

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, AUGUST 9, 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 Christopher Moylan
Councilmember Anthony (Tony) Spitaleri
Councilmember David Whittum

ABSENT:

None

STAFF PRESENT:

City Manager Gary Luebbers
Senior Assistant City Attorney Kathryn Berry
Director of Finance Grace Leung
Deputy Chief of Public Safety Dayton Pang
Director of Community Development Hanson Hom
Director of Utilities John Stufflebean
Director of Public Works Kent Steffens
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

Garth Williams announced an upcoming 17th Annual Trailblazer Race and fundraiser for the Friends of the Stevens Creek Trail.

CONSENT CALENDAR

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Consent Calendar.

VOTE: 6 - 0

1.A. MOTION Approval of Council Meeting Minutes of July 26, 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 11-168 No. 565-566

Staff Recommendation: Review the attached lists of bills.

1.D. MOTION Carryover of Council Technology Funds from FY 2010/11 to FY 2011/12
RTC 11-165 and Approval of Budget Modification No. 3

Staff Recommendation: Alternative 1: Approve Budget Modification No. 3 to carryover \$8,345 in technology funds in accordance with Council Policy 7.3.13.

1.E. MOTION City of Sunnyvale Investment Report – 2nd Quarter 2011
RTC 11-169

Staff Recommendation: Receive and file the investment report.

Other Items

1.F. RESOLUTION Participation in the Santa Clara County Abandoned Vehicle Abatement
RTC 11-159 Authority

Staff Recommendation: Alternative 1: Adopt the resolution agreeing to participate in the Santa Clara County Abandoned Vehicle Abatement Authority until April 30, 2022.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2011 Study Issue FIN 11-02 – Update Fiscal Sub-element Policy Related
RTC 11-167 to Budget Stabilization Fund

Budget Manager Drew Corbett presented the staff report.

Public hearing opened at 7:27 p.m.

Peter Cirigliano expressed concerns regarding making changes to the contingency reserve based on relying on Federal emergency funds in the event of a disaster.

Public hearing closed at 7:30 p.m.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve staff recommendation:

Alternative 1: Update the Budget Stabilization Fund fiscal policy to read:

- The Budget Stabilization Fund will be a minimum of 15% of projected revenues for the first two years of the 20-year planning period.
- The Budget Stabilization Fund will always have a balance of at least zero.

Alternative 2: Update the Contingency Reserve fiscal policy to read:

- The General Fund Contingency Reserve will be maintained at 15% of operations costs in year one of the long-term plan, with annual increases based on projected increases in the Consumer Price Index.
- The General Fund Contingency Reserve will only be utilized for non-fiscal emergencies or disasters as determined by Council.

VOTE: 6 - 0

3. RESOLUTION Resolution Declaring a Vacancy of City Councilmember Seat No. 6 and
RTC 11-164 Establishing the Process for Filling the Vacancy

Assistant City Attorney Kathryn Berry presented the staff report.

Public hearing opened at 7:46 p.m.

No speakers.

Public hearing closed at 7:46 p.m.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 1: Adopt the proposed resolution declaring a vacancy of City Councilmember Seat No. 6 and establishing the process for filling the vacancy.

VOTE: 6 - 0

4. MOTION Proposed Response to Santa Clara County Grand Jury Report, Rehiring
RTC 11-166 Pensioners: Bad Policy, Good Business or Both?

Director of Human Resources Teri Silva presented the staff report.

Public hearing opened at 7:50 p.m.

No speakers.

Public hearing closed at 7:50 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Approve the City's response to the Santa Clara County Civil Grand Jury report as presented in Attachment A.

VOTE: 6 - 0

5. MOTION Update of Council Policy 7.3.6 Managing for Competitiveness
RTC 11-170

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 7:56 p.m.

Fred Fowler, speaking as a private individual, spoke regarding the intent of the original policy and stated the proposed revised policy drops key components. Fowler urged Council to direct staff to rewrite the policy or provide a new policy.

Public hearing closed at 7:58 p.m.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded the motion to approve Alternative 2: Adopt Attachment B, Council Policy for considering Service Delivery Options, with two modifications: 1) incorporate the text from the responsible contractor code of conduct in the appropriate place in the document, and 2) acknowledge in Part 2.A the work plan would include benchmarking against other local jurisdictions to see what they do and what their results have been.

AMENDMENT: Councilmember Moylan amended motion to replace "other local jurisdictions" with "similar jurisdictions."

VOTE: 6 - 0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Moylan reported a meeting of the Emergency Preparedness Council in which he was appointed to a committee to memorialize emergency preparedness best practices of each city.

NON-AGENDA ITEMS & COMMENTS

Councilmember Lee reported he will not be present at the August 23 meeting, as he will be on military duty.

Vice Mayor Griffith reported the Council Subcommittee on Board and Commission Bylaw Amendments received a request to consider maternity leave for board and commission members. Vice Mayor Griffith stated the subcommittee will yield to Council and requested consideration of changes to the board and commission policy be placed on an upcoming agenda.

Councilmember Whittum reported the Stevens Creek Neighborhood Association is interested in the public outreach aspect of the feasibility study.

Councilmember Spitaleri expressed appreciation to the Department of Public Safety for their involvement in National Night Out.

City Manager Gary Luebbers introduced Director of Utilities John Stufflebean and Director of Public Works Kent Steffens.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-171 Opportunity for Council to appeal decisions of the Planning Commission of July 25, 2011 and the Zoning Administrator Hearing of July 27, 2011
- RTC 11-173 The California Department of Toxic Substances Control (DTSC) Begins Oversight of Soil Remediation for Morse Park (Information Only)
- Draft Minutes from the Parks and Recreation Commission Meeting of July 13, 2011
- Draft Minutes from the Heritage Preservation Commission Meeting of July 13, 2011
- Draft Minutes from the Housing and Human Services Commission Meeting of July 27, 2011

ADJOURNMENT

Mayor Hamilton adjourned the meeting at 8:17 p.m.

Kathleen Franco Simmons
City Clerk

Date