.

ROLL CALL

PRESENT:

Vice Mayor Jim Griffith
Councilmember Christopher Moylan
Councilmember David Whittum (by Teleconference)
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Jim Davis

ABSENT:

Mayor Anthony (Tony) Spitaleri (Excused)

STAFF PRESENT:

City Manager Gary Luebbers
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

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

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

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.C and 1.D.

VOTE: 6 - 0 (Mayor Spitaleri absent)

**Pending Council approval*

Vice Mayor Griffith announced the remaining items on the Consent Calendar would be heard following Public Hearings/General Business.

1.A. Approval of Council Meeting Minutes of July 16, 2013

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve the Council Meeting Minutes of July 16, 2013.

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

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

Fiscal Items

1.C. RTC 13-177 List of Claims and Bills Approved for Payment by the City Manager – List No. 668

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

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

Contracts

1.D. RTC 13-175 Approval of Budget Modification No. 1 to Appropriate Additional Funds to the Department of Community Development's Building, Planning, and Housing Divisions for FY 2013/14

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Budget Modification No. 1 to appropriate additional funds to the Department of Community Development's Building, Planning, and Housing Divisions for FY 2013/14.

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

PUBLIC COMMENTS

Michael Goldman spoke regarding joint public and school libraries and presented a PowerPoint presentation.

Glenda Ortez-Galan spoke regarding negative impacts of the LinkedIn buildings on her neighborhood.

Ann Davis spoke regarding negative impacts of the LinkedIn buildings on her neighborhood.

MOTION: Councilmember Meyering moved to set an agenda item for August 13 to consider how to limit the height of the buildings directly on Mathilda and Maude.
Motion died for lack of a second.

Dean Fujiwara requested support for consideration of left turn access to Linnet Lane and Heron Avenue access from Homestead Road.

Tap Merrick spoke regarding the Code of Fair Campaign Practices.

Yasmin Tyebjee expressed concerns regarding the buildings on the corner of Maude and Mathilda and the negative impact on the neighborhoods from Borregas to Pine and Arbor to Eaglewood.

Steve Hoffman spoke regarding the LinkedIn buildings. Hoffman also requested reconsideration of the ballot measure on gun control citing litigation concerns.

Dwight Davis spoke regarding the negative impact of the LinkedIn buildings on the neighborhood and suggested better notification and neighborhood outreach for a project this large.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 13-174 Discussion and Possible Action to Cause Charges for Non-Payment of Administrative Citations and Non-Payment for Utility Services to be Placed on the FY 2013/14 Tax Roll

Utility Billing Manager Tim Kirby presented the staff report and provided revised exhibits to the resolutions.

Neighborhood Preservation Manager Christy Gunvalsen provided additional information.

Public Hearing opened at 7:51 p.m.

No speakers.

Public Hearing closed at 7:51 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt the resolutions causing charges for non-payment of administrative citations and delinquent utility charges to be placed on the FY 2013/2014 County of Santa Clara Property Tax Roll.

FRIENDLY AMENDMENT: Councilmember Meyering offered a friendly amendment that the 17 line items for the property at 1608 Redwing be separated out and have one of the caseworkers at the Senior Center attempt to contact the individual before proceeding with the action concerning that property.
Councilmember Moylan declined to accept the friendly amendment.

FORMAL AMENDMENT: Councilmember Meyering moved to amend the motion to separate out the amounts owed for 1608 Redwing and put it on the calendar for a month from now, and in the interim have one of the caseworkers from the Senior Center attempt to contact the individual.
Councilmember Whittum seconded the motion to amend with the understanding that we have requested staff to do that but clearing them, having done that, to proceed without further Council action.

VOTE on AMENDMENT: 2 - 4 (Councilmember Martin-Milius, Councilmember Davis, Vice Mayor Griffith, and Councilmember Moylan dissented, Mayor Spitaleri absent)
Motion failed.

VOTE on MAIN MOTION: 5 - 1 (Councilmember Meyering dissented, Mayor Spitaleri absent)

3. RTC 13-178 Discussion and Possible Action Regarding Feasibility of Establishing Additional Dog Parks and Off-Leash Alternatives in Sunnyvale's Park System (Study Issue) and Budget Modification No. 2

Director of Public Works Kent Steffens presented the staff report.

Public Hearing opened at 8:34 p.m.

Robert Pochowski, Acting Chair, Parks and Recreation Commission, presented information regarding the public input received at the meeting. Pochowski stated the Commission was concerned about changes to the Municipal Code and issues relating to liability, safety and cleanliness. Pochowski stated the Parks and Recreation Commission voted in favor of Alternatives 1 and 2.

David Decker spoke in favor of off-leash hours at Panama Park and provided written materials.

Mark Pruitt spoke in favor of off-leash hours at Panama Park.

Barbara Park spoke in favor of having a city issued license to allow dogs to be off-leash and signs stating off-leash dogs have to be licensed by the city.

Gerard Putallaz spoke in opposition to the current dog park at Las Palmas and requested the location of the dog park be moved.

Tap Merrick spoke in favor of dog parks and suggested the City-owned triangular property at Wolfe, El Camino and Fremont would be a good place for a dog park.

Ray Gehring spoke in favor of the dog park at Panama Park.

Karen Ireland suggested the density of the dog population should be looked at to determine if the density matches where the planned parks will be. Ireland stated she would like to have a dog park that is walkable from her home.

Steve Hoffman urged Council to provide dogs with as much space as possible.

Public Hearing closed at 9:11 p.m.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to express support for a small dog park at Las Palmas with at least one alternative location that is farther from the residences.

FRIENDLY AMENDMENT: Councilmember Moylan offered a friendly amendment to make the motion Alternative 1: Approve Budget Modification No. 2 to appropriate \$100,000 from the Park Dedication Fund in FY 2013/14 for the purpose of making improvements to Las Palmas Dog Park, including the addition of natural grass and a separate area for small dogs, and to

Direct staff to come back with a second optional budget modification to consider relocating it somewhere in the park farther away from people's homes.

Councilmembers Whittum and Meyering accepted the friendly amendment.

VOTE: 6 - 0 (Mayor Spitaleri absent)

MOTION: Councilmember Martin-Milius moved and Councilmember Davis seconded the motion to approve Alternative 2: Approve inclusion of new dog parks at Lakewood and Fair Oaks Parks as part of the scopes of work for the approved major renovation capital projects at each site in the Park Dedication Fund 20-year plan.

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

Councilmember Whittum proposed a study issue to consider use of a segment of the East channel for a fenced off-leash dog area.

No co-sponsor.

4. RTC 13-176 Discussion and Possible Action on a Potential Ordinance for Development Projects within the Peery Park Specific Plan Study Area During Preparation of the Plan

Councilmember Meyering announced his residence is within 496 feet from the east perimeter of this area, recused himself and left the room.

Planning Officer Trudi Ryan presented the staff report.

Public Hearing opened at 9:37 p.m.

Kim Hsu expressed concern about the impacts of future development on the neighborhood.

Dwight Davis expressed concern regarding lot sizes and FAR and requested consideration of a moratorium of building anything outside the current plan.

Jim Quaderer expressed concerns regarding potential construction on the east and west side of North Mathilda and San Aleso and the ease with which a developer can propose an amendment to the General Plan. Quaderer recommended stricter controls, better notification and outreach, and spoke in favor of a moratorium.

Tap Merrick spoke in support of sticking to the General Plan.

Ann Davis requested the Council to make a plan and stick to the plan.

John Cordes expressed concern regarding the process for improving tall buildings.

Pat Meyering addressed the Council as a resident and spoke in opposition to streamlining the approval of high density projects that he believes could not be built under the ordinary

building guidelines. Meyering recommended adherence to the current plan with detailed guidelines for construction and development in that area and alleged that a list by the Valley Transportation Authority of ways to move traffic more quickly through Sunnyvale has not been provided as requested.

Public Hearing closed at 9:54 p.m.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 2: Direct staff to prepare an interim ordinance (moratorium) for the Peery Park Specific Plan area allowing projects with complete applications to continue to be processed.

VOTE: 2 - 3 (Councilmember Davis, Vice Mayor Griffith and Councilmember Martin-Milius dissented, Councilmember Meyering recused, Mayor Spitaleri absent)
Motion failed.

MOTION: Councilmember Davis moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Direct staff to prepare a standard ordinance for the Peery Park Specific Plan area that requires Planning Commission and City Council review of all Use Permits, all Special Development Permits and any Design Review applications for a Floor Area Ratio greater than 35% or 45% with the Green Building incentive.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to add to the end of Alternative 1, instead of a period, include, "for applications for projects on the east side of Mathilda."

Councilmember Davis accepted the friendly amendment.

VOTE: 5 - 0 (Councilmember Meyering recused, Mayor Spitaleri absent)

Following action on this item, Councilmember Meyering returned to the room and took his seat at the dais.

5. RTC 13-168 Discussion and Possible Action Regarding Consideration of El Camino Real Space Allocation Study and Approval of Budget Modification No. 3 to Appropriate \$15,000 of Bay Area Air Quality Management District Grant Funds to Construct Bike Lanes on El Camino Real

Traffic and Transportation Manager Jack Witthaus presented the staff report.

Public Hearing opened at 10:21 p.m.

James Manidakos, Chair, Bicycle and Pedestrian Advisory Commission, reported the commission voted unanimously to support the staff recommendation.

Glenn Hendricks, Planning Commissioner speaking for himself, spoke in support of Alternative 1 and encouraged bike lanes all the way up and down El Camino.

Kevin Jackson, Bicycle and Pedestrian Advisory Commission member speaking for himself, spoke in support of the staff recommendation citing improvement to air quality and to encourage alternatives to driving.

John Cordes urged support of the staff recommendation.

Public Hearing closed at 10:26 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Direct staff to allocate street space on El Camino Real between Sunnyvale Avenue and Remington Drive/Fair Oaks Avenue in order to provide one bike lane in each direction with no on-street parking and approve Budget Modification No. 3 to appropriate \$15,000 of Bay Area Air Quality Management District grant funds to construct bike lanes on El Camino Real.

VOTE: 6 - 0 (Mayor Spitaleri absent)

Following action on Item 5, Council considered Consent Calendar Items 1.A, 1.C and 1.D.

Following action on Items 1.A, 1.C and 1.D, Council resumed the regular order of the agenda at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

Councilmember Martin-Milius proposed a study issue regarding licensing off-leash dogs in parks. Following discussion with staff, Councilmember Martin-Milius withdrew the study issue proposal.

Councilmember Davis reported his attendance at the Black and White Ball at the Senior Center.

Vice Mayor Griffith reported he and Mayor Spitaleri also attended the Black and White Ball at the Senior Center.

Vice Mayor Griffith announced upcoming National Night Out.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Parks and Recreation Commission Meeting of July 10, 2013
- Draft Minutes of the Arts Commission Meeting of June 19, 2013

ADJOURNMENT

Vice Mayor Griffith adjourned the meeting at 10:32 p.m.