

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL AND FINANCING AUTHORITY
TUESDAY, APRIL 28, 2009
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY – Proclamation Recognizing Fair Housing Month

SPECIAL ORDER OF THE DAY – Proclamation Recognizing Municipal Clerks Week

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

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of April 7, 2009
- 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 09-102 No. 450

Staff Recommendation: Council reviews the attached lists of bills.

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

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.

- 1.D. MOTION Countywide AB 939 Fee and Household Hazardous Waste Agreements
RTC 09-106 FY 2009/2010

Staff Recommendation: Alternative No.1 – Council authorizes the City Manager to execute the Agency Agreement for Countywide AB 939 Fee and the Agency Agreement for Countywide Household Hazardous Waste Collection Program (with an augmentation amount of \$191,000) and continues to delegate to the City Manager the authority to approve an increase of up to 20% (\$38,200) in the City’s augmentation amount.
Staff Contact: Karen Gissibl (408) 730-7277

- 1.E. MOTION Replacement of the Swim Pool Heater for the Columbia Middle School
RTC 09-104 Pool, Pool Infrastructure Repairs, and Approval of Budget Modification
No. 32

Staff Recommendation: Alternative No. 1 – Council replaces the existing swim pool water heater at the Columbia Middle School swim pool, implements drain cover upgrades to meet Federal Law requirements, allocates funds to repair pool infrastructure at four pools and approves Budget Modification No. 32.
Staff Contact: Nancy Bolgard Steward, 408-730-7342

Other

- 1.F. MOTION 2009 Boards and Commissions Master Work Plans
RTC 09-101

Staff Recommendation: Alternative No. 1 - Council approves the 2009 board and commission master work plans as submitted.
Staff Contact: Lisa Natusch, (408) 730-7595

- 1.G. RESOLUTION Adoption of a Resolution and Council Policy Approving a Customer
MOTION Credit Security Program (“Red Flag Rules”) per the Fair and Accurate
RTC 09-105 Credit Transaction Act of 2003, Identity Theft Prevention Program

Staff Recommendation: Alternative No.1 – Council adopts a resolution and Council policy approving the Customer Credit Security Program and designates the City Manager or designee to provide oversight and maintain the Customer Credit Security Program.
Staff Contact: Therese Balbo, (408) 730-7604

- 1.H. ORDINANCE Adoption of Ordinance 2895-09 Extending the Life of Specific Permits
No. 2895-09 Which Are Currently Active Pursuant to Title 19 (Zoning) of the
MOTION Sunnyvale Municipal Code

Staff Recommendation: Council approves the second reading of Ordinance No. 2895-09
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 MOTION RTC 09-085 Resolution Approving Roadway Reconfiguration Guidelines for Retrofitting Streets with Bike Lanes (Originally Titled *Policy for Allocation of Street Space*) General Plan Amendment

Staff Recommendation: Alternative No. 1: Council approves the resolution enacting a General Plan Amendment on allocation of street space as described to incorporate the proposed street allocation policies in to the Land Use and Transportation Element of the General Plan.

Staff Contact: Jack Witthaus (408) 730-7330

3. RESOLUTION MOTION RTC 09-086 Open Space and Recreation Sub-Element Policy Regarding the Stevens Creek Trail – Resolution and General Plan Amendment

Staff Recommendation: Alternative No. 1 – Council approves the attached resolution (Attachment A) enacting a General Plan Amendment to strike policy 2.2.C.5 from the Open Space and Recreation Sub-Element of the General Plan.

Staff Contact: Jack Witthaus (408) 730-7330

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 Heritage Preservation Commission meeting of April 1, 2009
- Draft Minutes of Parks and Recreation Commission meeting of April 8, 2009
- Draft Minutes of Arts Commission Meeting of April 15, 2009
- RTC 09-103 Opportunity for Council to appeal decisions of the Planning Commission of April 13, 2009 and the Administrative Hearing of April 15, 2009
- RTC 09-100 Board and Commission Resignation (Information Only)

COUNCIL CONVENES TO MEETING OF FINANCING AUTHORITY

FINANCING AUTHORITY

CALL TO ORDER

ROLL CALL

CONSENT CALENDAR

FA 1.A. MOTION Approval of Financing Authority Meeting Minutes of June 24, 2008

**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 Financing Authority 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 Financing Authority Chair), 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 Financing Authority Members. If you wish to address the Financing Authority, please complete a speaker card and give it to the Financing Authority 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 Financing Authority Clerk. You will be recognized at the time the item is being considered by the Financing Authority. **Each speaker is limited to a maximum of three minutes.***

2. RESOLUTIONS Authorization to Issue Variable Rate Demand Refunding Certificates of
MOTION Participation to Refund 2001 Certificates of Participation for Government
FA 09-001 Center Site Acquisition

Staff Recommendation: Alternative No.1 – City Council and Sunnyvale Financing Authority adopt resolutions approving the refunding of the 2001 COPs, the execution of certain Lease financing documents, authorizing and directing the sale of the Refunding COPs, approving an Official Statement and authorizing and directing certain related actions.
Staff Contact: Therese Balbo, (408) 730-7604

ADJOURNMENT OF COUNCIL AND FINANCING AUTHORITY MEETING

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
April 28, 2009	Council Meeting	7 p.m.	Council Chambers
May 05, 2009	Council Meeting	7 p.m.	Council Chambers
May 12, 2009	Council Meeting	7 p.m.	Council Chambers
May 19, 2009	NO COUNCIL MEETING SCHEDULED		
May 21, 2009	Special Council Meeting – Budget Workshop	8:30 a.m.	Council Chambers
May 26, 2009	NO COUNCIL MEETING SCHEDULED		
June 02, 2009	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

April 27, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
April 27, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 29, 2009	Administrative Hearing	2 p.m.	West Conf. Room
April 29, 2009	Housing and Human Services Commission	7 p.m.	West Conf. Room
May 04, 2009	Board of Library Trustees	7 p.m.	Council Chambers
May 06, 2009	Heritage Preservation Commission	7 p.m.	West Conf. Room
May 11, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
May 11, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
May 13, 2009	Administrative Hearing	2 p.m.	West Conf. Room
May 18, 2009	Personnel Board	5 p.m.	Council Chambers
May 20, 2009	Joint Parks and Recreation Commission and Arts Commission Study Session	6 p.m.	West Conf. Room
May 20, 2009	Joint Parks and Recreation Commission and Arts Commission	7 p.m.	Council Chambers
May 21, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
May 27, 2009	Administrative Hearing	2 p.m.	West Conf. Room
May 27, 2009	Housing and Human Services Commission	7 p.m.	West Conf. Room
June 10, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
June 17, 2009	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

April 26, 2009	City Council Meeting - Replay of April 21, 2009	4 p.m.
April 28, 2009	City Council Meeting - Live	7 p.m.
April 29, 2009	City Council Meeting - Replay of April 28, 2009	7 p.m.
May 03, 2009	City Council Meeting - Replay of April 28, 2009	4 p.m.
May 05, 2009	City Council Meeting - Live	7 p.m.
May 06, 2009	City Council Meeting - Replay of May 5, 2009	7 p.m.
May 10, 2009	City Council Meeting - Replay of May 5, 2009	4 p.m.
May 12, 2009	City Council Meeting - Live	7 p.m.
May 13, 2009	City Council Meeting - Replay of May 12, 2009	7 p.m.
May 17, 2009	City Council Meeting - Replay of May 12, 2009	4 p.m.
May 21, 2009	Budget Workshop - Live	8:30 a.m.
May 22, 2009	Budget Workshop - Replay of May 21, 2009	8:30 a.m.
May 24, 2009	Budget Workshop - Replay of May 21, 2009	8:30 a.m.
June 02, 2009	City Council Meeting - Live	7 p.m.
June 03, 2009	City Council Meeting - Replay of June 2, 2009	7 p.m.
June 07, 2009	City Council Meeting - Replay of June 2, 2009	4 p.m.