

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
TUESDAY, JUNE 25, 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 Public Works Kent Steffens
City Clerk Kathleen Franco Simmons

SPECIAL ORDER OF THE DAY – City Clerk Kathleen Franco Simmons administered the Oath of Office to new members of City Boards and Commissions.

SPECIAL ORDER OF THE DAY – Mayor Spitaleri presented a proclamation in honor of Parks and Recreation Month.

SPECIAL ORDER OF THE DAY - Mayor Spitaleri presented a proclamation in recognition of the 80th Anniversary of the Loma Prieta Chapter of the Sierra Club.

SPECIAL ORDER OF THE DAY – Mayor Spitaleri recognized the Santa Clara Valley Science and Engineering Fair Association’s 2013 Winners.

PUBLIC ANNOUNCEMENTS

Jim Reynolds, newly-elected President of the Sunnyvale Historical Society, provided information regarding an upcoming event, Sunnyvale Author’s Day.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A, 1.C, 1.E and 1.G.

Members of the public requested to pull Items 1.G, 1.H 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, 1.E, 1.G, 1.H and 1.J.

VOTE: 7 - 0

1.A. Approval of Council Meeting Minutes of June 11, 2013

Council considered items pulled from the Consent Calendar at 10:05 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of June 11, 2013.

VOTE: 6 - 1 (Councilmember Meyering dissented)

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

Fiscal Items

1.C. RTC 13-156 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 663 & 664

MOTION: Councilmember Whittum moved and Councilmember Moylan seconded the motion to approve the list of bills.

VOTE: 6 - 1 (Councilmember Meyering dissented)

1.D. RTC 13-158 Approve Budget Modification No. 48 to Appropriate \$38,780 of Emergency Management Performance Grant Funds for Sunnyvale Emergency Operations Center Upgrade

Staff Recommendation: Approval of Budget Modification No. 48 to appropriate \$38,780 of Emergency Management Performance Grant Funds for Sunnyvale Emergency Operations Center Upgrade.

- 1.E. RTC 13-147 Adoption of a Resolution of Intention to Levy and Collect Assessment for the Downtown Parking Maintenance District for Fiscal Year (FY) 2013/14, and Set the Date for a Public Hearing

Councilmember Whittum stated his home is within 500 feet from the parking maintenance district, recused himself and left the room.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to allow staff to file the approved preliminary Engineer's Report, publish the Notice of Public Hearing and return to Council on July 9, 2013 for the public hearing.

VOTE: 6 - 0 (Councilmember Whittum recused)

Following action on Item 1.E, Councilmember Whittum returned to the room and took his seat at the dais.

Following action on Item 1.E, Council considered Item I.H.

Personnel

- 1.F. RTC 13-102 Adoption of Amended Civil Service Rules and Regulations

Staff Recommendation: Adopt the amended Civil Service Rules and Regulations as recommended by the Personnel Board

- 1.G. RTC 13-153 Approval to Conform Employer Paid Member Contribution Resolutions for the California Public Employees' Retirement System

This item was considered at 10:14 p.m. following Items 1.H and 1.J.

Andy Frazer spoke regarding "pension pickups" and provided a PowerPoint presentation.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Employer Paid Member Contribution Resolutions to be compliant with CalPERS regulations.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Following action on Item 1.G, Council considered Item 6.

Contracts

- 1.H. RTC 13-155 Award of Bid No. PW13-10 for Air Flotation Tank 1 & 4 Improvements

Public Comment:

Steve Hoffman requested Council disclose whether they have received any contributions from the companies listed in Items 1.H and 1.J and inquired if Council has read the contracts.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve: 1. Award a contract in the amount of \$1,924,070 to Anderson Pacific Engineering Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2. Approve a 10% construction contingency in the amount of \$192,407.

VOTE: 7 - 0

- 1.I. RTC 13-151 Award of Contract for Design of Safe Routes to School Improvements Project (F13-41)

Staff Recommendation: 1. Award a contract in substantially the same form as the draft in the report in the amount of \$101,890 to Bellecci & Associates for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2. Approve a 10% contract contingency in the amount of \$10,189.

- 1.J. RTC 13-150 Award of Bid No. PW13-18 for Pavement Rehabilitation 2013

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve 1. Award a contract in substantially the same format as the draft in the report in the amount of \$4,918,942, to Granite Rock Co. dba Pavex Construction Division, for subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2. Approve a 10% construction contingency in the amount of \$491,894.

VOTE: 7 - 0

- 1.K. RTC 13-146 Award of Bid No. PW13-11 for Hendy Avenue Complete Street Improvements and Approval of Budget Modification No. 47

Staff Recommendation: 1. Award a contract in substantially the same format as the draft in the report in the amount of \$2,147,400, to O'Grady Paving, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2. Approve a 10% construction contingency in the amount of \$214,740; and 3. Approve Budget Modification No. 47 to provide additional funding for this project.

PUBLIC COMMENTS

Steve Hoffman stated he put olive branches on the dais as a sign of peace, and spoke regarding civility and the importance of having accurate data prior to voting on an issue.

Maurice Davis spoke regarding racial remarks he allegedly received at a local store.

Misuk Park spoke regarding the upcoming City Council workshop on communications.

Mayor Spitaleri announced that consent calendar items would be heard at 10 p.m.

PUBLIC HEARINGS/GENERAL BUSINESS

2. Discussion and Possible Action on a Ballot Measure Concerning Sensible Gun Measures

Mayor Anthony (Tony) Spitaleri presented a report.

Public Hearing opened at 7:39 p.m.

Bill Corona spoke in opposition to the proposed measures.

Robert Shackelford presented suggested alternative ballot proposals for gun measures.

Wendy Russell spoke in opposition to the proposed limitation on purchasing ammunition in Sunnyvale.

Mike Serrone read from a statement from a former Sunnyvale resident now residing in Newtown, Connecticut in favor of the proposed measures.

Richard Haas spoke in support of the proposed measures.

Don Veith spoke in support of the proposed measures.

Daniel Lucero spoke in support of civil rights and opposed additional gun control measures.

David Wessel, President of the Democratic Club, conveyed the club's support of the proposed ballot measures.

Garrett Wessel requested the Council place the proposed measures on the November ballot.

Claude Nahum spoke in support of putting sensible gun measures on the next ballot.

Margaret Okuzumi provided a PowerPoint presentation and information regarding accidental deaths of children by gunshot. Okuzumi requested the Council place the proposed measures on the ballot.

Joshua Berger requested Council oppose the proposed ballot measures.

Shalini Rajkumar requested support for the proposed measures and spoke in support an ordinance for requirements for ammunition sellers.

Ken Dickman spoke in support of the proposed measures and urged the strictest possible gun laws in the City of Sunnyvale.

Dan Hafeman spoke in support of placing the four issues as one measure on the ballot.

David O'Brien urged the Council to maintain their decision of February 26 to leave these issues to the State, and to put weight behind confiscation of illegal guns, reducing violence on TV, movies and video games, and for better programs for the mentally ill.

Brad Seifers, Vice President, Golden State Second Amendment Council, provided information regarding several books that include statistics on effects on children of violence in video games.

Tap Merrick spoke regarding children's attitudes of entitlement, mental health concerns, and the Council's previous opportunity to deny the opening of the gun store.

Nancy Smith spoke in favor of the measures and provided information regarding a proposed ammunition ordinance.

Steve Sarette spoke in opposition to the proposal and asked that if placed on the ballot, the message be included that the measures are under consideration in the legislature to become State law.

Eugene Tan spoke in opposition to the proposed measures.

Kim Jelfs spoke in support of individual responsibility with firearms and requested adding the measures to the ballot.

Larry Alba spoke in support of the four parts to the proposed measure and suggested an amendment to require photo recordings of individuals buying ammunition.

Public Hearing closed at 8:50 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to put the four items on the ballot as one ballot measure.

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

3. RTC 13-160 Adoption of the FY 2013/14 Budget, Fee Schedule, and Appropriations Limit

Assistant Director of Finance Drew Corbett presented the staff report.

Public Hearing opened at 9:23 p.m.

Glenn Hendricks spoke in support of approval of all three actions.

Steve Hoffman provided information regarding the differences in fire inspection fees for smaller units and larger complexes and requested the fees be readjusted.

Public Hearing closed at 9:29 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Moylan seconded the motion to approve Alternative 1: Approve the resolutions to adopt the FY 2013/14 Budget, Fee Schedule, and Appropriations Limit as presented in this report.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Council recessed at 9:53 p.m.

Council reconvened at 10 p.m. with all Councilmembers present and resumed consideration of the items pulled from the Consent Calendar.

4. RTC 13-145 Discussion and Possible Actions on Election Notice, Ground Leases, and Loan and Regulatory Agreements with MidPen Housing and Charities Housing for an Affordable Housing Project on the Armory Site, located at 620 E. Maude Avenue

Council considered this item following Item 7 at 10:42 p.m.

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 10:44 p.m.

No speakers.

Public Hearing closed at 10:44 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Approve the Election Notice, Long-Term Ground Leases and Loan and Regulatory Agreements in substantially the same form as provided, and authorize the City Manager to execute these documents in final form as approved by the City Attorney.

VOTE: 6 - 1 (Councilmember Meyering dissented)

5. RTC 13-149 2011-7070 Discussion and Possible Action to Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code (Study Issue)

Principal Planner Andrew Miner presented the staff report and noted a correction to the Planning Commission vote listed on page 2 of the report, which was 5 – 1, not 6 – 0 as listed in the report.

Public Hearing opened at 10:58 p.m.

James Carpentier, on behalf of the California Sign Association, spoke in support of the ordinance as drafted and requested review at one year.

Steve Hoffman spoke in support of the ordinance and urged an amendment to make the City subject to the code as well.

Public Hearing closed at 11:04 p.m.

MOTION: Councilmember Moylan moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Introduce an ordinance to amend the sign regulations in Chapter 19.44 and relating sections of Title 19 (Zoning) of the Sunnyvale Municipal Code, which includes the recommended Planning Commission amendment to increase the hold time for Electronic Message Center (EMC) signs to two minutes.

City Clerk Kathleen Franco Simmons read the ordinance title.

VOTE: 7 – 0

Following action on Item 5, Council considered Item 8.

6. RTC 13-152 Amendment to the Salary Resolution to Clarify Language Related to Salary and Benefits for Unrepresented Classified Confidential Employees; Revise Language Related to Retirement Benefits; and Revise Language Related to Merit Increase Timing for Management Employees

This item was considered following Consent Calendar Item 1.G.

Employee Benefits Manager Doug Baker presented the staff report.

Public Hearing opened at 10:26 p.m.

No speakers.

Public Hearing closed at 10:26 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Griffith seconded the motion to adopt the amended Salary Resolution.

VOTE: 6 - 1 (Councilmember Meyering dissented)

7. RTC 13-154 Discussion and Possible Action to Amend the Salary Tables of the Salary Resolution and Classification Plan to Include the Following Classification Title Changes: Parks Supervisor; to Add the Newly Established Classifications of Help Desk Technician, Personal Computer Technician, Public Safety Communications Manager, Public Safety Records Manager, and Principal Transportation Engineer/ Planner; and to provide a 2% salary increase to Unrepresented Classified Management employees, Unrepresented Unclassified Management employees, and Department Directors

Director of Human Resources Teri Silva presented the staff report.

Public Hearing opened at 10:30 p.m.

Tap Merrick spoke regarding salary increases and inquired about newly established classifications. Merrick encouraged hiring from within wherever possible.

Steve Hoffman inquired about the salaries of the newly established classifications and the fiscal impact of the salary increases for unrepresented unclassified management.

Public Hearing closed at 10:40 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve Alternative 1: Adopt resolutions to amend the Salary Tables of the City's Salary Resolution and Classification Plan to change the classification titles and to add the newly established classifications of Help Desk Technician, Personal Computer Technician, Public Safety Communications Manager, Public Safety Records Manager, and Principal Transportation Engineer/ Planner as listed in the report that will become effective the beginning of the first pay period after June 25, 2013.

VOTE: 6 - 1 (Councilmember Meyering dissented)

Following action on Item 7, Council considered Item 4 at 10:42 p.m.

8. RTC 13-159 Discussion and Possible Action on Award of Contract to Prepare the Peery Park Specific Plan and Environmental Impact Report (F13-39) and Budget Modification No. 46

This item was considered following action on Item 5.

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 11:16 p.m.

Dan Miller, The Irvine Company, provided additional information.

Eleanor Hansen requested extensive community outreach, particularly to Sunnyvale West.

Public Hearing closed at 11:24 p.m.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternatives 1, 2, 3 and 4: 1) Award a contract, in substantially the same form as the draft in the report in the amount of \$526,218 to Freedman, Tung & Sasaki to prepare the Peery Park Specific Plan and Environmental Impact Report; 2) Approve an amount not-to-exceed \$23,280 for As-needed services; 3) Approve a contract contingency in the amount of \$40,502; and 4) Approve Budget Modification No. 46 to provide additional funding for the project; and in addition, come back to Council with an interim ordinance specifying what can go through while the plan is being developed and what needs to be looked at more carefully.

VOTE: 6 – 1 (Councilmember Meyering dissented)

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Griffith reported a meeting of the Cities Association of Santa Clara County and that he was appointed a member of the homeless and affordable housing joint powers authority in Santa Clara County.

Councilmember Davis reported his attendance at the League of California Cities Public Safety Committee meeting, the summer food program kickoff, and the kickoff of Kick Lead and Dream soccer camp. Davis reported his participation in the League of California Cities Helen Putnam Ethics Award, attendance at the Arts Commission meeting to present certificates of recognition, a seminar in Mountain View regarding parking, the Sustainable Silicon Valley Cities Solar Transportation Committee in San Jose and the Santa Clara County Healthy Kids open house.

Councilmember Martin-Milius reported her attendance at the Stevens Creek Trail meeting in which one additional person per city was assigned to the Citizens Advisory Group.

Councilmember Moylan reported the Silicon Valley Regional Interoperability Agency terminated the executive director and appointed an interim director.

Mayor Spitaleri reported his attendance at the League of California Cities Employee Relations Committee.

Mayor Spitaleri reported his attendance at the US Conference of Mayors.

NON-AGENDA ITEMS & COMMENTS

MOTION: Councilmember Meyering moved to put on an upcoming agenda a discussion about the grand jury report regarding public safety complaint procedures.
Motion died for lack of second.

City Manager Luebbbers reported this is the usual course of action.

Councilmember Moylan recommended a City Charter cleanup relating to Personnel Board eligibility requirements and asked if it could be put on the next agenda. Mayor Spitaleri approved.

Vice Mayor Griffith reported a program called “two by two” in another city in which two members of a school board and two members of Council meet regularly as a means to exchange information and maintain relationships, as an alternative to trying to coordinate a meeting of the full Council and full school board.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 13-148 955 Stewart Drive Park-Land Dedication Requirements – Information Only
- Draft Minutes of the Board of Library Trustees Meeting of May 13, 2013
- Draft Minutes of the Heritage Preservation Commission Meeting of June 5, 2013

ADJOURNMENT

Councilmember Meyering spoke in honor of the memory of long-term Sunnyvale resident Jeannie Biddle.

Mayor Spitaleri closed the meeting in honor of the passing of former Mayor Dean Chu's mother, May Chu, and long-term Sunnyvale resident Jeannie Biddle.

Mayor Spitaleri adjourned the meeting at 11:53 p.m.