

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JANUARY 31, 2012

CALL TO ORDER

Mayor Spitaleri called the meeting to order in the Council Chambers.

SALUTE TO THE FLAG

Mayor Spitaleri led the salute to the flag.

ROLL CALL

PRESENT:

Mayor Anthony (Tony) Spitaleri
Vice Mayor David Whittum
Councilmember Christopher Moylan
Councilmember Jim Griffith
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Jim Davis

ABSENT:

None.

STAFF PRESENT:

City Manager Gary Luebbers
Assistant City Manager Robert Walker
City Attorney David Kahn
Director of Finance Grace Leung
Chief of Public Safety Frank Grgurina
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR JANUARY 31, 2012

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

Vice Mayor Whittum reported Council met in closed session regarding Conference with Legal Counsel; direction was given and action was taken.

SPECIAL ORDER OF THE DAY – Ceremonial Oath of Office for Mayor and Vice Mayor

The Oath of Office for Vice Mayor David Whittum was administered by Scott Davidson.
The Oath of Office for Mayor Anthony (Tony) Spitaleri was administered by Vincent Pezzella.

PUBLIC ANNOUNCEMENTS

Councilmember Griffith announced KSUN Channels 15 and 26 will be temporarily off the air from February 8 to 27.

Narendra Pathak extended congratulations and best wishes to the new Councilmembers, Vice Mayor Whittum, and Mayor Spitaleri, and requested continued support of the Sunnyvale Public Library.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.C, and 1.G from the Consent Calendar.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve the Consent Calendar, with the exception of Items 1.A, 1.C, and 1.G.

VOTE: 7 - 0

1.A. MOTION Approval of Council Meeting Minutes of January 10, 2012

Councilmember Meyering requested to amend the minutes of January 10, 2012 on page 6 to include his reasoning for voting in dissent on the resolution, those reasons being: the law does not provide an option for Sunnyvale to opt-in and participate as a successor agency; the law automatically makes Sunnyvale the successor agency and provides an option to opt-out; it is imprudent for Sunnyvale to use the opt-out option and claim it is being used to opt-in.

MOTION: Vice Mayor Whittum moved and Councilmember Meyering seconded the motion to approve the minutes amended to include Councilmember Meyering's requested amendment.

VOTE: 7 - 0

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 12-020 Nos. 586 - 591

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to review the lists of bills.

VOTE: 7 - 0

- 1.D. RESOLUTION Declaration of the City Council of the City of Sunnyvale with Respect to
RTC 12-023 Loan, Advance or Indebtedness Forgiveness

Staff Recommendation: Alternative 1: Approve a Resolution of the City Council of the City of Sunnyvale making a declaration that no loan, advance or indebtedness forgiveness as described in AB 936 occurred during 2010 or 2011.

- 1.E. MOTION Approval of Budget Modification No. 21 to Appropriate Office of
RTC 12-019 Economic Adjustment Grant Funding for Onizuka Air Force Station (AFS)
Base Realignment and Closure

Staff Recommendation: Alternative 1: Approve Budget Modification No. 21 to appropriate the Office of Economic Adjustment's Redevelopment Plan Amendment Funding and local City match.

Personnel Items

- 1.F. RESOLUTIONS Amendment to the Salary Resolution and Classification Plan to Include
RTC 12-013 the Updated and Re-Titled Classification of Emergency Management
Coordinator

Staff Recommendation: Alternative 1: Adopt resolutions to amend the City's Classification Plan and Salary Resolution to include the updated and re-titled Emergency Management Coordinator classification that will be come effective on January 11, 2012.

- 1.G. MOTION Approval of Modification of Sunnyvale Managers Association (SMA) and
RTC 12-014 Sunnyvale Employees Association (SEA) Units for Senior Engineer
Classification to Move from SEA to SMA Unit

Public Hearing opened at 7:34 p.m.

Tap Merrick stated the additional administrative leave of one week and paid time off of four weeks for employees in the management unit sounds excessive for new hires.

Public hearing closed at 7:36 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Griffith seconded the motion to approve Alternative 1: Approve the requested unit modification for Sunnyvale Employees Association and Sunnyvale Managers Association moving the classification of Senior Engineer from Sunnyvale Employees Association to Sunnyvale Managers Association. It is further requested that this approval modifies Appendix A in both Memorandum of Understandings to reflect the appropriate designation of Senior Engineer.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Contracts

- 1.H. MOTION Award of Bid No. F1107-07 for Sanitary Sewer Main Lining at Borregas
RTC 12-018 Avenue Between Ahwanee and Moffett Park

Staff Recommendation: Award a contract in an amount not-to-exceed \$448,473, to

Insituform Technologies, Inc., for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met; and approve a 10% construction contingency in the amount of \$44,847.

- 1.I. MOTION Award of Contract for Service Trucks (F1111-30)
RTC 12-017

Staff Recommendation: Award a contract in the amount of \$149,724 to Downtown Ford Sales for five service trucks.

- 1.J. MOTION Reject Bid for Repairs of Dual Media Filter (F1109-18)
RTC 12-016

Staff Recommendation: Reject the bid received in response to Invitation for Bids F1109-18.

- 1.K. MOTION Award of Contract for a Wastewater Collection System Master Plan
RTC 12-028 (F1002-80)

Staff Recommendation: Award a contract in the amount of \$731,713 to Infrastructure Engineering Corporation (IEC) for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 7.5% design contingency in the amount of \$54,587.

- 1.L. MOTION Award of Bid No. F1108-12 to Provide Replacement Traffic Signal
RTC 12-022 Equipment and Installation Services at Four (4) City of Sunnyvale
Intersections

Staff Recommendation: Award a contract in the amount of \$200,826 to the Amland Corporation for traffic signal equipment and installation services at Java Drive and Geneva Avenue, Mathilda and Ahwanee Avenues, and Caribbean Avenue at Twin Creeks Drive; and approve a 10% contingency in the amount of \$20,083.

PUBLIC COMMENTS

Tap Merrick spoke regarding return on investment assumptions over time, and provided written materials.

Andy Frazer, Sunnyvale Pension Reform group and speaking on behalf of 49 Sunnyvale residents, requested Council endorse Governor Brown's 12-Point Plan for Pension Reform, and provided written materials.

MOTION: Councilmember Moylan moved and Vice Mayor Whittum seconded the motion to place on a future agenda discussion of Council endorsement of Governor Brown's 12-Point Pension Reform Proposal.

Councilmember Meyering requested the matter be agendized at least three weeks in advance to give the public sufficient notice.

Councilmember Moylan accepted the request and amended the motion to require the matter be placed on an agenda at least three weeks from now.

VOTE: 3 – 4 (Mayor Spitaleri, Councilmembers Griffith, Martin-Milius and Davis dissented)
Motion failed.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Cut Through Traffic Analysis for the Kaiser Permanente Santa Clara
RTC 12-011 Medical Center Facility 2008 Study Issue Follow-up

Transportation and Traffic Manager Jack Witthaus provided the staff report.

Public comment opened at 8:01 p.m.

Tap Merrick recommended acceptance of the current traffic study with additional traffic study of Lochinvar between Inverness and Dunford, Patrick Henry Schools' easternmost driveway and Teal, expand the right-hand turn lane on Lochinvar at Lawrence, add an all-way stop at Quail and Dunford, work with Santa Clara Unified School District to develop an exit from Patrick Henry's eastern parking lot onto Teal, and conduct a new traffic study six months after Apple opens its new headquarters building at the intersection of Homestead and Tantau.

Public comment closed at 8:04 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Whittum seconded the motion to approve Alternative 1: Accept the traffic analysis for the Kaiser Santa Clara Medical Facility and take no further action on this issue.

VOTE: 7 - 0

3. RESOLUTION Application to Association of Bay Area Governments (ABAG) for
RTC 12-015 Nomination of Potential Sunnyvale Priority Development Areas

Director of Community Development Hanson Hom provided the staff report.

Public comment opened at 8:26 p.m.

Tap Merrick expressed concerns regarding the unresponsiveness of the VTA to the public transportation needs of Sunnyvale.

Linda Larsen expressed concerns regarding City of Sunnyvale's involvement in ABAG.

Patrick Grant expressed concerns regarding the viability of getting transit into Peery Park, and suggested funding could be used creatively for pedestrian uses for neighborhood malls.

Public comment closed at 8:31 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to adopt the resolution supporting the application for five Priority Development Areas (PDAs), with two items appended: consider extending the area shown in Exhibit E to include the triangle area, Orchard Gardens; and reflect in the minutes or amend the resolution to specify the proposed designations for each of the five PDAs represented in attachments A, B, C, D and E.

VOTE: 6 - 1 (Councilmember Meyering dissented)

4. MOTION Revisions to Council Policy 7.2.19 Boards and Commissions
RTC 12-010

MOTION: Vice Mayor Whittum moved and Mayor Spitaleri seconded the motion to postpone Item 4 to the next Council agenda in the interest of time.

VOTE: 4 - 3 (Councilmembers Meyering, Griffith, and Moylan dissented)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Griffith reported a recent meeting of Cities Association of Santa Clara.

Vice Mayor Whittum reported a recent meeting of the Valley Transportation Authority (VTA) Policy Advisory Committee (PAC), and other transit related issues.

Vice Mayor Whittum reported a recent meeting of the Heritage Preservation Commission he attended as Liaison, and a meeting he attended of the Housing and Human Services Commission.

NON-AGENDA ITEMS & COMMENTS

Councilmember Meyering asked questions of staff regarding resident/tenant complaints. Director of Community Development Hom provided information on making reports through the Neighborhood Preservation Office in the Department of Public Safety.

Mayor Spitaleri turned the meeting over to Vice Mayor Whittum at 8:49 p.m. and left the room. Vice Mayor Whittum presided over the remainder of the meeting.

Councilmember Griffith requested an outline of the plan or schedule of looking at the issue of Bus Rapid Transit (BRT) be provided in a future City Manager's Bi-weekly Report.

Councilmember Griffith provided information regarding the results of his Study Issues Survey and provided written materials.

Councilmember Davis reported his attendance at the League of California Cities' New Councilmembers and Mayors Conference in Sacramento.

Councilmember Davis provided information regarding Safe Routes to School.

Vice Mayor Whittum reported his and Councilmember Davis' attendance at a meeting of the SunnyArts Neighborhood Association.

Vice Mayor Whittum reported a vacancy on Heritage Preservation Commission.

Vice Mayor Whittum provided information regarding the upcoming National League of Cities (NLC) Conference.

Vice Mayor Whittum requested an item be placed on an upcoming agenda regarding the subject of an update on the Mary Avenue Project.

City Manager Gary Luebbers reported that PG&E will take out 41 mature trees on Caribbean Drive between Geneva and the Sunnyvale East Channel, on February 6. They will plant 41 trees in the median to replace them and screen the landfill.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 12-027 Board and Commission Semi-Annual Attendance Report (Information Only)
- RTC 12-025 Board/Commission Resignation (Information Only)
- RTC 12-026 Change in Housing Trust Intergovernmental Relations Assignment (Information Only)
- Study Session Summary of January 9, 2012 – Discussion of FPPC Advice Letter, and Modification to Council Policy 7.3.10, Mayor and Vice Mayor Selection
- Draft Minutes of Parks and Recreation Commission Meeting of January 11, 2012
- Draft Minutes of the Heritage Preservation Commission Meeting of January 11, 2012
- Draft Minutes of Housing and Human Services Commission Meeting of January 11, 2012
- Draft Minutes of the Board of Library Trustees Meeting of January 9, 2012
- Draft Minutes of Arts Commission Meeting of December 21, 2011
- Draft Minutes of Bicycle and Pedestrian Advisory Commission Meeting of November 17, 2011

ADJOURNMENT TO THE ONIZUKA LOCAL REDEVELOPMENT AUTHORITY

Vice Mayor Whittum adjourned to the Onizuka Local Redevelopment Authority Meeting at 8:54 p.m.