

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, MARCH 6, 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
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
Public Safety Deputy Chief James Bouziane
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR FEBRUARY 28, 2012

Closed Session pursuant to Govt. Code Section 54956.8 – Conference with Real Property Negotiators

Vice Mayor Whittum reported Council met in closed session regarding *Conference with Real Property Negotiators*; direction was given, no action was taken.

**Approved by Council 3/20/2012*

CLOSED SESSION REPORT FOR MARCH 6, 2012

Closed Session pursuant to Government Code Section 54957.6 Conference with Labor Negotiator

Vice Mayor Whittum reported Council met in closed session regarding *Conference with Labor Negotiator*; direction was given.

CLOSED SESSION REPORT FOR MARCH 6, 2012

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

Vice Mayor Whittum reported Council met in closed session regarding *Conference with Legal Counsel – Existing Litigation and Initiation of Litigation*; direction was given.

PUBLIC ANNOUNCEMENTS

Councilmember Davis announced recruitment and application deadline for upcoming openings on Boards and Commissions.

Marie Bernard presented a framed photograph of the Mayor at the Miniature Art Show opening reception, and announced the upcoming Annual Tea event at Sunnyvale Community Services.

Marie Kurkendall provided information regarding Sunnyvale Rotary Club.

Richard Kolber announced an upcoming meeting of the Sunnyvale Democratic Club.

REQUEST FOR RECONSIDERATION OF A PREVIOUS ACTION

Councilmember Martin-Milius made a request from the dais for reconsideration of an action from the previous meeting regarding the 15 mph speed limit in school zones.

No members of the prevailing side on the first motion moved to reconsider the previous action.

Vice Mayor Whittum made a request for reconsideration of the previous action to bring back for discussion whether funding for that project was transferable to another project.

No member of the prevailing side moved to reconsider the previous action.

CONSENT CALENDAR

City Manager Luebbbers and a member of the public requested to pull Item 1.H and Councilmember Meyering requested to pull Item 1.A from the Consent Calendar.

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

VOTE: 7 - 0

1.A. MOTION Approval of Council Meeting Minutes of February 28, 2012

Councilmember Meyering requested an amendment to the minutes on Item 3, page 6, concerning a vote on the Evelyn Avenue properties, the reasons for his dissent be included, which was that he didn't believe that the City Council should be amending its general plan to benefit private landowners, and that closing down commercial space doesn't benefit the residents.

MOTION: Vice Mayor Whittum moved to approve the Council Meeting Minutes of February 28, 2012, to include the requested wording. Councilmember Moylan seconded the motion and requested an amendment to include the arguments of the other side as well. No specific arguments were stated for inclusion at this time.

VOTE: 5 – 2 (Councilmember Griffith and Mayor Spitaleri dissented)

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 12-056 No. 596

Staff Recommendation: Review the lists of bills.

1.D. MOTION Renewal of Business License Tax Data Exchange Agreement with the
RTC 12-053 California Franchise Tax Board

Staff Recommendation: Alternative 1: Adopt a resolution to renew the agreement with the California Franchise Tax Board to exchange business information for the period of June 1, 2012 through December 31, 2014.

1.E. MOTION Approval of Budget Modification No. 25 to Fund a Capital Project for
RTC 12-057 Conversion from Gaseous Chlorine to Liquid Sodium Hypochlorite for the
Water Pollution Control Plant Disinfection Process

Staff Recommendation: Alternative 1: Approve Budget Modification No. 25 to fund a capital project for conversion from gaseous chlorine to liquid sodium hypochlorite for the Water Pollution Control Plan Disinfection Process.

1.F. MOTION Initial Phase of a Project to Construct a Regional Recycled Water Intertie
RTC 12-062 and Approval of Budget Modification No. 28

Staff Recommendation: Alternative 1: Pursue a Recycled Water Regional Intertie to connect Sunnyvale's system to SBWR on the north, and Cal Water service area to the south, and approve Budget Modification No 28 for \$200,000.

Personnel

- 1.G. RESOLUTION Amendment to the Salary Resolution and Classification Plan to include the
RTC 12-058 Following Classification Title Changes: Senior Environmental Compliance
Inspector; Environmental Compliance Inspector; Collections Specialist;
Traffic Engineering Technician I/II; Water Pollution Control Maintenance
Manager; Treasury Manager; Superintendent of Community Services;
and, Risk Manager

Staff Recommendation: Alternative 1: Adopt resolutions to amend the City's Classification Plan and Salary Resolution to change the classification titles listed within this report that will become effective on March 7, 2012.

Contracts

- 1.H. MOTION Reject Proposals to Prepare a Revised Environmental Impact Report
RTC 12-055 (EIR) and Associated Analyses for the Mary Avenue Extension Project
(F1006-118)

Director of Public Works Kent Steffens presented the staff report.

Public Hearing opened at 7:25 p.m.

Kevin Jackson stated he had no comment on the recommendation and spoke in favor of continuing with the bike lane project.

Arthur Schwartz spoke in favor of the bike lane expansion and suggested for future consideration with the Mary Avenue Extension, to consider a bicycle lane bridge only, with bicycle lanes in both directions, and an exception for a one-lane reversible bus lane which would provide for electric buses to travel Northbound in the morning and Southbound at night and be open only to electric buses with special wireless to activate a gate so no substantial traffic would bother people on Mary Avenue.

Public Hearing closed at 7:29 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Griffith seconded the motion to reject all proposals received in response to Request For Proposals F1006-118.

AMENDMENT: Councilmember Davis offered an amendment to add that the EIR will be continued for the bike lanes.

Vice Mayor Whittum suggested the request be handled as a separate motion.

VOTE: 7-0

MOTION: Vice Mayor Whittum moved and Councilmember Davis seconded the motion to express the sense of Council that Council is interested to see the bike lanes project returned to Council in reasonable time when staff is ready to have Council consider it.

VOTE: 7-0

- 1.I. MOTION Award of Contract to Provide Playground Equipment for Serra Park
RTC 12-059 Playground (F1003-95)

Staff Recommendation: Award a contract in the amount of \$175,368, to Ross Recreation Equipment Co. to provide playground equipment for Serra Park.

Other Items

- 1.J. RESOLUTION Resolution to Amend the Master Fee Schedule for Land Development-
RTC 12-054 Related Transportation Study Preparation and Review

Staff Recommendation: Alternative 1: Approve the resolution establishing fees for Consultant Preparation of Transportation Studies and Staff Review of Transportation Studies prepared by a Consultant.

PUBLIC COMMENTS

Mark Castle requested assistance with an unresolved problem with a dog barking in the neighborhood. Staff provided information regarding referral of the case to Public Safety.

Tap Merrick spoke regarding the Grand Boulevard initiative and the importance of including a plan for a VTA bus route serving the Town Center and the Caltrain Station. Merrick also spoke in reference to an article in the *Wall Street Journal* on hotel taxes.

Michael Goldman spoke regarding pension reform, provided information regarding SB 400 passage in 1999, and suggested the CalPERS actuarial analysis omitted what could go wrong and has become unsustainable.

Richard Kolber spoke regarding AB 1648, pertaining to the California Disclosure Act, and requested the subject be added to a future agenda for consideration to endorse.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION Governor Brown's Pension Reform Proposal
RTC 12-060

Director of Finance Grace Leung presented the staff report.

Public hearing opened at 7:55 p.m.

Speakers:

Andy Frazer, member of Sunnyvale Pension Reform, stated the governor's pension reform proposal would require employees to pay half of their pension costs, would save the City \$6 million a year, and could be used for parks, pools, street repairs, the Senior Center, the Library, or hire more public safety officers. He stated newer employees would contribute to a hybrid plan that would save about \$7,000 a year for new miscellaneous and \$17,000 for public safety and would slow down the growth of the City's unfunded pension liability. Frazer stated the governor's proposal would apply to all state, county and city employees, which would not disadvantage the City in terms of hiring new employees, and supported publicly endorsing the proposal.

Tap Merrick stated the report of returns for CalPERS being at 8% may have been so for the years calculated, but in the 90s, S&P dropped to 1500 in 1997 and then by 1999 experienced huge gains and had grown to 10,000. He stated that since 2000, returns have gone down and baby boomers' portfolios will get more conservative. Merrick stated he would expect significantly lower return on investment in CalPERS than the 8% and encouraged support of Governor Brown's proposals.

Jim Enloe, member of Sunnyvale Pension Reform Committee, stated the 15-year return was just under the 7% target, while the 10-year was 5.9%, and the 5-year was 3%. He stated in 2000 there was a positive balance of \$30 million, and within three years because of pension changes unfunded liabilities started to accrue. Enloe stated City employees recognize there is a problem and have done things to help, but the issue isn't over.

Public hearing closed at 8:08 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Meyering seconded the motion to place on a future or the next agenda for action consideration of endorsement of Governor Brown's proposals for approval.

VOTE 5 - 2 (Mayor Spitaleri and Councilmember Martin-Milius dissented)

3. MOTION Consider Moving from Odd-Year Elections to Even-Year Elections (Study
RTC 12-051 Issue)

Assistant City Manager Robert Walker presented the staff report and provided corrected information in the RTC: the first page of the report identifies that in 2010 there was a Council action taken and Council decided on a 4 – 3 vote not to pursue putting it on the ballot, when actually the vote was 5 – 2.

Public hearing opened at 8:12 p.m.

Speakers:

Tap Merrick stated the greater arguments in favor of having even-year elections are saving \$150,000 per election and the importance of promoting democracy by getting twice as many people voting.

Arthur Schwartz spoke in support of even-year elections and stated that more people voting means better democracy.

Public hearing closed at 8:17 p.m.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to approve Alternative 1: Direct staff to draft the necessary Charter amendments and related resolutions to call a special election and place a measure on the November 6, 2012 ballot to consider changing from odd-year to even-year elections.

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

MOTION: Vice Mayor Whittum moved and Councilmember Meyering seconded the motion to approve Alternative 2: Direct staff to draft the necessary Charter amendments and related resolutions to place a measure on the ballot for November 5, 2013 to consider changing from odd-year to even-year elections.

VOTE 4 - 3 (Councilmember Griffith, Mayor Spitaleri, and Councilmember Davis dissented)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Whittum reported on his activities as the VTA Board Alternate.

Vice Mayor Whittum reported a meeting with the governmental affairs representative in preparation for the National League of Cities conference in Washington D.C.

Councilmember Moylan reported on the El Camino Grand Boulevard Task Force informational meeting sponsored by the Greenbelt Alliance.

Arthur Schwartz reported on the Restoration Advisory Board and an invitation from the Navy to tour the exterior of Hangar One.

NON-AGENDA ITEMS & COMMENTS

Councilmember Davis provided information regarding a Tobacco Free meeting he attended and reported the City of Sunnyvale was awarded a certificate.

Vice Mayor Whittum suggested providing additional public outreach meetings on the El Camino Grand Boulevard initiative to receive public input.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 12-061 Board/Commission Resignation (Information Only)
- RTC 12-063 Board/Commission Resignation (Information Only)
- RTC 12-064 Inclusion of Councilmembers' Rationale in Minutes (Information Only)
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of February 16, 2012
- Draft Minutes of the Housing and Human Services Commission Meeting of February 22, 2012

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 9:00 p.m.

Kathleen Franco Simmons
City Clerk

Date