

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JUNE 14, 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
Deputy Chief of Public Safety Dayton Pang
Director of Public Works Marvin Rose
Director of Community Development Hanson Hom
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR JUNE 14, 2011

*Closed Session pursuant to Government Code Section 54956.9(a) Conference with Legal Counsel
– Existing Litigation*

Vice Mayor Griffith reported Council met in Closed Session in conference with legal counsel; direction was given and no action was taken.

SPECIAL ORDER OF THE DAY – City Clerk Kathleen Franco Simmons administered the ceremonial oath of office to newly appointed board and commission members.

PUBLIC ANNOUNCEMENTS

Leah Lane announced a special price on pet micro-chipping through the Humane Society.

Tara Martin-Milius announced an upcoming Quilts of Valor presentation at Fremont High School Professional Learning Center.

PRESENTATION – Frederick Ferrer, CEO, The Health Trust, presented information regarding the opening of Sunnyvale Dental Center.

CONSENT CALENDAR

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

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

VOTE: 7 - 0

- 1.A. MOTION Approval of Special Council Meeting Minutes of June 2, 2011
- 1.B. MOTION Approval of Council Meeting Minutes of June 7, 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 11-121 No. 558

Staff Recommendation: Review the attached lists of bills.

- 1.E. MOTION Approval of Budget Modification No. 31 to Appropriate \$76,292 of Santa
RTC 11-126 Clara County Public Health Communities Putting Prevention to Work
Grant Funds for Smoking and Tobacco Use Prevention

Staff Recommendation: Alternative 1: Approve Budget Modification No. 31 to appropriate \$76,292 of Santa Clara County Public Health Communities Putting Prevention to Work Grant Funds for Smoking and Tobacco Use Prevention.

- 1.F. MOTION Approval of Budget Modification No. 34 to Recognize Grant Funding and
RTC 11-122 Appropriate Funds for a Remington Drive/Bernardo Avenue Traffic Signal
Project

Staff Recommendation: Alternative 1: Authorize the City Manager to execute any required agreements to secure grant funding and implement the Remington Drive/Bernardo Avenue Traffic Signal project; and Alternative 2: Approve Budget Modification No. 34 to appropriate \$626,600 of grant funding from the Federal Highway Safety Improvement Program, and \$104,600 of local City match from existing project 816000 (Future Traffic Signal Construction and Modification) to fund a new project, Remington Drive/Bernardo Avenue Traffic Signal.

Contracts

- 1.G. MOTION Award of Contract for Aggregate, Crushed Granite and Sand for the
RTC 11-124 Department of Public Works Field Services Division (F1004-97)

Staff Recommendation: Award a two-year contract to Graniterock Company in an amount not to exceed \$286,230 for a two year period, to provide aggregate crushed granite and sand to the City of Sunnyvale Public Works Department; and delegate authority to the City Manager to exercise an option to extend the contract for one additional year, provided that pricing and service remain acceptable to the City.

- 1.H. MOTION Award of Contract to Provide 2010 Microsoft Office Licenses for City
RTC 11-125 Wide Upgrade (F1004-106)

Public hearing opened at 7:12 p.m.

Fred Fowler spoke regarding an open-source software alternative and suggested Council take no action and direct staff to prepare a report on open-source alternatives.

Public hearing closed at 7:14 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Whittum seconded the motion to approve Item 1.H.: Award a contract for 700 Microsoft Office Licenses in the amount of \$169,078, to Insight Public Sector.

VOTE: 7 - 0

Councilmember Lee proposed to sponsor a study issue regarding a policy on the use of open source software. Councilmember Moylan, Vice Mayor Griffith and Mayor Hamilton co-sponsored the study issue.

PUBLIC COMMENTS

Art Schwartz extended appreciation to Department of Public Works staff for reducing the lanes on Remington Drive.

PUBLIC HEARINGS/GENERAL BUSINESS

Mayor Hamilton announced Item 6 would be heard before the remaining Public Hearing/General Business items.

2. MOTION Annual Public Hearing on FY 2011/2012 Budget and Resource Allocation
RTC 11-129 Plan and Establishment of Appropriations Limit

Director of Finance Grace Leung presented the staff report.

Public hearing opened at 7:42 p.m.

Jessica Garcia-Kohl, Housing Trust of Santa Clara County, spoke regarding the services provided by the program and the impact on the community.

Mike Andrade, Sunnyvale Public Safety Officers Association, spoke regarding the impacts to service levels if Level 1 reductions to Public Safety are made.

Irene Jenkins spoke regarding the value of the pottery program to adults, seniors and new Americans.

Joyce Wies, student of the adult pottery class, requested the pottery studio not be closed and suggested gifts and donations could be received to keep the studio open.

Jan Gaynor yielded her time to Cristina Chang.

Cristina Chang, Orchard Valley Ceramic Arts Guild, stated she would volunteer to coordinate a pottery sale to donate funding for the City's pottery program.

Judith Hernandez, founder, LVNA, expressed concern regarding the proposed reductions to Firehouse 6 and closure of Lakewood pool and requested the closure be tabled.

Brian Vura-Weis spoke in support of the pottery program and encouraged development of the non-profit idea.

Sue Vincent spoke in support of the pottery program and suggested asking high tech companies to support the program.

Dr. Abby O'Connell, founder, Orchard Valley Ceramic Arts Guild and owner of Mother Earth Clay Arts Center, spoke regarding the value of the open studio program to the community and suggested additional solutions to fund the program.

Councilmember Swegles left the room at 8:42 p.m.

Michael Closson, Executive Director, Acterra, spoke regarding the "Green@Home" program and requested continued funding of the program.

Tara Martin-Milius spoke in support of Acterra and expressed concerns regarding Fire Station 6.

Falline Danforth spoke regarding the sense of community in the pottery group.

Anita Clemetson, Chairman, Board of Orchard Valley Ceramic Arts Guild, spoke regarding the value of the pottery studio.

Nancy Jackson, assessment specialist, Acterra, spoke regarding the energy savings and home safety hazards the program has realized.

Kathy Broquard, President, Friends of Sunnyvale Public Library, spoke regarding the programs funded by the Friends and urged support of the Sunnyvale Public Library.

Theresa Wilson spoke regarding the value of the pottery program for special needs children and proposed consideration of exploring creative options such as combining classes and coordinating with other entities for programming and marketing.

Tim Kirby, President, Sunnyvale Managers Association, spoke regarding the elimination of the Neighborhood Preservation Program Manager position and urged re-evaluation of the proposed elimination or to treat the elimination as with other reductions and find a vacant management position in which to place the employee.

Fred Fowler spoke regarding a \$2.5 million dollar infrastructure set-aside in the budget and differences in efficiencies in the pavement and sidewalk maintenance programs between 2005-06 and today, and recommended deferring the set-aside while efficiency is studied.

Councilmember Swegles returned to the dais.

Karen Mason requested reconsideration of the funding for the pottery program, open studios and instructors.

Stephen Ott spoke regarding the value of the pottery classes, the instructor and the open studio.

Jill Shanmugasundaram, member, Board of Library Trustees, spoke regarding the impacts of reductions in staffing and service levels at the Library.

Leah Lane spoke regarding the impact of budget reductions at Fire Station 6 to seniors and young children in the Lakewood neighborhood and submitted a petition of 54 neighbors.

Mike Michitaka spoke regarding the value of the pottery program to the community.

Heather Mumy, teacher at Lakewood School, asked for consideration to keep the Lakewood Pool open and spoke in support of the fire station for protection of the schools.

Steven Hayashi spoke regarding the proposed elimination of the Recreation Coordinator II position and the importance of the position to the leagues.

Katy Battistoni spoke in support of the open studio pottery program.

Fredericka Allen spoke in support of the pottery program.

Joel Wyrick, Sunnyvale Downtown Association, spoke regarding the Pet Parade.

Holly Lofgren spoke regarding the importance of the Lakewood Pool to the low income children and families in the area.

Kathleen King expressed appreciation for funding the Healthy Kids program, and spoke regarding Council's earlier decision to provide \$100,000 to community groups. King recommended formation of community foundations.

Glenn Hendricks spoke in support of the Level 1 and Level 2 cuts.

Clarissa Hoffman spoke regarding the pottery program.

Christina Olivas spoke regarding the elimination of recreation coordinator and the importance of the program.

Gale Hackett spoke in support of the pottery program.

Public hearing closed at 10:11 p.m.

MOTION: Councilmember Whittum moved to make approximately \$1.5 million in savings by taking the list of recommended costs savings from Attachment C, pages 1 and 2, and pull off the following items: the Level 1 and Level 2 Library items; the Level 2 close Lakewood pool, the Level 2 eliminate senior lunch, include cost recovery to guide staff to cost recovery for adult pottery; implement efficiencies in the dispatch schedule, the Level 2 elimination of Neighborhood Preservation Manager, the Level 2 elimination of Senior Office Assistant, the Level 2 reduction of sidewalk replacement and the Level 2 reduction of curb and gutter replacement totaling \$585,000.

Motion died for lack of second.

MOTION: Councilmember Moylan moved and Councilmember Swegles seconded the motion to direct staff to come back with the budget, including all Level 1 and Level 2 cuts as listed, including cost recovery for the pottery program.

FRIENDLY AMENDMENT: Mayor Hamilton proposed an amendment to add cost recovery for the senior lunch program to the motion.

Councilmember Moylan accepted the amendment.

FRIENDLY AMENDMENT: Councilmember Lee proposed an amendment to allow the pool to remain open through this summer.

Councilmember Moylan accepted the amendment.

VOTE: 4 - 3 (Councilmembers Lee, Spitaleri, and Whittum dissented)

Motion carried.

Mayor Hamilton proposed to sponsor a study issue to investigate alternative recreational uses for the Lakewood Pool area.

Vice Mayor Griffith co-sponsored the issue as budget issue.

Councilmember Moylan co-sponsored it as a study issue if needed.

Mayor Hamilton called a recess at 11:09 p.m.

Council reconvened at 11:25 p.m. with all present except Councilmember Swegles.

3. MOTION Public Hearing - Annual Review of Fees and Charges for Fiscal Year
RTC 11-116 2011/2012

Budget Manager Drew Corbett presented the staff report.

Public hearing opened at 11:26 p.m.

Crisand Giles, Executive Director, Building Industry Association of the Bay Area, highlighted comments from a letter regarding park dedication fees and provided written materials to Council.

Brad Speers, Public Affairs Division, California Apartment Association Tri-County Division, spoke regarding the impact of fee increases on apartment rental rates during a housing supply crunch.

Peter Hellman provided written materials and spoke regarding appraisal values and suggested Council plan to augment the City's current park lands with like land and that Council consider providing some credit to developers who put private recreation facilities in their developments.

Katia Kamangar, Senior Vice President, SummerHill Homes, spoke regarding park dedication fees and land value data based on appraisals and encouraged calculating park fees on true market comparables.

Public hearing closed at 12:02 a.m.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded the motion to direct staff to come back with the proposed fees with the exception of the park dedication fee revised to \$60 per square foot rather than \$75 per square foot.

FRIENDLY AMENDMENT: Councilmember Lee proposed a friendly amendment to direct staff to provide actual numbers being used by neighboring cities.

AMENDMENT: Councilmember Moylan amended the motion to direct staff to come back with a revised number based on sales in Sunnyvale and to also provide comparables for adjacent cities for comparison purposes, but that the calculated new number be based on Sunnyvale numbers.

Councilmember Lee accepted the amendment.

VOTE: 3 - 3 (Vice Mayor Griffith, Mayor Hamilton and Councilmember Whittum dissented, Councilmember Swegles absent)
Motion failed.

MOTION: Vice Mayor Griffith moved and Councilmember Whittum seconded the motion to direct staff to take the Council and public input received tonight and come back with a revised recommended park dedication fee on June 28; and to bring back the remainder of the fee schedule as presented.

VOTE: 6 - 0 (Councilmember Swegles absent)

4. RESOLUTION Adoption of Proposed FY 2011/2012 Rates for Water, Wastewater and
RTC 11-118 Solid Waste Utilities for Services Provided to Customers Within and
Outside City Boundaries

Revenue Systems Supervisor Tim Kirby presented the staff report and stated the City received 150 protests.

Public hearing opened at 12:24 a.m.

Robert Schaeztle, on behalf of senior citizens, recommended study of a cap or reduction for seniors and expressed concern for the fiscal impact on seniors on a fixed income.

David Jones expressed concern regarding increasing costs and impacts on seniors and under-employed residents.

Monica Schwenke requested information about any plans for water capture and recovery and suggested less use of water features at parks or that water features be pay per use.

Public hearing closed at 12:35 a.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Adopt the resolution increasing water rates by 18%, adjusting the price structure for water rates, increasing wastewater rates by 5.5%, and solid waste rates by 6% for FY 2011/2012.

VOTE: 6 - 0 (Councilmember Swegles absent)

5. MOTION Closing Murphy Avenue to Automobile Traffic (Study Issue)
RTC 11-123

Director of Public Works Marvin Rose presented the staff report.

Public hearing opened at 12:42 a.m.

Susan Walker, business owner on Murphy Avenue, expressed concern about a closure and urged Council to oppose the closure or take additional time to study it.

Susan Wu spoke in opposition to closure of the street for economic reasons, presented a survey of 100 customers and urged a no vote.

Public hearing closed at 12:47 a.m.

MOTION: Councilmember Spitaleri moved and Councilmember Whittum seconded the motion to approve Alternative 2: Consider additional planning and research into economic impacts, case studies and broader community viewpoints, including Murphy Avenue customers and property owners, and discussion with the Town Center developer on implications of having historic Murphy Avenue closed or open to the Town Center.

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

6. RESOLUTION Resolution Calling a Special Municipal Election for Proposed Charter
RTC 11-128 Amendments, on a Consolidated November 8, 2011 Ballot

This item was taken out of order and handled prior to Item 2.

MOTION: Councilmember Moylan moved and Councilmember Swegles seconded the motion to approve Alternative 1: Approve the resolution calling a Special Municipal Election for the purpose of submitting to the voters two ballot measures concerning amendments to the City Charter to be placed on the ballot at the consolidated election to be held in the City of Sunnyvale on November 8, 2011.

FRIENDLY AMENDMENT: Councilmember Whittum requested to split the motion to vote on the proposed measure relating to Council compensation separately from the measure on directly-elected mayor.

Councilmember Moylan declined to accept the friendly amendment.

FORMAL AMENDMENT to SUBSTITUTE MOTION: Councilmember Whittum moved and Vice Mayor Griffith seconded to consider the two measures separately.

VOTE: 4 - 3 (Councilmembers Spitaleri, Moylan and Swegles dissented)
Motion carried.

MOTION: Councilmember Whittum moved and Vice Mayor Griffith seconded the motion to approve submitting to the voters a measure in the category under item B to reduce Council compensation increases as presented.

VOTE: 5 - 2 (Councilmembers Spitaleri and Swegles dissented)
Motion carried.

MOTION: Councilmember Moylan moved and Councilmember Swegles seconded the motion to approve submitting to the voters a ballot measure relating to a directly-elected mayor.

VOTE: 4 - 3 (Vice Mayor Griffith, Mayor Hamilton and Councilmember Whittum dissented)
Motion carried.

Following this item, Council resumed the published order of the agenda with Item 2.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Moylan reported a meeting of the VTA in which the budget was approved and a Budget Stabilization Fund was created.

NON-AGENDA ITEMS & COMMENTS

Councilmember Whittum suggested it would be helpful to have a policy regarding cost recovery with categories indicating the percentage of cost recovery expected for each item.

City Manager Luebbers provided a report on the Department of Public Safety efforts on a difficult case.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Special Meeting of May 26, 2011

ADJOURNMENT

Mayor Hamilton closed the meeting in honor of William Lee Mulcahy, Senior.

Mayor Hamilton adjourned the meeting at 12:59 a.m.

Kathleen Franco Simmons
City Clerk

Date