



City of Sunnyvale

Notice and Agenda

City Council

Tuesday, October 27, 2015

5:00 PM

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

Special Meeting: Closed Session-5 PM | Regular Meeting-7 PM

5 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

[15-0827](#)

Closed Session held pursuant to California Government Code
Section 54957: PUBLIC EMPLOYEE APPOINTMENT
Title: City Attorney

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**[15-0891](#)

SPECIAL ORDER OF THE DAY - Santa Clara Valley Science and Engineering Fair 2015 Award Recipients

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 [15-0822](#) Approve City Council Meeting Minutes of October 13, 2015

Recommendation: Approve the City Council Meeting Minutes of October 13, 2015 as submitted.

- 1.B [15-0942](#) 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 [15-0197](#) Approve Loan and Regulatory Agreements with MP Morse Court Associates, LP for a Loan of \$1 Million in Housing Mitigation Funds to Rehabilitate Morse Court Apartments

Recommendation: Find that the project is exempt from CEQA pursuant to Guideline 15301(d) and approve the Agreements with MP Morse Court Associates, LP in substantially the form provided in Attachments 1 and 2 to the report, and authorize the City Manager to execute the Agreements in final form as approved by the City Attorney.

- 1.D [15-0868](#) Award of Contract for Seven Police Interceptor Utility Vehicles for Patrol Use (F16-17)

Recommendation: Award a contract in the amount of \$205,599 (\$189,061 plus sales tax in the amount of \$16,538), in substantially the same form as the draft purchase order attached to the report, to Serramonte Ford of Colma for seven police Interceptor utility vehicles.

- 1.E [15-0911](#) Award of Contract for Removal of Overgrown Vegetation from the Oxidation Ponds and Levee Areas at the Water Pollution Control Plant (F16-23)

Recommendation: 1) Award a contract, in substantially the same form as the draft contract attached to the report in the amount not to exceed \$244,740 to Aquatic Environments, Inc. for the Removal of Overgrown Vegetation from Oxidation Ponds at the WPCP; and 2) approve a 10% contract contingency in the amount of \$24,474.

- 1.F [15-0925](#) Award of Bid No. PW16-05 for Traffic Signal Reconstruction at Mathilda/Olive Avenues, Make a Finding of CEQA Categorical Exemption, and Approve Budget Modification No. 10 to appropriate \$85,000 in grant funding

Recommendation: 1) Make a finding of CEQA categorical exemption pursuant to Class 1 Section 15301(a) for existing facilities; 2) approve Budget Modification No. 10 to provide project funding; 3) award a contract, in substantially the same format as Attachment 2 to the report and in the amount of \$547,532 to Tennyson Electric Inc.; and 4) approve a 10% construction contingency in the amount of \$54,532.

- 1.G** [15-0927](#) Award Bid No. PW16-04 for Concrete Sidewalk, Curb, Gutter and Driveway Approaches, Approve Budget Modification No. 11 in the Amount of \$210,919 and Make Finding of CEQA Categorical Exemption

Recommendation: 1) Make a finding of CEQA categorical exemption pursuant to Class 1 Section 15301(c) for existing facilities; 2) approve Budget Modification No. 11 to provide project funding; 3) award a contract, in substantially the same format as Attachment 2 to the report and in the amount of \$2,016,879 to JJR Construction Inc.; and 4) approve a 10% construction contingency in the amount of \$201,688.

- 1.H** [15-0932](#) Appoint New Member to the NOVA Workforce Board

Recommendation: Appoint Mr. Lionel de Maine to the NOVA Workforce Board.

- 1.I** [15-0926](#) Receive and File the City of Sunnyvale Investment Report - 3rd Quarter 2015

Recommendation: Receive and file the City of Sunnyvale FY 2015/16 Period 3 investment report - 3rd Quarter 2015.

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 [15-0971](#) REQUEST FOR CONTINUATION to November 10, 2015
File #: 2015-7259
Location: 423 E. Maude Ave. (APN: 204-21-006)
Zoning: R-3 (Medium Density Residential)
Proposed Project: Call for Review by the City Council of a decision by the Planning Commission approving related applications on a 0.59-acre site:
DESIGN REVIEW to allow 11 townhome units;
VESTING TENTATIVE MAP to subdivide one lot into 11 lots plus one common lot, and
VARIANCE to allow an average front yard setback along Maude Ave. of 18 feet 10 inches, where 20 feet average is required.
Applicant / Owner: Classic Communities / Robert Alonso
Trustee
Environmental Review: Mitigated Negative Declaration

Recommendation: Continue this item to November 10, 2015.

- 3 [15-0757](#) Introduce an Ordinance to Amend Various Sections of the Sunnyvale Municipal Code Title 19 (Zoning) Related to Child Care Facilities (CDD 15-11); Approve Guidelines for Commercial Child Care; and Finding of CEQA Exemption Pursuant to CEQA Guideline 15061(b)(3). (Planning File: 2015-7149) (Continued from August 25, 2015)

Recommendation: Alternatives 1, 2 and 3: 1) Find that the project is exempt from CEQA under Guideline 15061(b)(3); 2) Introduce an ordinance (Attachment 3) to amend Chapters 19.12, 19.18, 19.20, 19.22, 19.24, 19.29 and 19.98 of Title 19 of the Sunnyvale Municipal Code to consolidate business-sponsored child care facilities into one category and remove the upper limit on the number of children allowed at these child care facilities; require a Use Permit (UP) for business-sponsored child care facilities in industrial zoning districts and a Special Development Permit (SDP) in the Moffett Park Specific Plan area; and require a Miscellaneous Plan Permit (MPP) for commercial child care facilities with 30 children or fewer in commercial, office and public facilities zoning districts (excludes residential districts); and 3) Approve the Guidelines for Commercial Child Care Centers.

- 4 [15-0984](#) Reintroduce Ordinance Amending Chapter 9.41 (Massage Establishments and Massage Therapists) and Title 19 (Zoning) of the Sunnyvale Municipal Code and Adopt Revised Resolution Amending Fees, Rates and Charges Related to Massage Establishment Permits, Section 7.06 of the FY2015/16 Fee Schedule

Recommendation: Reintroduce Ordinance Amending Chapter 9.41 (Massage Establishments and Massage Therapists) and Title 19 (Zoning) of the Sunnyvale Municipal Code and Adopt Revised Resolution Amending the City's Fees, Rates and Charges Resolution Pertaining to Adult Entertainment and Massage Establishment Licensing and Permitting Fees, and Superseding Resolution No. 717-15.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

[15-0384](#) Tentative Council Meeting Agenda Calendar

[15-0767](#) Information/Action Items

[15-0236](#) 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.