

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL AND REDEVELOPMENT AGENCY (RDA)
TUESDAY, MARCH 29, 2011
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 David Whittum from:

New York Marriott Marquis Hotel, 1535 Broadway, New York, NY 10036

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.

5:00 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. Conference with Labor Negotiator pursuant to Govt. Code Section 54957.6
Negotiators: Teri Silva, Director of Human Resources/Gary Luebbers, City Manager;
Sunnyvale Public Safety Officers Association (PSOA), Sunnyvale Managers Association (SMA)
4. Adjourn Special Meeting

5:45 P.M. SPECIAL REDEVELOPMENT AGENCY MEETING (Closed Session)

Redevelopment Agency 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 Redevelopment Agency beginning the Closed Session. Closed Sessions are not open to the public.*
 - a. Conference with Real Property Negotiator pursuant to Govt. Code Section 54956.8
Property: Sunnyvale Town Center Project
Negotiating Parties: Sunnyvale Redevelopment Agency; Receiver for Town Center Project
Under Negotiation: Terms for Lease of Real Property
4. 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 MARCH 8, 2011

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

CLOSED SESSION REPORT FOR MARCH 29, 2011

Closed Session pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator

REDEVELOPMENT AGENCY CLOSED SESSION REPORT FOR MARCH 29, 2011

Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator

SPECIAL ORDER OF THE DAY – National Volunteer Week 2011 (5 minutes)

SPECIAL ORDER OF THE DAY – City Clerks Association of California (CCAC) Presentation of Certificate of Exceptional Professional Achievement to City Clerk Kathleen Franco Simmons

PUBLIC ANNOUNCEMENTS

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

PRESENTATION – National Library Week

PRESENTATION – El Camino Real Bus Rapid Transit Project Presentation by the Valley Transportation Authority (VTA)

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of March 8, 2011
- 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 11-060 Nos. 545, 546 and 547

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

Contracts

- 1.D. MOTION Award of Bid Invitation No. F1001-71 for Modular Buildings at the Water
RTC 11-061 Pollution Control Plant

Staff Recommendation: Award a contract in the amount of \$156,436 to Design Space Modular Buildings, 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 \$15,644.
Staff Contact: Pete Gonda, (408) 730-7418

Other Items

- 1.E. MOTION Annual Review of City's Code of Ethics and Conduct for Elected and
RTC 11-058 Appointed Officials

Staff Recommendation: Alternative 1: Review and approve the 2011 Code of Ethics and Conduct for Elected and Appointed Officials with no changes.
Staff Contact: Lisa Natusch, (408) 730-7595

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. RTC 11-057 Public Hearing to Review and Receive Comments on *City of Sunnyvale Public Health Goal Report* (City's Water System) Prepared for the California Department of Health Services with Recommendation of no Further Action Required

Staff Recommendation: Alternative 1: Receive and acknowledge comments from the public on the PHG Report and refer any comments to the Department of Public Works for consideration and to address as appropriate.

Staff Contact: Jim Craig (408) 730-7558

3. ORDINANCE RESOLUTIONS RTC 11-063 2010-7456/2010-7738 - Taylor Morrison CA LLC: Applications for a 7.3-acre project located at 1044 East Duane Avenue in an M-S/ITR/R-4/PD (Industrial and Service/Industrial-to-Residential/High Density Residential/Planned Development) Zoning District (APN: 205-23-001); Certify the Addendum to the Environmental Impact Report (EIR); General Plan Amendment from ITRHI (Industrial-to-Residential High Density) to ITRMED (Industrial-to-Residential Medium Density); Rezone from M-S/ITR/R-4/PD to M-S/ITR/R-3/PD (Industrial and Service/Industrial-to-Residential/Medium Density Residential/Planned Development); Special Development Permit to allow the development of 132 townhome-style condominiums; and Vesting Tentative Map to allow 132 condominium units and 32 common lots.

Staff Recommendation: Adopt a Resolution to certify the EIR Addendum; adopt a Resolution to amend the General Plan designation for 1044 East Duane Avenue from ITRHI to RMED; introduce an Ordinance to Rezone 1044 East Duane Avenue from M-S/ITR/R-4/PD to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with the attached conditions.

Staff Contact: Mariya Hodge, (408) 730-7659

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

4. MOTION RTC 11-055 Update on Potential for Utility Users Tax Ballot Measure

Staff Recommendation: Alternative 1: Direct the city manager to pursue a ballot measure for the November 2011 election to increase the rate and/or base of the City's Utility Users Tax.

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

5. COUNCIL DISCUSSION Council Subcommittee Recommendations Regarding the Community Event Grant Distribution Process

Recommendation: Discussion and possible action regarding the community event grant distribution process.

Contact: Councilmember Spitaleri, (408) 730-7473

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-062 Opportunity for Council to appeal decisions of the Planning Commission of March 14, 2011 and the Zoning Administrator Hearing of March 16, 2011
- Draft Minutes of the Arts Commission Meeting of February 16, 2011
- Draft Minutes of the Board of Library Trustees Meeting of March 7, 2011
- Draft Minutes of the Parks and Recreation Commission Meeting of March 9, 2011
- Draft Minutes of the Sustainability Commission Meeting of March 14, 2011

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 35.106 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
Mar. 29, 2011	Council Meeting	7 p.m.	Council Chambers
April 5, 2011	Council Meeting	7 p.m.	Council Chambers
April 26, 2011	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Mar. 30, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
April 13, 2011	Joint Arts and Parks and Recreation Commissions	7 p.m.	West Conference Rm
April 20, 2011	Arts Commission	7 p.m.	Council Chambers
April 23, 2011	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
April 6, 2011	Heritage Preservation Commission	7 p.m.	Lobby Conference Rm
April 11, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
April 11, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 13, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
April 25, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
April 25, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 27, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
April 27, 2011	Housing & Human Services Commission	7 p.m.	West Conference Rm
May 16, 2011	Sustainability Commission	7 p.m.	West Conference Rm
May 25, 2011	Joint Arts and Parks and Recreation Commission Study Session	6 p.m.	Community Center Neighborhood Rm
May 25, 2011	Joint Arts and Parks and Recreation Commission Meeting	7 p.m.	Community Center Neighborhood Rm
June 8, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
June 15, 2011	Arts Commission	7 p.m.	Council Chambers
July 18, 2011	Sustainability Commission	7 p.m.	West Conference Rm
Sept. 19, 2011	Sustainability Commission	7 p.m.	West Conference Rm
Nov. 21, 2011	Sustainability Commission	7 p.m.	West Conference Rm

CHANNEL 15 – KSUN

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

Mar. 29, 2011	City Council Meeting – Live	7 p.m.
Mar. 30, 2011	City Council Meeting – Replay of March 29, 2011	7 p.m.
April 3, 2011	City Council Meeting – Replay of March 29, 2011	4 p.m.