



# City of Sunnyvale

## Notice and Agenda

### City Council

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Tuesday, April 25, 2017

4:30 PM

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

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**Special Meetings: Closed Session- 4:30 PM | Study Session- 6 PM | Regular Meeting- 7 PM**

#### **4:30 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**

[17-0461](#)

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Deanna J. Santana, City Manager; Teri Silva, Director of Human Resources

Employee Organization: Sunnyvale Employee Association (SEA)

Employee Organization: Service Employees International Union, Local 521 (SEIU)

[17-0462](#)

Closed Session held pursuant to California Government Code Section 54956.9: CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

(Initiation of litigation pursuant to Government Code Sections 54956.9(c),(d)(4): One case)

##### **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**[17-0227](#)

Review Performance Evaluation Tools for the City Manager and 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**[17-0443](#)

SPECIAL ORDER OF THE DAY - Affordable Housing Week

[17-0490](#)

SPECIAL ORDER OF THE DAY - National Poetry 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**    [17-0174](#)            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.B**    [17-0445](#)            Award of Bid No. PW17-22 for the Calabazas Creek Bridge Replacement Project at Old Mountain View-Alviso Road, and Award Contracts for Phase 2 Construction Management Services and Engineering Services During Construction (F17-111 and F17-112)

**Recommendation:** 1) Award a contract, in substantially the same form as Attachment 2 to the report and in the amount of \$4,319,295 to Flatiron West Inc. of Benicia for the Calabazas Bridge Replacement at Old Mountain View-Alviso Road, and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) approve a 10% construction contingency in the amount of \$431,930; 3) award a Phase 2 construction management contract in an amount not-to-exceed to \$659,887 to Vali Cooper & Associates Inc. of Emeryville, in substantially the same form as Attachment 3 to the report, and authorize the City Manager to execute the contract when all necessary conditions have been met; 4) approve a 10% construction management contingency in the amount of \$65,989; 5) award a contract for engineering services during construction to Biggs Cardosa Associates Inc. of San Jose in an amount not-to-exceed \$123,780, in substantially the same form as Attachment 4 to the report, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 6) approve a 10% contract contingency in the amount of \$12,378.

- 1.C**    [17-0279](#)            Loan Amendment to Convert 2004 Housing Mitigation Loan on Moulton Plaza Affordable Housing Project from Partially

Deferred to Fully Deferred

**Recommendation:** Approve an amendment to the 2004 Promissory Note with New Homestead Associates to convert the 2004 Home Mitigation Funds Loan of \$992,000 from partially deferred to fully deferred and authorize the City Manager to execute the Amendment.

- 1.D [17-0365](#) Authorize the City Manager to Enter into Agreement with Kimley Horn and Associates to Complete the Environmental Document to Amend the Moffett Park Specific Plan and Rezone 1050 & 1060 Innovation Way (Onizuka) and Approve Budget Modification No. 39

**Recommendation:** Authorize the City Manager to enter into an Agreement with Kimley Horn in an amount not-to-exceed \$200,000 for environmental consulting services related to the Amendment of the Moffett Pak Specific Plan to Rezone 1050 & 1060 Innovation Way (Onizuka) and Approve Budget Modification No. 39 in the amount of \$200,000.

- 1.E [17-0367](#) Award of Bid No. PW17-05 for the Sunnyvale Community Center, Finding of CEQA Categorical Exemption, Amend an Existing Design/Construction Support Contract, and Approve Budget Modification No. 41 in the Amount of \$1,744,900

**Recommendation:** 1) Make a finding of CEQA categorical exemption pursuant to Class 1 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) approve Budget Modification No. 41 to provide \$1,744,900 in additional project funding; 3) award a contract, in substantially the same format as Attachment 2 to the report and in the amount of \$5,150,000 to Agbayani Construction Corporation for infrastructure repairs and renovations at the Sunnyvale Community Center, and authorize the City Manager to execute the contract when all necessary conditions have been met; 4) approve a 15% construction contingency in the amount of \$772,500; 5) authorize the City Manager to execute an amendment to an existing contract with Cody Anderson Wasney Architects for design/construction support services, adding \$58,787 and increasing the not-to-exceed value from \$685,983 to \$744,770, in substantially the same format as Attachment 3 to the report; and 6) approve a 10% contract contingency in the amount of \$5,879.

**1.F**     [17-0376](#)     Award of Contract for Sunnyvale Clean Water Program Facility Condition Assessment Project (F17-048)

**Recommendation:** 1) Award a contract in substantially the same form as Attachment 1 to the report and in an amount not to exceed \$953,177 to AECOM Technical Services Inc., and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) approve a 10% contract contingency on the base services in the amount of \$77,998.

**1.G**     [17-0384](#)     Loan Amendment to Increase Community Development Block Grant Loan to Crescent Terrace, Inc. from \$500,000 to \$600,000 for Crescent Terrace Rehabilitation Project and Budget Modification No. 44

**Recommendation:** Approve Budget Modification No. 44 in the amount of \$100,000 and the Amendment to the Deed of Trust, Regulatory Agreement and Loan Documents with Crescent Terrace, Inc., to increase the CDBG loan amount to \$600,000, in substantially the form provided in Attachment 1 to the report, and authorize the City Manager to execute the Amendment in final form as approved by the City Attorney.

- 1.H [17-0426](#) Receive and File the City of Sunnyvale Investment Report - 1st Quarter 2017

**Recommendation:** Receive and file the City of Sunnyvale FY 2016/17 - First Quarter 2017 (Period 10) Investment Report.

- 1.I [17-0244](#) Rescind Prior Action Approving a Special Development Permit to Allow a New Commercial Building (Grocery Store) at 777 Sunnyvale-Saratoga Road and Find that the Action to Rescind is Exempt from CEQA

**Recommendation:** Rescind prior action taken on September 13, 2016, adopting a Mitigated Negative Declaration and approving Special Development Permit No. 2015-7399 to allow a new commercial building (grocery store) at 777 Sunnyvale-Saratoga Road, and find that this action is exempt from CEQA.

- 1.J [17-0457](#) Adopt Ordinance No. 3112-17 to Amend Certain Sections in Chapters 10.04 (General Provisions), 10.08 (Traffic Control Devices) and 10.32 (Three or Four Way Multi-Way Stop Intersections) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code Relating to Duties of the City Traffic Engineer

**Recommendation:** Adopt Ordinance No. 3112-17.

- 1.K [17-0489](#) Adopt Ordinance No. 3113-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 210, 214 & 220 W. Ahwanee Avenue from M-S/PD (Industrial and Service/ Planned Development) to R-4/PD (High Density Residential/ Planned Development) Zoning District

**Recommendation:** Adopt Ordinance No. 3113-17.

### **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 [17-0290](#) Approve the Downtown Sunnyvale Business Improvement District (BID) Annual Report for Fiscal Year 2016/2017; Adopt

Resolution of Intention to Consider Proposed Conversion of Portions of BID Zone C to Zone B; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2017/2018

**Recommendation:** Alternatives 1 and 2: 1) Approve the BID's request to adopt the Resolution of Intention to Convert Portions of Bid Zone C to Bid Zone B and schedule a public hearing for May 23, 2017; and 2) Approve Fiscal Year 2016/2017 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2017/2018, and schedule the public hearing for May 23, 2017.

- 3      [17-0338](#)      Proposed Project: Introduce an Ordinance to REZONE 29 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)  
Location: 1457-1493 Firebird Way (APNs: 309-14-035 through 309-14-044 and 309-27-050 through 309-27-055), 1459-1495 Flamingo Way (309-14-045 through 309-14-047 and 309-27-044 through 309-27-049) and 677-691 Dunholme Way (APNs: 309-14-048 through 309-14-051).  
File #: 2016-7753  
Zoning: R-0  
Applicant / Owner: Susann Luschas (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 (Attachment 6 of the report) to Rezone 29 contiguous single family home lots from R-0 (Low Density Residential) to R- 0/S (Low Density Residential/Single-Story).

- 4      [17-0339](#)      Proposed Project: Related actions on a 0.34 acre site on Old San Francisco Road

REZONE from R-0 to R-3/PD,  
SPECIAL DEVELOPMENT PERMIT for the construction of six  
three-story attached townhouse units, and  
VESTING TENTATIVE MAP to subdivide two lots into six  
townhouse lots and one common lot.

File #: 2015-8059

Location: 669-673 Old San Francisco Road (APNs:  
209-17-050 & 051)

Zoning: R-0 (Low Density Residential)

Applicant / Owner: Innovative Concepts / George Nejat

Environmental Review: Mitigated Negative Declaration

**Recommendation:** Alternative 1: Make the findings required by the California Environmental Quality Act (CEQA) in Attachment 4 to the report, adopt the Negative Declaration; introduce the ordinance in Attachment 9 to the report to Rezone 669 & 673 Old San Francisco Road (APNs: 209-17-050 & 051) from R-0 to R-3/PD; and approve the Special Development Permit for six residential townhome units and Vesting Tentative Map to subdivide two lots into six lots plus a common lot based on the findings in Attachment 4 to the report and with the recommended conditions of approval in Attachment 5 to the report.

- 5      [17-0444](#)      Proposed Project: Related applications on a 4.01-acre site on Maude Avenue:  
PEERY PARK PLAN REVIEW PERMIT to construct a 174,545-square foot, four-story corporate/research and development (R&D) office building and a 6-level parking structure on a 4.01-acre site resulting in a total of 100% FAR. The project includes outdoor recreation areas and a pedestrian/bicycle path for public use.  
TENTATIVE MAP to merge three parcels into one parcel.  
File #: 2015-8126  
Location: 684 W. Maude Avenue (APNs: 165-28-028)  
Applicant / Owner: Simeon Commercial Partners / Ks 684 Maude Llc  
Environmental Review: The project is exempt from additional 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 in Attachment 4 to the Report; make the Findings for the Peery Park Plan Review Permit, Tentative Map, Sense of Place Fee and Water Infrastructure fee in Attachment 4 to the Report; and approve the Peery Park Plan Review Permit and Tentative Map 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.

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

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

-Council

-City Manager

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

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|-------------------------|--|
| <a href="#">17-0371</a> | Tentative Council Meeting Agenda Calendar  |
| <a href="#">17-0292</a> | Information/Action Items   |
| <a href="#">17-0285</a> | Pacific, Gas and Electric Tree Removals and Planting Plan for East California Avenue (Information Only)                                |
| <a href="#">17-0414</a> | Notice of Public Works Director's Decision on Final Maps (Information Only)  |
| <a href="#">17-0424</a> | Solar Installations on City Facilities (Information Only)  |
| <a href="#">17-0425</a> | Update on Actions Taken Related to Membership in the Global Network of Age-Friendly Cities and Communities (GNAFCC) (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 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](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.*