



City of Sunnyvale

Notice and Agenda City Council

Tuesday, September 26, 2017

5:45 PM

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

Special Meeting: Closed Session- 5:45 PM | Regular Meeting- 7 PM

5:45 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

[17-0941](#)

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: Virginia Duncan, et al vs. Xavier Becerra, US
Court of Appeals for the Ninth Circuit, Case No. 17-56081
City as Amicus Curiae in support of Defendant-Appellant

[17-0864](#)

Closed Session held pursuant to California Government Code
Section 54956.8: CONFERENCE WITH REAL PROPERTY
NEGOTIATORS
Property: 1050 Innovation Way and 1060 Innovation Way,
Sunnyvale (a portion of the former Onizuka Air Force Station)
Agency negotiator: Deanna J. Santana, City Manager; Manuel
Pineda, Director of Public Works
Negotiating parties: Four Corner Properties, Google, Inc.,
Grupo SEB DBA Concept Silicon Valley LLC and Jay Paul
Company

Under negotiation: Price and Terms of Payment

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

[17-0940](#)

SPECIAL ORDER OF THE DAY - Certificate of Recognition to
City Manager

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 [17-0680](#) Approve City Council Special Meeting Minutes of September 11, 2017

Recommendation: Approve the City Council Meeting Minutes of September 11, 2017 as submitted.

- 1.B [17-0842](#) Approve City Council Meeting Minutes of September 12, 2017

Recommendation: Approve the City Council Meeting Minutes of September 12, 2017 as submitted.

- 1.C [17-0186](#) 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 [17-0873](#) Authorize Amending an Existing Contract for Energy-Efficient Light Emitting Diode (LED) (F18-029) and Approval of Budget Modification No. 15

Recommendation: 1) Authorize the City Manager to execute the First Amendment to an existing contract with Tanko Lighting Inc. increasing the contract amount by \$ 426,429, from \$2,172,293 to \$2,598,722 to deploy the Adaptive Streetlighting Control System simultaneously with the energy-efficient streetlight conversion in the City of Sunnyvale and 2) Approve Budget Modification No 15 in the net amount of \$146,199.

- 1.E [17-0880](#) Award a Contract to Provide a Colocation Facility for City Data Centers (F17-104)

Recommendation: 1) Award a five year contract in the amount of \$2,837,303 to Zayo Group LLC to provide a colocation facility, in substantially the same form as Attachment 1 to the report and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) approve an 8% contract contingency in the amount of \$226,984; and 3) delegate authority to the City Manager to award a contract for four additional one-year periods provided pricing and service remain acceptable to the City.

- 1.F [17-0828](#) Award a Contract for an Archiving, eDiscovery and Virtual Phone Numbers Solution (F17-131)

Recommendation: 1) Award a contract in the amount of \$479,890 to Smarsh, Inc. to implement an archiving, eDiscovery and virtual phone numbers solution, in substantially the same form as Attachment 1 to the report and authorize the City Manager to execute the contract when all necessary conditions have been met; 2) approve a 15% contract contingency in the amount of \$71,984; and 3) delegate authority to the City Manager to renew the contract for additional one-year periods, not-to-exceed budgeted amounts, provided pricing and service remain acceptable to the City.

- 1.G [17-0931](#) Amend the Salary Resolution to Increase the Automobile Allowance for the Director of Employment Development

Recommendation: Adopt a resolution amending the Salary Resolution to increase the automobile allowance for the Director of Employment Development.

- 1.H [17-0928](#) Adopt Ordinance No. 3123-17 to add Section 19.16.025 of Title 19 (Zoning) of the Sunnyvale Municipal Code relating to Split-Zone Parcels

Recommendation: Adopt Ordinance No. 3123-17.

- 1.I [17-0929](#) Adopt Ordinance No. 3124-17 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone a portion of each of the three properties located at 696 Sheraton Drive, 1158 Hollenbeck Avenue, and 1160 Hollenbeck Avenue from R-1 (Low Density Residential) Zoning District to R-1/S (Low Density Residential/Single-Story Combining) Zoning District

Recommendation: Adopt Ordinance No. 3124-17.

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 [17-0819](#) Proposed Project: WITHDRAWAL OF APPEAL by the adjacent property owner (550 W. El Camino Real) of a decision by the

Planning Commission to approve a SPECIAL DEVELOPMENT PERMIT to redevelop a vacated 0.55-acre site with an existing 2,675-square foot commercial building to a five-story hotel with 85 guest rooms and underground parking.

File #: 2014-7659

Location: 590 W. El Camino Real (APNs: 201-22-006)

Recommendation: No action required as the appeal has been withdrawn (See Attachment 1 to the report).

- 3 [17-0757](#) Introduce an Ordinance to Amend Chapter 9.86 the Sunnyvale Municipal Code and Various Sections of Title 19 to Update the Existing Prohibition Against Commercial Marijuana Activity in the City to Expressly Include Non-Medical Marijuana, to Reasonably Regulate Indoor Personal Cultivation of Marijuana Consistent with State Law, and to Prohibit Outdoor Personal Cultivation of Marijuana (Exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) and 15305)

Recommendation: Alternative 1: Find that the activity is exempt from environmental review pursuant to California Environmental Quality Act Guidelines sections 15061 (b)(3) and 15305, and introduce an ordinance to Amend Chapter 9.86 the Sunnyvale Municipal Code and Various Sections of Title 19 to Update the Existing Prohibition Against Commercial Marijuana Activity in the City to Expressly Include Non-Medical Marijuana, to Reasonably Regulate Indoor Personal Cultivation of Marijuana Consistent with State Law, and to Prohibit Outdoor Personal Cultivation of Marijuana.

- 4 [17-0493](#) Resolution to Adopt Updated Emergency Operations Plan

Recommendation: Alternative 1: Adopt by resolution the City of Sunnyvale Emergency Operations Plan - Updated 2017.

- 5 [17-0729](#) Award of Bid No. PW17-31 for the Golf Buildings Renovations Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approve Budget Modification No. 6 in the Amount of \$113,121

Recommendation: Alternatives 1, 2, 3, and 4: 1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 for the maintenance or repair of existing facilities involving negligible or no expansion of use beyond which presently exists; 2) award a contract in substantially the same form as Attachment 2 to the report in the amount of \$674,000 to CWS Construction Group, Inc. for Golf Buildings Renovations Project (PW17-31) at the Sunnyvale Golf Course 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 \$101,100; and 4) approve Budget Modification No. 6 in the amount of \$113,121 with funding from the Park Dedication Fund.

- 6 [17-0843](#) Reject Two Offers for the City-Owned Property Located at 1484 Kifer Road (Unilever) and Approve Budget Modification No. 12

Recommendation: Alternative 1 and 5: 1) Reject the offers from Fore Property Company and ROEM Development; 5) Approve Budget Modification No. 12 in the amount of \$80,000.

- 7 [17-0668](#) Direction on Potential Charter Amendments to Revise Sections 604 (Filling Vacancies in Council Seats) and 606 (Designation of Vice Mayor) (Study Issue)

Recommendation: Staff makes no recommendation.

- 8 [17-0939](#) Appointment of Interim City Manager and Approval of Employment Agreement

Recommendation: Staff makes no recommendation.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

- [17-0095](#) Tentative Council Meeting Agenda Calendar
- [17-0715](#) Information/Action Items
- [17-0823](#) 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"
available on the City website at sunnyvale.ca.gov.

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 <https://sunnyvaleca.legistar.com> for upcoming Council, board and commission meeting information.