

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 11, 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 54957 – Public Employee Performance Evaluation – City Manager
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.

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.

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of August 28, 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 12-216 No. 622-623

Staff Recommendation: Approve the lists of bills.
Staff Contact: Pete Gonda, (408) 730-7418

- 1.D. MOTION Investment and Cash Management Policy Review and Adoption for Fiscal
RTC 12-211 Year 2012/13

Staff Recommendation: Alternative 1: Adopt the Investment Policy for FY 2012/13 as presented.
Staff Contact: Therese Balbo, (408) 730-7604

- 1.E. MOTION Approval of Sewer System Management Plan (SSMP)
RTC 12-208

Staff Recommendation: Alternative 1: Approve the Sewer System Management Plan as submitted in Attachment A.
Staff Contact: Mansour Nasser, (408) 730-7578

- 1.F. MOTION Approval of Budget Modification No. 12 to Re-Appropriate Utility Capital
RTC 12-220 and Infrastructure Funds to Meet Immediate Needs and Ensure the Timely
Expenditure of Proceeds from the 2010 Water and Wastewater Revenue
Bonds

Staff Recommendation: Alternative 1: Adopt Budget Modification No. 12 to re-appropriate utility capital and infrastructure funds to meet immediate needs and insure the timely expenditure of proceeds from the 2010 bonds.
Staff Contact: John Stufflebean, (408) 730-7954

Contracts

- 1.G. MOTION Award of Bid No. PW13-02 for Replacement/Rehabilitation of Sanitary
RTC 12-210 Manholes 2012

Staff Recommendation: Award a contract in the amount of \$144,535, to Norcal Pipeline, 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 \$14,454.
Staff Contact: Pete Gonda, (408) 730- 7418

- 1.H. MOTION Award of Contract for Engineering Design and Construction Support
RTC 12-219 Services for Sewer Line Replacement 2012-13 Phase 2 (F1106-74)

Staff Recommendation: Award a contract in an amount not-to-exceed \$472,111 to Hatch Mott MacDonald 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 \$47,211.

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

- 1.I. MOTION Award of Contingency for Urban Planning for Phase 2 of the Lawrence
RTC 12-212 Station Area Plan (SAP) #F13-05

Staff Recommendation: Authorize adding a 10% project contingency in an amount to exceed \$35,000 to the BMS Design Group contract for Urban Planning for Phase 2 of the Lawrence Station Area Plan (SAP).

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

- 1.J. MOTION Rejection of Proposals Received in Response to Request for Proposals
RTC 12-209 No. F1103-54 for Water Pollution Control Plant Program Management

Staff Recommendation: Reject the three proposals received in response to RFP No. F1103-54.

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

Other Items

- 1.K. MOTION Approval of Final Map (Tract No. 10053) – Eight Unit Townhome
RTC 12-213 Development at 425 North Fair Oaks Avenue by Silicon Valley Builders, LLC

Staff Recommendation: Approve the final map for Tract No. 10053; authorize the Mayor to sign the subdivision agreement upon submittal of improvement securities, 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

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 Board and Commission Appointments
RTC 12-218

Staff Recommendation: Confirm appointments from the candidates listed in the report.

Staff Contact: Kathleen Franco Simmons, (408) 730-7474

3. MOTION Consideration of Pastoria Avenue Street Space Allocation Study
RTC 12-217

Staff Recommendation: Alternatives 1 and 2: 1) Direct staff to implement Option 4 to allocate street space on Pastoria Avenue between El Camino Real and Olive Avenue by removing a southbound right turn lane and providing bike lanes; allocate street space on Pastoria Avenue between Olive Avenue and Sutter Avenue by reconfiguring existing roadway features to provide bike lanes; allocate street space on Olive Avenue between Pastoria Avenue and Charles Street by removing parking on one side of the street and providing bike lanes; and allocate street space on Charles Street between Olive Avenue and Evelyn Avenue in order to retain one auto lane in each direction, parking on both sides of the street and provide a bicycle boulevard treatment; and, 2) Direct staff to pursue outside grant funding sources for a Pastoria Avenue Bicycle Boulevard project to augment the loss of BAAQMD revenues because bike lanes will not be installed.

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

4. MOTION 2012-7045: Appeal of a decision by the Planning Commission Denying a
RTC 12-198 Use Permit for a Large Family Day Care within 300 feet of another Large
Family Day Care Located at 1372 Cordilleras Avenue

Staff Recommendation: Alternative 1: Grant the appeal and approve the Use Permit with conditions listed in Attachment B.

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

5. ORDINANCE Introduction of an Ordinance to Amend Certain Sections of Title 5
RTC 12-214 (Business Licenses and Regulations) of the Sunnyvale Municipal Code
Pertaining to Taxicabs

Staff Recommendation: Alternative 1: Introduce an ordinance to amend certain sections of Title 5 (Business Licenses and Regulations) of the Sunnyvale Municipal Code Pertaining to Taxicabs.

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

City Clerk reads the ordinance title.

6. ORDINANCE Introduction of an Ordinance to Amend Certain Sections of Title 10
RTC 12-207 (Vehicles and Traffic) of the Sunnyvale Municipal Code Pertaining to
Bicycle Licensing

Staff Recommendation: Alternative 1: Introduce an ordinance to amend certain sections of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code Pertaining to Bicycle Licensing.

Staff Contact: Doug Moretto, (408) 730-7711

City Clerk reads the ordinance title.

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- City Manager

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 12-215 Board/Commission Resignation (Information Only)
- Memo to Council: U.S. Patent and Trademark Regional Office Update
- Study Session Summary of August 14, 2012 – Board and Commission Interviews
- Study Session Summary of August 28, 2012 – Board and Commission Interviews
- Draft Minutes of the Arts Commission meeting of August 15, 2012
- Draft Minutes of the Parks and Recreation Commission meeting of August 8, 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

DATE	MEETING	TIME	PLACE
Sept 11, 2012	Council Meeting	7 p.m.	Council Chambers
Sept 18, 2012	Council Meeting	7 p.m.	Council Chambers
Oct 2, 2012	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Sept 12, 2012	Parks and Recreation Commission	7 p.m.	Community Center Conference Room
Sept 17, 2012	Sustainability Commission	7 p.m.	West Conference Room
Sept 19, 2012	Arts Commission	7 p.m.	Community Center Conference Room
Sept 20, 2012	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Room
Sept. 24, 2012	Planning Commission Study Session	7 p.m.	West Conference Room
Sept. 24, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
Sept. 26, 2012	Housing and Human Services Commission	7 p.m.	West Conference Room
Oct 1, 2012	Board of Library Trustees	7 p.m.	Library Program Room
Oct 10, 2012	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
Oct 15, 2012	Sustainability Commission	7 p.m.	West Conference Room
Oct 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

Sept 11, 2012	City Council Meeting – Live	7 p.m.
Sept 12, 2012	City Council Meeting – Replay	7 p.m.
Sept 16, 2012	City Council Meeting – Replay	4 p.m.
Sept 18, 2012	City Council Meeting – Live	7 p.m.
Sept 19, 2012	City Council Meeting – Replay	7 p.m.
Sept 23, 2012	City Council Meeting - Replay	4 p.m.