



City of Sunnyvale

Notice and Agenda

City Council

Tuesday, December 13, 2016

4:00 PM

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

Special Meeting: Closed Session-4 PM | Regular Council Meeting-7 PM | Special Joint Meeting of the City Council and the Sunnyvale Financing Authority-7 PM (or as soon thereafter as the matter may be heard)

4 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

[16-1119](#) Closed Session held pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Mendoza v. City of Sunnyvale et al., Santa Clara County Superior Court Case #1-14-CV-273590

[16-1142](#) Closed Session held pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9): Powell v. City of Sunnyvale, Workers' Compensation Appeals Board No. ADJ159235, ADJ1458011, ADJ1187273, ADJ8954129, ADJ8954150, ADJ8954176, ADJ9222939 and additional DOI claims 5/22/08 and 5/23/12

[16-0327](#) Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

[16-0331](#)

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

Title: City Manager

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 [16-1030](#) Approve City Council Special Meeting Minutes of November 29, 2016

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

1.B [16-0935](#) Approve City Council Meeting Minutes of December 6, 2016

Recommendation: Approve the City Council Meeting Minutes of December 6, 2016 as submitted.

1.C [16-1039](#) 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 [16-1018](#) Modify an Existing Purchase Order, Approve a New Purchase Order for Emergency Sewer Repairs for the Environmental Services Department (F17-046), Make a CEQA Finding of Categorical Exemption and Approve Budget Modification No. 22

Recommendation: 1) Authorize the City Manager to amend the existing Able Septic Service Purchase Order by increasing the not-to-exceed amount from \$90,000 to \$195,345, extend the term until December 13, 2016 and to increase the amount of the existing Purchase Order if additional emergency sewer repairs are required, not to exceed budgeted amounts; 2) Authorize the City Manager to issue a new Purchase Order to Able Septic Service in the amount of \$200,000 and to increase the amount of the new Purchase Order if necessary, not to exceed budgeted amounts; 3) Find the Project Categorically Exempt under CEQA Section 15301(c) and (d) for the maintenance and repair of existing facilities with negligible or no expansion of an existing use; and 4) Approve Budget Modification No. 22.

1.E [16-1001](#) Receive and File FY 2015/16 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Impact Fees (Exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines)

Recommendation: Receive and file FY 2015/16 Annual Status Report on receipt and use of development impact fees and adopt a Resolution making findings regarding unspent impact fees as required by the Mitigation Fee Act (California Government Code Section 66000 et seq.).

- 1.F** [16-1013](#) Award of Contract for the Repair of Air Floatation Tanks No. 2 & 3 (F17-012) and Approval of Budget Modification No. 20 and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

Recommendation: 1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines section 15301 for the maintenance, repair or minor alteration of an existing facility involving negligible or no expansion of use beyond that presently existing; 2) Approve Budget Modification No. 20; 3) award a contract, in substantially the same form as Attachment 2 to the report and in the amount of \$285,300 to Anderson Pacific Engineering Construction, Inc. for the repair of Air Floatation Tanks No. 2 & 3 at the Water Pollution Control Plant and authorize the City Manager to execute the contract when all necessary conditions have been met and; 4) Approve a 10% contract contingency in the amount of \$28,530.

- 1.G** [16-1053](#) Authorize the City Manager to Enter Into Multi-year Agreements for Contingency Staffing and Professional and Technical Contracted Services for the Information Technology Department (F17-049 and F17-050)

Recommendation: Authorize the City Manager to award multi-year contracts in excess of \$100,000 for contingency staffing and professional and technical contracted services for the Information Technology Department, not-to-exceed budgeted amounts or a period of five years.

- 1.H** [16-1081](#) Award of Bid No. PW17-01 for the Park Buildings Modernization Project Re-bid (PW17-01) and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

Recommendation: 1) Make a finding of CEQA categorical exemption pursuant to CEQA Guideline Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,955,026 to ICC General Contractors Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 15% construction contingency in the amount of \$293,254.

- 1.I [16-1082](#) Award Bid No. PW17-16 for ADA Curb Ramps CDBG 2017 Project (PW17-16), Make CEQA Finding of Categorically Exempt, and Approve Budget Modification No. 23 in the Amount of \$40,000

Recommendation: 1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15301(c) and (d) because the project involves the restoration or rehabilitation of existing facilities (deteriorated or damaged sidewalks, gutters and similar facilities) involving negligible or no expansion of use beyond that presently existing; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$174,600 to SpenCon Construction and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a construction contingency in the amount of \$14,000 in order to utilize all available grant funding; and 4) approve Budget Modification No. 23 to provide \$40,000 in CDBG funding.

- 1.J [16-1095](#) Authorization to Modify an Existing Purchase Order for Public Safety Uniforms & Equipment (F17-062)

Recommendation: Authorize the City Manager to amend the existing purchase order with Summit Uniforms for uniforms and related equipment for the Department of Public Safety, adding \$130,000 and increasing the not-to-exceed amount from \$400,000 to \$530,000.

- 1.K [16-1097](#) Adopt a Resolution Approving Installation of All-Way Stop Sign Control at Bernardo Avenue and Knickerbocker Drive, and Adopt a Finding that the Project is Exempt Under the California Environmental Quality Act

Recommendation: Adopt a resolution (Attachment 1 to the report) to convert the intersections of Bernardo Avenue at Knickerbocker Drive from two-way stop sign control to all-way stop sign control and adopt a finding that this action is exempt from review under the California Environmental Quality Act Exemption (CEQA) pursuant to CEQA Guidelines Section 15301(c).

- 1.L [16-1111](#) Award of Bid No. PW17-15 for the Columbia Middle School Swimming Pool Renovation Project, Make a Finding of CEQA Categorical Exemption, and Approval of Budget Modification No. 24 to Provide \$568,772 in Additional Project Funding

Recommendation: 1) Make a finding of CEQA categorical exemption pursuant to CEQA Guideline Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$754,000 to California Waters Development Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met.; 3) approve a 10% construction contingency in the amount of \$75,400; and 4) approve Budget Modification No. 24 in the amount of \$568,772 to provide additional project funding.

- 1.M [16-1139](#) Adopt Resolutions Authorizing (1) the City Manager to Execute Certain Documents Required by the State Board of Equalization to Collect the City's Utility Users Tax on Prepaid Wireless Service; and (2) Establishing the List of City Staff and Consultants authorized to Examine Prepaid Mobile Telephony Services Surcharge and Local Charge Records of the State Board of Equalization

Recommendation: Adopt Resolutions (1) Authorizing the City Manager to execute the Agreement with the State Board of Equalization for State Collection and Administration of the City's Utility Users Tax on prepaid wireless service and related documents; and (2) Establishing the List of City Staff and Consultants authorized to examine the prepaid mobile telephony services surcharge and local charge records of the State Board of Equalization.

- 1.N [16-1016](#) Continuation of Supplement Law Enforcement Services (SLES) Funds and Approval of Budget Modification No. 19 to appropriate \$99,069 in SLES funding to support costs for

sworn staff regular and overtime costs and identified police services equipment

Recommendation: Approve Budget Modification No. 19 to appropriate \$99,069 in Supplemental Law Enforcement Services funding to support costs for sworn staff regular and overtime costs and identified police services equipment.

- 1.O** [16-1148](#) Adopt Ordinance No. 3103-16 Adding Chapter 19.35 (Lawrence Station Area Specific Plan District) to Title 19 (Zoning) of the Sunnyvale Municipal Code, Rezoning certain property within the Lawrence Station Area Plan District from Industrial and Service District (MS) to Public Facility (PF), and Amending Sunnyvale Municipal Code Table 19.54.080 (Telecommunications Facilities Permits) and Section 19.90.010 (Special Development Permit) to Implement the Lawrence Station Area Specific Plan

Recommendation: Adopt Ordinance No. 3103-16.

- 1.P** [16-1149](#) Adopt Ordinance No. 3105-16 Amending Section 10.26.050 of Chapter 10.26 (Preferential Parking on Residential Streets) of Title 10 (Vehicles and Traffic), Repeal Section 19.68.040 (Accessory Living Units) and Re-Enact Section 19.68.040 (Accessory Dwelling Units) of Chapter 19.68 (Mobile, Accessory, and Single Room Occupancy Living Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code and Make other Related Changes to Title 19

Recommendation: Adopt Ordinance No. 3105-16.

- 1.Q** [16-1151](#) Adopt Ordinance No. 3106-16 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain 59 Contiguous Properties located between Hollenbeck Avenue, Torrington Drive, Spinosa Drive and Sheraton Drive R-1 (Low Density Residential) Zoning District to R-1/S (Low Density Residential/Single-Story) Zoning District

Recommendation: Adopt Ordinance No. 3106-16.

ADJOURN TO SPECIAL JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY

CALL TO ORDER

Call to Order in the Council Chambers (Open to the Public)

ROLL CALL**PUBLIC COMMENT (ON SPECIAL MEETING ITEM ONLY)**

This category is limited to 15 minutes with a maximum of up to three minutes per speaker. If you wish to address the Council/Sunnyvale Financing Authority, please complete a speaker card and give it to the City Clerk.

GENERAL BUSINESS

- 1 [16-0690](#) Receive and File the FY 2015/16 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report (CAFR) and Approve Budget Modification No. 21 and Sunnyvale Financing Authority Financial Report

Recommendation: City Council:
Alternative 1: Receive and file the budgetary Year-End Financial Report, the audited Comprehensive Annual Financial Report, and the Report to the City Council issued by the independent auditors and Approve Budget Modification No. 21.
Sunnyvale Financing Authority:
Alternative 1: Receive and file the Sunnyvale Financing Authority Financial Report.

ADJOURNMENT**RECONVENE TO REGULAR CITY COUNCIL MEETING****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 [16-0807](#) Certification of the November 8, 2016 Election Results for Ballot Measure M (Sunnyvale Public Lands Act) and Ballot Measure N (Sunnyvale Essential Services Protection Measure)

Recommendation: 1) Adopt a Resolution Reciting the Fact of the Municipal Election held November 8, 2016 for the purpose of submitting to the voters Measure M and Measure N and such other matters as provided by law.

- 3 [16-1100](#) Approve Memorandum of Understanding between the City of Sunnyvale and the Public Safety Managers Association 2015-2021 and Resolution to Amend the City's Salary Resolution to add Pay Plan Category M (Public Safety Captains and Public Safety Deputy Chiefs)

Recommendation: Alternative 1: Authorize the City Manager to Execute the Memorandum of Understanding between the City of Sunnyvale and the Public Safety Managers Association, and adopt the Resolution to Amend the City's Salary Resolution to add Pay Plan Category M (Public Safety Captains and Public Safety Deputy Chiefs).

- 4 [16-1083](#) Authorize the City Manager to Upgrade the City's Municipal Electricity Accounts to Silicon Valley Clean Energy's 100% Renewable Energy "Green Prime" Service; Find that the Action is Exempt from CEQA

Recommendation: Alternative 1: Find that the action is exempt from CEQA and authorize the City Manager to upgrade municipal electric service to Silicon Valley Clean Energy's GreenPrime 100% Renewable Electricity program.

- 5 [16-1132](#) Proposed Project: Related Actions on related applications on five parcels, commonly referred to as Butcher's Corner, totaling 5.49 acres at El Camino Real/ Wolfe Road/Fremont Avenue:

CEQA: Adopt a Resolution to Certify the Environmental Impact Report, adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

HERITAGE RESOURCE DESIGNATION: Consideration Heritage Resource designation for six trees on the former Butcher Property (871 E. Fremont Avenue)

REZONE: Introduction of an Ordinance to rezone one parcel from C-1/ECR to R-3/ECR,

SPECIAL DEVELOPMENT PERMIT: To allow 138 residential units (39 townhomes and 99 flats) and 6,934 square feet of retail/office use with surface and underground parking,

VESTING TENTATIVE MAP: To create 40 lots and one common lot, which includes 39 townhome lots and one lot for condominium purposes (99 residential condominiums and one commercial condominium), and

File #: 2014-7373

Location: 871 and 895 E. Fremont Ave. (APNs: 211-25-011, 211-25-033, 211-25-034, 211-25-038 and 211-25-039)

Zoning: R-3/ECR and C-1/ECR

Applicant / Owner: De Anza Properties

Environmental Review: Environmental Impact Report

Recommendation: Alternatives 1, 4, 5 and 7: 1) Adopt a Resolution to Certify the Environmental Impact Report (EIR), make the findings required by CEQA, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program (Attachment 5 in the report); 4) Disapprove Heritage Resource designation for all of the considered trees; 5) Introduce an ordinance to Rezone 895 E. Fremont Avenue to R-3/ECR (Attachment 6 in the report); and 7) Approve the Special Development Permit and Tentative Parcel Map with the findings in Attachment 3 and conditions of approval in Attachment 4 in the report.

6 [16-1094](#)

Proposed Project: Related actions on the LAKESIDE SPECIFIC PLAN and EIR for an 8.83-acre site:

SPECIFIC PLAN AMENDMENT: to revise the land use configuration, increase the height allowance, and make other miscellaneous updates.

SPECIAL DEVELOPMENT PERMIT: for development of an existing vacant site with two new buildings and associated site improvements - a six-story, 263-room hotel with an attached 3,000 sq. ft. restaurant and an attached three-level above grade parking structure; and a five-story, 250-unit apartment building over a two-level, above-grade podium parking garage

TENTATIVE PARCEL MAP: to subdivide the site into two - with a lot for each land use.

CEQA: Adopt a Resolution to Certify the Supplemental Environmental Impact Report, adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

File #: 2015-7576

Location: 1250 Lakeside Drive (APNs: 216-43-035 and -036)

Zoning: LSP

Applicant / Owner: Sunnyvale Partners, Ltd (applicant) /
Aircoa Equity Interests, Inc. (owner)
Environmental Review: Supplemental Environmental Impact
Report

Recommendation: Alternatives 1, 3 and 5: 1) Certify the Supplemental Environmental Impact Report, make the findings required by the California Environmental Quality Act (CEQA), and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program (Attachment 10 to the report); 3) Adopt a resolution amending the Lakeside Specific Plan (LSP) per the text amendments as contained in the Resolution in Attachment 11 to the report; and 5) Approve the Special Development Permit and Tentative Parcel Map with the findings in Attachment 4 and conditions in Attachment 5 to the report.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

[16-0800](#) Tentative Council Meeting Agenda Calendar

[16-0920](#) Information/Action Items

NOTICE TO THE PUBLIC

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