

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, NOVEMBER 13, 2012
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 54957.6
Conference with Labor Negotiator
Negotiators: Teri Silva, Director of Human Resources/Gary Luebbers, City Manager;
Sunnyvale Employees Association
 - b. Closed Session pursuant to Government Code Section 54956.9(a) and (c)
Conference with Legal Counsel – Existing Litigation and Initiation of Litigation
Case name: Wachovia Bank vs. Downtown Sunnyvale Residential, LLC, et al., Santa Clara County Superior Court Case No. 1-09-CV-153447 and one potential case
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. 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

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.

CLOSED SESSION REPORTS FOR NOVEMBER 13, 2012

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

Closed Session pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator

PRESENTATION - Lockheed-Martin's History and 100th Anniversary in Sunnyvale (15 minutes)

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. Approval of Council Meeting Minutes of October 30, 2012
- 1.B. Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. RTC 12-264 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 631 & 632

Staff Recommendation: Approve the lists of bills.

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

Contracts

- 1.D. RTC 12-260 Award of Contracts for Temporary Personnel Placement Services for Plan Checkers, Building Inspectors and Fire Protection System Inspectors (F13-09)

Staff Recommendation: Award contracts for temporary personnel not to exceed \$200,000 to: 4Leaf Inc., CSG consultants Inc. and Shums Coda Associates; delegate authority to the City Manager to modify the contract amounts (up or down) if necessary, not to exceed the total budgeted amount of \$933,760; and delegate authority to the City Manager to renew the contracts for an additional period of time not to exceed one year, provide pricing and service remain acceptable to the City and subject to the availability of budgeted funding.

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

- 1.E. RTC 12-262 Award of Contract for Emergency and Routine Maintenance and Repair Services for Power Generating Engines at the Water Pollution Control Plant (F13-22)

Staff Recommendation: Award a one-year contract not to exceed \$200,000 to Peterson Power Systems for emergency and routine repairs; and delegate authority to the City Manager to renew the contract for three additional one-year periods, provided pricing and service remain acceptable to the City.

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

- 1.F. RTC 12-265 Award of Contract for a Comprehensive Preliminary Design Study – Potable Water System and Approval of Budget Modification No. 19 (F13-04)

Staff Recommendation: Award a contract in the amount of \$155,920 to HydroScience Engineers, Inc., and authorize the City Manager to execute the contract when all the necessary conditions have been met; approve a 10% design contingency in the amount of \$15,592; and approve Budget Modification No. 19 to provide additional funding for the project.

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

- 1.G. RTC 12-261 Award of Bid No. PW13-04 for Flare Station Equipment Replacement and Approval of Budget Modification No. 16

Staff Recommendation: Award a contract in the amount of \$648,765, to R.J. Gordon Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; approve a 10% construction contingency in the amount of \$64,877; and approve Budget Modification No. 16 to provide additional funding for this project.

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

Other Items

- 1.H. RTC 12-249 City of Sunnyvale 2012 Conflict of Interest Code Biennial Review and Amendment

Staff Recommendation: Alternative 1: Adopt the proposed resolution amending the City's Conflict of Interest Code, as submitted.

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

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. RTC 12-259 Discussion and Possible Action to Determine Priority Needs for Human Services and Amount of Supplemental Funding for Fiscal Years 2013-14 and 2014-15

Staff Recommendation: Alternatives 1.a, 2.a, and 3:

- 1.a. Approve the priority human service needs as described in the 2010-2015 Consolidated Plan.
- 2.a. Confirm the annual appropriation of \$100,000 in general funds for supplemental human services, consistent with the current 20-year Resource Allocation Plan, and direct staff to include that amount in the Recommended 2013 Projects Budget; and
3. Set general funding targets for each priority need category, to be used as a guideline for future allocation decisions, consistent with the distribution shown in page 1 of Attachment 2 of the report, or as determined by Council.

Staff Contact: Suzanne Ise, (408) 730-7698

3. RTC 12-258 2012-7112 Discussion and Possible Action to Introduce an Ordinance to Amend Regulations for Telecommunication Facilities Located in Public Right of Way (Study Issue)

Staff Recommendation: Alternatives 1 and 2:

1. Adopt Draft Guidelines for Wireless Facilities on Joint Poles in the Right-of-way.
2. Introduce an ordinance to amend the Zoning Code to regulate telecommunication facilities located in the right-of-way with the following permit requirements:
 - a. Require a Design Review with public hearing for wireless applications on utility or light poles located in Heritage Resource areas, within 300 feet of a Heritage Landmark or Resource adjacent to a park or school, or if the director determines that the facility creates a visual impact or is not in keeping with the character of the surrounding area.
 - b. Require a Design Review without a public hearing for any other pole facility other than that described in 2.a.
 - c. Require notification to property owners within 300 feet of the proposed location, and allow decisions to be appealed.

Staff Contact: Andrew Miner, (408) 730-7707

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 12-263 Stevens Creek Trail Four Cities Joint Working Team (Information Only)
- Study Session Summary of October 30, 2012 - Consideration of Non-Residential Parking Requirements
- Study Session Summary of October 16, 2012 - Overview of SB 375, Sustainable Communities Strategy (SCS), and Regional Housing Needs Allocation (RHNA) Process
- Draft Minutes of the Housing and Human Services Commission meeting of October 24, 2012

- Draft Minutes of the Bicycle and Pedestrian Advisory Commission meeting of October 18, 2012
- Draft Minutes of the Arts Commission meeting of October 17, 2012
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission meeting of September 20, 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

- Speakers are to turn in a speaker card to the city clerk.
- Speakers are requested to give their name (address is optional).
- Time limit of three minutes per speaker (may be extended at discretion of mayor).

Public Announcements – Beginning of Council Meeting

- 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 Comments

- Any item relevant to the City of Sunnyvale.
- 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). If your subject is not on the 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.

Public Hearing

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 5 minutes.
- Make comments brief and be prepared to provide new input.

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 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
Nov. 13, 2012	Council Meeting	7 p.m.	Council Chambers
Nov. 20, 2012	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Nov. 14, 2012	Parks and Recreation Commission	7 p.m.	Community Center Conference Room
Nov. 14, 2012	Housing and Human Services Commission	7 p.m.	West Conference Room
Nov. 15, 2012	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Room
Nov. 21, 2012	Arts Commission	7 p.m.	Community Center Conference Room
Nov. 26, 2012	Planning Commission Study Session	7 p.m.	West Conference Room
Nov. 26, 2012	Planning Commission Public Hearing	7 p.m.	West Conference Room
Nov. 28, 2012	Zoning Administrator	2 p.m.	West Conference Room
Dec. 5, 2012	Heritage Preservation Commission	7 p.m.	West Conference Room
Dec. 12, 2012	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
Dec. 10, 2012	Planning Commission Study Session	7 p.m.	West Conference Room
Dec. 10, 2012	Planning Commission Public Hearing	7 p.m.	West Conference Room
Dec. 12, 2012	Zoning Administrator	2 p.m.	West Conference Room
Dec. 19, 2012	Arts Commission	7 p.m.	Community Center Conference Rm
Jan. 9, 2013	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
Jan. 16, 2013	Arts Commission	7 p.m.	Community Center Conference Rm

CHANNEL 15 – KSUN

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

November 13, 2012	City Council Meeting – Live	7 p.m.
November 14, 2012	City Council Meeting – Live	7 p.m.
November 18, 2012	City Council Meeting – Live	4 p.m.