

## NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL  
TUESDAY, JULY 17, 2012  
COUNCIL CHAMBERS and WEST CONFERENCE ROOM  
CITY HALL - 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA**

**6 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 54954.5(e) and 54957  
Public Employment  
Title: City Attorney
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 JULY 17, 2012**

*Closed Session pursuant to Government Code Section 54954.5(e) and 54957 – Public Employment*

*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.*

**PRESENTATION** – El Camino Hospital District (10 minutes)

**CONSENT CALENDAR**

- 1.A. MOTION Approval of Council Meeting Minutes of June 19, 2012
- 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 12-173 Nos. 612-615

Staff Recommendation: Approve the lists of bills.

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

- 1.D. MOTION Authorization for the City Manager to Execute the Agreement Between the  
RTC 12-166 City of Sunnyvale and the City of Cupertino for Industrial Wastewater  
Treatment Services in Rancho Rinconada

Staff Recommendation: Authorize the City Manager to execute the agreement.

Staff Contact: Melody Tovar, (408) 730-7808

- 1.E. MOTION Approval of Budget Modification No. 5 to Appropriate Additional Local  
RTC 12-170 Funds for Project 828910 Sunnyvale Avenue/Old San Francisco Road Left  
Turn Project

Staff Recommendation: Alternative 1: Approve Budget Modification No. 5 to provide additional funds for the Sunnyvale Avenue/Old San Francisco Road Left Turn Project.

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

- 1.F. RESOLUTION Adoption of a Resolution of Intention to Levy and Collect Assessment for  
RTC 12-165 the Downtown Parking Maintenance District for Fiscal Year (FY) 2012/13,  
and Set the Date for a Public Hearing

Staff Recommendation: Alternative 1: Adopt the Resolution of Intention to Levy and Collect Assessment for the Downtown Parking Maintenance District for FY 2012/13.

Staff Contact: Judy Chu, (408) 730-7413

**Contracts**

- 1.G. MOTION Approval of a Cooperative Agreement with the City of Santa Clara for  
RTC 12-161 Replacement of the Old Mountain View-Alviso Road Bridge over  
Calabazas Creek and Authorization for the City Manager to Execute the  
Agreement

Staff Recommendation: Alternative 1: Approve the cooperative agreement with the City of Santa Clara for the Old Mountain View-Alviso Road Bridge over Calabazas Creek and authorize the City Manager to execute the agreement.

Staff Contact: Mark Rogge, (408) 730- 7426

- 1.H. MOTION Award of Contract for the Design of Baylands No. 2 Storm Drainage Pump  
RTC 12-169 Station Rehabilitation (F1105-63)

Staff Recommendation: Award a contract in the amount of \$316,093 to Schaaf & Wheeler Consulting Civil Engineers 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% design contingency in the amount of \$31,609.

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

- 1.I. MOTION Award of Contract for Engineering Design and Construction Support  
RTC 12-171 Services for Waterline Replacements 2012-13 Phase 2 (F1106-70)

Staff Recommendation: Award a contract in the amount of \$323,450 to HydroScience Engineers, 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% design contingency in the amount of \$32,345.

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

- 1.J. MOTION Approval to Increase Contract Contingency in Conjunction with the  
RTC 12-168 Caterpillar Engines Overhaul (F1106-71)

Staff Recommendation: Increase the contingency awarded on this project from \$28,993 to \$64,844 an increase of \$35,851.

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

- 1.K. MOTION Award of Contract for Pavement Rehabilitation at Various Locations  
RTC 12-174 (F1106-66)

Staff Recommendation: Award a contract in the amount of \$2,309,785, to Top Grade 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 15% construction contingency in the amount of \$346,468.

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

**Other Items**

- 1.L. MOTION Adoption of a Local Hazard Mitigation Plan in Cooperation with the  
RTC 12-160 Association of Bay Area Governments

Staff Recommendation: Alternative 1: Accept the Sunnyvale Annex to the Santa Clara County, CA Annex to the 2010 Association of Bay Area Local Governments (ABAG) Hazard Mitigation Plan.

Staff Contact: John Gienger, (408) 730- 7198

**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 2012-7373 - Application to Initiate a General Plan Amendment study to  
RTC 12-163 change the Land Use Designation for 520 E. Weddell Drive from  
Industrial to Residential Very High Density

Staff Recommendation: Alternative 1: Authorize the initiation of the General Plan Amendment study to consider a change from Industrial to Residential Very High Density, with a range of densities from Medium to Very High Density.

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

3. ORDINANCES Adoption of the following ordinances:  
2973-12 A. Ordinance No. 2973-12 Amending the Precise Zoning Plan, Zoning  
2974-12 Districts Map, to Rezone Certain Properties Located at 505, 595,  
2975-12 and 599 North Mathilda Avenue From M-S 70% Far (Industrial and  
Service 70% Floor Area Ratio) to M-S 100% FAR (Industrial and  
Service 100% Floor Area Ratio) Zoning District  
B. Ordinance No. 2974-12 Amending the Precise Zoning Plan, Zoning  
Districts Map, to Rezone Certain Properties Located at 683 West  
Maude Avenue and 510 North Pastoria Avenue From M-S 55%  
FAR (Industrial and Service 55% Floor Area Ratio) to M-S 100%  
FAR (Industrial and Service 100% Floor Area Ratio) Zoning District  
C. Ordinance No. 2975-12 Amending Chapter 19.32 of Title 19  
(Zoning) of the Sunnyvale Municipal Code Relating to Building  
Height and Floor Area Ratio Standards for Industrial Futures  
Intensification Sites

Staff Recommendation: Approve the second reading of Ordinance Nos. 2973-12, 2974-12 and 2975-12.

Staff Contact: Michael Martello, (408) 730-7464

4. Council Subcommittee Recommendations Regarding the Community Event Grant and Neighborhood Grant Distributions

Staff Recommendation: Discussion and possible action regarding the Community Event Grant and Neighborhood Grant Distributions.

Contact: Councilmember Martin-Milius, (408) 730-7473

5. ORDINANCE      Adoption of Ordinance No. 2972-12 Amending Chapter 10.56 (Bicycles) of Title 10 (Vehicles And Traffic) of the Sunnyvale Municipal Code Relating to Bicyclists  
2972-12

Staff Recommendation: Approve the second reading of Ordinance No. 2972-12.

Staff Contact: Michael Martello, (408) 730-7464

6. MOTION              Consider Adding Criminal Background Checks to Below Market Rate  
RTC 12-172            (BMR) Program Qualification Process (Study Issue)

Staff Recommendation: Alternative 1: Do not add criminal background checks to the BMR Program qualification process.

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

7. MOTION              Public Hearing to Cause Charges for Non-Payment of Administrative  
RTC 12-162            Citations to be Placed on the FY 2012/2013 County of Santa Clara  
Property Tax Roll

Staff Recommendation: Alternative 1: Adopt resolutions causing charges for non-payment of administrative citations and nuisance abatements to be placed on the FY 2012/2013 County Property Tax Roll.

Staff Contact: Therese Balbo, (408) 730-7406

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

#### **NON-AGENDA ITEMS & COMMENTS**

- Council
- City Manager

#### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Sustainability Commission Meeting of June 18, 2012

#### **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.
- 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>
July 17, 2012	Council Meeting	7 p.m.	Council Chambers
July 31, 2012	Council Meeting	7 p.m.	Council Chambers
August 14, 2012	Council Meeting	7 p.m.	Council Chambers
August 28, 2012	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

July 18, 2012	Arts Commission	7 p.m.	Council Chambers
July 19, 2012	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
July 23, 2012	Planning Commission Study Session	7 p.m.	West Conference Rm
July 23, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 25, 2012	Housing and Human Services Commission	7 p.m.	West Conference Rm
August 8, 2012	Parks and Recreation Commission	7 p.m.	Council Chambers
August 15, 2012	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)

July 17, 2012	City Council Meeting – Live	7 p.m.
July 18, 2012	City Council Meeting – Replay of July 17, 2012	7 p.m.
July 22, 2012	City Council Meeting – Replay of July 17, 2012	4 p.m.
July 31, 2012	City Council Meeting – Live	7 p.m.
August 1, 2012	City Council Meeting – Replay of July 31, 2012	7 p.m.
August 5, 2012	City Council Meeting – Replay of July 31, 2012	4 p.m.