



# City of Sunnyvale

## Notice and Agenda

### City Council

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Tuesday, June 24, 2014

5:15 PM

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

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**Special Meeting- Closed Session-5:15 PM | Study Session-6 PM | Regular Meeting-7 PM**

#### **5:15 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**

[14-0599](#)

Closed Session held pursuant to California Government Code  
Section 54957.6: CONFERENCE WITH LABOR  
NEGOTIATORS

Agency designated representatives: Teri Silva, Director of  
Human Resources; Deanna J. Santana, City Manager  
Employee organization: Sunnyvale Managers Association  
Employee organization: Service Employees International  
Union, Local 521

##### **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 Study Session**

[14-0422](#)

Progress Update on the Water Pollution Control Plant Master Plan

#### **4 Public Comment**

#### **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**

[14-0511](#)

SPECIAL ORDER OF THE DAY - July is Parks and Recreation Month

#### **PUBLIC ANNOUNCEMENTS**

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

#### **PRESENTATION**

#### **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 [14-0600](#) Approval of City Council Meeting Minutes of June 10, 2014

**Recommendation:** Approve the City Council Meeting Minutes of June 10, 2014 as submitted.

- 1.B [14-0643](#) 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 [14-0563](#) Amendment to Fair Oaks Business Park Covenants, Conditions and Restrictions to Allow Residential Development in the Vicinity of Weddell Drive and Fair Oaks Avenue, and Development of Open Space Parkland on the City-Owned Parcel Located at 1010 Morse Avenue

**Recommendation:** Authorize the City Manager to sign the Fourth Amendment to the Fair Oaks Business Park Covenants, Conditions, and Restrictions to allow residential development on assessor parcels 110-14-191 and 110-14-190; and, to allow open space parkland development on the City-owned parcel 110-14-202.

- 1.D [14-0580](#) Authorization to Modify an Existing Contract for Temporary Personnel for Lab Support at the Water Pollution Control Plant (F14-91)

**Recommendation:** 1) Approve modification of an existing contract with On Assignment Lab Support to increase the not-to-exceed value by \$170,000 for a total of \$235,000 and 2) delegate authority to the City Manager to extend the contract for an additional one-year period within operating budget appropriation limits.

- 1.E [14-0596](#) Award of Bid No. PW14-12 for Waterline Replacement 2012-2013 Phase 3 and Finding of CEQA Categorical Exemption

**Recommendation:** 1) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$988,001, to K.J. Woods Construction, 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 10% construction contingency in the amount of \$98,800; and 3) Make a finding of CEQA Categorical Exemption for the project.

- 1.F     [14-0604](#)     Award of Bid No. PW14-13 for Fremont Avenue Pavement Rehabilitation 2014 and Finding of CEQA Categorical Exemption

**Recommendation:** 1) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$3,097,160, to Granite Rock Company for the subject project and authorize the City Manager to execute the contract when all the necessary conditions have been met, 2) Approve a 10% construction contingency in the amount of \$309,716, and 3) Make a finding of CEQA Categorical Exemption for the project.

- 1.G     [14-0605](#)     Approve the Fiscal Year (FY) 2014/15 Preliminary Engineer's Report for the Downtown Parking District Assessment, Adopt a Resolution of Intention to Levy and Collect Assessment for the Downtown Parking Maintenance District for FY 2014/15, and Set the Date of July 15, 2014 for Public Hearing

**Recommendation:** Approve the Fiscal Year (FY) 2014/15 Preliminary Engineer's Report for the Downtown Parking District Assessment, adopt a Resolution of Intention to Levy and Collect Assessment for the Downtown Parking Maintenance District for FY 2014/15, and set the date of July 15, 2014 for public hearing

- 1.H     [14-0608](#)     Award of Bid No. PW14-14 for Storm System Trash Capture Devices, Finding of CEQA Categorical Exemption, and Approval of Budget Modification No. 43

**Recommendation:** 1) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$1,376,100, to JMB Construction, 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 10% construction contingency in the amount of \$137,610; 3) Make a finding of CEQA Categorical Exemption for the project; and 4) Approve Budget Modification No. 43 to provide additional funding for the project.

- 1.I [14-0618](#) Amendment of Outside Counsel Agreement with Bertrand, Fox & Elliot for Litigation Advice and Services Related to General Tort and Liability Issues

**Recommendation:** Approve an amendment to increase the Outside Counsel Agreement with the law firm of Bertrand Fox & Elliot by \$150,000, for a total not-to-exceed contract amount of \$250,000.

- 1.J [14-0623](#) Adoption of Ordinance No. 3040-14 Awarding a Nonexclusive Franchise to Jasraj Bhatia dba California Cab Company

**Recommendation:** Adopt Ordinance No. 3040-14.

### **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 [14-0244](#) Award a Contract for the Operation of the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®) (F14-42) and Find that Project is Exempt from CEQA

**Recommendation:** Alternatives 1 and 2: Find that this project is exempt from CEQA under 14 California Code of Regulations Section 15301 and award the contract for operation of the SMaRT Station to Bay Counties Waste Services.

- 3      [14-0271](#)      Consider Creation of a Youth Commission - Study Issue

**Recommendation:** Alternative 1: Direct staff to work with the current Teen Advisory Committee to identify issues of interest to youth for consideration by Boards and Commissions and, as appropriate, advise Council on these issues.

- 4      [14-0325](#)      Adoption of the FY 2014/15 Budget, Fee Schedule, and Appropriations Limit

**Recommendation:** Alternative 1: Approve the resolutions presented as Attachment 1 (including Exhibit A), Attachment 2 (including Exhibits A through D) and Attachment 3 (including Exhibit A) that provide for the adoption of the FY 2014/15 Budget, Fee Schedule, and Appropriations Limit.

- 5      [14-0537](#)      Adopt a Resolution Declaring a Water Shortage Emergency Condition Calling for a 15 Percent Water Use Reduction through December 31, 2014 and Introduce an Ordinance to Amend Title 12 of the Sunnyvale Municipal Code

**Recommendation:** Alternatives 1 and 3: Adopt a resolution, as presented in Attachment 1, declaring a water shortage emergency condition and calling for a 15 percent water use reduction through December 31, 2014; and introduce an ordinance, as presented in Attachment 2, to amend Title 12 of the Sunnyvale Municipal Code to include additional prohibited non-essential water uses.

- 6      [14-0625](#)      Review and Approval of Community Event Grant Distribution Subcommittee Recommendations

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

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

-Council

-City Manager

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

- [14-0565](#)      Tentative Council Meeting Agenda Calendar

- [14-0481](#) Information/Action Items
- [14-0474](#) Board/Commission Meeting Minutes
- [14-0617](#) Board/Commission Resignation (Information Only)

## **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](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 35.106 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](http://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](http://CouncilMeetings.inSunnyvale.com) for upcoming Council meeting information.*

*Visit [BoardsandCommissions.inSunnyvale.com](http://BoardsandCommissions.inSunnyvale.com) for upcoming board and commission meeting information.*

*For a complete schedule of KSUN-15 Council meeting broadcasts, visit [KSUN.insunnyvale.com](http://KSUN.insunnyvale.com).*