NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL
TUESDAY, MAY 25, 2010
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

TELECONFERENCE NOTICE
Pursuant to Government Code Section 54953, Subdivision (b), the following Council meeting will
include teleconference participation by Councilmember Otto Lee from:

InterContinental Boston Hotel, 510 Atlantic Avenue, Boston, MA, 02110
This Notice and Agenda will be posted at the teleconference location. Public comment from this
address shall be allowed pursuant to Government Code Section 54954.3.

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.
   a. Closed Session pursuant to Government Code Section 54957
      Public Employee Performance Evaluation – City Attorney
      Staff Contact: Teri Silva, (408) 730-7495
   b. Closed Session pursuant to Government Code Section 54957
      Public Employee Performance Evaluation – City Manager
      Staff Contact: Teri Silva, (408) 730-7495
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.

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.
CALL TO ORDER - Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR MAY 25, 2010
Closed Session pursuant to Government Code Section 54957 - Public Employee Performance Evaluation – City Attorney

CLOSED SESSION REPORT FOR MAY 25, 2010
Closed Session pursuant to Government Code Section 54957 - Public Employee Performance Evaluation – City Manager

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

SPECIAL ORDER OF THE DAY – Fry’s Electronics 25th Anniversary

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

PRESENTATION – Alert SCC Reverse 911 System (5 minutes)

CONSENT CALENDAR

1.A. MOTION Approval of Joint Sunnyvale City Council and Redevelopment Agency Minutes of May 11, 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 10-133 Nos. 504 and 505

   Staff Recommendation: Review the attached lists of bills.
   Staff Contact: Pete Gonda, (408) 730-7418

1.D. MOTION Approval of Budget Modification No. 33 to Appropriate an Additional $488,000 to Public Safety Recruitment and Training Project 826220

   Staff Recommendation: Approve Budget Modification No. 33 to appropriate an additional $488,000 to project 826220.
   Staff Contact: Deputy Chief Mark Stivers, (408) 730-7123
1.E. MOTION RTC 10-141
Approve Budget Modification No. 34 and Increase Contract Contingency for Project 822812, Storm Sewer Extension for McKinley Avenue.

Staff Recommendation: Approve Budget Modification No. 34 and increase the construction contingency for the contract with Peak Engineering in the amount of $90,000 to cover the cost of the pavement modifications and conforms.
Staff Contact: Mark Rogge, (408) 730-7330

1.F. MOTION RTC 10-118
Approve HOME Investment Partnership Act (HOME) Loan Agreement with Aster Park, LP, a legal entity of Mid-Peninsula Housing Coalition (MPHC), for $1.3 Million to Rehabilitate Aster Park Apartments

Staff Recommendation: Approve the attached HOME Loan Agreement with Aster Park, LP, a legal entity of Mid-Peninsula Housing Coalition.
Staff Contact: Suzanne Ise, (408) 730-7698

1.G. MOTION RTC 10-134
Approval of Budget Modification No. 37 to Appropriate an Additional $150,000 for Outside Counsel Services

Staff Recommendation: Approve Budget Modification No. 37 to appropriate an additional $150,000 for Outside Counsel Services.
Staff Contact: David Kahn (408) 730-7464

Contracts: Sunnyvale Works!

1.H. MOTION RTC 10-136
Award of Sunnyvale Works! Bid No. F0903-86, Water Main Replacement at Washington Avenue, and Approval of Budget Modification No. 35

Staff Recommendation: Award a contract in the amount of $316,130 to D&D Pipelines, Inc. for the subject project and authorize the city manager to execute the contract when all necessary conditions have been met; approve a 15% project contingency in the amount of $47,420; and approve Budget Modification No. 35.
Staff Contact: Pete Gonda, (408) 730-7418

1.I. MOTION RTC 10-139
Award of Sunnyvale Works! Bid No. F0903-82, Interior Re-Coating and Structural Repairs of Three Tanks at Hamilton Water Plant

Staff Recommendation: Award a contract in the amount of $569,501 to Crosno Construction, Inc. for the subject project, and authorize the city manager to execute the contract when all necessary conditions have been met; and approve a 15% project contingency in the amount of $85,425.
Staff Contact: Pete Gonda, (408) 730-7418

Other Items

1.J. MOTION RTC 10-130
Recommendation to Sunnyvale City Council to Approve Confirmation of New Members to the NOVA Workforce Board

Staff Recommendation: Confirm Mr. Bruce Knopf and Dr. Linda Thor for four-year terms on the NOVA Workforce Board.
Staff Contact: Kris Stadelman, (408) 730-7233
1.K. MOTION  RTC 10-142  Approve Proposed Revisions to Council Policy 7.3.13 Support for Councilmembers; Staff-Council Communications

   Staff Recommendation: Approve the policy revisions as presented.
   Staff Contact: Yvette Blackford, (408) 730-7536

1.L. MOTION  RTC 10-143  Approval of Revised Council Policy 7.2.19, Boards and Commissions

   Staff Recommendation: Approve the policy revisions as presented.
   Staff Contact: Coryn Campbell, (408) 730-7475

**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  RTC 10-144  Board and Commission Appointments

   Staff Recommendation: Confirm appointments from the candidates listed in this report, specifying the term for the Planning Commission appointment which has multiple seats and terms.
   Staff Contact: Lisa Natusch, (408) 730-7595

3. ORDINANCE  RTC 10-129  2010-7279 Urgency Interim Zoning Ordinance - Moratorium Affecting the Sale and Distribution of Marijuana for Medical Purposes

   Staff Recommendation: Adopt the Urgency Interim Zoning Ordinance.
   Staff Contact: Andrew Miner, (408) 730-7707
   *City Clerk reads the Ordinance.*

4. MOTION  RTC 10-135  Consideration of a Directly-Elected Mayor (Study Issue)

   Staff Recommendation: Staff makes no recommendation on whether or not to proceed with a Charter amendment to change to a directly-elected Mayor.
   Staff Contact: David Kahn, (408) 730-7464
5. MOTION

RTC 10-121

2010-7145 South Murphy Avenue Sidewalk Policy 2010 (Study Issue)

Staff Recommendation: Approve the South Murphy Avenue Sidewalk Policy.
Staff Contact: Surachita Bose, (408) 730-7443

6. ORDINANCE

RTC 10-131

2009-0400 Amend the Zoning Code for Consistency with the Precise Plan for El Camino Real and Recent Streamlining Efforts

Staff Recommendation: Introduce the proposed ordinance and adopt the Negative Declaration, and repeal Council Policy 1.1.11 as it is incorporated into the proposed ordinance.
Staff Contact: Rosemarie Zulueta, (408) 730-7437

*City Clerk reads the Ordinance.*

7. ORDINANCE

RTC 10-138

Authorize the Issuance and Sale of Water Revenue Bonds and Wastewater Revenue Bonds and Approve Related Documents and Actions

Staff Recommendation: Approve a resolution authorizing the proceedings relating to the refunding of the 2001 Installment Sale Agreement, Financing of Capital improvements for the City's Water and Wastewater Systems, authorizing the issuance and sale of water revenue bonds and wastewater revenue bonds, and approving related documents and actions.
Staff Contact: Tim Kirby, (408) 730-2712

*City Clerk reads the Ordinance.*

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

• Council
• Staff

INFORMATION ONLY REPORTS/ITEMS

• Tentative Council Meeting Agenda Calendar
• RTC 10-132 Update Regarding Morse Avenue Park Site Development (Information Only)
• RTC 10-140 Opportunity for Council to Appeal Decisions of the Planning Commission of May 10, 2010
• Study Session Summary of May 4, 2010 – Board and Commission Interviews
• Study Session Summary of May 17, 2010 – Board and Commission Interviews
• Draft Minutes of the Heritage Preservation Commission meeting of May 5, 2010.

ADJOURNMENT TO THE FINANCING AUTHORITY
FINANCING AUTHORITY

ROLL CALL

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

CONSENT CALENDAR

FA 1.A. MOTION Approval of Draft Minutes of Meeting of April 6, 2010

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 Agency 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 Authority Chair) 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 Authority members. If you wish to address the Authority, please complete a speaker card and give it to the Authority 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 agency clerk. You will be recognized at the time the item is being considered by the Authority. 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.

FA 2. RESOLUTION
FA 10-003 Authorize the Refunding of the Sunnyvale Financing Authority Water and Wastewater Bonds, Series 2001, and Approve Related Documents and Actions

Staff Recommendation: Approve a resolution of the Board of Directors of the Sunnyvale Financing Authority authorizing the refunding of its outstanding 2001 Water and Wastewater Revenue Bonds, Series A, and approving related documents and actions.
Staff Contact: Tim Kirby, (408) 730-2712

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**

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<th>DATE</th>
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<tr>
<td>May 25, 2010</td>
<td>Council Meeting</td>
<td>7 p.m.</td>
<td>Council Chambers</td>
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<tr>
<td>June 15, 2010</td>
<td>Council Meeting</td>
<td>7 p.m.</td>
<td>Council Chambers</td>
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**OTHER SCHEDULED MEETINGS**

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<tbody>
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<td>May 24, 2010</td>
<td>Planning Commission Study Session</td>
<td>7 p.m.</td>
<td>West Conference Rm</td>
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<td>May 24, 2010</td>
<td>Planning Commission Public Hearing</td>
<td>8 p.m.</td>
<td>Council Chamber</td>
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<tr>
<td>May 26, 2010</td>
<td>Administrative Hearing</td>
<td>2 p.m.</td>
<td>West Conference Rm</td>
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<td>May 26, 2010</td>
<td>Housing &amp; Human Services Commission</td>
<td>7 p.m.</td>
<td>West Conference Rm</td>
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<td>June 2, 2010</td>
<td>Heritage Preservation Commission</td>
<td>7 p.m.</td>
<td>West Conference Rm</td>
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<td>June 7, 2010</td>
<td>Board of Library Trustees</td>
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<td>Library Program Rm A</td>
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<td>June 9, 2010</td>
<td>Parks and Recreation Commission</td>
<td>7 p.m.</td>
<td>Council Chambers</td>
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<td>June 14, 2010</td>
<td>Planning Commission Study Session</td>
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<td>West Conference Rm</td>
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<td>June 14, 2010</td>
<td>Planning Commission Public Hearing</td>
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<td>June 16, 2010</td>
<td>Administrative Hearing</td>
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<td>June 16, 2010</td>
<td>Arts Commission</td>
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<td>June 28, 2010</td>
<td>Planning Commission Study Session</td>
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<td>June 28, 2010</td>
<td>Planning Commission Public Hearing</td>
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<td>June 30, 2010</td>
<td>Administrative Hearing</td>
<td>2 p.m.</td>
<td>West Conference Rm</td>
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<tr>
<td>July 14, 2010</td>
<td>Parks and Recreation Commission</td>
<td>7 p.m.</td>
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<td>July 21, 2010</td>
<td>Arts Commission</td>
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<tr>
<td>Aug. 11, 2010</td>
<td>Parks and Recreation Commission</td>
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<td>Aug. 18, 2010</td>
<td>Arts Commission</td>
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<tr>
<td>Sep. 8, 2010</td>
<td>Parks and Recreation Commission</td>
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<td>Sep. 15, 2010</td>
<td>Arts Commission</td>
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<td>Oct. 13, 2010</td>
<td>Parks and Recreation Commission</td>
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<td>Oct. 20, 2010</td>
<td>Arts Commission</td>
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<td>Nov. 10, 2010</td>
<td>Parks and Recreation Commission</td>
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<td>Nov. 17, 2010</td>
<td>Arts Commission</td>
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**CHANNEL 15 – KSUN**

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

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<td>May 11, 2010</td>
<td>City Council Meeting – Live</td>
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<td>May 12, 2010</td>
<td>City Council Meeting – Replay of May 11, 2010</td>
<td>7 p.m.</td>
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<tr>
<td>May 16, 2010</td>
<td>City Council Meeting – Replay of May 11, 2010</td>
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