

**NOTICE AND AGENDA**

**SUNNYVALE CITY COUNCIL  
TUESDAY, AUGUST 10, 2010  
COUNCIL CHAMBERS  
CITY HALL - 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA**

**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**

**SALUTE TO THE FLAG**

**ROLL CALL**

**SPECIAL ORDER OF THE DAY** – Proclamations Declaring Lakewood Elementary and Cherry Chase Elementary California Distinguished Schools

**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 27, 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 10-206 Nos. 515 and 516

Staff Recommendation: Review the attached lists of bills.

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

*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.*

- 1.D. MOTION Carryover of Council Technology Funds from FY 2009/10 to FY 2010/11  
RTC 10-207 and Approval of Budget Modification No. 3

Staff Recommendation: Alternative 1: Approve the carryover of \$5,014 in technology funds in accordance with Council Policy 7.3.13, and Budget Modification No. 3.

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

- 1.E. MOTION Approval of Budget Modification No. 4 for the Funding of Public Safety  
RTC 10-211 Roofing Project, Phase 2 from existing Project 819610, Public Safety  
Building Heating Ventilation & Air Conditioning (HVAC)

Staff Recommendation: Alternative 1: Approve Budget Modification No. 4 to appropriate \$300,000 from Project 819610 (Public Safety Buildings – HVAC) to Project 818100 (Public Safety Buildings – Roofs) to fund the second phase of the Public Safety Roofing project.

Staff Contact: Robert Walker, (408) 730-7458

- 1.F. RESOLUTION Resolution to Authorize Application for a State Sustainable Communities  
RTC 10-202 Planning Grant of up to \$1 Million

Staff Recommendation: Adopt the resolution.

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

- 1.G. MOTION City of Sunnyvale Investment Report – 2<sup>nd</sup> Quarter 2010  
RTC 10-205

Staff Recommendation: Receive and file the investment report.

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

### **Personnel**

- 1.H. RESOLUTION Approval of the Public Safety Managers Association Memorandum of  
RTC 10-213 Understanding and Adoption of the Revised Salary Resolution

Staff Recommendation: Alternative 1: Approve PSMA MOU and adopt the revised salary resolution.

Staff Contact: Teri Silva, (408) 730-7490

### **Contracts: Sunnyvale Works!**

- 1.I. MOTION Award of Sunnyvale Works! Bid No. F0905-103 for Homestead Road  
RTC 10-210 Resurfacing

Staff Recommendation: Award a contract in the amount of \$794,940 to C.F. Archibald Paving, Inc. for the subject project, and authorize the city manager to execute the contract when all necessary conditions have been met; and approve a construction contingency in the amount of \$79,494.

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

- 1.J. MOTION Approve an On-call Contract for Construction Management and Support  
RTC 10-212 Services in Conjunction with Sunnyvale Works! Projects (F1007-09)

Staff Recommendation: Award a contract to CSG Consultants, Inc. for on-call construction management and support services through June 30, 2011 in an amount not-to-exceed \$754,400.

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

- 1.K. MOTION Rejection of Proposals Received in Response to Request for Proposals to  
RTC 10-214 Furnish and Install a Wireless High Fidelity Network (F0904-88)

Staff Recommendation: Reject the proposals received in response to Request for Proposals F0904-88.

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

### **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 Response to Santa Clara County Civil Grand Jury Report, *Cities Must*  
RTC 10-203 *Rein in Unsustainable Employee Costs*

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

3. MOTION City Positions Regarding Propositions 22, 23, 25 and 26 on the  
RTC 10-204 November 2010 Ballot

Staff Recommendation: Proposition 22: Since the City has already established a support position on Proposition 22 staff recommends that the Council maintain the established SUPPORT position. Proposition 23: Staff makes no recommendation at this time.

Proposition 25: Staff recommends the City SUPPORT this measure as a 2/3 requirement is difficult to achieve and when the State budget fails to pass it has a negative impact on the City's ability to conduct its business. Proposition 26: Staff recommends the City take an OPPOSE position based on existing City policy.

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

4. MOTION 2010-7454: Request to initiate a General Plan Amendment study to change the land use designation for 915 De Guigne Drive from Industry (IND) to Industrial-to-Residential Medium Density (ITRMED) (Continued from July 27, 2010.)  
RTC 10-208

Staff Recommendation: Alternative 2: 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. Incorporate the study, as well as the previously initiated study for the adjacent Equity Office Properties sites (20.5 acres), into the ongoing Horizon 2035 (Land Use and Transportation Element update) process.

Staff Contact: Mariya Hodge, (408) 730-7440

5. ORDINANCE Adoption of Ordinance No. 2924-10 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Properties Located at 415 North Mathilda Avenue, 425 North Mathilda Avenue, 433 North Mathilda Avenue and 435 Indio Way (in Peery Park) from M-S (Industrial & Service) To M-S/POA (Industrial & Service/Places of Assembly) Zoning District  
No. 2924-10

Staff Recommendation: Approve **second reading** of Ordinance No. 2924-10.

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 10-209 Opportunity for Council to Appeal Decisions of the Planning Commission of July 26, 2010
- Draft Minutes of the Parks and Recreation Commission Meeting of July 14, 2010
- Draft Minutes of the Arts Commission Meeting of July 21, 2010
- Draft Minutes of the Council Subcommittee on Board and Commission Bylaws Amendments Meeting of July 26, 2010

### **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**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
Aug. 31, 2010	Council Meeting	7 p.m.	Council Chambers
Sept. 14, 2010	Council Meeting	7 p.m.	Council Chambers
Sept. 28, 2010	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

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. 19, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 19, 2010	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
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.	TBD
Sept. 1, 2010	Heritage Preservation Commission	7 p.m.	West Conference Rm
Sept. 8, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Sept. 13, 2010	Board of Library Trustees	7 p.m.	Library Program Rm A
Sept. 13, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Sept. 13, 2010	Planning Commission Public Hearing	8 p.m.	Council Chambers
Sept. 15, 2010	Arts Commission	7 p.m.	Council Chambers
Sept. 15, 2010	Zoning Hearing	2 p.m.	West Conference Rm
Sept. 22, 2010	Housing & Human Services Commission	7 p.m.	West Conference Rm
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)

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.
Aug. 31, 2010	City Council Meeting – Live	7 p.m.
Sept. 1, 2010	City Council Meeting – Replay of August 31, 2010	7 a.m.
Sept. 5, 2010	City Council Meeting – Replay of August 31, 2010	4 p.m.