



# City of Sunnyvale

## Notice and Agenda City Council

---

Tuesday, August 14, 2018

6:00 PM

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

---

**Special Meetings: Closed Session - 6:00 PM | Regular Meeting - 7:00 PM**

### **6 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**

[18-0549](#)

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

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 (Disposition and  
Development Agreement)

#### **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 the City 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 the Council 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**    [18-0558](#)            Approve City Council Meeting Minutes of July 31, 2018

**Recommendation:** Approve the City Council Meeting Minutes of July 31, 2018, as submitted.

**1.B**    [17-1117](#)            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     [18-0589](#)     Reject All Bids Received for the Maude Avenue Bikeway and Streetscape Project (PW18-06)

**Recommendation:** Reject all bids received in response to Invitation for Bids PW18-06 for the Maude Avenue Bikeway and Streetscape Project.

- 1.D     [18-0593](#)     Award of Contract for Professional Design Services Associated with the Rehabilitation of Storm Drain Outfall (F18-179)

**Recommendation:** 1) Award a contract to BKF Engineers of Redwood City in the amount not to exceed \$170,427 for professional design services associated with the Rehabilitation of Storm Drain Outfall into Stevens Creek at Remington Court 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 15% contingency in the amount of \$25,564.

- 1.E     [18-0609](#)     Adopt the City's Investment Policy for Fiscal Year 2018/19 and Receive the Annual Performance Report for Fiscal Year 2017/18

**Recommendation:** Adopt the City's Investment Policy for FY 2018/19 (Council Policy 7.1.2).

- 1.F     [18-0683](#)     Third Amendment to Outside Counsel Agreement with Liebert Cassidy Whitmore for Litigation Services

**Recommendation:** Authorize the City Attorney to execute a Third 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 \$155,000, for a total new not-to-exceed contract amount of \$305,000.

- 1.G     [18-0698](#)     Adopt Ordinance No. 3135-18 Enacting and adopting a new Chapter 9.43 (Firearms Sales) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code

**Recommendation:** Adopt Ordinance No. 3135-18

## **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearing/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. [18-0697](#)

CONTINUED FROM JULY 31, 2018 CITY COUNCIL MEETING

Proposed Project:

Appeal by the Applicant of a Planning Commission decision to deny a Design Review and Variance to allow a new one-story single family home resulting in 1,963 square feet (1,640 square feet of living area and 323 square foot one-car garage) and 51% floor area ratio on a 3,800-square foot lot (FAR greater than 45% requires Planning Commission review) with the following requested variances:

- 10-15-foot front yard setback where 20 feet minimum is required;
- 7 foot 2-inch combined side yard setback where 10-foot minimum is required;
- One-covered parking space where two-covered parking spaces are required; and,
- No uncovered parking spaces where two-uncovered parking spaces are required (subsequently revised to provide one uncovered space with substandard length of 18 feet).

Location: 814 Coolidge Avenue (APN: 165-17-017)

File #: 2017-7765

Zoning: R-2 (Low Medium Density Residential)

Applicant / Owner: Joe and Raquel Fanucchi (applicant / owner)

Environmental Review: Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that include minor additions to an existing single-family residence (CEQA Guidelines Section 15301).

Project Planner: Cindy Hom, (408) 730-7411,  
chom@sunnyvale.ca.gov

**Recommendation:** Alternative 2: Make the necessary California Environmental Quality Act findings and Grant the appeal and approve the Design Review and Variances as requested by the applicant to allow variances for front yard setback, combined side yard setback, lot coverage, one covered parking space and one uncovered parking space with reduced length of 18 feet, subject to the findings in Attachment 3 and Conditions of Approval in Attachment 4 of the report.

3.     [18-0631](#)     Proposed Project: General Plan Amendment Initiation to consider amending the Lawrence Station Area Plan (LSAP) to expand the boundary of the plan area to include 932 and 950 Kifer Road (APNs 205-49-005 and 205-49-012).  
File #: 2018-7447  
Locations: 932 Kifer Road (APN 205-49-005); 950 Kifer Road (APN 205-49-012); 945 Kifer Road (APN 205-40-002); and 955 Kifer Road (APN 205-40-001).  
Applicant/Owner: Intuitive Surgical, Inc.  
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (a).  
Project Planner: George Schroeder, (408) 730-7443, [gschroeder@sunnyvale.ca.gov](mailto:gschroeder@sunnyvale.ca.gov)

**Recommendation:** Alternative 1: Initiate the General Plan Amendment study to add the properties at 932, 950, 945- 955 Kifer Road in the Lawrence Station Area plan boundaries and direct staff to include these amendments in the LSAP residential study currently underway.

- a. Study a pedestrian/bicycle route from the subject properties to the Lawrence Caltrain Station (Recommended by Planning Commission).
- b. The study shall analyze methods to maximize the existing tree canopy, preserve the existing trees, and maintain the open space within the 945-955 Kifer Road property (Recommended by Planning Commission).

4.     [18-0632](#)     Approve a Memorandum of Understanding and Bylaws between the City of Sunnyvale and the Cities Association of Santa Clara County Providing for the Continuing Operation of the Santa Clara/Santa Cruz Counties Airport/Community

Roundtable and Approve Budget Modification 3 in the Amount of \$35,000

**Recommendation:** Alternative 1: Adopt a resolution to join the Santa Clara/Santa Cruz Counties Airport/Community Roundtable; approve and authorize the City Manager to execute the Memorandum of Understanding, in substantially the same form as in Attachment 5 between the City of Sunnyvale and the Cities Association of Santa Clara County providing for the continuing operation of the Santa Clara/Santa Cruz Counties Airport/Community Roundtable and any other documents necessary for participation in the Roundtable; approve the Roundtable Bylaws ; authorize the Mayor to appoint a Representative and Alternate to serve a two-year term; and approve Budget Modification 3 in the amount of \$35,000.

5.     [18-0644](#)     Approve Management Agreement for Sunnyvale Golf Course between the City of Sunnyvale and KSM Sunnyvale, LLC and Terminate Existing Concession License Agreement with KSM Sunnyvale, LLC

**Recommendation:** Alternative 1: Authorize the City Manager to terminate the Concession License Agreement for operation of certain areas and facilities at Sunnyvale Golf Course with KSM Sunnyvale, LLC, and execute a Management Agreement with KSM Sunnyvale, LLC in substantially the same form as Attachment 2 of the report.

6.     [18-0676](#)     Resolution Adopting Council Policy 4.4.1 Establishing a Suicide Prevention Policy

**Recommendation:** Adopt a Resolution Adopting Council Policy 4.41 Establishing a Suicide Prevention Policy

7.     [18-0673](#)     Adopt a Resolution Establishing the New Classification of Budget Manager and Amending the City's Salary Resolution to Update the Schedule of Pay to Add the Budget Manager Classification and Increase the Pay Range of the Assistant Director of Finance Classification

**Recommendation:** Alternative 1: Adopt a Resolution Establishing the New Classification of Budget Manager and Amending the City's Salary Resolution to Update the Schedule of Pay to Add the Budget Manager Classification and Increase the Pay Range of the Assistant Director of Finance Classification

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

**NON-AGENDA ITEMS & COMMENTS**

-Council

-City Manager

**INFORMATION ONLY REPORTS/ITEMS**

[18-0554](#) Tentative Council Meeting Agenda Calendar

[18-0711](#) Information/Action Items

**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.*