



City of Sunnyvale

Notice and Agenda City Council

Tuesday, January 23, 2018

5:00 PM

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

Special Meetings: Closed Session- 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

[18-0002](#)

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

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

[17-0784](#)

Presentation by the California High-Speed Rail Authority on
the Status and Next Steps on the High-Speed Rail Project

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

- | | |
|--------------------------------|--|
| <u>18-0037</u> | SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor |
| <u>18-0079</u> | SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Incoming Vice Mayor |
| <u>17-0609</u> | SPECIAL ORDER OF THE DAY - Sunnyvale Working Scholars Program Launch |

PRESENTATION

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** [17-1122](#) Approve City Council Meeting Minutes of January 9, 2018

Recommendation: Approve the City Council Meeting Minutes of January 9, 2018 as submitted.

- 1.B** [17-1085](#) 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** [17-0774](#) Adopt a Resolution of Intention Ordering the Proposed Vacation of a Portion of Carl Road Westerly of Borregas Avenue, a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive and Reserving an AT&T Utility Easement, and Set the Public Hearing Date for February 27, 2018.

Recommendation: Adopt the Resolution of Intention Ordering the Proposed Vacation of a Portion of Carl Road Westerly of Borregas Avenue, a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive and Reserving an AT&T Utility Easement, and Set the Public Hearing Date for February 27, 2018.

- 1.D** [17-1012](#) Continuation of Supplement Law Enforcement Services (SLES) Funds and Approval of Budget Modification No. 31 to appropriate \$81,330 in SLES Funding to Support Costs for Sworn Staff Regular and Overtime Costs and for the Purchase of I identified Police Services Equipment

Recommendation: Approve Budget Modification No. 31 to appropriate \$81,330 in Supplemental Law Enforcement Services funding to support sworn regular and overtime costs and for the purchase of identified police services equipment.

- 1.E** [17-1135](#) Authorization to Amend Temporary Personnel Services

Agreement with Fire & Risk Alliance, LLC., and Approval of Budget Modification No. 35 in the Amount of \$500,000

Recommendation: 1) Approve Budget Modification No. 35 in the amount of \$500,000 in Development Enterprise Fund Reserves to provide additional funding for fire protection system plan review and inspection services; and 2) authorize the City Manager to execute a fourth amendment, in substantially the same form as Attachment 1 to the report, to increase the not to exceed contract amount for the existing temporary personnel services agreement with Fire & Risk Alliance, LLC. from \$375,000 to \$875,000.

1.F [17-1164](#) Adopt a Resolution to Accept One Bay Area Grant Cycle 2 for Vehicle Emission Reductions Based at Schools (VERBS) Grant Funds and Approve Budget Modification No. 37 in the amount of \$2,428,000.

Recommendation: Adopt the required resolution to allow submittal of the projects to the Metropolitan Transportation Commission for final approval, and to accept One Bay Area Grant 2 for Vehicle Emissions Reductions Based at Schools (VERBS) Grant Funds, and Approve Budget Modification No. 37 in the amount of \$2,428,000 to recognize grant revenues, recognize the reimbursement from the City of Cupertino, appropriate the City's matching funds obligation, and appropriate funds to construct the projects.

1.G [17-1179](#) Reject Proposal for Citywide Engineering and Traffic Surveys (F17-120)

Recommendation: Reject the sole proposal received in response to Request for Proposals F17-120.

1.H [17-1200](#) Award of Contract for Park Buildings Rehabilitation Project-Serra And Washington Parks Auxiliary Restrooms (F18-002)

Recommendation: 1) Award a contract in substantially the same form as Attachment 1 to the report and in an amount, not to exceed \$276,787 to Brad Cox, Architects, Inc. and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) Approve a 10% contract contingency in the amount of \$27,679.

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 [18-0083](#) Annual Public Hearing-Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2018

Recommendation: No action is needed at this time. Councilmembers may request new study issues and/or budget issues be developed for review at the Annual Study Issues/Budget Issues Workshop; a minimum of two Councilmembers is required to sponsor either.

- 3 [17-1185](#) Proposed Project: Introduction of an Ordinance to REZONE 79 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
Location: 1135-1166 Pome Avenue (APNs 202-18-029 through 031, 202-11-023 through 027, 202-13-002 through 007 and 058); 1142-1167 Pomegranate Court (APNs 202-13-008 through 013, 202-13-016 through 021, 202-13-059 and 060); 1142-1167 Pulora Court (APNs 202-13-022 through 035), 1142-1170 Quince Avenue (APNs 202-13-036 through 050); 701-795 Sheraton Avenue (APNs 202-12-004 through 019); 1151-1167 Hollenbeck Avenue (202-13-053 through 057).
File #: 2017-7688
Zoning: R-1
Applicant / Owner: John Scheffel (plus multiple property 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 Section 15305 and 15061(b)(3); and, 2) Introduce an Ordinance (Attachment 6 of the report) to Rezone 79 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

4 [17-1186](#)

File #: 2016-7573

Location: 623-625 N. Pastoria Avenue (APNs:165-41-029 & 165-41-030)

Proposed Project: Related applications on a 1.35-acre site on N. Pastoria Avenue:

PEERY PARK PLAN REVIEW PERMIT to construct a 52,755-square foot, three-story corporate/research and development (R&D) office building and a one-level underground parking structure resulting in a total of 89% FAR. The project includes a restaurant on the first floor.

Applicant / Owner: Arc Tec, Inc. / George And Josefa Yagmourian Trustee

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 (Attachment 4 to the Report); make the Findings for the Peery Park Plan Review Permit, Sense of Place Fee and Water Infrastructure fee in Attachment 4 to the Report; 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 [17-1161](#)

Consider Addition of Rail Depression Alternative for Caltrain Grade Separation Feasibility Study and Approve Budget Modification No. 36 in the Amount of \$114,451, and Authorize

the City Manager to Execute a Contract Amendment with BKF Engineers.

Recommendation: Alternative 2: Consistent with staff's previous recommendation, do not authorize the City Manager to execute a contract amendment with BKF Engineers to add a Rail Depression alternatives to the work scope for further study.

- 6 [17-1007](#) Hold Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing and Adopt Resolution Approving Issuance of up to \$50 Million in Tax-Exempt Bonds for Mixed-Income Rental Housing Development at 1008 E. El Camino Real in Sunnyvale and Authorizing the City to Become an Additional Member of the California Public Finance Authority

Recommendation: Alternative: Alternatives 1 and 2: 1) Conduct a public hearing pursuant to the Tax and Equity Fiscal Responsibility Act and the Internal Revenue Code of 1986, as amended; and 2) Adopt a Resolution (Attachment 3 to the report) approving the issuance of up to \$50,000,000 in tax-exempt revenue bonds by the California Public Finance Authority for the St. Anton ECR Housing Project and authorizing the City to become an additional member of the CalPFA (Attachment 2 to the report) on the City's behalf.

- 7 [17-1107](#) Consider Budget Modification No. 34 in the amount of \$200,000 for the Peery Park Specific Plan Housing Study, and Find that the Action is Exempt from CEQA

Recommendation: Alternative 1: Do not Approve Budget Modification No. 34 in the amount of \$200,000 for the Peery Park Specific Plan Housing Study.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

- [18-0039](#) Tentative Council Meeting Agenda Calendar
- [18-0055](#) Information/Action Items
- [17-0973](#) Options to Affect Sunnyvale Jobs to Housing Ratio
(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"

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.