



# City of Sunnyvale

## Notice and Agenda

### City Council

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Tuesday, June 14, 2016

5:00 PM

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

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**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**

[16-0580](#)

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: Public Safety Officers Association  
(PSOA)

Employee organization: Sunnyvale Employees Association  
(SEA)

Unrepresented Employees

##### **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**

[16-0586](#) SPECIAL ORDER OF THE DAY - Recognition of National Flag Day

**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** [16-0494](#) Approve City Council Meeting Minutes of May 17, 2016

**Recommendation:** Approve the City Council Meeting Minutes of May 17, 2016 as submitted.

**1.B** [16-0058](#) Approve City Council Special Meeting Minutes of May 26, 2016

**Recommendation:** Approve the City Council Special Meeting Minutes of May 26, 2016 as submitted.

**1.C** [16-0497](#) 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 [16-0442](#) Consent to Ownership Transfer of Affordable Rental Project Located at 183 Acalanes Drive ("Eight Trees") and Assignment and Assumption of City Loans and Authorize the City Manager to execute a new loan agreement in the amount of \$600,000

**Recommendation:** 1) Consent to the Title Transfer, Assignment and Assumption of City Loans on 183 Acalanes Drive from HomeFirst SCC, Inc. to MP Eight Trees LLC and authorize the City Manager to execute documents necessary to indicate the City's consent; and 2) Approve a new loan of \$600,000 in Housing Mitigation Funds to MP Eight Trees LLC for urgent repairs following close of escrow and authorize the City Manager to execute a loan agreement and any other document required to facilitate the escrow transaction, in final form approved by the City Attorney.

- 1.E [16-0488](#) Award of Contract for a Body-worn Camera Solution (F16-44)

**Recommendation:** Award and authorize the City Manager to execute a five-year contract with Taser International, Inc. in the amount of \$1,496,956 in substantially the same form as Attachment 1 to the report, to provide a body worn camera solution including software, unlimited digital evidence storage, and conducted electrical weapons.

- 1.F [16-0489](#) Authorize the Extension of Contracts for Central Labor Council Partnership and JobTrain for Adult Workforce Development and Award Funding for Services through June 30, 2017

**Recommendation:** Authorize the City Manager to execute modifications to the Agreements with Central Labor Council Partnership and JobTrain for adult workforce development services to extend the terms of the agreements through June 30, 2017 and award additional funding in the amount of \$1,000,000 to Central Labor Council Partnership for a total new contract amount of \$1,964,589 and in the amount of \$315,000 to JobTrain for a total new contract amount of \$693,880.

- 1.G [16-0472](#) Award of Contract for the Repair of Dual Media Filters at the Water Pollution Control Plant (F16-103)

**Recommendation:** 1) Award a contract, in substantially the same form as Attachment 2 to the report and in an amount not to exceed \$347,672 to ERS Industrial, Inc. for the repair of Dual Media Filters at the Water Pollution Control Plant and; 2) Approve a 10% contract contingency in the amount of \$34,767.

- 1.H [16-0490](#) Approve the Fiscal Year (FY) 2016/17 Preliminary Engineer's Report for the Downtown Parking District Assessment, Adopt a Resolution of Intention to Levy and Collect an Assessment for the Downtown Parking Maintenance District for FY 2016/17, and Set the Date of July 26, 2016 for the Public Hearing on the Proposed Assessment

**Recommendation:** Approve the Fiscal Year (FY) 2016/17 preliminary Engineer's Report for the Downtown Parking District Assessment, adopt a Resolution of Intention to Levy and Collect an Assessment for the Downtown Parking Maintenance District for FY 2016/17, and set the date of July 26, 2016 for the public hearing on the levy of the proposed Assessment.

- 1.I [16-0532](#) Approve Budget Modification No. 36 to Appropriate \$44,318 of Santa Clara County EMS Data Hardware Funding Grant Funds to an existing project (EMS Patient Data Care System)

**Recommendation:** Approve Budget Modification No. 36, which will (1) appropriate Santa Clara County EMS Agency Data Hardware Funding Grant funds in the amount of \$24,298 to an existing project, 830660 EMS Patient Data Care System; and (2) appropriate funds received from the same agency in FY 2013/14 in the amount of \$20,020 currently in the Budget Stabilization Fund to an existing project, 830660 EMS Patient Data Care System.

- 1.J [16-0221](#) Adopt a Resolution Amending the City's Salary Resolution to Increase the Pay Scale of the Casual Employee Classification for Consistency with the City's Local Minimum Wage, Effective July 1, 2016, January 1, 2017 and January 1, 2018

**Recommendation:** Adopt a Resolution Amending Resolution No. 190-05, the City's Salary Resolution to Increase the Pay Scale of the Casual Employee Classification for Consistency with the City's Local Minimum Wage, Effective July 1, 2016, January 1, 2017 and January 1, 2018

- 1.K [16-0463](#) Adopt a Resolution Authorizing the City Manager to Execute Two Easement Deeds to Pacific Gas and Electric Company

(PG&E), and an Easement Deed and Temporary Construction Easement to the Santa Clara Valley Water District (SCVWD) over a Portion of City Owned Parcels in Relation to the Wolfe Road Recycled Water Facilities Project

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to Execute Two Easement Deeds to Pacific Gas and Electric Company and an Easement Deed and Temporary Construction Easement to the Santa Clara Valley Water District over a Portion of City Owned Parcels in Relation to the Wolfe Road Recycled Water Facilities Project.

- 1.L     [16-0590](#)     Approve an Agreement between the City of Sunnyvale and the California Theatre Center for Use of City Facilities from September 26, 2016 through May 31, 2017 at a Rental Rate Below Established Rental Fees

**Recommendation:** Approve agreement and authorize the City Manager to execute the agreement between the City of Sunnyvale and the California Theatre Center for Use of City Facilities from September 26, 2016 through May 31, 2017 in an amount at a rental rate below established rental fees.

- 1.M     [16-0356](#)     Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016 for the Election of Councilmembers to Seat Numbers 4, 5, 6 and 7; Requesting Consolidation with the Statewide General Election; and Election Services from the Santa Clara County Board of Supervisors; Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements

**Recommendation:** Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016 for the Election of Councilmembers to Seat Numbers 4, 5, 6 and 7; Requesting Consolidation with the Statewide General Election and Election Services from the Santa Clara County Board of Supervisors; Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements.

- 1.N     [16-0561](#)     Adopt Ordinance No. 3083-16 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Properties located at 521 East Weddell Drive, 531 East Weddell Drive, and 539 East Weddell Drive from MS-POA (Industrial and

Service - Places of Assembly Combining District) to PF  
(Public Facilities)

**Recommendation:** Adopt Ordinance No. 3083-16.

- 1.O [16-0562](#) Adopt Ordinance No. 3084-16 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property located at 1010 Morse Avenue (Seven Seas Park) from MS-ITRR3 (Industrial and Service - Industrial to Residential Combining District) to PF (Public Facility)

**Recommendation:** Adopt Ordinance No. 3084-16.

### **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 [16-0083](#) Appoint Applicants to Boards and Commissions

**Recommendation:** Staff makes no recommendation.

- 3 [16-0397](#) Adopt a Resolution to Cause Charges for Non-Payment of Delinquent Utility Charges to be placed on the FY 2016/17 County of Santa Clara Property Tax Roll

**Recommendation:** Alternative 1: Adopt a Resolution to Cause Charges for Non-Payment of Delinquent Utility Charges to be placed on the FY 2016/17 County of Santa Clara Property Tax Roll.

- 4 [16-0135](#) Annual Public Hearing on FY 2016/17 Budget and Resource Allocation Plan and Establishment of Appropriations Limit

**Recommendation:** Conduct a Public Hearing to meet the legal requirements of the City Charter, the California Constitution, and the California Government Code. Council can also provide direction to staff on any issue requiring further review prior to the adoption of the FY 2016/17 Budget on June 28, 2016.

- 5 [16-0136](#) Annual Review of Proposed Fees and Charges for Fiscal Year 2016/17

**Recommendation:** Council is conducting a public hearing in order to solicit public input and provide direction to staff on any fee requiring further review prior to the June 28, 2016 Council meeting where the proposed schedule will be considered for adoption.

6      [16-0556](#)

File #: 2015-7275

Location: 1111 Lockheed Martin Way (APNs: 110-01-036 and 110-01-038)

Proposed Project: Discussion and possible actions on: MAJOR MOFFETT PARK SPECIAL DEVELOPMENT PERMIT to demolish existing buildings and construct five eight-story buildings, two four-story parking structures, one-five-story parking structure and a two-story amenities building resulting in approximately 1.65 million square feet of office use.

DEVELOPMENT AGREEMENT Introduction of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and MT II LLC (Jay Paul Company)

Environmental Review: A Subsequent Environmental Impact Report (SEIR) has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Applicant / Owner: MT II, LLC (Jay Paul Company)

**Recommendation:** Alternatives 1, 2, and 5: 1) Make the Findings required by CEQA, Adopt a Statement of Overriding Considerations and Mitigation Monitoring Program as contained in Attachment 8 of the report; 2) Approve the Major Moffett Park Special Development Permit as indicated in the Site and Architectural Plans in Attachment 7 of the report, Findings of Approval in Attachment 3 of the report and Conditions of Approval in Attachment 4 of the report; and, 5) Introduce an ordinance approving and adopting a Development Agreement between the City of Sunnyvale and MT II, LLC (Jay Paul Company) as contained in findings for approval in Attachment 5 of the report and Draft Ordinance in Attachment 6 of the report.

7      [16-0364](#)

Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016, for the Purpose of Submitting to City Voters an Initiative Ordinance to Require Voter Approval for Any Sale, Lease, Lease Extension, Lease Renewal, Land Swap or Transfer of Property Owned, Leased Or Used by the City as a Public Park



or Community Service Amenity (The "Public Lands For Public Use Act"); Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments

**Recommendation:** Alternative 1: Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016, for the Purpose of Submitting to City Voters an Initiative Ordinance to Require Voter Approval for Any Sale, Lease, Lease Extension, Lease Renewal, Land Swap or Transfer of Property Owned, Leased Or Used by the City as a Public Park or Community Service Amenity (The "Public Lands For Public Use Act"); Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments.

- 8      [16-0386](#)      Adopt a Resolution Approving an Exception to the CalPERS 180-Day Waiting Period and Interim Appointment of David Jensen to the Director of Information Technology Position

**Recommendation:** Alternative 1: Adopt a resolution approving the exception to the CalPERS 180-day waiting period and interim appointment of David Jensen to the Director of Information Technology position (Government Code Sections 21221(h), 21224 and 7522.56).

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

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

-Council

-City Manager

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

[16-0404](#)      Tentative Council Meeting Agenda Calendar

[16-0384](#)      Information/Action Items

[16-0496](#)      Study Session Summary of May 24, 2016 - Board and



## Commission Interviews

[16-0523](#)

Board/Commission Meeting Minutes

[16-0558](#)Study Session Summary of May 17, 2016 - Review  
Performance Evaluation Tools for the City Manager and City  
Attorney[16-0602](#)

Board/Commission Resignation (Information Only)

**ADJOURNMENT****NOTICE TO THE PUBLIC**

*The agenda reports to council (RTCs) may be viewed on the City's website 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).*