

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, OCTOBER 2, 2012, 7 P.M.

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
Interim City Attorney Michael Martello
Director of Finance Grace Leung
Deputy Chief of Public Safety James Bouziane
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
Director of Library and Community Services Lisa Rosenblum
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR SEPTEMBER 20, 2012

Closed Session pursuant to Government Code Section 54957 – Public Employee Appointment

Vice Mayor Whittum reported Council met in closed session regarding Public Employee Appointment; direction was given and no action was taken.

CLOSED SESSION REPORT FOR SEPTEMBER 25, 2012

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

**Pending Council approval*

Vice Mayor Whittum reported Council met in closed session regarding Conference with Labor Negotiator; direction was given and no action was taken.

CLOSED SESSION REPORT FOR SEPTEMBER 26, 2012

Closed Session pursuant to Government Code Section 54957 – Public Employee Appointment

Vice Mayor Whittum reported Council met in closed session regarding Public Employee Appointment; direction was given and no action was taken.

CLOSED SESSION REPORTS FOR OCTOBER 2, 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 and no action was taken.

Closed Session pursuant to Government Code Section 54957 – Public Employee Appointment

Vice Mayor Whittum reported Council met in closed session regarding Public Employee Appointment; direction was given and no action was taken.

SPECIAL ORDER OF THE DAY – Mayor Spitaleri presented a proclamation for “Breast Cancer Awareness Month” to Bobbe Smirni, Project Founder of *New Frontiers in Prevention of Breast Cancer* and Dr. Peter Yu, Medical Oncologist and Director of Oncology Research at Palo Alto Medical Foundation.

SPECIAL ORDER OF THE DAY – Mayor Spitaleri presented a proclamation for “October is National Arts and Humanities Month” to Art Commission Chair Misuk Park and Director of Library and Community Services Lisa Rosenblum.

PUBLIC ANNOUNCEMENTS

Kathleen King announced the upcoming Silicon Valley “Turkey Trot” event and fundraiser.

Grace Kay, Silicon Valley Leadership Group and Tracy Thurston, Second Harvest Food Bank, provided additional information regarding the “Turkey Trot”.

Terry Fowler, representing the Executive Board of the Sunnyvale Democratic Club, expressed appreciation to the Council on their support of the City Manager.

Jeanine Stanek announced upcoming events of the Sunnyvale Historical Society.

PRESENTATION – Joanne McFarlin, Ecologist, provided a presentation regarding Acterra’s Watershed Stewardship Program in Sunnyvale.

CONSENT CALENDAR

Mayor Spitaleri pulled Item 1.J and Councilmember Meyering pulled Items 1.D and 1.F 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.D, 1.F and 1.J.

VOTE: 7 – 0

Mayor Spitaleri announced the items pulled for discussion would be handled following Public Hearings / General Business.

- 1.A. MOTION Approval of Special Council Meeting Minutes of February 3, 2012
- 1.B. MOTION Approval of Special Council Meeting Minutes of May 17, 2012
- 1.C. MOTION Approval of Council Meeting Minutes of September 11, 2012
- 1.D. MOTION Approval of Council Meeting Minutes of September 18, 2012

Council took up consideration of this item following the Public Hearing / General Business portion of the meeting.

MOTION: Councilmember Meyering moved to amend the minutes of the September 18, 2012 meeting on page three regarding the discussion of the amendment to the contract between the City and the City Manager.
Motion died for lack of a second.

MOTION: Councilmember Griffith moved and Councilmember Moylan seconded the motion to approve the minutes of the September 18, 2012 meeting with the revision provided by staff.

VOTE: 6 – 1 (Councilmember Meyering dissented)

- 1.E. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.F. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 12-228 No. 625-626

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

VOTE: 6 – 1 (Councilmember Meyering dissented)

Following action on this item, Council resumed the regular order of business at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

Contracts

- 1.G. MOTION Authorization to Proceed with the Silicon Valley Regional Communication
RTC 12-232 System (SVRCS) and Approval of Budget Modification No. 14

Staff Recommendation: Approve Budget Modification No. 14; Authorize the City Manager to enter into a reimbursement agreement with the County of Santa Clara, as the Treasurer of the SVRIA, to act as Fiscal Agent and Project Manager to procure interoperable communications equipment in the amount of \$2,518,546 and oversee implementation of the SVRCS Stage 1 system; and approve a project contingency in the amount of \$320,310.

Personnel

- 1.H. RESOLUTION Amendment to the Salary Resolution and Classification Plan to Include the
RTC 12-237 Following Classification Title Changes: Library Circulation Manager;
 Superintendent of Public Works Operations; Golf Operations Manager;
 Community Services Coordinator I/II; Storekeeper I/II; and to add the
 Newly-Established Classification of Assistant Director of Finance

Staff Recommendation: Alternative 1: Adopt resolutions to amend the City's Classification Plan and Salary Resolution as detailed within the report and reflected by Attachments A and B.

- 1.I. RESOLUTION Amendment of the City's Contribution for CalPERS Medical Insurance for
RTC 12-236 Management, SEA and SEIU Annuitants (Retirees)

Staff Recommendation: Alternative 1: Adopt the resolution amending the City's contribution for medical insurance with CalPERS in compliance with PEMHCA, and to amend the Salary Resolution to reflect the change in contribution for Management, SEA and SEIU annuitants.

Other

- 1.J. RESOLUTION Adoption of a Resolution to Vacate a 10-foot Wide Public Utility Easement
RTC 12-227 Upon Removal of Existing Facilities at 1060 Morse Avenue

Director of Public Works Kent Steffens provided the staff report.

Public hearing opened at 9:10 p.m.

No speakers.

Public hearing closed at 9:10 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve Alternative 1: Adopt the resolution vacating a 10-foot wide PUE upon removal of existing facilities at 1060 Morse Avenue; and authorize the City Clerk to cause a certified copy of the resolution to be recorded with the county recorder's office.

VOTE: 7 – 0

PUBLIC COMMENTS

Mike Sabin spoke regarding the Public Employee's Pension Reform Act and provided a PowerPoint Presentation.

Kazys Shukis spoke regarding walking hazards at a "Music and Market" event due to dining tables set up on the sidewalk.

Michael Goldman spoke regarding options for the Civic Center and provided a PowerPoint Presentation.

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2012-7115 – Cultural Heritage of Sunnyvale (Study Issue)
RTC 12-234

Director of Community Development Hanson Hom provided the staff report.

Public hearing opened at 7:58 p.m.

No speakers.

Public hearing closed at 7:58 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to continue this item to October 16, 2012.

VOTE: 7 – 0

3. MOTION 2012-7111 – Pedestrian Plan for ITR 6
RTC 12-235

Director of Community Development Hanson Hom provided the staff report.

Public hearing opened at 8 p.m.

No speakers.

Public hearing closed at 8 p.m.

MOTION: Councilmember Martin-Milius moved and Vice Mayor Whittum seconded the motion to approve Alternative 1: Adopt the Fair Oaks Junction Sense of Place Plan.

VOTE: 7 – 0

4. ORDINANCE Introduction of an Ordinance of the City Council of the City of Sunnyvale
RTC 12-229 to Amend Certain Sections of Titles 9, 10, 13, 18 and 19 of the
 Sunnyvale Municipal Code Relating to Corner, Driveway and Alleyway
 Vision Triangles

Transportation and Traffic Manager Jack Witthaus provided the staff report.

Public hearing opened at 8:07 p.m.

Arthur Schwartz spoke in favor of Alternative 2.

Public hearing closed at 8:09 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve Alternative 2: Introduce an updated ordinance amending Titles 9, 10, 13, 18 and 19 of the Sunnyvale Municipal Code to address corner, driveway and vision triangles including provision of 15 foot by 40 foot vision triangle requirements at primary entry and exit driveways for new development with 100 or more parking spaces.

FRIENDLY AMENDMENT: Councilmember Moylan requested to amend the motion to add that as funds become available, curbs can be painted red on uncontrolled intersections in which staff receives complaints regarding cars regularly parking there. Vice Mayor Whittum accepted the amendment.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 6 – 1 (Councilmember Meyering dissented)

5. MOTION Positions on State and Local Ballot Measures for the November 6, 2012
RTC 12-226 Election

Assistant City Manager Robert Walker provided the staff report.

Public hearing opened at 8:22 p.m.

Russell Melton, member of the Planning Commission speaking for himself, requested Council take a position to oppose Measure M.

King Lear spoke in opposition to Measure M.

Public hearing closed at 8:30 p.m.

MOTION: Councilmember Griffith moved and Councilmember Davis seconded the motion to approve Alternative 1: Adopt the following positions on the ballot measures:

State Ballot Measures:

Proposition 30 – Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment: **Support**

Proposition 31 – State Budget. State and Local Government. Initiative Constitutional Amendment and Statute: **Oppose**

Proposition 34 – Death Penalty. Initiative Statute: **Take No Position**

Proposition 35 – Human Trafficking. Penalties. Initiative Statute: **Support**

Proposition 40 – Redistricting. State Senate Districts. Referendum: **Take No Position**

Local Ballot Measures:

Measure B – Safe, Clean Water Program: **Support**

AMENDMENT: Vice Mayor Whittum requested to remove from the motion Propositions 34, 35 and 40.

Motion died for lack of a second.

FRIENDLY AMENDMENT: Vice Mayor Whittum offered a friendly amendment to pull Propositions 34, 35 and 40.

Councilmember Griffith accepted the friendly amendment pull Propositions 34 and 40 and declined to pull Proposition 35.

VOTE on MOTION as AMENDED: 5 – 2 (Councilmembers Meyering and Vice Mayor Whittum dissented)

MOTION: Councilmember Moylan moved to take a position of support on Proposition 34.
Motion died for lack of a second.

MOTION: Councilmember Davis moved and Councilmember Griffith seconded the motion to take a position of support on Measure A.

VOTE: 5 – 1 – 1 (Councilmember Meyering dissented, Vice Mayor Whittum abstained)

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to take a position of support on Proposition 40.

VOTE: 4 – 1 – 2 (Councilmember Meyering dissented, Vice Mayor Whittum and Mayor Spitaleri abstained)

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to take a position to oppose Measure M.

VOTE: 4 – 1 – 2 (Councilmember Meyering dissented, Vice Mayor Whittum and Mayor Spitaleri abstained)

6. ORDINANCE Adoption of Ordinance No. 2980-12 to Amend Section 19.22.035 of Title
NO. 2980-12 19 (Zoning) of the Sunnyvale Municipal Code

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to approve the second reading of Ordinance No. 2980-12.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 6 – 1 (Councilmember Meyering dissented)

7. MOTION Council Policy Governing Meeting Protocol
RTC 12-233

Assistant City Manager Robert Walker provided the staff report and clarified .

Public hearing opened at 8:52 p.m.

No speakers.

Public hearing closed at 8:52 p.m.

MOTION: Vice Mayor Whittum moved and Councilmember Meyering seconded the motion to take the proposed amendment to Council Policy 7.3.19 to a scheduled study session to discuss this and other matters concerning meeting protocol.

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

MOTION: Councilmember Moylan moved and Councilmember Griffith seconded the motion to adopt the revisions to Council Policy 7.3.19 as shown in Attachment B with one exception; restore the sentence on page two that was inadvertently deleted which begins: "Study sessions will start no earlier than 5 p.m."

FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment to remove the sentence on page one which begins: "Dinner shall be provided for Councilmembers..." Councilmember Moylan accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Griffith offered a friendly amendment to remove the word "not" from the sentence on page one which reads: "Closed sessions are not addressed by this policy."

Councilmember Moylan accepted the friendly amendment and added an alternative to take the entire sentence out.

Councilmember Griffith accepted the maker of the motion's suggested revision.

AMENDMENT: Vice Mayor Whittum moved an amendment and Councilmember Meyering seconded the motion to restore the sentence on page one to read: "Closed sessions are not addressed by this policy" and to strike the sentence on page two which reads: "There shall be no minutes for closed sessions."

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

VOTE on MAIN MOTION as AMENDED by FRIENDLY AMENDMENT: 5 – 2
(Councilmembers Meyering and Vice Mayor Whittum dissented)

Following action on Item 7, Council took up and considered Consent Calendar Items 1.J, 1.D, and 1.F.

Following action on Item 1.F, Council resumed the regular order of the agenda at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

Vice Mayor Whittum requested information regarding the schedule for the Mary Avenue Street Space Allocation Study.

City Manager Luebbers stated he and the Director of Public Works are looking at a date early next year.

Vice Mayor Whittum proposed a study issue to consider providing audio and podcasts for meetings which aren't currently broadcast; commission meetings, selected special meetings, and joint meetings.

Councilmember Davis co-sponsored the study issue.

Councilmember Davis proposed a study issue to use the landfill area for a possible venture that would allow community members to come to a place to interact with animals in a nurturing and learning environment and provided written materials to Council.
Mayor Spitaleri co-sponsored the study issue.

Councilmember Martin-Milius reported her attendance at the VTA Board meeting.

Councilmember Martin-Milius reported her attendance at the watershed conference.

Councilmember Griffith proposed a study issue to make Council questions of staff available to the public before Council meetings.
Vice Mayor Whittum co-sponsored the study issue.

City Manager Luebbers stated staff will look at implementing a procedure and a study issue is not necessary.

Councilmember Davis reported his attendance at the National Gymnastics Event at Sunnyvale Community Center and the San Jose Business Journal Structure Awards.

MOTION: Councilmember Meyering moved to have an agenda item at the Council meeting in four weeks to have all answers to Council questions circulated to all Councilmembers be printed and made available on the table at the back of the Council Chambers.
Motion died for lack of a second.

City Manager Luebbers provided additional information regarding the questions from Council to staff regarding items on the Council agenda and stated staff will look at methods to make the responses available to the public.

Councilmember Meyering requested an update on a letter received from the VTA and the effort to address the speed and volume of traffic on Mathilda/Sunnyvale Saratoga Road.

City Manager Luebbers and Director of Public Works Kent Steffens provided a brief update on discussions with VTA regarding the Mathilda/237 project.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 12-231 Branch Library Update #1 (Information Only)
- Study Session Summary of September 18, 2012 – Energy Power Reliability for Moffett Park Area
- Study Session Summary of September 25, 2012 – Joint Meeting with Sunnyvale School District Board of Education
- Draft Minutes of the Sustainability Commission Meeting of August 20, 2012

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 9:28 p.m.