

**MINUTES
SUNNYVALE CITY COUNCIL
FEBRUARY 25, 2003**

The City Council of the City of Sunnyvale adjourned from a 5:30 p.m. Intergovernmental Relations Update Study Session, a 6:00 p.m. Animal Control Services Study Session, and met in regular session in the City Council Chambers, 456 West Olive Avenue, Sunnyvale, California at 7:30 p.m., with Mayor Miller presiding.

SALUTE TO THE FLAG

Public Safety Director Irwin Bakin led the salute to the flag.

ROLL CALL

PRESENT: Mayor Julia Miller
Vice Mayor Tim Risch
Councilmember Pat Vorreiter
Councilmember Manuel Valerio
Councilmember Jack Walker
Councilmember Fred Fowler
Councilmember John Howe

Staff Present: Robert S. LaSala, City Manager
Valerie J. Armento, City Attorney
Amy Chan, Assistant City Manager
Chuck Schwabe, Deputy City Manager
Robert Paternoster, Director of Community Development
Robert Walker, Director of Parks & Recreation
Marvin Rose, Director of Public Works
Irwin Bakin, Director of Public Safety
Mary Bradley, Director of Finance
Coryn Campbell, Neighborhood & Community Services Manager
Susan Kitchens, City Clerk

PUBLIC ANNOUNCEMENTS

City Manager Robert LaSala congratulated Mary Bradley, Director of Finance, who received the Distinguished Service Award from the California Society of Municipal Finance Officers.

Srikanth Satyanarayana, President of the Sunnyvale Cricket Club, presented the City with a plaque of appreciation for Sunnyvale's support of their club. Mayor Miller noted that the Sunnyvale Cricket Club A Team won the Northern California Cricket Association's Division Championship in 1994, 2001 and 2002, and the Sunnyvale B Team captured the Division Championship last year. Information on the Sunnyvale Cricket Club can be obtained on their web site at www.sunnyvale.cc.org., or by calling 528-7891.

Laura Babcock, representing the Sunnyvale Historical Society, reported the Bianci Barn is 80% dismantled for the move to Heritage Orchard Park. The project is due to be completed within 100 days. She stated there will be a dedication complete with a barbecue and barn dance in May.

Melinda Hamilton, President of the Friends of Sunnyvale, stated they are continuing to collect signatures for their three ballot initiatives. For information call 408 732-8839, or visit their web site at www.friendsofsunnyvale.org.

Mayor Miller invited the public to attend the State of the City awards next Tuesday, March 4th in Council Chambers at 5:30 p.m., with a reception following at the Grand Hotel.

CONSENT CALENDAR

Councilmember Howe requested that item 1.D. be pulled from the Consent Calendar and considered separately. Mayor Miller requested 1.L be pulled from the Consent Calendar and considered separately. Vice Mayor Risch moved, and Councilmember Howe seconded, approval of the Consent Calendar with the exception of items 1.D. and 1.L. The motion carried unanimously.

1.A. Approval of Draft Minutes (February 11, 2003)

Fiscal Items

1.B. RTC 03-062 Lists of Claims and Bills Approved for Payment by the City Manager (No. 132 and 133)

Staff Recommendation: Review the attached lists of bills.

1.C. RTC 03-059 California Law Enforcement Equipment Program (CLEEP) Appropriation of Funds and Budget Modification No. 27

Staff Recommendation: Appropriate the full amount available from the California Law Enforcement Equipment Fund and approve Budget Modification No. 27.

1.D. RTC 03-071 Department of Public Safety Budget Status Report, Request for Service Level Adjustment and Budget Modification No. 34

Irwin Bakin, Director of Public Safety, presented the staff report. He presented an overview of the department, their accomplishments and challenges regarding staffing shortages due to attrition and retirements. He stated absent of corrective action, the Department of Public Safety (DPS) is on track to end this fiscal year at 2% (\$1M) over budget and staff seeks approval to take immediate steps to counter potential year-end budget cost overruns. Staff proposes an action plan based upon service level adjustments for the remainder of this fiscal year which include movement of various assigned Public Safety Officers from Traffic Safety, Crime Prevention and Fire

Prevention to police and fire line positions. Chief Bakin reviewed the staffing reassignments from Crime Prevention, Traffic Enforcement, and Fire and Environmental Services. Director Bakin stated that in addition to service level adjustments, staff is proposing to utilize allowable Asset Forfeiture funds in an amount of \$587,216 to relieve recruitment expenses for additional Public Safety Officers in Training.

Councilmember Howe made inquires regarding the use of Asset Forfeiture Funds. Chief Bakin responded the use of Asset Forfeiture funds were within the guidelines of the Justice Department.

Councilmember Howe inquired if the Council approved the service level cuts, when would services be reinstated and if these positions will be budgeted for in 2003/2004. Chief Bakin responded the date would depend on the rate of retirement, the number of officers on workman's compensation, and how successful they are in filling vacancies.

City Manager Robert LaSala clarified that service levels have not been set for 2003/2004, and the service level cuts proposed were for the remainder of this fiscal year.

Councilmember Howe asked how many Neighborhood Resources Officers were employed by Sunnyvale and if Council approved the service cuts, would those officers be returned to duty after this fiscal year. Chief Baked responded they are budgeted for six positions and currently have three officers, and the three officers would be redeployed leaving the Lieutenant. City Manager LaSala clarified that if Council generates revenue and reduces expenses sufficiently, it is possible to have the same compliment of staffing.

Councilmember Howe expressed concern over core service levels and the department infrastructure.

Councilmember Fowler inquired if the City is on track to solve the resource problems. City Manger LaSala responded the Public Safety Department and Human Resources Department is doing everything possible to expedite the recruitment and training of public safety officers. Chief Bakin added there are currently 44 people in training and noted it takes 17 months before an officer is fully functional.

Councilmember Fowler inquired why no action was taken to address the projected retirements. Chief Bakin responded they have continuous recruitment and have doubled the number of training officers.

In response to Councilmember Fowler, City Manager LaSala stated the additional requested funds were not anticipated, but due to the economic conditions and number of vacancies, the funding is now needed.

Councilmember Fowler inquired if other alternatives were considered and if various other funded programs were as important. Chief Bakin responded that a wide range of alternatives were considered and DPS collaborated with a variety of departments to reach a decision.

Councilmember Fowler inquired if there were other funding alternatives and if the SEPO funds could be used. City Manager LaSala responded the Fiscal Uncertainties Account is for unplanned situations and Council could redirect these dollars. Chief Bakin responded the SEPO funds have already been moved to recruiting.

Mayor Miller asked for a funding solution to prevent DPS service cuts. City Manager LaSala responded the funds could come from the Fiscal Uncertainties Account, the Asset Forfeiture funds or a combination of the two. Mary Bradley, Director of Finance, stated there is approximately \$738 thousand in the Fiscal Uncertainties Account.

Councilmember Vorreiter inquired what the impact would be to fire inspections. Chief Bakin responded that 20% of the inspections are legally mandated areas and would not be affected. The other inspections would be performed by on duty personnel, overtime, and reassignment.

Councilmember Vorreiter inquired what the balance would be in the Asset Forfeiture Fund if the \$547,216 was used. Chief Bakin responded the balance would be \$1.3 million.

Councilmember Vorreiter inquired how many and when the new public safety officers will be on board. She further inquired if the number of retirements exceeded expectations. Chief Bakin responded recruiting and training is staggered and they will have 27 new officers by the end of the year. He further stated the while the number of retirements did not exceed expectations, the time frame did which was due in part to the 3% at 50 retirement incentive.

Councilmember Vorreiter inquired if the patrol officers will be able to fill in for services provided by neighborhood service officers. Chief Bakin responded that the patrol officers would only be responding complaints.

Councilmember Valerio inquired if there are any cost savings that could be utilized in the recruitment efforts. Chief Bakin responded costs come from training the officer and back filling the vacancy. He further stated they have worked with Human Resources on streamlining their recruitment process and have looked at signing bonuses for lateral moves from other cities. Chief Bakin noted the drop out rate is 40% for both lateral moves and officers in training. He further stated that recruiting in Hawaii has been successful with a hiring rate of one in eleven as opposed to one in sixty for local recruitment.

Mayor Miller inquired if there is a policy stipulating how far in advance an employee must notify the City before retirement. Chief Bakin responded there is no policy and officers are eligible to retire after the age of 50 and vested for five years, and that some officers retire as a result of an on-the-job injury. He further stated they base projections on 30 years of service and age 50.

Mayor Miller inquired if there were restrictions on using the Asset Forfeiture funds. Chief Bakin stated the funds could be used for additional officers but only for the first year.

Mayor Miller expressed concern regarding patrol officers providing services to Fire Operations in addition to their assigned duties. Chief Bakin responded that they have 33 vacancies and need to spread those vacancies between fire operations and patrol in order to cover services.

Mayor Miller opened the Public Hearing at 9:10 p.m.

Ron Swegles, a member of the public, expressed support for maintaining the City's core public safety services to maintain the high standards. He urged the Council to look at areas that will not impact the City in ways that would endanger the public.

Steve Fisk, President of the Sunnyvale Public Safety Officers Association, expressed concern about the impact on the safety of the community and officers, and that the cuts recommended by this report to Council will become permanent. He stated they are barely able to meet the current emergency service staffing requirements, and prevention activities are the best way to contain costs.

Councilmember Valerio inquired if there were additional efficiencies that could be identified. Mr. Fisk responded stated they are ready to work with the City with the exception of cuts that would endanger the safety of an officer and adversely affect the public's safety.

Councilmember Walker asked if the cuts being proposed would place officers at risk and if the funding for recruitment was at an acceptable level. Mr. Fisk responded officers were not at risk over the short term, but felt that without the Neighborhood Resources Officers, they would be unable to head off a fight that puts officers at risk or have enough staff to respond to emergencies safely. Mr. Fisk stated in order to head off additional costs, it was best to give field management personnel the opportunity to gage the resources to respond to an event and reallocate them back to be prepared to respond to another event. He further stated that he believed the department is at capacity in their recruitment efforts.

Councilmember Fowler asked for clarification on simultaneous events. Mr. Fisk responded that response to one event has depleted personnel to a point that response to another event is under staffed and places the responding officer at risk.

Councilmember Vorreiter inquired if the union has looked at proposals for a five or ten percent reduction. Mr. Fisk responded they have worked with the City Manager to look at reductions, but after 2% it impacted their ability to provide public safety services.

Councilmember Howe inquired if the staffing moves do not take place, will Public Safety be able to meet its minimum staffing in fire and patrol services. Chief Bakin stated they would need to place more overtime on existing personnel in those positions.

Vice Mayor Risch inquired if Public Safety personnel would be willing to work overtime at straight pay. City Manger LaSala responded that action would be in violation of the Federal Fair Labor Standards Act.

Dean Chu, a member of the public, expressed support for maintaining service levels and suggested that the Asset Forfeiture Fund, or other funding alternatives, be utilized.

Thom Mayer, a member of the public, stated the Neighborhood Resources Officers are important to the safety of the City.

Melinda Hamilton, President of the Friends of Sunnyvale, expressed concern with implementing service cuts and the resulting impact on public safety, particularly related to traffic safety.

Dave Simons, a member of the public, expressed concern over a reduction in traffic violation enforcement and felt that any reduction in service would have a negative impact on public safety.

Mayor Miller closed the Public Hearing at 9:48 p.m.

Councilmember Howe moved and Councilmember Fowler seconded, approval of Budget Modification No. 34 in the amount of \$587,216 to fund a special project using Asset Forfeiture funding, not approve the decrease of service levels report, and directed the City Manger return to the City Council on March 18th with a recommendation for the source or funding. The motion carried with Councilmember Vorreiter dissenting.

Mayor Miller requested that in the future, any service level cut recommendations be agendized as public hearing items.

Contracts

- 1.E. RTC 03-055 Amendment to Agreement for Services Between the City Sunnyvale and the City Manager
- Staff Recommendation: Adopt the proposed new City Manager employment contract as presented and direct the Mayor to sign the agreement on behalf of the City Council.
- 1.F. RTC 03-060 Award of Request for Proposals No. F0212-48 to Develop a Water System Vulnerability Assessment
- Staff Recommendation: Award a contract, in an amount not to exceed \$88,472, to ARC³ Corporation to develop a Water System Vulnerability Assessment and Emergency Operations Plan.
- 1.G. RTC 03-061 Appropriation of Measure B Pavement Management Program Funds and Award of Contract for Design and Construction Support Services for Measure B Street Pavement Maintenance (No. F0201-62) and Budget Modification No. 33

Staff Recommendation: Appropriate Measure B Pavement Management Program funds for street improvement projects and Budget Modification No. 33. Award a contract, in an amount not to exceed \$138,765, plus \$10,000 for additional services, as authorized, for a total of \$148,765 to Nichols Consulting Engineers, CHTD, to provide design and construction support services for Measure B street pavement maintenance.

- 1.H. RTC 03-063 Award of Contract for Design and Construction Support Services for Baylands Park and Duane Avenue Water Main Replacement (No. F0202-67)

Staff Recommendation: Award a contract, in an amount not to exceed \$54,588, plus \$8,000 for additional services, as authorized, for a total of \$62,588 to Nolte Associates, Inc., to provide design and construction support services for the Baylands Park and Duane Avenue Water Main Replacement Project.

- 1.I. RTC 03-066 Award of Contract for Stormwater Discharge Permit Consulting Services (No. F0201-60)

Staff Recommendation: Award a three (3) year contract, in an amount not to exceed \$115,500, to Kennedy/Jenks Consultants to provide storm water discharge permit consulting services.

- 1.J. RTC 03-056 Award of Bid No. F0212-45 for Printing Services

Staff Recommendation: Award contracts for general printing services to: ImageX of San Leandro, Pine Press, Inc. of Sunnyvale, and Patsons Press (dba Patson Media Group) of Sunnyvale. Award contracts for business forms printing to ImageX of San Leandro, Moore North America of San Ramon, and Relizon Corporation of Milpitas. Authorize the Purchasing Officer to issue purchase orders to that effect.

Other Items

- 1.K. RTC 03-057 Approval of Board and Commission 2003 Work Plans

Staff Recommendation: Approve the Boards and Commissions Work Plans.

- 1.L. RESOLUTION NO. 106-03
RTC 03-067 Acceptance of Improvements - Homestead Road at Belleville Way/Barranca Drive Traffic Signal

Mayor Miller inquired about the timing of the signals at Homestead Road at Belleville Way/Barranca Drive. Marvin Rose, Director of Public Works, responded that the Cal

Trans signal is malfunctioning and is scheduled to be repaired within the two weeks. He further stated staff is working with Cal Trans to synchronize the two lights which will be completed within two months.

Mayor Miller opened the Public Hearing at 10:05 p.m. and, there being no public comments, closed the Public Hearing.

Mayor Miller moved, and Councilmember Valerio seconded, to approve, by resolution, the project as complete and satisfactory. The motion carried unanimously.

RESOLUTION NO. 106-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ACCEPTING AS COMPLETED WORK FOR HOMESTEAD ROAD AT BELLEVILLE WAY/BARRANCA DRIVE TRAFFIC SIGNAL, AUTHORIZING FINAL PAYMENT AND DIRECTING CITY CLERK TO FILE NOTICE OF COMPLETION

1.M. RTC 03-068 Acceptance of the Office of Traffic Safety Grant for Pedestrian Lighted Crosswalk and Budget Modification No. 32

Staff Recommendation: Approve Budget Modification No. 32 to accept the Office of Traffic Safety grant in the amount of \$22,000, and direct staff to program funds into a new capital project.

1.N. RTC 03-058 Request to Accept the "Charge!" Grant for the Purchase of Electric Vehicle Charging Stations and Budget Modification No. 31

Staff Recommendation: Approve Budget Modification No. 31 to accept the Charge! grant in the amount of \$3,500, and direct staff to program funds into the Multi Modal Transit Center project.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 03-069 City Council Community Outreach Program Update

Coryn Campbell, Neighborhood and Community Services Manager, presented the staff report. She reported per approval by Council of the Community Outreach Program, eight outreach meetings have been held since January 2002. Five of these meetings were Council Outreach to Association meetings, and three were Council Outreach to Community meetings.

Councilmember Fowler inquired if there have been requests for repeat meetings. Ms. Campbell responded there have not been any requests, but interest has been expressed in having Council return once a year.

Mayor Miller opened the Public Hearing at 10:08 p.m. and, there being no public comments, closed the Public Hearing.

Mayor Miller inquired if staff will continue advertising outreach meetings for Council to make appearances at different community groups. Ms. Campbell responded that as

soon as the budget outreach meetings are concluded, staff will more actively publicize the meetings.

Councilmember Howe moved, and Councilmember Walker seconded, to direct staff to continue the City Council Community Outreach to Associations component of the City Council Community Outreach Program, and directed staff to continue the Council Outreach to the Community meetings on a case by case basis. If Council directs more than four Council Outreach to the Community meetings in one fiscal year, Council will identify a funding source when giving staff direction to hold the additional meetings. The motion carried unanimously.

3. RTC 03-064 Appeal of Planning Commission Hearing of February 10, 2003 and Administrative Hearing of February 12, 2003

No action was taken.

4. RTC 03-065 Pre-Appeal of Planning Commission Hearing of March 10, 2003 and Administrative Hearing of March 12, 2003

No action was taken.

CITIZENS TO BE HEARD

Jerry Hill, a member of the public, presented an informal petition from the Rancho La Mesa Mobile Home Park residents asking for assistance with rent control and affordable housing. He stated the rent increases are causing financial hardship for residents with a 10% increase in the last year. Vice Mayor Risch suggested contacting Project Sentinel for assistance.

Joe Whittaker, Manager of Rancho La Mesa, stated that increases take place once a year and increases range from 3.9% to 4.8%. He further stated that there have been \$350 thousand of improvements in the last few years.

NON-AGENDA ITEMS & COMMENTS

COUNCIL

Councilmember Fowler reported that the Milpitas City Council had recognized his father-in-law for his volunteer services with the Police Department. He directed staff to agendaize a report on the results of the pilot program "Routine Law Enforcement by Volunteers" for the last Council meeting in March.

Councilmember Valerio requested staff to report on the status of the Libby Can water tower maintenance.

Mayor Miller recognized Michelle Morgan of the Department of Public Safety for exemplary public service. She announced the next regular Council meeting will be held on March 18th, and a special meeting will be held on February 26th at 6:30 p.m. to discuss budget issues.

Mayor Miller invited the public to attend the State of the City and awards presentation next Tuesday, March 4th, 2003 in Council Chambers beginning at 5:30 p.m.

STAFF

There were no comments.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 10: 35 p.m.

Respectfully submitted,


Susan Kitchens, City Clerk