



# City of Sunnyvale

## Notice and Agenda - Revised City Council

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Tuesday, December 19, 2017

4:30 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meeting: Closed Session- 4:30 PM | Regular City Council Meeting- 7 PM |  
Special Joint Meeting of the City Council and the Sunnyvale Financing Authority-7 PM  
(or as soon thereafter as the matter may be heard)**

### **4:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

#### **1 Call to Order in the West Conference Room**

#### **2 Roll Call**

#### **3 Public Comment**

*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.*

#### **4 Convene to Closed Session**

[17-1176](#)

Closed Session held pursuant to California Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Kent Steffens, Interim City Manager; Teri Silva, Interim Assistant City Manager

Employee organization: Communication Officers Association (COA)

[17-0980](#)

Closed Session held pursuant to California Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Council Compensation Subcommittee Members Glenn Hendricks, Jim Griffith, Russ Melton

Unrepresented employee: City Manager

[17-1043](#)

Closed Session held pursuant to California Government Code

Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: "Block 15 Affordable Housing Site" located at 365-407 S. Mathilda Avenue and 388-406 Charles Street (APNs 165-13-045, 165-13-046, 165-13-068, 165-13-069, 165-13-073, 165-13-074)

City negotiators: Interim City Manager Kent Steffens, Director of Community Development Trudi Ryan, Housing Officer Suzanne Isé

Negotiating parties: The Related Companies of California, LLC  
Under negotiation: Price and terms of payment for a proposed long-term ground lease of City property (Exclusive Negotiating Agreement)

[17-0238](#)

Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Attorney

## 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 (Open to the Public)*

### SALUTE TO THE FLAG

### ROLL CALL

### CLOSED SESSION REPORT

### PRESENTATION

[17-1096](#)

PRESENTATION - Update from VTA Policy Advisory Board on El Camino Real Bus Rapid Transit

**ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address Council on items not listed on the agenda and 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 up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow Councilmembers to take action on an item not listed on the agenda. 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.*

**CONSENT CALENDAR**

*All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please submit a speaker card to the City Clerk prior to the start of the meeting or before approval of the consent calendar.*

- 1.A**    [17-0208](#)            Approve City Council Special Meeting Minutes of December 8, 2017

**Recommendation:** Approve the City Council Special Meeting Minutes of December 8, 2017 as submitted.

- 1.B**    [17-0201](#)            Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

**Recommendation:** Approve the list(s) of claims and bills.

- 1.C**    [17-1104](#)            Authorize Issuance of Purchase Order for a Gas Chromatography Mass Spectrometer (GCMS) with Purge & Trap Concentrator/Autosampler at the Water Pollution Control Plant (F17-167)

**Recommendation:** Authorize the issuance of a purchase order in the amount of \$114,149 to Thermo Electron North America, LLC, aka Thermo Fisher, excluding sales tax, in substantially the same form as Attachment 2 to the report, to furnish a Gas Chromatography Mass Spectrometer (GCMS) with Purge & Trap Concentrator/Autosampler, as required by the Environmental Services Department.

- 1.D**    [17-1028](#)            Approve Grant Agreement with MidPen Housing Corp. for the

Persian Drive Sidewalk Project and Approve Budget Modification No. 30 to Appropriate an Additional \$324,500 to the Project, for a Total of \$973,000

**Recommendation:** Approve Budget Modification No. 30 in the amount of \$324,500 to increase the budget for Project 832040 for a new total of \$973,000; Approve the Grant Agreement with MidPen Housing Corp for the Persian Drive Sidewalk Extension, and Authorize the City Manager to execute the Grant Agreement in a final form as approved by the City Attorney.

- 1.E [17-0386](#) Receive and File FY 2016/17 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Impact Fees (Exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines)

**Recommendation:** Receive and file FY 2016/17 Annual Status Report on receipt and use of development impact fees and adopt a Resolution making findings regarding unspent impact fees as required by the Mitigation Fee Act (California Government Code Section 66000 et seq.).

## **ADJOURN TO SPECIAL JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY**

### **CALL TO ORDER**

### **ROLL CALL**

### **PUBLIC COMMENT (ON SPECIAL MEETING ITEMS ONLY)**

### **GENERAL BUSINESS**

- 2.A [17-1051](#) Approve Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 20, 2017

**Recommendation:** Sunnyvale Financing Authority Approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 20, 2017 as submitted.

- 2.B [17-0159](#) Receive and File the FY 2016/17 City and Sunnyvale Financing Authority Budgetary Year-End Financial Report and Approve Budget Modification No. 32

**Recommendation:** City Council:

Alternative 1: Receive and file the FY 2016/17 City Budgetary Year-End Financial Report and Approve Budget Modification No. 32 adjusting General Fund Revenue, Capital Improvement Projects Reserve and the Budget Stabilization Fund

Sunnyvale Financing Authority:

Alternative 1: Receive and file the FY 2016/17 Sunnyvale Financing Authority Budgetary Year-End Financial Report

**ADJOURN SPECIAL MEETING****RECONVENE TO CITY COUNCIL MEETING****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.*

- 3      [17-1194](#)      Confirm Study Area for the Kifer North Precise Plan (Larger area) or Modify to Include Fortinet Parcels Only (Smaller area); Authorize the City Manager to Enter into Agreements with Ascent Environmental to complete the Planning Study and Environmental Document, and Hexagon Transportation Consultants to complete the associated Transportation Impact Analysis; and Approve Budget Modification No. 33 in the amount of \$322,500 if the Larger Area is Confirmed

**Recommendation:** Alternative 1: Confirm a larger study area for the Kifer North Precise Plan; Authorize the City Manager to Enter into Agreement with Ascent Environmental to complete the Kifer North Precise Plan and Environmental Document in the amount of \$497,673, and Hexagon Transportation Consultants to Complete the associated Transportation Impact Analysis in the amount of \$97,200; and Approve Budget Modification No. 33 in the amount of \$322,500.

- 4      [17-0976](#)      Approve Agreement between the City of Sunnyvale and Bay Area Children's Theatre for Use of City Facilities at a

Below-Market Rate of \$24,000 for the Period January 5, 2018 through March 25, 2018

**Recommendation:** Authorize the City Manager to execute an Agreement between the City of Sunnyvale and Bay Area Children's Theatre for Use of City Facilities from January 5, 2018 through March 25, 2018, substantially in the same form as Attachment 2 of the report, at a discounted rental fee of \$600 per performance, for a maximum rental fee of \$24,000, when all necessary conditions have been met.

- 5      [17-1049](#)      Award a Contract for Fair Oaks Park Renovation Project and Park Design Standards for Construction Project (F17-176)

**Recommendation:** 1) Award a contract not to exceed \$1,081,511 to Verde Design, Inc. for design and construction support for Fair Oaks Renovation Project and Park Design Standards for Construction Project, in substantially the same form as Attachment 1 to the report, and authorize the City Manager to execute the contract when all necessary conditions have been met and find that the procurement process for the Park Design Standards for Construction portion is in the best interest of the City; and 2) approve a contract contingency in the amount of \$108,151.

- 6      [17-1172](#)      Adopt a Resolution Approving an Exception to the CalPERS 180-Day Waiting Period for Work After Retirement for Brice McQueen, Senior Management Analyst in the Department of Finance

**Recommendation:** Alternative 1: Adopt a resolution approving the exception to the CalPERS 180-day wait period and appointment of Brice McQueen to the Casual Management 2 position (Government Code Sections 21221(h), 21224 and 7522.56).

## **COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

### **NON-AGENDA ITEMS & COMMENTS**

-Council

-City Manager

**INFORMATION ONLY REPORTS/ITEMS**

- [17-1102](#) Tentative Council Meeting Agenda Calendar
- [17-0856](#) Information/Action Items
- [17-0766](#) Board/Commission Meeting Minutes

**ADJOURNMENT****NOTICE TO THE PUBLIC**

*The agenda reports to council (RTCs) may be viewed on the City's website 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 35.160 (b) (1))*

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

*To help you prepare and deliver your public comments, please review the "Making*

*Public Comments During City Council or Planning Commission Meetings" available on the City website at [sunnyvale.ca.gov](http://sunnyvale.ca.gov).*

**Planning to provide 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 <https://sunnyvaleca.legistar.com> for upcoming Council, board and commission meeting information.*