

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL TUESDAY, DECEMBER 7, 2010 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

4:45 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 Evaluations
Titles: City Manager
Staff Contact: Teri Silva, (408) 730-7495
 - b. Closed Session pursuant to Government Code Section 54957
Public Employee Performance Evaluations
Titles: City Attorney
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.

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 DECEMBER 7, 2010

Closed Session pursuant to Government Code Section 54957 – Public Employee Performance Evaluations

PUBLIC ANNOUNCEMENTS

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

PRESENTATION – Status Report on Sunnyvale Works!

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of November 16, 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 10-328 Nos. 531 and 532

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. MOTION Approval of Budget Modification No. 20 to Appropriate \$4,111 of Office of
RTC 10-333 Traffic Safety Grant Funds for Sobriety Checkpoints

Staff Recommendation: Alternative 1: Approve Budget Modification No. 20 to appropriate Office of Traffic Safety Sobriety Checkpoint grant funds in the amount of \$4,111.

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

- 1.E. MOTION Approval of Trust Agreement between the City of Sunnyvale, PFM Asset
RTC 10-326 Management, LLC, and U.S. National Bank Association for the
Sunnyvale Retiree Medical Trust

Staff Recommendation: Alternative 1: Approve the Trust Agreement and authorize the City Manager to sign it as currently presented.

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

Personnel

- 1.F. RESOLUTION Amendment to the Schedule of Pay of the Salary Resolution: Salary
RTC 10-331 Adjustment for Pay Plan Category C (applies to Classified Public Safety Officers and Lieutenants) and Pay Plan Category D/E (applies to Public Safety Captains and Public Safety Deputy Chiefs) and Approval of Budget Modification No. 21

Staff Recommendation: Alternative 1: Amend Section 2.200 (Pay Plan Category C) and Section 2.300 (Pay Plan Category D/E) of the Schedule of Pay of the Salary Resolution to reflect the new pay rates, effective retroactive to July 11, 2010 and approve Budget Modification No. 21.

Staff Contact: Doug Baker, (408) 730-2705

Contracts

- 1.G. MOTION Association of Bay Area Governments (ABAG) Agreement for Local
RTC 10-317 Agency Participation in Bay Area-wide Trash Capture Demonstration
Project Grant Contract

Staff Recommendation: Alternative 1: Delegate authority to the City Manager to sign the ABAG grant contract before December 30, 2010 to provide the City with \$102,000 to assist in the installation of full trash capture devices for compliance with Provision C.10 of the NPDES stormwater permit (MRP).

Staff Contact: Lorrie Gervin, (408) 730-7268

- 1.H. MOTION Award of Contract for Nine Crown Victoria Police Interceptor Vehicles
RTC 10-332 (F1010-33)

Staff Recommendation: Award a contract in the amount of \$204,204 for nine Crown Victoria police interceptor vehicles to Sunnyvale Ford Lincoln Mercury.

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

- 1.I. MOTION Award of Contract for Self Contained Breathing Apparatus for the
RTC 10-334 Department of Public Safety (F1011-51) and Approval of Budget
Modification No. 22.

Staff Recommendation: Award a contract for one hundred self-contained breathing apparatus the amount of \$558,442, to Bauer Compressors, Inc. and approve Budget Modification No. 22 to provide funding for this purchase.

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

Other Items

- 1.J. ORDINANCE Adoption of Ordinance No. 2944-10 to Amend Certain Sections of, and
2944-10 Add Certain Sections to, Chapter 12.60 (Stormwater Management) of
Title 12 (Water And Sewers) of the Sunnyvale Municipal Code

Staff Recommendation: Approve second reading of Ordinance No. 2944-10

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 5 minutes for closing comments.***

2. MOTION Consideration of Revision of Council Policy 7.2.19, *Boards and Commissions* to Increase the Number of Members of the Sustainability Commission
RTC 10-336

Staff Recommendation: Staff makes no recommendation at this time.

Staff Contact: Kathleen Franco Simmons, (408) 730-7483

3. MOTION Board and Commission Appointments
RTC 10-337

Staff Recommendation: Alternative 1: Consider selecting and appointing members to serve on boards and commissions from the candidates listed in this report.

Staff Contact: Lisa Natusch, (408) 730-7595

4. MOTION FY 2009/2010 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report, Redevelopment Agency Financial Report, and Sunnyvale Financing Authority Financial Report
RTC 10-330

Staff Recommendation: Receive and file the budgetary Year-End Financial Report, the audited Comprehensive Annual Financial Report, the Memorandum on Internal Control and Required Communications issued by the independent auditors, the Redevelopment Agency Financial Report, and the Sunnyvale Financing Authority Financial Report.

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

5. RECONSIDER Reconsideration of Council action taken November 9, 2010 regarding: Adoption of 2010-2011 Charter Review Committee, Including Scope of Authority and Appointment Procedures
RTC 10-300

Staff Recommendation: This item is on the agenda for reconsideration of the Council's prior action on the appointment of a Charter Review Committee for a Directly-Elected Mayor. Council has all alternatives listed in the original Report to Council. There is no staff recommendation.

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

6. ORDINANCE Voluntary Campaign Expenditure Limit
RTC 10-309

Staff Recommendation: Introduce an ordinance amending Sunnyvale Municipal Code Section 2.28.010 to implement voluntary campaign expenditure limits as submitted (Attachment A).

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

* **City Clerk reads the ordinance title.** *

7. ORDINANCE Ordinance to Renew a Franchise Agreement for Conveyance of Nitrogen
RTC 10-329 Gas - Air Products and Chemicals Incorporated and Air Products
Manufacturing Corporation

Staff Recommendation: Alternative 1: Adopt the ordinance granting Air Products and Chemicals, Incorporated and Air Products Manufacturing Corporation a 15-year non-exclusive franchise for nitrogen gas transmission throughout the City.

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

*** City Clerk reads the ordinance title. ***

8. ORDINANCE Award of Taxicab Franchise to A Orange Cab, Inc.
RTC 10-322

Staff Recommendation: Alternative 1: Introduce and adopt an ordinance awarding a non-exclusive franchise for taxicab service to A Orange Cab, Inc. for the period of January 14, 2011 through January 13, 2013 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 title. ***

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 10-335 Opportunity for Council to Appeal Decisions of the Planning Commission meeting of November 22, 2010 and the Zoning Administrator Hearing of November 24, 2010
- Study Session Summary – Board and Commission Interviews, November 9, 2010
- Study Session Summary – Board and Commission Interviews, November 15, 2010
- Study Session Summary – Board and Commission Interviews, November 16, 2010
- Study Session Summary – Discussion of Council 2011 IGR Assignments, November 16, 2010
- Draft Minutes of the Parks and Recreation Commission Meeting of November 10, 2010
- Draft Minutes of the Arts Commission Meeting of November 17, 2010
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission meeting of November 18, 2010
- Approved Minutes of the Heritage Preservation Commission meeting of November 3, 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
Dec. 14, 2010	Council Meeting	7 p.m.	Council Chambers
Jan. 4, 2011	Council Meeting	7 p.m.	Council Chambers
Jan. 11, 2011	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Dec. 8, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Dec. 13, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Dec. 13, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
Dec. 13, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Dec. 13, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
Dec. 15, 2010	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Dec. 15, 2010	Arts Commission	7 p.m.	Council Chambers
Jan. 3, 2011	Board of Library Trustees	7 p.m.	Library Program Rm A
Jan. 10, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
Jan. 12, 2011	Planning Commission Public Hearing	8 p.m.	Council Chamber
Jan. 12, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Jan. 12, 2011	Housing and Human Services Commission	7 p.m.	Board Room, Community Center
Jan. 12, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
Jan. 19, 2011	Arts Commission	7 p.m.	Council Chambers
Feb. 9, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
Feb. 16, 2011	Arts Commission	7 p.m.	Council Chambers
Mar. 9, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
Mar. 16, 2011	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

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

Dec. 7, 2010	City Council Meeting – Live	7 p.m.
Dec. 8, 2010	City Council Meeting – Replay of Dec. 7, 2010	7 a.m.
Dec. 12, 2010	City Council Meeting – Replay of Dec. 7, 2010	4 p.m.
Dec. 14, 2010	City Council Meeting – Live	7 p.m.
Dec. 15, 2010	City Council Meeting – Replay of Dec. 14, 2010	7 a.m.
Dec. 19, 2010	City Council Meeting – Replay of Dec. 14, 2010	4 p.m.