



City of Sunnyvale

Notice and Agenda - Revised City Council

Tuesday, October 28, 2014

4:30 PM

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

**Special Meetings-Closed Session-4:30 PM | Study Sessions-5 PM and 6 PM | Regular
Meeting-7 PM**

4:30 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

[14-1053](#)

Closed Session held pursuant to California Government Code
Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION

City of Sunnyvale, et al. v. Summit Public Schools, et al.
Case No. 1-13-CV-255504

[14-1044](#)

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

5 Adjourn Special Meeting

5:15 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**[14-1001](#)

Review Performance Evaluation Tools for the City Manager
and City Attorney

4 Public Comment**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**[14-0548](#)

Consideration of Housing Mitigation Fee Nexus Study
Findings and Alternatives

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**PUBLIC ANNOUNCEMENTS**

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

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 [14-0870](#) Approve City Council Meeting Minutes of October 14, 2014

Recommendation: Approve the City Council Meeting Minutes of October 14, 2014 as submitted.

- 1.B [14-0987](#) 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 [14-0804](#) Adopt the City's Investment Policy for Fiscal Year 2014/15 and Receive the Annual Performance Report for Fiscal Year 2013/14

Recommendation: Adopt the Investment Policy for FY 2014/15 as presented.

- 1.D [14-0970](#) Receive and File the City of Sunnyvale Investment Report - 3rd Quarter 2014

Recommendation: Receive and file the City of Sunnyvale FY 2014/15 Period 3 investment report.

- 1.E [14-0911](#) Award of Contracts for a Wheel Loader (F15-10) and Two Dump Trucks (F15-15)

Recommendation: 1) Award a contract in the amount of \$103,507 to Sonsray Machinery for one wheel loader; and 2) Award a contract in the amount of \$232,797 to Peterson Trucks for two dump trucks, with both contracts in substantially the same form as the draft purchase orders attached to the report.

- 1.F [14-0954](#) Award of Contract for Preventive Maintenance and Corrective Repairs to Water and Wastewater Engines (F15-20)

Recommendation: 1) Award a three year contract in substantially the same form as the draft services agreement attached to the report, not to exceed \$2,000,000, to Peterson Power Systems for emergency and routine maintenance and repair services; 2) Delegate authority to the City Manager to renew the contract for up to two additional years, subject to budgeted funding and provided pricing and service remain acceptable to the City and; 3) Find that the contract is not a project under CEQA.

- 1.G [14-0883](#) Approve Budget Modification No. 15 to Appropriate \$13,361 of Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Grant Funds for Frontline Law Enforcement

Recommendation: Approve Budget Modification No. 15 to appropriate \$13,361 of Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Grant Funds for Frontline Law Enforcement to a new project, FY 2014/15 Justice Assistance Grant.

- 1.H [14-0972](#) Award of Bid No. PW15-03 for Repaint Street Light Poles Project and Finding of CEQA Categorical Exemption

Recommendation: 1) Make a finding of CEQA categorical exemption Section 15301(d) for the restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety; 2) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$124,000 to Everlast Builders, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 3) Approve a 2% construction contingency in the amount of \$2,480

1.I [14-0982](#) Award of Contract for Ammunition (F15-21)

Recommendation: 1) Award a one-year contract, in substantially the same form as the Draft Purchase Order in Attachment 1 and in an amount not to exceed \$157,000 to Adamson Police Products; and 2) Delegate authority to the City Manager to renew the Purchase Order for two additional one-year periods, not to exceed budgeted amounts.

1.J [14-1014](#) Adoption of Ordinance No. 3045-14 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at East Argues and North Wolfe Road from M-S (Industrial and Service) to M-S Far 100% Zoning District

Recommendation: Adopt Ordinance No. 3045-14.

1.K [14-1016](#) Adoption of Ordinance No. 3046-14 Approving and Adopting a Development Agreement between Landbank Investments, LLC and the City of Sunnyvale Related to the Development of Property Commonly Known as the Landbank Central & Wolfe Campus Project

Recommendation: Adopt Ordinance No. 3046-14.

1.L [14-1017](#) Adoption of Ordinance No. 3047-14 to Add Chapter 3.70 to Title 3 (Revenue And Finance) of the Sunnyvale Municipal Code to Require the Payment of a City-Wide Minimum Wage

Recommendation: Adopt Ordinance No. 3047-14.

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 [14-0274](#) Feasibility of Entering Into a Joint-Use Agreement with the Santa Clara Unified School District for Open Space Areas at Peterson Middle School (Study Issue)

Recommendation: Alternative 1: Direct staff to stay in communication with the SCUSD and discuss the possibility of a joint-use agreement for the open space at Peterson Middle School.

- 3 [14-0275](#) Implementation of a Bike Share Program (Study Issue)

Recommendation: Alternative 2: Monitor the Bay Area Bike Share Pilot Program for resolution of ongoing funding issues at a regional level before re-evaluating the future of a bike share program in Sunnyvale.

- 4 [14-0701](#) Approve the Amended Request for Modification of 2003 CDBG Loan to Sunnyvale Community Services

Recommendation: Alternative 1: Approve the current SCS request ("Option 2") to revise the existing loan agreement to forgive the interest accrued to date and reduce interest rate to zero percent, and make a formal policy statement that this action shall not be seen as a precedent for other borrowers, and is made only due to the unique role of SCS in the Sunnyvale community.

- 5 [14-0709](#) Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning), Adding Chapter 9.58 (Signs on City Property) of Title 9 (Public Peace, Safety or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code related to various clean-up items and adding provisions for signs on City property; Find that the project is exempt under CEQA pursuant to Guideline 15061(b)(3) - Continued from September 30, 2014.

Recommendation: Alternatives 1 and 2: 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3); and 2) Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning), Adding Chapter 9.58 (Signs on City Property) of Title 9 (Public Peace, Safety or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code related to various clean-up items and adding provisions for signs on City property.

- 6 [14-0746](#) Approve Budget Modification No. 21 to Appropriate \$400,000 to Fund Consultant Services Related to the Civic Center Modernization Project

Recommendation: Alternatives 1 and 2: 1) Approve Budget Modification No. 21 to appropriate \$400,000 to the Civic Center Modernization Capital Improvement Project (Attachment 3), to fund consultant services associated with implementation of the Civic Center and Main Library Decision Tree, and 2) Delegate authority to the City Manager to procure and execute individual service agreements and associated amendments in amounts that may exceed \$100,000, so long as the total of all issued contracts does not exceed the appropriation limit of \$400,000.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

- [14-0194](#) Tentative Council Meeting Agenda Calendar
- [14-0824](#) Information/Action Items
- [14-1035](#) Study Session Summary of March 18, 2014 - Lawrence Expressway Grade Separations Study
- [14-1025](#) Study Session Summary of May 6, 2014 - Joint Study Session with the Bicycle and Pedestrian Advisory Commission to Discuss Recent Updates to the City's Sidewalk Standards
- [14-1032](#) Study Session Summary of May 20, 2014 - Joint Study Session with the Planning Commission to Discuss the Balanced Growth Profile
- [14-1027](#) Study Session Summary of June 10, 2014 - Review of Design Alternatives for the Mathilda Avenue and Highway 237/101 Interchange Improvement Project
- [14-0951](#) Study Session Summary of June 24, 2014 - Progress Update on the Water Pollution Control Plant (WPCP) Master Plan
- [14-0624](#) Study Session Summary of August 26, 2014 - Board and Commission Interviews
- [14-0944](#) Study Session Summary of September 16, 2014 - Board and Commission Interviews
- [14-0260](#) Board/Commission Meeting Minutes

ADJOURNMENT

NOTICE TO THE PUBLIC

The agenda reports to council (RTCs) 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 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.