

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, AUGUST 13, 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 David Whittum
Councilmember Pat Meyering
Councilmember Tara Martin-Milius

ABSENT:

Councilmember Christopher Moylan (Excused)
Councilmember Jim Davis (Excused)

STAFF PRESENT:

City Manager Gary Luebbers
City Attorney Joan Borger
Assistant City Manager Robert Walker
Finance Director Grace Leung
Director of Public Safety Frank Grgurina
Director of Public Works Kent Steffens
Director of Community Development Hanson Hom
Director of Environmental Services John Stufflebean
Director of Human Resources Teri Silva
Director of NOVA Workforce Kris Stadelman
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

Vice Mayor Griffith announced an upcoming Board and Commission application deadline.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.C, 1.H, 1.L and 1.M.

MOTION: Vice Mayor Griffith moved and Councilmember Whittum seconded the motion to approve the Consent Calendar with the exception of Items 1.A, 1.C, 1.H, 1.L and 1.M.

VOTE: 5 - 0 (Councilmembers Moylan and Davis absent)

Council considered the pulled Consent Calendar items following Item 4.

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

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

VOTE: 4 – 1 (Councilmember Meyering dissented, Councilmembers Moylan and Davis absent)

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

Fiscal Items

1.C. RTC 13-193 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 669-671

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

VOTE: 4 – 1 (Councilmember Meyering dissented, Councilmembers Moylan and Davis absent)

1.D. RTC 13-187 City of Sunnyvale Investment Report – 2nd Quarter 2013

Staff Recommendation: Receive and file the investment report.

Contract Items

1.E. RTC 13-185 Modification of an Existing Contract for Consulting Services to Conduct an Analysis to Identify Alternatives to Complete a Public Multi-Use Bicycle/Pedestrian Trail (F13-66) and Approval of Budget Modification No. 5

Staff Recommendation: Approve modification of the existing contract with Jana Sokale Environmental Planning, in substantially the same form as the draft amendment attached to the report, by increasing the not-to-exceed value to \$181,752; and approve Budget Modification No. 5 to appropriate the additional grant funding for the project.

- 1.F. RTC 13-197 Award of Bid No. PW13-21 for Seven Seas Neighborhood Park and Authorization to Amend an Existing Contract for Design and Construction Support Services

Staff Recommendation: Award a contract in substantially the same format as the draft attached to the report and in the amount of \$4,887,624 to Robert A. Bothman, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; approve a 10% construction contingency in the amount of \$488,762; and approve an amendment to an existing contract with SSA Landscape Architects, Inc., in substantially the same format as the draft attached to the report and in the amount of \$109,878, for construction support services for the subject project.

- 1.G. RTC 13-180 Reject Bids for Tactical Vests (F13-64)

Staff Recommendation: Reject the six bids received in response to Invitation for Bids F13-64 for tactical vests.

Other

- 1.H. RTC 13-184 Approval of the Final Map (Tract No. 10180) – 18 Single Family Homes at 636 West Fremont Avenue by Classic Communities, Inc.

Public Comment opened at 8:11 p.m.

Adam Kates, Classic Communities, spoke in support of the project.

Public Comment closed at 8:13 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Whittum seconded the motion to approve the final map for Tract No. 10180; authorize the Mayor to sign the subdivision agreement upon submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

VOTE: 4 – 1 (Councilmember Meyering dissented, Councilmembers Moylan and Davis absent)

- 1.I. RTC 13-186 Approve Confirmation of New Members to the NOVA Workforce Board

Staff Recommendation: Confirm Ms. Brenda Guidry-Brown, Ms. Linda Labit, and Ms. Alison Ascher Webber to the NOVA Workforce Board.

- 1.J. RTC 13-188 Approval of a Resolution in Support of the City's Application for Beverage Container Recycling Grant Funds

Staff Recommendation: Adopt the Resolution in Support of the City's Application for Beverage Container Recycling Grant Funds.

- 1.K. RTC 13-189 Authorization to Award Contract to Bill Wilson Center in an Amount not to Exceed \$600,000 to Provide NOVA Youth Services

Staff Recommendation: Authorize the Award of a Contract for Youth Services to Bill Wilson Center in an Amount Not to Exceed \$600,000.

- 1.L. RTC 13-196 Carryover of Council Technology Funds from FY 2012/13 to FY 2013/14 and Approval of Budget Modification No. 4

MOTION: Councilmember Meyering moved and Vice Mayor Griffith seconded the motion to approve Budget Modification No. 4 to Carry Over \$4,960 in Technology Funds.

VOTE: 5 – 0 (Councilmembers Moylan and Davis absent)

- 1.M. RTC 13-194 Approval to Increase the Compensation of the City Attorney to Control Point

Mayor Spitaleri requested City Attorney Joan Borger and City Manager Gary Luebbers leave the room for discussion of Items 1.M and Item 5.

MOTION: Councilmember Whittum moved and Vice Mayor Griffith seconded the motion to authorize the Mayor to execute an Amendment to the Agreement for Services between the City of Sunnyvale and the City Attorney and provide a salary amount at 100% of the control point of the current Salary Table effective on the six (6) month anniversary date.

VOTE: 4 – 1 (Councilmember Meyering dissented, Councilmembers Moylan and Davis absent)

Following action on Consent Calendar Item 1.M, Council discussed Item 5.

PUBLIC COMMENTS

Deborah Marks spoke regarding the Grand Boulevard plan and provided a PowerPoint presentation.

Tap Merrick spoke regarding alleged violations of the Code of Ethics and provided written materials.

Gustav Larsson, member of the Planning Commission speaking for himself, spoke in support of the re-opening of the Palo Alto Medical Foundation clinic on Old San Francisco Road.

Steve Hoffman spoke regarding Public Safety service levels and crime levels.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 13-179 Discussion and Possible Action to Introduce an Ordinance Updating the Regulations for Single-Use Carryout Bags

Director of Environmental Services John Stufflebean presented the staff report.

Public Hearing opened at 7:34 p.m.

No speakers.

Public Hearing closed at 7:34 p.m.

MOTION: Councilmember Martin-Milius moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Introduce the Ordinance Amending Chapter 5.38 of the Municipal Code.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 5 – 0 (Councilmembers Moylan and Davis absent)

3. RTC 13-191 Discussion and Possible Action on an Appeal by the Applicant of a Decision of the Planning Commission Denying a Design Review Permit for a New Two-Story Single-Family Home Resulting in 2,804 Square Feet and 53.5% Floor Area Ratio (FAR) Located at 726 San Miguel Avenue in an R-0 Zoning District (APN: 205-14-030)

Councilmember Martin-Milius stated the applicants are her neighbors, recused herself and left the room.

Planning Officer Trudi Ryan presented the staff report.

Public Hearing opened at 7:42 p.m.

Jasbir Tatla, Applicant, provided information regarding the project.

Public Hearing closed at 7:51 p.m.

MOTION: Councilmember Whittum moved and Mayor Spitaleri seconded the motion to approve Alternative 2: Grant the appeal and approve the Design Review with conditions as recommended by staff.

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

MOTION: Councilmember Whittum moved and Vice Mayor Griffith seconded the motion to continue this item to August 27, 2013.

VOTE: 3 – 1 (Councilmember Meyering dissented, Councilmember Martin-Milius recused, Councilmembers Moylan and Davis absent)
Motion carried.

Following action on this item, Councilmember Martin-Milius returned to the room and took her seat at the dais.

4. RTC 13-181 Discussion and Possible Action to Accept the Feasibility Study for Recycled Water Expansion

Vice Mayor Griffith stated this item is related to his employer, recused himself and left the room.

Director of Environmental Services John Stufflebean presented the staff report.

Public Hearing opened at 8:03 p.m.

Jeanine Stanek spoke in support of reclaimed water and encouraged support.

Public Hearing closed at 8:04 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Whittum seconded the motion to accept the feasibility study and direct staff to continue the planning process and complete environmental review under CEQA of a phased implementation plan for the expansion of the recycled water system in Sunnyvale, including exploration of available funding opportunities.

VOTE: 4 – 0 (Vice Mayor Griffith recused, Councilmembers Moylan and Davis absent)

Following action on this item, Vice Mayor Griffith returned to the room and took his seat at the dais.

Following action on Item 4, Council took up and considered the pulled Consent Calendar items.

5. Mayoral Creation of an Ad Hoc Advisory Committee on Performance Evaluation Tools and Recruitment Process for the City Attorney and City Manager

Council discussed this item following Consent Calendar Item 1.M.

Mayor Spitaleri reported the Ad Hoc Advisory Committee will be comprised of himself and Councilmembers Martin-Milius and Davis.

Director of Human Resources Teri Silva provided information regarding the recruitment process.

Public Hearing opened at 8:40 p.m.

Misuk Park spoke regarding the expense of recruiting executive employees and recommended discussions with the city manager to encourage him to stay with the City.

Public Hearing closed at 8:45 p.m.

MOTION: Councilmember Whittum moved and Councilmember Martin-Milius seconded the motion for Council to meet on August 20 to focus on discussions concerning direction for the committee or staff concerning negotiations with the City Manager to stay through the end of the year, with the noticing and format of the meeting subject to the advice of the City Attorney.

VOTE: 5 – 0 (Councilmembers Moylan and Davis absent)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported the selection process for the VTA General Manager is moving forward.

Councilmember Whittum reported his attendance at a VTA Policy Advisory Committee meeting in which an additional \$400,000 was unanimously approved for the Hendy Avenue project.

NON-AGENDA ITEMS & COMMENTS

Mayor Spitaleri reported his attendance at the re-opening of the Palo Alto Medication Foundation facility on Old San Francisco Road.

Mayor Spitaleri reported his attendance at the dedication of the park in honor of former Mayor Ron Swegles.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 13-182 Boards and Commissions Semi-Annual Attendance Report, January - June 2013 (Information Only)
- RTC 13-190 Boards and Commissions Resignation (Information Only)
- Study Session Summary of July 9, 2013 - Discussion of Draft Environmental Impact Report on Proposed Apple Campus 2 Project
- Draft Minutes of the Heritage Preservation Commission Meeting of July 10, 2013

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 8:50 p.m.

Kathleen Franco Simmons, City Clerk

Date