

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, DECEMBER 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 Vice Mayor Chris Moylan from:

The Courtyard by Marriott, 400 Paddy Creek Circle, Rochester, NY 14615

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.

6:45 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. Upcoming Selection of Vice Mayor for 2011
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 – Recognition of Deputy Chief Mark Stivers

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.

SPECIAL ORDER OF THE DAY – Boards and Commissions Oath of Office

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 December 7, 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 10-338 No. 533

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. MOTION FY 2009/2010 Annual Status Report on Receipt and Use of Development
RTC 10-327 Impact Fees

Staff Recommendation: Alternative 1: Accept the FY 2009/2010 Annual Status Report on Receipt and Use of Development Impact Fees.

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

Contracts

- 1.E. MOTION Award of a Design and Construction Support Services Contract for the
RTC 10-341 Landfill Gas Flare and Blowers Replacement Project (F0905-104)

Staff Recommendation: 1. Award a contract to Golder and Associates, Inc., in substantially the same form as the attached draft Consultant Services Agreement and in an amount not-to-exceed \$145,697 for design and construction support services for the Landfill Gas Flare, Blowers and Associated Equipment Replacement Project; and 2. Approve a 10% design contingency in the amount of \$14,570.

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

- 1.F. MOTION Award of Contract to Provide Children’s Dance Classes for the City’s
RTC 10-343 Recreation Program (F1011-52)

Staff Recommendation: 1. Award a two-year contract to Dance Force LLC, in substantially the same form as the attached draft and in an amount not to exceed \$90,000 per year, to provide children’s dance classes for the City’s Recreation Program; and 2. Delegate authority to the City Manager to exercise an option to extend the contract for one additional year, provided that pricing and service remain acceptable to the City.

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

Other Items

- 1.G ORDINANCE Adoption of Ordinance No. 2945-10 Awarding Non-Exclusive Franchise to Air Products Manufacturing Corporation and Air Products and Chemicals, Inc.

Staff Recommendation: Council approve second reading of Ordinance No. 2945-10
Staff Contact: David Kahn, City Attorney (408) 730-7464

- 1.H. ORDINANCE Adoption of Ordinance No. 2946-10 Awarding Nonexclusive Franchise to A Orange Cab, Inc.

Staff Recommendation: Council approve second reading of Ordinance No. 2946-10
Staff Contact: David Kahn, City Attorney (408) 730-7464

- 1.I. RESOLUTION Approval of Resolution for the Installation of Traffic Signals at RTC 10-325 Bernardo Avenue and Remington Drive, and Duane Avenue and Britton Avenue

Staff Recommendation: Alternative 1: Approve the attached resolution to designate the intersections of Remington Drive and Bernardo Avenue, and Duane Avenue and Britton Avenue, for the installation of traffic signals.
Staff Contact: Jack Witthaus (408) 730-7330

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 2010-7279 - Medical Marijuana Distribution Facilities (Study Issue)
RTC 10-339

Staff Recommendation: Alternative 1: Introduce an ordinance to prohibit medical marijuana distribution in the City.
Staff Contact Andrew Miner, (408) 730-7707

* City Clerk reads the ordinance title. *

3. MOTION Agreement Renewal with Sustainable Community Gardens for Property
RTC 10-324 Located at 433 Charles Street

Staff Recommendation: Alternative 1: Approve renewal of the agreement with Sustainable Community Gardens for the operation and maintenance of the Charles Street Community Gardens for another five years consistent with Attachment A and authorize the City Manager to enter into the agreement on behalf of the City.

Staff Contact: Cathy Merrill, (408) 730-7531

4. MOTION 2010-7850 Request to initiate a study to rename Capella Way to Charlie
RTC 10-340 Olson Way

Staff Recommendation: Staff makes no recommendation on the street rename initiation.

Staff Contact: Trudi Ryan, (408) 730-7435

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 10-342 Follow-up to Council Study Issue (RTC 08-359): Parking Requirements for Medical Office Buildings (Information Only)
- Draft Heritage Preservation Commission Meeting Minutes of December 1, 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. 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
Dec. 16, 2010	Bicycle and Pedestrian Advisory Commission (canceled)	6:30 p.m.	West Conference Rm
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, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
Jan. 12, 2010	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Jan. 12, 2010	Housing & Human Services Commission	7 p.m.	Board Room, Community Center
Jan. 12, 2010	Heritage Preservation Commission	7 p.m.	Lobby Conference Rm
Jan. 12, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Jan. 19, 2010	Arts Commission	7 p.m.	Council Chambers
Jan. 21, 2011	Bicycle and Pedestrian Advisory Commission (the December BPAC was canceled)	6:30 p.m.	West Conference Rm
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. 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.
Jan. 4, 2011	City Council Meeting – Live	7 p.m.
Jan. 5, 2011	City Council Meeting – Replay of Jan. 4, 2011	7 a.m.
Jan. 9, 2011	City Council Meeting – Replay of Jan. 4, 2011	4 p.m.