

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, FEBRUARY 23, 2010
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 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 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 54956.8
Conference with Real Property Negotiator
Property: Sunnyvale Town Center Project
Negotiating Parties: Sunnyvale Redevelopment Agency (Agency Director Gary Luebbers);
Wachovia Bank
Under Negotiation: Terms for Completion of Foreclosure Proceedings
4. 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.

CALL TO ORDER – Call to order in the Council Chambers

SALUTE TO THE FLAG – Lakewood Village Color Guard

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

CLOSED SESSION REPORT FOR FEBRUARY 23, 2010

Closed Session pursuant to Government Code Section 54956.8 – Conference with Conference with Real Property Negotiator

SPECIAL ORDER OF THE DAY – Recognition of Returning Councilmember Otto Lee

SPECIAL ORDER OF THE DAY – Recognition of Interim Councilmember Dean Chu

PUBLIC ANNOUNCEMENTS

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

CONSENT CALENDAR

- 1.A. MOTION Approval of Special Council Meeting Minutes of January 29, 2010
- 1.B. MOTION Approval of Council Meeting Minutes of February 9, 2010
- 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 10-046 Nos. 490, 491 and 492

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.E. MOTION Appropriation of Emergency Management Performance Grant Funds and
RTC 10-049 Approval of Budget Modification No. 21

Staff Recommendation: Approve Budget Modification No. 21 to appropriate the EMPG monies for the local emergency preparedness efforts.

Staff Contact: Captain Doug Moretto, (408) 730-7711

- 1.F. MOTION Transmittal of the FY 2006/2007 Performance Results Audits for Public
RTC 10-048 Works Programs: 217 – Concrete Maintenance and 218 – Street Tree
Services

Staff Recommendation: Receive the audit report and concur with management's acceptance of recommendations.

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

- 1.G. RESOLUTION Regional Transportation Improvement Program for Downtown
RTC 10-051 Sunnyvale Streetscape Improvements – Resolution of Support and
Budget Modification No. 19

Staff Recommendation: Approve the attached Resolution of Support and Budget Modification No. 19 to appropriate grant revenues in the amount of \$1.5 million from the CDT Capital Grant Program to new project Sunnyvale Downtown Streetscape Improvements, as well as appropriate the CDT Capital Grant program required 20% local match of \$375,000.

Staff Contact: Jack Witthaus (408) 730-7330

- 1.H RESOLUTION Federal Jobs for Main Street Transportation Funding – Approval of
RTC 10-044 Resolution of Support and Budget Modification No. 22

Staff Recommendation: Approve the attached Resolution of Support committing to complete the projects and stating the City's understanding of the funding process, and approve Budget Modification No. 22 to anticipate funding of \$1.8 million from the Jobs for Main Street program and to appropriate grant funds as follows if funding is received: (1) \$500,000 to new project Curb Ramps on Arterial and Collector Streets, (2) \$830,000 to new project Light Emitting Diode Streetlight Replacement, Phase II, and (3) \$500,000 to new project Fair Oaks Avenue/Wolfe Road Traffic Signal Reconstruction.
Staff Contact: Jack Witthaus (408) 730-7330

Contracts

- 1.I. MOTION Award of a Contract for a Land Use and Transportation Element
RTC 10-052 Update Environmental Impact Report (EIR) and Climate Action Plan
(CAP) for the Department of Community Development (F0908-17) and
Approve Budget Modification No. 23

Staff Recommendation: Award a contract in the amount of \$499,732, including applicable taxes, to Pacific Municipal Consultants, to prepare a Land Use and Transportation Element Update Environmental Impact Report (EIR); and approve a project contingency in the amount of \$49,973; and approve Budget Modification No. 23.
Staff Contact: Pete Gonda, (408) 730-7418

Sunnyvale Works!

- 1.J. MOTION Award of Sunnyvale Works! Contract for the Design of Citywide Waterline
RTC 10-043 Replacements 2010 (F0902-76)

Staff Recommendation: Award a contract to Infrastructure Engineering Corporation, in an amount not to exceed \$119,500, for the design of Citywide Waterline Replacements 2010; and approve a project contingency in the amount of \$11,950.
Staff Contact: Pete Gonda, (408) 730-7418

- 1.K. MOTION Award of Sunnyvale Works! Contract for the Design of Citywide Waterline
RTC 10-047 Replacements 2011 (F0902-77)

Staff Recommendation: Award a contract to Carollo Engineers, in an amount not to exceed \$105,434, for the design of Citywide Waterline Replacements 2011; and approve a project contingency in the amount of \$10,543
Staff Contact: Pete Gonda, (408) 730-7418

Other Items

- 1.L. ORDINANCE Adoption of Ordinance No. 2914-10 Amending Section 10.16.030 of
2914-10 Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles And Traffic) of
the Sunnyvale Municipal Code Relating to Emergency or Special Event
Parking Signs

Staff Recommendation: Approve second reading of Ordinance No. 2914-10.
Staff Contact: David Kahn, City Attorney (408) 730-7464

- 1.M. MOTION Resolution Adopting a Citywide Records Retention and Destruction
RTC 10-040 Schedule

Staff Recommendation: Adopt the Resolution Adopting a Citywide Records Retention and Destruction Schedule as submitted.

Staff Contact: Kathleen Franco Simmons, (408) 730-7474

- 1.N. MOTION Approval of Final Map (Tract No. 9872) – Forty-eight Condominium Units
RTC 10-041 at 1170 Morse Avenue by Classic Communities, Inc.

Staff Recommendation: Approve the final map for Tract No. 9872; authorize the Mayor to sign the subdivision agreement upon: developer's signatures, submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement; and direct the City Clerk to forward the final map for recordation.

Staff Contact: Eric Gonzales (408) 730-7616

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 Award of Taxicab Franchise to California Cab Company
RTC 10-029

Staff Recommendation: Introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to California Cab for the period of April 2, 2010 through April 1, 2012 per applicant's request, and authorize the city manager to execute necessary documents of agreement.

Staff Contact: Rachel Vasquez, (408) 730-7112

3. MOTION 2009-0753: Appeal By the Applicant of the Conditions Imposed by the
RTC 10-038 Planning Commission in Approving a Use Permit for a Fence in the Front
Yard at 805 Devonshire Way

Staff Recommendation: Deny the appeal and uphold the decision of the Planning Commission.

Staff Contact: Mariya Hodge, (408) 730-7659

4. ORDINANCE Revisions to Sunnyvale Municipal Code Section 16.62 - Areas of Special
RTC 10-032 Flood Hazard

Staff Recommendation: Approve the ordinance revisions.

Staff Contact: Ali Fatapour, (408) 730-7432

5. MOTION 2009-0077: Coordinating Zoning for Projects Located Near City Borders
RTC 10-042 (Study Issue)

Staff Recommendation: Direct the City Manager to work with adjacent cities to agree upon and administratively implement a list of best practices for planning and development review coordination.

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

6. MOTION 2008-0481: Creation of a Land Use and Transportation Element/Climate
RTC 10-039 Action Plan Community Advisory Committee

Staff Recommendation: Authorize a LUTE Advisory Committee and appoint a Council Subcommittee to select the Advisory Committee.

Staff Contact: Gerri Caruso, (408) 730-7591

7. MOTION Adoption of 2010 Tentative Council Meeting Agenda Calendar
RTC 10-053

Staff Recommendation: Approve the 2010 Tentative Council Meeting Agenda Calendar as submitted and approve the deferral of study issues requiring funding until the costs and corresponding expenditure cuts are incorporated into the FY 2010/2011 Recommended Budget.

Staff Contact: Yvette Blackford, (408) 730-7536

8. COUNCIL Discussion and Possible Action Regarding Google Fiber for Communities
DISCUSSION Program

Contact: Mayor Melinda Hamilton, (408) 730-7473

9. MOTION Board and Commission Appointments
RTC 10-050

Staff Recommendation: Confirm appointments from the candidates listed in this report, specifying the term for the appointments which have multiple seats and terms.

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

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Draft Minutes of the Board of Library Trustees Meeting of February 1, 2010
- Draft Minutes of the Heritage Preservation Commission Meeting of February 3, 2010
- RTC 10-045 Opportunity for Council to Appeal Decisions of the Planning Commission of February 8, 2010

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 Chamber, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chamber 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
March 9, 2010	Council Meeting	7	p.m.	Council Chambers
Mar. 23, 2010	Council Meeting	7	p.m.	Council Chambers
April 6, 2010	Council Meeting	7	p.m.	Council Chambers
April 27, 2010	Council Meeting	7	p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Feb. 22, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm
Feb. 22, 2010	Planning Commission Public Hearing	8	p.m.	Council Chamber
Feb. 24, 2010	Administrative Hearing	2	p.m.	West Conference Rm
Feb. 24, 2010	Housing & Human Services Commission	7	p.m.	West Conference Rm
March 1, 2010	Board of Library Trustees Meeting	7	p.m.	Library Program Rm A
March 3, 2010	Heritage Preservation Commission (Special Meeting)	7	p.m.	West Conference Rm
March 8, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm
March 8, 2010	Planning Commission Public Hearing	8	p.m.	Council Chambers
March 10, 2010	Administrative Hearing	2	p.m.	West Conference Rm
Mar. 10, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers
Mar. 17, 2010	Arts Commission	7	p.m.	Council Chambers
Mar. 18, 2010	Bicycle and Pedestrian Advisory Commission	6:30	p.m.	West Conference Rm
Mar. 22, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm
Mar. 22, 2010	Planning Commission Public Hearing	8	p.m.	Council Chambers
Mar. 24, 2010	Administrative Hearing	2	p.m.	West Conference Rm
Mar. 24, 2010	Housing & Human Services Commission	7	p.m.	West Conference Rm
April 14, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers
April 21, 2010	Arts Commission	7	p.m.	Council Chambers

CHANNEL 15 – KSUN

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

Feb. 23, 2010	City Council Meeting – Live	7	p.m.	
Feb. 24, 2010	City Council Meeting – Replay of Feb. 23, 2010	7	p.m.	
Feb. 28, 2010	City Council Meeting – Replay of Feb. 23, 2010	4	p.m.	
March 9, 2010	City Council Meeting – Live	7	p.m.	
Mar. 10, 2010	City Council Meeting – Replay of Mar. 9, 2010	7	p.m.	
Mar. 14, 2010	City Council Meeting – Replay of Mar. 9, 2010	4	p.m.	