

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JUNE 28, 2011

CALL TO ORDER

Mayor Hamilton called the meeting to order in 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 Christopher Moylan
Councilmember Anthony (Tony) Spitaleri
Councilmember David Whittum

ABSENT:

Councilmember Ron Swegles (excused)

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

SPECIAL ORDER OF THE DAY – Mayor Hamilton presented a proclamation declaring July Parks and Recreation Month.

PUBLIC ANNOUNCEMENTS

Vice Mayor Griffith announced the upcoming State of the City event and the 2011 State of the City award winners.

Vice Mayor Griffith announced recruitment for board and commission members and an upcoming application deadline.

CONSENT CALENDAR

MOTION: Vice Mayor Griffith moved and Councilmember Whittum seconded the motion to approve the Consent Calendar. Councilmember Whittum stated his vote would not be a vote on Item 1.H. as it is within 500 feet of his home.

VOTE: 6 - 0 (Councilmember Swegles absent)

- 1.A. MOTION Approval of Council Meeting Minutes of June 14, 2011
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 11-140 No. 559 and 560

Staff Recommendation: Review the attached lists of bills.

- 1.D. MOTION Approval of Budget Modification No. 38 to Appropriate Funds to the
RTC 11-141 Department of Public Safety Operating Budget

Staff Recommendation: Alternative 1: Approve Budget Modification No. 38 to appropriate \$550,000 to the Department of Public Safety operating budget for FY 2010/2011 to cover anticipated cost overruns.

- 1.E. MOTION Budget Modification No. 35 to Appropriate \$120,709 of Supplemental Law
RTC 11-130 Enforcement Services Funding from Fund Reserves

Staff Recommendation: Alternative 1: Appropriate \$120,709 of Supplemental Law Enforcement Services Funding from Fund Reserves.

- 1.F. MOTION Budget Modification No. 39 to Appropriate \$21,578 of Emergency
RTC 11-135 Management Performance Grant Funds from Santa Clara County Office of
Emergency Services

Staff Recommendation: Alternative 1: Appropriate \$21,578 of Emergency Management Performance grant funds from Santa Clara County Office of Emergency Services.

- 1.G. MOTION Agreement to Provide “Seed” Funding for Habitat for Humanity Silicon
RTC 11-127 Valley “ReStore”

Staff Recommendation: Alternative 1: Authorize the City Manager to execute the agreement shown as Attachment B, which provides HFHSV with up to \$10,000 in funding from the Solid Waste Fund.

- 1.H. RESOLUTION Adoption of a Resolution to Approve the Annual Engineer’s Report for the
RTC 11-134 Downtown Parking Maintenance District Assessment

Staff Recommendation: Alternative 1: Adopt the resolution to approve the annual Engineer’s Report for FY 2011/12 and to direct the Assessment Engineer to forward the assessment to the County of Santa Clara for inclusion on the property tax rolls.

Contracts

- 1.I. MOTION Award of Contract to Provide Third Party Workers' Compensation Claims
RTC 11-143 Administration Services for the Department of Human Resources (F1001-68)

Staff Recommendation: Award a contract in the amount of \$757,238 to York Risk Services Group to provide third party workers' compensation claims administrative services for a three year period, and 2. Delegate authority to the City Manager to exercise an option to extend the contract for one additional one year period, provided that pricing and service remain acceptable to the City.

- 1.J. MOTION Award of Bid No. F1003-87 for Concrete Sidewalk, Curb, Gutter and
RTC 11-145 Driveway Approaches - 2011

Staff Recommendation: Award a contract in the amount of \$316,028 to Nor-Cal Concrete, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions are met; and authorize staff to re-appropriate Program 222 operating funds at the close of this fiscal year in the amount of \$316,028 from FY 2010/2011 to FY 2011/2012.

- 1.K. MOTION Award of Contract for the Cooperative Purchase of Office Supplies
RTC 11-136 (F1005-111)

Staff Recommendation: Award a three-year contract in an amount not-to-exceed the budgeted amount for citywide office supplies, to OfficeMax for the purchase of office supplies, based upon the Oakland County, Michigan, cooperative contract.

- 1.L. MOTION Authorization to Award Contract in the Amount of \$418,500 to Vietnam
RTC 11-132 Veterans of California for Veterans' Employment Related Assistance Program

Staff Recommendation: On behalf of the NOVA seven-city consortium, adopt Alternative 1: Council authorizes the award of a contract in the amount of \$418,500 to Vietnam Veterans of California to provide services for the Veterans' Employment-Related Assistance Program.

Other

- 1.M. MOTION Approval of NOVA Local Workforce Investment Area Five-Year
RTC 11-133 Strategic Local Plan Modification for Program Year 2011-12

Staff Recommendation: On behalf of the NOVA seven-city consortium and in concurrence with the NOVA Workforce Board, adopt Alternative 1: Council approves the NOVA Local Workforce Investment Area Five-Year Strategic Local Plan Modification for Program Year 2011-12.

- 1.N. MOTION Recommendation to Sunnyvale City Council to Approve Confirmation of
RTC 11-131 New Members to the NOVA Workforce Board

Staff Recommendation: Alternative 1: Confirm Ms. Connie Alvarez, Ms. Sara Steffens and Mr. Greg Young for four-year terms on the NOVA Workforce Board.

PUBLIC COMMENTS

Nancy Lunetta spoke regarding the condition of a home on Revere Drive in which a homicide took place, and submitted a signed petition.

Eleanor Pett spoke regarding the homicide in the Revere Drive neighborhood.

Chris Ferry, Mental Health Director, Santa Clara County Jail, provided information about persons who have a hoarding disorder and spoke regarding the condition of the home on Revere Drive.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RESOLUTION Adoption of the FY 2011/2012 Budget, Fee Schedule, and Appropriations
RTC 11-146 Limit

Budget Manager Drew Corbett presented the staff report and recommended the proposed change to the Park Dedication Fee be handled as an amendment to the resolution.

City Manager Gary Luebbers provided additional information.

MOTION: Councilmember Lee moved and Vice Mayor Griffith seconded the motion to approve Alternative 2: Approve the resolutions to adopt the FY 2011/2012 Recommended Budget, Fee Schedule, and Appropriations Limit with amendments that increase expenditures as directed by Council including a corresponding change in expenditures or revenues to ensure there is no adverse effect to the City's financial position, and take out the following issues to handle separately:

1. The actual dollar amount of Park Dedication Fee
2. Lakewood Pool
3. After school counseling program

FRIENDLY AMENDMENT: Councilmember Whittum requested to add to the list of items to handle separately the issue of bringing the senior lunch fee up to revenue neutral. Councilmember Lee accepted the Friendly Amendment.

VOTE: 6 - 0 (Councilmember Swegles absent)

MOTION: Vice Mayor Griffith moved to approve the staff recommendation minus the 5% surcharge to set the Park Dedication Fee at \$69 per square foot.
Motion died for lack of second.

MOTION: Councilmember Lee moved and Councilmember Spitaleri seconded the motion to approve the Park Dedication Fee at \$65 per square foot.

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

MOTION: Councilmember Whittum moved and Mayor Hamilton seconded the motion to set the Park Dedication Fee at \$72 per square foot.

VOTE: 3 - 3 (Councilmembers Lee, Spitaleri and Moylan dissented, Councilmember Swegles absent)
Motion failed.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve the staff recommendation on the Park Dedication Fee, minus the 5% surcharge and set the Park Dedication Fee at \$69 per square foot.

VOTE: 4 - 2 (Councilmembers Spitaleri and Whittum dissented, Councilmember Swegles absent)
Motion carried.

MOTION: Councilmember Whittum moved and Councilmember Spitaleri seconded the motion to not decommission the Lakewood Pool.

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

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to accept staff recommendation to decommission the pool after this summer.

VOTE: 4 - 2 (Councilmembers Spitaleri and Whittum dissented, Councilmember Swegles absent)
Motion carried.

MOTION: Councilmember Lee moved and Councilmember Whittum seconded the motion to continue the drop-in after school program at Sunnyvale Middle School.

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

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the staff recommendation to not fund the Sunnyvale Middle School after school programs.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment that the program be modified to look at making it cost neutral with fee recovery of costs.
Vice Mayor Griffith accepted the Friendly Amendment.

RESTATED MOTION: Vice Mayor Griffith restated the motion as: to remove the expense of the Sunnyvale Middle School after school programs from the budget either by eliminating the program or generating enough money to pay for it.

VOTE: 6 - 0 (Councilmember Swegles absent)

MOTION: Councilmember Whittum moved and Councilmember Lee seconded the motion to not go to full cost recovery on the senior lunch program but keep the price at \$5.50.

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

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to support staff recommendation to discontinue funding of the senior lunch program.

VOTE: 4 - 2 (Councilmembers Spitaleri and Whittum dissented, Councilmember Swegles absent)
Motion carried.

3. MOTION Decertification of Mary Avenue Environmental Impact Report and
RTC 11-139 Vacation of Project Approval; Revision of Environmental Impact Report
 for Mary Avenue Extension Project; Approval of Budget Modification No.
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City Attorney David Kahn presented the staff report.

Public hearing opened at 9:30 p.m.

Bill Ritter expressed concern regarding the language in the report to Council and stated the court did not order a new EIR.

Eleanor Hansen spoke regarding potential significant traffic increases on Mary Avenue.

Art Schwartz spoke regarding an alternative that would reduce traffic by restricting the types of vehicles. Schwartz also spoke regarding the money from VTA for the project.

Public hearing closed at 9:44 p.m.

MOTION: Councilmember Lee moved and Councilmember Moylan seconded the motion to approve vacation of the certification for the Mary Avenue Extension EIR and void the project approval made on October 28, 2008.

VOTE: 6 - 0 (Councilmember Swegles absent)

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to direct staff to revise the Mary Avenue EIR and to return to the Council for EIR and Project approval upon the completion of the revised EIR process; and Alternative 2: Appropriate \$3,725,000 of grant funding from the Santa Clara Valley Transportation Authority Local Streets and County Roads Program to the Mary Avenue Extension Project Development Project for purposes of funding the EIR and additional engineering and project development work; and 1) that a scaled down version of the project be included as one of the alternatives, and 2) that a different firm do the EIR.

FRIENDLY AMENDMENT: Councilmember Whittum offered an amendment to direct staff to specifically include consideration of a bicycle bridge, a Sunnyvale shuttle and to coordinate with Mountain View on Ellis Street/Manila Drive and make Manila Drive improvements that could feed traffic into Moffett Park.

Councilmember Moylan stated that part of that, the scaled down project, is in the motion.

VOTE: 4 - 2 (Councilmembers Lee and Whittum dissented, Councilmember Swegles absent)

Motion carried.

4. RESOLUTION Approval by Resolution of Sunnyvale 2010 Urban Water Management
RTC 11-138 Plan (UWMP)

Director of Public Works Marvin Rose presented the staff report.

Public hearing opened at 10:04 p.m.

No speakers.

Public hearing closed at 10:04 p.m.

MOTION: Councilmember Lee moved and Councilmember Moylan seconded the motion to approve Alternative 1: Adopt the resolution approving the 2010 Urban Water Management Plan and direct staff to forward the UWMP to the California State Department of Water Resources.

VOTE: 6 - 0 (Councilmember Swegles absent)

5. MOTION League of California Cities (LCC) Annual Conference Voting Delegate
Selection

Mayor Hamilton presented a brief report.

MOTION: Councilmember Moylan moved and Councilmember Spitaleri seconded the motion to designate Mayor Hamilton as the City's voting delegate and Councilmembers Moylan, Lee and Spitaleri as alternate voting delegates to vote at the League of California Cities Annual Business Meeting, September 23, 2011.

Mayor's selection

VOTE: 6 - 0 (Councilmember Swegles absent)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Griffith reported a meeting of the County Recycling and Waste Reduction Commission in which an expanded ban on the use of expanded polystyrene food containers was adopted.

Councilmember Lee reported a meeting of the Santa Clara County Redistricting Commission in which preliminary State and Federal redistricting maps were discussed. Vice Mayor Griffith provided additional information.

Councilmember Spitaleri reported a meeting of the League of California Cities Employee Relations Committee in which AB 1184, Public Employees Retirement Benefits, was discussed. Spitaleri reported State marijuana regulations were also discussed.

Mayor Hamilton reported a meeting of the League of California Cities Revenue and Taxation Policy Committee regarding a State budget update.

NON-AGENDA ITEMS & COMMENTS

Vice Mayor Griffith, as Chair of the Council Subcommittee on Board and Commission bylaws, suggested issues for the subcommittee to consider: a Council policy on publishing contact information for board and commission members, changing Council Policy regarding the requirement to select a Chair in July to the first meeting, looking at review of work plans by a subcommittee prior to approval, consideration of Council liaisons to boards and commissions, the voting method to appoint commissioners, and expanding the role of Council Subcommittee on Bylaws to take a first pass at discipline issues.

Mayor Hamilton suggested leaving the issue of contact information to the boards and commissions or providing a single email for all members. Mayor Hamilton suggested the most useful idea would be Council liaisons.

Councilmember Moylan stated he endorses the Council liaison concept.

Fred Fowler addressed the Council regarding this subject matter.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-137 Opportunity for Council to appeal decisions of the Planning Commission of June 13, 2011 and the Zoning Administrator Hearing of June 15, 2011
- RTC 11-144 Board/Commission Resignations (Information Only)
- Draft Minutes from the Heritage Preservation Commission Meeting of June 1, 2011
- Draft Minutes from the Housing and Human Services Commission Meeting of June 22, 2011
- Study Session Summary of June 14, 2011 – Civic Center Buildings: Renovate, Replace or Relocate? (Study Issue)

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

Mayor Hamilton adjourned to the Redevelopment Agency at 10:24 p.m.

Kathleen Franco Simmons
City Clerk

Date