

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, FEBRUARY 7, 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

SPECIAL ORDER OF THE DAY – Mayor Spitaleri presented a proclamation regarding Sunnyvale Reads Months to Director of Libraries Lisa Rosenblum.

CLOSED SESSION REPORT FOR FEBRUARY 7, 2012

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

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

**Pending Council Approval*

PUBLIC ANNOUNCEMENTS

Vice Mayor Whittum announced a Heritage Preservation Commission vacancy and recruitment information.

Vice Mayor Whittum announced KSUN will be temporarily off the air February 8-27 while the broadcast control room is modernized.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.C, and a member of the public requested to pull 1.E from the Consent Calendar.

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

Vice Mayor Whittum stated his vote will not be a vote on 1.H as it is within 500 feet of his property.

Councilmember Griffith stated his vote will not be a vote on Item 1.I. as he is part owner of common interest property within 500 feet.

VOTE: 7 - 0

1.A. MOTION Approval of Council Meeting Minutes of January 31, 2012

Councilmember Meyering requested the minutes of that date include on Item 1.G, page 3, insertion that his dissent was based on the increasing benefits during a period of severe budget problems was inappropriate; we were giving an additional five weeks of time off while simultaneously cutting services to the residents.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve Council Meeting Minutes of January 31, 2012 with the modification of the minutes as requested. Councilmember Moylan seconded the motion to include the additional modification as provided by staff prior to the meeting.
Vice Mayor Whittum accepted the modification to the motion.

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 12-031 592

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

VOTE: 7 - 0

- 1.D. MOTION Appropriation of \$5,845 of California Reads (CA Reads) Grant Funds and
RTC 12-024 Approval of Budget Modification No. 22

Staff Recommendation: Approve Budget Modification No. 22 to appropriate CA Reads Grant Funds in the amount of \$5,845.

- 1.E. MOTION City of Sunnyvale Investment Report 4th Quarter 2011
RTC 12-032

Public comment opened at 7:17 p.m.

Tap Merrick expressed concern regarding mortgage-related investments and encouraged diversification.

Public comment closed at 7:19 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to receive and file the investment report.

VOTE: 7 - 0

Contracts

- 1.F. MOTION Award of Contract for One Dump Truck (F1111-31)
RTC 12-029

Staff Recommendation: Award a contract in the amount of \$139,288 to Peterson Trucks for one dump truck.

- 1.G. MOTION Award of Contract for the Upgrade of the 911 Computer Aided Dispatch
RTC 12-037 (CAD) and Report Management System (RMS) Hardware (F1112-35 and F1112-36) and Authorization to Enter Into a Cost Sharing Agreement with the Town of Los Gatos

Staff Recommendation: Award a contract in the amount of \$439,173, including taxes, to Integrated Archive Systems for the 911 Computer Aided Dispatch (CAD) and Report Management system hardware and related components; and authorize the City Manager to enter into a cost sharing agreement with the Town of Los Gatos for ongoing hardware maintenance and support once the appropriate costs are determined.

- 1.H. MOTION Amend an Existing Contract for Construction Management Services for
RTC 12-036 the Mathilda Avenue Overhead Bridge Rehabilitation Project (F1101-41)

Staff Recommendation: Amend an existing contract to HNTB Corporation for construction management services for the Mathilda Avenue Overhead Bridge Rehabilitation Project to increase the total contract value by \$220,000 from \$2,819,425 to \$3,039,425; extend the time for performance to December 31, 21012; and approve a project contingency of \$50,000.

Other Items

- 1.I. MOTION Approval of Final Map (Tract No. 10114) – Seventeen-Unit Townhome
RTC 12-030 Development at 1060 Morse Avenue by Toyama Park, L.P.

Staff Recommendation: Approve the final map for Tract No. 10114; 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 forward the final map for recordation.

- 1.J. MOTION Approval of Second Amendment to Agreement with the Sunnyvale
RTC 12-021 Historical Society and Museum Association

Staff Recommendation: Alternative 1: Approve the proposed Second Amendment to the agreement with the SHSMA.

PUBLIC COMMENTS

Patrick Walz spoke regarding his service on the Bicycle and Pedestrian Advisory Commission, Board of Building Code Appeals, General Plan Consolidation Committee, and Leadership Sunnyvale Board and indicated it would not be feasible to continue to serve due to the unaffordability of home ownership in Sunnyvale. He provided comment regarding the Land Use and Transportation Element (LUTE) update, and the plan to increase density. With regard to Legislative Advocacy positions, Walz expressed concerns regarding the harm Proposition 13 does to young people who want to move to the area.

Michael Goldman spoke regarding the CalPERS pension plan, provided information on different assumptions on returns on investment, urged re-funding social security for employees and recommended seriously looking at the City's participation in CalPERS.

Tap Merrick provided information regarding stock market performance and returns on investments, expressed comments regarding mortgage rates charged to City officials and recommended using the 30-year U.S. Treasury bond rates.

Judy Fernandez, President, Lakewood Village Neighborhood Association introduced first Vice President Joan Simon and second Vice President Skip Gottshalk who addressed the Council regarding the closure of Lakewood Pool and reiterated the Board's request to consider rearranging fund to keep the pool open.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2011-7657 - Peery-Arrillaga / A & P Children Invsllc: Application on a 5.2-
RTC 12-035 acre site located at 580 North Mary Avenue in an M-S Zoning District (APN: 165-41-002) for a Use Permit to allow a new 124,095 square foot, 5-story office building resulting in approximately 55% Floor Area Ratio with a new 1.5-story parking structure.

Planning Officer Trudi Ryan presented the staff report and Director of Community Development Hanson Hom provided additional information.

Public hearing opened at 7:49 p.m.

Huiwen Hsiao, project architect, provided a presentation on the project.

Public hearing closed at 8:01 p.m.

MOTION: Councilmember Moylan moved and Councilmember Davis seconded the motion to approve Alternative 1: Adopt the Mitigated Negative Declaration and approve the Use Permit with conditions.

VOTE: 6 - 1 (Councilmember Meyering dissented)

3. MOTION 2012 Priority Issues and Legislative Advocacy Positions
RTC 12-009

Assistant to the City Manager Coryn Campbell presented the staff report and provided an update on three issues which have changed significantly since the report was prepared in late 2011.

Public hearing opened at 8:22 p.m.

No speakers.

Public hearing closed at 8:22 p.m.

MOTION: Councilmember Meyering moved to suspend any further work by the Assistant to the City Manager concerning rewriting the document and rely on communications from the League of California Cities and circulate that information to Council for a vote.
Motion died for lack of second.

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to approve Attachment A, *Proposed Policy 7.3.2 Including 2012 Priority Issues and Legislative Advocacy Positions* and Attachment B, *2011 Legislative Action Positions Proposed for Modification or Deletion* and that the document be revised to reflect the events of the last month and that the revised document go on the Consent Calendar for Council review and approval.

VOTE: 6 - 1 (Councilmember Meyering dissented)

4. MOTION Revisions to Council Policy 7.2.19 Boards and Commissions – Deferred
RTC 12-010 from January 31, 2012

Councilmember Griffith presented a report.

Public hearing opened at 8:28 p.m.

No speakers.

Public hearing closed at 8:28 p.m.

MOTION: Councilmember Griffith moved and Vice Mayor Whittum seconded the motion to approve Alternative 2: *Approve revisions to Council Policy 7.2.19, modifying the language under Section 2.G.(II.)(f) to read: Board and commission chairs or a designated alternate must attend Council meetings to present the board or commission's position to Council on any non-consent calendar item previously addressed by the board or commission **when only action minutes from the board and commission meeting are available to Council**,* with an additional modification to the last sentence of Section 2.G.(II.)(f) to insert text to read: "The chair or designated alternate shall report back to their board or commission on Council's discussion and ultimate decision."

FRIENDLY AMENDMENT: Councilmember Davis offered an amendment to change page 7 Section 2.G.(I.) *Selection of Chair and Vice Chair* to: "Each board and commission shall schedule a meeting in the month of July on an annual basis to announce which members they have selected as their chairman and vice chairman in accordance with the guidelines set forth by the Office of the City Clerk. Said Chairman and Vice Chairman shall complete the mandatory training for their 12-month term prior to the next scheduled meeting. If a July schedule cannot be met, their announcements and completion of their training shall be done no later than 30 days after that and shall be introduced as the last item on the agenda on the following scheduled meeting."

Councilmember Griffith declined to accept the friendly amendment.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Councilmember Griffith reported upcoming items for the Subcommittee on Board and Commission Bylaws to consider.

5. MOTION Amendment to Salary Resolution to Include Provision for Health Benefits
RTC 12-038 Reimbursement for Retired City Employees Serving on City Council

Councilmember Davis recused himself and left the room.

Director of Human Resources Teri Silva presented the staff report.

Public hearing opened at 8:44 p.m.

Tap Merrick provided information regarding cost of living adjustments for Public Safety, retirement and health insurance benefits, and Council compensation.

Public hearing closed at 8:47 p.m.

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to approve Alternative 1: Adopt Amendment to the Salary Resolution to add a provision for health benefits reimbursement for retired City employees while serving on City Council.

VOTE: 6 - 0 (Councilmember Davis recused)

Following disposition of this item, Councilmember Davis returned to the room and took his seat at the dais.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Whittum reported he was sworn in as the Valley Transportation Authority (VTA) board alternate.

Councilmember Moylan provided a report of a recent meeting of the Emergency Preparedness Council and provided a PowerPoint presentation of the Santa Clara County Sheriff on the Lehigh shooting incident.

NON-AGENDA ITEMS & COMMENTS

Vice Mayor Whittum provided written materials on the general subject of BRT on El Camino.

Councilmember Meyering requested that Council questions to the city manager and the answers received regarding agenda items be posted on the City website and paper copies be made available at the meeting for purposes of better compliance with Sunnyvale tradition and California Open Meetings Act.

MOTION: Councilmember Meyering moved and Vice Mayor Whittum seconded the motion to put the issue on an upcoming agenda for discussion.

VOTE: 2 - 5 (Councilmember Griffith, Mayor Spitaleri, Councilmembers Moylan, Martin-Milius, and Davis dissented)
Motion failed.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 12-033 Opportunity for Council to appeal decisions of the Planning Commission of January 23, 2012 and the Zoning Administrator Hearing of January 25, 2012
- RTC 12-034 Vacancy and Rent Survey (Information Only)
- Bicycle and Pedestrian Advisory Commission Draft Minutes of January 19, 2012

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 9:10 p.m.