



# City of Sunnyvale

## Notice and Agenda - Revised City Council

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Tuesday, April 10, 2018

4:45 PM

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

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**Special Meeting: Closed Sessions- 4:45 PM | Special Joint Closed Session with City  
Council and Successor Agency to the Redevelopment Agency | Council Closed  
Session | Study Session- 6:15 PM | Regular Meeting- 7 PM**

### **4:45 P.M. SPECIAL COUNCIL MEETING (Closed Sessions)**

#### **TELECONFERENCE NOTICE**

*Pursuant to Government Code Section 54953(b), this special City Council meeting will include teleconference participation by Councilmember Gustav Larsson from Fairfield Inn, Room 116, 105 Celebration Drive, Suwanee, GA 30024. This Notice and Agenda will be posted at the teleconference location. Public comment from this address shall be allowed pursuant to Government Code Section 54954.3.*

#### **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 Special Joint Meeting of City Council and Successor Agency to the Redevelopment Agency**

#### **5 Convene to Closed Session**

**[18-0318](#)**

**JOINT CLOSED SESSION WITH SUCCESSOR AGENCY TO  
THE REDEVELOPMENT AGENCY**

Closed Session held pursuant to California Government Code  
Section 54956.9(d)(1):

**CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION**

Santa Clara County et al. v. Successor Agency to the  
Redevelopment Agency of the City of Sunnyvale, et al.,  
Sacramento County Superior Court Case No.  
34-2018-80002837

Consolidated Appeals:  
Santa Clara County Office of Education, et al., v. Successor  
Agency to the Redevelopment Agency of the City of  
Sunnyvale, et al. Third District Court of Appeal Case No.  
C077661; and

Successor Agency to the Redevelopment Agency of the City of  
Sunnyvale, et al., v. Michael Cohen as Director, et al. Third  
District Court of Appeal Case No. C077659

**6 Adjourn Special Joint Meeting of City Council and Successor Agency to City  
Council Special Meeting**

**7 Convene City Council Special Meeting - Closed Session**

[18-0303](#)

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

Property: "Block 15 Affordable Housing Site" located at  
365-407 S. Mathilda Avenue and 388-406 Charles Street  
(APNs 165-13-045, 165-13-046, 165-13-068, 165-13-069,  
165-13-073, 165-13-074)

City negotiators: City Manager Kent Steffens, Director of  
Community Development Trudi Ryan, Housing Officer  
Suzanne Isé

Negotiating parties: The Related Companies of California, LLC  
Under negotiation: Price and terms of payment for a proposed  
long-term ground lease of City property (Exclusive Negotiating  
Agreement)

**8 Adjourn Special Meeting**

**6:15 P.M. SPECIAL COUNCIL MEETING (Study Session)**

**TELECONFERENCE NOTICE**

*Pursuant to Government Code Section 54953(b), this special City Council meeting*

*will include teleconference participation by Councilmember Gustav Larsson from Fairfield Inn, Room 116, 105 Celebration Drive, Suwanee, GA 30024. This Notice and Agenda will be posted at the teleconference location. Public comment from this address shall be allowed pursuant to Government Code Section 54954.3.*

**1 Call to Order in the West Conference Room (Open to the Public)**

**2 Roll Call**

**3 Public Comment**

**4 Study Session**

[18-0257](#)

Study Session to Review the National Citizens Survey Results

**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**

[18-0013](#)

SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

[18-0214](#)

SPECIAL ORDER OF THE DAY - Fair Housing Month

[18-0347](#)

SPECIAL ORDER OF THE DAY - Earth Month

[18-0095](#)

SPECIAL ORDER OF THE DAY - 2018 Earth Day Video and

## Poster Contest Winners

[18-0096](#)

SPECIAL ORDER OF THE DAY - Recognition of Green Businesses

**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**    [18-0247](#)            Approve City Council Meeting Minutes of March 27, 2018

**Recommendation:** Approve the City Council Meeting Minutes of March 27, 2018 as submitted.

**1.B**    [17-1108](#)            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**    [18-0117](#)            Approve a Special Agreement between the City of Sunnyvale and the Sunnyvale Sister City Association for the use of City Facilities

**Recommendation:** Authorize the City Manager to execute a Special Agreement with Sunnyvale Sister City Association for the use of City facilities.

**1.D**    [18-0221](#)            Adopt a Resolution Authorizing the Finance Director to Renew a Business License Tax Data Exchange Agreement with the California Franchise Tax Board

**Recommendation:** Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15378(b)(5) and adopt a Resolution authorizing the Finance Director to execute a reciprocal agreement with the California Franchise Tax Board for the exchange of business license tax data through December 31, 2020.

- 1.E [18-0088](#) Award of a three-year Contract for Routine Hazardous Waste and Emergency Cleanup Service (F18-166)

**Recommendation:** 1) Award a three-year contract in substantially the same form as Attachment 2 to the report in the amount not to exceed \$240,000 to Clean Harbors of Norwell, MA, for the routine hazardous wastes and emergency cleanup service, and 2) Authorize the City Manager to renew the contract for two additional one-year periods if services and pricing remain acceptable to the City, subject to the availability of funds.

- 1.F [18-0322](#) Adopt Ordinance No. 3132-18 designating Lori Avenue between Pajaro Avenue and North Pastoria Avenue and Shirley Avenue between Pajaro Avenue and North Pastoria Avenue as Preferential Parking Zones for the benefit of residents adjacent thereto

**Recommendation:** Adopt Ordinance No. 3132-18

- 1.G [18-0323](#) Second Amendment to Outside Counsel Agreement with Liebert Cassidy Whitmore 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 Liebert Cassidy Whitmore to increase the not-to-exceed amount by \$50,000, for a total new not-to-exceed contract amount of \$150,000.

## **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      [18-0215](#)      Introduce an Ordinance to Amend Several Chapters of Title 5 (Business Licenses and Regulations) and Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Authorize the Denial, Suspension or Revocation of a Permit or License Based Upon Violations of Wage and Hour Laws and Adopt Council Policy 5.1.6, Wage Theft Prevention Policy (Study Issue) and Finding of Exemption from the California Environmental Quality Act

**Recommendation:** Alternatives 1, 2 and 3: 1) Make a finding of exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5), 2) Introduce Ordinance to amend certain Chapters of Sunnyvale Municipal Code Titles 5 and 9 to specifically authorize the denial, suspension or revocation of a permit or license upon a final wage theft judgment, and 3) Adopt a new Council Policy entitled "Wage Theft Prevention Policy."

- 3      [18-0219](#)      Authorize the City Manager to Execute a Side Letter Agreement between the City of Sunnyvale and the Public Safety Managers Association (Pay Plan Category M) to Clarify Implementation of the Education Incentive Pay and Adopt a Resolution to Amend the City's Schedule of Pay to Implement that Side Letter by Adding Two New Salary Ranges for Pay Plan Category M

**Recommendation:** Alternative 1: Authorize the City Manager to Execute a Side Letter Agreement between the City of Sunnyvale and the Public Safety Manager's Association (Pay Plan Category M) to Clarify Implementation of the Education Incentive Pay and Adopt a Resolution to Amend the City's Schedule of Pay to Implement that Side Letter by Adding Two New Salary Ranges for Pay Plan Category M.

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

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

-Council

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

<a href="#"><u>18-0246</u></a>	Tentative Council Meeting Agenda Calendar
<a href="#"><u>18-0173</u></a>	Information/Action Items
<a href="#"><u>18-0297</u></a>	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 35.160 (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](http://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.*