



City of Sunnyvale

Notice and Agenda

City Council

Tuesday, October 4, 2016

5:30 PM

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

Special Meeting-Study Session-5:30 PM | Regular Meeting-7 PM

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 Public Comment

4 Study Session

[16-0192](#)

Board and Commission Interviews

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

SPECIAL ORDERS OF THE DAY

[16-0471](#)

SPECIAL ORDER OF THE DAY - October is National Arts and Humanities Month

[16-0943](#)

SPECIAL ORDER OF THE DAY - October 16 - 22 is Freedom from Workplace Bullying Week

PRESENTATION

[16-0846](#)

PRESENTATION - Update by County Office of Supportive Housing on Improvements to County Facility at 999 Hamlin Court for Cold Weather Shelter Program

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 [16-0646](#) Approve City Council Meeting Minutes of September 20, 2016

Recommendation: Approve the City Council Meeting Minutes of September 20, 2016 as submitted.

1.B [16-0789](#) 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 [16-0862](#) Award of Contract for the Mary Avenue Overcrossing Environmental Impact Report (F16-119) and Approval of Budget Modification No. 14 to Appropriate \$686,125 in Traffic Impact Fee Funding for the Project

Recommendation: 1) Award a contract, in substantially the same form as Attachment 1 to the report in an amount not-to-exceed \$623,750 to Kimley-Horn Associates, Inc.; 2) approve a 10% contract contingency in the amount of \$62,375; and 3) Approve Budget Modification No. 14 to appropriate \$686,125 in Traffic Impact Fee Revenue to provide project funding.

- 1.D [16-0831](#) Approve Budget Modification 10 to Appropriate \$203,719 to Reimburse Foothill-De Anza Community College District for Demolition and Remediation Costs at the Onizuka City-Owned Parcels

Recommendation: Approve Budget Modification 10 to Appropriate \$203,719 to Reimburse Foothill-De Anza Community College District for Demolition and Remediation Costs at the Onizuka City Property.

- 1.E [16-0616](#) Approve City Position on Proposed League of California Cities' 2016 Annual Conference Resolution

Recommendation: Approve a support position for the proposed Resolution #1, Vision Zero and authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted position.

- 1.F [16-0869](#) Modify an Existing Contract for Services Associated with Land Development Plan Review (F17-015)

Recommendation: Authorize the City Manager to execute an amendment to the existing contract with Wilsey Ham adding \$25,000 and increasing the not-to-exceed amount from \$99,000 to \$124,000, in substantially the same form as Attachment 1 to the report.

- 1.G [16-0870](#) Endorse the Slate of Candidates for the League of California Cities Peninsula Division Executive Committee 2016-17 Election of Officers

Recommendation: Endorse the slate of candidates for the Peninsula Division Executive committee for 2016-17:
President: Alicia Aguirre, Council Member, Redwood City
Vice President: Marilyn Librers, Council Member, Morgan Hill
Treasurer: Larry Moody, Council Member, East Palo Alto
Secretary: Charles Stone, Council Member, Belmont
Board Director (Two Year Term): Liz Kniss, Council Member, Palo Alto
San Mateo County: Shelly Masur, Council Member, Redwood City
Santa Clara County: Cory Wolbach, Council Member, Palo Alto

- 1.H [16-0887](#) Adopt Resolutions Approving Amendments to the City's Contribution for CalPERS Medical Insurance for Management, SEA/Confidential and SEIU Employees and Annuitants (Retirees)

Recommendation: Adopt two resolutions: (1) fixing the employer's contribution under the Public Employee's Medical and Hospital Care Act ("PEMHCA") for 2017, and (2) amending Salary Resolution No. 190-05 to modify the City's contribution for medical insurance for Management, SEA/Confidential and SEIU employees and annuitants.

- 1.I [16-0933](#) Authorize the Issuance of a Purchase Order for a Three-year Subscription for Microsoft Office O365 (F17-034)

Recommendation: 1) Authorize the issuance of a three-year purchase order, in substantially the same form as Attachment 1 to the report in the amount of \$683,100 to Softchoice Corporation; and 2) Authorize the City Manager to renew the purchase order for two (2) additional one-year periods, not-to-exceed budgeted amounts.

- 1.J [16-0936](#) Adopt a Pledge of Revenues Resolution and a Resolution Approving an Installment Sale Agreement in Support of the State Revolving Fund Financing for the Sunnyvale Clean Water Program

Recommendation: Adopt a Pledge of Revenues Resolution and a Resolution Approving an Installment Sale Agreement and authorizing the City Manager, or her designee, to execute the Agreement in support of the State revolving fund financing for the Sunnyvale Clean Water Program.

- 1.K [16-0853](#) Approve Budget Modification No. 13 to Appropriate \$12,832 of Federal Fiscal Year (FFY) 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Grant Funds for Front Line Law Enforcement Equipment

Recommendation: Approve Budget Modification No. 13 to appropriate FFY2016 Edward Byrne Memorial Justice Assistance Grant (JAG) funds in the amount of \$12,832 to a new project, FFY2016 JAG Grant.

- 1.L [16-0948](#) Adopt Ordinance No. 3095-16 Adding Section 19.27.040 (Peery Park Specific Plan District) to Title 19 (Zoning) of the Sunnyvale Municipal Code, Rezoning Encinal Park from Industrial and Service (MS) to Public Facilities (PF), and Making Related Changes to Other Sunnyvale Municipal Code Provisions to Implement the Peery Park Specific Plan

Recommendation: Adopt Ordinance No. 3095-16.

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 [16-0910](#) Proposed Project: Introduction of Ordinance to REZONE 28 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
File #: 2016-7431
Location: 662-678 Vanderbilt Drive (Assessor Parcel Numbers 202-06-026 through 202-06-030), 1202-1204 Sesame Drive (202-08-003 through 202-08-006), 1218-1234 Sesame Court (202-08-001, 202-08-002 and 202-06-043 through 202-06-048) and 661-677 Winggate Drive (202-06-034 through 202-06-042)
Zoning: R-1
Applicant / Owner: Baerbel Schumacher (plus multiple owners)
Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (the general rule that CEQA only applies

to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Recommendation: Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 and 15061(b)(3) ; and, 2) Find that the zoning amendment (rezoning) is deemed to be in the public interest as set forth in Attachment 6 to the report and Introduce an Ordinance to Rezone 28 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

3 [16-0911](#)

Proposed Project: Introduction of Ordinance to REZONE 37 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
File #: 2016-7523
Location: 576-598 West Remington Drive (APNs: 202-01-001 through 202-01-007), 575-595 Rockport Drive (APNs: 202-01-016 through 202-01-024), 585-595 Templeton Court (APNs: 202-01-025 through 202-01-028 and 202-08-035), 1104-1132 Spinoso Drive (APNs: 202-01-029 through 202-01-033, and 202-08-032 through 202-08-034), 1126-1138 Strawberry Court (APNs: 202-08-036 through 202-08-040), 1143-1153 Tangerine Way (APNs: 202-08-041 through 202-08-043)
Zoning: R-1
Applicant / Owner: Stephen Meier (plus multiple owners)
Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Recommendation: Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3) and, 2) that the zoning amendment (rezoning) is deemed to be in the public interest (as set forth in Attachment 6 to the report) and Introduce an Ordinance to Rezone 37 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

- 4 [16-0615](#) Adopt Positions on State and Local Ballot Measures for the November 8, 2016 Election

Recommendation: Alternatives 1, 2, 3 and 4:

1. Adopt the following staff-recommended positions on the ballot measures deemed City business, including one item where staff recommends that Council remain neutral (take no position):

State Ballot Measures

* OPPOSE Proposition 53 Revenue Bonds. Statewide Voter Approval.

* TAKE NO POSITION Proposition 63 Safety for All Act of 2016.

* OPPOSE Proposition 64 Marijuana Legalization.

* OPPOSE Proposition 65 Carryout Bags. Charges.

* SUPPORT Proposition 67 Ban on Single-Use Plastic Bags. Local Ballot Measures

* SUPPORT Measure A, Santa Clara County Housing Bond.

* SUPPORT Measure B, Valley Transportation Authority Tax.

* SUPPORT Measure N, Utility Users Tax.

2. Consider taking a position on a ballot measure deemed City business, where staff is not recommending a specific position:

Local Ballot Measures

* Measure M Public Lands for Public Use Act

3. Consider taking positions on remaining ballot measures which are deemed not City business:

State Ballot Measures

* Proposition 51 School Bonds. Funding For K-12 School and Community College Facilities

* Proposition 52 Medi-Cal Hospital Fee Program

* Proposition 54 Legislature. Legislation and Proceedings

* Proposition 55 Tax Extension to Fund Education and Healthcare

* Proposition 56 Cigarette Tax to Fund Healthcare, Tobacco Use Prevention, Research, and Law Enforcement

* Proposition 57 Criminal Sentences. Parole. Juvenile Criminal Proceedings And Sentencing

* Proposition 58 English Proficiency. Multilingual Education

* Proposition 59 Corporations. Political Spending. Federal Constitutional Protections

* Proposition 60 Adult Films. Condoms. Health Requirements

* Proposition 61 State Prescription Drug Purchases. Pricing Standards

* Proposition 62 Death Penalty

- * Proposition 66 Death Penalty. Procedures
Local Ballot Measures
- * Measure BB Sunnyvale School District Parcel Tax
- 4. Affirm that, as required by State law, no public funds have been or will be used to campaign for or against any of these measures.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

- [16-0826](#) Tentative Council Meeting Agenda Calendar
- [16-0834](#) Information/Action Items
- [16-0937](#) Study Session Summary of September 13, 2016 - El Camino Real Corridor Plan Presentation of Vision and Land Use Alternatives

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 35.106 ADA Title II).

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.