

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, JUNE 29, 2010
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session
 - a. Increasing Efficiency at Council Meetings
4. Public Comment
5. 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

SPECIAL ORDER OF THE DAY – Proclamation Recognizing July as Parks and Recreation Month

PUBLIC ANNOUNCEMENTS

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

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.

CONSENT CALENDAR

- 1.A. MOTION Approval of Draft Council Meeting Minutes of May 25, 2010
- 1.B. MOTION Approval of Draft Council Meeting Minutes of June 15, 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 10-169 Nos. 509 and 510

Staff Recommendation: Review the attached lists of bills.

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

- 1.E. MOTION Appropriation of \$50,577 of Emergency Management Preparedness Grant
RTC 10-170 Funds and Approval of Budget Modification No. 42

Staff Recommendation: Alternative 1: Approve Budget Modification No.42 to appropriate EMPG Funds in the amount of \$50,577.

Staff Contact: Lt. Jeff Hunter, (408) 730-7157

Personnel

- 1.F. MOTION Adoption of 457 Deferred Compensation Plan Wrap Around Document;
RTC 10-168 Adoption of ICMA Model Plan

Staff Recommendation: Alternative #1; Adopt a “Wrap Around Document” for the City’s 457 deferred compensation plan, including the loan provision, using the ICMA model plan document.

Staff Contact: Nicole Adamo, (408) 730-7490

- 1.G. MOTION Amendment to Agreement for Services between the City of Sunnyvale
RTC 10-181 and the City Manager

Staff Recommendation: Alternative 1: Authorize the Mayor to execute the amendment to the city manager agreement.

Staff Contact: Teri Silva, (408) 730-7490

- 1.H. MOTION Amendment to Agreement for Services between the City of Sunnyvale
RTC 10-179 and the City Attorney

Staff Recommendation: Alternative 1: Authorize the Mayor to execute the amendment to the city attorney agreement.

Staff Contact: Teri Silva, (408) 730-7490

Contracts

- 1.I. MOTION Award of Bid No. F0904-94 for Asphaltic Materials for Department of Public
RTC 10-167 Works Pavement Operations

Staff Recommendation: Award a one-year contract for asphaltic materials on an “as needed” basis to Reed and Graham, Inc., of San Jose.

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

- 1.J. MOTION Award of Contract for the Maintenance of the City's Radio Communication
RTC 10-175 Systems (F0905-107)

Staff Recommendation: Award a contract in the amount of \$151,442, excluding taxes, to Motorola, Inc. for maintenance of the City's radio communications systems.

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

- 1.K. MOTION Award of Contract to Provide Ruggedized Notebook Computers for
RTC 10-176 Department of Public Safety Patrol Cars (F0905-101)

Staff Recommendation: Award a contract to Artemis Technology LLC. in an amount not to exceed \$236,876, to furnish ruggedized notebook computers for the Department of Public Safety patrol cars.

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

- 1.L. MOTION Authorization to Amend an Existing Contract for a Phase II Environmental
RTC 10-177 Evaluation at Morse Park (F0906-110)

Staff Recommendation: Amend an existing contract with Erler & Kalinowski, Inc. (EKI) for additional environmental services in an amount not to exceed \$83,000; and approve an additional project contingency in the amount of \$16,600.

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

- 1.M. MOTION Amendment of Outside Counsel Agreement for Mary Avenue Extension
RTC 10-165 Appeal

Staff Recommendation: Approve a First Amendment to the Outside Counsel Services Agreement with Barg, Coffin, Lewis & Trapp for legal services in an amount not to exceed a total contract amount of \$300,000.

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

- 1.N. MOTION Amendment of Outside Counsel Agreement with Bertrand, Fox & Elliot
RTC 10-172 for Litigation Advice and Services

Staff Recommendation: Approve a Third Amendment to the Outside Counsel Services Agreement with Bertrand, Fox & Elliot for legal services in an additional amount not to exceed a total contract amount of \$450,000, and extending the term to 2013.

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

- 1.O. MOTION Amendment of Outside Counsel Agreement with Rankin, Landsness,
RTC 10-173 Lahde, Serverian & Stock for Litigation Advice and Services

Staff Recommendation: Approve a First Amendment to the Outside Counsel Services Agreement with Rankin, Landsness, Lahde, Serverian & Stock for legal services in a total contract amount not to exceed \$250,000.

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

Contracts: Sunnyvale Works!

- 1.P. MOTION Award of Sunnyvale Works! Bid No. F0905-96 for Accessibility
RTC 10-178 Improvements Ramps II - 2010

Staff Recommendation Award a contract in the amount of \$227,090 to Nor-Cal Concrete for the subject project, and authorize the city manager to execute the contract when all necessary conditions have been met; and approve a construction contingency in the amount of \$55,952.

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

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. RESOLUTION Resolution Declaring Raynor Activity Center Available for Long Term
RTC 10-164 Lease Pursuant to Government Code §54222, *et seq.*

Staff Recommendation: Alternative 1: Approve a Resolution Declaring Raynor Activity Center Available for Long Term Lease Pursuant to Government Code §54222, *et seq.*

Staff Contact: Mike Chan, (408) 730-7416

3. ORDINANCE 2010-7279 Consideration of an Urgency Interim Ordinance to Extend the
RTC 10-163 Temporary Moratorium Affecting the Sale and Distribution of Marijuana
for Medical Purposes

Staff Recommendation: Introduce an ordinance to extend the Urgency Interim Zoning Ordinance for an additional 10 months and 15 days.

Staff Contact: Andrew Miner, (408) 730-7707

City Clerk reads the ordinance.

4. RESOLUTION Adoption of the FY 2010/2011 Budget, Fee Schedule, and Appropriations
RTC 10-171 Limit

Staff Recommendation: Approve the resolutions to adopt the FY 2010/2011 Recommended Budget, Fee Schedule, and Appropriations Limit.

Staff Contact: Drew Corbett, (408) 730-7603

5. ORDINANCE Award of Taxicab Franchise to A-1 American Cab Company
RTC 10-166

Staff Recommendation: Alternative 1: Introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to A-1 American Cab Company for the period of August 6, 2010 through August 5, 2012 per applicant's request, and authorize the city manager to execute necessary documents of agreement.

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

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 10-180 Update #2 Regarding Morse Avenue Park Site Development (Information Only)
- RTC 10-182 Opportunity for Council to Appeal Decisions of the Planning Commission of June 14, 2010 and the Administrative Hearing of June 16, 2010
- RTC 10-174 Update on Horizon 2035 Advisory Committee (Information Only)
- Draft Minutes of the Board of Library Trustees Meeting of June 7, 2010
- Draft Minutes of the Heritage Preservation Commission of June 2, 2010
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission meeting of June 17, 2010
- Study Session Summary of June 15, 2010 – California High Speed Rail Authority Draft San Francisco–San Jose Alternatives Analysis
- Study Session Summary of June 22, 2010 – Civic Center Buildings: Renovate, Replace, or Relocate?

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY

ROLL CALL

PUBLIC ANNOUNCEMENTS

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CONSENT CALENDAR

- RDA 1.A. RESOLUTION A Resolution Making Finding Related to the Deposit of Funds in the
RDA 10-002 Low and Moderate Income Housing Fund and Adopting a Low and
Moderate Income Housing Fund Deficit Reduction Plan for the
Central Core Redevelopment Project Area

Staff Recommendation: Approve Alternative 1, to adopt by resolution the findings that all tax increment revenues are required to meet current obligations for repayment of the bonded indebtedness of the Agency and pre-existing debt repayment to the City of Sunnyvale and adopt the Housing Fund Deficit Reduction Plan as required by Redevelopment Law of the California Health and Safety Code.

Staff Contact: Brice McQueen, (408) 730-7284

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

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PUBLIC COMMENTS

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- RDA 2. RESOLUTION Adoption of the FY 2010/2011 Budget for the Redevelopment
RDA 10-003 Agency of the City of Sunnyvale

Staff Recommendation: Approve a resolution to adopt the budget as recommended.

Staff Contact: Brice McQueen, (408) 730-7284

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.
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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
July 20, 2010	Council Meeting	7 p.m.	Council Chambers
July 27, 2010	Council Meeting	7 p.m.	West Conference Rm

OTHER SCHEDULED MEETINGS

June 30, 2010	Zoning Administrative Hearing	2 p.m.	West Conference Rm
July 7, 2010	Heritage Preservation Commission	7 p.m.	West Conference Rm
July 12, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
July 12, 2010	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 14, 2010	Zoning Administrative Hearing	2 p.m.	West Conference Rm
July 14, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
July 15, 2010	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
July 21, 2010	Arts Commission	7 p.m.	Council Chambers
July 26, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
July 26, 2010	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 28, 2010	Zoning Administrative Hearing	2 p.m.	West Conference Rm
July 28, 2010	Housing & Human Services Commission	7 p.m.	West Conference Rm
Aug. 11, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 18, 2010	Arts Commission	7 p.m.	Council Chambers
Sept. 8, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Sept. 15, 2010	Arts Commission	7 p.m.	Council Chambers
Oct. 13, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Oct. 20, 2010	Arts Commission	7 p.m.	Council Chambers
Nov. 10, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Nov. 17, 2010	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

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

June 29, 2010	City Council Meeting – Live	7 p.m.
June 30, 2010	City Council Meeting – Replay of June 29, 2010	7 p.m.
July 4, 2010	City Council Meeting – Replay of June 29, 2010	4 p.m.
July 20, 2010	City Council Meeting – Live	7 p.m.
July 21, 2010	City Council Meeting – Replay of July 20, 2010	7 p.m.
July 25, 2010	City Council Meeting – Replay of July 20, 2010	4 p.m.