



# City of Sunnyvale

## Notice and Agenda

### City Council

---

Tuesday, January 24, 2017

5:00 PM

Council Chambers and West Conference  
Room, 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**

###### **[16-1133](#)**

Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN 213-12-001 1142 Dahlia Court/1197 Lily Avenue (commonly referred to as Corn Palace)

Agency negotiator: City Manager Deanna Santana; Director of Community of Development Trudi Ryan; Director of Public Works Manuel Pineda; City Property Administrator Ryan Sandoval

Negotiating parties: Gabriel Francia Trustee, or authorized buyer

Under negotiation: Price and terms of payment

###### **[16-0329](#)**

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

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**

[17-0003](#)

SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office  
for Mayor and Vice Mayor

**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**    [16-1034](#)            Approve City Council Meeting Minutes of December 13, 2016

**Recommendation:** Approve the City Council Meeting Minutes of December 13, 2016 as submitted.

- 1.B [16-1040](#) 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 [17-0035](#) Approval to Modify Contract to Provide Employment and Training Services for NOVA Ready to Work Grant

**Recommendation:** Authorize the City Manager to execute an amendment to the agreement with City of San Francisco (Office of Economic and Workforce Development) for workforce development services to increase the contract amount by \$300,000 for a new contract amount of \$1,280,000 for services through October 31, 2018.

- 1.D [16-0954](#) Approve a Transportation/Traffic Impact Fee Reimbursement Agreement with Christensen Holdings LP for Construction of Mathilda Avenue Median Improvements at 433 N. Mathilda Avenue and Approve Budget Modification No. 25 to appropriate \$49,556 to a new Project, Improvements at Mathilda and Maude

**Recommendation:** Approve Cost Reimbursement Agreement, in substantially the same form as Attachment 2 to the report, with Christensen Holdings LP for the Construction of Additional Improvements for the Mathilda median and authorize the City Manager to Execute the Agreement and Approve Budget Mod No. 25 in the amount of \$49,556.

- 1.E [16-1022](#) Authorization to Amend Three Temporary Personnel Services Agreements for Fire Inspection Services (F17-061) and Approval of Budget Modification No. 26 in the Amount of \$480,000

**Recommendation:** 1) Approve Budget Modification No. 26 in the amount of \$480,000 in Development Enterprise Fund Reserves to provide funding for fire protection system plan review and inspection services; and 2) authorize the City Manager to execute the amendments, in substantially the same form as Attachment 1 to the report, to increase the not exceed contract amounts for the existing temporary personnel services agreements as follows: a) 4Leaf, Inc. from \$75,000 to \$155,000; b) Fire & Risk Alliance, LLC from \$175,000 to \$375,000 and c) Jensen Hughes, Inc. from \$175,000 to \$375,000.

- 1.F     [16-0996](#)     Adopt a Resolution Authorizing the City Manager to Execute an Agreement for Purchase of Certain Property Rights and Acceptance of Two Temporary Construction Easements and Two Aerial Easement Deeds in Relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project.

**Recommendation:** Adopt the resolution authorizing the City Manager or her designee to execute the Agreement for Purchase of Certain Property Rights with Monument 3: Realty Fund VII, LTD and with Monument 3: Realty Fund VIII, LTD in the amount of \$382,275, and accept on the behalf of the City two aerial easement deeds and two temporary construction easements in relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project.

- 1.G     [17-0036](#)     Approve the Second Amendment to Outside Counsel Agreement with Burke, Williams & Sorensen, LLP for Litigation Services

**Recommendation:** Authorize the City Attorney 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 Burke, Williams & Sorensen, LLP, to extend the term of the Agreement until April 13, 2020, and to increase the not-to-exceed amount by \$27,000, for a new not-to-exceed contract amount of \$127,000.

- 1.H     [17-0115](#)     Approve the Second Amendment to Outside Counsel Agreement with Renne Sloan Holtzman Sakai, LLP for Labor Negotiation Services

**Recommendation:** Authorize the City Attorney 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 Renne Sloan Holtzman Sakai, LLP, to increase the not-to-exceed amount by \$50,000, for a new not-to-exceed contract amount of \$150,000.

- 1.I     [17-0028](#)     Adopt a Resolution Authorizing the City Manager to Execute an Agreement with the State Board of Equalization and any other related document for Implementation of the Local Prepaid Mobile Telephony Services Collection Act (Collection of UUT for Prepaid Wireless Service)

**Recommendation:** Adopt a Resolution Authorizing the City Manager to execute the Agreement with the State Board of Equalization and any other related documents for Service for Implementation of the Local Prepaid Mobile Telephony Services Collection Act.

- 1.J     [17-0031](#)     Award of Bid No. PW17-10 for the Wolfe-Evelyn Water Plant Reconstruction Re-bid Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption and Approval of Budget Modification No. 27 in the Amount of \$2,000,000

**Recommendation:** 1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15302(c) for the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity; 2) award a contract, in substantially the same form as Attachment 2 to the report and in the amount of \$3,428,450 to JMB Construction 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 \$342,845; and 4) approve Budget Modification No. 27 in the amount of \$2,000,000 to provide additional project funding.

- 1.K     [16-1140](#)     Award of Contract for Electric Golf Car Lease for the Sunnyvale and Sunken Gardens Golf Courses (F17-054)

**Recommendation:** Award a four-year Municipal Master Lease Agreement, in substantially the same form as Attachment 2 of the report, in the amount of \$286,056 to Yamaha Golf-Car Company for the lease of eighty electric golf cars and authorize the City Manager to execute the Lease.

- 1.L     [17-0032](#)     Award of Bid No. PW17-14 for the Fair Oaks Park Recreation Building and Skate Park Lighting Project and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

**Recommendation:** 1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 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 \$777,314 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 10% construction contingency in the amount of \$77,731.

- 1.M [16-1170](#) Adopt Ordinance No. 3107-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone certain property located at 895 East Fremont Ave. (APN Number 211-25-033) from Neighborhood Business/EI Camino Real Precise Plan (C-1/ECR) to Medium Density Residential/EI Camino Real Precise Plan (R-3/ECR)

**Recommendation:** Adopt Ordinance No. 3107-17.

## **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 [16-1141](#) Make Required Findings and Approve Conversion Impact Report for Blue Bonnet Mobile Home Park, Located at 617 E. Evelyn Avenue in Sunnyvale

**Recommendation:** Alternative 1: Find that preparation, noticing, and distribution of the Conversion Impact Report has been done in compliance with Sunnyvale Municipal Code Chapter 19.72, that the Conversion Impact Report includes adequate information and options, and that it takes adequate measures to address the adverse social and economic impacts on displaced residents and mobile home owners of a mobile home park conversion; and approve the Conversion Impact Report as provided in Attachments 2 and 13 in the report.

- 3 [16-1131](#) Authorize City Manager to Execute a First Amendment to the Agreement Between the City of Sunnyvale and the Valley Transportation Authority for the State Route 237/US

## 101/Mathilda Avenue Interchange Improvement Project

**Recommendation:** Alternative 1: Authorize the City Manager to Execute the First Amendment to the Agreement Between the City of Sunnyvale and the Valley Transportation Authority for the Mathilda Avenue/Route 237/Route 101 Interchange Improvement Project to extend the term until December 31, 2018, increasing the not to exceed amount of the City's financial contribution from \$4,000,000 to \$8,000,000 and other minor amendments.

**4**      [16-1143](#)

Proposed Project: Introduction of Ordinance to REZONE 54 contiguous lots (53 single-family homes and a lot owned by the California Water Service) from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)  
File #: 2016-7467

Location: Multiple properties bound by Panama Park on the west, Dartshire Way on the south, Mallard Way on the east and Carlisle Way on the north including Coventry and Cornwall Courts.

1403-1457 Mallard Way (APNs: 309-11-039 through 309-11-041, 309-11-053 to 309-11-055, and 309-11-022), 800-862 Carlisle Way (APNs: 309-11-036 through 309-11-038 and 309-12-013), 321-361 Dartshire Way (APNs: 309-11-023 through 309-11-025 and 309-12-029 through 309-12-032), 854-870 Cornwall Court (APNs: 309-11-042 through 309-11-052), 812-827 Coventry Court (APNs: 309-12-019 through 309-12-026), and 1402-1458 Kingfisher Way (APNs: 309-11-026 through 309-11-035, 309-12-014 through 309-12-018, and 309-12-027 through 309-12-028).

Zoning: R-0

Applicant / Owner: Paul Healy (plus multiple owners)

Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).



**Recommendation:** Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); and 2) Introduce an Ordinance to Rezone 53 contiguous single family homes and a lot owned by California Water Service from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story).

5      [16-1167](#)

Proposed Project: Introduction of Ordinance to REZONE 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)  
File #: 2016-7578

Location: 1156-1198 Sesame Drive (APNs: 202-08-007 through 202-08-016), 1136-1160 Snowberry Court (APNs: 202-08-022 through 202-08-031), and 614-646 Torrington Drive (APNs: 202-08-017 through 202-08-021)

Zoning: R-1

Applicant / Owner: François Cornillon (plus multiple owners)

Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

**Recommendation:** Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); 2) Introduce an Ordinance to Rezone 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

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

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

-Council

-City Manager



**INFORMATION ONLY REPORTS/ITEMS**

- [16-0510](#) Tentative Council Meeting Agenda Calendar
- [17-0013](#) Information/Action Items
- [17-0048](#) Board/Commission Resignation (Information Only)
- [17-0131](#) Mayoral Announcement of Dissolution of Mayor-Appointed Ad Hoc Advisory Committee: Lawrence Station Area Plan Citizen Advisory Committee Appointment Committee (Information Only)
- [17-0132](#) Adopted 2017 Priority Advocacy Issues (Information Only)
- [17-0133](#) Update on the SMaRT Station Memorandum of Understanding Negotiation with the City of Milpitas (Information Only)
- [16-0203](#) Board/Commission Meeting Minutes

**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).*