

**NOTICE AND AGENDA**

**SUNNYVALE CITY COUNCIL  
TUESDAY, NOVEMBER 9, 2010  
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 (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: James and Joanne Fetsco vs. City of Sunnyvale, Santa Clara County Superior Court Case No. 109-CV-147945
  - b. Closed Session pursuant to Government Code Section 54957  
Public Employee Performance Evaluations  
Titles: City Attorney, City Manager  
Staff Contact: Teri Silva, (408) 730-7495
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 (Open to the Public)
2. Roll Call
3. Board and Commission Interviews
4. Public Comment
5. Adjourn Special 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.*

**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 NOVEMBER 9, 2010**

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

**CLOSED SESSION REPORT FOR NOVEMBER 9, 2010**

*Closed Session pursuant to Government Code Section 54957 – Public Employee Performance Evaluations*

**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 October 26, 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 10-298 No. 528 & 529

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. RESOLUTION Resolution Amending the FY 2010/2011 Fee Schedule for Public Safety  
RTC 10-307 Parking Penalties

Staff Recommendation: Alternative 1: Adopt the Resolution amending the Fee Schedule for Public Safety Parking Penalties.

Staff Contact: Ann Durkes, (408) 730-7355

- 1.E. MOTION Approval of Budget Modification No. 17 to Appropriate Additional Funding  
RTC 10-301 for Orchard Gardens Neighborhood Traffic Calming Project

Staff Recommendation: Approve Budget Modification No. 17 for additional funding for construction of the Orchard Gardens Neighborhood Traffic Calming project, which will be

awarded under the City Manager's award authority.  
Staff Contact: Pete Gonda, (408) 730-7418

### **Contracts**

- 1.F. MOTION                      Third Amendment to an Existing Contract with Associated Infrastructure  
RTC 10-308                      Management Services Corporation (AIMS) for Project Management  
Services (F1010-40)

Staff Recommendation: Approve a Third Amendment to Consultant Services Agreement with AIMS Corporation to increase the contract value by \$50,000, for a total not-to-exceed amount of \$600,000, and extending the term through June 30, 2011.

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

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

- 1.G. MOTION                      Award of Sunnyvale Works! Contract for Peer Review of the WPCP  
RTC 10-306                      Strategic Infrastructure Plan and Approval of Budget Modification No. 16  
(F1010-35)

Staff Recommendation: Award a contract to CH2M Hill in an amount not to exceed \$124,532 for the Peer Review of the Water Pollution Control Plant Strategic Infrastructure Plan (SIP); approve a project contingency in the amount of \$12,453; and approve Budget Modification No. 16 to provide funding for this project.

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

- 1.H. MOTION                      Award of Sunnyvale Works! Contract (RFP No. F0905-97) for Energy  
RTC 10-311                      Efficient Streetlight Conversion

Staff Recommendation: Award a contract in an amount not-to-exceed \$1,142,065, to Team Econolite Traffic Engineering and Maintenance, Inc., for completion of the energy efficient streetlight conversion project.

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

### **Other Items**

- 1.I. MOTION                      City of Sunnyvale 2010 Conflict of Interest Code Biennial Review and  
RTC 10-293                      Amendment

Staff Recommendation: Alternative 1: Adopt the proposed amending the City's Conflict of Interest Code, as submitted.

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

- 1.J. ORDINANCE                      Adoption of Ordinance No. 2929-10 Amend Section 10.26.050  
NO. 2929-10                      (Issuance Of Permits) of Chapter 10.26 (Preferential Parking on  
Residential Streets) of Title 10 (Vehicles and Traffic) of the Sunnyvale  
Municipal Code

Staff Recommendation: Approve second reading of Ordinance No. 2929-10.

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

- 1.K. MOTION Approval of Revised Council Policy 7.1.5, Donations, Contributions,  
RTC 10-297 and Sponsorships

Staff Recommendation: Alternative 1: Approve the policy revisions as presented.

Staff Contact: Drew Corbett, (408) 730-7603

### **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 2010-7108 - Verizon Wireless [Applicant] Pacific Gas and Electric Co.  
RTC 10-292 [Owner]: Appeal by the applicant of a decision of the Planning Commission for a Use Permit to allow colocation of a fourth wireless telecommunications carrier to add nine antennas on an existing lattice tower and associated ground equipment, including an emergency back-up generator on a site located at 757 Lois Ave. (Negative Declaration) (APN: 198-25-010)

Staff Recommendation: Deny the appeal and uphold the decision by the Planning Commission to approve the Use Permit with the recommended Conditions of Approval located in Attachment B.

Staff Contact: Noren Caliva, (408) 730-7637

3. ORDINANCE Introduction of Ordinance and Setting a Date for a Public Hearing on  
RTC 10-294 Adoption by Reference of the California Building Codes

Staff Recommendation: Introduce the proposed ordinances and set a public hearing for November 16, 2010.

Staff Contact: Carol Lau, (408) 730-7703

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

4. RESOLUTION 2010 California Fire Code with Amendments and Standards for High-Rise  
ORDINANCE Buildings  
RTC 10-299

Staff Recommendation: Accept the California Fire Code with amendments and the changes to the High Rise Ordinance and set a public hearing for adoption of these codes on November 16, 2010.

Staff Contact: Lt. Jeff Schlesinger, (408) 730-7213

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

5. MOTION Adoption of 2010-2011 Charter Review Committee, including Scope of  
RTC 10-300 Authority and Appointment Procedures

Staff Recommendation: Provide direction regarding the establishment of a 2010 Charter Review Committee and, if established, provide direction to staff regarding composition, selection, authority and funding of the Committee.

Staff Contact: David Kahn, (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 10-295 Board and Commission Resignation
- RTC 10-302 Opportunity for Council to appeal decisions of the Planning Commission of October 25, 2010 and the Zoning Administrator Hearing of October 27, 2010
- RTC 10-304 Special Development Permit #2009-0066 for Club La Ronda allowing the expansion of an existing restaurant with live entertainment (La Ronda Night Club) into an existing restaurant space for an additional 534 square feet located a 927 E. Duane Avenue (Information Only)
- Draft Bicycle and Pedestrian Advisory Commission Meeting Minutes of October 21, 2010
- Joint City Council, Planning Commission and Bicycle and Pedestrian Advisory Commission Study Session Summary of October 26, 2010 - Horizon 2035 – Land Use and Transportation Element and Climate Action Plan Status Report

#### **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>
Nov. 15, 2010	Special Council Meeting – Board and Commission Interviews	6 p.m.	West Conference Rm
Nov. 16, 2010	Council Meeting	7 p.m.	Council Chambers
Dec. 7, 2010	Council Meeting	7 p.m.	Council Chambers
Dec. 14, 2010	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

Nov. 8, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Nov. 8, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
Nov. 10, 2010	Zoning Administrator 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.	To be determined
Nov. 17, 2010	Housing & Human Services Commission	7 p.m.	West Conference Rm
Nov. 18, 2010	Bicycle and Pedestrian Advisory Comm.	6:30 p.m.	West Conference Rm
Nov. 22, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Nov. 22, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
Nov. 24, 2010	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Dec. 1, 2010	Heritage Preservation Commission	7 p.m.	West Conference Rm
Dec. 8, 2010	Parks and Recreation Commission	7 p.m.	Council Chambers
Dec. 13, 2010	Planning Commission Study Session	7 p.m.	West Conference Rm
Dec. 13, 2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
Dec. 15, 2010	Zoning Administrator Hearing	2 p.m.	West Conference Rm
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)

Nov. 9, 2010	City Council Meeting – Live	7 p.m.
Nov. 10, 2010	City Council Meeting – Replay of Nov. 9, 2010	7 a.m.
Nov. 14, 2010	City Council Meeting – Replay of Nov. 9, 2010	4 p.m.
Nov. 16, 2010	City Council Meeting – Live	7 p.m.
Nov. 17, 2010	City Council Meeting – Replay of Nov. 16, 2010	7 a.m.
Nov. 21, 2010	City Council Meeting – Replay of Nov. 16, 2010	4 p.m.
Dec. 7, 2010	City Council Meeting – Live	7 p.m.
Dec. 8, 2010	City Council Meeting – Replay of Dec. 7, 2010	7 a.m.
Dec. 12, 2010	City Council Meeting – Replay of Dec. 7, 2010	4 p.m.