



# City of Sunnyvale

## Notice and Agenda - Final City Council

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Tuesday, September 25, 2018

5:00 PM

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

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**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**

[18-0810](#)

Closed Session held pursuant to California Government Code Section 54956.9:  
LEGAL COUNSEL-ANTICIPATED LITIGATION  
(Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9): IFPTE Local 21 on behalf of affected SEA employees

#### **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**

[18-0687](#) Cleanwater Program Rebuild Costs

## **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**

[18-0302](#) Arts and Humanities Month

[18-0792](#) National Breast Cancer Awareness Month

### **PRESENTATION**

### **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**    [17-1120](#)            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.B**    [18-0765](#)            Authorize the Issuance of a Purchase Order for Five (5) 4-door Sedans for the Department of Public Safety (F18-311)

**Recommendation:** Authorize the issuance of a Purchase Order in the amount of \$109,328.75 (including tire fees and delivery fees) excluding sales tax, in substantially the same form as Attachment 1 to the report, to Winner Chevrolet for five (5) 4-door Sedans.

- 1.C**    [18-0745](#)            Reject All Bids Received for the Repaint Street Light Poles 2018 Project (PW18-11)

**Recommendation:** Reject all bids received in response to Invitation for Bids PW18-11 for the Repaint Street Light Poles 2018 project.

- 1.D**    [18-0590](#)            Award of Bid No. PW18-22 for the SMaRT Station Stormwater Management System Upgrade Re-Bid (UY-15-01), Waiver of Minor Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 5 in the amount of \$1,698,043

**Recommendation:** 1) Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 as it involves the maintenance or repair of an existing facility, which includes public owned utility facilities, involving negligible or no expansion of use beyond which presently exists; 2) make a determination to waive the minor bid irregularity for Pacific Underground Construction, Inc. 3) award a contract in substantially the same form as Attachment 2 to the report in the amount of \$2,307,425 to Pacific Underground Construction and authorize the City Manager to execute the contract when all necessary conditions have been met; 4) approve a 10% construction contingency in the amount of \$230,743; and 5) approve a Budget Modification No. 5 in the amount of \$1,698,043.

**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.     [18-0799](#)     Adopt a Resolution to Certify the Program Environmental Impact Report, Make the Findings Required by the California Environmental Quality Act, Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; and Adopt the Civic Center Modernization Master Plan

**Recommendation:** Alternative 1: Adopt a Resolution to:

- a. Certify the Program EIR for the Civic Center Modernization Master Plan Project;
- b. Make the Findings Required by the California Environmental Quality Act;
- c. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; and
- d. Adopt the Civic Center Modernization Master Plan;

AND

Alternative 2: Direct City Staff to proceed with design of Net Zero for City Hall Building;

3.     [18-0693](#)     File #: 2018-7190  
Location: 1441 Norman Drive (APN: 313-14-041)  
Zoning: R-1 (Low Density Residential)  
Proposed Project:     Appeal of a decision of the Planning Commission denying a DESIGN REVIEW to allow a new two-story, single-family home resulting in 5,480 square feet (3,492 square feet living area, 825 square feet garage, 465 covered patio, and a 698 square feet attached ADU) and (59%) floor area ratio. The FAR without the ADU is 51%. Existing home to be demolished.  
Applicant Team2 Architecture + Design, Shilpa Pathare  
Owner: Nirmal Sharma Trustee & et al  
Appellant: Nirmal Sharma (property owner)  
Environmental Review: A Class 3 Categorical Exemption

relieves this project from California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemptions includes construction of one-single family residence in a residential zone.

Project Planner: Teresa Zarrin, (408) 730-7429,  
tzarrin@sunnyvale.ca.gov

**Recommendation:** Alternative 2: Grant the appeal and approve the Design Review based on the Findings in Attachment 6 to this report and subject to the Recommended Conditions of Approval, as revised since the Planning Commission action (Attachment 7 to the report).

4.     [18-0730](#)     Adopt a Resolution to Amend the Classification Plan and the City's Salary Resolution to Update the Schedule of Pay to Add the Classifications of Civilian Assistant Fire Marshal and Senior Hazardous Materials Inspector; to Change Two Classification Titles; and to Increase the Pay Range of the Civilian Fire Marshal, Fire Protection Engineer I/II, Fire Protection Inspector, and Fire Prevention Inspector I/II Classifications.

**Recommendation:** Alternative 1: Adopt the Resolution amending Resolution Nos. 143-77 and 190-05 to Add the New Classifications of Civilian Assistant Fire Marshal and Senior Hazardous Materials Inspector; to Change the Existing Classification Titles of Fire Protection Engineer to Fire Protection Engineer I/II and Fire Prevention Specialist I/II to Fire Prevention Inspector I/II; and to Increase the Pay Ranges for the Civilian Fire Marshal, Fire Protection Engineer I/II, Fire Protection Inspector, and Fire Prevention Inspector I/II Classifications.

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

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

-Council

-City Manager

### **INFORMATION ONLY REPORTS/ITEMS**

[18-0783](#) Tentative Council Meeting Agenda Calendar

[18-0784](#) Information/Action Items

[18-0715](#) 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.*