

## NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL  
TUESDAY, MAY 12, 2009  
COUNCIL CHAMBERS, 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA

### 5 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.*
4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
Property: Sunnyvale Town Center  
Negotiating Parties: Gary Luebbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC  
Under Negotiation: Terms of ARDDOPA
5. **CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54987.6**; Negotiator: Erwin Young, Director of Human Resources; Employee Organization:
  - Sunnyvale Managers Association (SMA)
  - Service Employees International Union (SEIU) Local 715 (part-time employees)
  - Sunnyvale Employees Association (SEA)
  - Sunnyvale Public Safety Officers Association (PSOA)
  - Sunnyvale Communication Association (COA)
6. Adjourn Special Meeting

### 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.*

*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.*

**CALL TO ORDER**

**SALUTE TO THE FLAG**

**ROLL CALL**

**SPECIAL ORDER OF THE DAY** – Proclamation Recognizing Hepatitis B Awareness Week

**SPECIAL ORDER OF THE DAY** – Department of Public Safety Special Awards

**SPECIAL ORDER OF THE DAY** – Proclamation Recognizing May as National Foster Care Month

**CLOSED SESSION REPORT FOR MAY 5, 2009**

Conference with Real Property Negotiator

**CLOSED SESSION REPORT FOR MAY 5, 2009**

Conference with Labor Negotiator

**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 May 4, 2009
- 1.B. MOTION Approval of Council Meeting Minutes of May 5, 2009
- 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 - List  
RTC 09-118 No. 452

Staff Recommendation: Review the attached lists of bills.

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

- 1.E. MOTION Notice of Intent to Accept and Appropriate Funding from the Department of  
RTC 09-125 Homeland Security – Assistance to Fire Fighter Grant in the Amount of  
\$211,871 for the Purchase, Installation and Operation of Fire Apparatus  
Mobile Data Terminals and Approval of Budget Modification No. 36

Staff Recommendation: Approve Alternative 1 - Allow Public Safety to accept and appropriate the Federal funding in the amount of \$211,871 and expend \$52,967 in matching funds to incorporate Mobile Data Terminals in the Fire apparatus. Accept and Approve Budget Modification No. 36.

Staff Contact: Lt. Jeff Hunter, (408) 730-7157

**Contracts**

- 1.F. MOTION Award of Bid No. F0803-57 for Pavement Rehabilitation of Various  
RTC 09-122 Streets Phase II

**Staff Recommendation:**

1. Award a contract, in substantially the same form as the attached draft and in the amount of \$1,227,979 to Top Grade Construction, Inc. for Pavement Rehabilitation of Various Streets Phase II; and
2. Approve a contingency in the amount of \$184,197.

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

- 1.G. MOTION Award of Bid No. F0803-58 for Intersection and Traffic Signal  
RTC 09-121 Reconstruction, North Sunnyvale Avenue at Arques Avenue

**Staff Recommendation:**

1. Award a contract, in substantially the same form as the attached draft and in the amount of \$310,200 to Pacific Electric Contracting, Inc. for Intersection and Traffic Signal Reconstruction at North Sunnyvale Avenue and Arques Avenue; and
2. Approve a project contingency in the amount of \$31,020.

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

**Other**

- 1.H. ORDINANCE Adoption of Ordinance 2896-09 Amending Certain Sections of Chapter  
2896-09 12.04 (Sewerage System); Chapter 12.12 (Sewer Use Regulations); and  
MOTION Chapter 12.18 (Enforcement) of Title 12 (Water and Sewers) Relating to  
Regulations of the Publicly Owned Treatment Works

**Staff Recommendation:** Approve the second reading of Ordinance No. 2896-09

**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. MOTION                      Request for Continuation of Consideration and Approval of RTC 09-114:  
RTC 09-127                      Consideration of a Distribution List Linking E-mail Addresses to  
Geographic Mailing Addresses (Study Issue)

Staff Recommendation: Continue this public hearing to the July 28, 2009, Council meeting to permit inclusion of additional relevant information and to allow for a July 13 Planning Commission hearing.

Staff Contact: John Pilger, (408) 730-7476

3. MOTION                      Consider Approval of Substantial Amendment to FY 2008/09 Action Plan,  
RTC 09-124                      Continued from May 5, 2009 Council Meeting

Staff Recommendation: Alternative 1 – Approve the Substantial Amendment to FY 2008-09 Action Plan for the \$508,191 Homelessness Prevention and Rapid Re-Housing Program Grant and \$332,405 Community Development Block Grant – Recovery Program Grant.

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

4. MOTION                      Consider Approval of FY 2009/10 Action Plan: Recommendation for Use  
RTC 09-126                      of Community Development Block Grant (CDBG) and HOME Funds,  
Continued from May 5, 2009 Council Meeting

Staff Recommendation: Alternative 1 – Approve the 2009 Action Plan as shown in Attachment A, appropriating CDBG and HOME funds for use in FY 2009-10.

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

5. MOTION                      2009-0149 Heritage Resource Nominations for Individual Properties  
RTC 09-109                      (Study Issue)

Staff Recommendation: Alternative 1 – Do not nominate any of the researched properties.

Staff contact: Diana O'Dell, (408) 730-7257

6. ORDINANCE                      2008-0926 Heritage Resource Nominations for Southwood and  
MOTION                              Fairorchard Neighborhoods which include Rezoning to add a Heritage  
RTC 09-117                              Housing (HH) Combining District (Study Issue)

Staff Recommendation: Alternatives 1b and 2a, that no further action be taken with Southwood and that the Fairorchard neighborhood be designated a Heritage Housing District added to the Heritage Resources Inventory and be rezoned from R-1/S to R-1/S/HH.

Staff contact: Diana O'Dell, (408) 730-7257

7. RESOLUTION 2008-0486 Lawrence Station Transit Village (Study Issue)  
MOTION  
RTC 09-120

Staff Recommendation: Alternatives 1 and 2 - Council action to adopt study goals and principles to guide the development of a Station Area Plan; direct staff to develop a comprehensive Station Area Plan for the Lawrence Station Transit Village study area; proceed to negotiate a Memorandum of Understanding (MOU) between the cities of Sunnyvale and Santa Clara to develop a comprehensive and joint Station Area Plan; adopt the Resolutions to apply for and accept the Caltrans grant and accept the VTA (Valley Transportation Authority) grant; pursue additional grants opportunities to raise funds for a comprehensive study; and return to Council with a work program, including a detailed schedule, budget and MOU, when adequate funding for the study becomes available or in nine months, whichever is sooner.

Staff contact: Surachita Bose, (408) 730-7443

8. RTC 09-098 Consider Revisions to Council Policy Governing Attendance Policies for Board and Commission Members (Study Issue)

Staff Recommendation: Alternative 4 - Adopt revisions to Council Policy 7.2.19 as depicted by Attachment F. Increase the number of regular meetings allowed to be missed in any 12-month period; declare vacant any seat whose member is absent and unexcused for more than 25% of the regularly scheduled meetings in any 12-month period.

Staff Contact: Robert Walker, (408) 730-7458

9. MOTION Approve Addendum to the Environmental Impact Report (EIR) for  
RTC 09-123 Sunnyvale Downtown Improvement Program Update to Include the  
Current Murphy Avenue Streetscape and Utilities Project

Staff Recommendation: Alternative 1 - Approve the attached addendum to the 2003 EIR for Sunnyvale Downtown Improvement Program Update. Council approval will allow the project to continue to construction.

Staff Contact: Mark Rogge, (408) 730-7426

## **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 09-119 Opportunity for Council to Appeal Decisions of the Planning Commission of April 27, 2009 and the Administrative Hearing of April 29, 2009
- Draft Bicycle and Pedestrian Advisory Commission Meeting Minutes of April 16, 2009

## **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**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
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
June 09, 2009	Council Meeting	7 p.m.	Council Chambers
June 23, 2009	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

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
May 27, 2009	NOVA Workforce Board Meeting	Noon	NOVA Board Room
June 01, 2009	Board of Library Trustees	7 p.m.	Library Staff Conf. Room
June 08, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
June 08, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
June 10, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
June 10, 2009	Administrative Hearing	2 p.m.	West Conf. Room
June 17, 2009	Arts Commission	7 p.m.	Council Chambers
July 08, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
July 15, 2009	Arts Commission	7 p.m.	Council Chambers
August 12, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
August 19, 2009	Arts Commission	7 p.m.	Council Chambers

**CHANNEL 15 – KSUN**

For a complete schedule of KSUN-15 broadcasts, visit [KSUN.inSunnyvale.com](http://KSUN.inSunnyvale.com)

May 10, 2009	City Council Meeting - Replay of May 05, 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 02, 2009	7 p.m.
June 07, 2009	City Council Meeting - Replay of June 02, 2009	4 p.m.
June 09, 2009	City Council Meeting - Live	7 p.m.
June 10, 2009	City Council Meeting - Replay of June 09, 2009	7 p.m.
June 14, 2009	City Council Meeting - Replay of June 09, 2009	4 p.m.
June 23, 2009	City Council Meeting - Live	7 p.m.
June 24, 2009	City Council Meeting - Replay of June 23, 2009	7 p.m.
June 28, 2009	City Council Meeting - Replay of June 23, 2009	4 p.m.