

APPROVED MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JANUARY 8, 2013, 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
City Attorney Joan Borger
Director of Finance Grace Leung
Director of Public Safety Frank Grgurina
Director of Community Development Hanson Hom
Director of Public Works Kent Steffens
City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

Jack Lucas, Board Trustee, West Valley-Mission Community College District, introduced West Valley-Mission Community College District Chancellor Dr. Patrick Schmitt and Mission College President Dr. Laurel Jones.

Dr. Patrick Schmitt, Chancellor, provided information regarding West Valley-Mission Community College District.

Steve Harms expressed appreciation to the Department of Public Safety for their assistance.

**Approved by Council 1/15/2013*

CONSENT CALENDAR

Councilmember Meyering pulled Item 1.A, 1.C and 1.F and requested a No vote be recorded on Item 1.H.

Councilmember Davis and Vice Mayor Whittum requested a No vote be recorded on 1.H.

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.F.

VOTE: 7 – 0

Mayor Spitaleri announced Items 1.A, 1.C and 1.F would be handled following the Public Hearing / General Business portion of the meeting.

1.A. Approval of Council Meeting Minutes of December 18, 2012

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

MOTION: Councilmember Meyering moved an amendment to the minutes.
Motion died for lack of a second.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of December 18, 2012 as submitted.

VOTE: 6 - 1 (Councilmember Meyering dissented)

1.B. Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.C. RTC 13-006 List of Claims and Bills Approved for Payment by the City Manager – List No. 638

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

1.D. RTC 13-004 Award of Contract for Five Ford Police Interceptor Patrol Sedans (F13-28)

Staff Recommendation: Award a contract in the amount of \$104,544 for five Ford police interceptor vehicles to Towne Ford Sales.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.E. RTC 13-007 Approval to Amend an Existing Contract for Janitorial Services (F13-36)

Staff Recommendation: Amend an existing contract with Sunnyvale Building Maintenance for citywide janitorial services to increase the contract value by \$55,000, from \$316,816 to \$371,816; extend the time for performance to March 31, 2013; and increase the contingency by \$5,000, from \$15,000 to \$20,000.

Staff Contact: Pete Gonda, (408) 730-7418

Other Items

- 1.F. RTC 13-009 Adoption of 2013 Tentative Council Meeting Agenda Calendar

MOTION: Councilmember Meyering moved the meeting scheduled on Friday, February 1 at 8:30 a.m. be rescheduled to Tuesday, February 5 and if necessary, February 6 at 7 p.m.

Motion died for lack of a second.

MOTION: Councilmember Meyering moved the meeting scheduled on Thursday, May 21 at 8:30 a.m. be rescheduled to Tuesday, May 28 and May 29 at 7 p.m.

Motion died for lack of a second.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt the 2013 Tentative Council Meeting Agenda Calendar as submitted.

VOTE: 6 - 1 (Councilmember Meyering dissented)

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

- 1.G. ORDINANCE Adopt Ordinance No. 2987-12 Amending Certain Sections of the
2987-12 Sunnyvale Municipal Code Relating to Vending

Staff Recommendation: Adopt Ordinance 2987-12.

- 1.H. ORDINANCE Adopt Ordinance No. 2988-12 Amending Certain Sections of the
2988-12 Sunnyvale Municipal Code Relating to Parking

MOTION: Vice Mayor Whittum moved and Councilmember Moylan seconded the motion to adopt Ordinance 2988-12.

VOTE: 4 - 3 (Councilmember Meyering, Councilmember Davis and Vice Mayor Whittum dissented)

PUBLIC COMMENTS

Michael Goldman spoke regarding the Civic Center and provided a PowerPoint presentation. Goldman proposed a study issue for a detailed cost/benefit analysis including the cost of renting, current space renovation to like-new, and the cost of replacing the "rabbit hutches" with a bigger building and underground parking.

Helen Polkes requested reconsideration of the decision to install a traffic signal at the intersection of Bernardo and Remington.

Terry Fowler spoke regarding the services at the Library, the condition of Hollenbeck Avenue, and expressed comments regarding a Councilmember's requests for copies of bills.

Tap Merrick spoke regarding RTC 12-292 from the previous Council meeting.

Barbara Park requested consideration of a dog park at Serra Park.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 13-001 Selection of Vice Mayor for 2013

Mayor Spitaleri opened the floor for nominations for Vice Mayor.

Vice Mayor Whittum nominated Councilmember Davis for Vice Mayor.
Councilmember Martin-Milius nominated Councilmember Griffith.
Councilmember Davis nominated Councilmember Moylan.

Mayor Spitaleri allowed each nominated candidate to speak briefly on his own behalf.

Mayor Spitaleri called for a vote on Councilmember Davis.
VOTE: 2 - 0 - 5 (Councilmembers Meyering, Griffith, Spitaleri, Moylan and Martin-Milius abstained)

Mayor Spitaleri called for a vote on Councilmember Griffith.
VOTE: 3 - 0 - 4 (Councilmembers Meyering, Whittum, Moylan and Davis abstained)

Mayor Spitaleri called for a vote on Councilmember Moylan.
VOTE: 2 - 0 - 5 (Councilmembers Meyering, Griffith, Whittum, Mayor Spitaleri and Councilmember Martin-Milius abstained)

A tie vote was declared between Councilmembers Davis and Moylan, and that a vote to break the tie would be taken.

Mayor Spitaleri called for a vote on Councilmember Davis.
VOTE: 2 - 0 - 5 (Councilmembers Meyering, Griffith, Mayor Spitaleri, Councilmembers Moylan and Martin-Milius abstained)

Mayor Spitaleri called for a vote on Councilmember Moylan.
VOTE: 4 - 0 - 3 (Councilmembers Meyering, Whittum and Mayor Spitaleri abstained)

City Clerk Franco Simmons reported a vote was now required to decide between Councilmember Griffith and Councilmember Moylan.

Mayor Spitaleri called for a vote on Councilmember Griffith.
VOTE: 4 - 0 - 3 (Councilmembers Meyering, Moylan and Davis abstained)

Mayor Spitaleri declared Councilmember Griffith as Vice Mayor for the 2013 term.

Councilmember Whittum and Vice Mayor Griffith exchanged seats at the dais.

3. RTC 13-003 Annual Public Hearing - Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2013

Senior Management Analyst Yvette Blackford provided the staff report.

Public hearing opened at 7:44 p.m.

Shani Kleinhaus, Santa Clara Valley Audubon Society, made a presentation in support of the study issue relating to burrowing owls.

Kevin Jackson, BPAC member speaking on his own behalf, spoke in support of the BPAC's top-ranked study issue DPW 13-06.

Rhonda Rousseau spoke in support of the study issue regarding a dog park at Serra Park.

Steven Askari spoke in support of a study issue relating to downtown parking.

Jeanine Stanek, speaking on behalf of the Heritage Preservation Commission, provided comments regarding study issue CDD 12-02.

Barbara Park spoke regarding possible locations for a dog park at Serra Park and provided photos.

Public hearing closed at 8 p.m.

Councilmember Meyering sponsored a study issue regarding an ordinance to extend whistleblower protection for City volunteers against retaliation by the City for discussing improper City actions.

Councilmember Whittum co-sponsored the study issue.

Councilmember Meyering sponsored a study issue to identify methods of reducing auto congestion on Mathilda Avenue from 101 to El Camino Real and Sunnyvale-Saratoga Road from El Camino Real to Homestead Road.

No co-sponsor.

Councilmember Meyering sponsored a study issue regarding an ordinance prohibiting Councilmembers from voting on any decision that is proposed by an individual or organization that has conveyed a contribution to that Councilmember within the preceding four years.

Councilmember Whittum co-sponsored the study issue.

4. RTC 13-005 Determine 2013 City Council Intergovernmental (IGR) Assignments and Conference Delegates

Senior Management Analyst Yvette Blackford provided the staff report.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternatives 1, 2, 3, and 4:

1. Approve appointments by Council to external assignments and ratify appointments by outside agencies as proposed in Attachment A.
2. Approve 2013 Boards and Commissions - Council Liaison Rotation as proposed in Attachment B.
3. Approve 2013 Council Subcommittees and Council- or Mayor-Created Task Forces as proposed in Attachment C.
4. Approve Community Member Appointments as proposed in Attachment D.

VOTE: 7 - 0

5. RTC 13-002 Determine 2013 Seating Arrangements for City Council

By consensus and in order of seniority, Council determined the seating arrangements for 2013 as follows:

- Vice Mayor Griffith selected to take the seat to the right of Mayor Spitaleri;
- Councilmember Moylan selected to remain in his current seat;
- Councilmember Whittum selected to take the seat to the right of Vice Mayor Griffith;
- Councilmember Meyering selected to remain in his current seat;
- Councilmember Martin-Milius selected to remain in her current seat; and
- Councilmember Davis selected to remain in his current seat.

Following action on Item 5, Council took up and considered Consent Calendar Items 1.A, 1.C 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

None.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of December 18, 2012 - Discussion of Upcoming Selection of 2013 Vice Mayor

Mayor Spitaleri closed the meeting in honor of the memory of former Mayor Stan Kawczynski at 8:18 p.m.

ADDENDUM TO THE REGULAR MEETING AGENDA

Mayor Spitaleri adjourned the meeting to Closed Session at 8:21 p.m.

6. Convene to Closed Session – *The public may provide comments regarding the Closed Session items(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*

CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to California Government Code Section 54957.6:

Agency designated representative: Mayor

Unrepresented employee: City Manager

RECONVENE TO OPEN SESSION

Council reconvened at 8:53 p.m. with all present.

CLOSED SESSION REPORT FOR JANUARY 8, 2013

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

Vice Mayor Griffith reported Council met in Closed Session; no direction was given, no action was taken.

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 8:54 p.m.

Kathleen Franco Simmons
City Clerk

Date