

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, DECEMBER 3, 2013
WEST CONFERENCE ROOM and COUNCIL CHAMBERS
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

5 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 54957- Public Employee Appointment
Title: City Manager
Bill Avery, Avery & Associates
Staff Contact: Teri Silva, (408) 730-7495
4. Adjourn Special Meeting

5:45 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the Council Chambers (Open to the Public)
2. Roll Call
3. 49ers Stadium Traffic, Parking and Security Plan Update (Study Issue)
Staff Contact: Dayton Pang, (408) 730-7139
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

PUBLIC ANNOUNCEMENTS

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

CONSENT CALENDAR

1.A. Approval of Information/Action Items – Council Directions to Staff

Contract Items

1.B. RTC 13-289 Award of Bid No. PW14-01 for Improvements to Downtown Parking Lots – Evelyn Avenue and Frances Street and Finding of CEQA Categorical Exemption

Staff Recommendation: Award a contract in substantially the same format as the draft attached to the report and in the amount of \$119,786 to American Asphalt Repair and Resurfacing Co., 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 \$11,979; and make a finding that the project is categorically exempt from CEQA pursuant to Class 1, Section 15301(c) and (d).

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

1.C. RTC 13-287 Authorization to Amend an Existing Contract with Union Bank for Banking Services

Staff Recommendation: Approve an amendment to extend the contract for banking services for a three-year term to expire on December 31, 2016.

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

Personnel

1.D. RTC 13-282 Amendment to the Schedule of Pay of the Salary Resolution: Salary Adjustment for Pay Plan Category C (applies to Classified Public Safety Officers and Lieutenants) and Pay Plan Category D/E (Applies to Public Safety Captains and Public Safety Deputy Chiefs)

Staff Recommendation: Amend Pay Plan Category C and D/E of the Schedule of Pay of the Salary Resolution to reflect the new pay rates, effective retroactive to July 7, 2013.

Staff Contact: Allison Suggs, (408) 730-7534

Other

1.E. ORDINANCE Adopt Ordinance No. 3023-13 Awarding a Nonexclusive Franchise to
NO. 3023-13 Barkat Osman, Doing Business as All Time Cab

Staff Recommendation: Adopt Ordinance No. 3023-13.

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

- 1.F. ORDINANCE Adopt Ordinance No. 3024-13 Awarding a Nonexclusive Franchise to
NO. 3024-13 Jatinder Kumar and Varinder Kumar, Doing Business as Classic Cab

Staff Recommendation: Adopt Ordinance No. 3024-13.

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

- 1.G. ORDINANCE Adopt Ordinance No. 3025-13 Awarding Nonexclusive Franchise to Seyoum
NO. 3025-13 Asrat and Harmesh Singh, Doing Business as Green Cab

Staff Recommendation: Adopt Ordinance No. 3025-13.

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

- 1.H. ORDINANCE Adopt Ordinance No. 3026-13 Awarding Nonexclusive Franchise to
NO. 3026-13 Lashkar Singh and Amarjit Singh (Silicon Valley Cab Company, Inc.),
Doing Business as Silicon Valley Cab Co.

Staff Recommendation: Adopt Ordinance No. 3026-13.

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 13-292 Discussion and Possible Action Regarding Approval of a Joint
Use Agreement for Raynor Park Open Space with Stratford School

Staff Recommendation: Alternative 1: Authorize the City Manager to execute the Joint Use Agreement between the City of Sunnyvale and Stratford School, Inc. for the use of Raynor Park.

Staff Contact: Kent Steffens, (408) 730-7441

3. RTC 13-283 Discussion and Possible Action on related applications for a 55.39 acre office complex with six new eight-story office buildings, a twostory amenities building, surface parking, two parking structures and associated landscape improvements at 1152 Bordeaux Avenue in a MP-I and MP-TOD Zoning District (APNs: 110-25-037, 038; 110-27-017, 023, 031, 032; 100-35-007, 008, 009): Certification of Final Subsequent Environmental Impact Report, Adoption of Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations to consider development of an approximately 1.8 million square foot office development; Amendment to the Moffett Park Specific Plan for eight parcels from Moffett Park Industrial to Moffett Park Transit Oriented Development and associated text changes; Introduction of an Ordinance to Rezone Eight Parcels From MP-I to MP-TOD; Major Moffett Park Design Review to allow the development of an approximately 1.8 million square foot office development; and Introduction of an Ordinance for a Development Agreement between City of Sunnyvale and Jay Paul Company (Moffett Place, LLC)

Staff Recommendation: Alternatives 1, 3, 5, 7 and 9: 1) Adopt a resolution certifying the SEIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting Program as contained in the Attachment L to the report; 3) Adopt a resolution to amend the Moffett Park Specific Plan to change the Land Use Designation from Moffett Park Industrial to Moffett Park Transit Oriented Development for eight parcels and associated text amendments including siting criteria for MP-TOD based on any portion of the parcel within ¼ mile of a LRT station, as contained in the Findings in Attachment C and Resolution in Attachment M to the report; 5) Introduce an ordinance to Rezone eight parcels within the Moffett Park Specific Plan Area from MP-I (Moffett Park Industrial) to MP-TOD (Moffett Park Transit Oriented Development) as contained in the Findings in Attachment D and Draft Ordinance in Attachment N to the report; 7) Approve the Major Moffett Park Design Review as indicated in the Site and Architectural Plans in Attachment H and T to the report, Findings of Approval in Attachment E to the report and Conditions of Approval in Attachment G to the report (includes Planning Commission Condition of Approval); and 9) Introduce an ordinance to enter into a Development Agreement between the City of Sunnyvale and Jay Paul Company as contained in findings for approval in Attachment F and Draft Ordinance in Attachment O to the report.

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

City Clerk reads the ordinance titles.

4. RTC 13-291 Discussion and Possible Action Regarding Las Palmas Dog Park Location

Staff Recommendation: Confirm Council action from July 23, 2013 with RTC 13-178, including approval of Budget Modification No. 2 to appropriate \$100,000 from the Park Dedication Fund in FY 2013/14, and proceed with improvements to Las Palmas Dog Park in its existing location, including the addition of natural grass and a separate area for small dogs, maintaining the current location of Las Palmas Dog Park.

Staff Contact: Patricia Lord, (408) 730-2713

5. RTC 13-290 2012-7112 Discussion and Possible Action to Introduce an Ordinance to Amend Regulations for Telecommunications Facilities in the Public Right-of-Way (Study Issue)

Staff Recommendation: Alternatives 1 and 2: 1) Adopt a resolution to establish the Guidelines for Wireless Facilities on Joint Poles in the Right-of-way; 2) Introduce an ordinance to amend the Zoning Code (Attachment C to the report) 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 that do not meet the Guidelines for Wireless Facilities on Joint Poles wireless facilities 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 potentially significant visual impact on the surrounding area; b) Require a Design Review without a public hearing for any other pole facility other than that described in 2.a., and 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.

6. RTC 13-288 2013-7171 Discussion and Possible Action on Appeals by a Councilmember and a Member of the Public of a Decision of the Planning Commission Approving an Application by Summerhill Apartment Communities for a Mitigated Negative Declaration, a Special Development Permit to Allow 105 Residential Dwelling Units with Underground Parking and a Vesting Tentative Map for Condominium Purposes located at 455 and 465-481 S. Mathilda Avenue (APN: 165-03-004 and 165-03-005) in the Downtown Specific Plan (DSP/Block 14)

Staff Recommendation: Alternative 1: Deny the appeal and uphold the decision of the Planning Commission and adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

Staff Contact: Gerri Caruso, (408) 730-7591

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 13-284 Board/Commission Resignation (Information Only)
- Draft Minutes of the Arts Commission Meeting of November 20, 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.