

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, MARCH 23, 2010
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

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

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 54957.6
Conference with Labor Negotiator: Erwin Young, Director of Human Resources/Gary Luebbers, City Manager; Sunnyvale Public Safety Managers Association
Conference with Labor Negotiator: Erwin Young, Director of Human Resources
Unrepresented Employee: Gary Luebbers
 - b. 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

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.

ROLL CALL

CLOSED SESSION REPORTS FOR MARCH 23, 2010

Closed Session pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator

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

SPECIAL ORDER OF THE DAY – National Library Week, April 11-17, 2010

SPECIAL ORDER OF THE DAY – Friends of Sunnyvale Public Library Proclamation

PRESENTATION – State of the Fremont Union High School District Presentation by Superintendent Polly Bove (15 minutes)

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 March 9, 2010
- 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 10-072 No. 495 and 496

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. RESOLUTION Resolution Authorizing the Filing of an Application and Acceptance of
RTC 10-075 Funding under a Grant from Caltrans for the Lawrence Station Area Plan

Staff Recommendation: Adopt resolution authorizing the filing of an application and acceptance of funding under the California Department of Transportation (Caltrans) fiscal year 2010/2011 Community-based Transportation Planning Grant for Lawrence Station Area Plan (Project), committing the necessary local match and stating assurance to complete the project.

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

Contracts

- 1.E. MOTION Amendment of Outside Counsel Agreement for Employment Litigation
RTC 10-076 Services and Advice

Staff Recommendation: Approve a First Amendment to increase the contract with the law firm of Renne Sloan Holtzman & Sakai, LLP in an amount not to exceed a total of \$200,000.

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

Contracts: Sunnyvale Works!

- 1.F. MOTION Award of Sunnyvale Works! Contract for the Design of the Morse Avenue
RTC 10-080 Neighborhood Park (F0903-81)

Staff Recommendation: Alternative 1: Award a contract to SSA Landscape Architects, Inc. in an amount not to exceed \$339,235 for the design of the Morse Avenue Neighborhood Park, and Alternative 2: Approve a project contingency in the amount of \$33,924.
Staff Contact: Pete Gonda, (408) 730-7418

Other Items

- 1.G. MOTION Annual Review of Code of Ethics and Conduct for Elected and
RTC 10-078 Appointed Officials

Staff Recommendation: Review and approve the 2010 Code of Ethics and Conduct for Elected and Appointed Officials with no changes.
Staff Contact: Robert Walker, (408) 730-7458

- 1.H. RESOLUTION Resolution Adopting a Records Destruction Protocol
RTC 10-082

Staff Recommendation: Adopt a resolution of the City Council of the City of Sunnyvale adopting a records destruction protocol as submitted (Attachment A).
Staff Contact: Kathleen Franco Simmons, (408) 730-7474

- 1.I. RESOLUTION Resolution for the Installation of an All-Way Stop Sign Control at Wright
RTC 10-068 Avenue and The Dalles

Staff Recommendation: Approve the resolution to convert the intersection of Wright Avenue and The Dalles from a Two-Way Stop sign control to an All-Way Stop sign control.
Staff Contact: Jack Witthaus (408) 730-7330

- 1.J. RESOLUTION Approval of Resolution of Support for an East Channel Trail Grant
RTC 10-071 Application

Staff Recommendation: Approve the Resolution of Support for a SCVWD Trails and Open Space Grant Program application and authorizing the City Manager to execute contracts and agreements should funding be awarded.
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 Update on Potential for Utility Users Tax Ballot Measure
RTC 10-084

Staff Recommendation: Alternative 1: Direct the city manager to pursue a ballot measure for the November 2011 election to increase the rate and/or base of the City's Utility Users Tax or to propose any of the alternative revenue measures discussed in the report.

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

3. ORDINANCE Ordinance of the City of Sunnyvale Adding Chapter 3.70 (Sunnyvale
RTC 10-081 Municipal Utilities Revenue Bond Law) to Title 3 (Revenue and Finance)
Authorizing the City of Sunnyvale to Finance Public Utility Enterprises
Under the Utilities Revenue Bond Law

Staff Recommendation: Alternative 1: Adopt the proposed ordinance adding Chapter 3.70 to Title 3 of the Sunnyvale Municipal Code authorizing the City of Sunnyvale to finance public utility enterprises under the utility revenue bond law.

Staff Contact: Tim Kirby, (408) 730-2712

City Clerk reads the Ordinance.

4. MOTION Council Subcommittee for Board and Commission Bylaw Amendments
RTC 10-083 (Study Issue)

Staff Recommendation: Alternative 3: Do not approve an amendment to the Council Policy Manual requiring a standing Council Subcommittee to review all proposed board and commission bylaws amendments. Continue the status quo, retaining Council's ability to appoint an ad hoc Council subcommittee, with no staff support, for proposed board and commission bylaws amendments, at Council's discretion.

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

5. COUNCIL Consider Revisions to Council Policy 7.3.10 Regarding Selection of
DISCUSSION Mayor and Vice Mayor

Recommendation: Consider revisions to Council Policy 7.3.10 regarding Selection of Mayor and Vice Mayor.

Contact: Vice Mayor Moylan / Mayor Hamilton, (408) 730-7473

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 Board of Library Trustees Meeting of March 1, 2010
- Draft Minutes of Parks & Recreation Commission Special Meeting of March 11, 2010
- RTC 10-077 Opportunity for Council to Appeal Decisions of the Planning Commission Meeting of March 8, 2010 and the Administrative Hearing of March 10, 2010
- RTC 10-079 Board and Commission Resignation (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 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
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

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 5, 2010	Board of Library Trustees	7 p.m.	Library Program Rm A
April 7, 2010	Heritage Preservation Commission (Special Meeting)	7 p.m.	West Conference Rm
April 12, 2010	Heritage Preservation Commission (Special Meeting)	7 p.m.	West Conference Rm
April 12, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
April 14, 2010	Planning Commission Public Hearing	7 p.m.	Council Chamber
April 14, 2010	Administrative Hearing	2 p.m.	West Conference Rm
April 14, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
April 15, 2010	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
April 21, 2010	Arts Commission	7 p.m.	Council Chambers
April 26, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
April 26, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
April 28, 2010	Administrative Hearing	2 p.m.	West Conference Rm
April 28, 2010	Housing & Human Services Commission	7 p.m.	West Conference Rm
May 12, 2010	Joint Arts and Parks and Recreation Commissions Study Session	6 p.m.	West Conference Rm
May 12, 2010	Joint Arts and Parks and Recreation Commissions	7 p.m.	Council Chambers
May 19, 2010	Arts Commission	7 p.m.	Council Chambers
June 9, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
June 16, 2010	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

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

Mar. 23, 2010	City Council Meeting – Live	7 p.m.
Mar. 24, 2010	City Council Meeting – Replay of Mar. 23, 2010	7 p.m.
Mar. 28, 2010	City Council Meeting – Replay of Mar. 23, 2010	4 p.m.
April 6, 2010	City Council Meeting – Live	7 p.m.
April 7, 2010	City Council Meeting – Replay of April 6, 2010	7 p.m.
April 11, 2010	City Council Meeting – Replay of April 6, 2010	4 p.m.