

## NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL  
TUESDAY, MAY 7, 2013  
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. Public Employee Performance Evaluation - Pursuant to Government Code 54957  
City Attorney Performance Evaluation  
Staff Contact: Teri Silva, (408) 730-7495
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**

**CLOSED SESSION REPORT FOR MAY 7, 2013**

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

**SPECIAL ORDER OF THE DAY** – Municipal Clerks Week

**SPECIAL ORDER OF THE DAY** – Foster Care Month

**SPECIAL ORDER OF THE DAY** – Department of Public Safety Awards

**PUBLIC ANNOUNCEMENTS**

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

**PRESENTATION** – Presentation by Cupertino Union School District on Cupertino Middle School Proposed Open Space Master Plan Revision

**CONSENT CALENDAR**

- 1.A. Approval of Council Meeting Minutes of April 30, 2013
- 1.B. Approval of Council/Redevelopment Successor Agency Minutes of April 30, 2013
- 1.C. Approval of Information/Action Items – Council Directions to Staff

**Fiscal Items**

- 1.D. RTC 13-104 List of Claims and Bills Approved for Payment by the City Manager – List No. 657

Staff Recommendation: Approve the list of bills.

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

- 1.E. RTC 13-105 Consideration of Budget Modification No. 32 to Appropriate \$357,000 Measure B Vehicle Registration Fee Intelligent Transportation Program Grants for Four Projects at Various Locations

Staff Recommendation: Approve Budget Modification No. 32 to appropriate VTA Measure B Vehicle Registration Fee Intelligent Transportation Program grants to four new capital projects.

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

- 1.F. RTC 13-103 Adopt a Resolution Authorizing the Filing of Fiscal Year 2013/14 Transportation Development Act Article 3 Applications for Pedestrian and Bicycle Projects

Staff Recommendation: Adopt the resolution authorizing the filing of project applications with the VTA and MTC for allocation of \$27,000 of Transportation Development Act funds for FY 2013/14 for a Remington Drive/Manet Drive Intersection Pedestrian Improvement Project, and requesting banking of remaining funds to FY 2014/15 for consideration of use for One Bay Area Grant matching funds. Also authorize the filing of a Bicycle Expenditure Program competitive grant for \$346,790 for a Mary Avenue Bike Lanes project.

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

**Contracts**

- 1.G. RTC 13-109 Award of Contract for an Asphalt Paving Machine for Street Patching and Repair (F13-46)

Staff Recommendation: Award a contract in the amount of \$123,540, in substantially the same form as the draft purchase order attached to the report, to Nixon Egli Equipment for one asphalt paving machine.

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

- 1.H. RTC 13-106 Award of Contract for Six Pickup Trucks (F13-50)

Staff Recommendation: Award a contract in the amount of \$118,775, in substantially the same form as the draft purchase order attached to the report, to Towne Ford Sales for six pickup trucks.

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

### **Other Items**

- 1.I. RTC 13-076 Memorandum of Agreement for Building Demolition on Onizuka Site with Foothill-DeAnza Community College District

Staff Recommendation: Authorize the City Manager to execute the Memorandum of Agreement with the Foothill-DeAnza Community College District for demolishing the buildings on the City's Onizuka property with allowance for minor clarifications if needed.

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

- 1.J. RTC 13-110 Adoption of a Resolution Authorizing the City Manager or His Designee to Execute an Easement Deed on a City-owned Public Parking Lot Located at South Frances Street and East Evelyn Avenue

Staff Recommendation: Adopt the resolution authorizing the City Manager or his designee to execute an Easement Deed over the City-owned public parking lot located at South Frances Street and East Evelyn Avenue; and, authorize the City Clerk to cause a certified copy of the resolution and the Utility Easement Deed to be recorded with the Santa Clara County Recorder's Office.

Staff Contact: Judy Chu, (408) 730-7413

- 1.K. ORDINANCE 2996-13 Adoption of Ordinance 2996-13 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 620 East Maude Avenue from M-S/ITR/R-3/PD (Industrial Service/Industrial to Residential/ Medium Density/Planned Development) to R-4/PD (High Density Residential/Planned Development) Zoning District

Staff Recommendation: Adopt Ordinance 2996-13.

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

- 1.L. ORDINANCE 2997-13 Adoption of Ordinance 2997-13 Amending Chapter 2.24 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Related to Impasse Procedures in Labor Negotiations

Staff Recommendation: Adopt ordinance 2997-13.

Staff Contact: Joan Borger, (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. RTC 13-107 Discussion and Possible Actions on Housing and Urban Development (HUD) Action Plan for FY 2013-14

Staff Recommendation: Alternative 1: a) Approve the Action Plan for FY 2013-14 as shown in Attachment A to the report; b) Approve a total of \$100,000 in supplemental General funds for human services grants as shown in Attachment B to the report; and c) Authorize the City Manager to issue conditional loan commitments of \$1.3 million in HOME funds to MidPen Housing and \$850,000 in HOME funds to Charities Housing for development of the Armory housing projects, in substantially the form provided in Attachments D and E to the report.  
Staff Contact: Suzanne Ise, (408) 730-7698

3. RTC 13-108 Award of Contract for the Water Pollution Control Plant Master Plan and Primary Treatment Facility Design (F13-27)

Staff Recommendation: Award a contract, in substantially the same form as the draft attached to the report and in an amount not-to-exceed \$11,088,127 to Carollo Engineers, for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met; approve an amount not-to-exceed \$1,351,514 for as-needed Treatment Process Design Alternatives and CEQA Support Services; approve a 10% contract contingency in the amount of \$1,243,964; and delegate authority to the City Manager to extend the end date of the contract in order to complete the work, provided there is sufficient budgeted funding.  
Staff Contact: Pete Gonda, (408) 730-7418

4. RTC 13-101 Discussion and Possible Action to Amend Sunnyvale Municipal Code Chapters 1.04 and 1.05 Related to Criminal and Administrative Citations for Violations of the Municipal Code

Staff Recommendation: Alternative 1: Introduce an ordinance to amend Sunnyvale Municipal Code Section 1.04.010, 1.04.050, and 1.04.020  
Staff Contact: Joan Borger, (408) 730-7464

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

5. Discussion and Possible Action Against Councilmember Meyering Related to Violations of the Code of Ethical Conduct and Council Policy

6. RTC 13-087 Discussion and Possible Action Regarding Appointment of Campaign Ethics Committee

Staff Recommendation: Staff makes no recommendation.  
Staff Contact: Robert Walker, (408) 730-7458

**COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

**NON-AGENDA ITEMS & COMMENTS**

- Council
- City Manager

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Study Session Summary of April 30, 2013 - Discussion Regarding Possible Transient Occupancy Tax Ballot Measure
- Study Session Summary of April 23, 2013 - Mary Avenue Streetscape Allocation Study, Fremont Avenue to Maude Avenue
- Bicycle and Pedestrian Advisory Commission Draft Minutes of April 18, 2013
- Draft Minutes of the Arts Commission meeting of April 17, 2013

**ADJOURNMENT**

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**Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at [sunnyvale.ca.gov](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. 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, California during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5. 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. (28 CFR 35.106 ADA Title II).

**Planning a presentation for a City Council meeting?**

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. The document is available on the City Web site at [sunnyvale.ca.gov](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.

**Upcoming Meetings**

Visit [CouncilMeetings.inSunnyvale.com](http://CouncilMeetings.inSunnyvale.com) for upcoming Council meeting information. Visit [BoardsandCommissions.inSunnyvale.com](http://BoardsandCommissions.inSunnyvale.com) for upcoming board and commission meeting information. For a complete schedule of KSUN-15 Council meeting broadcasts, visit [KSUN.insunnyvale.com](http://KSUN.insunnyvale.com).