

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, AUGUST 14, 2012
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room
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 54957.6 - Conference with Labor Negotiator; Negotiators Teri Silva, Director of Human Resources/Gary Luebbers, City Manager, Sunnyvale Employees Association
4. Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room
2. Roll Call
3. Convene to Study Session
 - a. Board and Commission Interviews
Staff contact: Lisa Natusch, (408) 730-7595
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

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.

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR AUGUST 14, 2012

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

SPECIAL ORDER OF THE DAY – Personnel Board Member 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 July 31, 2012
- 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 12-190 Nos. 618-619

Staff Recommendation: Approve the lists of bills.

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

- 1.D. MOTION City of Sunnyvale Investment Report – 2nd Quarter 2012
RTC 12-186

Staff Recommendation: Receive and file the investment report.

Staff Contact: Therese Balbo, (408) 730-7604

- 1.E. MOTION Approval of Budget Modification No. 7 to Increase Construction Permitting
RTC 12-192 Revenue by \$933,760 and Appropriate it to Manage the Increased
Construction Activity

Staff Recommendation: Approve Budget Modification No. 7 to project additional construction permitting revenue of \$933,760 and to appropriate it to two new projects, a Building Permitting project and a Fire Prevention Construction-related Permitting project, in the amounts of \$343,000 and \$590,760, respectively, to manage the increased construction activity.

Staff Contact: Diana Perkins, (408) 730- 7455

- 1.F. MOTION Approval of Budget Modification No. 8 to Reallocate Funding from the
RTC 12-189 Recycled Water Interconnect Project to the WPCP Chlorine Conversion
Project to fund Infrastructure Modifications for Simultaneous Production of
Recycled Water at the Water Pollution Control Plant

Staff Recommendation: Alternative 1: Pursue the gaseous chlorine conversion project with the “Sunnyvale solution” for recycled water, with additional infrastructure modifications that would allow for simultaneous production of recycled water.

Staff Contact: John Stufflebean, (408) 730-7954

- 1.G. MOTION Authorize the City Manager to Execute Agreements and Documentation
RTC 12-184 for Santa Clara Valley Transportation Authority (VTA) Transportation Fund
for Clean Air Program Manager Grants for Mathilda Avenue and Wildwood
Avenue Bicycle Lanes Projects and Approve Budget Modification No. 3

Staff Recommendation: Alternatives 1 and 2: Authorize the City Manager to execute required agreements and documentation and approve Budget Modification No. 3 to appropriate grant revenues in the amount of \$104,000 from the Santa Clara VTA Transportation Fund for Clean Air Program Manager Fund, as well as the required 20% local match of \$26,000 from dedicated local matching funds, to two new capital projects, Mathilda Avenue Bicycle Lanes California to Maude and Wildwood Avenue Bicycle Lanes.

Staff Contact: Jack Witthaus (408) 730-7330

Contracts

- 1.H. MOTION Award of Bid No. F1105-61 for Tasman-Fair Oaks Pedestrian and Bicycle
RTC 12-188 Circulation Plan Improvements – Phase 2 and Approval of Budget
Modification No. 9

Staff Recommendation: Award a contract in the amount of \$210,141, to Golden Bay Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; approve a 10% construction contingency in the amount of \$21,014; and approve Budget Modification No. 9 to appropriate additional funding for the project.

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

- 1.I. MOTION Award of Contract for Google Apps for Government Email and
RTC 12-191 Calendaring Services (F1109-14)

Staff Recommendation: Award a contract for a Google Apps for Government Email and Calendaring System in the amount of \$106,505, to SADA Systems Inc.; approve a 10% contingency in the amount of \$10,651; and authorize the City Manager to approve the purchase of additional individual Google Access and Use licenses if necessary.

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

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 Review Effectiveness of Existing Art in Private Development In-Lieu
RTC 12-187 Fee Option (Study Issue)

Staff Recommendation: Alternatives 1, 2 and 3:

1. Allow developers and property owners the flexibility to choose without limitations whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee consistent with 1% of the construction valuation of covered projects. Approve amendments to Municipal Code 19.52 Art in Private Developments and Council Policy 6.4.3 - Art in Private Development.
2. Approve fee of an additional 1/10th of a percent (0.1%) of construction valuation of covered projects to be placed in a separate Art Maintenance Fund to provide resources for repair and maintenance of art purchased with in-lieu fees.
3. Approve amendments to Council Policy 6.4.4. Art in Public Construction and direct staff to:
 - Implement guidelines for deaccessioning artwork from the City's Permanent Art Collection;
 - Develop guidelines to further define the parameters under which the Public Art Funds can be used;
 - Direct staff to develop a Master Plan for Public Art to identify potential public art projects and prioritize public art locations for funding, and;
 - Change title of policy to *Art in Public Places*.

Staff Contact: Nancy Bolgard Steward, (408) 730-7342

3. MOTION Proposed Response to Santa Clara County Civil Grand Jury Report, An
RTC 12-183 Analysis of Pension and Other Post-Employment Benefits

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: Drew Corbett, (408) 730-7603

4. RESOLUTION Consider a Resolution to Increase the City Council's Contribution to the
RTC 12-194 Employee Rate for the California Public Employees' Retirement System
and Amendment to the Salary Resolution

Staff Recommendation: None.

Staff Contact: Teri Silva, (408) 730-7495

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- City Manager

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of July 31, 2012 – City Council Joint Study Session with Board of Library Trustees – Future Library and Civic Center Facility Options
- Draft Minutes of the Arts Commission meeting of July 18, 2012
- Draft Minutes of the Sustainability Commission meeting of July 26, 2012
- Draft minutes of the Heritage Preservation Commission meeting of August 1, 2012

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
August 14, 2012	Council Meeting	7 p.m.	Council Chambers
August 28, 2012	Council Meeting	7 p.m.	Council Chambers
September 11, 2012	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

August 15, 2012	Arts Commission	7 p.m.	Community Center Conference Room
August 16, 2012	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Room
Aug 22, 2012	Housing and Human Services Commission	7 p.m.	West Conference Room
Sept. 10, 2012	Board of Library Trustees	7 p.m.	Library Program Room
Sept. 12, 2012	Parks and Recreation Commission	7 p.m.	Columbia Neighborhood Center Morse Conference Room
Sept. 19, 2012	Arts Commission	7 p.m.	Community Center Conference Room
October 10, 2012	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
October 17, 2012	Arts Commission	7 p.m.	Community Center Conference Rm

CHANNEL 15 – KSUN

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

August 14, 2012	City Council Meeting – Live	7 p.m.
August 15, 2012	City Council Meeting – Replay of July 31, 2012	7 p.m.
August 19, 2012	City Council Meeting – Replay of July 31, 2012	4 p.m.