



City of Sunnyvale

Notice and Agenda - Revised City Council

Tuesday, April 11, 2017

4:30 PM

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

**Special Meetings: Closed Session- 4:30 PM | Joint Meeting of the City Council and
Redevelopment Successor Agency- 6:45 PM | Regular Meeting- 7 PM**

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

[17-0407](#)

Closed Session held pursuant to California Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Deanna Santana, City Manager; Teri Silva, Director of Human Resources

Employee organization: Sunnyvale Employee Association (SEA)

[17-0231](#)

Closed Session held pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

(Initiation of litigation pursuant to Government Code Sections 54956.9(c),(d)(4): One case)

5 Adjourn Special Meeting

6:45 P.M. SPECIAL COUNCIL MEETING (Joint Meeting of the City Council and Redevelopment Successor Agency)

1 Call to Order in the Council Chambers (Open to the Public)**2 Roll Call****3 Public Comment****4 Consent Calendar**

- A** [17-0382](#) Approve Joint City Council and Redevelopment Successor Agency Meeting Minutes of October 25, 2016

Recommendation: Redevelopment Successor Agency:
Approve Joint City Council and Redevelopment Successor Agency Meeting Minutes of October 25, 2016 as submitted.

- B** [17-0366](#) Approve the Third Amendment to Outside Counsel Agreement with Goldfarb Lipman for Litigation Services Pertaining to the Three Lawsuits Related to the Dissolution of the Redevelopment Agency

Recommendation: City Council:
Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$20,000, for a new not-to-exceed contract amount of \$220,000.

Redevelopment Successor Agency:
Authorize the Agency Counsel to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$20,000, for a new not-to-exceed contract amount of \$220,000.

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****SPECIAL ORDER OF THE DAY**

- [17-0195](#) SPECIAL ORDER OF THE DAY - National Library Week
- [17-0374](#) SPECIAL ORDER OF THE DAY - Fair Housing Month
- [17-0400](#) SPECIAL ORDER OF THE DAY - Earth Day

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 [17-0331](#) Approve City Council Meeting Minutes of March 28, 2017

Recommendation: Approve the City Council Meeting Minutes of March 28, 2017 as submitted.

- 1.B [17-0004](#) Approve City Council Special Meeting Minutes of April 4, 2017

Recommendation: Approve the City Council Special Meeting Minutes of April 4, 2017 as submitted.

- 1.C [17-0173](#) 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.D [17-0275](#) Award of Contract for Vision Zero Plan (F17-024), Finding a California Environmental Quality Act (CEQA) categorical exemption and Approval of Budget Modification No. 38 in the amount of \$33,476

Recommendation: 1) Award a contract in substantially the same form as Attachment 1 to the report and in the amount of \$166,796 to Fehr & Peers and authorize the City Manager to execute the contract when all necessary conditions have been met, 2) make a finding of a categorical exemption for information collection under CEQA Guidelines section 15306 for data collection and research as part of a study, and 3) approve a contract contingency in the amount of \$16,680, 4) and approve a Budget Modification No. 38 in the amount of \$33,476 to provide additional project funding.

- 1.E [17-0026](#) Award of Bid No. PW17-11 for Concrete, Sidewalk, Curbs, Gutters and Driveway Approaches 2017 and Kifer Road Sidewalk Improvements, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 37 in the Amount of \$1,210,455

Recommendation: 1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for maintenance or repair of existing facilities involving negligible or no expansion of use beyond which presently exists; 2) Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,178,455 to JJR Construction, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) Approve a 10% construction contingency in the amount of \$117,846, and 4) Approve Budget Modification No. 37 in the amount of \$1,210,455 to advance project funding from FY 2017/18.

- 1.F [17-0305](#) Reject Bid Received for Uninterrupted Power Supply (UPS) and Emergency Backup Battery Systems at Two Locations (F17-078)

Recommendation: Reject the bid in the amount of \$147,975 received from J.W. Construction in response to IFB F17-078.

- 1.G [17-0226](#) Amend an Existing Agreement for Traffic Signal Maintenance Services and Approve Budget Modification No. 34 in the Amount of \$204,906 (F17-089)

Recommendation: Authorize the City Manager to execute an amendment to the existing contract with Aegis ITS adding \$204,906 and increasing the not-to-exceed value from \$1,382,978 to \$1,587,884 in substantially the same form as Attachment 1 to the report; and 2) approve Budget Modification No. 34 in the amount of \$204,906.

- 1.H [17-0245](#) Adopt a New Council Policy on Debt Management, Amend Council Policy 7.1.1 and Find that the Action is Exempt from CEQA

Recommendation: Adopt a New Council Policy 7.1.8, entitled Debt Management Policy, Amend Council Policy 7.1.1, entitled Fiscal and Long Range Goals and Financial Policies, by removing Section 7.1F and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (b)(4).

- 1.I [17-0268](#) Authorize the Issuance of a Purchase Order for an Articulating Telescopic Aerial Bucket Truck (F17-093)

Recommendation: Authorize the issuance of a Purchase Order for Articulating Telescopic Aerial Bucket Truck, in the amount of \$175,791, including all taxes and fees, to Altec Industries, Inc.

- 1.J [17-0357](#) Approve the 2017 Sustainability Speaker Series

Recommendation: Approve the 2017 sustainability speaker series topics as proposed by the Sustainability Commission.

- 1.K [17-0310](#) Approve the Third Amendment to Outside Counsel Agreement with Renne Sloan Holtzman Sakai, LLP for Labor Negotiation Services

Recommendation: Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Renne Sloan Holtzman Sakai, LLP, to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$250,000.

- 1.L [17-0393](#) Adopt Ordinance No. 3111-17 to Amend Sections 19.12.130 (“L”) of Chapter 19.12 (Definitions), 19.38.040 (Individual Lockable Storage Space for Multiple-Family Residential) of Chapter 19.38 (Required Facilities), and Section 19.90.030 (Procedures) of Chapter 19.90 (Special Development Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code

Recommendation: Adopt Ordinance No. 3111-17.

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 [17-0435](#) City Council Consideration of Authorized Signatories on Behalf of the City Council to a Letter in Response to the Recent Communication by Sunnyvale Employees Association (SEA) Presented to City Council on March 28, 2017

Recommendation: Staff makes no recommendation.

- 3 [17-0336](#) Proposed Project: Related General Plan Amendment and Rezoning applications:
GENERAL PLAN AMENDMENT: Proposed land use designation change from Industrial to: Residential Low-Medium Density (7-14 du/ac), Medium Density (14-27 du/ac), or High Density (27-45 du/ac); or Commercial Neighborhood Shopping for 210 W. Ahwanee Avenue, a 0.41-acre site; 214 W. Ahwanee Avenue, a 0.31-acre site; and 220 W. Ahwanee Avenue, a 1.18-acre site.
REZONE: Introduction of an Ordinance to rezone 210 W. Ahwanee Avenue, a 0.41-acre site; 214 W. Ahwanee Avenue, a 0.31-acre site; and 220 W. Ahwanee Avenue, a 1.18-acre site from Industrial and Service with a Planned Development combining district (M-S/PD) to Low-Medium (R-2/PD), Medium (R-3/PD), or High (R-4/PD) Density Residential with a Planned Development combining district; or Industrial and Service with a Planned Development combining district (M-S/PD) to Neighborhood Business with a Planned Development combining district (C-1/PD).
File #: 2016-7082

Location: 210, 214, and 220 W. Ahwanee Avenue (APNs: 204-03-003, 204-03-002, and 204-03-043).

Current Zoning: M-S/PD

Applicant / Owner: M Designs Architects/Tapti LLC - Kishore Polakala (210 W. Ahwanee Avenue), City of Sunnyvale/Multiple property owners (214 and 220 W. Ahwanee Avenue)

Environmental Review: Mitigated Negative Declaration

Recommendation: Alternatives 1, 2 and 3: 1) Make the findings required by CEQA (in Attachment 3 of the report) and adopt the Mitigated Negative Declaration; 2) Adopt a resolution amending the General Plan land use designation from Industrial to Residential High Density for 210, 214, and 220 W. Ahwanee Avenue; and 3) Make the finding that the zoning amendment (rezoning) is deemed to be in the public interest in (Attachment 3 in the report) and introduce an ordinance to rezone 210, 214, and 220 W. Ahwanee Avenue from M-S/PD to R-4/PD.

4 [17-0379](#)

Adopt a Resolution regarding the LAND USE AND TRANSPORTATION ELEMENT of the General Plan (2016-7708) to:

- Certify the EIR;
- Make the Findings Required by the California Environmental Quality Act;
- Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
- Adopt the Water Supply Assessment;
- Repeal the Southern Pacific Corridor Specific Plan Sites 1, 6, 7, 8 and 9; and
- Amend the General Plan to Adopt the Land Use and Transportation Element.

Recommendation: Alternatives 1, 3 and 6: 1) Adopt a Resolution (Attachment 2 to the report) to: Certify the EIR; Make the Findings Required by the California Environmental Quality Act; Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; Adopt the Water Supply Assessment; 3) Adopt a Resolution (also part of Attachment 2 to the staff report) to Amend the General Plan to Adopt the Land Use and Transportation Element (including repealing the remaining Southern Pacific Corridor Specific Plan Sites as depicted in Attachment 8 to the staff report) as shown in Attachment 4 and Attachment 20 to the staff report, and the modifications to Policy 53 Action 5, Policy 55 Action 2 and Policy 101 Action 6 described in the report; and, 6) Direct staff to reformat the LUTE for inclusion into the Consolidated General Plan, including any approved modifications and to update the Balanced Growth profile.

- 5 [17-0337](#) Proposed Project: PEERY PARK PLAN REVIEW PERMIT to allow a 150,651 square foot four-story office/R&D building and a detached six-level with partial underground parking structure, resulting in 100% FAR, in the Peery Park Specific Plan area. The project includes a 2,500 square foot retail space on the ground floor.
File #: 2015-8110
Location: 675 Almanor Ave. (APNs: 165-44-006 165-44-012)
Applicant / Owner: Chang Architecture/Almanor Ventures LLC
Environmental Review: The project is exempt from additional CEQA review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.

Recommendation: Alternative 1: Make the required Findings to approve the California Environmental Quality Act determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional environmental review is required in Attachment 4 to the report; and approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 7 to the report, adopt the Findings for the Peery Park Plan Review Permit, Sense of Place fee and Water Infrastructure fee in Attachment 4 to the report, including the deviation for parking and adopt the recommended Conditions of Approval set forth in Attachment 5 to the report, as modified by the Planning Commission.

- 6 [16-0571](#) Introduce an Ordinance to Amend Sections of Sunnyvale Municipal Code Title 10 for Revision in Traffic Control Authority and Rescind Resolution No. 203-95 and Related Amendments Designating Speed Limits for Certain Streets and Multi-Way Stops, and Adopt New Speed Limits Resolution

Recommendation: Alternatives 1, 3 and 4: 1) Rescind Resolution No. 203-95 and related amendments and adopt a new resolution re-establishing speed limits in the City; 3) Introduce an ordinance to amend Sunnyvale Municipal Code Title 10 to delegate authority to the City Transportation and Traffic Manager to make decisions to install multi-way stops (3-Way or 4-Way Stops) with the City Council hearing appeals of Transportation and Traffic Manager's decisions; and, 4) Amend Sunnyvale Municipal Code Title 10 to remove Section 10.08.190 (b) and Section 10.32.030.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

- [17-0355](#) Tentative Council Meeting Agenda Calendar
- [17-0291](#) Information/Action Items
- [17-0134](#) Board/Commission Resignation (Information Only)
- [17-0341](#) New Public Park at 936 East Duane Avenue (Information Only)
- [17-0224](#) Study Session Summary of March 7, 2017 - Water Pollution Control Plant Update
- [17-0401](#) Study Session Summary of March 28, 2017 - Presentation and Update by Caltrain Staff on the Caltrain Modernization Program
- [17-0356](#) 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 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" document available at Presentations.inSunnyvale.com.

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 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.