

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, DECEMBER 18, 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. Public Employee Performance Evaluation - Pursuant to Government Code 54957
Annual Performance Evaluation of City Manager
Staff Contact: Teri Silva, (408) 730-7495
4. Adjourn Special Meeting

6:30 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 Upcoming Selection of 2013 Vice Mayor
Staff Contact: Kathleen Franco Simmons, (408) 730-7474
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.

CALL TO ORDER - Call to order in the Council Chambers

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.

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR DECEMBER 18, 2012

Closed Session pursuant to Government Code Section 54957 – Public Employee Performance Evaluation – City Manager

PUBLIC ANNOUNCEMENTS

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

PRESENTATION – Caltrain/High Speed Rail Blended System Update (10 minutes)

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

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of December 4, 2012
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. RTC 12-305 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 636 and 637

Staff Recommendation: Approve the lists of bills.

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

- 1.D. RTC 12-283 Receive and File FY 2011/2012 Annual Status Report on Receipt and Use of Development Impact Fees

Staff Recommendation: Alternative 1: Receive and file the FY 2011/2012 Annual Status Report on Receipt and Use of Development Impact Fees.

Staff Contact: Brice McQueen, (408) 730-7284

- 1.E. RTC 12-296 Revenue Agreement with County of Santa Clara for a Tenant-Based Rental Assistance Program for Homeless and At-Risk Individuals and Families

Staff Recommendation: Approve the Draft Agreement with the County of Santa Clara for implementation of the Tenant Based Rental Assistance Program.

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

Contracts

- 1.F. RTC 12-295 Award of Contract for a Cold Milling Machine for Street Patching and Other Repairs (F13-24)

Staff Recommendation: Award a contract in the amount of \$136,360 to RGW Equipment for one cold milling machine.

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

- 1.G. RTC 12-303 Approval to Amend an Existing Contract for Construction Management Services for the Mathilda Avenue Overhead Bridge Rehabilitation Project (F13-30)

Staff Recommendation: Amend an existing contract to HNTB Corporation for construction management services for the Mathilda Avenue Overhead Bridge Rehabilitation Project to increase the contract value by \$112,500 from \$3,039,425 to \$3,151,925; extend the time for performance to March 31, 2013; and increase the contract contingency by \$2,500, from \$50,000 to \$52,500.

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

- 1.H. RTC 12-302 Award of Contract for Routine Disposal and Emergency Cleanup of Hazardous Materials (F1106-69)

Staff Recommendation: Award a three-year contract to Advanced Chemical Transport of Sunnyvale, in an amount not to exceed \$220,000, for the routine and emergency disposal of hazardous wastes; and authorize the City Manager to renew the contract for two additional years if pricing and service remain acceptable to the City.

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

- 1.I. RTC 12-300 Award of Contract for the Lease of Multi-Function Copiers (F13-03)

Staff Recommendation: Award a contract, not to exceed budgeted amounts, to Caltronics Business Systems and; delegate authority to the City Manager to renew the contract for an additional one-year period, provided pricing and service remain acceptable to the City.

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

Other Items

- 1.J. ORDINANCE 2984-12 Adopt Ordinance 2984-12 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Properties Located at 636 West Fremont Avenue from R-1 and R-2/Pd (Low Density Residential and Low-Medium Density Residential/Planned Development) to R-0/Pd and R-2/Pd (Low Density Residential/Planned Development and Low-Medium Density Residential/Planned Development) Zoning Districts

Staff Recommendation: Adopt Ordinance 2984-12.

Staff Contact: Joan Borger, (408) 730-7464

- 1.K. ORDINANCE 2985-12 Adopt Ordinance 2985-12 to Amend Chapter 9.56 of the Sunnyvale Municipal Code Relating to Solicitation

Staff Recommendation: Adopt Ordinance 2985-12.

Staff Contact: Joan Borger, (408) 730-7464

- 1.L. RTC 12-299 Approval of Final Map (Tract No. 10143) – Five Unit Townhome Development at 127 West California Avenue by Payman Townhomes, LLC

Staff Recommendation: Approve the final map for Tract No. 10143; authorize the Mayor to sign the subdivision agreement upon: payment of development fees, 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: Bennett Chun, (408) 730-7636

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 12-297 Discussion and Possible Action to Adopt Sunnyvale Employees' Association (SEA) Memorandum of Understanding 2012-2015 and Approve Budget Modification No. 27

Staff Recommendation: Adopt the Memorandum of Understanding with the Sunnyvale Employees' Association and approve Budget Modification No. 27.

Staff Contact: Patricia Lord, (408) 730-7526

3. RTC 12-306 Introduction and Adoption of an Emergency Ordinance to Amend the CalPERS Contract to Provide 20475 (Different Level of Benefits) and Section 21353 (2% @ 60 Full Formula)

Staff Recommendation: Adopt an Emergency Ordinance to Amend the CalPERS Contract to Provide 20475 (Different Level of Benefits) and Section 21353 (2% @ 60 Full formula Single Highest Year calculation) applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this contract amendment.

Staff Contact: Lisa Velasco, (408) 730-7534

City Clerk reads the ordinance title.

4. RTC 12-301 Discussion and Possible Action to Amend the Schedule of Pay of the Salary Resolution for Pay Plan Category C (Public Safety Sworn Positions)

Staff Recommendation: Amend Pay Plan Category C of the Schedule of Pay of the Salary Resolution to reflect the new pay rates, effective retroactive to July 8, 2012.

Staff Contact: Doug Baker, (408) 730-2705

5. RTC 12-293 Discussion and Possible Action Regarding a Ban of the Use of Expanded Polystyrene (EPS) Food Containers (Study Issue)

Staff Recommendation: Alternative 1: Direct staff to prepare an ordinance modifying Chapter 8.18 of the Municipal Code to:

- Make unlawful the use of expanded polystyrene (EPS) food containers, including beverage containers, by food vendors
- Exempt from the ban the use of polystyrene for pre-packaged foods sold in retail stores (e.g. pre-packaged meats and eggs) and non-food businesses that use polystyrene for packaging
- Include a process by which food vendors may request an exemption of up to one year if a unique circumstance would cause the food vendor undue hardship
- Have these changes take effect no sooner than six months after second reading of the ordinance
- In keeping with Sustainability Commission recommendations, include a ban, within two years of adoption, of all retail sales of EPS containers;

Adopt a Council Policy banning the purchase of EPS and use of EPS food containers in City operations, at City-sponsored events, and at City-owned and City-operated facilities; and modify the description of Project 828980 "CEQA for Single-Use Bag Ordinance" to allow funds remaining in the bag project to be used for CEQA analysis of an EPS food container ban and implementation of an ordinance.

Staff Contact: Mark Bowers, (408) 730-7421

6. RTC 12-298 Receive and File the FY 2011/12 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report, and Sunnyvale Financing Authority Financial Report; and Discussion and Potential Action for General Fund Savings and Budget Modification No. 23

Staff Recommendation: Alternatives 1 and 2: 1) Receive and file the budgetary Year-End Financial Report, the audited Comprehensive Annual Financial Report, the Memorandum on Internal Control and Required Communications issued by the independent auditors, and the Sunnyvale Financing Authority Financial Report and 2) Approve Budget Modification No. 23 to appropriate \$1 million from the General Fund to make an additional contribution to the City's OPEB Trust.

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

7. RTC 12-304 2012-7113 Discussion and Possible Action to Introduce an Ordinance to Amend Title 5 (Business Licenses and Regulations) and Title 19 (Zoning) Regarding Food Truck Location and Operation Requirements (Study Issue)

Staff Recommendation: Alternatives 1 and 3: 1) Introduce the proposed ordinance; and 2) Adopt the resolution rescinding the Mobile Vendor Clean-up Deposit fee.

Staff Contact: Rosemarie Zulueta, (408) 730-7437

City Clerk reads the ordinance title.

8. RTC 12-294 2012-7114 Discussion and Possible Action to Introduce an Ordinance to Amend Title 19 (Zoning) Regarding Non-Residential Parking Requirements (Study Issue)

Staff Recommendation: Alternatives 1, 2 and 3: 1) Introduce an Ordinance repealing the current parking code and providing revised parking requirements and adopt the Negative Declaration; 2) Repeal Resolution 193-76; and 3) Approve amendments to the Citywide Design Guidelines addressing parking lots and circulation.

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

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 12-292 Condition of Civic Center Campus Facilities - Information Only
- Study Session Summary of December 4, 2012 - Discussion of Land Use Alternatives for East Sunnyvale ITR Expansion
- National League of Cities Conference Trip Report – Councilmember Moylan
- Draft Minutes of the Sustainability Commission Meeting of November 19, 2012
- Draft Minutes of the Arts Commission Meeting of November 21, 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
Dec. 18, 2012	Council Meeting	7 p.m.	Council Chambers
Jan. 8, 2013	Council Meeting	7 p.m.	Council Chambers
Jan. 15, 2013	Council Meeting	7 p.m.	Council Chambers
Jan. 29, 2013	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Dec. 17, 2012	Sustainability Commission	7 p.m.	West Conference Room
Dec. 20, 2012	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Room
Jan. 7, 2013	Board of Library Trustees	7 p.m.	Library Program Room
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
Feb. 13, 2013	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
Feb. 20, 2013	Arts Commission	7 p.m.	Community Center Conference Rm
March 13, 2013	Parks and Recreation Commission	7 p.m.	Community Center Conference Rm
March 20, 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

December 18, 2012	City Council Meeting – Live	7 p.m.
December 19, 2012	City Council Meeting – Live	7 p.m.
December 23, 2012	City Council Meeting – Live	4 p.m.