



# City of Sunnyvale

## Notice and Agenda

### City Council

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Tuesday, March 17, 2015

4:30 PM

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

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**Special Meetings- Closed Session 4:30 PM | Study Session 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**

[15-0147](#)

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: Communication Officers Association  
(COA)

Employee organization: Public Safety Managers Association  
(PSMA)

Employee organization: Public Safety Officers Association  
(PSOA)

Employee organization: Sunnyvale Employees Association  
(SEA)

Employee organization: Sunnyvale Managers Association  
(SMA)

##### **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**

[15-0200](#)

Proposed Fiscal Year 2015/16 Utility Rates

**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 REPORTS****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 [15-0037](#) Approve City Council Special Meeting Minutes of February 19, 2015

**Recommendation:** Approve the City Council Special Meeting Minutes of February 19, 2015 as submitted.

- 1.B [15-0211](#) Approve City Council Meeting Minutes of February 24, 2015

**Recommendation:** Approve the City Council Meeting Minutes of February 24, 2015 as submitted.

- 1.C [15-0266](#) 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 [15-0141](#) Authorize the City Manager to Execute Two Funding Agreements between the City of Sunnyvale and Santa Clara Valley Transportation Authority for State Route 237 Express Lanes Project Phase II

**Recommendation:** Authorize the City Manager to execute two funding agreements between the City of Sunnyvale and Santa Clara Valley Transportation Authority for State Route 237 Express Lanes Project Phase II.

- 1.E [15-0204](#) Approve Budget Modification No. 40 to Appropriate \$64,424 for the Citywide Aerial Photo Project

**Recommendation:** Approve a budget modification of \$64,424 for the City's Aerial Photo Project.

- 1.F [15-0178](#) Award of Contract for Youth Sports Classes and Camps (F15-74)

**Recommendation:** 1) Award a contract to Skyhawks Sports Academy, in substantially the same form as the attached Draft Service Agreement, for a two-year period; and 2) Authorize the City Manager to renew the contract for one additional one-year period, provided services and pricing remain acceptable to the City.

- 1.G [15-0173](#) Adopt a Resolution Authorizing the Director of Public Works to Apply and Implement a Labor Compliance Program Approved by the Department of Industrial Relations as Required for Public Works Contracts Funded Through Proposition 84 Chapter 2 Integrated Regional Water Management (IRWM) Grant Program

**Recommendation:** Adopt a Resolution authorizing the Director of Public Works to apply and implement a Labor Compliance Program for the City Approved by the Department of Industrial Relations as required for Public Works contracts funded through Proposition 84 Chapter 2 Integrated Regional Water Management (IRWM) Grant Program.

## **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      [15-0231](#)      Appeal of City Manager's Decision Determining Penalty and Interest Due from Sundowner/Days Inn Hotel on its Transient Occupancy Tax (TOT) Payment for the Month of August 2014

**Recommendation:** Alternative 1: Find that the operator has not demonstrated good cause for the late payment, uphold the decision of the City Manager, and order that the entire amount of the penalty and interest assessment, \$2,845.86, be due immediately upon service of the City Council's determination.

- 3      [15-0012](#)      Adoption of Council-ranked Study Issue Presentation Dates for 2015, Council Policy Priorities Update, and Clarification on Issues Proposed for Completion

**Recommendation:** Alternatives 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10:

1. Approve the Proposed Presentation Dates for 2015 Council-ranked Study Issues (Attachment 1).
2. Recommend a budget supplement for the Recommended FY 2015/16 Budget to allocate \$50,000 to obtain an economic consultant to evaluate the market potential and appropriate land use mix for the Town Center, with particular emphasis on assessing the amount and type of retail uses that are feasible for the project.
3. Amend the intended scope of CDD 15-02 Consider Multi-family Residential Transportation Demand Management Programs to include the cost for a transportation consultant to provide technical research and analysis, which would be presented as a budget supplement in the Recommended FY 2015/16 Budget.
4. Approve the combination of DPS 15-01 Prohibit Smoking Inside All Units and in Common Areas of Multi-Family Residences and OCA 14-03b Expand Smoking Regulations to Prohibit Smoking near Doorways and Outdoor Areas of Retail and Commercial Businesses.
5. Confirm the original scope of DPW 15-10 Relocation of the Butcher House to Heritage Garden Park and Review of the Need for a Retaining Wall, which assures no cost to the City for implementation.
6. Drop ESD 12-01C Community and Operational Greenhouse Gas Inventory in lieu of the study to be completed as part of the Climate Action Plan Workplan.
7. Drop ESD 13-05C Eco-district Feasibility and Incentives from consideration.
8. Defer DPW 13-10C Pilot Bicycle Boulevard Project on East-West and North-South Routes for reconsideration and potential ranking at the January 2016 Study/Budget Issues Workshop.
9. Approve the staff recommended actions as identified in the Fiscal Impact section of this report. Specifically, refer the following studies to the Recommended FY 2015/16 Budget as budget supplements:
  - a. CDD 15-02 Consider Multi-family Residential Transportation Demand Management Programs, \$30,000
  - b. DPW 15-03 Determine Steps to Move Forward to Becoming a Silver Level in the League of American Bicyclists - Bicycle Friendly Communities, \$15,000 to \$25,000

c. DPW 15-09 Feasibility of Establishing a Park Mitigation Fee for Non-residential Development, \$50,000

d. DPW 15-10 Relocation of the Butcher House to Heritage Garden Park and Review of the Need for a Retaining Wall, \$50,000

e. DPS 15-01 Prohibit Smoking Inside All Units and in Common Areas of Multi-Family Residences, \$100,000

10. Drop ESD Financing for Energy-Efficiency, Renewable-Energy and Water-Efficiency Improvements on Commercial Properties.

- 4      [14-0846](#)      Consideration of a Rental Housing Impact Fee for New Market-Rate Rental Housing Developments

**Recommendation:** Alternatives 1, 2, 5 and 6: 1) Direct staff to prepare an ordinance authorizing a rental housing impact fee for new market-rate rental housing developments; 2) Direct staff to set the initial fee at \$17 per habitable square foot for all new market-rate rental developments, adjusted annually as part of the City Fee Schedule; 5) Direct staff to include in the ordinance an option to allow developers to provide affordable units within a project instead of paying the impact fee, as well as other possible options such as providing off-site affordable units or dedicating land; and 6) Direct staff to return to the City Council within two years to reevaluate and possibly adjust the rental housing impact fee.

- 5      [15-0091](#)      Consider Conditional Award of Up to \$5 Million in Housing Mitigation Funds to MidPen Housing for New Affordable Housing Project to Be Developed at 460 Persian Drive

**Recommendation:** Alternative 1: Award a two-year conditional commitment of Housing Mitigation funds in the amount of \$5 million to MidPen Housing for the housing project proposed for development at 460 Persian Drive in Sunnyvale, generally consistent with the terms described in Attachment 4, and direct staff to include the funds committed to this project in the FY 2015-16 Projects Budget.

- 6      [15-0112](#)      Introduce an Ordinance to Award a Taxicab Franchise to A Orange Cab, Inc.

**Recommendation:** Alternative 1: Introduce an ordinance awarding a non-exclusive franchise for taxicab service to A Orange Cab, Inc. for the period of March 15, 2015 through March 14, 2017, and authorize the City Manager to execute all implementing documents of agreement.

- 7      [15-0113](#)      Introduce an Ordinance to Award a Taxicab Franchise to Ekadea Inc. dba Yellow Cab Company Peninsula

**Recommendation:** Alternative 1: Introduce an ordinance renewing a non-exclusive franchise for taxicab service Ekadea Inc. dba Yellow Cab Company Peninsula for the period of March 15, 2015 through March 14, 2017, per applicant's request and authorize the City Manager to execute necessary documents of agreement, including additional provisions as set forth above.

- 8      [15-0119](#)      Create a Community Advisory Committee and a Council Ad Hoc Advisory Committee for the Update of the Precise Plan for El Camino Real

**Recommendation:** Alternative 1: Approve the 12-member composition of the ECRPAC, and have the Mayor appoint a City Council Ad Hoc Advisory Committee composed of three Councilmembers to select the members of the ECRPAC.

- 9      [15-0143](#)      Adopt a Resolution for the Certification of the Environmental Impact Report, Adoption of the Mitigation Monitoring and Reporting Program for the Fair Oaks Avenue Overhead Bridge Rehabilitation Project and Approval to Proceed with Project

**Recommendation:** Alternative 1: Adopt a Resolution to certify the Environmental Impact Report, adopt the Mitigation Monitoring and Reporting Program for the Fair Oaks Avenue Overhead Bridge Rehabilitation Project, and approve going forward with the Project incorporating all adopted mitigation measures.

- 10     [15-0244](#)      Consider an Increase to City Attorney Compensation

**Recommendation:** Staff makes no recommendation.

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

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

-Council

-City Manager

**INFORMATION ONLY REPORTS/ITEMS**

<a href="#"><u>15-0203</u></a>	Tentative Council Meeting Agenda Calendar
<a href="#"><u>15-0134</u></a>	Information/Action Items
<a href="#"><u>15-0212</u></a>	Study Session Summary of February 17, 2015 - Review of Performance Evaluation Tools for the City Manager and City Attorney
<a href="#"><u>15-0310</u></a>	Study Session Summary of February 24, 2015 - Review Draft Lawrence Station Area Plan
<a href="#"><u>15-0311</u></a>	Study Session Summary of February 24, 2015 - Peery Park Specific Plan
<a href="#"><u>15-0285</u></a>	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](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).*