

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, MAY 25, 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 Councilmember Otto Lee from:

InterContinental Boston Hotel, 510 Atlantic Avenue, Boston, MA, 02110

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

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.

CALL TO ORDER - Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR MAY 25, 2010

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

CLOSED SESSION REPORT FOR MAY 25, 2010

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

SPECIAL ORDER OF THE DAY – Department of Public Safety Special Awards

SPECIAL ORDER OF THE DAY – Fry's Electronics 25th Anniversary

PUBLIC ANNOUNCEMENTS

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

PRESENTATION – Alert SCC Reverse 911 System (5 minutes)

CONSENT CALENDAR

- 1.A. MOTION Approval of Joint Sunnyvale City Council and Redevelopment Agency Minutes of May 11, 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 10-133 Nos. 504 and 505

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. MOTION Approval of Budget Modification No. 33 to Appropriate an Additional
RTC 10-137 \$488,000 to Public Safety Recruitment and Training Project 826220

Staff Recommendation: Approve Budget Modification No. 33 to appropriate an additional \$488,000 to project 826220.

Staff Contact: Deputy Chief Mark Stivers, (408) 730-7123

- 1.E. MOTION Approve Budget Modification No. 34 and Increase Contract Contingency
RTC 10-141 for Project 822812, Storm Sewer Extension for McKinley Avenue.

Staff Recommendation: Approve Budget Modification No. 34 and increase the construction contingency for the contract with Peak Engineering in the amount of \$90,000 to cover the cost of the pavement modifications and conforms.

Staff Contact: Mark Rogge, (408) 730-7330

- 1.F. MOTION Approve HOME Investment Partnership Act (HOME) Loan Agreement
RTC 10-118 with Aster Park, LP, a legal entity of Mid-Peninsula Housing Coalition (MPHC), for \$1.3 Million to Rehabilitate Aster Park Apartments

Staff Recommendation: Approve the attached HOME Loan Agreement with Aster Park, LP, a legal entity of Mid-Peninsula Housing Coalition.

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

- 1.G. MOTION Approval of Budget Modification No. 37 to Appropriate an Additional
RTC 10-134 \$150,000 for Outside Counsel Services

Staff Recommendation: Approve Budget Modification No. 37 to appropriate an additional \$150,000 for Outside Counsel Services.

Staff Contact: David Kahn (408) 730-7464

Contracts: Sunnyvale Works!

- 1.H. MOTION Award of Sunnyvale Works! Bid No. F0903-86, Water Main Replacement
RTC 10-136 at Washington Avenue, and Approval of Budget Modification No. 35

Staff Recommendation: Award a contract in the amount of \$316,130 to D&D Pipelines, Inc. for the subject project and authorize the city manager to execute the contract when all necessary conditions have been met; approve a 15% project contingency in the amount of \$47,420; and approve Budget Modification No. 35.

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

- 1.I. MOTION Award of Sunnyvale Works! Bid No. F0903-82, Interior Re-Coating and
RTC 10-139 Structural Repairs of Three Tanks at Hamilton Water Plant

Staff Recommendation: Award a contract in the amount of \$569,501 to Crosno Construction, Inc. for the subject project, and authorize the city manager to execute the contract when all necessary conditions have been met; and approve a 15% project contingency in the amount of \$85,425.

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

Other Items

- 1.J. MOTION Recommendation to Sunnyvale City Council to Approve Confirmation of
RTC 10-130 New Members to the NOVA Workforce Board

Staff Recommendation: Confirm Mr. Bruce Knopf and Dr. Linda Thor for four-year terms on the NOVA Workforce Board.

Staff Contact: Kris Stadelman, (408) 730-7233

- 1.K. MOTION Approve Proposed Revisions to Council Policy 7.3.13 Support for
RTC 10-142 Councilmembers; Staff-Council Communications

Staff Recommendation: Approve the policy revisions as presented.

Staff Contact: Yvette Blackford, (408) 730-7536

- 1.L. MOTION Approval of Revised Council Policy 7.2.19, Boards and Commissions
RTC 10-143

Staff Recommendation: Approve the policy revisions as presented.

Staff Contact: Coryn Campbell, (408) 730-7475

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 10 minutes for closing comments.***

2. MOTION Board and Commission Appointments
RTC 10-144

Staff Recommendation: Confirm appointments from the candidates listed in this report, specifying the term for the Planning Commission appointment which has multiple seats and terms.

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

3. ORDINANCE 2010-7279 Urgency Interim Zoning Ordinance - Moratorium Affecting the
RTC 10-129 Sale and Distribution of Marijuana for Medical Purposes

Staff Recommendation: Adopt the Urgency Interim Zoning Ordinance.

Staff Contact: Andrew Miner, (408) 730-7707

City Clerk reads the Ordinance.

4. MOTION Consideration of a Directly-Elected Mayor (Study Issue)
RTC 10-135

Staff Recommendation: Staff makes no recommendation on whether or not to proceed with a Charter amendment to change to a directly-elected Mayor.

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

5. MOTION 2010-7145 South Murphy Avenue Sidewalk Policy 2010 (Study Issue)
RTC 10-121

Staff Recommendation: Approve the South Murphy Avenue Sidewalk Policy.

Staff Contact: Surachita Bose, (408) 730-7443

6. ORDINANCE 2009-0400 Amend the Zoning Code for Consistency with the Precise
RTC 10-131 Plan for El Camino Real and Recent Streamlining Efforts

Staff Recommendation: Introduce the proposed ordinance and adopt the Negative Declaration, and repeal Council Policy 1.1.11 as it is incorporated into the proposed ordinance.

Staff Contact: Rosemarie Zulueta, (408) 730-7437

City Clerk reads the Ordinance.

7. ORDINANCE Authorize the Issuance and Sale of Water Revenue Bonds and
RTC 10-138 Wastewater Revenue Bonds and Approve Related Documents and
Actions

Staff Recommendation: Approve a resolution authorizing the proceedings relating to the refunding of the 2001 Installment Sale Agreement, Financing of Capital improvements for the City's Water and Wastewater Systems, authorizing the issuance and sale of water revenue bonds and wastewater revenue bonds, and approving related documents and actions.

Staff Contact: Tim Kirby, (408) 730-2712

City Clerk reads the Ordinance.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 10-132 Update Regarding Morse Avenue Park Site Development (Information Only)
- RTC 10-140 Opportunity for Council to Appeal Decisions of the Planning Commission of May 10, 2010
- Study Session Summary of May 4, 2010 – Board and Commission Interviews
- Study Session Summary of May 17, 2010 – Board and Commission Interviews
- Draft Minutes of the Heritage Preservation Commission meeting of May 5, 2010.

ADJOURNMENT TO THE FINANCING AUTHORITY

FINANCING AUTHORITY

ROLL CALL

PUBLIC ANNOUNCEMENTS

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

CONSENT CALENDAR

FA 1.A. MOTION Approval of Draft Minutes of Meeting of April 6, 2010

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 Agency 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 Authority Chair) 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 Authority members. If you wish to address the Authority, please complete a speaker card and give it to the Authority 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 agency clerk. You will be recognized at the time the item is being considered by the Authority. **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 10 minutes for closing comments.***

FA 2. RESOLUTION Authorize the Refunding of the Sunnyvale Financing Authority
FA 10-003 Water and Wastewater Bonds, Series 2001, and Approve Related Documents and Actions

Staff Recommendation: Approve a resolution of the Board of Directors of the Sunnyvale Financing Authority authorizing the refunding of its outstanding 2001 Water and Wastewater Revenue Bonds, Series A, and approving related documents and actions.

Staff Contact: Tim Kirby, (408) 730-2712

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
May 25, 2010	Council Meeting	7 p.m.	Council Chambers
June 15, 2010	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

May 24, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
May 24, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
May 26, 2010	Administrative Hearing	2 p.m.	West Conference Rm
May 26, 2010	Housing & Human Services Commission	7 p.m.	West Conference Rm
June 2, 2010	Heritage Preservation Commission	7 p.m.	West Conference Rm
June 7, 2010	Board of Library Trustees	7 p.m.	Library Program Rm A
June 9, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
June 14, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
June 14, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
June 16, 2010	Administrative Hearing	2 p.m.	West Conference Rm
June 16, 2010	Arts Commission	7 p.m.	Council Chambers
June 28, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
June 28, 2010	Planning Commission Public Hearing	8 p.m.	Council Chambers
June 30, 2010	Administrative Hearing	2 p.m.	West Conference Rm
July 14, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
July 21, 2010	Arts Commission	7 p.m.	Council Chambers
Aug. 11, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 18, 2010	Arts Commission	7 p.m.	Council Chambers
Sep. 8, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Sep. 15, 2010	Arts Commission	7 p.m.	Council Chambers
Oct. 13, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Oct. 20, 2010	Arts Commission	7 p.m.	Council Chambers
Nov. 10, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Nov. 17, 2010	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

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

May 11, 2010	City Council Meeting – Live	7 p.m.
May 12, 2010	City Council Meeting – Replay of May 11, 2010	7 p.m.
May 16, 2010	City Council Meeting – Replay of May 11, 2010	4 p.m.