

## NOTICE AND AGENDA

### JOINT MEETING OF THE SUNNYVALE CITY COUNCIL AND THE REDEVELOPMENT AGENCY TUESDAY, MAY 11, 2010 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

#### 6 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 54957.6  
Conference with Labor Negotiator: Robert Walker, Assistant City Manager/Gary Luebbers, City Manager; Sunnyvale Public Safety Managers Association
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**

**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 MARCH 30, 2010**

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

**CLOSED SESSION REPORT FOR APRIL 20, 2010**

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

**CLOSED SESSION REPORT FOR MAY 4, 2010**

*Closed Session pursuant to Government Code Section 54956.9(a) - Conference with Legal Counsel – Existing Litigation*

**CLOSED SESSION REPORT FOR MAY 11, 2010**

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

**SPECIAL ORDER OF THE DAY** – National Public Works Week

**PUBLIC ANNOUNCEMENTS**

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

**CONSENT CALENDAR**

- RDA 1.A. MOTION Approval of Draft RDA Minutes of Meeting of December 15, 2009
- 1.A. MOTION Approval of Council Meeting Minutes of April 27, 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 10-119 Nos. 502 and 503

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. MOTION City of Sunnyvale Investment Report - 1st Quarter 2010  
RTC 10-122

Staff Recommendation: Receive and file the investment report.

Staff Contact: Therese Balbo, (408) 730-7604

**Contracts**

- 1.E. MOTION Award of Contract to Provide and Install Payroll System Software  
RTC 10-117 Application Modules for the Department of Finance (F0909-23)

Staff Recommendation: Award a contract in the amount of \$193,390, including applicable taxes, to High Line Corporation, to provide and install Distributed Software Application Modules to the existing payroll system and approve a project contingency in the amount of \$19,339.

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

- 1.F. MOTION Acceptance of Contract for \$370,000 with County of Santa Clara for  
RTC 10-116 NOVA to Provide Summer Youth Employment Services

Staff Recommendation: Approve acceptance of a contract for \$370,000 with the County of Santa Clara for NOVA to operate a summer subsidized employment program for economically disadvantaged youth.

Staff Contact: Kris Stadelman, (408) 730-7233

### **Contracts: Sunnyvale Works!**

- 1.G. MOTION Award a Sunnyvale Works! Contract for Design and Construction Support  
RTC 10-126 Services for Citywide Sanitary Sewer Main Replacements 2010 (F0904-93)

Staff Recommendation: Award a contract to West Yost Associates in an amount not to exceed \$160,835, for design and construction support services for the Citywide Sanitary Sewer Main Replacements 2010 and approve a project contingency in the amount of \$16,084.

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

### **Other Items**

- 1.H. ORDINANCE Adoption of Ordinance No. 2918-10 Amending Sections 19.12.130 ("L")  
2918-10 of Chapter 19.12 (Definitions), 19.28.110 (Landscaping and Open Space) of Chapter 19.28 (Downtown Specific Plan District), and 19.98.020 (Applications) of Chapter 19.98 (General Procedures); Adding Chapter 19.37 (Landscaping, Irrigation and Useable Open Space) to Article 4 (General Development Standards) of Title 19 (Zoning); and Repealing Section 19.38.070 (Landscaping, Irrigation and Usable Open Space) of Chapter 19.38 of Article 4 (General Development Standards) of Title 19 (Zoning) of the Sunnyvale Municipal Code to Clarify Requirements and Establish Water-Efficient Landscape Regulations Pursuant to State Law

Staff Recommendation: Approve second reading of Ordinance No. 2918-10.

Staff Contact: David Kahn, City Attorney (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.***

- RDA 2. RESOLUTIONS Approval of 2010 Modification Agreement to the Amended and  
RDA 10-001 Restated Disposition and Development and Owner Participation  
Agreement and Related Documents

Staff Recommendation:

1. City Council approve resolution authorizing the Sunnyvale Redevelopment Agency Executive Director to execute Modification Agreement and to make conforming changes to Amended and Restated Disposition, Development and Owner Participation Agreement and related documents as necessary for the redevelopment of the Town Center property.
2. Redevelopment Agency Board approve resolution authorizing the Sunnyvale Redevelopment Agency Executive Director to execute Modification Agreement and to make conforming changes to Amended and Restated Disposition, Development and Owner Participation Agreement and related documents as necessary for the redevelopment of the Town Center property.

Staff Contact: David Kahn, (408) 730-7460, Gary Luebbers (408) 730-7480

2. RESOLUTION Resolution for the Formation of a Sustainability Commission Advisory  
RTC 10-120 to Council or Sustainability Committee Advisory to Staff (Study Issue  
DPW 09-10)

Staff Recommendation: Approve a resolution for the formation of a new Sustainability Commission, advisory to Council, meeting quarterly.

Staff Contact: Mark Rogge, (408) 730-7415

3. RESOLUTION Conduct Protest Hearing and Adoption of Resolution of the City of  
RTC 10-106 Sunnyvale to Levy an Annual Assessment for the Downtown  
Sunnyvale Business Improvement District

Staff Recommendation: Adopt the Resolution of the City of Sunnyvale to Levy an Annual Assessment for the Downtown Sunnyvale Business Improvement District.

Staff Contact: Connie Verceles, (408) 730-7256

4. MOTION 2010-7233 - Request to initiate a General Plan Amendment to  
RTC 10-102 change the land use designation for 920 De Guigne Drive Industrial  
and Service (MS) to Industrial-to-Residential Low Medium Density  
(ITRMED).

Staff Recommendation: Initiate a General Plan Amendment as requested and study a general plan land use designation change from Industrial to Industrial to Residential, with emphasis on a low-medium residential density.

Staff Contact: Shaunn Mendrin, (408) 730-7429

5. MOTION 2010-7143 - Request to Initiate a General Plan Amendment to  
RTC 10-100 change the land use designation for 1044 East Duane Avenue from  
Industrial-to-Residential High Density (ITRHI) to Industrial-to-  
Residential Medium Density (ITRMED)

Staff Recommendation: Initiate a General Plan Amendment study for the subject site  
from Industrial-to-Residential High Density to Industrial-to-Residential Medium Density.  
Staff Contact: Mariya Hodge, (408) 730-7659

6. MOTION Process for Appointing Interim Councilmembers  
RTC 10-090

Staff Recommendation: Staff recommends that Council maintain its current options, all  
of which require that the actual selection of an interim appointment take place in a public  
session following the opportunity for public input.  
Staff Contact: Robert Walker, (408) 730-7458

7. MOTION FY 2010-15 Consolidated Action Plan and FY 2010-11 Action Plan  
RTC 10-128

Staff Recommendation: Approve the 2010-15 Consolidated Plan and 2010-11 Action  
Plan  
Staff Contact: Suzanne Ise, (408) 730-7698

8. MOTION Appointment to the Santa Clara County Cities Association Legislative  
RTC 10-127 Action Committee (LAC)

Staff Recommendation: Authorize appointment to the Santa Clara County Cities  
Association Legislative Action Committee (LAC) by the Mayor.  
Staff Contact: Yvette Blackford, (408) 730-7536

9. MOTION Positions on State Ballot Measures for the June 2010 Election  
RTC 10-124

Staff Recommendation: Adopt the following positions on ballot measures:

- **Proposition 13** Limits On Property Tax Assessment. Seismic Retrofitting of Existing Buildings. Legislative Constitutional Amendment; **SUPPORT.**
- **Proposition 16** Imposes New Two-Thirds Voter Approval Requirement for Local Public Electricity Providers. Initiative Constitutional Amendment; **OPPOSE.**

Staff Contacts: Yvette Blackford, Intergovernmental Relations Officer, (408) 730-7536,  
Ann Durkes, Budget Analyst (408) 730-2717

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

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

- Council
- Staff

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 10-123 Opportunity for Council to Appeal decisions of the Planning Commission of April 26, 2010 and the Administrative Hearing of April 28, 2010
- RTC 10-125 Board and Commission Resignation (Information Only)
- Approved Minutes of the Housing and Human Services Commission Meeting of March 24, 2010
- Draft Minutes for Housing and Human Services Commission Meeting of April 28, 2010
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of April 15, 2010
- Draft Minutes of the Arts Commission Meeting of April 21, 2010

**ADJOURNMENT**

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**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**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
May 11, 2010	Council Meeting	7 p.m.	Council Chambers
May 20, 2010	Special Council Meeting – Budget Workshop	8:30 a.m.	Council Chambers
May 25, 2010	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

May 10, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
May 10, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
May 12, 2010	Administrative Hearing	2 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 17, 2010	Board of Library Trustees	7 p.m.	Library Staff Conference Rm
May 19, 2010	Joint Arts and Parks and Recreation Commissions Study Session	6 p.m.	West Conference Rm
May 19, 2010	Joint Arts and Parks and Recreation Commissions	7 p.m.	West Conference Rm
May 20, 2010	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
May 24, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
May 24, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
May 26, 2010	Administrative Hearing	2 p.m.	West Conference Rm
May 26, 2010	Housing & Human Services Commission	7 p.m.	West Conference Rm
June 2, 2010	Heritage Preservation Commission (Tentative)	7 p.m.	West Conference Rm
June 9, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
June 14, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
June 14, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
June 16, 2010	Administrative Hearing	2 p.m.	West Conference Rm
June 16, 2010	Arts Commission	7 p.m.	Council Chambers
July 14, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
July 21, 2010	Arts Commission	7 p.m.	Council Chambers
Aug. 11, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 18, 2010	Arts Commission	7 p.m.	Council Chambers
Sep. 8, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Sep. 15, 2010	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 11, 2010	City Council Meeting – Live	7 p.m.
May 12, 2010	City Council Meeting – Replay of May 11, 2010	7 p.m.
May 16, 2010	City Council Meeting – Replay of May 11, 2010	4 p.m.