

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, DECEMBER 13, 2011
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

5:15 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 54957
Public Employee Performance Evaluation – City Manager
Staff Contact: Teri Silva, (408) 730-7495
4. Adjourn Special Meeting

6:30 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. Convene to Study Session
 - a. Discussion of Upcoming Selection of 2012-2013 Mayor and 2012 Vice Mayor
Staff Contact: Kathleen Franco Simmons, (408) 730-7474
4. Public Comment
5. 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.

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.

CALL TO ORDER - Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR DECEMBER 13, 2011

Closed Session pursuant to Government Code Section 54957 - Public Employee Performance Evaluation – City Manager

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 December 6, 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 11-270 No. 584

Staff Recommendation: Review the attached lists of bills.

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

- 1.D. MOTION Budget Modification No. 20 to Appropriate \$30,634 of Office of Traffic
RTC 11-276 Safety Grant Funds for Sobriety Checkpoints

Staff Recommendation: Alternative 1: Approve Budget Modification No. 20 to appropriate Office of Traffic Safety Sobriety Checkpoint Grant funds in the amount of \$30,634 to a new project – 2011/2012 OTS Sobriety Checkpoints.

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

- 1.E. MOTION Approval of Budget Modification No. 16 to Recognize Grant Funding and
RTC 11-269 Appropriate Grant Funds for A Safe Routes to School Bicycle and
Pedestrian Transportation Improvement Project

Staff Recommendation: Alternative 1: Approve Budget Modification No.16 to appropriate \$820,000 of the subject grant funding to new project Safe Routes to School and Neighborhood Guided Bike Routes.

Staff Contact: Heba El-Guendy, (408) 730-2713

- 1.F. MOTION Approval of Budget Modification No. 18 to Recognize and Appropriate
RTC 11-277 Funding for the Final Planning Phase of the Onizuka / BRAC Project

Staff Recommendation: Alternative 1: Approve Budget Modification No. 18 to recognize and appropriate \$14,500 in revenue from the Foothill-De Anza Community College District and to appropriate \$41,600 in City funds to fund staff and legal support and CEQA technical studies and filing fees for the Onizuka BRAC planning process.

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

- 1.G. RESOLUTION FY 2010/2011 Annual Status Report on Receipt and Use of Development
RTC 11-263 Impact Fees and Adoption of Resolution Approving Findings Regarding
Unspent Fees

Staff Recommendation: Alternative 1: Accept the FY 2010/2011 Annual Status Report on Receipt and Use of Development Impact Fees.

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

Contracts

- 1.H. MOTION Award of Bid No. F1109-21 for Concrete Sidewalk, Curb, Gutter and
RTC 11-271 Driveway Approaches - 2011 CDBG and Approval of Budget Modification
No. 17

Staff Recommendation: Award a contract in the amount of \$438,500, to JJR Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions are met; approve construction contingency in the amount of \$83,616; and approve Budget Modification No. 17 to appropriate available CDBG funding for the project.

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

- 1.I. MOTION Amend an Existing Contract for Capital Project Construction Management
RTC 11-275 and Support Services (F1111-28)

Staff Recommendation: Approve an amendment to an existing contract with CSG Consultants, Inc., extending the contract through December 31, 2012 and increasing the not-to-exceed value by \$683,200, from \$754,400 to \$1,437,600.

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

- 1.J. MOTION Award of Bid No. F1108-08 for Sunnyvale Downtown Streetscape
RTC 11-273 Improvements and Approval of Budget Modification No. 19

Staff Recommendation: Award a contract in the amount of \$1,562,596 to JJR 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 10% construction contingency in the amount of \$156,260; and approve Budget Modification No. 19 to provide additional funding for this project.

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

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 2011-7063: SummerHill Homes/Dorothy Miller Family, LP: Appeal of a
RTC 11-279 Decision by the Planning Commission to Deny a Special Development
Permit and Vesting Tentative Map for a Mixed Use Project Consisting of
113 Residential Townhouse Units and Approximately 17,302 square feet
of Office/Commercial space on 660 - 666 West El Camino Real

Staff Recommendation: Alternative 3: Appeal of a Planning Commission decision to adopt the mitigated negative declaration and deny the special development permit and tentative map.

Staff Contact: Ryan Kuchenig, (408) 730-7431

3. MOTION FY 2010/11 Budgetary Year-End Financial Report, Comprehensive
RTC 11-272 Annual Financial Report, Redevelopment Agency Financial Report, and
Sunnyvale Financing Authority Financial Report

Staff Recommendation: Alternative 1: Receive and file the budgetary Year-End Financial Report, the audited Comprehensive Annual Financial Report, the Memorandum on Internal Control and Required Communications issued by the independent auditors, the Redevelopment Agency Financial Report, and the Sunnyvale Financing Authority Financial Report; and Alternative 2: Approve the set aside and administrative appropriation of \$3.7 million from the Budget Stabilization Fund to cover the City's RDA "opt-in" payment in January, pending the ruling from the State Supreme Court.

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

4. ORDINANCE Notice of Intention to Amend the CalPERS Contract to Provide 20475
RTC 11-274 (Different Level of Benefits) and Section 21363.1 (3% @ 55 Full Formula)
Applicable to Local Safety Members Entering Membership for the First
Time in a Safety Classification

Staff Recommendation: Alternative 1: Adopt the Resolution of Intention to amend the CalPERS contract to provide 20475 (Different Level of Benefits) and Section 21363.1 (3% @ 55 Full formula) applicable to Local Safety members entering membership for the first time in the safety classification after the effective date of this contract amendment; and Section 414(h)(2) of the Internal Revenue code, whereby employee-paid contributions are made on a pre-tax basis. Provide the introduction and first reading of an Ordinance of the City Council authorizing such amendment to the contract; and adopt the related resolutions.

Staff Contact: Lisa Velasco, (408) 730-7534

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

5. ORDINANCE Adoption of Ordinance No. 2965-11 Adding Chapter 5.38 (Plastic
2965-11 Carryout Bags) of Title 5 (Business Licenses and Regulations) of the
Sunnyvale Municipal Code Related to Single-Use Carryout Bags

Staff Recommendation: Approve the second reading of Ordinance No. 2965-11.

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

6. ORDINANCE 2966 -11 Adoption of Ordinance No. 2966-11 Amending Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code Relating to Implementation of the Housing and Community Revitalization Sub-Element to Include Provisions for Special Needs Housing; Multi-Family Residential Development Review Procedures; Parking Standards for Senior Housing, Affordable Housing, and Housing for Persons with Disabilities; and Reasonable Accommodation Procedures

Staff Recommendation: Approve the second reading of Ordinance No. 2966-11.
Staff Contact: David Kahn, (408) 730-7464

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- City Manager

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of November 29, 2011 – Overview of the Horizon 2035 Policies: Draft Land Use and Transportation Element (LUTE) of the General Plan and Draft Climate Action Plan (CAP)
- RTC 11-278 Opportunity for Council to Appeal Decisions of the Planning Commission of November 28, 2011 and the Zoning Administrator Hearing of November 30, 2011

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

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 September 20, 2011

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.*

PUBLIC HEARINGS/GENERAL BUSINESS

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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.

RDA 2. MOTION Public Hearing to Approve the Midterm Review on the Progress of
RDA 11-006 the Five-Year Implementation Plan for FY 2009/10 - FY 2013/14 for
the Central Core Redevelopment Project Area

Staff Recommendation: Alternative 1: Approve the Midterm Review of the Five-Year Implementation Plan for the Central Core Redevelopment Project Area.

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

ADJOURNMENT TO THE ONIZUKA LOCAL REDEVELOPMENT AUTHORITY

ONIZUKA LOCAL REDEVELOPMENT AUTHORITY

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 October 4, 2011

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 Authority 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.*

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 authority clerk. You will be recognized at the time the item is being considered by the Authority. **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 Adoption of the Amended Onizuka Air Force Station Redevelopment Plan, LRA 11-004 Amended Homeless Assistance Submission, Legally Binding Agreement and District Agreement

Staff Recommendation: Alternatives 1, 2, 3 and 4: Approve and direct the City Manager to submit to the Department of the Air Force (AF) and the Department of Housing and Urban Development (HUD) the Amended Onizuka Air Force Station Redevelopment Plan and Amended Homeless Housing Submission. (Attachments A and B); Direct the City Manager to execute the Amended Legally Binding Agreement with MidPen Housing and Charities Housing. (Attachment C); Direct the City Manager to execute a District Agreement with the Foothill-De Anza Community College District (Attachment D); and Adopt the Mitigated Negative Declaration (Attachment H).

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

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 35.106 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.
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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

DATE	MEETING	TIME	PLACE
Dec. 13, 2011	Council Meeting	7 p.m.	Council Chambers
Jan. 10, 2012	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Dec. 12, 2011	Planning Commission Study Session	7 p.m.	West Conference Rm
Dec. 12, 2011	Planning Commission Public Hearing	8 p.m.	Council Chambers
Dec. 14, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Dec. 14, 2011	Parks and Recreation Commission – Canceled	7 p.m.	Council Chambers
Dec. 15, 2011	Bicycle and Pedestrian Advisory Commission – Canceled	6:30 p.m.	West Conference Rm
Dec. 21, 2011	Arts Commission	7 p.m.	Council Chambers
Dec. 28, 2011	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Jan. 9, 2012	Planning Commission Study Session	7 p.m.	West Conference Rm
Jan. 9, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
Jan. 9, 2012	Board of Library Trustees	7 p.m.	Library Program Room
Jan. 11, 2012	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Jan. 11, 2012	Heritage Preservation Commission	7 p.m.	Lobby Conference Rm
Jan. 11, 2012	Housing and Human Services Commission	7 p.m.	West Conference Rm
Jan. 11, 2012	Parks and Recreation Commission	7 p.m.	Council Chambers
Jan. 18, 2012	Arts Commission	7 p.m.	Council Chambers
Jan. 23, 2012	Planning Commission Study Session	7 p.m.	West Conference Rm
Jan. 23, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
Jan. 25, 2012	Zoning Administrator Hearing	2 p.m.	West Conference Rm
Feb. 8, 2012	Parks and Recreation Commission	7 p.m.	Council Chambers
Feb. 15, 2012	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

Dec. 13, 2011	City Council Meeting – Live	7 p.m.
Dec. 14, 2011	City Council Meeting – Replay of Dec. 13, 2011	7 p.m.
Dec. 18, 2011	City Council Meeting – Replay of Dec. 13 2011	4 p.m.
Jan. 10, 2012	City Council Meeting – Live	7 p.m.
Jan. 11, 2012	City Council Meeting – Replay of Jan. 10, 2012	7 p.m.
Jan. 15, 2012	City Council Meeting – Replay of Jan. 10, 2012	4 p.m.