

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, DECEMBER 17, 2013
WEST CONFERENCE ROOM and COUNCIL CHAMBERS
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Discussion of Upcoming Selection of 2014-2015 Mayor and 2014 Vice Mayor
Staff Contact: Kathleen Franco Simmons, (408) 730-7474
4. Public Comment
5. Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Shuttle Buses-Effective Services and the State of Shuttle Bus Service in Sunnyvale
Staff Contact: Jack Witthaus, (408) 730-7330
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

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR DECEMBER 13, 2013

*Closed Session Pursuant to Government Code Section 54957 - Public Employee Appointment:
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 December 3, 2013
- 1.B. Approval of Council Meeting Minutes of December 10, 2013
- 1.C. Approval of Information/Action Items – Council Directions to Staff

Fiscal

- 1.D. RTC 13-308 List of Claims and Bills Approved for Payment by the City Manager – List No. 689

Staff Recommendation: Review the list of bills.

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

- 1.E. RTC 13-294 Receive and File FY 2012/13 Annual Status Report on Receipt and Use of Development Impact Fees

Staff Recommendation: Receive and file the FY 2012/13 Annual Status Report on Receipt and Use of Development Impact Fees.

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

- 1.F. RTC 13-313 Award of Contract for Top End Overhauls of Power Generating Engines at the Water Pollution Control Plant (F14-47)

Staff Recommendation: Award a contract, in substantially the same form as the draft Purchase Order attached to the report in the amount of \$135,403, excluding applicable taxes, to Peterson Power Systems for the overhaul of Power Generation Facility Caterpillar Engines #1 and #2; and approve a 25% contingency in the amount of \$33,851.

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

- 1.G. RTC 13-312 Award of Contract for Five Service Trucks (F14-33)

Staff Recommendation: Award a contract in the amount of \$112,576, in substantially the same form as the draft purchase order attached to the report, to Towne Ford Sales for five service trucks.

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

- 1.H. RTC 13-293 Adoption of a Resolution Authorizing Staff to Apply for a Housing Related Parks Program Grant through the State of California's Department of Housing and Community Development (HCD)

Staff Recommendation: Adopt the draft resolution provided in Attachment A to the report.

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

- 1.I. RTC 13-307 Increase Construction Contract Contingency by \$408,259 for Project 822710, Mathilda Avenue Railroad Overpass Improvements

Staff Recommendation: Approve a construction contract contingency increase of \$408,259 to allow for final and full settlement of all claims for this project.

Staff Contact: Nasser Fakh, (408) 730-7617

Other

- 1.J. RTC 13-310 Adopt a Resolution of Continued Participation in the Department of Resources Recycling and Recovery (CalRecycle), Formerly Known as the California Integrated Waste Management Board, Waste Tire Enforcement Grant Program

Staff Recommendation: Alternative 1: Adopt a Resolution authorizing continued participation in the Department of Resources Recycling and Recovery (CalRecycle), Waste Tire Enforcement Grant Program effective for a period of five years from the date of adoption of this Resolution.

Staff Contact: Lynne Kilpatrick, (408) 730-7219

- 1.K. RTC 13-304 Approval of the Final Map (Tract No. 10200) – 67 Residential Condominium Units at 388-394 East Evelyn Avenue by PREG Evelyn Properties, LP

Staff Recommendation: Approve the final map for Tract No. 10200; authorize the Mayor to sign the subdivision agreement upon 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: Eric Gonzales, (408) 730-7616

- 1.L. ORDINANCE NO. 3032-13 Adopt Ordinance No. 3032-13 Amending Certain Sections of Chapter 9.37 (Bingo Games) of Title 9 (Public Peace, Safety, or Welfare)

Staff Recommendation: Adopt Ordinance No. 3032-13.

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

- 1.M. ORDINANCE NO. 3033-13 Adopt Ordinance No. 3033-13 to Repeal Chapter 19.92 (General Plan Amendments and Change of Zone) and to Add New Chapter 19.92 (General Plan and Zoning Amendments) and to Amend and to Repeal Certain Sections of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code Relating to the General Plan Amendment Initiation Process

Staff Recommendation: Adopt Ordinance No. 3033-13.

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 13-274 Discussion and Possible Action Regarding Revised Request from Sunnyvale Community Services for Modification of 2003 Community Development Block Grant (CDBG) Loan Terms

Staff Recommendation: Alternative 1: Approve the Draft Agreement as provided in Attachment C to the report.

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

3. RTC 13-305 2013-7645 Discussion and Possible Action on an Application to Develop a 4.02 Acre Site with 85 Residential Townhouse Units located at 617-641 E. Arques Avenue, 302-318 N. Fair Oaks Avenue, and 612-622 E. Taylor Avenue in a M-S/ITR/R-3 and R-3 Zoning District (APNs: 205-30-009, 010,011,012,016, 017, 018): Introduction of an Ordinance to Rezone One Parcel at 318 N. Fair Oaks Avenue from R-3 to R-3/PD; Special Development Permit to Allow the Development of 85 Townhouse Units; Vesting Tentative Map to Subdivide 7 Parcels into 85 Lots and One Common Lot; and Mitigated Negative Declaration for the Rezone, Vesting Tentative Map and Special Development Permit

Staff Recommendation: Alternative 1: Adopt the Mitigated Negative Declaration; introduce an Ordinance to Rezone 318 N. Fair Oaks Avenue from R-3 to R-3/PD zoning; and approve the Vesting Tentative Map and Special Development Permit with attached conditions.

Staff Contact: Ryan Kuchenig, (408) 730-7431

City Clerk reads the ordinance title.

4. RTC 13-314 2013-7258 Discussion and Possible Action on an Appeal by a Councilmember and a Member of the Public of a Decision of the Planning Commission Approving related Applications by The Sobrato Organization for a: MITIGATED NEGATIVE DECLARATION and a SPECIAL DEVELOPMENT PERMIT to allow a mixed-use project with 156 residential apartment units in a three and four-story building and an approximately 41,000 square foot three-story office building; and VESTING TENTATIVE MAP for condominium purposes located at 1095 W El Camino Real (APN:161-41-008) in the C2/ECR Zoning District

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 the conditions attached to the report.

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

5. RTC 13-311 Discussion and Possible Action on the Feasibility of Establishing a Community Farm for Children and Alternative Recreational Uses at the Sunnyvale Landfill (Study Issue)

Staff Recommendation: Alternatives 2, 4, and 5: 2) Direct staff to explore Baylands Park as a location for AAH in Sunnyvale; 4) Direct staff to further evaluate the technical feasibility of constructing a bike skills park at the Sunnyvale Landfill site; and 5) Direct staff to further evaluate the technical feasibility of constructing park enhancements at the Sunnyvale Landfill site.

Staff Contact: Manuel Pineda, (408) 730-7426

6. RTC 13-232 Discussion and Possible Action to Update the Transportation Strategic Program and Adoption of a Resolution Amending the City's Master Fee Schedule for Traffic Impact Fees

Staff Recommendation: Alternative 1: Approve the list of projects to be funded by Transportation Impact Fees and adopt the resolution amending the fee schedule to update Transportation Impact Fees as noted.

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

7. RTC 13-309 Discussion and Possible Action to Approve Budget Modification No. 22 in the Amount of \$500,000 to Capital Project 830560 Fremont Pool House Infrastructure Improvements, Approve "Third Amendment to Use Agreement Between City of Sunnyvale and Fremont Union High School District for the Development and Operation of a 50 Meter Swimming Pool and Related Facilities at Fremont High School," and Adopt a Finding of Categorical Exemption Under CEQA

Staff Recommendation: Alternative 1: Approve Budget Modification No. 22 in the amount of \$500,000 to Capital Project 830560 Fremont Pool House Infrastructure Improvements; and, approve the Third Amendment to Use Agreement Between City of Sunnyvale and Fremont Union High School District for the Development and Operation of a 50 Meter Swimming Pool and Related Facilities at Fremont High School; and adopt a finding that approval of the Third Amendment to the Use Agreement is exempt under CEQA pursuant to Guideline section 15301.

Staff Contact: Jim Craig, (408) 730-7558

8. RTC 13-315 Discussion and Possible Action to Increase the Compensation for the City Attorney

Staff Recommendation: Staff makes no recommendation.

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

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 13-306 Follow up on Study Issue CDD 12-11, Regarding Below Market Rate Ownership Program Qualifications, Criminal Background Checks (Information Only)
- Draft Minutes of the Board of Library Trustees Meeting of December 2, 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.