

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, NOVEMBER 15, 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 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 Steve Drowniany
Director of Community Development Hanson Hom
Director of Department of Environmental Services John Stufflebean
Director of Public Works Kent Steffens
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

Jeanine Stanek announced the upcoming Heritage Park Museum Victorian Christmas Teas.

CONSENT CALENDAR

Two members of the public pulled item 1.G 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.G.

VOTE: 5 - 0 (Councilmember Lee absent)

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

Fiscal Items

- 1.C. MOTION Lists of Claims and Bills Approved for Payment by the City Manager –
RTC 11-250 List Nos. 579 and 580

Staff Recommendation: Review the lists of bills.

- 1.D. MOTION Approval of Budget Modification No. 2 to Appropriate \$52,134 of
RTC 11-249 California Environmental Protection Agency (CalEPA) Grant Funds for
Compliance with Assembly Bill (AB) 2286 Mandating Electronic
Reporting with the California Environmental Reporting System (CERS)

Staff Recommendation: Alternative 1: Approve Budget Modification No. 2 to appropriate \$52,134 of California Environmental Protection Agency grant funds for development of a local portal and vendor-hosted database to allow reporting to the California Environmental Reporting System.

- 1.E. MOTION Approval of Budget Modification No. 15 to Recognize and Appropriate
RTC 11-248 Additional Building Permitting Revenue to the Building Safety Program in
the Community Development Department

Staff Recommendation: Approve Budget Modification No. 15 to recognize and appropriate \$180,000 of additional building permitting revenue to the Building Safety Program of the Community Development Department to provide necessary resources to manage the increased construction activity.

Personnel

- 1.F. RESOLUTION Adoption of the City of Sunnyvale's Service Employees International
RTC 11-251 Union (SEIU) Memorandum of Understanding Extension, and
Amendment to the Salary Resolution

Staff Recommendation: Alternative 1: Adopt the City of Sunnyvale's Service Employees International Union, Local 521, Memorandum of Understanding Extension, and Amendment to the Salary Resolution.

- 1.G. RESOLUTION Amendment to the Schedule of Pay of the Salary Resolution: Salary
RTC 11-247 Adjustment for Pay Plan Category C (applies to Classified Public Safety
Officers and Lieutenants) and Pay Plan Category D/E (applies to Public
Safety Captains and Public Safety Deputy Chiefs)

Public hearing opened at 7:08 p.m.

Tap Merrick expressed concerns regarding the salary survey process and recommended reduction of overtime through hiring more officers.

Andy Frazer expressed concerns regarding employee pensions over \$100,000 per year and unfunded pension liabilities.

Larry Alba expressed concerns regarding the budget for Public Safety salaries.

Art Schwartz spoke regarding the advantages of having a combined public safety department and asked that in the next round of negotiations, consideration be given to getting costs under control.

Public hearing closed at 7:21 p.m.

MOTION: Councilmember Spitaleri moved and Councilmember Moylan seconded the motion to approve Item 1.G. Alternative 1: Amend Pay Plan Category C and D/E of the Schedule of Pay of the Salary Resolution to reflect the new pay rates, effective retroactive to July 10, 2011.

VOTE: 5 - 0 (Councilmember Lee absent)

Contracts

- 1.H. MOTION Award of Contract for Five Crown Victoria Police Vehicles (F1109-17)
RTC 11-254

Staff Recommendation: Award a contract in the amount of \$121,825 for five Crown Victoria police interceptor vehicles to Downtown Ford Sales.

Other

- 1.I. ORDINANCE Adoption of Ordinance No. 2961-11 Amending Chapter 16.24 (Uniform
NO. 2961-11 Plumbing Code) of Title 16 (Building and Construction) of the Sunnyvale
Municipal Code, with Certain Amendment Thereto

Staff Recommendation: Approve the second reading of Ordinance No. 2961-11.

- 1.J. MOTION Approval of Final Map (Tract No. 10095) – Ten Unit Condominiums at
RTC 11-252 628 East Taylor Avenue by City Ventures Homebuilding LLC.

Staff Recommendation: Approve the final map for Tract No. 10095; accept the public street dedication; authorize the Mayor to sign the subdivision agreement upon: developer's signatures, submittal of improvement securities, payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's statement and to forward the final map for recordation.

PUBLIC COMMENTS

Tap Merrick spoke regarding supply and demand and the importance of frugality.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Board and Commission Appointments
RTC 11-241

City Clerk Kathleen Franco Simmons facilitated the appointments process.

Arts Commission (1 vacancy) – One term to 6/30/2012

Roger Chen

VOTE: 4 - 0 (Vice Mayor Griffith abstained, Councilmember Lee absent)

Misuk Park

VOTE: 4 - 0 (Councilmember Moylan abstained, Councilmember Lee absent)

Wendy Springer

VOTE: 3 - 0 (Vice Mayor Griffith and Mayor Hamilton abstained, Councilmember Lee absent)

City Clerk Kathleen Franco Simmons announced a tie between Roger Chen and Misuk Park and another vote was taken.

Roger Chen

VOTE: 2 - 0 (Vice Mayor Griffith, Mayor Hamilton and Councilmember Whittum abstained, Councilmember Lee absent)

Misuk Park

VOTE: 4 - 0 (Councilmember Moylan abstained, Councilmember Lee absent)

City Clerk Kathleen Franco Simmons announced Misuk Park has been appointed to the Arts Commission for a term expiring June 30, 2012.

Heritage Preservation Commission (1 vacancy) – One term to 6/30/2014

Dale Mouritsen

VOTE: 5 - 0 (Councilmember Lee absent)

City Clerk Kathleen Franco Simmons announced Dale Mouritsen has been appointed to the Heritage Preservation Commission for a term expiring June 30, 2014.

3. ORDINANCE Renewal of Taxicab Franchise to Jeffrey Browning and Amandeep Kaur
RTC 11-245 Dhillon dba ACME Yellow LLC dba ACME Cab

Deputy Chief of Public Safety Steve Drowniany presented the staff report.

Public hearing opened at 7 p.m.

No speakers.

Public hearing closed at 7 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Alternative 2: Do not introduce or adopt an ordinance renewing a non-exclusive franchise for taxicab service to Jeffrey Browning and Amandeep Kaur Dhillon dba ACME Yellow LLC dba ACME Cab for the period January 20, 2012 through January 19, 2014 per applicants' request.

VOTE: 5 - 0 (Councilmember Lee absent)

4. ORDINANCE Award of Taxicab Franchise to Jatinder Kumar dba Classic Cab
RTC 11-246

Deputy Chief of Public Safety Steve Drowniany presented the staff report.

Public hearing opened at 7:36 p.m.

No speakers.

Public hearing closed at 7:36 p.m.

MOTION: Councilmember Spitaleri moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to Jatinder Kumar dba Classic Cab for the period January 21, 2012 through January 20, 2014, per applicant's request and authorize the City Manager to execute necessary documents of agreement.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 5 - 0 (Councilmember Lee absent)

5. ORDINANCE Notice of Intention to Amend the CalPERS Contract to Provide
RTC 11-255 20475 (Different Level of Benefits), and 21363.1 (3% @ 55 Full
Formula) Applicable to Local Safety Members Entering Membership for
the First Time in a Safety Classification

City Manager Luebbers requested to defer the item to the next Council meeting.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to defer this item to November 29.

VOTE: 5 - 0 (Councilmember Lee absent)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Moylan reported his attendance at the National League of Cities Conference and that he circulated a report to Councilmembers.

Councilmember Spitaleri reported his attendance at the National League of Cities Conference and on the business session in which the City took positions on resolutions.

Mayor Hamilton reported a meeting of the Santa Clara County Cities Association in which Vice Mayor Griffith was selected as Executive Board Director at Large.

Mayor Hamilton reported the “1,000 Hearts for 1,000 Minds” program is recruiting volunteers.

Mayor Hamilton announced an upcoming Santa Clara County Cities Association holiday party.

NON-AGENDA ITEMS & COMMENTS

City Manager Luebbers reported an update on the Fremont Pool parking lot will be provided in the next City Manager Bi-Weekly Report.

City Manager Luebbers announced the upcoming swearing in of new Chief of Public Safety Frank Grgurina.

Vice Mayor Griffith sponsored a study issue to examine whether the City should either require or allow some art dedication money to be paid in-lieu, which could then be used to fund art elsewhere in the City.

Councilmember Moylan co-sponsored the study issue.

Councilmember Spitaleri co-sponsored the study issue.

Councilmember Spitaleri sponsored a study issue on how the City designates required parking spaces for businesses.

Councilmember Moylan co-sponsored the study issue and suggested broadening the study issue.

City Manager Luebbers provided an update on the Town and Country site at Councilmember Spitaleri's request.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of November 1, 2011 – Requiring Electric Car Chargers in New Residential Developments (Study Issue)
- Study Session Summary of November 1, 2011 – Board and Commission Interviews
- Draft Minutes of the Heritage Preservation Commission Meeting of November 2, 2011

ADJOURNMENT TO CLOSED SESSION

Mayor Hamilton adjourned to meeting to closed session at 7:53 p.m.