

**REVISED
NOTICE AND AGENDA**

**SUNNYVALE CITY COUNCIL
TUESDAY, DECEMBER 16, 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 Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to subdivision(b) of Government code Section 54956.9 (two potential cases)**
 - **Closed Session pursuant to Government Code Section 54957.6 Conference with Labor Negotiator. Agency negotiator: Erwin Young. Unrepresented employee: City Manager**
4. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

<p><i>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.</i></p>
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SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR DECEMBER 16, 2008

Conference with Legal Counsel- Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Government code Section 54956.9 (two potential cases)

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 and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

CLOSED SESSION REPORT FOR DECEMBER 16, 2008

Closed Session pursuant to Government Code Section 54957.6 Conference with Labor Negotiator. Agency negotiator: Erwin Young. Unrepresented employee: City Manager

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 November 25, 2008
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 08–371 No. 431

Staff Recommendation: Council reviews the attached lists of bills.

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

- 1.D. MOTION Transmittal of the FY 2006/2007 Performance Results Audit of Program
RTC 08–376 216 – Roadside and Median Right-of-Way Services

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

Staff Contact: Sue English, (408) 730-7401

- 1.E. MOTION Amendment to Trust Agreement Relating to 2001 Variable Rate Demand
RTC 08–369 Certificates of Participation

Staff Recommendation: Council adopts resolution to amend the Trust Agreement relating to the 2001 Variable Rate Demand Certificates of Participation.

Staff Contact: Therese Balbo, (408) 730-7604

- 1.F. MOTION Authorization to Accept and Appropriate \$20,000 in Grant Funds from
RTC 08–367 federal Library Services and Technology Act (LSTA) funds through the California State Library (CSL) for the *We've Only Just Begun: Learning and Leisure Grant*, and Approval of Budget Modification No. 20

Staff Recommendation: Council accepts \$20,000 in federal Library Services and Technology Act (LSTA) *Transforming Life After Fifty* funds through the California State Library for the *We've Only Just Begun: Learning and Leisure* program; and Council approves Budget Modification No. 20.

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

Contracts

- 1.G. MOTION Authorization to Modify an Existing Contract for Public Safety Uniforms
RTC 08-378 and Related Equipment (F0811-33)

Staff Recommendation: Council modifies an existing contract with Summit Uniforms, in substantially the same form as the attached blanket purchase order by increasing the not-to-exceed amount from \$155,000 to \$277,500 and extending contract end date from December 31, 2008 to June 30, 2009; and Council delegates authority to the City Manager to exercise an option to extend the contract for an additional one-year period, provided that pricing and service remain acceptable to the City.

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

- 1.H. MOTION Award of Bid No. (F08710-26) for Tasman-Fair Oaks Pedestrian and
RTC 08-374 Bicycle Circulation Plan Improvements Project

Staff Recommendation: Council awards a contract, in substantially the same form as the attached draft and in the amount of \$1,325,848 to Golden Bay Construction, Inc. for Tasman-Fair Oaks Pedestrian and Bicycle Circulation Plan Improvements; and Council approves a project contingency in the amount of \$165,750.

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

- 1.I. MOTION Authorization to Amend Three (3) Existing Contracts for On-Call Plan
RTC 08-373 Review and Inspection Services

Staff Recommendation: Council authorizes modifications to an existing contract with CSA Consultants, Inc., 4Leaf, Inc., and Shums Coda Associates, in substantially the same form as the attached drafts, with aggregate expenditures of \$1,200,000 through July 26, 2009.

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

Other Items

- 1.J. ORDINANCE Adoption of Ordinance No. 2887-08 Amending Certain Sections and
No. 2887-08 Tables of Chapters 19.12 (Definitions); 19.18 (Residential Zoning
Districts); 19.20 (Commercial Zoning District); 19.22 (Industrial Zoning
Districts); 19.14 (Office, Public Facilities and Civic Center Zonings
Districts); 19.28 (Downtown Specific Plan District); 19.46 (Off-Street
Parking and Loading); 19.82 (Miscellaneous Plan Permit); and 19.98
(General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal
Code Related to Parking Standards for Medical Clinics

Staff Recommendation: Council approves the second reading of Ordinance No. 2887-08

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

- 1.K. MOTION Consider Priority Funding Needs for Human Services for CDBG Funding
RTC 08-357 During FY 2009-10 and FY 2010-11

Staff Recommendation: Council confirms the priority human service needs presented in the Consolidated Plan adopted on May 10, 2005, and identify the targeted services for low-income residents of Sunnyvale.

Staff Contact: Katrina Ardina, (408) 730-7451

- 1.L. RESOLUTION MOTION Resolution of Support for a Grant in the Amount of \$756,000 from the State Bicycle Transportation Account for the East Channel Bicycle and Pedestrian Trail, and Approval of Budget Modification No. 21
RTC 08-379

Staff Recommendation: Council approves by Resolution and authorizes staff to apply for State Bicycle Transportation Account grant funds in the amount of \$756,000 for completing the design and implementation of the new East Channel Bicycle and Pedestrian Trail project and approve Budget Modification No. 21 to appropriate the City's required matching funds from Project 825541, Transportation Grant Matching Funds, into a new project.

Staff Contact: Heba El-Guendy (408) 730-2713

- 1.M. MOTION Endorsement of Comprehensive County Expressway Planning Study and Implementation Plan
RTC 08-363

Staff Recommendation: Council endorses the draft 2008 Update of the Comprehensive County Expressway Planning Study and Implementation Plan and recommends approval by the County Board of Supervisors.

Staff Contact: Jack Witthaus (408) 730-7330

**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 2008-0482 Determine the Enforceability of CC&Rs for Violations to City Code and Project Approvals [Study Issue]
RTC 08-355

Staff Recommendation: Council directs staff to develop tools for Homeowner Association education assistance and to include specific Conditions of Approval to address common issues in Common Interest Developments.

Staff Contact: Rosemarie Zulueta, (408) 730-7437

3. MOTION General Fund Support of CDBG funded Public Services [Study Issue]
RTC 08-372

Staff Recommendation: Council designates funding for human services with a priority ranking of *4.Mid-Range* and designates a combined maximum of \$300,000 in CDBG and General Funds for CDBG eligible human services agencies with a maximum of \$80,000 in General Funds; and Council establishes a \$5,000 annual grant minimum for funded agencies and the adoption of a two-year contract, to further streamline the process.

Staff Contact: Suzanne Ise, (408) 730-7698

4. MOTION Encouraging Solar Businesses to Locate in Sunnyvale [Study Issue]
RTC 08-364

Staff Recommendation: Council directs staff to develop a broader economic development initiative to attract businesses in the clean and green industry with a focus on energy generation and energy efficiency.

Staff Contact: Brice McQueen, (408) 730-7284

5. MOTION 2008-1144 Request to initiate a Specific Plan Amendment Study for
RTC 08-370 Block 18 of the Downtown Specific Plan for an increase in the maximum amount of allowed office square footage from 322,000 up to 442,000.

Staff Recommendation: Council authorizes the initiation of a Specific Plan Amendment Study to increase the maximum allowed office square footage from 322,000 to 442,000 for Block 18.

Staff Contact: Steve Lynch, (408) 730-2723

6. RESOLUTION More Aggressive Approach to Code Enforcement, follow-up to Study
ORDINANCE Issue and Report to Council 08-301
MOTION ~Resolution amending the Administrative Citation Fee Schedule and
RTC 08-356 rescinding Resolution No. 109-02;
~Ordinance amending SMC Section 1.05.060 (Hearing Request);
~Ordinance amending SMC Section 19.18.050 (Automobile/vehicle service and repair in residential districts)

Staff Recommendation:

- Council adopts a resolution to amend the administrative citation fee schedule pursuant to Sunnyvale Municipal Code 1.05.040 Amount of Fines and rescinds Resolution No. 109-02;
- Council introduces an ordinance to amend Sunnyvale Municipal Code 1.05.060 Hearing requests; and
- Council introduces an ordinance to amend Sunnyvale Municipal Code 19.18.050 Auto/vehicle service and repair in residential areas.

Staff Contact: Dale Huber, (408) 730-7614

7. MOTION Adoption of Resolution Updating the Water Resources Sub-Element of
RTC 08-366 the Environmental Management Element of the Sunnyvale General
Plan – [Study Issue]

Staff Recommendation: Adopt by resolution the updated Water Resources Sub-element to the Environmental Management Element of the Sunnyvale General Plan as described within the report to council.

Staff Contact: Val Conzet (408) 730-7560

8. MOTION FY 2007/2008 Budgetary Year-End Financial Report and Comprehensive
RTC 08-375 Annual Financial Report

Staff Recommendation: Council receives and files the budgetary Year-end Financial Report, the audited Comprehensive Annual Financial Report, and the Memorandum on Internal Control and Required Communications issued by the independent auditors.

Staff Contact: Drew Corbett, (408) 730-7603

9. MOTION Consideration of Active Military Duty for Councilmember Lee – Legal
RTC 08-377 Issues, Status of Council Seat, Continuation of Salary and Benefits,
Options for Appointment of Interim Councilmember

Staff Recommendation:

- Council formally accepts Councilmember Lee's December 8, 2008 Notice of Deployment to active military duty starting January 2, 2009.
- Council finds that Councilmember Lee's Seat #5 is not vacant during the period of his assignment to active military duty, pursuant to California Military and Veteran's Code Section 395.8, and that Councilmember Lee is entitled to the legal rights set out in California Military and Veteran's Code Section 395.8.
- Council determine as policy Alternatives 3 through 5 and 8 through 11 on whether to appoint an interim replacement for Council Seat #5, the procedure to follow if the Council elects to appoint an interim replacement, whether to provide a continuation of benefits for a councilmember on active military duty, and the appropriate commendation.

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

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Housing and Human Services Commission Meeting of November 19, 2008
- Draft Minutes of the Board of Library Trustees meeting of December 1, 2008
- Summary Minutes of Intergovernmental Relations (IGR) Discussion for 2009 IGR Council Assignments on December 9, 2008
- RTC 08-368 City Hangar One Advocacy Update (Information Only)

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
December 16, 2008	Council Meeting	7 p.m.	Council Chambers
January 6, 2009	Council Meeting	7 p.m.	Council Chambers
January 13, 2009	Council Meeting	7 p.m.	Council Chambers
January 27, 2009	Council Meeting	7 p.m.	Council Chambers
February 3, 2009	Council Meeting	7 p.m.	Council Chambers
February 10, 2009	Council Meeting	7 p.m.	Council Chambers
February 24, 2009	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

December 17, 2008	Arts Commission	7 p.m.	Council Chambers
December 17, 2008	Housing and Human Services Commission	7 p.m.	West Conf. Room
December 18, 2008	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
January 5, 2009	Board of Library Trustees	7 p.m.	Council Chambers
January 12, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
January 12, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
January 14, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
January 14, 2009	Administrative Hearing	2 p.m.	West Conf. Room
January 14, 2009	Heritage Preservation Commission	7 p.m.	West Conf. Room
January 21, 2009	Arts Commission	7 p.m.	Council Chambers
January 26, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
January 26, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
January 28, 2009	Administrative Hearing	2 p.m.	West Conf. Room
January 28, 2009	Housing & Human Services Commission	7 p.m.	West Conf. Room
February 11, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

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.
January 13, 2009	City Council Meeting - Live	7 p.m.
January 14, 2009	City Council Meeting - Replay of January 13, 2009	7 p.m.
January 18, 2009	City Council Meeting - Replay of January 13, 2009	4 p.m.
January 27, 2009	City Council Meeting - Live	7 p.m.
January 28, 2009	City Council Meeting - Replay of January 27, 2009	7 p.m.
February 1, 2009	City Council Meeting - Replay of January 27, 2009	4 p.m.
February 3, 2009	City Council Meeting - Live	7 p.m.
February 4, 2009	City Council Meeting - Replay of February 3, 2009	7 p.m.
February 8, 2009	City Council Meeting - Replay of February 3, 2009	7 p.m.
February 10, 2009	City Council Meeting - Live	7 p.m.
February 11, 2009	City Council Meeting - Replay of February 10, 2009	7 p.m.
February 15, 2009	City Council Meeting - Replay of February 10, 2009	4 p.m.
February 24, 2009	City Council Meeting - Live	7 p.m.
February 25, 2009	City Council Meeting - Replay of February 24, 2009	7 p.m.
March 1, 2009	City Council Meeting - Replay of February 24, 2009	4 p.m.

