

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL,
TUESDAY, OCTOBER 28, 2008
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

5:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)

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 Negotiator pursuant to Government Code Section 54957.6; Negotiator: Erwin Young, Director of Human Resources; Employee Organizations: Service Employees International Union (SEIU) Local 715 (part-time employees); Sunnyvale Management Association; and Unrepresented employees, City Manager and City Attorney
4. Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session – **National League of Cities (NLC) Congress of Cities Conference Information and Intergovernmental Relations (IGR) Advocacy Update**
2. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to 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. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.

SALUTE TO THE FLAG

ROLL CALL

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours, posted online with the agenda following the meeting, and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

PUBLIC ANNOUNCEMENTS

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

CONSENT CALENDAR

- 1.A. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.B. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 08–318 No. 424

Staff Recommendation: Council reviews the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7385

- 1.C. MOTION Approval of Budget Modification No. 16 in the amount of \$4,000 to
RTC 08–319 Appropriate Set-Aside Funds for Reimbursement of Sunnyvale Heritage
Museum for Pacific Gas and Electric Costs per Agreement Dated
September 12, 2006

Staff Recommendation: Council approves Budget Modification No. 16 in the amount of \$4,000 to reimburse the Sunnyvale Historical Society Museum Association for PG&E bills up to \$4,000 for FY 2008/2009 as stated in the agreement between the City and the Sunnyvale Historical Society and Museum Association dated September 12, 2006.

Staff Contact: David A. Lewis, (408) 730-7516

- 1.D. MOTION Authorization to Accept and Appropriate \$11,263 in Grant Funds from the
RTC 08–306 California State Library for the Library Services and Technology Act
(LSTA) Grant Program and Appropriate \$5,506 from Existing Library
Foundation Program Grant Project Funds to Provide a Third Year of
Access to Out-of-School Time Online Homework Assistance Program, and
Approval of Budget Modification No. 8

Staff Recommendation: Council accepts and appropriates \$11,263 in grant funds from the California State Library for the LSTA grant program and appropriates \$5,506 from existing Library Foundation Program Grant project funds to provide a third year of access to Out-of-School-Time Online Homework Help, and online homework assistance program, and Council approves Budget Modification No. 8.

Staff Contact: Susan Denniston, (408) 730-7332

- 1.E. MOTION Authorization to Accept and Appropriate \$10,000 in Grant Funds, along
RTC 08–305 with Equipment and Training in FY 2008/09 and Accept \$5,000 Project
Continuation Grant Funds in FY 2009/10 from the California State Library
for the Library Services and Technology Act (LSTA) Digital Storytelling
Station Grant Program, and Approval of Budget Modification No. 9

Staff Recommendation: Council accepts and appropriates \$10,000 in grant funds, along with equipment and training in FY 2008/09 and accept \$5,000 project continuation grant funds in FY 2009/10 from the California State Library for the LSTA Digital Storytelling Station grant program, and approve Budget Modification No. 9.

Staff Contact: Susan Denniston, (408) 730-7332

- 1.F. MOTION Transmittal of the FY 2006/2007 Performance Results Audit of Program
RTC 08-326 646 – Arts and Recreation Programs and Operation of Recreation
Facilities

Staff Recommendation: Council receives the audit report and concurs with management's acceptance of recommendations.

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

Personnel Items

- 1.G. MOTION Amendment of the City's Contribution for CalPERS Medical Insurance for
RTC 08-321 SEA and Management Annuitants (Retirees)

Staff Recommendation: Council adopts resolution amending the City's contribution for medical insurance with CalPERS in compliance with the Public Employees' Medical and Hospital Care Act, and to amend the Salary Resolution to reflect the change in contribution.

Staff Contact: Dee Schabot, (408) 730-7534

Contracts

- 1.H. MOTION Award of Bid No. F0809-16 for Tertiary Plant Tank Drainage System
RTC 08-322 Modifications

Staff Recommendation: Council awards a contract, in substantially the same form as the attached draft and in the amount of \$248,000 to Precision Engineering, Inc. for construction of the Tertiary Plan Tank Drainage System Modifications Project, and Council approves a project contingency in the amount of \$37,200.

Staff Contact: Pete Gonda, (408) 730-7385

- 1.I. MOTION Award of Contract for Handheld Data Entry Devices and Related
RTC 08-323 Technical Support for the Water Pollution Control Plan (F0605-105)

Staff Recommendation: Council award a contract, in substantially the same form as the attached draft and in an amount not to exceed \$120,331, to DataSplice, LLC to provide handheld data entry devices and related technical support as required by the Public works Environmental Services Division.

Staff Contact: Pete Gonda – (408) 730-7385

Other Item

- 1.J. MOTION Resolution Authorizing Destruction of Certain Documents, Video Files
RTC 08-299 and Audio Files Pertaining to Public Safety Business Eligible for
Destruction

Staff Recommendation: Council adopts resolution for destruction of specified records and recordings from the Department of Public Safety.

Staff Contact: Heather Tannehill, (408) 730-7157

- 1.K. MOTION Council Approval by Resolution of Participation in the Integrated
RTC 08-312 Waste Management Board, Waste Tire Enforcement Grant Program

Staff Recommendation: Council adopts resolution authorizing continued participation in the California Integrated Waste Management Board, Waste Tire Enforcement Grant Program for a period of five years (through 2014).

Staff Contact: Heather Tannehill, (408) 730-7157

- 1.L. MOTION Approval of NOVA Local Workforce Investment Area Five-Year
RTC 08-327 Strategic Local Plan Modification for Program Year 2008-09

Staff Recommendation: Council, on behalf of the NOVA seven-city consortium and in concurrence with the NOVA Workforce Board, approves the NOVA Local Workforce Investment Area Five-Year Strategic Local Plan Modification for Program Year 2008-09.

Staff Contact: Mike Curran, (408) 730-7248

**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. MOTION Consider Boards and Commissions Appointment
RTC 08-325

Staff Recommendation: Council considers appointing one or more of the candidates to fill Boards and Commissions vacancy.

Staff Contact: Gail Borkowski, (408) 730-7474

3. RESOLUTION Mary Avenue Extension Project Environmental Impact Report
MOTION Certification and Project Approval
RTC 08-320

Staff Recommendation: Council approves Alternatives 1, 2, 3, 4 and 5:

- 1. Council adopts the attached resolution (Attachment I) of findings, certify the Final EIR for the Mary Avenue Extension Project.
- 2. Council formally approves the project, and direct staff to proceed with the Mary Avenue Extension Project design and construction as generally outlined in this report.
- 3. Council directs staff to monitor traffic conditions on Mary Avenue south of Central Expressway by staff to ascertain whether traffic congestion or safety issues warrant the consideration of implementing engineering measures.
- 4. Council directs should the project be approved, provide BPAC with opportunities to review and comment on the project construction plans as an information item.
- 5. Council emphasizes and increases to the extent possible the TDM program goals of companies within Moffett Park.

Staff Contact: Jack Witthaus (408) 730-7330

4. ORDINANCE Adoption of Ordinance No. 2881-08 Amending Section 19.28.090 of
NO. 2881-08 Chapter 19.28 (Downtown Specific Plan District), Table 19.28.090 (Lot Area, Building Height and Lot Coverage) and Section 19.28.130 (Signs) of Chapter 28 (Downtown Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code Related to Height and Signs

Staff Recommendation: Council approves the second reading of the Ordinance No. 2881-08.

Staff Contact: David Kahn, (408) 730-7464

5. ORDINANCE Adoption of Ordinance No. 2882-08 Adding Chapter 9.30 Regulating
NO. 2882-08 Shopping Carts

Staff Recommendation: Council approves the second reading of the Ordinance No. 2882-08.

Staff Contact: David Kahn, (408) 730-7464

6. ORDINANCE Adoption of Ordinance No. 2883-08 Amending Section 1.04.050
NO. 2883-08 (Citation Authority Delegated) of Chapter 1 (General Penalty of Title 1 (General Provisions) of the Sunnyvale Municipal Code

Staff Recommendation: Council approves the second reading of the Ordinance No. 2883-08.

Staff Contact: David Kahn, (408) 730-7464

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 08-324 Opportunity for Council to Appeal the decisions of the Planning Commission of October 13, 2008 and the Administrative Hearing of October 15, 2008
- Draft minutes of the Boards and Commissions Interviews on October 21, 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
October 27, 2008	Special Council Meeting	6 p.m.	Council Conf. Room
October 28, 2008	Council Meeting	7 p.m.	Council Chambers
November 3, 2008	Special Council Meeting – Closed Session	6 p.m.	West Conf. Room
November 18, 2008	Council Meeting	7 p.m.	Council Chambers
November 25, 2008	Council Meeting	7 p.m.	Council Chambers
December 2, 2008	Council Meeting	7 p.m.	Council Chambers
December 9, 2008	Council Meeting	7 p.m.	Council Chambers
December 16, 2008	Council Meeting	7 p.m.	Council Chambers
January 6, 2009	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

October 27, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
October 27, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
October 29, 2008	Administrative Hearing	2 p.m.	West Conf. Room
October 29, 2008	Special Arts Commission Meeting	7 p.m.	West Conf. Room
November 3, 2008	Board of Library Trustees - CANCELED	7 p.m.	West Conf. Room
November 5, 2008	Heritage Preservation Commission	7 p.m.	West Conf. Room
November 10, 2008	Special Board of Library Trustees	7 p.m.	West Conf. Room
November 10, 2008	Planning Commission Study Session	7 p.m.	Council Chambers
November 10, 2008	Planning Commission Public Hearing	8 p.m.	Library Prog. Room
November 12, 2008	Parks and Recreation Commission	7 p.m.	West Conf. Room
November 12, 2008	Administrative Hearing	2 p.m.	Council Chambers
November 17, 2008	Personnel Board	5 p.m.	Council Chamber
November 19, 2008	Housing and Human Services Commission	7 p.m.	West Conf. Room

CHANNEL 15 – KSUN

October 28, 2008	City Council Meeting – Live	7 p.m.
October 29, 2008	City Council Meeting – Replay of October 28, 2008	7 p.m.
November 2, 2008	City Council Meeting – Replay of October 28, 2008	4 p.m.
November 18, 2008	City Council Meeting – Live	7 p.m.
November 19, 2008	City Council Meeting – Replay of November 18, 2008	7 p.m.
November 23, 2008	City Council Meeting – Replay of November 18, 2008	4 p.m.
November 25, 2008	City Council Meeting – Live	7 p.m.
November 26, 2008	City Council Meeting - Replay of November 25, 2008	7 p.m.
November 30, 2008	City Council Meeting – Replay of November 25, 2008	4 p.m.
December 2, 2008	City Council Meeting - Live	7 p.m.
December 3, 2008	City Council Meeting - Replay of December 2, 2008	7 p.m.
December 7, 2008	City Council Meeting - Replay of December 2, 2008	4 p.m.
December 9, 2008	City Council Meeting - Live	7 p.m.
December 10, 2008	City Council Meeting - Replay of December 9, 2008	7 p.m.
December 14, 2008	City Council Meeting - Replay of December 9, 2008	4 p.m.
December 16, 2008	City Council Meeting - Live	7 p.m.
December 17, 2008	City Council Meeting - Replay of December 16, 2008	7 p.m.
December 21, 2008	City Council Meeting - Replay of December 16, 2008	4 p.m.
January 6, 2009	City Council Meeting - Live	7 p.m.
January 7, 2009	City Council Meeting - Replay of January 6, 2009	7 p.m.
January 11, 2009	City Council Meeting - Replay of January 6, 2009	4 p.m.