

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, NOVEMBER 26, 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 Attorney Joan Borger
Assistant City Manager Robert Walker
Director of Finance Grace Leung
Chief of Public Safety Frank Grgurina
Director of Public Works Kent Steffens
Director of Community Development Hanson Hom
City Clerk Kathleen Franco Simmons

PRESENTATION – Santa Clara County District Attorney Jeffrey F. Rosen provided a presentation regarding the role of District Attorney's Office.

PUBLIC ANNOUNCEMENTS

Councilmember Moylan announced an upcoming board and commission application deadline.

Jeanine Stanek provided an update on the Sunnyvale Heritage Museum holiday hours.

Mayor Spitaleri announced upcoming PG&E public outreach meetings regarding pipeline safety work and tree removal.

**Pending Council Approval*

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.C. and 1.D and requested to record a No vote on Items 1.R, 1.S, 1.T and 1.V.

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 and 1.D.

VOTE: 7 – 0

Council considered the pulled Consent Calendar items following Item 8.

1.A. Approval of Draft Council Meeting Minutes of November 19, 2013

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of November 19, 2013.

VOTE: 6 – 1 (Councilmember Meyering dissented)

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

Fiscal Items

1.C. RTC 13-281 Lists of Claims and Bills Approved for Payment by the City Manager – No. 686

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

VOTE: 6 – 1 (Councilmember Meyering dissented)

Other

1.D. RTC 13-285 Council Approval of the Final Map (Tract No. 10202) – 15 Residential Condominium Units and 5,717 Square Feet Office at 538 South Mathilda Avenue by 538 Mathilda Ave, LLC and Direct Staff to Propose an Amendment to Section 19.08 of the Municipal Code “Grant of Landscape Easement Along El Camino and Mathilda”

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the final map for Tract No. 10202; 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; and direct staff to return to Council with an amendment to Section 19.08 of the Municipal Code to address inconsistencies between landscape easement requirements and current sidewalk standards.

VOTE: 6 – 1 (Councilmember Meyering dissented)

Following action on Item 1.D., Council heard Non-Agenda Items and Comments.

- 1.E. RTC 13-286 Certification of 2013 Election Results – Ballot Measures A, B and C

Staff Recommendation: Adopt a resolution Declaring Canvass of Returns and Results of the General Municipal Election held November 5, 2013 for the purpose of submitting to the voters Measures A, B and C.

- 1.F. ORDINANCE NO. 3006-13 Adoption of Ordinance No. 3006-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Administrative Code, with Certain Deletions and Amendments Thereto, as the Administrative Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3006-13.

- 1.G. ORDINANCE NO. 3007-13 Adoption of Ordinance No. 3007-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Building Code, with Certain Deletions and Amendments Thereto, as the Building Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3007-13.

- 1.H. ORDINANCE NO. 3008-13 Adoption of Ordinance No. 3008-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Residential Code, with Certain Deletions and Amendments Thereto, as the Residential Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3008-13.

- 1.I. ORDINANCE NO. 3009-13 Adoption of Ordinance No. 3009-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Existing Building Code, with Certain Deletions and Amendments Thereto, as the Existing Building Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3009-13.

- 1.J. ORDINANCE NO. 3010-13 Adoption of Ordinance No. 3010-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Plumbing Code, with Certain Deletions and Amendments Thereto, as the Plumbing Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3010-13.

- 1.K. ORDINANCE NO. 3011-13 Adoption of Ordinance No. 3011-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Mechanical Code, with Certain Deletions and Amendments Thereto, as the Mechanical Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3011-13.

- 1.L. ORDINANCE NO. 3012-13 Adoption of Ordinance No. 3012-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Electrical Code, with Certain Deletions and Amendments Thereto, as the Electrical Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3012-13.

- 1.M. ORDINANCE NO. 3013-13 Adoption of Ordinance No. 3013-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Historical Building Code, with Certain Deletions and Amendments Thereto, as the Historical Building Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3013-13.

- 1.N. ORDINANCE NO. 3014-13 Adoption of Ordinance No. 3014-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Energy Code, with Certain Deletions and Amendments Thereto, as the Energy Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3014-13.

- 1.O. ORDINANCE NO. 3015-13 Adoption of Ordinance No. 3015-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Green Building Code, with Certain Deletions and Amendments Thereto, as the Green Building Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3015-13.

- 1.P. ORDINANCE NO. 3016-13 Adoption of Ordinance No. 3016-13 Repealing Chapter 16.44 (Swimming Pools) of Title 16 (Building and Construction) of the Sunnyvale Municipal Code

Staff Recommendation: Adopt Ordinance No. 3016-13.

- 1.Q. ORDINANCE NO. 3017-13 Adoption of Ordinance No. 3017-13 Amending Title 16 (Building and Construction), of the Sunnyvale Municipal Code to Adopt by Reference the 2012 International Property Maintenance Code, with Certain Deletions and Amendments Thereto, as the Property Maintenance Code of the City of Sunnyvale

Staff Recommendation: Adopt Ordinance No. 3017-13.

- 1.R. ORDINANCE NO. 3018-13 Adoption of Ordinance No. 3018-13 Amending Title 16 (Building and Construction) of the Sunnyvale Municipal Code to Adopt by Reference the 2013 California Fire Code as the Fire Code of the City of Sunnyvale

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt Ordinance No. 3018-13.

VOTE: 6 – 1 (Councilmember Meyering dissented)

- 1.S. ORDINANCE Adoption of Ordinance No. 3019-13 Repealing Chapter 16.53 (Toxic Gas)
NO. 3019-13 of Title 16 (Building And Construction) of the Sunnyvale Municipal Code

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt Ordinance No. 3019-13.

VOTE: 6 – 1 (Councilmember Meyering dissented)

- 1.T. ORDINANCE Adoption of Ordinance No. 3020-13 Repealing Chapter 16.54 (High Rise
NO. 3020-13 Buildings) of Title 16 (Building and Construction) of the Sunnyvale
Municipal Code

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt Ordinance No. 3020-13.

VOTE: 6 – 1 (Councilmember Meyering dissented)

- 1.U. ORDINANCE Adoption of Ordinance No. 3021-13 Repealing Chapter 16.58 (Numbering
NO. 3021-13 of Buildings) of Title 16 (Building and Construction) of the Sunnyvale
Municipal Code

Staff Recommendation: Adopt Ordinance No. 3021-13.

- 1.V. ORDINANCE Adoption of Ordinance No. 3022-13 Amending Title 20 (Hazardous
NO. 3022-13 Materials) of the Sunnyvale Municipal Code

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt Ordinance No. 3022-13.

VOTE: 6 – 1 (Councilmember Meyering dissented)

PUBLIC COMMENTS

Brian Mason, real estate agent representing Morgan Autism Center, spoke regarding the RFP for the purchase of the Raynor Activity Center.

Brad Boardman, Executive Director of the Morgan Autism Center, provided information and written materials regarding the services of the Center.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 13-267 Discussion and Possible Action Regarding a Friendly Exchange
Relationship with the City of Iizuka, Japan

Senior Management Analyst Yvette Blackford presented the staff report.

Public Hearing opened at 7:30 p.m.

Masato Watanabe, Consul General of Japan in San Francisco, provided information regarding the City of Iizuka and spoke in support of a friendly exchange relationship.

Mayor Morichika Saito, City of Iizuka, provided information regarding the City of Iizuka and spoke in support of a friendly exchange relationship.

Mike Michitaka spoke in support of a friendly exchange agreement with the City of Iizuka, Japan.

Public Hearing closed at 7:38 p.m.

MOTION: Councilmember Moylan moved and Councilmember Davis seconded the motion to approve Alternative 1: Approve the proposed Friendly Exchange Relationship MOU with the City of Iizuka, Japan as presented in Attachment B to the report.

VOTE: 7 - 0

3. RTC 13-266 Discussion and Possible Action Regarding Conceptual Design for the Expansion of Orchard Gardens Park

Superintendent of Parks and Golf Scott Morton presented the staff report and a PowerPoint presentation.

Public Hearing opened at 7:58 p.m.

No speakers.

Public Hearing closed at 7:58 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Approve the conceptual design as noted in Attachment A to the report.

VOTE: 7 - 0 □

4. RTC 13-260 Discussion and Possible Action to Introduce an Ordinance to Award a Taxicab Franchise to All Time Cab

Chief of Public Safety Frank Grgurina presented the staff report.

Public Hearing opened at 8:02 p.m.

No speakers.

Public Hearing closed at 8:02 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Introduce an ordinance awarding a non-exclusive franchise for taxicab service to All Time Cab for the period of December 2, 2013 through December 1, 2015, per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

5. RTC 13-262 Discussion and Possible Action to Introduce an Ordinance to Award a Taxicab Franchise to Silicon Valley Cab Co., Inc.

Chief of Public Safety Frank Grgurina presented the staff report.

Public Hearing opened at 8:02 p.m.

No speakers.

Public Hearing closed at 8:02 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Introduce an ordinance awarding a non-exclusive franchise for taxicab service to Silicon Valley Cab Co., Inc. for the period of November 18, 2013 through November 17, 2015, per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

6. RTC 13-261 Discussion and Possible Action to Introduce an Ordinance to Award a Taxicab Franchise to Green Cab

Chief of Public Safety Frank Grgurina presented the staff report.

Public Hearing opened at 8:02 p.m.

No speakers.

Public Hearing closed at 8:02 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Introduce an ordinance awarding a non-exclusive franchise for taxicab service to Green Cab for the period of December 2, 2013 through December 1, 2015, per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

7. RTC 13-259 Discussion and Possible Action to Introduce an Ordinance to Award a Taxicab Franchise to Classic Cab

Chief of Public Safety Frank Grgurina presented the staff report.

Public Hearing opened at 8:02 p.m.

No speakers.

Public Hearing closed at 8:02 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Introduce an ordinance awarding a non-exclusive franchise for taxicab service to Classic Cab for the period of January 21, 2014 through January 20, 2016, per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 - 0

8. RTC 13-280 Discussion and Possible Action Regarding Feasibility of Establishing a Community Solar Array System and a Community Solar Volume Buying Program (Study Issue); Find a CEQA Exemption for Participation in the Solar Roadmap Project Under Section 15061(b)

Assistant Director of Public Works Manuel Pineda presented the staff report on DPW 13-11 Construction of Community Solar Array. Consultant Ben Foster, provided additional information.

Regulatory Programs Division Manager Melody Tovar provided the staff report on ESD 12-04 Community Solar Program.

Public Hearing opened at 8:27 p.m.

No speakers.

Public Hearing closed at 8:27 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve DPW 13-11 Community Solar Array System Alternative 1: Do not pursue construction of a Community Solar Array at this time; and ESD 12-04 Community Solar Program (Volume Buying) Alternative 2: Direct staff to participate in the American Solar Transformation Initiative's (ASTI) Solar Roadmap Project and find it exempt from CEQA review as per Section 15061(b) of Title 14 of the California Code of Regulations.

AMENDMENT: Councilmember Meyering moved and Councilmember Moylan seconded to amend the motion to include a request to staff to initiate contact with the officials of the City of Santa Clara with regard to pursuing possible community solar array system investigation and construction.

FRIENDLY AMENDMENT: Councilmember Martin-Milius offered a friendly amendment to look at any of our adjacent contiguous cities.

Councilmember Meyering declined to accept the friendly amendment.

VOTE on AMENDMENT: 4 – 3 (Vice Mayor Griffith, Mayor Spitaleri and Councilmember Martin-Milius dissented)

VOTE on MAIN MOTION as AMENDED: 4 – 3 (Vice Mayor Griffith, Mayor Spitaleri and Councilmember Martin-Milius dissented)

Following action on Item 8, Council took up and considered the pulled Consent Calendar items.

NON-AGENDA ITEMS & COMMENTS

Councilmember Whittum requested to reschedule the January 31 Study Issues Workshop to February 7, 2014.

Councilmember Davis reported his attendance at a meeting of the Santa Clara County Water District regarding the plans for the east and west channels.

Mayor Spitaleri reported his attendance at a conference in Wuhan, China regarding building an ecological City.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Griffith reported his attendance at a meeting of the County committee to consider creation of a JPA to regionalize funding for affordable housing.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Board of Library Trustees Meeting of November 4, 2013
- Draft Minutes of the Parks and Recreation Commission Meeting of November 13, 2013

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 8:53 p.m.