

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 14, 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:

Navy Gateway Inn located at 2450 McHugh Street, San Diego, CA 92136

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.

5:15 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 54956.9(a)
Conference with Legal Counsel – Existing Litigation
Name of case: Arthur Vences vs. City of Sunnyvale, et al., Santa Clara County Superior Court Case No. 109-CV-138672
4. Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING – JOINT STUDY SESSION WITH PLANNING COMMISSION

City Council / Planning Commission Joint Study Session – Medical Marijuana Dispensaries

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session
 - a. Background and legal framework of the distribution of marijuana for medical purposes.
 - b. Discussion of the feedback gained from public outreach efforts.
 - c. Possible alternatives to address issue.
4. Public Comment
5. Adjourn Special 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.

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

CLOSED SESSION REPORT FOR SEPTEMBER 14, 2010

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

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 August 31, 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 10-238 Nos. 520 and 521

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. MOTION Approval of Budget Modification No. 5 to Appropriate \$59,500 in Urban
RTC 10-240 Area Security Initiative and AT&T Grant Funds

Staff Recommendation: Alternative 1: Approve Budget Modification No. 5 to appropriate federal UASI grant monies (\$34,500) and private grant monies from AT&T (\$25,000) for a total of \$59,500.

Staff Contact: Ann Durkes, (408) 730-7355

- 1.E. MOTION Approval of Budget Modification No. 6 to Appropriate Additional
RTC 10-242 Expenditures to the Streetlights Program for \$196,000 from a PG&E
Streetlights Audit

Staff Recommendation: Alternative 1: Approve Budget Modification No.6 to appropriate \$196,000 from the Budget Stabilization Fund to cover the expenditures related to the results of the PG&E audit of the City's streetlights and to fund additional electrical costs associated with the new street lights.

Staff Contact: Tony Pineda (408) 730-7559

- 1.F. MOTION Approval of Budget Modification No. 8 for NOVA Workforce Services
RTC 10-239 Department and Authorization to Award Contracts Totaling \$2,728,216 to
SolarTech and Foothill-De Anza Community College District for Green
Innovation Challenge Grant

Staff Recommendation: Alternative 1: Approve Budget Modification No. 8.

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

Contracts

- 1.G. MOTION Award of Contract for the Purchase of Wireless Communications Services
RTC 10-241 (F1008-17)

Staff Recommendation: Award a one-year contract to Verizon Wireless, not-to-exceed budgeted amounts, in substantially the same form as the attached draft Purchase Order, based upon the State of California cooperative contract and delegate authority to the City Manager to exercise an option to extend the contract for two additional one-year periods, provided pricing and service remain acceptable to the City.

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

- 1.H. MOTION Award of Contract for Electric Golf Cart Rentals for the Sunnyvale Golf
RTC 10-243 Course (F1008-11)

Staff Recommendation: Award a three-year contract in an amount not to exceed \$191,322, to Yamaha Golf-Car Company for the lease of seventy-five electric golf carts.

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

Contracts: Sunnyvale Works!

- 1.I. MOTION Award of Sunnyvale Works! Bid No. F1007-01 for Pavement
RTC 10-244 Rehabilitation/Resurfacing 2012

Staff Recommendation: Award a contract, in substantially the same form as the attached draft and in the amount of \$386,753 to Interstate Grading and Paving, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a construction contingency in the amount of \$38,675.

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

- 1.J. MOTION Authorization to Modify an Existing Sunnyvale Works! Design Contract
RTC 10-247 for the Sodium Bisulfite System at the Water Pollution Control Plant and
Approval of Budget Modification No. 7 (F1009-23)

Staff Recommendation: Modify an existing contract, in substantially the same form as the attached Second Amendment to RMC Water & Environment, to increase the contract value by \$12,980 to a total not-to-exceed amount of \$112,930; approve a contract contingency in the amount of \$1,020; and approve Budget Modification No. 7 to provide additional funding for this project.

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

Other Items

- 1.K. MOTION Response to Santa Clara County Civil Grand Jury Report, *Sunnyvale City Council Actions Lack Transparency*
RTC 10-237

Staff Recommendation: Alternative 1: Approve the City's response to the Santa Clara County Civil Grand Jury report as presented in Attachment A
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.***

2. MOTION Community Event Grant Funding Recommendations
RTC 10-234

Staff Recommendation: Alternatives 1 and 3: Approve grant funding recommendations as proposed by staff and establish a Council sub-committee to review grant applications and allocate grant funding in the future.
Staff Contact: Nathan Truitt, (408) 730-7472

3. MOTION Board and Commission Appointments Process and Resolution of
RTC 10-249 Administrative Questions/Concerns (Council Policy 7.2.19, Sections 2.D and 2.J)

Staff Recommendation: Alternatives 5 and 6: Consider the Council subcommittee's recommendations regarding Sections 2.D and 2.J of Council Policy 7.2.19 and remove from Council Policy 7.2.19 the detailed description of how to address board and/or commission concerns with City operations or administrative matters.
Staff Contact: Robert Walker, (408) 730-7524

4. MOTION Consider Required Steps to Increase the Park Dedication Standard from
RTC 10-245 3.0 Acres to 5.5 Acres per 1,000 Population (Subdivision Map Act, Title
18.10 of the SMC and Fee Mitigation Act, Title 19. 74 of SMC)

Staff Recommendation: Alternative 1: Maintain consistency in the park dedication standards required of housing subdivisions (Title 18.10) and multifamily/rental housing projects (Title 19.74). and Alternative 2: Direct staff to prepare a study to increase the Park Dedication standard from 3.0 acres to 5.0 acres for housing subdivision under the Quimby Act and for rental housing under the Park Mitigation Fee Act and return to Council for further direction.
Staff Contact: Cathy Merrill, (408) 730-7531

5. MOTION Red Light Camera Intersection Monitoring Systems in the City of
RTC 10-236 Sunnyvale (Study Issue)

Staff Recommendation: Alternative 1: Direct DPS staff to further study the issue and report back to Council in FY 11/12.
Staff Contact: Captain Doug Moretto, (408) 730-7711

6. MOTION Consideration of Senator Alquist's Request to Waive Senior Center
RTC 10-246 Rental Fees for Women's Forum

Staff Recommendation: Staff makes no specific recommendation other than that Council consider the current and future financial implications of waiving fees for this and/or other events.
Staff Contact: Cathy Merrill, (408) 730-7531

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 10-248 City Positions on League of California Cities' 2010 Annual Resolutions (Information Only)
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of August 19, 2010
- Draft Minutes of the Housing and Human Services Commission Meeting of August 25, 2010
- RTC 10-235 Update #3 Regarding Morse Avenue Park Site Development (Information Only)
- Draft Minutes of the Parks and Recreation Commission Meeting of September 2, 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
Sept. 28, 2010	Council Meeting / LRA	7 p.m.	Council Chambers
Oct. 5, 2010	Council Meeting	7 p.m.	Council Chambers
Oct. 12, 2010	Council Meeting	7 p.m.	Council Chambers
Oct. 26, 2010	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Sept. 13, 2010	Board of Library Trustees	7 p.m.	Library Program Rm A
Sept. 13, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Sept. 13, 2010	Planning Commission Public Hearing	8 p.m.	Council Chambers
Sept. 15, 2010	Arts Commission - Canceled	7 p.m.	Council Chambers
Sept. 15, 2010	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Sept. 16, 2010	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
Sept. 22, 2010	Housing & Human Services Commission	7 p.m.	West Conference Rm
Sept. 27, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Sept. 27, 2010	Planning Commission Public Hearing	8 p.m.	Council Chambers
Sept. 29, 2010	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Oct. 4, 2010	Board of Library Trustees	7 p.m.	Library Program Rm A
Oct. 6, 2010	Heritage Preservation Commission	7 p.m.	West Conference Rm
Oct. 11, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Oct. 11, 2010	Planning Commission Public Hearing	8 p.m.	Council Chambers
Oct. 13, 2010	Zoning Administrator Hearing	2 p.m.	West Conference Rm
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
Dec. 8, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Dec. 15, 2010	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

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

Sept. 14, 2010	City Council Meeting – Live	7 p.m.
Sept. 15, 2010	City Council Meeting – Replay of Sept. 14, 2010	7 a.m.
Sept. 19, 2010	City Council Meeting – Replay of Sept. 14, 2010	4 p.m.
Sept. 28, 2010	City Council Meeting – Live	7 p.m.
Sept. 29, 2010	City Council Meeting – Replay of Sept. 28, 2010	7 a.m.
Oct. 3, 2010	City Council Meeting – Replay of Sept. 28, 2010	4 p.m.
Oct. 5, 2010	City Council Meeting – Live	7 p.m.
Oct. 6, 2010	City Council Meeting – Replay of Oct. 5, 2010	7 a.m.
Oct. 10, 2010	City Council Meeting – Replay of Oct. 5, 2010	4 p.m.