

**APPROVED MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, JANUARY 15, 2013, 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  
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

**SPECIAL ORDER OF THE DAY** – Mayor Spitaleri presented a Certificate of Recognition to Outgoing Vice Mayor David Whittum.

**SPECIAL ORDER OF THE DAY** – City Clerk Kathleen Franco Simmons administered the Ceremonial Oath of Office to Incoming Vice Mayor Jim Griffith. Vice Mayor Griffith provided brief remarks.

**PUBLIC ANNOUNCEMENTS**

Patrick Meyering announced an issue regarding payment of his travel expenses to a League of California Cities Employee Relations Policy Committee meeting.

*\*Approved by Council 1/29/2013*

Anna Ko, Office of Assemblyman Rich Gordon, expressed appreciation to outgoing Vice Mayor Whittum and congratulations to incoming Vice Mayor Griffith.

Terry Fowler, Democratic Club of Sunnyvale, announced an upcoming meeting of the club.

Joshua Barousse, Office of Senator Jerry Hill, expressed appreciation to outgoing Vice Mayor Whittum and congratulations to incoming Vice Mayor Griffith.

**PRESENTATION** – Chris Richardson provided a presentation on the Downtown Streets Team.

**PRESENTATION** – Pat Lawson-North provided a presentation on Vision Literacy.

**CONSENT CALENDAR**

Councilmember Meyering pulled Items 1.A, 1.C, and 1.J.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Consent Calendar, with the exception of Items 1.A, 1.C and 1.J.

VOTE: 7 – 0

1.A. Approval of Council Meeting Minutes of January 8, 2013

Council took up consideration of this item following Public Comments.

MOTION: Councilmember Meyering moved an amendment to the minutes on page 2.  
Motion died for lack of a second.

MOTION: Councilmember Meyering moved an amendment to the minutes on page 6.  
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 January 8, 2013 as submitted.

VOTE: 6 - 1 (Councilmember Meyering dissented)

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

**Fiscal Items**

1.C. RTC 13-016 List of Claims and Bills Approved for Payment by the City Manager – List  
Nos. 639-641

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 13-008 Approval of Budget Modification No. 26 to Appropriate \$35,162 of First 5 Santa Clara County Grant Funds for Library Materials Vending Machine at Columbia Neighborhood Center

Staff Recommendation: Approve Budget Modification No. 26 to appropriate First 5 Santa Clara County funds in the amount of \$35,162 to a new project, Library Materials Vending Machine at Columbia Neighborhood Center.

- 1.E. RTC 13-019 Approval of Budget Modification No. 28 to Appropriate \$16,670 of California Office of Traffic Safety Grant Funds for Avoid the 13 DUI Enforcement

Staff Recommendation: Alternative 1: Approve Budget Modification No. 28 to appropriate \$16,670 of Office of Traffic Safety Avoid the 13 DUI Enforcement Grant funds to a new project, FY 2012/13 Avoid the 13 DUI Enforcement.

### **Contracts**

- 1.F. RTC 13-012 Award of Bid No. PW13-08 for Sanitary Sewer Main Replacement 2012-2013

Staff Recommendation: Award a contract, in substantially the same format as the draft attached to the report and in the amount of \$2,678,000, to K.J. Woods Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 10% construction contingency in the amount of \$267,800.

- 1.G. RTC 13-011 Award of Contract for Street Tree Maintenance Services (F13-17)

Staff Recommendation: Award a contract, in substantially the same form as the draft blanket purchase order attached to the report, not to exceed \$1,221,175, to West Coast Arborists, 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.

- 1.H. RTC 13-018 Award of a Contract for a Supervisory Control and Data Acquisition (SCADA) System Upgrade for the City's Water Supply and Distribution Operations (F1106-73)

Staff Recommendation: Award a contract, in substantially the same format as the draft attached to the report and in the amount of \$458,820 to Glenmount Global Solutions for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met; and approve a 10% project contingency in the amount of \$45,882.

- 1.I. RTC 13-013 Award of Contract for Electro-Muscular Disruption Technology Devices (Tasers®) for Public Safety (F13-38)

Staff Recommendation: Award a contract, in substantially the same form as the draft Purchase Order attached to the report and in the amount of \$219,508, excluding taxes, to ProForce Law Enforcement for electro-muscular disruption technology devices (Tasers®) and accessories.

- 1.J. RTC 13-015 Approval of Amendment to Outside Counsel Agreement with Bertrand, Fox and Elliot for Litigation Advice and Services

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to authorize a fifth amendment to increase the contract with the law firm Bertrand Fox & Elliot by \$65,000 for a total not-to-exceed contract amount of \$715,000.

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.

### **Other Items**

- 1.K. RTC 13-014 Approval of Final Map (Tract No. 10113) - Fourteen-Unit Single-Family Home Development at 1330 Saratoga-Sunnyvale Road by Berwick Park, L.P.

Staff Recommendation: Approve the final map for Tract No. 10113; authorize the Mayor to sign the subdivision agreement and direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

### **PUBLIC COMMENTS**

Pat Castillo expressed appreciation to outgoing Vice Mayor Whittum and congratulations to incoming Vice Mayor Griffith. Castillo also expressed appreciation for the recent issue of the Quarterly Report.

Arlene Goetze provided information and written materials regarding the use of fluoridated water in infant formula.

Peter Cirigliano spoke regarding Councilmember remarks at a previous Council meeting regarding an article in Western City Magazine.

Terry Fowler expressed appreciation for the recent issue of the Quarterly Report and Vice Mayor Griffith's comments on the state of the City. Fowler spoke regarding the article in Western City Magazine.

Peggy Kitting spoke regarding residents of Fair Oaks Mobile Home Lodge who are being forced out of the mobile home park.

Following Public Comments, Council took up and considered Consent Calendar Items 1.A, 1.C and 1.J.

Following action on Item 1.J, 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**

Vice Mayor Griffith reported a meeting of the Cities Association of Santa Clara County and the City Selection Committee.

Councilmember Whittum reported a meeting of the VTA board.

Councilmember Martin-Milius reported a meeting of the Stevens Creek Trail Working Team.

**NON-AGENDA ITEMS & COMMENTS**

Councilmember Whittum expressed appreciation to the City Manager and staff for the recent Quarterly Report.

Councilmember Whittum expressed appreciation for the opportunity to serve as Vice Mayor.

Mayor Spitaleri expressed appreciation to Councilmember Whittum for his service as Vice Mayor.

City Manager Luebbers reported information regarding his salary.

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 13-017 Follow up on July 17, 2012 Meeting Regarding Below Market Rate (BMR) Program Qualifications (Information Only)
- Draft Minutes of the Parks and Recreation Commission Meeting of December 12, 2012
- Draft Minutes of the Sustainability Commission Meeting of December 17, 2012
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Special Meeting of December 17, 2012

**ADJOURNMENT**

Mayor Spitaleri adjourned the meeting at 8:13 p.m.

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Kathleen Franco Simmons  
City Clerk

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Date