



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, December 4, 2018

5:00 PM

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

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**Special Meeting: Closed Session - 5 P.M. | Regular Meeting - 7 P.M.**

### **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**

[18-0357](#)

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

[18-0358](#)

Closed Session held pursuant to California Government Code  
Section 54957: PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION  
Title: City Manager  
Closed Session held pursuant to California Government Code  
Section 54957.6: CONFERENCE WITH LABOR  
NEGOTIATORS  
Agency designated representatives: City Council  
Compensation Subcommittee  
Unrepresented Employee: 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****SPECIAL ORDER OF THE DAY**

[18-1030](#)

Ceremonial Oath of Office for Personnel Board Member

**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** [18-1061](#)

Approve City Council Special Meeting Minutes of November 20, 2018

**Recommendation:** Approve the City Council Special Meeting Minutes of November 20, 2018, as submitted.

- 1.B [18-1090](#) Approve City Council Special Meeting Minutes of November 27, 2018

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

- 1.C [17-1140](#) 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.D [18-0800](#) Adopt a Resolution Approving the Updated US 101 and SR 237 Freeway and Freeway Maintenance Agreements with the State of California and Authorize City Manager to Execute These Agreements

**Recommendation:** Adopt the resolution approving the updated US 101 and SR 237 freeway and freeway maintenance agreements with the State of California (Caltrans) and authorize the City Manager to execute these agreements.

- 1.E [18-0898](#) Adopt a Resolution Revising the Citywide Records Retention and Destruction Program Policy and Schedule

**Recommendation:** Adopt the Resolution Approving Revisions to the Citywide Records Retention and Destruction Program Policy and Schedule.

## **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. [18-1008](#) Award a Contract for Design and Construction Support Services to SmithGroup, Inc. for the Civic Center Phase 1 Project (F19-083)

**Recommendation:** 1) Award a design contract, in substantially the same form as Attachment 1 to the report in an amount not-to-exceed \$16,288,023 to SmithGroup, Inc. and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) Approve a 10% design contingency in the amount of \$1,628,802.

3. [18-0725](#) REQUEST FOR CONTINUANCE TO FEBRUARY 26, 2019. Consideration of Useable Open Space in Required Front Yards: Introduce an Ordinance to Amend Section 19.37.100 (Usable Open Space Design Requirements) of Chapter 19.37 (Landscaping, Irrigation and Useable Open Space) of the Sunnyvale Municipal Code, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b) (3). (Study Issue)

**Recommendation:** Alternative 1: Open the Public Hearing and continue this item to the City Council meeting of February 26, 2019.

4. [18-1018](#) Proposed Project:  
PEERY PARK PLAN REVIEW PERMIT to construct two 162,000-square foot, four-story corporate/research and development (R&D) office buildings and a 6-level parking structure on a 10.4-acre site (Phase 2 of the W. Maude Ave Campus). An existing approximately 58,188 s.f. building is to be retained. A total of approximately 382,188 s.f. and 85% FAR is requested.  
Location: 810-870 W. Maude Avenue & 470 Potrero Ave (APNs: 165-30-001, 011, & 012)  
File #: 2017-7066  
Zoning: Peery Park Specific Plan (PPSP)  
Subdistrict: Innovation Edge (IE) & Mixed Industry Core (MIC)  
Applicant / Owner: Simeon Commercial Properties / 870 Maude LLC  
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.  
Project Planner: Ryan Kuchenig (408) 730-7431,

rkuchenig@sunnyvale.ca.gov

**Recommendation:** Alternative 1: a) 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 in Attachment 4 to the Report; b) make the Findings for the Peery Park Plan Review Permit and Sense of Place Fee in Attachment 4 to the Report; and, c) approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 7 to the Report and the recommended conditions of approval set forth in Attachment 5 to the Report.

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

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

-Council

-City Manager

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

|                         |   |
|-------------------------|---|
| <a href="#">18-1013</a> | Tentative Council Meeting Agenda Calendar |
| <a href="#">18-1014</a> | Information/Action Items                  |
| <a href="#">18-1015</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.*