



City of Sunnyvale

Notice and Agenda

City Council

Tuesday, February 23, 2016

5:30 PM

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

**Special Meeting-Joint Closed Session with City Council and Successor Agency to the
Redevelopment Agency-5:30 PM | Study Session-6 PM | Regular Meeting-7 PM**

5:30 P.M. SPECIAL COUNCIL MEETING (Joint Closed Session with Successor Agency to the Redevelopment Agency)

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

[16-0158](#)

Joint Closed Session with City Council and Successor Agency to the Redevelopment Agency held pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9)
1. Consolidated Cases: Successor Agency to the Redevelopment Agency of the City of Sunnyvale v. Matosantos, Case No. 34-2013-80001499; and Santa Clara County Office of Education v. Successor Agency, Case No. 34-2013-80001627; 2. Successor Agency to the Redevelopment Agency of the City of Sunnyvale v. Michael Cohen, Emily Harrison, et al., Case No. 34-2015-80002067

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**[16-0171](#)

Presentation by County of Santa Clara: Update on County Cold Weather Shelter Program and North County Facilities

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**[16-0198](#)

SPECIAL ORDER OF THE DAY - Arbor Day Celebration and Proclamation

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** [16-0211](#) Approve City Council Meeting Minutes of January 5, 2016
(Continued from February 9, 2016)

Recommendation: Approve the City Council Meeting Minutes of January 5, 2016 as submitted.

- 1.B** [16-0212](#) Approve City Council Meeting Minutes of January 12, 2016
(Continued from February 9, 2016)

Recommendation: Approve the City Council Meeting Minutes of January 12, 2016 as submitted.

- 1.C** [16-0031](#) Approve City Council Special Meeting Minutes of January 29, 2016

Recommendation: Approve the City Council Special Meeting Minutes of January 29, 2016 as submitted.

- 1.D** [16-0216](#) 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.E [15-1093](#) Continuation of Supplemental Law Enforcement Services (SLES) Funds and Approval of Budget Modification No. 23

Recommendation: Approve Budget Modification No. 23 to appropriate \$36,488 in Supplemental Law Enforcement Services (SLES) funding and approve the full amount of available SLES funds to support one Public Safety Lieutenant position.

- 1.F [16-0129](#) Authorization to Amend an Existing Temporary Personnel Services Agreement to Provide Professional Code Enforcement Services for Neighborhood Preservation (F16-86)

Recommendation: Authorize a Fourth Amendment to an existing temporary personnel services agreement with CSG Consultants Inc., in substantially the same form as Attachment 1, increasing the not-to-exceed value from \$100,000 to \$148,000 in order to provide professional code enforcement services.

- 1.G [16-0149](#) Modify an Existing Contract for the Purchase of Armorcast Water Meter Boxes, Lids, and Vaults (F16-87)

Recommendation: 1) Increase the existing contract with Ferguson Enterprises Inc. for the purchase of water meter boxes, lids, and vaults from \$75,000 to \$155,000; and 2) delegate authority to the City Manager to increase the contract amount above \$155,000 if operationally necessary, not to exceed the budgeted funding of \$300,000.

- 1.H [16-0150](#) Award of Bid No. PW16-18 for Slurry Seal 2016 and Finding of CEQA Categorical Exemption

Recommendation: 1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15301 (Class 1, Existing Facilities) as it relates to the rehabilitation of existing streets involving negligible or no expansion of the existing use, 2) Award a construction contract, in substantially the same format as Attachment 2 and in the amount of \$467,042, to Intermountain Slurry Seal, 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 10% construction contingency in the amount of \$46,704.

- 1.I [16-0161](#) Modify an Existing Purchase Order for the Purchase of Aggregate Base Rock, Sand and Other Maintenance/Repair Materials (F16-89)

Recommendation: Authorize the issuance of a revised blanket purchase order to Graniterock Co. adding \$50,000 to the existing contract amount for a new contract amount of \$140,000 for the purchase of aggregate base rock, sand and other maintenance/repair materials

- 1.J [16-0162](#) Award of Contract for Design and Construction Support Services for the Fair Oaks Park Recreation Building Renovation and Skatepark Lighting Project (F16-13) and Approval of Budget Modification No. 25 to Appropriate \$1,020,800 in Housing-Related Parks Program Grant Funding

Recommendation: 1) Approve Budget Modification No. 25 to appropriate \$1,020,800 in Housing-related Parks Program Grant Funds for design and construction for Fair Oaks Park improvements; 2) award a design contract, in substantially the same format as Attachment 1 to the report in an amount not-to-exceed \$202,011 to Brad Cox Architect, Inc. for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and approve a 10% design contingency in the amount of \$20,201.

- 1.K [16-0117](#) Receive and File the City of Sunnyvale Investment Report - 4th Quarter 2015

Recommendation: Receive and file the City of Sunnyvale FY 2015/16 Period 7 investment report.

- 1.L** [16-0015](#) Adopt Council-ranked Study Issue Presentation Dates for 2016, Refer a New Budget Issue, Inflation Adjustment for Planned Supplemental Human Services Funding, to the Recommended Budget, and Approve the Recommended Actions as Identified in the Fiscal Impact of this Report

Recommendation: 1. Approve the Proposed Presentation Dates for the 2016 Council-ranked Study Issues in Attachment 1 to the report;
2. Refer the newly presented HHSC-Sponsored 2016 Budget Issue Paper - Inflation Adjustment for Planned Supplemental Human Services Funding to the FY 2016/17 Recommended Budget; and
3. Approve the cost to study and refer the following study issues to the FY 2016/17 Recommended Budget: CDD 14-10 Update to the Murphy Avenue Design Guidelines (\$25,000), DPW 14-13 Scoping of Grade Separations for Caltrain Crossings at Mary Avenue and Sunnyvale Avenue (\$500,000), and DPW 16-01 Develop a Vision Zero Plan - Total Elimination of Traffic Fatalities (\$150,000).

- 1.M** [16-0144](#) Adopt Ordinance No. 3072-16 Amending Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Regulate Smoking in Multi-Unit Residences, Outdoor Dining Establishments, and Within a Reasonable Distance of Areas Where Smoking is Prohibited

Recommendation: Adopt Ordinance No. 3072-16.

- 1.N** [16-0200](#) Adopt Ordinance No. 3073-16 to Amend Chapter 5.36 (Taxicabs) of Title 5 (Business Licenses and Regulations) of the Sunnyvale Municipal Code

Recommendation: Adopt Ordinance No. 3073-16.

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 [15-1040](#) Appoint Applicants to Boards and Commissions

Recommendation: Staff makes no recommendation.

- 3 [16-0164](#) Appoint One Regular and One Alternate Director to the Silicon Valley Clean Energy Authority

Recommendation: Alternative 1: Appoint a Regular Director and an Alternate Director to the Silicon Valley Clean Energy Authority.

- 4 [16-0201](#) Consider County Request to Site Modular Shelter Building on Parcel E at Onizuka

Recommendation: Alternative 1: Provide response to County inquiry regarding Parcel E.

- 5 [16-0023](#) File #: 2015-7539
Location: 845 W. Maude Ave. (APN: 165-41-001)
Zoning: M-S (Industrial and Service)
Proposed Project: Consideration of an application for a 1.66-acre site:
USE PERMIT to allow construction of a 39,233 square foot four-story office/R&D building resulting in approximately 55% Floor Area Ratio (FAR)
Applicant / Owner: Peery-Arrillaga / Wizardly Holdings LLC
Environmental Review: Mitigated Negative Declaration

Recommendation: Alternative 1: Make the findings required by CEQA in Attachment 3 to the report, Adopt the Mitigated Negative Declaration and approve the Use Permit with the Conditions of Approval in Attachment 4 to the report.

- 6 [15-1009](#) Approve \$5 Million Bridge Loan to MidPen Housing for Edwina Benner Plaza, located at 460 Persian Drive, and Adopt a Resolution to Approve a Joint Application for Affordable Housing and Sustainable Communities (AHSC) Grant for Edwina Benner Plaza and Associated Sustainable Transportation Improvement (STI) Project

Recommendation: Alternatives 1 and 2: 1) Approve revised term sheet for bridge loan to MidPen Housing and/or its affiliate for the Benner Plaza Project, and authorize the City Manager to execute a loan agreement and associated loan documents consistent with this term sheet, in a final form as approved by the City Attorney; and 2) Adopt a Resolution authorizing joint application with MidPen for AHSC Program funding for the Benner Plaza project, including the STI project, and authorize the City Manager or her designee to sign any documents that may be required for submittal of the AHSC applications in March and/or June 2016.

- 7 [16-0053](#) Consider Friends of Stevens Creek Trail Funding Request in Support of a Local Match for a Grant Application to the Santa Clara Valley Water District to Conduct Planning Studies to Improve Steelhead Trout Passage on Stevens Creek; Determine the amount of Funding, and Approve Budget Modification No. 26 to Appropriate up to \$9,800

Recommendation: Staff makes no recommendation.

- 8 [16-0208](#) Introduce an Ordinance Amending Title 18 (Subdivisions) of the Sunnyvale Municipal Code to Designate the Director of Public Works to Take Action on Final Maps and Offers of Dedication Stated on the Final Maps; Determine the Review Frequency of the Subject Delegation of Authority; and Find CEQA Exemption per Guideline 15061(b)(3) (Continued from February 9, 2016)

Recommendation: Introduce an ordinance amending title 18 (subdivisions) of the Sunnyvale municipal code to designate the Director of Public Works to take actions for final maps and for offers of dedication stated on the final maps; Establish a three year review frequency of the subject delegation; and find a CEQA exemption per guideline 15061(b)(3).

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

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

- | | |
|--------------------------------|--|
| <u>16-0051</u> | Tentative Council Meeting Agenda Calendar |
| <u>16-0021</u> | Information/Action Items |
| <u>16-0118</u> | Boards and Commissions Semi-Annual Attendance Report,
July - December 2015 (Information Only) |

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.