



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, March 6, 2018

6:00 PM

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

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

### **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**

[18-0165](#)

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 ORDER OF THE DAY**

[18-0168](#)

SPECIAL ORDER OF THE DAY - Women's History Month

**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 [18-0027](#) Approve City Council Special Meeting Minutes of February 16, 2018

**Recommendation:** Approve the City Council Special Meeting Minutes of February 16, 2018 as submitted.

- 1.B [18-0061](#) Approve City Council Meeting Minutes of February 27, 2018

**Recommendation:** Approve the City Council Meeting Minutes of February 27, 2018 as submitted.

- 1.C [17-1088](#) 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 [18-0089](#) Award of Bid No. PW18-03 for the Parks Parking Lot Rehabilitation project (PR 16-02), and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

**Recommendation:** 1) Making a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) for rehabilitation of existing streets; 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$328,613 to Golden Bay Construction, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) Approve a 10% construction contingency in the amount of \$32,861.

**1.E**    [18-0169](#)    Award of Bid No. PW18-10 for the Annual Slurry Seal 2018 (ST-18-05) and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

**Recommendation:** 1) Making a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) for rehabilitation of existing streets; 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$577,870 to Graham Contractors, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$57,787.

**1.F**    [18-0170](#)    Award of Bid No. PW18-12 for the Slurry Seal 2017 SB1 (ST-18-07), and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

**Recommendation:** 1) Making a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) for rehabilitation of existing streets, 2) Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$536,140 to Graham Contractors, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met, and 3) Approve a 10% construction contingency in the amount of \$53,614.

**1.G**    [18-0094](#)    Amend an Existing Contract for Construction Management for the Sunnyvale Cleanwater Program (F18-193)

**Recommendation:** 1) Authorize the City Manager to execute an amendment to an existing contract, in substantially the same form as Attachment 1 to the report, with The Covello Group, Inc., amending the scope of work to include Phase 2 Sunnyvale Cleanwater Program activities for the Secondary Treatment and Dewatering Project, extending the term of the agreement and increasing the total not-to-exceed contract value from \$8,051,120 to \$8,665,632, and 2) Approve a 10% contract contingency in the amount of \$61,451.

**1.H**    [18-0106](#)    Approve Budget Modification No. 43 in the Amount of \$1,200,000 to Advance Funding for the Early Replacement of Two Fire Engines, and Find that the Action is Exempt from CEQA

**Recommendation:** Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3)) and approve Budget Modification No. 43 in the amount of \$1,200,000 to advance funding for the early replacement of two fire engines.

**1.I**    [18-0220](#)    Approve the First Amendment to Outside Counsel Agreement with Bertrand, Fox & Elliot for Litigation Services in the Matter of Bagley v. Santa Clara County, et al.

**Recommendation:** Authorize the City Attorney to execute a First Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Bertrand, Fox & Elliot to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$200,000.

## **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**        [18-0105](#)        Authorize the City Manager to Negotiate a Formal Memorandum of Understanding with the Sunnyvale School District and Fremont Union High School District for a Joint Use

Lakewood Branch Library and Learning Center on the  
Lakewood Elementary School Site

**Recommendation:** Alternative 1: Authorize the City Manager to negotiate a formal Memorandum of Understanding with the Sunnyvale School District and the Fremont Union High School District for a Joint Use Lakewood Branch Library and Learning Center on the Lakewood Elementary School Site.

- 3      [18-0234](#)      Direct the Office of the City Attorney to Research and Return to City Council with an Ordinance Restricting the Purchase of Semi-Automatic Centerfire Rifles by Persons under 21, with Exemptions for Active-Duty Military and Law Enforcement Personnel

**Recommendation:** Staff makes no recommendation.

- 4      [18-0101](#)      Approve the 2017 Annual Progress Report on Implementation of the General Plan Housing Element

**Recommendation:** Alternative 1: Approve the 2017 Annual Progress Report (Attachment 1 of the report) on implementation of the Housing Element and direct staff to submit it to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

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

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

-Council

-City Manager

### **INFORMATION ONLY REPORTS/ITEMS**

[18-0145](#)      Tentative Council Meeting Agenda Calendar

[18-0058](#)      Information/Action Items

[18-0140](#)      Study Session Summary of January 23, 2018 - Presentation by the California High-Speed Rail Authority on the Status and Next Steps on the High-Speed Rail Project

[18-0146](#)

## 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.*