



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, November 5, 2019

7:00 PM

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

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### Regular Meeting - 7 PM

#### **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**

#### **SPECIAL ORDER OF THE DAY**

[19-0930](#) SPECIAL ORDER OF THE DAY - Picture Book Month

#### **PRESENTATION**

[19-1058](#) PRESENTATION - 2019 Municipal Information Systems Association of California (MISAC) Awards, Presented by MISAC Board Member Gaurav Garg

[19-1167](#) PRESENTATION - Foothill-De Anza Community College District Community Outreach Initiative, by District Chancellor Judy Miner

#### **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**    [19-0530](#)            Approve City Council Meeting Minutes of October 29, 2019

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

- 1.B**    [19-0887](#)            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**    [19-0971](#)            Adopt the City's Investment Policy for Fiscal Year 2019/20

**Recommendation:** Adopt the City's Investment Policy for FY 2019/20 (Council Policy 7.1.2).

- 1.D**    [19-1055](#)            Authorize the Issuance of a Purchase Order to Western Systems, Inc. for Fiber Optic Ethernet Access Devices (F19-239)

**Recommendation:** Authorize the issuance of a Purchase Order in the amount of \$166,785.60 excluding \$15,010.70 in sales tax, in substantially the same form as Attachment 2 to the report to Western Systems, Inc.

- 1.E**    [19-1084](#)            Amend an Existing Construction Support Contract with Psomas for Construction Management of the Sunnyvale Cleanwater Program (F20-062)

**Recommendation:** Take the following actions:

- Authorize the City Manager to execute an amendment to an existing contract, in substantially the same format as Attachment 1 to the report, with Psomas, amending the scope of work to include Phase 2 Sunnyvale Cleanwater Program activities for Project 2.1: Existing Plant Rehabilitation - Split Flow, extending the term of the agreement until project completion, and increasing the not-to-exceed contract amount from \$8,665,632 to \$8,985,991, and
- Approve an additional 10% contract contingency in the amount of \$32,036.

- 1.F**     [19-1184](#)     Adopt Ordinance No. 3148-19 to amend Chapter 16.52 (FIRE CODE) of Title 16 (BUILDINGS AND CONSTRUCTION) of the Sunnyvale Municipal Code to Adopt by Reference the 2019 California Fire Code with Local Amendments and Related Findings

**Recommendation:** Adopt Ordinance No. 3148-19

- 1.G**     [19-1185](#)     Adopt Ordinance No. 3149-19 to amend various Sections of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference the 2019 California Building, Residential, Mechanical, Plumbing, Electrical, Building Standards Administrative, Energy, Historical Building, Existing Building, and Green Building Standards Codes, and the International Property Maintenance Code, with Local Amendments and Related Findings

**Recommendation:** Adopt Ordinance No. 3149-19**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**        [19-0881](#)     Approve the Purchase and Sale Agreement between the City of Sunnyvale and Sunnyvale Community Services for the Purchase of 725 Kifer Road, and approve Budget Modification

No. 10 in the amount of \$5,830,000

**Recommendation:** Alternative 1: Authorize the City Manager to execute the Purchase and Sale Agreement, including the lease attached as in Exhibit D to the Agreement, in substantially the same form as Attachment 1 of the report, between the City of Sunnyvale and Sunnyvale Community Services for the purchase of real property located at 725 Kifer Road for \$5,830,000, and approve Budget Modification No. 10 in the amount of \$5,830,000

- 3      [19-1174](#)      Discussion and Possible Direction on Proposed Amendments to Charter Article VI (The Council) to be Submitted to Voters in the March 2020 Election to Implement City Council By-District Elections

**Recommendation:** Staff recommends that the Council discuss the draft proposed amendments to Charter Article VI and provide direction regarding the proposed amendments to facilitate the drafting of the final Charter language for Council's consideration and approval at the Council's November 12 meeting.

- 4      [19-0677](#)      Public Hearing Pursuant to Elections Code Section 10010(a) (2) to Receive Public Comment Regarding the Content of the Refined Draft City Council Districting Maps Published on October 29, 2019, and the Proposed Sequence of Elections

**Recommendation:** Alternative 1: Provide direction to staff on specific maps to be considered for further community comment and consideration of election sequencing for each map at the Council's November 12 meeting.

- 5      [19-1162](#)      Introduce an Ordinance Amending Chapters 19.20 (Commercial Zoning Districts), 19.22 (Industrial Zoning Districts), and 19.24 (Office and Public Facilities Zoning Districts) and Adopt a Resolution to Amend the Land Use and Transportation Element of the General Plan to Clarify the Allowance of Residential Uses in Non-Residential Zoning Districts and Find that the Action is Exempt from the California Environmental Quality Act

**Recommendation:** Alternative 1: Introduce an Ordinance Amending Chapters 19.20 (Commercial Zoning Districts), 19.22 (Industrial Zoning Districts), and 19.24 (Office and Public Facilities Zoning Districts) (Attachment 3 to the report) and Adopt a Resolution to Amend the Land Use and Transportation Element of the General Plan to Clarify the Allowance of Residential Uses in Non-Residential Zoning Districts (Attachment 2 to the 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**

*Visit <http://Sunnyvale.ca.gov/TCMAC> to view the Tentative Council Meeting Agenda Calendar (TCMAC) online. The TCMAC is updated each Thursday afternoon.*

<a href="#">19-0748</a>	Tentative Council Meeting Agenda Calendar
<a href="#">19-0809</a>	Board/Commission Meeting Minutes
<a href="#">19-0816</a>	Information/Action Items
<a href="#">19-0562</a>	Update Regarding the City Council Regular Meeting Calendar for 2020 through February 2021 and Potential Conflicts With Religious Holidays (Information Only)
<a href="#">19-1161</a>	Study Session Summary of October 8, 2019 - Level of Service (LOS) to Vehicle Miles Traveled (VMT) Transition Update
<a href="#">19-1172</a>	Notice of Public Works Director's Decision on Final Maps

(Information Only)

## **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 at <http://Sunnyvale.ca.gov/PublicComments>*

### **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.*