

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, AUGUST 23, 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 Christopher Moylan
Councilmember Anthony (Tony) Spitaleri
Councilmember David Whittum

ABSENT:

Councilmember Otto Lee (Excused)

STAFF PRESENT:

City Manager Gary Luebbers
City Attorney David Kahn
Director of Finance Grace Leung
Deputy Chief of Public Safety Dayton Pang
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
Director of Environmental Services Department John Stufflean
City Clerk Kathleen Franco Simmons

REDEVELOPMENT AGENCY CLOSED SESSION REPORT FOR AUGUST 9, 2011

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

Vice Mayor Griffith reported the Redevelopment Agency met in Closed Session; no direction was given and no action was taken.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

Councilmembers Whittum and Moylan pulled Items 1.E and 1.A from the Consent Calendar.

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

VOTE: 5 - 0 (Councilmember Lee absent)

1.A. MOTION Approval of Council Meeting Minutes of August 9, 2011

Councilmember Moylan presented a clarification of the correction to the minutes of August 9, 2011: Item 2, RTC 11-167, in the Alternative 1 section of the motion, the text listed after the second bullet was intended to be replaced by the text: "The Budget Stabilization Fund will always have a balance of at least zero."

Public hearing opened at 7:05 p.m.

No speakers.

Public hearing closed at 7:05 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve the minutes as corrected and restated.

VOTE: 5 – 0 (Councilmember Lee absent)

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 11-178 No 567-568

Staff Recommendation: Review the attached lists of bills.

1.D. MOTION Investment and Cash Management Policy Review and Adoption for
RTC 11-176 Fiscal Year 2011/2012

Staff Recommendation: Adopt the attached Investment Policy for FY 2011/2012 as presented.

1.E. MOTION Authorize the City Manager to Execute Necessary Agreements and
RTC 11-179 Documentation for Santa Clara Valley Transportation Authority (VTA)
Transportation Fund for Clean Air Program Manager Grant for a Pastoria
Avenue Bicycle Lanes Project and Approval of Budget Modification No. 1

Public hearing opened at 7:15 p.m.

Patrick Grant expressed concerns regarding the route adjacent to head-in parking at Mary Pool and stated it is not recommended under any transportation plan to put a bike lane behind head-in parking for safety reasons.

Kevin Jackson stated it is premature to rule anything in or out at this early stage and recommended accepting the grant and waiting for the analysis to make a better decision at that time.

Public hearing closed at 7:23 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to authorize the City Manager to execute required agreements and documentation and approve Budget Modification No. 1 to appropriate grant revenues in the amount of \$85,000 from the Santa Clara VTA Transportation Fund for Clean Air Program Manager Fund, as well as the required 20% local match of \$21,250 from dedicated local matching funds, to the new Pastoria Avenue Bicycle Lanes Project.

VOTE: 4 - 1 (Councilmember Whittum dissented, Councilmember Lee absent)

Contracts

- 1.F. MOTION Award of Bid No. F1006-121 for Chemicals for Wastewater Treatment for
RTC 11-180 Department of Utilities

Staff Recommendation: Award a one-year contract for chemicals for wastewater treatment in an amount not-to-exceed \$161,455 to Univar USA Inc., and delegate authority to the City Manager to renew the Purchase Order for two additional one-year periods provided pricing and service remains acceptable to the City.

- 1.G. MOTION Award of a Contract for the Design of the Hendy Avenue Complete Street
RTC 11-182 Project (F1003-93)

Staff Recommendation: Award a contract in the amount of \$351,274 to Bellecci & Associates, Inc. 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% design contingency in the amount of \$35,127.

- 1.H. MOTION Amendment to an Existing Contract with RMC Water & Environment to
RTC 11-183 Provide Additional Consultant Services for Emergency Bypass Pumping
Plan Study Project (F1108-09)

Staff Recommendation: Amend the existing contract with RMC Water & Environment and increase the total contract value from \$99,900 to \$165,100 with a 10% design contingency in the amount of \$16,510.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Study Issue: Utility Bill Assistance for Low Income, Fixed Income, Senior,
RTC 11-172 and Disabled Utility Customers

Revenue Systems Supervisor Tim Kirby presented the staff report.

Public hearing opened at 7:28 p.m.

Marie Bernard, Sunnyvale Community Services, spoke in support of the proposal to implement a program to fund utility bill assistance for low income utility customers.

Public hearing closed at 7:29 p.m.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 1: Direct staff to design and implement a donation program to provide funding for a utility bill assistance program for low income utility customers.

VOTE: 5 - 0 (Councilmember Lee absent)

3. ORDINANCE Update to Enforcement Provisions of Chapter 8.16 of Sunnyvale
RESOLUTION Municipal Code (Solid Waste Management and Recycling)
RTC 11-177

Director of Environmental Services Department John Stufflebean presented the staff report.

Public hearing opened at 7:33 p.m.

No speakers.

Public hearing closed at 7:33 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Adopt the attached ordinance updating Chapter 8.16 of the Municipal Code; and Alternative 2: Adopt a resolution to establish a fee for uncovered loads at the SMaRT Station.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 5 - 0 (Councilmember Lee absent)

4. MOTION Response to the 2010-2011 Santa Clara County Civil Grand Jury Final
RTC 11-175 Reports, "Fighting Fire or Fighting Change? Rethinking Fire Department
Response Protocol and Consolidation Opportunities" and "Can You Hear
Me Now? Emergency Dispatch in Santa Clara County"

Deputy Chief of Public Safety Dayton Pang presented the staff report.

Public hearing opened at 7:37 p.m.

No speakers.

Public hearing closed at 7:37 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Alternative 2: Approve the City's response to the Santa Clara County Civil Grand Jury report as presented in Attachment A with modifications that after each finding or each recommendation, start with the sentence: "The City agrees with this finding..." or "The City

doesn't agree with this finding..." or "The City partially agrees with this finding..."

VOTE: 5 - 0 (Councilmember Lee absent)

5. MOTION Maternity Leave for Board and Commission Members
RTC 11-184

Assistant City Manager Robert Walker presented the staff report.

Public hearing opened at 7:40 p.m.

No speakers.

Public hearing closed at 7:40 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Whittum seconded the motion to approve Alternative 1: Approve maternity leave as an excused absence for board and commission members as depicted in Attachment A.

VOTE: 4 - 1 (Councilmember Moylan dissented, Councilmember Lee absent)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported he recently served as the alternate for the Policy Advisory Committee and provided information regarding Priority Development Areas (PDA) along El Camino and issues of interest along Homestead and the closing of Pruneridge.

Councilmember Moylan provided information regarding a Metropolitan Transportation Commission (MTC) proposal for a one-stop shop for all the categories of funding such as bicycle and pedestrian, and the MTC's mandate that 70% of any funding the city receives must be devoted to a Priority Development Area (PDA).

NON-AGENDA ITEMS & COMMENTS

Councilmember Whittum reported he attended the opening day assembly at Bishop School.

Councilmember Moylan proposed a study issue to look at the net financial effect of ending or concluding the contract for the open swim component of the Fremont Pool facility and running the component as part of the pools program provided by the City.
Councilmember Whittum co-sponsored the study issue.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-181 Opportunity for Council to appeal decisions of the Planning Commission of August 8, 2011 and the Zoning Administrator Hearing of August 10, 2011.
- Draft Minutes from the Arts Commission Meeting of July 20, 2011

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

Mayor Hamilton adjourned to the Redevelopment Agency at 7:55 p.m.

* Pending Council Approval