



City of Sunnyvale

Notice and Agenda

City Council

Tuesday, April 29, 2014

6:30 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

Special Meeting-Closed Session-6:30 P.M.

6:30 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

[14-0476](#)

Closed Session held pursuant to California Government Code
Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Yoshida vs. City of Sunnyvale

Case No. 1-11-CV-197643

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**

- [14-0295](#) SPECIAL ORDER OF THE DAY - Teen Awareness Month
- [14-0317](#) SPECIAL ORDER OF THE DAY - 2014 Earth Day Poster Contest Winners and Green Business Certification Recipients

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

PRESENTATION

- [14-0373](#) PRESENTATION - Grand Boulevard Initiative Progress Report

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 [14-0234](#) Approval of City Council Meeting Minutes of April 8, 2014
- Recommendation:** Approve the City Council Meeting Minutes of April 8, 2014 as submitted.
- 1.B [14-0405](#) 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 [14-0377](#) Award of Bid No. PW14-07 for a Cathodic Protection Upgrade to the Recycled Water Pipelines, Approval of Budget Modification No. 36, and Finding of CEQA Categorical Exemption

Recommendation: 1) Award a contract, in substantially the same format as presented in Attachment 2 and in the amount of \$688,878, to American Construction and Supply, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; 2) approve a 15% construction contingency in the amount of \$103,332; 3) approve Budget Modification No. 36 to provide additional funding for the project; and 4) make a finding that the project is categorically exempt from CEQA pursuant to Class 2, Section 15302(c) for reconstruction of existing utility systems and/or facilities.

- 1.D [14-0379](#) Adopt a Resolution Authorizing the Filing of Fiscal Year 2014/15 Transportation Development Act Article 3 Applications for Pedestrian and Bicycle Projects

Recommendation: Approve the attached resolution authorizing the filing of project applications with the VTA and MTC for allocation of \$382,874 of Transportation Development Act funds to support local match funding for six One Bay Area Grant-funded bicycle and pedestrian projects. The BPAC further recommends that the Fair Oaks Avenue Bike Lanes project, the Maude Avenue Bike Lanes Project, and the Priority Development Area Safe Routes to School project be noted as priorities, although staff should utilize expert judgment in crafting a local match strategy.

- 1.E [14-0420](#) Approval of the Final Map (Tract No. 10201) - 117 Residential Condominium Units at 457-475 East Evelyn Avenue by PREG Evelyn Properties, LP

Recommendation: Approve the final map for Tract No. 10201; authorize the Mayor to sign the subdivision agreement upon submittal of other documents deemed necessary by the Director of Public Works; and direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

- 1.F [14-0431](#) Receive and File the City of Sunnyvale Investment Report - 1st Quarter 2014
- 1.G [14-0432](#) Adoption of Ordinance No. 3038-14 Amending Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code Relating to Residential Height Requirements in the R-3 Zoning District

Recommendation: Adopt Ordinance No. 3038-14.

PUBLIC COMMENTS

This category 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 three minutes per speaker. If your subject is not on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. 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.

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 [14-0241](#) Approve the Appointment of the City Manager and Approve the Employment Agreement

Recommendation: Staff makes no recommendations.

- 3 [14-0315](#) Approve Amendments to the Salary Table of the Salary Resolution to Include the Term "Casual" or "Casual Seasonal" in the Job Title of Each Casual Classification and update references to the Workforce Investment Act as Appropriate.

Recommendation: Alternative 1: Approve Amendment to the Salary Table of the Salary Resolution to include the term "Casual" or "Casual Seasonal" in the job title of each Casual classification and update references to the Workforce Investment Act as appropriate, effective the beginning of the pay period in which Council approves the Amendment.

- 4 [14-0314](#) Adopt a Resolution to Amend the Salary Table of the City's Salary Resolution to Follow Future Changes to the California Minimum Wage

Recommendation: Alternative 1: Adopt Resolution to amend the Salary Table of the City's Salary Resolution effective the pay period that contains July 1, 2014 and the pay period that contains January 1, 2016 to follow future changes to the California minimum wage.

- 5 [14-0444](#) File #: 2013-7542
Location: 420 S. Pastoria Ave. (APN: 165-04-002)
Proposed Project: Appeal by a resident of a Decision of the Planning Commission Approving a Special Development Permit for a Child Care Center for up to 188 students located at 420 S. Pastoria Ave.
Applicant / Owner: Teresa Lai / Distel LP
Environmental Review: Negative Declaration

Recommendation: Alternative 1: Deny the appeal and uphold the decision of the Planning Commission to approve the Special Development Permit with updated conditions listed in Attachment 4.

- 6 [14-0394](#) Adopt a Council Policy on Labor Negotiations Protocol

Recommendation: Alternative 1: Adopt Council Policy 7.3.29 as presented in Attachment 1.

- 7 [14-0205](#) Approval of Council Policy 1.2.7 Acquisition, Leasing and Disposition of City-Owned Real Property - Council Policy Issue

Recommendation: Alternatives 1, 2 and 3: Approve Council Policy 1.2.7 Acquisition, Leasing and Disposition of City-Owned Real Property as presented in Attachment 2; Delete Council Policy 7.1D Land Policies; and Delete Council Policy 2.2.2 Sale of Surplus Land.

- 8 [14-0427](#) Positions on State and Local Ballot Measures for the May 6, 2014 and June 3, 2014 Elections

Recommendation: Alternative 1: Adopt the following positions on the ballot measures: a) Support Proposition 41, the Veterans Housing and Homeless Prevention Bond Act of 2014; b) Oppose Proposition 42 regarding Public Records, Open Meetings, and State Reimbursement to Local Agencies; and c) Support Local Ballot Measure AA, a measure by the Midpeninsula Regional Open Space District.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

- [14-0364](#) Tentative Council Meeting Agenda Calendar
- [14-0378](#) Information/Action Items
- [14-0468](#) Update Regarding "Google Fiber" Project - Information Only
- [14-0390](#) Modifications to Downtown Lighting Standards (Information Only)
- [14-0435](#) Study Session Summary of April 8, 2014 - Discussion of Proposed Office Campus by Landbank Investments at Wolfe and Arques
- [14-0475](#) Approved Minutes of the Arts Commission Meeting of March 19, 2014

ADJOURNMENT

NOTICE TO THE PUBLIC

The agenda reports to council (RTC's) may be viewed on the City's Web site 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/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "How to Make Your Council Chamber Presentation More Effective" may be helpful. The document is available on the City Web site at sunnyvale.ca.gov.

Planning to present 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.