

## NOTICE AND AGENDA

### SUNNYVALE CITY COUNCIL AND ONIZUKA LOCAL REDEVELOPMENT AUTHORITY (LRA) TUESDAY, SEPTEMBER 28, 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** - Call to order in the Council Chambers

**SALUTE TO THE FLAG**

**ROLL CALL**

**SPECIAL ORDER OF THE DAY** – National Breast Cancer Awareness Month

#### **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 September 14, 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 10-258 Nos. 522 and 523

**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                      Agreements Between the City of Sunnyvale and Silicon Valley  
RTC 10-253                      Leadership to Provide Leadership Sunnyvale Training Program

Staff Recommendation: Alternative 1: Approve Attachment A, In-Kind Services Agreement between the City of Sunnyvale and SVL, and Attachment B, Outside Group Funding Agreement and authorize the City Manager to enter into said Agreements.

Staff Contact: Nathan Truitt, (408) 730-7472

- 1.E. MOTION                      Approve Agreement with Housing Authority of the County of Santa Clara  
RTC 10-254                      for a Sub-Recipient Grant of \$350,000 for a Sunnyvale Tenant Based  
Rental Assistance Program

Staff Recommendation: Approve agreement with the Housing Authority of the County of Santa Clara, in substantially the same form as the attached, for a sub-recipient grant of \$350,000 for a Sunnyvale TBRA program, and authorize the City Manager to sign the agreement.

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

### **Personnel**

- 1.F. RESOLUTION                Notice of Intention to Change the Reporting Value of Employer Paid  
RTC 10-261                      Member Contributions (EPMC) for the Public Safety Management  
Association (PSMA)

Staff Recommendation: Adopt the resolution that will be submitted to CalPERS and attached to our current contract with them to show the modification to the employer and employee contribution amount for Employer Paid Member Contribution (EPMC).

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

- 1.G. RESOLUTION                Alternative Retirement System for Temporary (Unclassified Casual,  
RTC 10-264                      Seasonal, Special Project, and Recreation) Employees.

Staff Recommendation: Alternative 1: Adopt the resolution to participate in the Public Agency Retirement Services Alternative Retirement System (PARS-ARS) as an alternative plan in lieu of Social Security for current temporary employees who elect coverage, and all new temporary employees, effective as soon as administratively possible, with the initial cost sharing of 7.5% contribution rate set at 6.2% for the temporary employee and 1.3% for the City, and with the City initially paying plan fees; and adopt the resolution updating the City's Salary Resolution.

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

### **Contracts**

- 1.H. MOTION                      Award of Contract for Two Vacuum Powered Cleaning Trucks  
RTC 10-265                      (F1008-13) and Approval of Budget Modification No. 12

Staff Recommendation: Award a contract for two vacuum powered cleaning trucks in the amount of \$577,630, to Municipal Maintenance Equipment, Inc. and; approve Budget Modification No. 12 to appropriate funds from the Water Fund Capital and Infrastructure Reserve to fund the purchase of a new hydro-excavator.

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

- 1.I. MOTION Award of Contract for Two Front End Loader/Backhoes (F1008-12)  
RTC 10-266

Staff Recommendation: Award a contract for two loader/backhoes in the amount of \$132,938, to Pape Machinery Inc.

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

**Contracts: Sunnyvale Works!**

- 1.J. MOTION Award of Sunnyvale Works Bid No. F1007-07 for Pavement  
RTC 10-263 Rehabilitation of Sunnyvale Avenue from Arques Avenue to Hazelton Avenue

Staff Recommendation: Award a contract in the amount of \$280,257 to Galeridge Construction, 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 construction contingency in the amount of \$28,026.

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

- 1.K. MOTION Award of Sunnyvale Works! Bid No. F1007-08 for Pavement  
RTC 10-262 Rehabilitation of Sunnyvale Avenue from Hazelton Avenue to Maude Avenue and Approval of Budget Modification No. 11

Staff Recommendation: Award a contract in the amount of \$273,632 to Galeridge 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 \$27,363; and approve Budget Modification No. 11 to transfer \$233,320 from Project 828570, Sunnyvale Avenue Rehabilitation, to Project 825290, Pavement Rehabilitation.

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

**Other Items**

- 1.L. RESOLUTION Adoption of Resolution to Authorize the City of Sunnyvale to Receive  
RTC 10-233 Federal and State Criminal History Information for Employees Who are Required to Obtain EMT and/or Advanced EMT Certification

Staff Recommendation: Alternative 1: Adopt the Resolution authorizing the City of Sunnyvale to receive Federal and State Criminal History Information for employees who are required to obtain EMT and/or Advanced EMT Certification.

Staff Contact: Rachel Vasquez, (408) 730-7112

- 1.M. RESOLUTION Resolution Providing Blanket Authorization for Future Caltrans Project  
RTC 10-251 Document Execution

Staff Recommendation: Alternative 1: Review and approve the attached resolution authorizing the city manager to execute all future Caltrans project administration documents.

Staff Contact: Jack Witthaus (408) 730-7330

- 1.N. RESOLUTION Vehicle Emissions Reductions Based at Schools (VERBS) Grant for a  
RTC 10-255 School Transportation Demand Management Project–Resolution of  
Support

Staff Recommendation: Alternative 1: Approve the attached Resolution of Support for Vehicle Emissions Reductions Based at Schools (VERBS) Transportation Demand Management grant funding.

Staff Contact: Jack Witthaus (408) 730-7330

### **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 2009-0799-Advisory Committee Recommendations for the General Plan  
RTC 10-260 Consolidation Project

Staff Recommendation: Accept the recommendations made by the Advisory Committee, including maintaining the Committee to provide feedback as requested by staff and direct staff to proceed with the consolidation work.

Staff Contact: Diana O'Dell, (408) 730-7257

3. ORDINANCE Amendment to Sunnyvale Municipal Code Section 10.16.120 Related to  
RTC 10-232 Nuisance Vehicles

Staff Recommendation: Alternative 1: Amend Sunnyvale Municipal Code Section 10.16.120 to remove the requirement that a vehicle be moved at least one mile to comply with this Section; remove the language referencing the reading of the mechanical odometer. Clarify the intent to limit parking to 72 consecutive hours by adding language to define successive acts of parking to be presumed to be a single act of parking within the meaning of this section.

Staff Contact: Deputy Chief Kelly Fitzgerald, (408) 730-7220

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

4. ORDINANCE      Requiring Dual Plumbing for Future Developments for Reclaimed Water  
RTC 10-250      (Study Issue)

Staff Recommendation:

1. Introduce an ordinance to require that the following types of projects use the recycled water system for landscape irrigation when available at the project site or when within 300 feet of the project site: new multi-family (3 or more dwelling units) with greater than 1,000 square feet of new or rehabilitated landscaped area; and new non-residential buildings and additions greater than 5,000 square feet with greater than 1,000 square feet of new or rehabilitated landscaped area, and:
2. Direct staff to further study the most effective way to encourage additional usage and expansion of the recycled water system as part of the upcoming Recycled Water Master Plan.

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

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

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

**NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 10-259 Opportunity for Council to appeal decisions of the Planning Commission of September 13, 2010 and the Zoning Administrator Hearing of September 14, 2010
- Draft Minutes of the Council Subcommittee on Board and Commission Bylaws Meeting of September 8, 2010
- Draft Heritage Preservation Commission Minutes of September 1, 2010
- Draft Minutes of the Board of Library Trustees Meeting of September 13, 2010
- Study Session Summary of September 14, 2010 – Medical Marijuana Dispensaries

**ADJOURNMENT TO THE ONIZUKA LOCAL REDEVELOPMENT AUTHORITY**

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**ONIZUKA LOCAL REDEVELOPMENT AUTHORITY (LRA)**

**ROLL CALL**

**PUBLIC ANNOUNCEMENTS**

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

**CONSENT CALENDAR**

- LRA 1.A.    MOTION      Approval of Draft Minutes of Regular Meeting of January 26, 2010

### **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 Agency 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 Agency members. If you wish to address the Agency, please complete a speaker card and give it to the agency clerk. Individuals are limited to one appearance during this section.*

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2. MOTION Selection of Local Redevelopment Authority (LRA) Officers and Local  
LRA 10-002 Redevelopment Authority (LRA) Executive Committee Members

Staff Recommendation: Select a Chairperson, a Vice-Chairperson, and one additional LRA member to constitute the three-member LRA Executive Committee.

Staff Contact: Hanson Hom, (408) 730-7450

3. MOTION Auto Center Refinement Study and Economic Development Conveyance  
LRA 10-003 Process

Staff Recommendation: Council to designate a preferred land use consistent with the Moffett Park Specific Plan and direct staff to further analyze the development potential and the possible benefits of pursuing an economic development conveyance or allowing the site to go to public auction.

Staff Contact: Hanson Hom, (408) 730-7450

### **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>
Oct. 5, 2010	Council Meeting	7 p.m.	Council Chambers
Oct. 12, 2010	Council Meeting	7 p.m.	Council Chambers
Oct. 26, 2010	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

Sept. 27, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Sept. 27, 2010	Planning Commission Public Hearing	8 p.m.	Council Chambers
Sept. 29, 2010	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Oct. 4, 2010	Board of Library Trustees	7 p.m.	Library Program Rm A
Oct. 6, 2010	Heritage Preservation Commission	7 p.m.	West Conference Rm
Oct. 11, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Oct. 11, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
Oct. 13, 2010	Administrative Hearing	2 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
Oct. 21, 2010	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
Oct. 25, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Oct. 25, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
Oct. 27, 2010	Administrative Hearing	2 p.m.	West Conference Rm
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)

Sept. 28, 2010	City Council Meeting – Live	7 p.m.
Sept. 29, 2010	City Council Meeting – Replay of Sept. 28, 2010	7 a.m.
Oct. 3, 2010	City Council Meeting – Replay of Sept. 28, 2010	4 p.m.