

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JANUARY 29, 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 Jim Griffith
Councilmember Christopher Moylan
Councilmember David Whittum
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 Human Resources Teri Silva
City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT FOR JANUARY 29, 2013

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

Vice Mayor Griffith reported a closed session was held pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator and there was nothing to report.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

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

A member of the public pulled Item 1.F.

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.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 January 15, 2013

Council took up consideration of this item following Item 7.

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to amend the minutes to identify the content of the motions Councilmember Meyering made on page 2, Consent Calendar Item 1.A.

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

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of January 15, 2013 as submitted.

VOTE: 5 - 2 (Councilmembers Meyering and Whittum dissented)

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

Fiscal Items

1.C. RTC 13-025 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 642 and 643

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 13-024 Approval of Budget Modification No. 31 to Appropriate Pavement Maintenance Technology Assistance Program Grant of the Metropolitan Transportation Commission to Update the City's Pavement Management Program

Staff Recommendation: Alternative 1: Approve Budget Modification No. 31 to appropriate \$15,600 as the City's share for a Metropolitan Transportation Commission Pavement Maintenance Technology Assistance Program project, Integration of the Sunnyvale Pavement Management StreetSaver® Program with Geographical Information System.

- 1.E. RTC 13-029 City of Sunnyvale Investment Report – 4th Quarter 2012

Staff Recommendation: Receive and file the investment report.

Personnel

- 1.F. RTC 13-023 Amendment to the Salary Resolution and Classification Plan to Add the Newly-Established Classification of Civilian Fire Marshal

Public comment was taken at 8:11 p.m.

Tap Merrick requested clarification regarding the addition of the new classification.

MOTION: Councilmember Whittum moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Adopt resolutions to amend the City's Classification Plan and Salary Resolution to change the respective compensation for Civilian Fire Marshal as listed within the report that will become effective the beginning of the first pay period after January 29, 2013.

VOTE: 7 - 0

Following action on this item, Council moved on to Item 8, Closed Session.

Other

- 1.G. RTC 13-021 Approval of Budget Modification No. 29 to Increase the Current Year Budgeted Amount for the Pond Sediment Removal Project at the Sunnyvale Water Pollution Control Plant (WPCP)

Staff Recommendation: Alternative 1: Approve Budget Modification No. 29 to increase the current year budgeted amount for the pond sediment removal project at the Sunnyvale Water Pollution Control Plant.

PUBLIC COMMENTS

Michael Goldman spoke regarding commentary on Councilmembers' actions and comments at prior meetings.

City Manager Luebbers announced Moody's confirmation of Sunnyvale's Aaa Credit Rating.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 13-020 Discussion and Possible Action Regarding Proposed 2013 Priority Issues and Legislative Advocacy Positions

Senior Management Analyst Yvette Blackford provided the staff report.

Mayor Spitaleri announced he had no speaker cards for this item.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to approve Attachment A to the report, *Proposed 2013 Priority Issues and Legislative Advocacy Positions* and Attachment B to the report, *2012 Legislative Advocacy Positions Proposed for Modification or Deletion*, with a modification to include CEQA Reform to Item 5 on page 3 of Attachment A among the Environmental Regulatory & Conservation Issues.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded the amendment to strike CEQA Reform from the motion.

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

VOTE on MAIN MOTION: 5 - 2 (Councilmembers Meyering and Whittum dissented)

3. RTC 13-026 Discussion and Possible Action to Introduce an Ordinance to Award a Taxicab Franchise to Jasraj Bhatia (fka Bikram Singh) dba Yellow Cab Company Peninsula, Inc.

Director of Public Safety Frank Grgurina provided the staff report.

Public hearing opened at 7:29 p.m.

No speakers.

Public hearing closed at 7:29 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Introduce an ordinance renewing a non-exclusive franchise for taxicab service to Jasraj Bhatia, fka Bikram Singh, dba Yellow Cab Company Peninsula, Inc. for the period of March 15, 2013 through March 14, 2015, per applicant's request and authorize the City Manager to execute necessary documents of agreement, including additional provisions as set forth above.

VOTE: 7 - 0

4. RTC 13-027 Discussion and Possible Action to Introduce an Ordinance to Award a Taxicab Franchise to Yellow Checker Cab Co., Inc. dba Checker Cab of Silicon Valley

Director of Public Safety Frank Grgurina provided the staff report.

Public hearing opened at 7:31 p.m.

No speakers.

Public hearing closed at 7:31 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Davis seconded the motion to approve Alternative 1: Introduce an ordinance awarding a non-exclusive franchise for taxicab service to Yellow Checker Cab Co., Inc. dba Checker Cab of Silicon Valley for the period of March 15, 2013 through March 14, 2015, per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

VOTE: 7 – 0

5. RTC 13-028 Discussion and Possible Action to Introduce an Ordinance to Award a Taxicab Franchise to Jorawar Singh, dba A Orange Cab, Inc.

Director of Public Safety Frank Grgurina provided the staff report.

Public hearing opened at 7:32 p.m.

No speakers.

Public hearing closed at 7:32 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Griffith seconded the motion to approve Alternative 1: Introduce an ordinance awarding a non-exclusive franchise for taxicab service to Jorawar Singh dba A Orange Cab, Inc. for the period of March 15, 2013 through March 14, 2015, per applicant's request, and authorize the City Manager to execute necessary documents of agreement.

VOTE: 7 - 0

City Clerk Kathleen Franco Simmons read the ordinance titles introduced by action taken on RTCs 13-026, 13-027, and 13-028.

6. RTC 13-010 Discussion and Possible Action Regarding a Friendly Exchange Relationship with the City of Dubna, Russia

Senior Management Analyst Yvette Blackford provided the staff report.

Public hearing opened at 7:38 p.m.

No speakers.

Public hearing closed at 7:38 p.m.

MOTION: Councilmember Whittum moved and Councilmember Moylan seconded the motion to approve the proposed Friendly Exchange Relationship Memorandum of Understanding (MOU) with the City of Dubna, Russia as presented in Attachment A to the report.

VOTE: 7 - 0

7. Discussion and Possible Action to Ratify Councilmember Meyering's Appointment to the League of California Cities Employee Relations Policy Committee

Assistant City Manager Robert Walker provided the staff report.

Public hearing opened at 7:39 p.m.

No speakers.

Public hearing closed at 7:39 p.m.

MOTION: Councilmember Whittum moved to ratify the appointment of Councilmember Meyering to the policy committee.
Motion died for lack of a second.

MOTION: Councilmember Martin-Milius moved and Vice Mayor Griffith seconded the motion to deny ratification of Councilmember Meyering's appointment to the employee relations policy committee.

SUBSTITUTE MOTION: Councilmember Whittum moved and Councilmember Davis seconded a substitute motion to take the matter to study session for further discussion.

VOTE on SUBSTITUTE MOTION: 2 - 4 - 1 (Vice Mayor Griffith, Mayor Spitaleri, Councilmembers Moylan and Martin-Milius dissented, Councilmember Meyering abstained)
Motion failed.

VOTE on MAIN MOTION: 5 - 1 - 1 (Councilmember Whittum dissented, Councilmember Meyering abstained)

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to direct staff to return to Council at a subsequent meeting with an addition to City Council Policy stating that Councilmembers or members of the public who are interested in intergovernmental responsibilities are ineligible for intergovernmental assignments if they have not signed the Model of Excellence.

FRIENDLY AMENDMENT: Councilmember Moylan offered a friendly amendment regarding the legal requirement to have two hours of ethics training to A. Ensure that members don't lapse without knowing it and that B. If anyone chooses not to comply with State law and doesn't get that ethics training, that Council would decide the remedy for that.

Vice Mayor Griffith accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Meyering offered a friendly amendment to go back to the drawing board and come up with a Code of Ethics that represents the values of the residents.

Vice Mayor Griffith declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved and Councilmember Meyering seconded the amendment to broaden the discussion on the agenda item to include a revision to the Code of Ethics.

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

VOTE on MAIN MOTION: 5 - 2 (Councilmembers Meyering and Davis dissented)

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to direct the City Manager to arrange a retreat with a facilitator to work out ongoing issues amongst Council.

FRIENDLY AMENDMENT: Vice Mayor Griffith offered a friendly amendment to add the word "try" to arrange a retreat.
Councilmember Davis declined to accept the friendly amendment.

VOTE on MAIN MOTION: 5 - 2 (Councilmembers Moylan and Martin-Milius)

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

8. CLOSED SESSION
CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to California Government Code Section 54957.6:
Agency Designated Representatives: Mayor Spitaleri; Teri Silva, Director of Human Resources
Unrepresented Employee: City Manager

Public Comments prior to adjournment to Closed Session:

No speakers.

Mayor Spitaleri adjourned the meeting to Closed Session at 8:22 p.m.

RECONVENE FROM CLOSED SESSION

Council reconvened at 9:07 p.m. with all Councilmembers present.

CLOSED SESSION REPORT

Vice Mayor Griffith reported Council met in Closed Session pursuant to California Government Code Section 54957.6 and directed staff to return to a future public hearing with a potential contract amendment for the City Manager.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Griffith reported an update from Bay Area Water Supply Conservation Agency regarding Hetch Hetchy.

Vice Mayor Griffith inquired regarding his assignment on the Caltrain Modernization Project Policy Advisory Group, Council's input regarding at-grade boarding of trains.

Councilmember Whittum recused himself from the discussion due to his home being within 500 feet of Caltrain right-of-way and left the dais.

Councilmember Moylan spoke in support of giving overriding consideration to optimizing speed. Councilmember Martin-Milius spoke in support of at-grade boarding.

Councilmember Whittum returned to the dais.

Councilmember Davis reported a meeting of the League of California Cities Public Safety Policy Committee.

Councilmember Davis reported a meeting of the Valley Transportation Authority Policy Advisory Committee.

Councilmember Meyering reported a meeting of the League of California Cities Employee Relations Policy Committee.

NON-AGENDA ITEMS & COMMENTS

Councilmember Whittum reported his attendance at the Bay Area Youth Vaishnav Parivar's celebration of India's 64th Republic Day.

Vice Mayor Griffith reported he concluded his study issues survey and it is available on his website.

Tap Merrick addressed public comments made earlier in the meeting.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 13-022 Boards and Commissions Semi-Annual Attendance Report, July –December 2012 (Information Only)
- RTC 13-030 Response to Council Inquiry - Staff Layoffs and Services to Youth and Seniors (Information Only)
- Joint Study Session Summary of January 15, 2013 - Lawrence Station Area Plan Phase II: Discussion of Recommendations from Citizen Advisory Group on Preferred Land Use Alternative and Circulation Framework
- Draft Minutes of the Arts Commission Meeting of January 16, 2013
- Draft Minutes of the Heritage Preservation Commission Meeting of January 9, 2013

ADJOURNMENT

Mayor Spitaleri adjourned the meeting at 9:21 p.m.