

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL
TUESDAY, MARCH 18, 2008
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

6 P.M. SPECIAL COUNCIL MEETING (Closed Session)
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City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - **Conference with Labor Negotiators pursuant to Government Code 54987.6.**
Negotiator: Erwin Young, Director of Human Resources. Employee Organizations: Sunnyvale Employees Association (SEA), Service Employees International Union (SEIU) Local 715 (part-time employees), and Sunnyvale Management Association (Management employees)
4. Adjourn Special Meeting

7 P.M. REGULAR MEETING

SALUTE TO THE FLAG

ROLL CALL

(Per Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain and will be placed at the beginning of the public hearings/general business portion of the ensuing agenda. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.)

CLOSED SESSION REPORT FOR MARCH 18, 2008

Conference with Labor Negotiators pursuant to Government Code 54987.6. Negotiator: Erwin Young, Director of Human Resources. Employee Organizations: Sunnyvale Employees Association (SEA), Service Employees International Union (SEIU) Local 715 (part-time employees), and Sunnyvale Management Association (Management employees)

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. MOTION Approval of Draft Minutes of January 25, 2008
1.B. MOTION Approval of Draft Minutes of March 4, 2008
1.C. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager –
RTC 08–080 Lists No. 391 & 392

Staff Recommendation: Council reviews the attached list of bills.

Staff Contact: Mary Bradley, (408) 730-7398

- 1.E. MOTION Performance Audit Work Plans for FY 2008/2009 and FY 2009/2010
RTC 08–067

Staff Recommendation: Council adopts the performance audit work plan to audit 20 programs in FY 2008/2009 and FY 2009/2010.

Staff Contact: Mary Bradley, (408) 730-7398

- 1.F. MOTION Notice of Intent to Apply for, Accept, and Appropriate a Grant of
RTC 08–074 \$48,473.70 from the California Environmental Protection Agency to
Implement the Aboveground Petroleum Storage Tank Act and Budget
Modification No. 37

Staff Recommendation:

- Council authorizes staff to apply for the CalEPA Environmental Protection Trust Fund grant monies in the amount of \$48,473.70; and
- Council approves Budget Modification No. 37, if the grant is awarded, and appropriates monies to a special project for implementation of the APSA.

Staff Contact: Doug Moretto, (408) 730-7711

- 1.G. MOTION Appropriate Funds from the City's Housing Fund to Support Housing
RTC 08–078 Program Activities for the Remainder of FY 2007/2008 and Budget
Modification No. 38

Staff Recommendation: Council approves Budget Modification No. 38 to appropriate \$35,000 from the Housing Fund/Below Market Rate (BMR) Housing Sub-fund to support contract services which provide homebuyer educational programs to assist qualified BMR applicants to obtain BMR Housing.

Staff Contact: Ernie DeFrenchi, (408) 730-2784

Contract Items

- 1.H. MOTION Award of Contract for the Maintenance of the City's Telephone System
RTC 08–072 (F0702-70)

Staff Recommendation: Council awards a three-year contract in an amount not to exceed \$244,841 to Avaya Communication for the maintenance of the City's telephone system, including voice mail.

Staff Contact: Mary Bradley, (408) 730-7398

- 1.I. MOTION Award of Bid No. F0712-54 for One Aerial Forestry Service Truck
RTC 08-075

Staff Recommendation: Council awards a contract to Altec Industries, in substantially the same form as the attached draft purchase order and in an amount not to exceed \$129,867, for one aerial Forestry Service Truck utilizing a standard diesel engine.
Staff Contact: Mary Bradley, (408) 730-7398

- 1.J. MOTION Authorization to Modify an Existing Contract for Janitorial Supplies
RTC 08-073 (F0702-71)

Staff Recommendation: Council modifies an existing contract with Clean Source for the purchase of janitorial supplies, in substantially the same form as the attached draft change order, by increasing total authorized expenditures to \$80,000.
Staff Contact: Mary Bradley, (408) 730-7398

- 1.K. MOTION Award of Bid F0710-48 for Application of Slurry Seal on City Streets
RTC 08-081

Staff Recommendation: Council awards a contract, in substantially the same form as the attached draft and in the amount of \$.0895 per square foot for a total estimated cost of \$216,569 to Valley Slurry Seal Company, for the application of slurry seal on streets throughout Sunnyvale; and including the base plus alternate streets.
Staff Contact: Mary Bradley, (408) 730-7398

- 1.L. MOTION Lease between the City of Sunnyvale and T-Mobile USA Incorporated,
RTC 08-076 of Ground Space and Space on Light Standard at Ortega Park

Staff Recommendation: Council approves the proposed lease agreement between the City and T-Mobile, subject to T-Mobile applying for and obtaining all required building safety permits.
Staff Contact: Cheryl Bunnell, (408) 730-7657

- 1.M. MOTION Lease between the City of Sunnyvale and Sprint Spectrum, L.P. of
RTC 08-077 space on Light Standard at Washington Park

Staff Recommendation: Council approves the proposed lease agreement between the City and Sprint, subject to Sprint applying for and obtaining all required building safety permits.
Staff Contact: Cheryl Bunnell, (408) 730-7657

Other Items

- 1.N. ORDINANCE Adoption of Ordinance No. 2867-08 to Add Chapter 9.45 (Special Event
No. 2867-08 Permits) and Chapter 9.47 (Extraordinary Public Safety Service Liability)
to Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal
Code Pertaining to Special Events

Staff Recommendation: Council approves the second reading of Ordinance No. 2867-08.
Staff Contact: David Kahn, (408) 730-7464

- 1.O. ORDINANCE Adoption of Ordinance No. 2868-08 to Amend Sections 2.10.010
No. 2868-08 (Purpose), 2.10.020 (Designation of Official Newspaper for Publication of
Legal Notices), 2.10.030 (Designation of Newspaper for Publication of
City Council Agendas and Digests of Actions), and 2.10.040 (Publication
of Campaign Contributions) of Chapter 2.10 (Publication of Legal
Notices) of Title 2 (Administration and Personnel) of the Sunnyvale
Municipal Code Pertaining to Publication of Legal Notices

Staff Recommendation: Council approves the second reading of Ordinance No. 2868-08.
Staff Contact: David Kahn, (408) 730-7464

**STAFF RESPONSES TO
PRIOR PUBLIC COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. RESOLUTION Approval of Downtown Sunnyvale Business Improvement District
MOTION Annual Report for Fiscal Year 2007/2008 and Adoption of the
RTC 08-084 Resolution of Intention to Reauthorize the Downtown Sunnyvale
Business Improvement District for Fiscal Year 2008/2009

Staff Recommendation:

- Council approves the Business Improvement District Annual Report for FY 2007/2008;
- Council adopts the Resolution of Intention; and
- Council schedules a public hearing for April 8, 2008 to reauthorize the Business Improvement District for FY 2008/2009 for Downtown Sunnyvale; and
- Council directs staff to discontinue the costs for enhanced maintenance on Murphy Avenue in the FY 2008/2009 budget.

Staff Contact: Maria Rodriguez, (408) 730-7702

3. RESOLUTION Mathilda Avenue Overhead Bridge Rehabilitation Project Environmental
MOTION Impact Report (as Augmented by EIR Addendum) and Project Approval
RTC 08–085

Staff Recommendation:

- Council adopts the Resolution of Findings including Statement of Overriding Considerations;
- Council certifies the Environmental Impact Report as augmented by EIR Addendum;
- Council adopts a revised Mitigation Monitoring and Reporting Program; and
- Council approves the project, and directs staff to proceed with the Mathilda Overhead Bridge Rehabilitation Project design and Construction.

Staff Contact: Jack Witthaus, (408) 730-7330

4. MOTION Dedication of Park Land in East Sunnyvale ITR Neighborhood
RTC 08–083

Staff Recommendation: Council does not accept dedication of park land.

Staff Contact: Gerri Caruso, (408) 730-7591

5. MOTION Downtown Parking Information System – Study Issue
RTC 08–079

Staff Recommendation:

- Council accepts the Study Issue Report on Downtown Parking Information Systems;
- Council monitors the implementation and use of the Simply Park technology; and
- Council considers this application for a broader examination of other systems for other areas of the downtown at an indeterminate future date.

Staff Contact: Jack Witthaus, (408) 730-7330

6. MOTION Recruitment Process for City Manager/Selection of Executive
RTC 08–002 Recruitment Firm

Staff Recommendation: Council selects either Alliance Resource Consulting, CPS Executive Search, William Avery & Associates or Bob Murray & Associates to administer the recruitment and selection process for a new City Manager.

Staff Contact: Erwin Young, (408) 730-7495

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Approved Minutes of the Housing & Human Services Commission Meeting of December 19, 2007
- Draft Minutes of the Board of Library Trustees Meeting of March 3, 2008
- Draft Minutes of the Heritage Preservation Commission Meeting of March 5, 2008
- Study Session Summary – Presentation by Executive Search Firms Regarding Recruitment Process for New City Manager – March 4, 2008

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
March 18, 2008	Council Meeting	7 p.m.	Council Chambers
April 1, 2008	Council Meeting	7 p.m.	Council Chambers
April 8, 2008	Council Meeting	7 p.m.	Council Chambers
April 22, 2008	Council Meeting	7 p.m.	Council Chambers
April 29, 2008	Council Meeting	7 p.m.	Council Chambers
May 6, 2008	Council Meeting	7 p.m.	Council Chambers
May 13, 2008	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

March 20, 2008	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
March 24, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
March 24, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
March 26, 2008	NOVA Board Meeting	12 p.m.	NOVA Board Room
March 26, 2008	Administrative Hearing	2 p.m.	West Conf. Room
March 26, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
April 7, 2008	Board of Library Trustees	7 p.m.	Council Chambers
April 9, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
April 14, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
April 14, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 16, 2008	Administrative Hearing	2 p.m.	West Conf. Room
April 16, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
April 16, 2008	Arts Commission	7 p.m.	Council Chambers
April 21, 2008	Personnel Board	5 p.m.	Council Chambers
May 14, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
May 21, 2008	Arts Commission	7 p.m.	Council Chambers
June 11, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
June 18, 2008	Arts Commission	7 p.m.	Council Chambers
July 9, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

March 18, 2008	City Council Meeting – Live	7 p.m.
March 19, 2008	City Council Meeting – Replay of March 18, 2008	7 p.m.
March 23, 2008	City Council Meeting – Replay of March 18, 2008	4 p.m.
April 1, 2008	City Council Meeting – Live	7 p.m.
April 2, 2008	City Council Meeting – Replay of April 1, 2008	7 p.m.
April 6, 2008	City Council Meeting – Replay of April 1, 2008	4 p.m.
April 8, 2008	City Council Meeting – Live	7 p.m.
April 9, 2008	City Council Meeting – Replay of April 8, 2008	7 p.m.
April 13, 2008	City Council Meeting – Replay of April 8, 2008	4 p.m.
April 22, 2008	City Council Meeting – Live	7 p.m.
April 23, 2008	City Council Meeting – Replay of April 22, 2008	7 p.m.
April 27, 2008	City Council Meeting – Replay of April 22, 2008	4 p.m.
April 29, 2008	City Council Meeting – Live	7 p.m.
April 30, 2008	City Council Meeting – Replay of April 29, 2008	7 p.m.
May 4, 2008	City Council Meeting – Replay of April 29, 2008	4 p.m.
May 6, 2008	City Council Meeting – Live	7 p.m.
May 7, 2008	City Council Meeting – Replay of May 6, 2008	7 p.m.
May 11, 2008	City Council Meeting – Replay of May 6, 2008	4 p.m.
May 13, 2008	City Council Meeting – Live	7 p.m.
May 14, 2008	City Council Meeting – Replay of May 13, 2008	7 p.m.
May 18, 2008	City Council Meeting – Replay of May 13, 2008	4 p.m.