

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL TUESDAY, OCTOBER 16, 2012 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

5:30 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(a)
Conference with Legal Counsel – Existing Litigation
Case name: Building Industry Association of the Bay Area v. Sunnyvale;
Santa Clara Superior Court Case No. 1-11-CV-209799
4. Adjourn Special Meeting

6 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 Status of SB375 One Bay Area Planning Process, including Draft Job-Housing Connection Strategy and Regional Housing Needs Allocation (RHNA)
Staff Contact: Hanson Hom, (408) 730-7450
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. 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 OCTOBER 16, 2012

Closed Session pursuant to Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation

SPECIAL ORDER OF THE DAY – Annual Fire Safety Poster Contest

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 October 2, 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 12-244 Nos. 627 & 628

Staff Recommendation: Approve the lists of bills.

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

- 1.D. MOTION Approval of Budget Modification No. 13 to Appropriate a \$250,000
RTC 12-230 Contribution from The Irvine Company and \$300,000 from the General
Fund Budget Stabilization Fund to Prepare the Peery Park Specific Plan
and Environmental Impact Report

Staff Recommendation: Alternatives 1 and 2: 1) Approve Budget Modification No. 13 to appropriate a \$250,000 contribution from The Irvine Company and \$300,000 from the General Fund Budget Stabilization Fund to a new project, Peery Park Specific Plan; and 2. Accept \$250,000 from The Irvine Company to offset the City's upfront cost to prepare the Peery Park Specific Plan. Allow the property owner to receive a credit towards future specific plan fees if such a fee is enacted by the City Council.

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

- 1.E. MOTION City of Sunnyvale Investment Report – 3rd Quarter 2012
RTC 12-241

Staff Recommendation: Receive and file the investment report.

Staff Contact: Therese Balbo, (408) 730-7604

Contracts

- 1.F. MOTION Award of Bid No. PW13-03 for Residential and School Area Sidewalks –
RTC 12-243 Safe Routes to School

Staff Recommendation: Award a contract in the amount of \$686,501 to SpenCon 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 \$68,650.

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

- 1.G. MOTION Award of Bid No. PW13-05 for Wright Avenue Water Plant Reconstruction
RTC 12-247

Staff Recommendation: Award a contract in the amount of \$1,133,600, to Blocka 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 construction contingency in the amount of \$107,854.

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

- 1.H. MOTION Award of Bid No. PW13-01 for Caribbean Drive Lighting Conduit
RTC 12-242 Replacement and Signal Interconnect and Approval of Budget Modification
No. 15

Staff Recommendation: Award a contract in the amount of \$305,000, to Terry Hansen Electric 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 \$45,750; and approve Budget Modification No. 15 to appropriate additional funding for this project.

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

- 1.I. MOTION Award of Bid No. PW13-06 for Concrete Sidewalks, Curbs, Gutters and
RTC 12-246 Driveway Approaches 2012

Staff Recommendation: Award a contract in the amount of \$836,490, to Spencon 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 \$83,649.

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

- 1.J. MOTION Authorization to Modify an Existing Contract for Chlorine at the Water
RTC 12-248 Pollution Control Plant (F13-20)

Staff Recommendation: Approve modification of the existing Blanket Purchase Order with Sierra Chemical Company by increasing the not-to-exceed value from \$90,000 to \$107,000; and renew the contract for an additional one-year period in an amount not-to-exceed \$110,000; and delegate authority to the City Manager to renew the contract for an additional one-year period consistent with the terms of IFB No. F1110-23, provided pricing and service remain acceptable to the City.

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

- 1.K. MOTION Award of Contract for Citywide Computer Replacement Project (F13-21)
RTC 12-245

Staff Recommendation: Award a contract to Dell Marketing LP through the Western States Contracting Alliance to furnish and install Dell desktop and laptop computers as required by the Information Technology Department.

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

Other

- 1.L. ORDINANCE Adopt Ordinance No. 2981-12 Amending Certain Sections of the
No. 2981-12 Sunnyvale Municipal Code Relating to Vision Triangles

Staff Recommendation: Adopt Ordinance No. 2981-12.

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

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 Planning Commission Appointment
RTC 12-238

Staff Recommendation: Staff makes no recommendation.

Staff Contact: Lisa Natusch, (408) 730-7595

3. MOTION Appointment of City Attorney and Approval of Employment Contract
RTC 12-251

Staff Recommendation: Approve the appointment of Joan Borger to the position of City Attorney and approve the employment contract.

Staff Contact: Teri Silva, (408) 730-7590

4. ORDINANCE 2012-7450 St. Anton Partners: Application for the development of a multi-
RTC 12-240 family structure with 97 dwelling units, associated parking and landscaping located at 1101 N. Fair Oaks Avenue in an M-S/ITR/R-3/PD Zoning District (APN: 110-14-176):
- Introduction of an Ordinance to change the Zoning designation from M-S/ITR/R-3/PD; Special Development Permit to allow the development of 97 dwelling units; and
 - Mitigated Negative Declaration for the Rezone and Special Development Permit.

Staff Recommendation: Adopt the Mitigated Negative Declaration and introduce an ordinance to Rezone to Residential High Density/Planned Development (R-4/PD) and approve the Special Development Permit with conditions.

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

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

5. MOTION 2012-7115 – Cultural Heritage of Sunnyvale (Study Issue) – Continued
RTC 12-239 from October 2, 2012

Staff Recommendation: Recognize the comprehensive Sunnyvale History website; and, direct staff and the Heritage Preservation Commission to make a special effort to reach out to cultural and ethnic groups for the Sunnyvale Voices digital story program including outreach to recent arrivals to the community.

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

6. MOTION Mayoral Appointment to the Santa Clara Valley Water District Recycled
RTC 12-250 Water Joint Committee

Staff Recommendation: Alternative 1: Authorize the Mayor to appoint two Councilmembers to the Recycled Water Joint Committee.

Staff Contact: Mansour Nasser, (408) 730-7578

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- City Manager

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Application to Initiate a General Plan Amendment - Moffett Place
- Draft Minutes of the Heritage Preservation Commission Meeting of September 5, 2012
- Draft Minutes of the Board of Library Trustees Meeting of September 10, 2012
- Draft Minutes of the Sustainability Commission Meeting of September 17, 2012
- Draft Minutes of the Arts Commission Meeting of September 19, 2012
- Draft Minutes of the Housing and Human Services Commission Meeting of September 26, 2012
- Draft Minutes of the Board of Library Trustees Meeting of October 1, 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
October 16, 2012	Council Meeting	7 p.m.	Council Chambers
October 30 2012	Special Council Meeting-Study Session	6 p.m.	West Conference Rm
October 30, 2012	Council Meeting	7 p.m.	Council Chambers
November 13, 2012	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

October 17, 2012	Arts Commission	7 p.m.	Community Center Conference Rm
October 18, 2012	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Room
October 22, 2012	Planning Commission Study Session	7 p.m.	West Conference Room
October 22, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
October 24, 2012	Zoning Administrator Hearing	2 p.m.	West Conference Room
October 24, 2012	Housing and Human Services Commission	7 p.m.	West Conference Room
November 5, 2012	Board of Library Trustees	7 p.m.	Library Program Rm
November 7, 2012	Heritage Preservation Commission	7 p.m.	West Conference Room
November 12, 2012	Planning Commission Study Session	7 p.m.	West Conference Room
November 12, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
November 14, 2012	Zoning Administrator Hearing	p.m.	West Conference Room
November 14, 2012	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
November 21, 2012	Arts Commission	7 p.m.	Community Center Conference Rm
December 12, 2012	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
December 19, 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

October 16, 2012	City Council Meeting – Live	7 p.m.
October 17, 2012	City Council Meeting – Live	7 p.m.
October 21, 2012	City Council Meeting – Live	4 p.m.