

## NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL and REDEVELOPMENT AGENCY  
TUESDAY, SEPTEMBER 20, 2011  
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(b)  
Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation; One potential case
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 SEPTEMBER 20, 2011**

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

**SPECIAL ORDER OF THE DAY** – Board and Commission Oath of Office

*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.*

**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 13, 2011
- 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 11-206 No. 572

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. MOTION Approval of Budget Modification No. 9 to Appropriate Office of Economic  
RTC 11-204 Adjustment Grant Funding for Onizuka Air Force Station (AFS) Base  
Realignment and Closure

Staff Recommendation: Approve Budget Modification No. 9 to appropriate the Office of Economic Adjustment's Redevelopment Plan Amendment Funding and local City match.

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

- 1.E. MOTION Approval of Budget Modification No. 7 to Recognize Grant Funding and  
RTC 11-190 Appropriate Funds for a West Channel Trail Conceptual Design Study

Staff Recommendation: Approve Budget Modification No. 7 to appropriate \$75,000 of grant funding from the Santa Clara Valley Transportation Authority (VTA), and \$20,000 from dedicated local transportation grant matching funds to a new project, West Channel Trail Conceptual Design Study.

Staff Contact: Jack Witthaus, (408) 730-7330

**Contracts**

- 1.F. MOTION Award of Bid No. F1107-04 for Raynor Water Well Rehabilitation  
RTC 11-207

Staff Recommendation: Award a contract in the amount of \$306,500, to Blocka 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 10% construction contingency in the amount of \$30,650.

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

**Other Items**

- 1.G. MOTION Approval of Final Map (Tract No. 10081) – Seven-unit single family  
RTC 11-205 homes at 408 Flora Vista Avenue

Staff Recommendation: Approve the final map for Tract No. 10081; authorize the Mayor to sign the subdivision agreement upon: developer's signatures, submittal of improvement securities, payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

Staff Contact: Eric Gonzales, (408) 730-7616

- 1.H. ORDINANCE Adoption of Ordinance No. 2955-11 Approving and Adopting a First  
NO. 2955-11 Amendment to the Development Agreement among MT SPE, LLC,  
Moffett Park Drive, LLC and the City of Sunnyvale (Lot 1 and Ariba  
Campus)

Staff Recommendation: Approve second reading of Ordinance No. 2955-11.

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

- 1.I. ORDINANCE Adoption of Ordinance No. 2956-11 Approving and Adopting a First  
NO. 2956-11 Amendment to the Development Agreement between Moffett Towers  
Lot 3, LLC and the City of Sunnyvale (Lot 3)

Staff Recommendation: Approve second reading of Ordinance No. 2956-11.

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

- 1.J. ORDINANCE Adoption of Ordinance No. 2957-11 Enacted pursuant to Health and  
NO. 2957-11 Safety Code Section 34193 to Elect and Implement Participation by  
the City of Sunnyvale and the Redevelopment Agency of the City of  
Sunnyvale in the Voluntary Alternative Redevelopment Program  
Pursuant to Part 1.9 of the California Community Redevelopment Law

Staff Recommendation: Approve second reading of Ordinance No. 2957-11.

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

- 1.K. RESOLUTION Resolution of the City Council of the City of Sunnyvale Approving and  
RTC 11-208 Authorizing the Execution of the Agency Transfer Payment Agreement  
with the Redevelopment Agency of the City of Sunnyvale Pursuant to  
Part 1.9 of the Redevelopment Law

Staff Recommendation: Approve a Resolution of the City Council of the City of Sunnyvale approving and authorizing the execution of the Agency Transfer Payment Agreement with the Redevelopment Agency of the City of Sunnyvale pursuant to Part 1.9 of the Redevelopment Law.

Staff Contact: Brice McQueen, (408) 730-7284

**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 5 minutes for closing comments.***

- 2. MOTION Fair Oaks Avenue/Route 237 Parking Facility Study – Study Issue  
RTC 11-203

Staff Recommendation: Alternative 1: Accept the findings of the study issue and take no further action on the establishment of a self-pay, improved parking facility at the City property at Fair Oaks Avenue and Route 237.

Staff Contact: Jack Witthaus, (408) 730-7330

- 3. MOTION Toll Brothers: Applications for a 10-acre site located at 700 Timberpine  
RTC 11-196 Avenue in an R-0/PD Zoning District (APN: 213-12-002): 2010-7672 -  
Appeal of a decision by the Planning Commission to approve a Special  
Development Permit to allow the development of 51 new single-family  
homes; and Vesting Tentative Map for 51 parcels and one remnant lot.

Staff Recommendation: Alternative 1: Deny the appeal and adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

Staff Contact: Steve Lynch, (408) 730-2723

- 4. MOTION 2011-7552: Application to Initiate a General Plan Amendment to study a  
RTC 11-195 change in the Land Use Designation of a City-owned site located at 620  
E. Maude Avenue (also known as the Armory site) from Industrial to  
Residential Medium Density to Very High Density Residential

Staff Recommendation: Alternative 1: Approve the request to initiate a General Plan Amendment study to study changing the General Plan Land Use Designation to Industrial to Very High Density Residential for the site.

Staff Contact: Shaunn Mendrin, (408) 730-7429

- 5. MOTION Approve an Exclusive Negotiating Agreement (ENA) between the City  
RTC 11-185 and MidPen Housing Corporation and Charities Housing Development  
Corporation as the Developers of an Affordable Housing Project at 620  
East Maude Avenue

Staff Recommendation: Alternative 1: Approve the Exclusive Negotiated Agreement between the City and MidPen Housing Corporation and Charities Housing Development Corporation for development of affordable housing on the City-owned Armory site.

Staff Contact: Ernie DeFrenchi, (408) 730-2784

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

**NON-AGENDA ITEMS & COMMENTS**

- Council
- City Manager

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar

**ADJOURNMENT TO THE REDEVELOPMENT AGENCY**

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**REDEVELOPMENT AGENCY**

**ROLL CALL**

**PUBLIC ANNOUNCEMENTS**

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

**CONSENT CALENDAR**

- |          |                          |   |
|----------|--------------------------|---|
| RDA 1.A. | MOTION                   | Approval of Draft Minutes of Regular Meeting of August 23, 2011   |
| RDA 1.B. | RESOLUTION<br>RDA 11-005 | Resolution of the Redevelopment Agency of the City of Sunnyvale Approving and Authorizing the Execution of the Agency Transfer Payment Agreement with the City of Sunnyvale Pursuant to Part 1.9 of the Redevelopment Law |

Staff Recommendation: Approve a Resolution of the Redevelopment Agency of the City of Sunnyvale approving and authorizing the execution of the Agency Transfer Payment Agreement with the City of Sunnyvale pursuant to Part 1.9 of the Redevelopment Law.

Staff Contact: Brice McQueen, (408) 730-7284

**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.*

**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 35.106 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>
Sept. 20, 2011	Council Meeting	7 p.m.	Council Chambers
Sept. 27, 2011	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

Sept. 15, 2011	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
Sept. 19, 2011	Sustainability Commission	7 p.m.	West Conference Rm
Sept. 21, 2011	Arts Commission	7 p.m.	Council Chambers
Sept. 26, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
Sept. 26, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
Sept. 28, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Sept. 28, 2011	Housing and Human Services Commission	7 p.m.	West Conference Rm
Oct. 3, 2011	Board of Library Trustees	7 p.m.	Library Program Rm
Oct. 10, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
Oct. 10, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
Oct. 12, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Oct. 12, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
Oct. 19, 2011	Arts Commission	7 p.m.	Council Chambers
Oct. 20, 2011	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
Oct. 24, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
Oct. 24, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
Oct. 26, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Nov. 16, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
Nov. 21, 2011	Sustainability Commission	7 p.m.	West Conference Rm
Nov. 23, 2011	Arts Commission	7 p.m.	Council Chambers
Dec. 14, 2011	Parks and Recreation Commission	7 p.m.	Council Chambers
Dec. 21, 2011	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. 20, 2011	City Council Meeting – Live	7 p.m.
Sept. 21, 2011	City Council Meeting – Replay of Sept. 20, 2011	7 p.m.
Sept. 25, 2011	City Council Meeting – Replay of Sept. 20, 2011	4 p.m.
Sept. 27, 2011	City Council Meeting – Live	7 p.m.
Sept. 28, 2011	City Council Meeting – Replay of Sept. 27, 2011	7 p.m.
Oct. 2, 2011	City Council Meeting – Replay of Sept. 27, 2011	4 p.m.