

**NOTICE AND AGENDA**

**SUNNYVALE CITY COUNCIL  
TUESDAY, DECEMBER 10, 2013  
WEST CONFERENCE ROOM and COUNCIL CHAMBERS  
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 54957 - Public Employee Performance Evaluation*  
Title: City Attorney  
Staff Contact: Teri Silva, (408) 730-7495
  - b. *Closed Session Pursuant to Government Code Section 54957 - Public Employee Appointment*  
Title: Interim City Manager  
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 REPORTS FOR DECEMBER 10, 2013**

*Pursuant to Government Code 54957 - Public Employee Performance Evaluation: City Attorney  
Pursuant to Government Code 54957 - Public Employee Performance Appointment: Interim City  
Manager*

**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 November 26, 2013
- 1.B. Approval of Information/Action Items – Council Directions to Staff

**Fiscal**

- 1.C. RTC 13-298 List of Claims and Bills Approved for Payment by the City Manager – List  
Nos. 687 and 688

Staff Recommendation: Review the lists of bills.

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

**Other**

- 1.D. ORDINANCE NO. 3029-13 Adopt Ordinance 3029-13 to Amend the Precise Zoning Plan, Zoning  
Districts Map, to Rezone Certain Properties Located in the Moffett Park  
Specific Area From MP-I (Moffett Park-General Industrial) to MP-TOD  
(Moffett Park-Transit Oriented Development) Zoning District

Staff Recommendation: Adopt Ordinance No. 3029-13

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

- 1.E. ORDINANCE NO. 3030-13 Adopt Ordinance 3030-13 to Approve and Adopt a Development  
Agreement Between Moffett Place LLC and the City of Sunnyvale  
Related to the Development of Property Commonly Known as the  
Moffett Place Campus

Staff Recommendation: Adopt Ordinance No. 3030-13

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

- 1.F. ORDINANCE NO. 3031-13 Adopt Ordinance 3031-13 to Amend Certain Sections of the Sunnyvale  
Municipal Code Relating to Wireless Telecommunications Facilities

Staff Recommendation: Adopt Ordinance No. 3031-13

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 13-303 Discussion and Possible Action to Receive and File the FY 2012/13 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report, and Sunnyvale Financing Authority Financial Report; and Discussion and Potential Action for Columbia Neighborhood Center Expansion Project and Budget Modification No. 21

Staff Recommendation: Alternative 1: Receive and file the Budgetary Year-End Financial Report, the Audited Comprehensive Annual Financial Report, the Report to the City Council Issued by the Independent Auditors, and the Sunnyvale Financing Authority Financial Report and Approve Budget Modification No. 21.

Staff Contact: Tim Kirby, (408) 730-7603

3. RTC 13-302 Discussion and Possible Action for the Selection of Interview Panel Members for the City Manager Selection Process.

Staff Recommendation: Staff makes no recommendation

Staff Contact: Teri Silva, (408) 730-7495

4. RTC 13-301 Discussion and Possible Action on the Appointment and Compensation of an Interim City Manager and Salary Consideration

Staff Recommendation: Staff makes no recommendation

Staff Contact: Teri Silva, (408) 730-7495

5. RTC 13-296 Discussion and Possible Action to Introduce an Ordinance to Amend Sunnyvale Municipal Code Chapter 9.37 Related to Bingo Games

Staff Recommendation: Alternative 1: Introduce an ordinance to amend Sunnyvale Municipal Code Chapter 9.37.

Staff Contact: Therese Balbo, (408) 730-7604

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

6. RTC 13-295 2013-7171 Discussion and Possible Action to Introduce an Ordinance to Amend Title 19 (Zoning) and a Resolution to Amend the Fee Schedule Regarding the General Plan Amendment Initiation Process (Study Issue)

Staff Recommendation: Alternatives 1, 3, 4 and 5: 1) Introduce the proposed ordinance in Attachment D to the report, which requires mailed public notification of GPI requests to owners of property within a minimum of 300 feet of the affected site, or within a larger radius if it would be advisable or required for a related development project; requires the Planning Commission to review and make a recommendation on the GPI request prior to the Council hearing; provides for the expiration of approved GPIs if a GPA application is not filed and deemed complete within two years; and prohibits the filing of a substantively similar GPI request for the same site (if applicable), as determined by the Director of Community Development, within two years of a denied GPI request. Additionally, include a similar two-year prohibition for denied rezoning applications; and 3) Adopt the resolution in Attachment F to the report to increase the General Plan Amendment Initiation fee by \$136 to account for the required 300-foot public noticing described in Alternative 1; and add expanded noticing fees at 500, 1,000 and 2,000 feet for projects requiring a larger radius of mailed notices; and 4) Continue the existing process of considering GPI requests when received, and not limiting the number or frequency of GPI reviews each year; and 5) Determine if concurrent or sequential review of the GPA application and related development application will be allowed when a GPI request is considered by the Council.

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

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

7. RTC 13-300 Discussion and Possible Action to Approve a Second Amendment to the Agreement with Waste Management of California, Inc. for Long Term Disposal of Solid Waste

Staff Recommendation: Alternative 1: Authorize the City Manager to execute the Second Amendment to the Agreement between the City of Sunnyvale and Waste Management of California, Inc. for Long Term Disposal of Solid Waste.

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

## **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 13-297 Board/Commission Resignation (Information Only)
- Study Session Summary of November 26, 2013 – Discussion of 2014 Intergovernmental Assignments
- Draft Minutes of the November 6, 2013 Heritage Preservation Commission Meeting
- Draft Minutes of the Arts Commission Meeting of November 20, 2013
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of November 21, 2013

- Study Session Summary of December 3, 2013 - 49ers Stadium Traffic, Parking and Security Plan Update

## **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).