



City of Sunnyvale

Notice and Agenda

City Council

Tuesday, March 28, 2017

5:00 PM

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

Special Meetings: Closed Sessions- 5 PM | Study Session- 6 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

[17-0069](#)

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: Howland v. City of Sunnyvale, Santa Clara
County Superior Court Case #1-16-CV-301051

[17-0130](#)

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: Sunnyvale Employee Association
(SEA)

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**[17-0315](#)

Presentation and Update by Caltrain Staff on the Caltrain Modernization Program

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**[17-0324](#)

SPECIAL ORDER OF THE DAY - Women's History Month

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 [17-0270](#) Approve City Council Meeting Minutes of March 7, 2017

Recommendation: Approve the City Council Meeting Minutes of March 7, 2017 as submitted.

- 1.B [17-0172](#) 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 [16-1065](#) Award of Contract for an Enterprise Asset Management System for the Water Pollution Control Plant (F16-98)

Recommendation: 1) Award a contract not to exceed \$633,961 to The Arcanum Group to implement a comprehensive Enterprise Asset Management System (EAMS), in substantially the same form as Attachment 1 to the report and authorize the City Manager to execute the contract, and 2) approve a 10% implementation contingency in the amount of \$36,505.

- 1.D [16-1124](#) Amend an Existing Contract for Janitorial Services (F17-014)

Recommendation: Authorize the City Manager to execute an Amendment to an existing six-year agreement with Sunnyvale Building Maintenance for janitorial services to increase the not-to-exceed value from \$2,093,473 to \$2,200,974 and to increase the contract amount if operationally necessary and subject to budget appropriation control limits.

- 1.E [17-0271](#) Amend an Existing Contract for Program Management and Related Services for the Sunnyvale Clean Water Program (F17-096)

Recommendation: Authorize the City Manager to 1) execute an amendment to an existing contract, in substantially the same form as Attachment 1 to the report, with CDM Smith, increasing the total not-to-exceed contract value from \$8,646,807 to \$20,456,039 and extending the term of the agreement for three years, through March 31, 2020, and 2) approve a 5% contract contingency on the additional core Program Management Services in the amount of \$490,462.

- 1.F [17-0142](#) Award of Bid No. PW17-19 for the Green Pavement Marking and Rectangular Rapid Flashing Beacon (RRFB) System Installation, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 35 in the Amount of \$32,889

Recommendation: 1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for minor alterations of existing highways and streets, bicycle and pedestrian trails 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 \$127,970 to Chrisp Company 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 \$12,797, and 4) Approve Budget Modification No. 35 in the amount of \$32,889 to provide additional project funding.

- 1.G [17-0161](#) Annual Review and Approval of City's Code of Ethics and Conduct for Elected and Appointed Officials

Recommendation: Review and approve the 2017 Code of Ethics and Conduct for Elected and Appointed Officials with no changes from the 2016 Code as set forth in Attachment 1 of the report.

- 1.H [17-0263](#) Approve Fifth Amendment to the Fair Oaks Business Park Covenants, Conditions and Restrictions to Allow Residential Development at 1023 Fair Oaks Avenue

Recommendation: Authorize the City Manager to sign the Fifth Amendment to the Fair Oaks Business Park Covenants, Conditions, and Restrictions to allow residential development on assessor parcels No. 110-14-169.

- 1.I [17-0220](#) Award of Bid No. PW17-09 for the Roof Replacement for Fire Station #2 Re-Bid, Determination of Bid Non-responsiveness and Waiver of Minor Bid Irregularity, and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

Recommendation: 1) Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301(d) for the restoration or rehabilitation of deteriorated or damaged structures; 2) make a determination to waive the minor bid irregularity for Roofing & Solar Construction Inc. and award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$172,000 to Roofing & Solar Construction Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 15% construction contingency in the amount of \$25,800; and 4) make a determination that the bid received from MP Roofing is non-responsive.

- 1.J [17-0361](#) Award a Contract to Install a Replacement Conveyor Belt at the SMaRT Station (F17-076), Make a Determination of Bid Non-responsiveness and Make Finding of CEQA Categorical Exemption

Recommendation: 1) Make a finding of California Environmental Quality Act (CEQA) Categorical Exemption pursuant to CEQA Guidelines Section 15301 for maintenance or repair of existing facilities involving negligible or no expansion of use beyond which presently exists; 2) award a contract in the amount of \$106,743 to D.W. Nicholson Corporation, in substantially the same form as attachment 2 to the report, and authorize the City Manager to execute the contract when all necessary conditions have been met; 3) approve a 10% contract contingency in the amount of \$10,674; and 4) make a determination of non-responsiveness for the bid submitted by Titus Maintenance and Installation Services, Inc.

- 1.K [17-0269](#) Ratify Intergovernmental Assignment Appointments: Mayor Hendricks to the Measure A (2016 Housing Bond) Independent Citizen's Oversight Committee and Councilmember Melton to the Local Agency Formation Commission (LAFCO)

Recommendation: Ratify Intergovernmental Assignment Appointments: Mayor Hendricks to the Measure A (2016 Housing Bond) Independent Citizen's Oversight Committee; and Councilmember Melton to the Local Agency Formation Commission (LAFCO).

- 1.L [17-0296](#) Authorize the Issuance of a Purchase Order for Five Police Interceptor Utility Vehicles for Patrol Use (F17-085)

Recommendation: Authorize the issuance of a Purchase Order in the amount of \$149,774 (including tire fees and sales tax), in substantially the same form as Attachment 1 to the report, to Towne Ford Sales of Redwood City for five Police Interceptor Utility Vehicles.

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 [17-0156](#) Approve Study Issue Presentation Dates for Studies Recommended for Study in 2017 and Approve the Recommended Actions as Identified in the Fiscal Impact of this Report

Recommendation: Alternatives 1, 2, and 4:

1. Approve the Proposed Presentation Dates for the 2017 Council-ranked Study Issues in Priority Categories A and B, as noted in Attachment 1 to the report.
2. Authorize the City Manager to initiate work on the studies in Priority Category C, as noted in Attachment 1 to the report, within existing capacity, and based on timing and availability of staff capacity; otherwise, carry these issues forward for City Council consideration in the next Study Issue cycle.
4. Approve the cost to study and refer the following Priority Category A and B Study Issues to the FY 2017/2018 Recommended Budget:
 - a. OCM 16-02 Consider Adoption of a Wage Theft Ordinance
 - b. FIN 17-01 Evaluation of New Revenue Strategies to Fund New and Increasing Service Demands and/or Unfunded Capital Investments
 - c. CDD 17-09 2017 Housing Strategy
 - d. CDD 11-02 Downtown Development Policies for Parking

- 3 [17-0302](#) Storage Space for Multi-Family Residential: Introduce an Ordinance to Amend Section 19.12.130 ("L") of Chapter 19.12 (Definitions), Section 19.38.040 (Individual Lockable Storage Space) of Chapter 19.38 (Required Facilities) and Section 19.90.030 (Procedures) of Chapter 19.90 (Special Development Permits) of the Sunnyvale Municipal Code, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3)

Recommendation: Alternative 1: Introduce an Ordinance to amend Section 19.38.040 (Storage Space for Multi-Family Residential) regarding size, location, configuration, exception process and applicability and make associated amendments to Section 19.12.100 ("I") of Chapter 19.12 (Definitions) and Section 19.90.030 (Procedures) of Chapter 19.90 (Special Development Permits) of the Sunnyvale Municipal Code, and find these actions are exempt from CEQA.

- 4 [17-0303](#) Proposed Project: PEERY PARK PLAN REVIEW PERMIT to construct a 207,620-square foot, four-story corporate/research and development (R&D) office building and a 7-level, partially underground parking structure with attached ground floor retail of up to 4,000 square feet on a 4.4-acre site resulting in a total of 110% FAR. The project includes outdoor dining/recreation areas and a pedestrian/bicycle path for public use.
File #: 2015-7256
Location: 520 Almanor Avenue (APNs 165-43-016, -017 and -018)
Applicant / Owner: Lane Partners, LLC / Pace Properties
Environmental Review: The project is exempt from additional California Environmental Quality Act (CEQA) review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.

Recommendation: Alternative 1: Make the required Findings to approve the California Environmental Quality Act determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional environmental review is required; and approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 7 to the Report and recommended conditions of approval set forth in Attachment 5 to the Report.

- 5 [17-0287](#) Approve the 2016 Annual Progress Report on Implementation of the General Plan Housing Element

Recommendation: Alternative 1: Approve the Annual Progress Report on implementation of the Housing Element.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager**INFORMATION ONLY REPORTS/ITEMS**

- [17-0176](#) Tentative Council Meeting Agenda Calendar
- [17-0169](#) Information/Action Items
- [17-0119](#) Notice of Public Works Director's Decision on Final Maps
(Information Only)
- [17-0364](#) Update on the Impact of the President's Proposed Budget on
City Programs and Services (Information Only)
- [17-0267](#) Study Session Summary of October 25, 2016 - City Council
Meeting with Board and Commission Chairs and Vice Chairs
to Review and Improve Overall Effectiveness of Commission
Meetings
- [17-0286](#) Study Session Summary of January 31, 2017 - Land Use and
Transportation Element and Environmental Impact Report
- [17-0335](#) Study Session Summary of February 28, 2017 - Mary Avenue
Overcrossing - Environmental Impact Report
- [17-0342](#) Study Session Summary of March 7, 2017 - Land Use and
Transportation Element and Environmental Impact Report
- [17-0087](#) 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 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 35.160 (b) (1))

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.