

## NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL  
TUESDAY, JULY 27, 2010  
COUNCIL CHAMBERS and WEST CONFERENCE ROOM  
CITY HALL - 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA**

**6:30 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 54956.9(a)  
Conference with Legal Counsel – Existing Litigation  
Name of case: Mariana Alvarez vs. City of Sunnyvale Department of Public Safety, et al.,  
Santa Clara County Superior Court Case No. 109-CV-140404
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 JULY 27, 2010**

*Closed Session pursuant to Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation*

*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** – Presentation of Fund-Raising Check from PSOA to the Muscular Dystrophy Association (5 minutes)

**PUBLIC ANNOUNCEMENTS**

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

**PRESENTATION** – Leadership Sunnyvale (10-15 minutes)

**CONSENT CALENDAR**

- 1.A. MOTION Approval of Council Meeting Minutes of July 20, 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 10-197 No. 514

Staff Recommendation: Review the attached lists of bills.

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

**Contracts**

- 1.D. MOTION Modify an Existing Contract for Janitorial Services (F1007-02)  
RTC 10-199

Staff Recommendation: Extend existing contract in an amount not to exceed \$148,407, to Sunnyvale Building Maintenance for janitorial services; authorize the City Manager to extend the contract for an additional one year period if pricing and service remain acceptable to the City; and approve a contract contingency in the amount of \$5,000 for extra and/or emergency services as necessary.

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

- 1.E. MOTION Amend an Existing Contract with Smith Emery Company for  
RTC 10-200 General Construction Inspection and Testing Services (F1007-04)

Staff Recommendation: Amend the existing contract with Smith Emery Company, extend the contract by one year and increase the not to exceed value from \$50,000 to \$250,000, an increase of \$200,000.

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

- 1.F. MOTION Amend an Existing Contract with Consolidated Engineering  
RTC 10-201 Laboratories for General Construction Inspection and Testing  
Services (F1007-05)

Staff Recommendation: Amend the existing contract with Consolidated Engineering Laboratories, extend the contract by one year, and increase the not to exceed value from \$174,000 to \$374,000, an increase of \$200,000.

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

**Other Items**

- 1.G. ORDINANCE      Adoption of Ordinance No. 2923-10 Amending Section 1.05.110 of Chapter 2923-10  
2923-10                      1.05 (Administrative Citations) of Title 1 (General Provisions) of the Sunnyvale Municipal Code Related to Placement of Unpaid Administrative Citations on the County of Santa Clara Property Tax Roll

Staff Recommendation: Approve second reading of Ordinance No. 2923-10.

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

**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.      ORDINANCE              2010-7150- Rezone Study Extending Place of Assembly Zoning to  
RTC 10-196                      Properties along Mathilda Avenue in Peery Park

Staff Recommendation: Approve the POA combining district for the three properties by adopting the negative declaration and introducing an ordinance to rezone all properties shown on the exhibit to the draft ordinance.

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

**\*City Clerk reads the ordinance.\***

3.      MOTION                      2010-7454 Request to initiate a General Plan Amendment study to  
RTC 10-195                      change the land use designation for 915 De Guigne Drive from Industry  
(IND) to Industrial-to-Residential Medium Density (ITRMED)

Staff Recommendation: Initiate a General Plan Amendment for the subject site and five additional properties shown in Attachment B (a total of 34.4 acres), and study a General Plan land use designation change from Industry to Industrial-to-Residential, considering a variety of residential densities including the potential for additional commercial sites within the overall East Sunnyvale ITR area.

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

4. RESOLUTION Notice of Public Hearing - Cause Charges for Non-Payment of Utility  
RTC 10-189 Services to be Placed on the FY 2010/2011 Tax Roll

Staff Recommendation: Alternative 1: Adopt the resolution causing charges for non-payment of utility services to be placed on the FY 2010/2011 tax roll.

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

5. RESOLUTION Public Hearing - Collection of Wastewater Charges for Properties  
RTC 10-194 Outside the City on the Fiscal Year 2010/2011 Property Tax Roll

Staff Recommendation: Alternative 1: Adopt the resolution approving the proposed assessments.

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

### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

#### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

#### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 10-198 Opportunity for Council to Appeal Decisions of the Planning Commission of July 12, 2010
- Draft Minutes of the Heritage Preservation Commission meeting of July 7, 2010

#### **ADJOURNMENT**

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#### **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**

| <b>DATE</b>   | <b>MEETING</b>  | <b>TIME</b> | <b>PLACE</b>     |
|---------------|-----------------|-------------|------------------|
| July 27, 2010 | Council Meeting | 7 p.m.      | Council Chambers |
| Aug. 10, 2010 | Council Meeting | 7 p.m.      | Council Chambers |
| Aug. 31, 2010 | Council Meeting | 7 p.m.      | Council Chambers |

**OTHER SCHEDULED MEETINGS**

|                |                                     |        |                    |
|----------------|-------------------------------------|--------|--------------------|
| July 26, 2010  | Planning Commission Study Session   | 7 p.m. | West Conference Rm |
| July 26, 2010  | Planning Commission Public Hearing  | 8 p.m. | Council Chamber    |
| July 28, 2010  | Zoning Hearing                      | 2 p.m. | West Conference Rm |
| July 28, 2010  | Housing & Human Services Commission | 7 p.m. | West Conference Rm |
| Aug. 2, 2010   | Board of Library Trustees           | 7 p.m. | Library Program Rm |
| Aug. 4, 2010   | Heritage Preservation Commission    | 7 p.m. | West Conference Rm |
| Aug. 9, 2010   | Planning Commission Study Session   | 7 p.m. | West Conference Rm |
| Aug. 9, 2010   | Planning Commission Public Hearing  | 8 p.m. | Council Chamber    |
| Aug. 11, 2010  | Zoning Hearing                      | 2 p.m. | West Conference Rm |
| Aug. 11, 2010  | Parks and Recreation Commission     | 7 p.m. | Council Chambers   |
| Aug. 18, 2010  | Arts Commission                     | 7 p.m. | Council Chambers   |
| Aug. 23, 2010  | Planning Commission Study Session   | 7 p.m. | West Conference Rm |
| Aug. 23, 2010  | Planning Commission Public Hearing  | 8 p.m. | Council Chamber    |
| Aug. 25, 2010  | Administrative Hearing              | 2 p.m. | West Conference Rm |
| Aug. 25, 2010  | Housing & Human Services Commission | 7 p.m. | West Conference Rm |
| Sept. 8, 2010  | Parks and Recreation Commission     | 7 p.m. | Council Chambers   |
| Sept. 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   |
| Dec. 8, 2010   | Parks and Recreation Commission     | 7 p.m. | Council Chambers   |
| Dec. 15, 2010  | Arts Commission                     | 7 p.m. | Council Chambers   |

**CHANNEL 15 – KSUN**

For a complete schedule of KSUN-15 broadcasts, visit [KSUN.inSunnyvale.com](http://KSUN.inSunnyvale.com)

|               |  |        |
|---------------|--|--------|
| July 25, 2010 | City Council Meeting – Replay of July 20, 2010   | 4 p.m. |
| July 27, 2010 | City Council Meeting – Live                      | 7 p.m. |
| July 28, 2010 | City Council Meeting – Replay of July 27, 2010   | 7 a.m. |
| Aug. 1, 2010  | City Council Meeting – Replay of July 27, 2010   | 4 p.m. |
| Aug. 10, 2010 | City Council Meeting – Live                      | 7 p.m. |
| Aug. 11, 2010 | City Council Meeting – Replay of August 10, 2010 | 7 a.m. |
| Aug. 15, 2010 | City Council Meeting – Replay of August 10, 2010 | 4 p.m. |