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REPORT TO COUNCIL

SUBJECT

Approve Adding Three Positions in the Community Development Department (Plan Check Engineer, Building Inspector II and Principal Planner) and Removing the Term Limited designation on one Plan Checker II position; and Adopt a Resolution Amending Resolution No. 190-05 to Amend the City's Salary Resolution to Update the Schedule of Pay to Change the Bargaining Unit for the Principal Planner

BACKGROUND

The Community Development Department (CDD) has implemented several actions over the last two years to address workload and customer service. New term limited (TL) and additional regular full time positions have been added; however, the workload (including volume and complexity of planning and building applications) continues to increase. Several actions are recommended to support a department restructure to address workload and to improve customer service. For the Planning Division, the actions include a reclassification of bargaining unit for the Principal Planner classification from a supervisory to management classification and the addition of one Principal Planner position to provide better oversight and direction to the planning team. For the Building Division, the request is to remove the term limited designation from a Plan Checker, and add one Plan Check Engineer position and one Building Inspector II position.

The restructuring concept was introduced to the City Council at the February 7, 2019 Strategic Planning session. This report recommends amending the City's Salary Table and Salary Resolution to reflect the bargaining unit change for Principal Planner, and other associated actions to support the department's revised organizational structure.

EXISTING POLICY

Section 1103, Classification, of the City Charter states that additions or changes in the classification plan may be adopted from time to time by the City Council upon the recommendation of the City Manager.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

DISCUSSION

Restructuring of the Community Development Department is requested to assist in managing the current, and projected future workload (see Attachment 1 for charts with examples of workload). The

restructuring includes changing the bargaining unit for one classification, adding three new positions and removing the Term Limited designation from one position. Adding regular positions would result in fewer contract and casual employees, who have limitations to hours they are permitted to work and duration of employment. Attachment 2 illustrates the existing and proposed organizational structure changes in the Planning and Building Divisions.

At the 2019 Strategic Session, a Councilmember requested that this report include information on how the restructure would address performance. Attachment 3 provides three charts with historical data on Building Division performance for 10 years (with the current fiscal year projected to a straight line to the end of the year). One chart shows the number of Plan Checkers and total building permit valuations with a line showing percent of plan checking reviews completed in 21 or fewer days (note the trend has declined to 40%--well below the goal of 85%). The second chart shows that the number of plans reviewed per budgeted Plan Checker have generally gone up over time with the same plan check turnaround performance line. Attachment 3 also includes a chart that presents the average number of inspections per Building Inspector over the same time-period. A trend line was added to that chart. Building inspection requests typically follow one to two years behind building permit issuance, depending on project size and complexity.

PLANNING

The Planning Division is managed by the Assistant Director of Community Development and is organized into three groups.

- The **Current Planning** section reviews and takes action or makes recommendations on planning applications and performs reviews of building permit applications and business licenses for zoning compliance; there is currently a Principal Planner who supervises 10 planners, (including two Term Limited planners, and three contract and casual staff planners).
- The **Policy Planning** division works on study issues, new area plans and General Plan updates, and conducts intergovernmental reviews of other agencies' proposals and pending legislations; there is a Principal Planner who supervises three other planners. There is also a Term Limited Principal Planner who works independently with a primary assignment of the update to the Moffett Park Specific Plan.
- The **Administrative Support Team** supports the Assistant Director and all of the planners. There is an Administrative Aide who coordinates and oversees the work of two other staff members and there is a Term Limited Administrative Aide who coordinates with the rest of the support team (the work is accomplished independently of the other Administrative Aide).

Principal Planner Reclassification

CDD is requesting a reclassification of the Principal Planner classification from a supervisory to management classification. This change represents a change in bargaining unit from the Sunnyvale Employees' Association (SEA/IFPTE Local 21) to Sunnyvale Managers' Association (SMA). Principal Planners supervise professional Planning staff and their job responsibilities extend to administrative functions that impact the operations of the overall Planning Division, such as budget development, oversight of technical reports, development of work plans and implementation of City policies and procedures. The Principal Planner represents the City at internal and external meetings. Proposed development projects in the City continue to increase in complexity as do the corresponding environmental, state and federal regulations. Principal Planners play a critical role in defining how to meet these evolving requirements, while providing education to Planning staff and ensuring that all development projects are systematically reviewed in a timely manner.

The proposed reclassification would enable the Principal Planner to assume more decision making and budget authority, which currently resides with the Director and Assistant Director of Community Development. This limitation of decision-making authority creates a bottleneck in the Planning Division and is a contributing factor to delayed project turnaround times. If reclassified, the Principal Planner classification (a total of four positions, including the additional position described below) would be represented by the Sunnyvale Managers Association (SMA) rather than SEA. SMA and the Sunnyvale Employees' Association (SEA)/IFPTE Local 21 were provided notice and an opportunity to comment on the proposed reclassification.

Addition of Principal Planner

Two Principal Planners currently supervise staff in the Planning Division and their job responsibilities are divided between current development projects and policy planning. CDD is requesting the addition of a third Principal Planner who would oversee regulatory processes and issues related to California Environmental Quality Act (CEQA) and other regulatory compliance and requirements, in addition to administrative and supervisory functions. Three of the nine planners currently supervised by the Principal Planner for Current Planning (land use and development projects) would be assigned to this third Principal Planner. Reducing the number of employees assigned to each Principal Planner would balance the supervision workload and allow for increased support and management of Planning staff. The addition of a third Principal Planner would also reduce the reliance on contract/casual employees and would provide an overall improvement in the Planning Division's stability. The proposed restructure would eliminate the need for one contract employee currently utilized by the Planning Division.

BUILDING

The Building Division is organized into three primary groups: (1) field staff who conduct inspections, (2) plan check staff who review building permit applications for compliance with building codes, and (3) the One-Stop permit staff who greet customers seeking services, issue minor permits, support the field and office staff, schedule inspections, direct requests for information etc. Since FY 2011/12 the Building Division has experienced annual increases to the number and complexity of building permit plan checks and inspections (see Attachment 1).

Addition of Plan Check Engineer

CDD is requesting the addition of one Plan Check Engineer position in the Building Division, for a total of two. Plan checking staff currently includes five positions: a Senior Plan Check Engineer who supervises the group, a Plan Check Engineer, and three Plan Checkers (I/II). Plan checking is supplemented by the Permit Center staff (Permit Center Manager and Permit Technician). The Plan Check Engineer is responsible for checking building permit applications for residential, industrial and public assembly projects and completes most structural plan check reviews of building permit applications. The work in the Building Division continues to increase in volume and complexity and one Plan Check Engineer is no longer adequate to provide a timely review of building and site plans to ensure compliance with City codes and ordinances. The number of regular plan checks completed from July 2018 - February 2019 as compared to the same time frame in FY 17/18 increased by 55%. Some of the plan check work is accomplished by using contract plan check firms and contract staff. Although contracting services may be needed during peak times or unique projects, it is preferable for consistency and quality control to utilize internal City staff.

The addition of a Plan Check Engineer will enable Building staff to improve the 21-day plan check turnaround performance target. For the month of February 2019 this measure was met less than 50% of the time, with the average plan check turnaround time at approximately 25 days.

Addition of Building Inspector II

CDD is also requesting the addition of one Building Inspector II position, for a total of eight, to meet the increased number of inspection requests and increased complexity of construction. Building Inspection turnaround times were achieved last fiscal year and in the first part of this fiscal year using contract inspectors. Contract staff and casual part-time staff are limited to working less than 900 hours per fiscal year, which results in turn-over of inspectors. Casual part time positions are further limited by a 25-hour maximum per week. The two casual employees providing building inspection services have adjustable schedules based on need. Except during rare slow periods, these employees have consistently worked 20-24 hours per week. The restructure would retain the casual part-time positions to address fluctuations in inspection requests, particularly for less complex projects such as single-family remodels and additions.

Removal of term limited designation of Plan Checker

In today's market, it is challenging to find qualified Plan Checkers, which was recently evidenced in multiple recruitments to fill one position. A term limited position was recently denied, in part, due to the uncertainty of longer term employment. As the workload has increased for several years, with no indication of significant changes to the demand, it is requested that the term limited designation be removed; reliance on contract plan check services can be reduced.

FISCAL IMPACT

Community Development Department activities related to the support of private development are funded in the Development Enterprise Fund and supported by development related revenues. The cost of the Principal Planner positions changing bargaining units is minimal and will be accounted for in the FY 2019/20 Recommended Budget. The three new additional positions total approximately \$575,000 per year. Making the Plan Checker II permanent will cost approximately \$172,000 per year.

Appropriation control for enterprise funds is set at the fund level, meaning as long as revenues cover expenses, and the fund remains in stable fiscal position, Council action is not required. For the current year, development related revenues have already exceeded projections included in the FY 2018/19 Adopted Budget. The fund can absorb the changes proposed in this report, and the fiscal impact will be included in the FY 2019/20 Recommended Budget. Staff reviews the financial condition of all city funds annually. If development activity slows, Development Enterprise Fund Reserves are sufficient enough to allow time to make adjustments to expenditures to reflect reduced workload and revenues.

PUBLIC CONTACT

Public contact was made through posting the agenda on the City's official-notice bulletin board on the City's website and the agenda and report were made available in the Reference Section of the Public Library.

ALTERNATIVES

1. Approve Adding Three Positions in the Community Development Department (Plan Check Engineer, Building Inspector II and Principal Planner) and Removing the Term Limited designation on one Plan Checker II position; and Adopt a Resolution Amending Resolution No.

190-05 to Amend the City's Salary Resolution to Update the Schedule of Pay to Change the Bargaining Unit for the Principal Planner Classification; add three positions (Plan Check Engineer, Building Inspector II and Principal Planner); and remove the Term Limited designation on a Plan Checker II position.

2. Do not approve the proposed modifications and increases to staff positions in the Community Development Department; and do not adopt the resolution to change the bargaining unit for the Principal Planner.

STAFF RECOMMENDATION

Alternative 1: Approve Adding Three Positions in the Community Development Department (Plan Check Engineer, Building Inspector II and Principal Planner) and Removing the Term Limited designation on one Plan Checker II position; and Adopt a Resolution Amending Resolution No. 190-05 to Amend the City's Salary Resolution to Update the Schedule of Pay to Change the Bargaining Unit for the Principal Planner Classification; add three positions (Plan Check Engineer, Building Inspector II and Principal Planner); and remove the Term Limited designation on a Plan Checker II position.

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ATTACHMENTS

1. Workload Indicators
2. Existing and Proposed Structure (Building and Planning)
3. Building Division Performance Information 2010-2019
4. Resolution Amending Resolution No. 190-05 to Amend the City's Salary Resolution to Update the Schedule of Pay to Change the Bargaining Unit for the Principal Planner Classification