

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, MAY 21, 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 Manager 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 21, 2013

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

SPECIAL ORDER OF THE DAY – National Public Works Week, May 19 – 25, 2013

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 May 7, 2013
- 1.B. Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. RTC 13-120 List of Claims and Bills Approved for Payment by the City Manager – List Nos. 658 and 659

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

- 1.D. RTC 13-122 Approve Agreement with MP Homestead Park Associates, L.P., a Legal Entity of MidPen Housing Corporation, for a Loan of \$5 Million in Housing Mitigation Funds to Rehabilitate Homestead Park Apartments

Staff Recommendation: Approve the Loan Agreement with MP Homestead Park Associates, L.P., a legal entity of MidPen Housing Corporation in substantially the form provided in the report and authorize the City Manager to execute the agreement and associated loan documents in final form as approved by the City Attorney
Staff Contact: Suzanne Ise, (408) 730-7698

- 1.E. RTC 13-123 Approval of Budget Modification No. 44 to Appropriate \$149,155 from the General Fund's Budget Stabilization Fund for Undergrounding of Overhead Utilities

Staff Recommendation: Approve Budget Modification No. 44 to appropriate funds for the City's fair-share contribution for utility undergrounding.
Staff Contact: Manuel Pineda, (408) 730-7426

- 1.F. RTC 13-116 Approval of Budget Modification No. 45 to Appropriate \$275,000 from the Liability and Property Insurance Fund Reserve and \$150,000 from the Office of the City Attorney's General Fund Operating Budget for Litigation Costs and Services

Staff Recommendation: Approve Budget Modification No. 45 to appropriate \$275,000 from the Liability and Property Insurance Fund Reserve and \$150,000 from the Office of the City Attorney's current operating budget in the General Fund to cover outside legal services and other costs related to tort litigation.
Staff Contact: Joan Borger, (408) 730-7464

Contracts

- 1.G. RTC 13-112 Award of Contract for Floor Covering and Wall Carpet Removal and Replacement at the Department of Public Safety Building (F13-48)

Staff Recommendation: Award a contract in the amount of \$97,000 to G & S Carpet Mills and; approve a 20% contingency in the amount of \$19,400.
Staff Contact: Pete Gonda, (408) 730-7418

- 1.H. RTC 13-118 Award of Bid No. PW13-13 for Downtown Streetscape Improvements - Phase II

Staff Recommendation: Award a contract in substantially the same format as the draft attached to the report and in the amount of \$608,375 to Redgwick Construction Company Inc. for the subject project, 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 \$60,838.

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

- 1.I. RTC 13-117 Award of Contract for the Design of Storm System Trash Capture Devices (F13-37)

Staff Recommendation: Award a contract in substantially the same form as the draft attached to the report and in the amount of \$108,570 to Kimley-Horn & Associates Inc. for the subject project, authorize the City Manager to execute the contract when all the necessary conditions have been met, approve optional services in an amount not to exceed \$23,920, to be used if necessary; and approve a 10% contract contingency in the amount of \$10,857.

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

- 1.J. RTC 13-119 Award of Contract for the Maintenance of the City's Radio Communication Systems (F13-57)

Staff Recommendation: Award a contract in substantially the same form as the draft attached to the report and in the amount of \$140,958, to Motorola, Inc. for maintenance of the City's radio communications systems.

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

Other Items

- 1.K. RTC 13-124 Authorization for the Mayor and City Manager to Sign the Santa Clara County Island Annexation Mapping Request Form to Initiate the Annexation Process for Two Island Areas located within the City of Sunnyvale Urban Service Area but Currently Under the County of Santa Clara's Jurisdiction (Central Expressway and Butcher's Corner)

Staff Recommendation: Authorize the Mayor and City Manager to sign the Santa Clara County Island Annexation Mapping Request Form to initiate the annexation process for two island areas located within the City of Sunnyvale Urban Service Area but currently under the County of Santa Clara's jurisdiction (Central Expressway and Butcher's Corner).

Staff Contact: Amber El-Hajj, (408) 730-2723

- 1.L. ORDINANCE Adoption of Ordinance 2998-13 Amending Sunnyvale Municipal Code
2998-13 Chapters 1.04 and 1.05 Related to Criminal and Administrative Citations for Violations of the Municipal Code

Staff Recommendation: Adopt Ordinance 2998-13.

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 13-113 Board and Commission Appointments

Staff Recommendation: Staff makes no recommendation.

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

3. RTC 13-121 Discussion and Possible Action Regarding Proposals for the Operation of Public Swim Programs at Fremont High School Pool

Staff Recommendation: Alternative 1: Approve, in substantially the same form as attached to the report, the proposed Agreement between California Sports Center and the City of Sunnyvale for the Operation of Public Swim Programs at Fremont High School Pool.

Staff Contact: Lisa G. Rosenblum, (408) 730-7315

4. RTC 13-125 Discussion and Possible Action Regarding Identification of a Preferred Site for Construction of a City Branch Library

Staff Recommendation: Alternative 1: Pursue designs for a branch library at Lakewood Park. Staff to return to Council for approval of a design consultant contract.

Staff Contact: Robert Walker, (408) 730-7458

5. RTC 13-126 Discussion and Possible Action Regarding Proposed Changes to the Cupertino Middle School Open Space Site Plan

Staff Recommendation: Alternatives 1 and 2: 1) Approve the proposed Site Plan for Cupertino Middle School open space per Attachment B, and 2) Require the District to modify the existing softball field so it can be used for youth baseball as a condition of approving the amendment.

Staff Contact: Scott Morton, (408) 730-7596

6. RTC 13-114 Public Hearing, Discussion and Possible Action to Adopt a Resolution to Levy an Annual Assessment for the Downtown Sunnyvale Business Improvement District for Fiscal Year 2013/2014

Staff Recommendation: Alternative 1: Adopt the Resolution to Levy an Annual Assessment for the Downtown Sunnyvale Business Improvement District.

Staff Contact: Connie Verceles, (408) 730-7256

7. RTC 13-115 Public Hearing, Discussion and Possible Action to Introduce an Ordinance Amending Chapter 3.60- Downtown Sunnyvale Business Improvement District of Title 3 - Revenue and Finance of the Sunnyvale Municipal Code to Expand Zone C of the Sunnyvale Business Improvement District

Staff Recommendation: Alternative 1: Introduce the Ordinance Amending Chapter 3.60 – Downtown Sunnyvale Business Improvement District of Title 3 – Revenue and Finance of the Sunnyvale Municipal Code.

Staff Contact: Connie Verceles, (408) 730-7256

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

8. RTC 13-127 Discussion and Possible Action on a Ballot Measure to Increase the Transient Occupancy Tax

Staff Recommendation: Alternative 1: Direct staff to pursue a ballot measure for the November 2013 election to increase the TOT general tax rate to 10.5%.

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

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 13-111 Board/Commission Resignation (Information Only)
- Study Session Summary of May 14, 2013 – Board and Commission Interviews
- Draft Minutes of the Board of Library Trustees Meeting of May 13, 2013
- Draft Minutes of the Parks and Recreation Commission Meeting of May 8, 2013
- Draft Minutes of the Heritage Preservation Commission Meeting of April 3, 2013

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at 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.

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 for upcoming Council meeting information.

Visit BoardsandCommissions.inSunnyvale.com for upcoming board and commission meeting information.

For a complete schedule of KSUN-15 Council meeting broadcasts, visit KSUN.insunnyvale.com.