

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, JUNE 9, 2009
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the Council 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.*
 - a. Closed Session pursuant to Government Code Section 54956.8:
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
4. Adjourn Special Meeting

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.*
 - a. Closed Session pursuant to Government Code Section 54987.6:
CONFERENCE WITH LABOR NEGOTIATOR
Negotiator: Erwin Young, Director of Human Resources;
Employee Organizations:
 - 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)
4. Adjourn Special 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.

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

SPECIAL ORDER OF THE DAY – Resolution of Recognition in Memory of Colonel Michael V. Krueger, USAF

SPECIAL ORDER OF THE DAY – Green Business Recognition

CLOSED SESSION REPORT FOR June 9, 2009

Closed Session pursuant to Government Code Section 54987.6 – Conference with Labor Negotiator

PUBLIC ANNOUNCEMENTS

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

PRESENTATION

CONSENT CALENDAR

- 1.A MOTION Approval of Council Meeting Minutes of May 12, 2009
- 1.B MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C MOTION Lists of Claims and Bills Approved for Payment by the City Manager –
RTC 09-153 List Nos. 455 and 456
Staff Recommendation: Council review the attached lists of bills.
Staff Contact: Pete Gonda, (408) 730-7385

- 1.D MOTION Transmittal of FY 2006/2007 Performance Results Audit for Program
RTC 09-155 115 — Transportation and Traffic Services Staff Recommendation:

Staff Recommendation: Alternative 1, receive the audit report and concur with management's acceptance of recommendations.

Staff Contact: Ann Durkes, (408) 730-2717

Personnel

- 1.E RESOLUTION Amendment to the Salary Resolution - Military Reservist Extension of
RTC 09-152 Benefits and Supplemental Salary

Staff Recommendation: Alternative #1: Adopt a Resolution to extend benefits and supplemental salary until the expiration of Executive Order 13223 or until such time as Council takes action to amend or discontinue such benefits and supplemental pay. The extension will be funded by carrying over the remaining unspent Military Leave Budget from the current fiscal year to the next fiscal year each year the extension is in place, and appropriating salary savings in the operating programs where the reservists are budgeted, if necessary. The current FY 2008/2009 Military Reservist Leave Budget available for carryover to FY 2009/2010 is estimated to be \$267,889.

Staff Contact: Tammy Parkhurst, (408) 730-7498

Contracts

- 1.F RESOLUTION Approve by Resolution a New 25-year Water Service Agreement (WSA)
RTC 09-154 Between the Bay Area Water Supply and Conservation Agency
(BAWSCA) and the City and County of San Francisco (San Francisco),
and a New 25-year Water Sales Contract between the City of Sunnyvale
and San Francisco

Staff Recommendation: Staff recommends Alternative No. 1: Approve the three resolutions: Resolution adopting findings for purposes of the California Environmental Quality Act in connection with the City and County of San Francisco, Resolution approving a water supply agreement with the City and County of San Francisco, Resolution approving a water sales contract with the City and County of San Francisco.

Staff Contact: Jim Craig, (408) 730-7558

Other Items

- 1.G ORDINANCE Adoption of Ordinance No. 2897-09 Designating Alturas Avenue as a
2897-09 Preferential Parking Zone for the Benefit of Residents Adjacent Thereto

Staff Recommendation: Approve the second reading of Ordinance No. 2897-09

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

- 1.H ORDINANCE Adoption of Ordinance No. 2898-09 Designating Certain Streets in the
2898-09 Area of the Caltrain Station as Preferential Parking Zones for the
Benefit of Residents Adjacent Thereto

Staff Recommendation: Approve the second reading of Ordinance No. 2898-09

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

- 1.I ORDINANCE Adoption of Ordinance No. 2899-09 Amending Certain Sections of
2899-09 Chapter 10.56 (Bicycles) of Title 10 (Vehicles And Traffic) of the
Sunnyvale Municipal Code Updating the Code Related to Bicycles

Staff Recommendation: Approve the second reading of Ordinance No. 2899-09

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 Site Access and Cut through Traffic Analysis for the Kaiser Permanente
RTC 09-129 Santa Clara Medical Center Facility – Study Issue

Staff Recommendation: Alternative 2: Council accept the traffic analysis for the Kaiser Santa Clara Medical Facility and direct staff to pursue eliminating the left turn restriction from the Kaiser facility to westbound Homestead Road.

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

3. MOTION Public Hearing - 2008-1259 - M Design Group [Applicant] Muhammed
RTC 09-150 Irfan Et Al [Owner]: Appeal by the Applicant of a decision of the Planning Commission of an Application for related proposals located at 585 Old San Francisco Road (near S Fair Oaks Ave) in an R-3/PD (Medium-Density Residential/Planned Development) Zoning District.
- Special Development Permit to allow 6 new townhomes;
 - Tentative Parcel Map to subdivide one lot into 6 condominium lots and 1 common lot;
 - Variance to allow individual solid waste bin carts.

Staff Recommendation: Alternative 1: Grant the appeal and thereby approve the Special Development Permit, Variance, and Tentative Map with the Conditions of Approval.

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

4. MOTION Board and Commission Appointments (Based on 2009 Summer
RTC 09-149 Recruitment)

Staff Recommendation: Alternative 1: Council confirm appointments from the candidates listed in this report, specifying the terms for each candidate for the boards and commissions that have multiple seats and terms.

Staff Contact: Lisa Natusch, (408) 730-7595

5. MOTION Channel 26 Public Access Television Programming (Study Issue)
RTC 09-151

Staff Recommendation: Alternatives 1 and A: Council designate Channel 26 as a government access station with a focus on City, other government agency programming, satellite-fed programming and such other content as may be available and appropriate.
Staff Contact: John Pilger, (408) 730-7476

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Revised Draft Minutes of the Board of Library Trustees Special Meeting of May 18, 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 agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. 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
June 23, 2009	Council Meeting	7 p.m.	Council Chambers
July 14, 2009	Council Meeting	7 p.m.	Council Chambers
July 28, 2009	Council Meeting	7 p.m.	Council Chambers
Aug. 4, 2009	Council Meeting	6 p.m.	Council Chambers
Aug. 11, 2009	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

June 8, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
June 8, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
June 8, 2009	Administrative Hearing	2 p.m.	West Conference Rm
June 10, 2009	Administrative Hearing	2 p.m.	West Conference Rm
June 10, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
June 15, 2009	Personnel Board	5 p.m.	Council Chambers
June 17, 2009	Arts Commission	7 p.m.	Council Chambers
June 18, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
June 22, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
June 22, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
June 24, 2009	Administrative Hearing	2 p.m.	West Conference Rm
June 24, 2009	Housing & Human Services Commission	7 p.m.	West Conference Rm
July 1, 2009	Heritage Preservation Commission	7 p.m.	West Conference Rm
July 6, 2009	Board of Library Trustees	7 p.m.	Library Program Rm
July 8, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
July 15, 2009	Arts Commission	7 p.m.	Council Chambers
Aug. 12, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 19, 2009	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

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

June 9, 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.
July 14, 2009	City Council Meeting - Live	7 p.m.
July 15, 2009	City Council Meeting - Replay of July 14, 2009	7 p.m.
July 19, 2009	City Council Meeting - Replay of July 14, 2009	4 p.m.
Aug. 4, 2009	City Council Meeting – Live	7 p.m.
Aug. 5, 2009	City Council Meeting – Replay of August 4, 2009	7 p.m.
Aug. 9, 2009	City Council Meeting – Replay of August 4, 2009	4 p.m.