



City of Sunnyvale

Agenda Item

15-0095

Agenda Date: 1/30/2015

2015 COUNCIL STUDY ISSUE

NUMBER

OCA 15-01

TITLE Consider Possible Legal Actions in Connection with Downtown Specific Plan Block 18

BACKGROUND

Lead Department: Office of the City Attorney
Support Department(s): N/A

Sponsor(s):

Councilmembers: Meyering, Whittum

History:

1 year ago: N/A

2 years ago: N/A

SCOPE OF THE STUDY

What are the key elements of the study?

The Town Center project in Block 18 has been stalled as a result of litigation between private parties; this study issue was proposed to consider possible legal actions, specifically condemnation or nuisance abatement, in an effort to move the project along.

What precipitated this study?

Councilmember Meyering, when sponsoring the issue, stated his intent to have the study “consider use of condemnation to get control of all or a portion of the downtown center downtown project and to examine nuisance code enforcement to resolve the inappropriate conditions of Block 18.”

FISCAL IMPACT

Cost to Conduct Study

Level of staff effort required (opportunity cost): Uncertain, depends on actions taken.

Amount of funding above current budget required: Uncertain. Outside counsel costs for specialized expertise.

Funding Source: Will seek budget supplement.

Explanation of Cost: Depending on action, specialized legal advice would be required.

Cost to Implement Study Results

Unknown. Study would include assessment of potential costs.

STAFF RECOMMENDATION

Position: Drop

Explanation: Discussions about initiating litigation, and legal strategies and negotiations involve sensitive and confidential information that are most effectively conducted in closed session, consistent with Brown Act requirements, and not suited to the study issue process, which typically is used for identifying, prioritizing, and analyzing policy issues (Council Policy 7.3.26). For this reason, staff believes this item should be dropped.

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