

**DRAFT MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, APRIL 26, 2011**

**CALL TO ORDER**

Mayor Hamilton called the meeting to order in the Council Chambers.

**SALUTE TO THE FLAG**

Mayor Hamilton led the salute to the flag.

**ROLL CALL**

**PRESENT:**

Mayor Melinda Hamilton  
Vice Mayor Jim Griffith  
Councilmember Otto Lee  
Councilmember Ron Swegles  
Councilmember Christopher Moylan  
Councilmember Anthony (Tony) Spitaleri  
Councilmember David Whittum

**ABSENT:**

None.

**STAFF PRESENT:**

City Manager Gary Luebbers  
Assistant City Manager Robert Walker  
City Attorney David Kahn  
Director of Finance Grace Leung  
Chief of Public Safety Don Johnson  
Director of Public Works Marvin Rose  
Director of Community Development Hanson Hom  
City Clerk Kathleen Franco Simmons

**CLOSED SESSION REPORT FOR APRIL 21, 2011**

*Closed Session pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiator*

Councilmember Griffith reported the Council met in Closed Session April 21; direction was given and action was taken.

**SPECIAL ORDER OF THE DAY** – Recognition of 2011 Earth Day Poster Contest Winners and Green Business Certification Recipients

**SPECIAL ORDER OF THE DAY** – Mayor Hamilton presented a proclamation recognizing National Fair Housing Month.

*\*Pending Council Approval*

## **PUBLIC ANNOUNCEMENTS**

Councilmember Moylan announced an invitation to the public from Santa Clara County Poet Laureate Sally Ashton to share poems during National Poetry Month.

Councilmember Spitaleri announced the upcoming 12<sup>th</sup> Annual City of Sunnyvale Health and Safety Fair.

Councilmember Swegles announced an upcoming “Kick It” Soccer Tournament and Barbecue.

## **CONSENT CALENDAR**

A member of the public requested to pull Item 1.N from the Consent Calendar.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Consent Calendar, with the exception of Item 1.N.

VOTE: 7 - 0

- 1.A. MOTION Approval of Council Meeting Minutes of April 5, 2011
- 1.B. MOTION Approval of Corrected Council Meeting Minutes of February 15, 2011
- 1.C. MOTION Approval of Information/Action Items – Council Directions to Staff

## **Fiscal Items**

- 1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager – List  
RTC 11-073 Nos. 549 – 551

Staff Recommendation: Review the lists of bills.

- 1.E. MOTION City of Sunnyvale Investment Report – 1<sup>st</sup> Quarter 2011  
RTC 11-071

Staff Recommendation: Receive and file the investment report.

- 1.F. RESOLUTION Adopt a Resolution to Authorize the Filing of the Fiscal Year 2011/12  
RTC 11-070 Transportation Development Act Article 3 Application for Pedestrian and  
Bicycle Projects and Approve Budget Modification No. 29

Staff Recommendation: Alternative 1: Adopt the resolution authorizing filing of a project application with the VTA and MTC for allocation of Transportation Development Act funds for FY 2011/12 for pedestrian/bicycle projects for a East Channel Trail Project, and approve Budget Modification No. 29 to reduce the local match of \$149,000 originally budgeted for Project 829010, East Channel Trail, by \$67,205 to fund a new project, Stevens Creek Trail Feasibility Study, in FY 2010/11.

**Contracts**

- 1.G. MOTION Award of Contract for the Upgrade of the 911 Computer Aided Dispatch  
RTC 11-085 (CAD) and Report Management System (RMS) (F1004-105) and  
Authorization to Enter Into Cost Sharing Agreement with the Town of Los  
Gatos

Staff Recommendation: Award a contract in the amount of \$416,121, excluding taxes, to Tiburon, Inc. for the upgrade of the 911 Computer Aided Dispatch (CAD) and Report Management System; and authorize the City Manager to enter into Cost Sharing Agreement with the Town of Los Gatos for the purchase and maintenance costs related to items described in this report.

- 1.H. MOTION Award of Contract for a Feasibility Study for Storm Pump Station No. 2  
RTC 11-076 Rehabilitation (F1012-56)

Staff Recommendation: Award a contract in the amount of \$96,522 to Schaaf & Wheeler Consulting Civil Engineers 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% project contingency in the amount of \$9,652.

- 1.I. MOTION Award of Bid No. F1003-87 for Concrete Sidewalk, Curb, Gutter and  
RTC 11-078 Driveway Approaches – 2011

Staff Recommendation: Award a contract in the amount of \$314,353 to Weber Tractor Service for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met.

- 1.J. MOTION Award of Contract to Provide Park and Playground Equipment, Surfacing  
RTC 11-080 Materials and Site Furnishings for the Department of Community  
Services (F1002-75)

Staff Recommendation: Award a contract in the amount of \$108,927 to Ross Recreation to provide and install playground equipment; and approve a project contingency in the amount of \$10,893.

- 1.K. MOTION Authorization to Amend an Existing Contract for the Refurbishment of  
RTC 11-075 Water Tanks at Wright Avenue (F1004-104)

Staff Recommendation: Approve an amendment to an existing contract with AA-1 Services, Inc. for the refurbishment of water tanks at the Wright Avenue Water Plant to increase the contract value by \$136,000 to compensate for the negotiated settlement to a contractor claim submitted during the course of construction on the project.

- 1.L. MOTION Award of Contract to Provide a Permitting Software System for the  
RTC 11-072 Department of Community Development (F0905-102)

Staff Recommendation: Award a contract in the amount of \$490,373, to MS Govern, a division of N. Harris Computer Systems, to provide and install a permitting software system; and approve a 15% project contingency in the amount of \$73,556.

**Personnel**

- 1.M. RESOLUTION Adoption of the Sunnyvale Managers Association (SMA)  
RTC 11-079 Memorandum of Understanding and Amendment to the Salary  
Resolution

Staff Recommendation: Alternative 1: Adopt the Memorandum of Understanding with the Sunnyvale Managers Association, and adopt the related amendment to the Salary Resolution.

- 1.N. RESOLUTION Adoption of the Public Safety Officers Association (PSOA) Memorandum  
RTC 11-081 of Understanding Extension and Amendment to the Salary Resolution

Public hearing opened at 7:22 p.m.

Marshall Clifford, Vice President, Sunnyvale PSOA, requested support for Alternative 1.

Patrick Walz provided comments regarding a lack of available information.

Tap Merrick expressed concerns regarding overtime and officer safety.

Public hearing closed at 7:29 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Swegles seconded the motion to approve Alternative 1: Adopt the Memorandum of Understanding extension with the Public Safety Officers Association, and adopt the related amendment to the Salary Resolution.

VOTE: 5 - 2 (Mayor Hamilton and Councilmember Whittum dissented)

- 1.O. RESOLUTION Amendment to the Classification Plan to Add Newly-Established  
RTC 11-084 Classifications in Support of a New Department of Utilities and to  
Eliminate Classifications in the Department of Community Services and  
Office of the City Manager

Staff Recommendation: Adopt a resolution to amend the City's Classification Plan to add the newly-established classifications of Director of Utilities, Water and Sewer Systems Manager and Property Clerk I/II and eliminate the classifications of Director of Parks and Recreation and Intergovernmental Relations Officer.

**STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

None.

**PUBLIC COMMENTS**

Tap Merrick distributed and spoke regarding an article in the Wall Street Journal regarding foreclosure rates.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. MOTION 2011-7118 - Request to Rename Capella Way to Charlie Olson Way  
RTC 11-068

Director of Community Development Hanson Hom presented the staff report.

Public hearing opened at 7:42 p.m.

Julia Miller, applicant, spoke in support of Alternative 1 to rename Capella Way to Charlie Olson Way.

Susan Ryneason, Secretary and Historian for Fremont High School Alumni Association, spoke in support of Alternative 1.

Don Eagleston, President and CEO, Sunnyvale Chamber of Commerce, spoke in support of honoring the wishes of the Olson family.

Dr. Anne Rosché spoke in support of renaming the street Charlie Olson Way.

Holly Lofgren spoke in support of renaming the street Charlie Olson Way.

Florence Wilson spoke in support of renaming the street Charlie Olson Way.

Jeanine Stanek, member of the Heritage Preservation Commission and Sunnyvale Historical Society Board of Directors but speaking for herself, recommended renaming the street Olson Way.

Connie Portele spoke in support of renaming the street Charlie Olson Way.

Public hearing closed at 8:03 p.m.

MOTION: Councilmember Lee moved to approve Alternative 1: Approve the requested street name change renaming "Capella Way" to "Charlie Olson Way." Councilmember Swegles seconded the motion with the request that the motion include approval of Alternative 3.

AMENDED MOTION: Councilmember Lee amended the motion to remove consideration of Alternative 3 from the motion.

VOTE: 3 - 4 (Councilmember Spitaleri, Vice Mayor Griffith, Mayor Hamilton and Councilmember Moylan dissented)  
Motion failed.

MOTION: Councilmember Moylan moved and Councilmember Spitaleri seconded the motion to approve Alternative 2: Approve the requested street name change renaming "Capella Way" to "Olson Way."

VOTE: 6 - 1 (Councilmember Swegles dissented)

MOTION: Councilmember Griffith moved to approve Alternative 1 contingent upon the applicant paying for the signs.  
Motion died for lack of a second.

MOTION: Councilmember Whittum moved to reconsider the previous vote.  
Motion died for lack of a second.

MOTION: Councilmember Moylan moved and Councilmember Spitaleri seconded the motion for the City to pay for the signs.

VOTE: 4 - 3 (Mayor Hamilton, Councilmembers Whittum and Swegles dissented)

3. MOTION Sunnyvale Middle School Open Space Master Plan Revision  
RTC 11-074

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

Rob Williams, Chief Operations Officer, Sunnyvale School District, responded to questions from Council.

Public hearing opened at 8:39 p.m.

Bob Kinder, Parks and Recreation Commission, reported the commission approved the staff recommendation 4 - 0 with one member absent.

Public hearing closed at 8:42 p.m.

MOTION: Councilmember Lee moved and Councilmember Swegles seconded the motion to approve Alternative 1: Approve the proposed master plan for Sunnyvale Middle School open space.

VOTE: 6 - 1 (Councilmember Moylan dissented)

4. ORDINANCE Consider Increase in the Parks Dedication Standard from 3.0 Acres to  
RTC 11-083 5.0 Acres per 1,000 Population (Subdivision Map Act, Title 18.10 of the  
SMC and Fee Mitigation Act, Title 19.74 of SMC)

Councilmembers Whittum, Lee, Moylan and Vice Mayor Griffith disclosed they met with Crisand Giles of the Building Industry Association.

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 9:02 p.m.

Bob Kinder, Parks and Recreation Commission, reported the commission voted 3 - 1 to recommend Alternative 4, to take no action at this time.

Tap Merrick spoke regarding the importance of open space to youth.

Craig Champion, Land Acquisition Manager, Toll Brothers, spoke regarding the magnitude of the increase and the speed of implementation, and recommended tabling it.

Jonel Jackson, MetLife Home Loans, spoke regarding the impact of increased fees on the affordability of home mortgages.

Crisand Giles, Building Industry Association of the Bay Area, expressed concerns regarding the impacts of an increase in park dedication fees on the building industry. Giles recommended support for the Parks and Recreation Commission recommendation to take no action at this time, or consider phasing in, should Council decide to move forward with the increase.

Adam Montgomery, Silicon Valley Association of Realtors, submitted a letter and spoke regarding the importance of studying the impact of the increases in fees on development.

Kevin Ebrahimi, Director of Development, SummerHill Homes, spoke regarding land values and asked the City to work with an independent appraiser and not just look at transactions from two years ago.

Public hearing closed at 10:13 p.m.

MOTION: Councilmember Lee moved and Councilmember Swegles seconded the motion to approve Alternative 1: Adopt the attached amendments to City Municipal Code Title 18 (Subdivisions) Chapter 18.10, Parks and Open Space Dedication, raising the facility standard of 3.0 acres per 1,000 population effective on July 1, 2011, to 5.0 acres per 1,000 population to be effective on July 1, 2012; and Alternative 2: Adopt the attached amendments to City Municipal Code Title 19 (Zoning) Chapter 19.74, Park Dedication Fees for Rental Housing Projects, raising the facility standard of 3.0 acres per 1,000 population effective on July 1, 2011, to 5.0 acres per 1,000 population to be effective July 1, 2012 as stated, with a modification of the effective dates with following phase in period:

Increase acres per 1,000 population:

to 3.5 effective January 2013

to 4.0 effective January 2014

to 4.5 effective January 2015

to 5.0 effective January 2016

AMENDMENT: Mayor Hamilton requested the motion be amended to align with July 1<sup>st</sup> of each year. Councilmembers Lee and Swegles accepted the amendment.

VOTE: 3 - 4 (Councilmember Griffith, Mayor Hamilton, Councilmembers Moylan and Whittum dissented)

Motion failed.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt the 5.0 acre fee, phasing it in as an additional 0.5 acres in July of 2012, an additional 0.75 acres in July 2013, and an additional 0.75 acres in July 2014.

VOTE: 4 - 3 (Councilmember Spitaleri, Mayor Hamilton, and Councilmember Swegles dissented)

City Clerk Kathleen Franco Simmons read the ordinance title.

MOTION: Councilmember Whittum moved and Councilmember Moylan seconded the motion to approve Alternative 3: Direct staff to provide information regarding the possible implementation of a park mitigation fee for new industrial, commercial and retail developments.

VOTE: 6 - 1 (Councilmember Swegles dissented)

5. MOTION Revisit City Policy Governing the Community Recreation Fund (Study  
RTC 11-082 Issue)

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 10:58 p.m.

No speakers.

Public hearing closed at 10:58 p.m.

MOTION: Councilmember Moylan moved and Councilmember Swegles seconded the motion to approve Alternative 1: Beginning in FY 2012/2013, rename the Community Recreation Fund the Golf and Tennis Fund. Operate it as a true enterprise fund. Transfer all other recreational services, including both revenues and expenses, to the General Fund; and Alternative 3: Eliminate Fiscal Sub-element policies 1.2a.1; 1.2a.2; 1.2a.3; 1.2a.4; and 1.2a.5. Fund golf and tennis infrastructure with golf and tennis revenues rather than Park Dedication Funds.

AMENDMENT: Councilmember Moylan amended the motion to make the effective date beginning in FY 2011/2012. Councilmember Swegles accepted the amendment.

VOTE: 7 - 0

6. MOTION Consideration of a Position on Measure C (May 2011 Special Mail Ballot)  
RTC 11-069

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 11:01 p.m.

No speakers.

Public hearing closed at 11:01 p.m.

MOTION: Councilmember Moylan moved and Councilmember Swegles seconded the motion to take a position in support of Measure C.

VOTE: 6 - 0 (Councilmember Whittum abstained)

#### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Moylan reported a budget meeting of the Valley Transportation Authority Board.

Mayor Hamilton reported the Santa Clara County Cities Association co-sponsored a meeting with Valley Transportation Authority on the sustainable communities strategy.

Mayor Hamilton reported a general membership meeting of the Santa Clara County Cities Association which included a panel discussion with State officials.

Councilmember Moylan reported he, Mayor Hamilton and staff heard a presentation on High Speed Rail funding for Caltrain electrification.

### **NON-AGENDA ITEMS & COMMENTS**

Councilmember Swegles stated he is not available May 17 and requested the closed session be moved to May 24. Mayor Hamilton stated she would look at the calendar and get back to Council.

Councilmember Swegles announced an upcoming bocce ball game.

Councilmember Swegles reported former Councilmember Stan Kawczynski is in serious condition.

Vice Mayor Griffith stated he may not attend the meeting with Anna Eshoo.

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 11-077 Opportunity for Council to Appeal Decisions of the Planning Commission of April 11, 2011 and the Zoning Administrator Hearing of April 13, 2011
- Draft Minutes of the Joint Arts Commission and Parks & Recreation Commission Special Meeting of April 13, 2011
- Draft Minutes of the Heritage Preservation Commission Meeting of April 6, 2011
- Draft Minutes of the Board of Library Trustees Meeting of April 4, 2011
- Draft Minutes of the Housing & Human Services Commission Meeting of March 23, 2011
- Study Session Summary of February 15, 2011 – Board and Commission Interviews

### **ADJOURNMENT**

Mayor Hamilton adjourned the meeting at 11:17 p.m.