

**APPROVED MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, NOVEMBER 13, 2012, 7 PM**

**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 Steve Drewniany  
Director of Community Development Hanson Hom  
Director of Public Works Kent Steffens  
Director of Environmental Services John Stufflebean  
City Clerk Kathleen Franco Simmons

**CLOSED SESSION REPORTS FOR NOVEMBER 13, 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 the Council met in Closed Session regarding Conference with Legal Counsel, Existing Litigation and Initiation of Litigation; no direction was given, no action was taken.

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

Vice Mayor Whittum reported the Council met in Closed Session regarding Conference with Labor Negotiator; direction was given; no action was taken.

**PRESENTATION** – Kevin Bilger, Vice President & General Manager, Global Communications Systems, Lockheed Martin, gave a presentation regarding Lockheed Martin’s History and 100<sup>th</sup> Anniversary in Sunnyvale.

**PUBLIC ANNOUNCEMENTS**

Jeanine Stanek announced upcoming events at the Sunnyvale Heritage Park Museum.

**CONSENT CALENDAR**

Councilmember Meyering pulled Items 1.C, 1.D, and 1.H.

Councilmember Davis pulled Item 1.E.

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

VOTE: 7 - 0

- 1.A. Approval of Council Meeting Minutes of October 30, 2012
- 1.B. Approval of Information/Action Items – Council Directions to Staff

**Fiscal Items**

- 1.C. RTC 12-264 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 631 & 632

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

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

**Contracts**

- 1.D.     RTC 12-260     Award of Contracts for Temporary Personnel Placement Services for Plan Checkers, Building Inspectors and Fire Protection System Inspectors (F13-09)

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to award contracts for temporary personnel not to exceed \$200,000 to: 4Leaf Inc., CSG consultants Inc. and Shums Coda Associates; delegate authority to the City Manager to modify the contract amounts (up or down) if necessary, not to exceed the total budgeted amount of \$933,760; and delegate authority to the City Manager to renew the contracts for an additional period of time not to exceed one year, provide pricing and service remain acceptable to the City and subject to the availability of budgeted funding.

VOTE: 6 - 1 (Councilmember Meyering dissented)

- 1.E.     RTC 12-262     Award of Contract for Emergency and Routine Maintenance and Repair Services for Power Generating Engines at the Water Pollution Control Plant (F13-22)

MOTION: Councilmember Davis moved and Vice Mayor Whittum seconded the motion to award a one-year contract not to exceed \$200,000 to Peterson Power Systems for emergency and routine repairs; and delegate authority to the City Manager to renew the contract for three additional one-year periods, provided pricing and service remain acceptable to the City.

VOTE: 7 - 0

- 1.F.     RTC 12-265     Award of Contract for a Comprehensive Preliminary Design Study – Potable Water System and Approval of Budget Modification No. 19 (F13-04)

Staff Recommendation: Award a contract in the amount of \$155,920 to HydroScience Engineers, Inc., and authorize the City Manager to execute the contract when all the necessary conditions have been met; approve a 10% design contingency in the amount of \$15,592; and approve Budget Modification No. 19 to provide additional funding for the project.

- 1.G.     RTC 12-261     Award of Bid No. PW13-04 for Flare Station Equipment Replacement and Approval of Budget Modification No. 16

Staff Recommendation: Award a contract in the amount of \$648,765, to R.J. Gordon Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; approve a 10% construction contingency in the amount of \$64,877; and approve Budget Modification No. 16 to provide additional funding for this project.

**Other Items**

- 1.H.     RTC 12-249     City of Sunnyvale 2012 Conflict of Interest Code Biennial Review and Amendment

MOTION: Councilmember Meyering moved and Vice Mayor Whittum seconded the motion to amend the Conflict of Interest Code to include a provision that Councilmembers be prohibited from voting on any proposal by any person or organization that gave money to the Councilmember within the four year period preceding the proposal.

FRIENDLY AMENDMENT: Vice Mayor Whittum offered a friendly amendment to suggest an amount of \$250.  
Councilmember Meyering accepted the friendly amendment.

Interim City Attorney advised that if Council is interested in pursuing this subject matter, it should be agendaized for consideration.

REVISED MOTION: Councilmember Meyering revised the motion with direction to put this subject matter on the December 4, 2012 agenda to receive public comment before deciding how to proceed further.  
Vice Mayor Whittum seconded the revised motion.

SUBSTITUTE MOTION: Councilmember Meyering offered a substitute motion to schedule a public hearing to get public input on this issue of having Councilmembers obey the same rules that our employees follow, and schedule it for December 4, 2012.

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

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to approve Alternative 1: Adopt the proposed resolution amending the City's Conflict of Interest Code, as submitted.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Following action on this item, Council heard the remainder of public comments prior to the regular order of business at Councilmember Reports on Activities from Intergovernmental Committee Assignments.

**PUBLIC COMMENTS**

Nai Hsueh, incoming Board member, Santa Clara Valley Water District, introduced herself to Council.

David Hackson inquired about issues relating to the Stevens Creek Trail committee.

Councilmember Martin-Milius announced a joint venture between Rotary and Sunnyvale School District to collect books for kindergarten through fifth grade students.

Peggy Kitting spoke regarding conditions at Fair Oaks Mobile Lodge.

William Young spoke regarding conditions and at Fair Oaks Mobile Lodge.

Ruth Pink, Fair Oaks Mobile Lodge, spoke regarding facilities and rental rates at other mobile home parks.

Mayor Spitaleri announced two more speakers would be heard and the remaining would be heard following the regular business session.

Marlice Salsbery spoke regarding declining home values at the mobile home park and expressed concerns regarding the landowner applying for conversion.

Mike Johnson, Fair Oaks Mobile Home Lodge Park Association, spoke regarding conditions at the mobile home park and concerns about mobile home park conversion.

Mayor Spitaleri closed this portion of the Public Comment period at 7:59 p.m.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

Mayor Spitaleri requested to continue Item 3.

MOTION: Vice Mayor Whittum moved and Councilmember Griffith seconded the motion to continue Item 3.

VOTE: 7 – 0 (by show of hands)

2. RTC 12-259 Discussion and Possible Action to Determine Priority Needs for Human Services and Amount of Supplemental Funding for Fiscal Years 2013-14 and 2014-15

Housing Officer Suzanne Ise provided the staff report.

Public hearing opened at 8:13 p.m.

Michele Schroeder, representing Senior Adults Legal Assistance, spoke regarding the importance of the legal assistance services provided to seniors and requested support for Alternative 1.a and Alternative 2.a.

Marie Bernard, Sunnyvale Community Services, provided written materials and spoke regarding the basic needs assistance provided by the agency and requested continued support.

Wanda Hale, Long Term Care Ombudsman Program, spoke regarding the services provided to long term care, residential care facilities and nursing care programs.

Public hearing closed at 8:23 p.m.

MOTION: Councilmember Davis moved and Councilmember Moylan seconded the motion to approve Alternative 1.a. Approve the priority human service needs as described in the 2010-2015 Consolidated Plan, and Alternative 2.a. Confirm the annual appropriation of \$100,000 in general funds for supplemental human services, consistent with the current 20-year Resource Allocation Plan, and direct staff to include that amount in the Recommended 2013 Projects Budget.

FRIENDLY AMENDMENT: Councilmember Moylan requested a friendly amendment to ask applicants to provide data on what a year's worth of service for a typical client would be, and to ask the applicants to quantify to the extent they can what City services get saved by the work their organization does.

Councilmember Davis accepted the friendly amendment.

AMENDMENT: Vice Mayor Whittum offered an amendment to suggest a one-time 5% adjustment to the amount and to request that in the budget process, CPI adjustment be analyzed by staff.

Councilmember Meyering seconded the motion to amend.

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

Motion failed.

VOTE on MAIN MOTION: 7 - 0

MOTION: Councilmember Whittum moved and Councilmember Davis seconded the motion to look at the impact of CPI or other type of adjustment in the course of the normal budget process and return to Council with an analysis.

FRIENDLY AMENDMENT: Councilmember Griffith requested a friendly amendment to include it as an item at the May budget hearing.

Vice Mayor Whittum and Councilmember Davis accepted the friendly amendment.

VOTE: 6 – 1 (Councilmember Moylan dissented)

MOTION: Councilmember Griffith moved and Councilmember Martin-Milius seconded the motion to approve Alternative 3: Set general funding targets for each priority need category, to be used as a guideline for future allocation decisions, consistent with the distribution shown in page 1 of Attachment 2 of the report.

VOTE: 4 – 3 (Councilmember Meyering, Mayor Spitaleri and Councilmember Davis dissented)

3. RTC 12-258 2012-7112 Discussion and Possible Action to Introduce an Ordinance to Amend Regulations for Telecommunication Facilities Located in Public Right of Way (Study Issue)

This item was continued to a future agenda date by earlier action of the Council.

Following action on Item 2, Council took up and considered Consent Calendar Items 1.C, 1.D, 1.E and 1.H.

Following action on the pulled Consent Calendar items, Council resumed the remainder of the Public Comment period.

Kyra Kazantzis spoke regarding “payday lending” businesses and suggested Council enact an ordinance similar to other local cities to ban, restrict or cap the number of these businesses.

Councilmember Griffith sponsored a study issue to examine potential regulation of the number and practices of payday lending establishments.  
Councilmember Davis co-sponsored the study issue.

Marie Bernard, Sunnyvale Community Services, spoke regarding assistance and counseling the agency provides as alternatives to payday loans.

Thomas Reeves-Messner, Fair Oaks Mobile Lodge, spoke regarding mobile home conversion.

James Callaway spoke regarding Fair Oaks Mobile Lodge.

### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Whittum reported his attendance at meetings of the VTA Board and VTA policy advisory committees and provided written materials to Council.

Councilmember Davis reported his attendance at the Wireless Symposium, a tour of the West Valley Watershed, a meeting of the Lawrence Station Area group, a tour of a Kaiser facility, a meeting held by Assemblymember Nora Campos regarding the California Emerging Technologies group, and a meeting of the Stevens Creek Trail Four Cities Joint Working Team.

Councilmember Martin-Milius reported her attendance at a meeting of the Santa Clara County Emergency Preparedness Council.

Councilmember Griffith reported a recent meeting of the Cities Association of Santa Clara County and announced upcoming vacancies.

Councilmember Moylan reported his attendance at the Stevens Creek Trail Four Cities Joint Working Team and announced an upcoming meeting.

Mayor Spitaleri reported his attendance at the Pujiang Innovation Forum, Shanghai, China and the possibility of forming a friendship city relationship.

### **NON-AGENDA ITEMS & COMMENTS**

Councilmember Whittum requested information regarding education on the illegality of fireworks and suggested an idea of a community event on the 4<sup>th</sup> of July.

Councilmember Meyering suggested a study issue to set a date to get public comment about whether or not Councilmembers should be prohibited from voting on a proposal by a person or organization that gave them money within four years of the proposal coming to the Council for a vote.

Vice Mayor Whittum co-sponsored the study issue.

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 12-263 Stevens Creek Trail Four Cities Joint Working Team (Information Only)
- Study Session Summary of October 30, 2012 - Consideration of Non-Residential Parking Requirements
- Study Session Summary of October 16, 2012 - Overview of SB 375, Sustainable Communities Strategy (SCS), and Regional Housing Needs Allocation (RHNA) Process
- Draft Minutes of the Housing and Human Services Commission meeting of October 24, 2012
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission meeting of October 18, 2012
- Draft Minutes of the Arts Commission meeting of October 17, 2012
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission meeting of September 20, 2012

**ADJOURNMENT**

Mayor Spitaleri adjourned the meeting at 9:45 p.m.

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Kathleen Franco Simmons  
City Clerk

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Date