



# City of Sunnyvale

## Notice and Agenda

### City Council

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Tuesday, July 26, 2016

6:00 PM

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

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**Special Meeting: Closed Session-6 P.M | Special Redevelopment Successor Agency  
Meeting-6:45 PM | Regular City Council Meeting-7 PM**

#### **6 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**

[16-0767](#)

Closed Session held pursuant to California Government Code  
Section 54956.9(d)(1): CONFERENCE WITH LEGAL  
COUNSEL-EXISTING LITIGATION  
Name of case: Fild, Inc. vs. Lynne Kilpatrick, Fire Marshal,  
and Sunnyvale Department of Public Safety, Case No.  
16CV295872

[16-0741](#)

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

##### **5 Adjourn Special Meeting**

#### **6:45 P.M. SPECIAL REDEVELOPMENT SUCCESSOR AGENCY MEETING**

##### **1 Call to Order in the Council Chambers (Open to the Public)**

##### **2 Roll Call**

### 3 Public Comment

### 4 Consent Calendar

- A     [16-0728](#)     Approve Redevelopment Successor Agency Special Meeting Minutes of June 30, 2016

**Recommendation:** Approve the Redevelopment Successor Agency Special Meeting Minutes of June 30, 2016 as submitted.

- B     [16-0701](#)     Approve the Second Amendment to Outside Counsel Agreement with Goldfarb Lipman for Town Center Development Matters and Approve Budget Modification No. 4 to appropriate \$100,000 to the Project Management for Town Center Development Agreement Project

**Recommendation:** Authorize the Agency Counsel to execute a Second Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$200,000.

### 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

### 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**    [16-0658](#)            Approve City Council Meeting Minutes of June 28, 2016

**Recommendation:** Approve the City Council Meeting Minutes of June 28, 2016 as submitted.

- 1.B**    [16-0695](#)            Approve City Council Meeting Minutes of July 12, 2016

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

- 1.C**    [16-0676](#)            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**    [16-0564](#)            Appoint a City Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee

**Recommendation:** Appoint David Simons to the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two-year term, ending June 30, 2018.

- 1.E**    [16-0642](#)            Authorize the City Manager to Execute an Agreement with the Peninsula Corridor Joint Powers Board for the Caltrain Peninsula Corridor Electrification Project

**Recommendation:** Authorize the City Manager to Execute an Agreement with the Peninsula Corridor Joint Powers Board for the Caltrain Peninsula Corridor Electrification Project.

- 1.F**    [16-0644](#)            Allow the Withdrawal of a Bid in Conformance with State Law

and Reject a Bid Received for the Wolfe-Evelyn Water Plant Reconstruction Project (PW16-20)

**Recommendation:** 1) Allow Blocka Construction to withdraw its bid in conformance with State law; and 2) Reject the bid received from Mountain Cascade Inc.

**1.G**     [16-0659](#)     Modify an Existing Construction Contract for the Traffic Signal Project at Mathilda/Olive Avenues and Approval of Budget Modification No. 3 in the Amount of \$71,873 (PW16-05-1)

**Recommendation:** 1) Authorize the City Manager to execute a change order to an existing construction contract with Tennyson Electric in an amount not-to-exceed \$71,873; and 2) Approve Budget Modification No. 3 in the amount of \$71,873 to provide additional funding for the project.

**1.H**     [16-0468](#)     Authorize the Issuance of a Purchase Order for Street Tree Maintenance Services (F16-90) and Finding a CEQA Categorical Exemption

**Recommendation:** 1) Make a finding of a CEQA categorical exemption pursuant to CEQA Guidelines Section 15301 (h) 6 for the maintenance of existing landscape; 2) Authorize the issuance of a two-year Purchase Order in the amount not-to-exceed \$1,498,460 to West Coast Arborists, Inc. in substantially the same form as Attachment 2 of the report; and 3) Delegate authority to the City Manager to renew the Purchase Order for three additional one-year periods, providing pricing and service remain acceptable to the City.

**1.I**     [16-0746](#)     Adopt Ordinance No. 3089-16 Awarding Nonexclusive Franchise for Taxicab Service to My Ekadea, Inc. dba California Cab Company

**Recommendation:** Adopt Ordinance No. 3089-16.

## **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**        [16-0467](#)        Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Old Mountain

View-Alviso Road Bridge Replacement at Calabazas Creek Project, and Approve Proceeding with the Project.

**Recommendation:** Alternative 1: Make the Findings Required by CEQA (Attachment 5 in the staff report), Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Old Mountain View-Alviso Road Bridge Replacement at Calabazas Creek Project, and approve proceeding with the Project.

- 3      [16-0491](#)      Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Assessment, and Levy Annual Assessment for The Downtown Parking Maintenance District Assessment for Fiscal Year 2016/17

**Recommendation:** Alternative 1: Adopt the resolution to approve the final Engineer's report, to confirm the assessment, and levy annual assessment for the Downtown Parking Maintenance District assessment for FY 2016/17.

- 4      [16-0601](#)      Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY 2016/17 County of Santa Clara Property Tax Roll

**Recommendation:** Alternative 1: Adopt a resolution confirming the Report and Assessment List for unpaid administrative fines to be placed on the FY 2016/17 County of Santa Clara Property Tax Roll.

- 5      [16-0652](#)      Public Hearing and Approval of the City of Sunnyvale's 2016 Public Health Goal Report on Water Quality ( 2013-2015), Direct Staff to file with the California State Water Resources Control Board Division of Drinking Water, and Find that the Action is Exempt from CEQA

**Recommendation:** Alternative 1: Approve the City of Sunnyvale's 2016 Public Health Goal Report on Water Quality (2013-2015) and Direct Staff to file with the California State Water Resources Control Board Division of Drinking Water.

- 6      [16-0707](#)      Rescind Previous Council Action and Provide a Recommendation on the Relocation of the Butcher House and Improvements at Orchard Heritage Park

**Recommendation:** Alternatives 1 and 3: 1) Rescind the motion passed by the City Council at its April 5, 2016 meeting regarding this project and 3) Do not relocate the Butcher House, design Improvements in the vacated area per Attachment 2 in the report, and acknowledge that a future budget modification at the time of construction contract award will be required to provide funding for drainage improvements (re-grading and valley gutter) behind the existing multi-purpose building.

- 7      [16-0762](#)      Approve the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association (SMA) and Adopt 3 Resolutions: (1) Amending the Salary Resolution for SMA, Unrepresented Management Employees, and Department Directors; (2) For Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement for SMA, Unrepresented Management Employees, and Department Directors; and (3) For Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement for the Director of Public Safety

**Recommendation:** Alternative 1: Authorize the City Manager to Execute the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers Association (SMA), presented as Attachment 3 of this report, and Adopt 3 Resolutions: (1) Amending the Salary Resolutions for SMA, Unrepresented Management Employees, Department Directors (Attachment 4); (2) For Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement for SMA, Unrepresented Management, and Department Directors (Attachment 5); and (3) For Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement for the Director of Public Safety (Attachment 6).

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

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

-Council

-City Manager

**INFORMATION ONLY REPORTS/ITEMS**

- [16-0070](#) Tentative Council Meeting Agenda Calendar
- [16-0507](#) Information/Action Items
- [16-0605](#) Status on the Branch Library Project and Deferral of Fair Oaks Park Project (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).*