

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, AUGUST 28, 2012
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

5 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. Board and Commission Interviews
Staff contact: Lisa Natusch, (408) 730-7595
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

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 August 14, 2012
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

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.

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 12-201 Nos. 620-621

Staff Recommendation: Approve the lists of bills.

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

- 1.D. MOTION Approval of Budget Modification No. 4 to Appropriate LED Street Light
RTC 12-195 Rebate Towards Additional Energy-Efficient Street Light Conversions

Staff Recommendation: Alternative 1: Approve Budget Modification No. 4 to appropriate the PG&E Rebate to the Energy Efficient Street Light Conversion Project.

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

- 1.E. MOTION Amend Council Fiscal Policy to Provide Authority for City Manager
RTC 12-196 and Designees to Waive Fees, Fines, Penalties, and Interest Under Specific Circumstances

Staff Recommendation: Alternative 1: Adopt revised Council Fiscal Policy as presented in Attachment A.

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

Contracts

- 1.F. MOTION Award of Contract for Engineering, Design and Environmental Services for
RTC 12-205 the Fair Oaks Overhead Bridge Rehabilitation Project (F1109-15)

Staff Recommendation: Award a contract in the amount of \$2,183,344 to Biggs Cardosa & Associates, Inc. (BCA), for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met; and approve a 10% design contingency in the amount of \$218,334.

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

- 1.G. MOTION Award of Contract for Mobile Video Audio Recording (MVAR) System
RTC 12-200 Upgrade for Public Safety Patrol Vehicles (F13-01)

Staff Recommendation: Award a contract in the amount of \$207,995, excluding taxes, to L3 Communications Mobile Vision, Inc. for a Digital Mobile Video Audio Recording (MVAR) System Upgrade.

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

Other Items

- 1.H. ORDINANCE Adoption of Ordinance No. 2976-12 Amending Certain Chapters and
2976-12 Sections of Title 1 (General Provisions) and Title 19 (Zoning) of the Sunnyvale Municipal Code Pertaining to Below Market Rate Housing Requirements

Staff Recommendation: Approve the second reading of Ordinance No. 2976-12.

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

- 1.I. ORDINANCE Adoption of Ordinance No. 2977-12 Repealing Chapter 19.52 (Required Artwork in Private Developments) and Adding Chapter 19.52 (Art in Private Development) of Title 19 (Zoning) of the Sunnyvale Municipal Code
2977-12

Staff Recommendation: Approve the second reading of Ordinance No. 2977-12.
Staff Contact: Michael Martello, (408) 730-7464

- 1.J. MOTION City of Sunnyvale 2012 Conflict of Interest Code Biennial Notice
RTC 12-206

Staff Recommendation: Alternative 1: Review the Conflict of Interest Code Biennial Notice (*Attachment A*) pursuant to state law and direct staff to return to Council within 90 days a resolution amending the Conflict of Interest Code to include proposed revisions to designated City positions as submitted (*Attachment B*).
Staff Contact: Kathleen Franco Simmons, (408) 730-7474

- 1.K. RESOLUTION Resolution Affirming Adoption of a Local Hazard Mitigation Plan in
RTC 12-203 Cooperation with ABAG

Staff Recommendation: Alternative 1: Approve a Resolution of the Sunnyvale City Council Approving the Association of Bay Area Government (ABAG) Report "Taming Natural Disasters" as the City of Sunnyvale's Local 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 Specific Plan Amendment Study to
RTC 12-202 Change the Allowable Residential Density for 455-491 S. Mathilda Avenue in Block 14 of the Downtown Specific Plan to Allow up to 69 Dwelling Units per Acre and to Eliminate the Requirement for a Frontage Road along Mathilda Avenue

Staff Recommendation: Alternative 1: Authorize the initiation of the Specific Plan Amendment study to consider a change to the frontage road requirement for Mathilda Avenue between Washington Avenue and El Camino Real.
Staff Contact: Gerri Caruso, (408) 730-7591

3. MOTION 2012-7034: Appeal of a Decision of the Planning Commission Approval
RTC 12-193 (on Appeal) of a Variance from SMC 19.46.060(a)(5) to Allow Partial Conversion of a Garage to Living Space. The conversion results in one covered parking space where two are required in an R-0 (Low Density Residential) zoning district located at 317 Hiddenlake Drive (APN: 110-21-046).

Staff Recommendation: Grant the appeal and deny the decision of the Planning Commission to approve the Variance.

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

4. RESOLUTION Determine Process for the Sale of City-Owned Residential Properties
RTC 12-199 Adjacent to Murphy Park Located at 239, 263 and 279 Jackson Street

Staff Recommendation: Direct staff to proceed with sale of the properties by selecting the specific type of sale from these alternatives:

Alternative 1: City Council declare by resolution the three City-owned parcels adjacent to Murphy Park located at 239, 263 and 279 Jackson Street as surplus property for sale; and the one-time revenue gain be realized in the Park Dedication Fund for other park and open space priorities.

Alternative 2: City Council to direct staff to begin negotiations for sale of the Jackson Street properties for public purpose with Habitat for Humanity, an affordable housing agency; and, to bring the Habitat proposal to acquire and rehabilitate these homes for resale to lower income home buyers to Council for consideration as soon as possible.

Staff Contact: Kent Steffens, (408) 730-7441

5. MOTION League of California Cities Peninsula Division Election of Officers
RTC 12-197

Staff Recommendation: Take action to vote for one candidate in each officer position.

Staff Contact: Yvette Blackford, (408) 730-7475

6. MOTION City Positions on League of California Cities' 2012 Annual Resolutions
RTC 12-204

Staff Recommendation: Alternative 1: Approve the resolution positions as recommended by staff.

Staff Contact: Yvette Blackford, (408) 730-7475

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- City Manager

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Response from VTA Regarding Request for Improved North-South Traffic Flow on the Mathilda Avenue/Sunnyvale-Saratoga Road Corridor

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

DATE	MEETING	TIME	PLACE
August 28, 2012	Council Meeting	7 p.m.	Council Chambers
September 11, 2012	Council Meeting	7 p.m.	Council Chambers
September 18, 2012	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Sept. 5, 2012	Heritage Preservation Commission	7 p.m.	West Conference Room
Sept. 10, 2012	Planning Commission Study Session	7 p.m.	West Conference Room
Sept. 10, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
Sept. 10, 2012	Board of Library Trustees	7 p.m.	Library Program Room
Sept. 12, 2012	Parks and Recreation Commission	7 p.m.	Columbia Neighborhood Center Morse Conference Room
Sept. 19, 2012	Arts Commission	7 p.m.	Community Center Conference Room
October 10, 2012	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
October 17, 2012	Arts Commission	7 p.m.	Community Center Conference Rm

CHANNEL 15 – KSUN

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

August 28, 2012	City Council Meeting – Live	7 p.m.
August 29, 2012	City Council Meeting – Replay of August 28, 2012	7 p.m.
September 2, 2012	City Council Meeting – Replay of August 28, 2012	4 p.m.