



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, October 8, 2019

5:00 PM

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

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**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 6 PM |  
Regular Meeting - 7 PM**

### **5 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**

##### **[19-1010](#)**

Closed Session pursuant to Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 725 Kifer Road, Sunnyvale

Agency negotiators: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; Sherine Nafie, City Property Administrator

Negotiating party: Sunnyvale Community Services

Under negotiation: Price and Terms of Payment

##### **[19-1059](#)**

CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION

Closed Session held pursuant to California Government Code Section 54956.9(d)(1):

Kirk Kim v. City of Sunnyvale, et al. Case No. 19-CV-355728

#### **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 Public Comment****4 Study Session**[19-0969](#)

Level of Service (LOS) to Vehicle Miles Traveled (VMT)  
Transition Update

**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**[19-0317](#)

SPECIAL ORDER OF THE DAY - Arts and Humanities Month

[19-0992](#)

SPECIAL ORDER OF THE DAY - Freedom from Workplace  
Bullying Week

**ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address the City 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 the Council 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**    [19-0821](#)            Approve City Council Meeting Minutes of September 24, 2019

**Recommendation:** Approve the City Council Meeting Minutes of September 24, 2019 as submitted.

**1.B**    [19-0885](#)            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**    [19-1057](#)            Approve a Power Purchase Agreement with Borrego Solar Systems, Inc. for Solar Arrays Installation (F18-175)

**Recommendation:** Take the following actions:  
- Approve a Power Purchase Agreement, in substantially the same form as Attachment 2 to the report, with Borrego Solar Systems, Inc. of Oakland for the installation of solar arrays at the SMaRT Station and the Corporation Yard; and  
- Authorize the City Manager to execute the Agreement when all the necessary conditions have been met.

**1.D**    [19-0924](#)            Award of Bid No. PW19-22 to Roofing & Solar Construction Inc. for the Roof Replacement of the Chemical Building at the Water Pollution Control Plant Project and Finding of California Environmental Quality Act Categorical Exemption

**Recommendation:** Take the following actions:

- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(d)
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$148,000 to Roofing & Solar Construction Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met
- Approve a 10% construction contingency in the amount of \$14,800

- 1.E**    [19-0925](#)    Award of Bid No. PW19-24 to Omni Construction Services, Inc. for the Renovation of Golf Buildings at Sunken Gardens Golf Course and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

**Recommendation:** Take the following actions:

- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(d)
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$468,000 to Omni Construction Services, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met
- Approve a 10% construction contingency in the amount of \$46,800

- 1.F**    [19-0721](#)    Acceptance of Google Inc.'s voluntary implementation of Bicycle and Pedestrian Facility Improvements on Bordeaux Drive with an estimated construction cost of \$1,573,000 and Finding of Exemption from the California Environmental Quality Act

**Recommendation:** Alternative 1: Accept Google Inc.'s voluntary implementation of Bicycle and Pedestrian Facility Improvements on Bordeaux Drive with an estimated construction cost of \$1,573,000 and make a finding that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) and (d) for existing streets, sidewalks, bicycle lanes and facilities involving negligible or no expansion and that does not create additional automobile lanes.

- 1.G [19-0845](#) Adopt a Resolution Approving Application(s) for "Per Capita" Grant Funds from the California State Department of Parks and Recreation

**Recommendation:** Alternative 1: Adopt a resolution approving the City's application for Per Capita grant funds.

- 1.H [19-1012](#) Adopt Ordinance No. 3146-19 to amend Title 6 (ANIMALS) of the Sunnyvale Municipal Code

**Recommendation:** Adopt Ordinance No. 3146-19

- 1.I [19-1056](#) Adopt Ordinance No. 3147-19 to add Chapter 19.77 ("Inclusionary Below Market Rate Rental Housing") to Title 19 ("Zoning") of the Sunnyvale Municipal Code to create an Inclusionary Rental Housing Program, and adopt a Resolution to amend the Master Fee Schedule and create a Rental Housing In-Lieu Fee.

**Recommendation:** Adopt Ordinance No. 3147-19

## **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearing/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 [19-0230](#) Appoint Applicants to the Arts Commission, the Bicycle and Pedestrian Advisory Commission, the Parks and Recreation Commission and the Personnel Board

**Recommendation:** Staff makes no recommendation.

- 3      [19-0676](#)      Public Hearing Pursuant to Elections Code Section 10010(a) (2) to Receive Public Comment Regarding the Content of the Refined Draft City Council Districting Maps Published on October 1, 2019, and the Proposed Sequence of Elections

**Recommendation:** Staff makes no recommendation.

- 4      [19-1009](#)      Discussion and Possible Direction on Proposed Amendments to Charter Article VI (The Council) to be Submitted to Voters in the March 2020 Election to Implement City Council By-District Elections

**Recommendation:** 1. Discuss the proposed amendments to Charter Article VI and provide direction on the outstanding policy issues.  
2. If the Council desires further discussion of charter language prior to November 12, direct staff to schedule an additional item on a future agenda.

- 5      [19-1008](#)      Presentation and Discussion of Election Sequencing Principles for City Council By-District Elections

**Recommendation:** This presentation is for discussion only and no action is required or recommended. The Council is scheduled to consider and decide the sequencing of district elections at the time it selects the district maps.

- 6      [19-0840](#)      Authorize City Manager to Execute a Cooperative Agreement for Services with City of Santa Clara to Provide Golf Programs and Services

**Recommendation:** Alternative 1: Authorize the City Manager to execute a five-year agreement, in substantially the same form as Attachment 1 to the report, exclusively with the City of Santa Clara to provide golf programs and services and to extend the term of the Agreement for two one-year periods.

- 7      [19-0944](#)      Adopt a Resolution Approving the City Council Regular Meeting Calendar for 2020 through February 2021

**Recommendation:** Adopt a Resolution Approving the City Council Regular Meeting Calendar for 2020 through February 2021 as submitted.

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

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

**-City Manager**

**INFORMATION ONLY REPORTS/ITEMS**

Visit <http://Sunnyvale.ca.gov/TCMAC> to view the Tentative Council Meeting Agenda Calendar (TCMAC) online. The TCMAC is updated each Thursday afternoon.

<a href="#">19-0528</a>	Tentative Council Meeting Agenda Calendar
<a href="#">19-0804</a>	Board/Commission Meeting Minutes
<a href="#">19-0814</a>	Information/Action Items

**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 at [Sunnyvale.ca.gov/PublicComments](http://Sunnyvale.ca.gov/PublicComments)*

**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.*