



City of Sunnyvale

Notice and Agenda City Council

Tuesday, February 26, 2019

6:00 PM

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

Special Meeting: Closed Session - 6:00 PM | Regular Meeting - 7:00 P.M.

6:00 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

[19-0179](#)

Closed Session held pursuant to California Government Code Section 54956.9:
CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Bagley, Lee v. County of Santa Clara, et al., Case No. 3:16-CV-02250-JSC

[19-0282](#)

Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Related to Notice of California Voting Rights Act Violation by Samir Kalra, Galen Kim Davis, Kathy Higuchi, and Bowman Ching

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 [19-0076](#) Approve City Council Meeting Minutes of January 29, 2019

Recommendation: Approve the City Council Meeting Minutes of January 29, 2019 as submitted.

1.B [19-0187](#) Approve City Council Meeting Minutes of February 5, 2019

Recommendation: Approve the City Council Meeting Minutes of February 5, 2019 as submitted.

- 1.C [19-0026](#) 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 [18-1095](#) Award of a Contract to California Sports Center for Gymnastics Instruction Services (F18-146)

Recommendation: 1) Award a two-year contract to California Sports Center to provide gymnastics instruction services, 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) delegate the authority to the City Manager to renew the contract for three additional one-year periods, if services and pricing remain acceptable to the City.

- 1.E [18-1132](#) Award of Bid No. PW19-01 to Ray's Electric for Traffic Signal Reconstruction at Mathilda Avenue and Indio Way Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 18 in the Amount of \$270,000

Recommendation: Take the following actions:

- Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301(c);
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,169,417 to Ray's Electric of Oakland for the Traffic Signal Reconstruction at Mathilda Avenue and Indio Way Project;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Approve a 10% construction contingency in the amount of \$116,942; and
- Approve Budget Modification No. 18 in the amount of \$270,000.

- 1.F [19-0045](#) Continuation of Supplemental Law Enforcement Services (SLES) Funds and Approval of Budget Modification No. 22 to

Appropriate \$93,355 in SLES Funding to Support Sworn Staff Overtime Costs and the Purchase of Identified Police Services Equipment

Recommendation: Approve Budget Modification No. 22 to appropriate \$93,355 in Supplemental Law Enforcement Services funding to support sworn overtime costs and the purchase of identified police services equipment.

1.G [19-0185](#) Annual Review and Approval of City's Code of Ethics and Conduct for Elected and Appointed Officials

Recommendation: Review and approve the 2019 Code of Ethics and Conduct for Elected and Appointed Officials with no changes from the 2018 Code as set forth in Attachment 1 of the report.

1.H [19-0159](#) Adopt a Resolution to Summarily Vacate a Slope Easement at 830 E. El Camino Real and 810 E. El Camino Real

Recommendation: Adopt the resolution to summarily vacate a 10-foot wide slope easement at 830 E. El Camino Real and 810 E. El Camino Real; and to authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's office.

1.I [19-0235](#) 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 Environmental Programs Specialist I/II.

Recommendation: Adopt the Resolution amending Resolution Nos. 143-77 and 190-05 to Add the New Classifications of Environmental Programs Specialist I/II to the Classification Plan and to Amend the City's Salary Resolution to Update the Schedule of Pay.

1.J [19-0178](#) Amend an Existing Purchase Order for Valley Oil Company to provide Unleaded Gasoline and Diesel Fuel (F19-121)

Recommendation: Authorize the amendment of an existing purchase order with Valley Oil Company, in substantially the same format as Attachment 2 to the report, to include the supply of diesel fuel and increasing the not-to-exceed amount by \$200,000 for a new not-to-exceed of \$380,000, and authorize the City Manager to execute the purchase order when all the necessary conditions have been met and Find the Action exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

1.K [19-0055](#) Award of Contract to Wastewater Solids Management, Inc. for Digesters No. 2 and No. 3 Cleanout 2018 Project (F19-053)

Recommendation: Award a contract to Wastewater Solids Management, Inc. of Yerington, NV in the amount not to exceed \$269,690 in substantially the same form as Attachment 2 to the report and authorize the City Manager to execute the contract when all necessary conditions have been met and Find that the Action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b), for existing publicly-owned utilities facilities involving negligible or no expansion of use beyond which presently exists.

1.L [19-0280](#) Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to Increase Salaries for Pay Plan Category A (Communication Officers Association) Effective March 10, 2019

Recommendation: Adopt a Resolution Amending Resolution No. 190-05, the City's Salary Resolution, to Increase Salaries for Pay Plan Category A (Employees Represented by the Communication Officers Association) Effective March 10, 2019.

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 [19-0239](#) Appoint Applicants to the Board of Library Trustees and Housing and Human Services Commission

Recommendation: Staff makes no recommendation.

- 3 [19-0044](#) Update on California Voting Rights Act Community Education and Outreach and Potential Direction on Next Steps for City Council By-District Elections

Recommendation: Alternative 1: Direct staff to return before March 29, 2019 with an amendment to the Resolution of Intent to Change to By-District Elections setting a March 2020 election for amending Article VI of the Charter.

- 4 [19-0072](#) Adopt a Resolution Approving the 2018 Amendments to the Water Supply Agreement (WSA) between the City and County of San Francisco (SFPUC) and the Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County.

Recommendation: Alternative 1: Adopt a resolution approving the seven amendments and the attached "Amended and Restated Water Supply Agreement between the City and County of San Francisco Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County" dated November 2018 and authorize the City Manager to execute such Agreement when final execution copies are prepared and distributed by the Bay Area Water Supply and Conservation Agency and find the Action does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) as it is an organizational or administrative activity that will not result in direct or indirect physical changes to the environment.

- 5 [19-0152](#) CONTINUED FROM DECEMBER 4, 2018.
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) and Section 19.12.160 ("O") of Chapter 19.12 (Definitions) 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: Introduce an Ordinance to Amend Chapter 19.37 (Landscaping, Irrigation and Useable Open Space), including but not limited to (a) Medium, high and very high density multi-family residential zoning districts (R-3, R-4 and R-5), (b) Up to 50% of the required front yard may be counted toward the useable open space requirement, (c) Useable open space in the required front yard would not be a permitted use for a project with a front yard setback deviation or Variance, and Section 19.12.160 ("O") of Chapter 19.12 (Definitions) of the Sunnyvale Municipal Code (Attachment 3 to this report), and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

19-0188	Tentative Council Meeting Agenda Calendar
19-0189	Information/Action Items
19-0190	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 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.

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.