

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL TUESDAY, JUNE 7, 2011 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

5:45 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 Evaluation – City Manager
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

CLOSED SESSION REPORT FOR JUNE 7, 2011

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

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.

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 May 24, 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 – Lists
RTC 11-111 No. 556 & 557

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. MOTION Agreement Between the City of Sunnyvale and the Friends of the
RTC 11-107 Sunnyvale Public Library for FY 2011/12 – FY 2013/14

Staff Recommendation: Approve the three-year agreement between the City and the Friends of the Sunnyvale Public Library and authorize the City Manager to enter into the agreement by June 30, 2011.

Staff Contact: Lisa G. Rosenblum, (408) 730-7382

- 1.E. MOTION Appropriation of \$48,041 of FY 2010/11 State Public Library Foundation
RTC 11-108 Monies and Approval of Budget Modification No. 27.

Staff Recommendation: Approve Budget Modification No. 27 in the amount of \$48,041 and the expenditure of State Public Library Funds for use in the following special project category: Improvements to Library Services.

Staff Contact: Lisa G. Rosenblum, (408) 730-7382

Contracts

- 1.F. MOTION Approval of Budget Modification No. 33 to Appropriate Department of
RTC 11-117 Homeland Security Funding, and Award of Contract to Purchase Mobile Command Vehicle (F1001-63)

Staff Recommendation: Approve Budget Modification No. 33 to recognize and appropriate \$295,000 in Department of Homeland Security grant funding for a mobile command vehicle; and award a contract in the amount of \$315,694, less applicable sales taxes, to Lynch Diversified Vehicles (LDV), Inc., for the vehicle purchase.

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

- 1.G. MOTION Award of Bid No. F1004-96 for Traffic Signal Reconstruction of Fair Oaks
RTC 11-112 Avenue and Wolfe Road and Interconnects (Rebid)

Staff Recommendation: Award a contract in the amount of \$411,502 to Prism Engineering, 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 10 % construction contingency in the amount of \$41,150.

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

Other Items

- 1.H. RESOLUTION Resolution Calling a General Municipal Election for November 8, 2011
RTC 11-109 for the Election of Councilmembers for Seat Numbers 4, 5, 6 and 7; Requesting Consolidation with Other Legislative Districts within the County and Requesting County Services

Staff Recommendation: Alternative 1: Adopt the resolution calling a General Municipal Election for the election of Councilmembers for Seat Numbers 4, 5, 6 and 7 on November 8, 2011, requesting consolidation of elections, requesting County services and determining to levy costs of candidates' statements.

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

- 1.I. ORDINANCE Adoption of Ordinance No. 2952-11 Amending Certain Sections of
NO. 2952-11 Chapters 12.04 (Sewerage System); 12.12 (Sewer Use Regulations) and 12.18 (Enforcement) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code Relating to Sewer Regulations and Enforcement

Staff Recommendation: Approve second reading of Ordinance No. 2952-11.

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

- 1.J. RESOLUTION A Resolution of the City of Sunnyvale Calling for Consistent Federal
RTC 11-120 and State Regulation of Medical Marijuana, Including Reclassifying the Drug within the Schedules Set Forth in §812 of the Federal Controlled Substance Act

Recommendation: Approve the resolution calling for consistent Federal and State regulation of medical marijuana, including reclassifying the drug within the schedules set forth in §812 of the Federal Controlled Substance Act.

Contact: Mayor Hamilton, (408) 730-7473

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 Reconsideration of Human Services Awards for FY 2011-2012 (portion of
RTC 11-119 RTC 11-094 regarding 2011 Action Plan) Public Hearing

Staff Recommendation: Alternative 2: Award grants to the 18 programs in the amounts listed on Attachment A, Alternative 2, and direct staff to prepare a Substantial Amendment to the Action Plan, and arrange for the required public notice and hearing.

Staff Contact: Suzanne Ise, (408) 730-7698

3. MOTION Cupertino Middle School Open Space Master Plan Revision
RTC 11-113

Staff Recommendation: Alternative 1: Approve the Proposed Master Plan for Cupertino Middle School open space to include the new portable classrooms per Attachment A.

Staff Contact: Scott Morton, (408) 730-7596

4. MOTION Morse Avenue Park Conceptual Design, Theme and Name
RTC 11-115

Staff Recommendation: Alternative 1: Approve the conceptual design and ocean theme at Morse Avenue Park, as noted on Attachment A; and Alternative 3: Approve the name of Seven Seas Park for Morse Avenue Park.

Staff Contact: Scott Morton, (408) 730-7596

5. RESOLUTION Resolution Calling a Special Municipal Election for Proposed Charter
RTC 11-110 Amendments, on a Consolidated November 8, 2011 Ballot

Staff Recommendation: Approve the resolution calling a Special Municipal Election for the purpose of submitting to the voters two ballot measures concerning amendments to the City Charter to be placed on the ballot at the consolidated election to be held in the City of Sunnyvale on November 8, 2011.

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

6. ORDINANCE Adoption of Ordinance No. 2953-11 Amending Certain Sections of
No. 2953-11 Chapter 18.10 (Parks and Open Space Dedication) of Title 18
(Subdivisions) and Chapter 19.74 (Park Dedication Fees for Rental
Housing Projects) of Title 19 (Zoning) of the Sunnyvale Municipal Code
to Clarify Phasing of Parkland Dedication Requirements for Housing
Projects

Staff Recommendation: Approve second reading of Ordinance No. 2953-11.

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

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 11-114 Opportunity for Council to Appeal Decisions of the Planning Commission of May 23, 2011 and the Zoning Administrator Hearing of May 25, 2011
- Draft Minutes of the Sustainability Commission Meeting of May 16, 2011
- Draft Minutes of the Board of Library Trustees Meeting of May 16, 2011
- Draft Minutes of Arts Commission and Parks & Recreation Commission Special Joint Meeting of May 25, 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
June 14, 2011	Council Meeting	7 p.m.	Council Chambers
June 28, 2011	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

June 13, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
June 13, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
June 15, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
June 15, 2011	Arts Commission – <i>Canceled</i>	7 p.m.	Council Chambers
June 16, 2011	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf Room
June 22, 2011	Housing & Human Services Commission	7 p.m.	Neighborhood Rm
June 27, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
June 27, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
June 29, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
July 11, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
July 11, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 11, 2011	Board of Library Trustees	7 p.m.	Library Program Room
July 13, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
July 13, 2011	Heritage Preservation Commission	7 p.m.	Lobby Conference Rm
July 13, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
July 18, 2011	Sustainability Commission	7 p.m.	West Conference Rm
July 20, 2011	Arts Commission	7 p.m.	Council Chambers
July 25, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
July 25, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 27, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
July 27, 2011	Housing & Human Services Commission	7 p.m.	West Conference Rm
Aug. 10, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 17, 2011	Arts Commission	7 p.m.	Council Chambers
Sept. 14, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
Sept. 19, 2011	Sustainability Commission	7 p.m.	West Conference Rm
Sept. 21, 2011	Arts Commission	7 p.m.	Council Chambers
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

June 7, 2011	City Council Meeting – Live	7 p.m.
June 8, 2011	City Council Meeting – Replay of June 7, 2011	7 p.m.
June 12, 2011	City Council Meeting – Replay of June 7, 2011	4 p.m.
June 14, 2011	City Council Meeting – Live	7 p.m.
June 15, 2011	City Council Meeting – Replay of June 14, 2011	7 p.m.
June 19, 2011	City Council Meeting – Replay of June 14, 2011	4 p.m.