



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, July 17, 2018

4:30 PM

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

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**Special Meeting - Closed Session- 4:30 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**

##### [18-0625](#)

Closed Session held pursuant to California Government Code (Paragraph (1) of subdivision (d) of Section 54956.9):  
CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION

Name of case: U.S. Firearms Company, LLC, et al. vs. City of Sunnyvale; The Sunnyvale City Council; Santa Clara County Superior Court, Case No. 1-13-cv-257353

##### [18-0352](#)

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

Title: City Attorney

##### [18-0353](#)

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

Title: City Manager

#### **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****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**    [18-0185](#)            Approve City Council Meeting Minutes of June 26, 2018

**Recommendation:** Approve the City Council Meeting Minutes of June 26, 2018 as submitted.

**1.B**    [17-1115](#)            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    [18-0383](#)    Award of Contract for Soccer Instruction Classes and Camps (F18-237)

**Recommendation:** 1) Award a two-year contract to Kidz Love Soccer to provide instructional classes and camps, in substantially the same form as Attachment 1 of the staff report, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) Authorize the City Manager to renew the contract for three additional one-year extensions, provided services and pricing remain acceptable to the City.

- 1.D    [18-0451](#)    Appoint a City Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee

**Recommendation:** Re-appoint Mr. David Simons as Sunnyvale's representative for the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two-year term, starting July 1, 2018 and ending June 30, 2020.

- 1.E    [18-0527](#)    Award of Contract for Consultant Services Associated with the Development of the Lawrence Station Area Sense of Place Plan (F18-266)

**Recommendation:** 1) Award a contract to Callander Associates for consultant services in an amount not to exceed \$114,957, 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; and 2) approve a 10% project contingency in the amount of \$11,496.

- 1.F    [18-0548](#)    Award of Bid No. PW18-17 for Mary-Carson Tank No. 2 Refurbishment, Determination of Bid Non-responsiveness, and Finding of California Environmental Quality Act categorical exemption

**Recommendation:** 1) Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (b) for 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 \$1,042,820 to West Coast Industrial Coatings, 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 \$156,423; and 4) make a determination that the bid received from Paso Robles Tank Coating, Inc. is non-responsive.

- 1.G     [18-0552](#)     Award a Contract for the Installation of Landfill Gas Condensate Retrofit Pumps and Ancillary Equipment (F18-275) and Approve Budget Modification No. 2

**Recommendation:** Award a contract in substantially the same form as Attachment 1 to the report and in the amount of \$175,774 to Real Environmental Products, LLC, authorize the City Manager to execute the contract when all the necessary conditions have been met, and approve Budget Modification No. 2 in the amount of \$175,774.

- 1.H     [18-0560](#)     Authorize the Issuance of a Purchase Order for Sewer Line On-Call Maintenance and Repair Services (F18-245)

**Recommendation:** 1) Authorize the City Manager to issue a purchase order to Able Construction Group, Inc. in an amount of \$200,000, and 2) Delegate authority to the City Manager to renew the Purchase Order for two additional one-year periods, subject to available funding and acceptable pricing and services.

- 1.I     [18-0615](#)     Adopt Ordinance No. 3134-18 to Amend Chapter 2.07 of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to Purchase, Sale or Lease of Real Property (PARCS)

**Recommendation:** Adopt Ordinance No. 3134-18

- 1.J     [18-0635](#)     Approve the Second Amendment to Outside Counsel Agreement with Bertrand, Fox & Elliot for Litigation Services in the Matter of Bagley v. Santa Clara County, et al.

**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 Bertrand, Fox & Elliot to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$300,000.

## **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      [18-0465](#)      File #: 2017-7217  
Location: 617 East Evelyn Avenue (APN: 209-02-001)  
Proposed Project:      Appeal by the Blue Bonnet Residents Committee of a decision by the Planning Commission to conditionally approve:  
SPECIAL DEVELOPMENT PERMIT: to redevelop the Blue Bonnet Mobile Home Park to a 62-unit townhouse development with associated site improvements (net increase of eight units);  
VESTING TENTATIVE MAP: to subdivide one lot into 62 lots and three common lots.  
Zoning: R-3/PD - Medium Density Residential / Planned Development  
Applicant / Owner: East Dunne Investors, LLC (applicant) / Chien-Nan and Sue Chuang Trustee (owners)  
Environmental Review: Mitigated Negative Declaration  
Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

**Recommendation:** Alternative 1: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map subject to the revised recommended conditions of approval in Attachment 4 of the report.

- 3      [18-0627](#)      Consider Amending (1) the Salary Schedule of the City's

Salary Resolution to Increase the Control Point for the City Attorney Classification by Six Percent and (2) the Employment Agreement between the City of Sunnyvale and City Attorney John A. Nagel to Increase the Salary by a Corresponding Amount

**Recommendation:** Staff makes no recommendation. This report is developed to facilitate conversation for the public hearing and action by the City Council.

- 4      [18-0604](#)      Approve City's Response to the 2017- 2018 Santa Clara County Civil Grand Jury Report entitled "Police and the Mentally Ill: Improving Outcomes

**Recommendation:** Alternative 1: Approve the City's response to the 2017-2018 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and authorize the Mayor to sign the response.

- 5      [18-0348](#)      Selection of Name for New City Park at the Vale Development

**Recommendation:** Staff has no recommendation.

- 6      [18-0265](#)      Accept the Climate Action Plan Biennial Progress Report 2018 and Find that the Action is Exempt from Environmental Review under CEQA Guidelines Section 15378(b)(5)

**Recommendation:** Alternatives 1 and 3: 1) Accept the Climate Action Plan Biennial Progress Report 2018 (Attachment 2 to the report); and 3) Find that the action is exempt from environmental review under California Environmental Quality Act Guidelines Section 15378(b)(5).

- 7      [18-0461](#)      Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 6, 2018, for the Purpose of Submitting to City Voters a Ballot Measure Concerning an Amendment to the City Charter to Amend Section 604 Relating to Council Vacancies; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments

**Recommendation:** Alternative 1: Adopt a resolution calling a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 6, 2018, for the purpose of submitting to City Voters a ballot measure concerning an amendment to the City Charter to amend Section 604 relating to Council Vacancies; requesting consolidation with the Statewide General Election and Election Services from Santa Clara County; directing the City Attorney to prepare an impartial analysis; and setting priorities for ballot arguments.

- 8      [18-0526](#)      Adopt a Resolution Calling for a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 6, 2018 for the Purpose of Submitting to City Voters a Measure to Increase the Transient Occupancy Tax Rate; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments.

**Recommendation:** Alternative 1: Adopt a resolution calling for a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 6, 2018 for the purpose of submitting to City voters a measure to increase the Transient Occupancy Tax Rate; requesting consolidation with the Statewide General Election and election services from Santa Clara County; directing the City Attorney to prepare an impartial analysis; and setting priorities for ballot arguments.

- 9      [18-0459](#)      Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY 2018/19 County of Santa Clara Property Tax Roll, and Find that this Action is Exempt from CEQA

**Recommendation:** Alternative 1: Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 (b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment and adopt a resolution confirming the Report and Assessment List for unpaid administrative fines to be placed on the FY 2018/19 County of Santa Clara Property Tax Roll.

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS****NON-AGENDA ITEMS & COMMENTS**

-Council

-City Manager

**INFORMATION ONLY REPORTS/ITEMS**

<a href="#"><u>18-0196</u></a>	Tentative Council Meeting Agenda Calendar
<a href="#"><u>18-0579</u></a>	Information/Action Items
<a href="#"><u>18-0642</u></a>	Board/Commission Resignations (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](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.*