



City of Sunnyvale

Notice and Agenda City Council

Tuesday, March 26, 2019

5:30 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

**Special Meeting: Study Session - 5:30 PM | Regular Meeting - 7 PM | Special Meeting
immediately following Regular Council meeting: Joint City Council and Redevelopment
Successor Agency**

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

1 Call to Order in the Council Chambers (Open to the Public)

2 Roll Call

3 Public Comment

4 Study Session

[19-0262](#)

Climate Action Plan 2.0

Location: Council Chambers

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

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** [19-0214](#) 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** [19-0219](#) Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2018/19; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2019/20

Recommendation: Approve the Fiscal Year 2018/19 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2019/20, and schedule the public hearing for May 7, 2019.

- 1.C** [19-0425](#) Adopt Ordinance No. 3143-19 to add Chapter 1.07 (Administrative Subpoenas) of Title 1 (General Provisions) of the Sunnyvale Municipal Code relating to Administrative Subpoenas

Recommendation: Adopt Ordinance No. 3143-19.

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 [19-0364](#) Approve Study Issue Presentation Dates for Recommended Studies in 2019

Recommendation: Alternative 1: Approve the Proposed Presentation Dates for 2019 Council-ranked Study Issues as noted in Attachment 2 in the report.

- 3 [19-0206](#) Award of Bid No. PW19-11 to Anderson Pacific Engineering Construction, Inc. for Storm Pump Station No. 1 Rehabilitation Re-Bid, Waiver of Minor Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 21 in the amount of \$1,016,000, and Approve the Third Amendment to Consultant Services Agreement with Infrastructure Engineering Corporation (F14-049)

Recommendation: Alternative 1: Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Sections 15301(b) and 15378 (b)(5)
- Make a determination to waive the minor bid irregularity for Anderson Pacific Engineering Construction, Inc.
- Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,947,400 to Anderson Pacific Engineering Construction, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met
- Approve Budget Modification No. 21 in the amount of \$1,016,000
- Approve a 10% construction contingency in the amount of \$194,740.
- Authorize the City Manager to execute the Third Amendment, in substantially the same form as Attachment 3 to the report, to extend the term through June 30, 2027 and to increase the not-to-exceed contract amount by \$119,636 for a new not to exceed amount of \$383,225
- Approve an increase to the design contingency in the amount of \$20,364.
- Authorize the City Manager to extend the term of the Consultant Services Agreement with Infrastructure Engineering Corporation, if operationally necessary, until post construction biological monitoring and reporting is completed.

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

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

[19-0347](#) Tentative Council Meeting Agenda Calendar

[19-0348](#) Information/Action Items

- [19-0349](#) Board/Commission Meeting Minutes
- [19-0396](#) Boards and Commissions Semi-Annual Attendance Report,
July - December 2018 (Information Only)
- [19-0397](#) Board/Commission Resignation (Information Only)

ADJOURNMENT

*Adjourn to Special Joint Meeting of the City Council and Redevelopment
Successor Agency*

**SPECIAL JOINT CITY COUNCIL AND REDEVELOPMENT SUCCESSOR AGENCY
MEETING (immediately following the Regular Council Meeting)****1 Call To Order****2 Roll Call****3 Public Comment****4 Consent Calendar**

- 4.A** [19-0290](#) Approve the Third Amendment to Outside Counsel Agreement
with Goldfarb Lipman for Town Center Development Matters

Recommendation: Redevelopment Successor Agency:
Authorize the Agency Counsel 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 Goldfarb
Lipman to increase the not-to-exceed amount by \$75,000, for a
new not-to-exceed contract amount of \$275,000 and extend
the term to December 31, 2022.

- 4.B** [19-0292](#) Approve the Fifth Amendment to Outside Counsel Agreement
with Goldfarb Lipman for Litigation Services Pertaining to the
Three Lawsuits Related to the Dissolution of the
Redevelopment Agency

Recommendation: City Council:

Authorize the City Attorney to execute a Fifth Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$320,000.

Redevelopment Successor Agency:

Authorize the Agency Counsel to execute a Fifth Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$320,000.

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.