

**APPROVED MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, SEPTEMBER 10, 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  
City Attorney Joan Borger  
Assistant City Manager Robert Walker  
Director of Public Safety Frank Grgurina  
Director of Human Resources Teri Silva  
Director of Community Development Hanson Hom  
Director of Public Works Kent Steffens  
Interim Assistant Director of Finance Tim Kirby  
City Clerk Kathleen Franco Simmons

**SPECIAL ORDER OF THE DAY** – City Clerk Kathleen Franco Simmons issued the Oath of Office to Sustainability Commissioner Petya Kisyova.

**SPECIAL ORDER OF THE DAY** – Mayor Spitaleri presented a Government Finance Officers Association Award to Interim Assistant Director of Finance Tim Kirby.

**SPECIAL ORDER OF THE DAY** – Mayor Spitaleri presented a proclamation for Falls Prevention Awareness Day

**PUBLIC ANNOUNCEMENTS**

Councilmember Whittum announced an upcoming board and commission application deadline.

Arcadi Kolchak thanked Council for the opportunity to serve on the Planning Commission.

Steve Hoffman announced formation of a Yahoo! Group of candidates for Council.

**CONSENT CALENDAR**

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

Councilmember Whittum 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, 1.E, 1.F and 1.H.

VOTE: 7 - 0

Council considered the pulled Consent Calendar items at 9 p.m.

1.A. Approval of Council Meeting Minutes of August 27, 2013

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to approve the Council Meeting Minutes of August 27, 2013.

VOTE: 6 - 1 (Councilmember Meyering dissented)

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

**Fiscal Items**

1.C. RTC 13-219 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 674 and 675

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

VOTE: 6 - 1 (Councilmember Meyering dissented)

**Contracts**

1.D. RTC 13- 214 Award of Contract to Repair the Dual Media Filters at the Water Pollution Control Plant (F13-61)

Staff Recommendation: Award a contract in the amount of \$218,216 to ERS Industrial Services, Inc. and; approve a 10% contingency in the amount of \$21,821.

- 1.E. RTC 13- 215 Award of Bid No. PW13-19 for Traffic Signal Installation at Remington Drive and Bernardo Avenue

Public Hearing opened at 9:06 p.m.

Glenn Hendricks spoke in support of installation of the traffic signal.

Public Hearing closed at 9:08 p.m.

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to award a contract in the amount of \$517,747, to Pacific Electric Contracting, 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 \$51,775.

VOTE: 6 - 1 (Councilmembers Meyering dissented)

- 1.F. RTC 13-217 Award of Bid No. PW13-20 for Murphy Park Recreation Building Renovation and Amendment to an Existing Contract for Design and Construction Support Services

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to award a contract in the amount of \$1,324,000, to EVRA 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 15% construction contingency in the amount of \$198,600; and approve an Amendment to an existing contract with Noll & Tam Architects and Planners by increasing the not-to-exceed value \$6,000 for additional construction support services.

VOTE: 6 - 1 (Councilmember Davis dissented)

- 1.G. RTC 13-216 Approve an Outside Group Funding Agreement between the City of Sunnyvale and Silicon Valley Leadership to Provide Leadership Sunnyvale Training Program

Staff Recommendation: Approve the Outside Group Funding Agreement between the City of Sunnyvale and Silicon Valley Leadership and that Council authorize the City Manager to enter into said Agreement.

### **Personnel**

- 1.H. RTC 13-218 Approve Amendment to the City's Contribution for CalPERS Medical Insurance for Management, SEA and SEIU Annuitants (Retirees)

MOTION: Vice Mayor Griffith moved and Councilmember Moylan seconded the motion to adopt the resolution amending the City's contribution for medical insurance with CalPERS in compliance with PEMHCA, as well as the SEA and SEIU Memoranda of Understanding, and to amend the Salary Resolution to reflect the change in contribution for Management, SEA and SEIU annuitants.

VOTE: 6 - 1 (Councilmember Meyering dissented)

**PUBLIC COMMENTS**

Michael Goldman spoke regarding cybercrime and presented a PowerPoint presentation.

Deborah Marks spoke regarding the Precise Plan for El Camino and setbacks and presented a PowerPoint presentation.

Steve Hoffman spoke regarding the ethics and integrity of the Council.

Terry Fowler spoke in support of Vice Mayor Griffith regarding allegations of registration of domain names.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2.     RTC 13-183       Discussion and Possible Action Regarding Consideration of Duane Avenue Street Space Allocation Study to Provide Bike Lanes from Stewart Drive to Fair Oaks Avenue

Transportation and Traffic Manager Jack Witthaus presented the staff report.

Public Hearing opened at 7:52 p.m.

Ralph Gandrud spoke in support of Alternative 1.

Kevin Jackson, member of the Bicycle and Pedestrian Advisory Commission speaking for himself, spoke in support of Alternative 1.

Joseph Coelho spoke in support of bike lanes on Duane Avenue and recommended consideration of removal of on-street parking.

Steve Hoffman spoke in support of buffer zones for bicycle lanes.

Jim Quaderer spoke regarding the importance of including data in the study regarding the traffic at the Montessori school at 8:15 a.m. daily and suggested a right-turn lane on eastbound Duane Avenue.

Public Hearing closed at 8:15 p.m.

MOTION: Councilmember Martin-Milius moved and Councilmember Davis seconded the motion to approve Alternative 3: Direct staff to allocate street space on Duane Avenue in order to provide two automobile travel lanes, bike lanes in each direction, buffer zones, a center two-way left turn lane, and restrict on-street parking for the eastbound direction.

FRIENDLY AMENDMENT: Vice Mayor Griffith offered a friendly amendment to direct staff look into preserving parking on the eastbound side, west of Britton, where the single-family homes are.

Councilmember Martin-Milius accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Meyering offered a friendly amendment to direct staff to consider the possibility of a separated bike lane.

Councilmember Martin-Milius declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Moylan offered a friendly amendment to include the phrase which was added to Alternative 1 at the request of BPAC regarding implementing parking restrictions within 20 feet of a controlled intersection. Councilmember Martin-Milius accepted the friendly amendment.

VOTE: 5 - 2 (Councilmember Meyering and Mayor Spitaleri dissented)

3. RTC 13-213 Discussion and Possible Action to Take City Positions on Proposed League of California Cities 2013 Annual Resolutions

Senior Management Analyst Yvette Blackford presented the staff report.

Public Hearing opened at 8:41 p.m.

No speakers.

Public Hearing closed at 8:41 p.m.

MOTION: Councilmember Moylan moved and Councilmember Whittum seconded the motion to approve Alternative 1: Approve the resolution positions as recommended by staff:

<u>Resolution #/Subject</u>	<u>City Position</u>
1. Water Bond Funds	SUPPORT
2. Public Safety Realignment	SUPPORT

VOTE: 7 - 0

4. RTC 13-220 Discussion and Possible Action to Select a Recruitment Firm for the City Manager Search

Director of Human Resources Teri Silva presented the staff report.

Public Hearing opened at 8:50 p.m.

No speakers.

Public Hearing closed at 8:50 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Griffith seconded the motion to select William Avery & Associates to administer the recruitment and selection process for a new City Manager.

VOTE: 6 - 1 (Councilmember Meyering dissented)

MOTION: Councilmember Whittum moved to have Council involved in the various steps of the recruitment process, including a short study session biweekly for updates.

No second. Mayor Spitaleri affirmed the motion passed by acclamation.

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

Councilmember Martin-Milius provided a report of a meeting of the Joint Meeting of the Lower Peninsula and Upper Peninsula Water Commission Advisory Committee.

At this time, Council took up and considered the pulled Consent Calendar items.

Following action on Item 1.H, Council resumed Councilmember Reports on Activities from Intergovernmental Committee assignments.

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

Councilmember Davis reported his attendance at a Lawrence Station Area Plan meeting and an Automated Transportation Network meeting, observation of the recent DUI check-point, attendance at a Silicon Valley Leadership Education Summit at Microsoft, the State of the City event and a seminar at Microsoft regarding human trafficking, and participation in a League of California Cities webinar regarding an update on new legislation.

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

MOTION: Councilmember Whittum moved and Councilmember Meyering seconded the motion to put on the next agenda a discussion and possible action to look at a general plan amendment study for Butcher's Corner, including discussion of down-zoning.

VOTE: 3 - 4 (Mayor Spitaleri and Councilmembers Moylan, Martin-Milius, and Davis dissented)  
Motion failed.

MOTION: Councilmember Meyering moved and Councilmember Whittum seconded the motion to send an official letter to the Santa Clara Valley Transportation Authority asking them to attend one of our meetings in approximately six weeks which would be the meeting of October 22, 2013 and provide a description of actions that can be taken with regard to improving traffic flow in the main North/South route, Mathilda, Sunnyvale-Saratoga Road and identify the steps necessary to implement each of the actions that they identify could be taken to reduce traffic congestion and improve traffic flow.

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

Mayor Spitaleri reported his attendance at a meeting of the Silicon Valley Regional Interoperability Authority in which the rotation of Chairs was discussed.

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of August 27, 2013 – Board and Commission Interviews
- Draft Minutes of the Arts Commission Meeting of August 21, 2013

### **ADJOURNMENT**

Mayor Spitaleri adjourned the meeting at 9:35 p.m.

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Kathleen Franco Simmons, City Clerk

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Date