



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, September 14, 2021

4:30 PM

Telepresence Meeting: City Web Stream |  
Comcast Channel 15 | AT&T Channel 99

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**Special Meeting: Study Session 4:30 - PM | Regular Meeting - 7 PM**

**Meeting online link: <https://sunnyvale-ca.gov.zoom.us/j/96111580540>**

*Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale City Council will take place by teleconference, as allowed by Governor Gavin Newsom’s Executive Orders N-29-20 and N-08-21.*

- *Watch the City Council meeting on television over Comcast Channel 15, AT&T Channel 99, at <http://youtube.com/SunnyvaleMeetings> or <https://sunnyvaleca.legistar.com/calendar.aspx>*
- *Submit written comments to the City Council up to 4 hours prior to the meeting to [council@sunnyvale.ca.gov](mailto:council@sunnyvale.ca.gov) or by mail to City Clerk, 603 All America Way, Sunnyvale, CA 94086.*
- *Teleconference participation: You may provide audio public comment by connecting to the teleconference meeting online or by telephone. Use the Raise Hand feature to request to speak (\*9 on a telephone):*

*Meeting online link: <https://sunnyvale-ca.gov.zoom.us/j/96111580540>*

*Meeting call-in telephone number: 833-548-0276 | Meeting ID: 961 1158 0540*

*Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment, contact the City at least 2 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. For other special assistance; please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. The Office of the City Clerk may be reached at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) (28 CFR 35.160 (b) (1)).*

**4:30 P.M. SPECIAL COUNCIL MEETING (Study Session)****Call to Order**

*Call to Order via teleconference.*

**Roll Call****Study Session**

*The public may provide comments regarding the Study Session item(s). If you wish to address the Council, please refer to the notice at the beginning of this agenda.*

- A     [21-0048](#)           Consider the Creation of a Formal Process for City Council Colleague Memorandums (Study Issue)
- B     [21-0843](#)           Discussion of Possible Revisions to the Short-term Rental Ordinance and Enforcement Options

**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 via teleconference.*

**ROLL CALL****SPECIAL ORDER OF THE DAY**

- C     [21-0164](#)           Ceremonial Oath of Office for Board and Commission Members
- D     [21-0354](#)           Hispanic Heritage Month
- E     [21-0355](#)           POW/MIA Recognition Day
- F     [21-0806](#)           Recognition of Fair Oaks Unhoused Program Partners

**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 refer to the notice at the beginning of this agenda. 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 refer to the notice at the beginning of this agenda.*

- 1.A**    [21-0257](#)            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**    [21-0832](#)            Receive and File the City of Sunnyvale Investment Report - Second Quarter 2021

**Recommendation:** Receive and file the City of Sunnyvale - Second Quarter 2021 Investment Report.

- 1.C**    [21-0770](#)            Award of Contract to Able Construction Group, Inc. for On-Call Sewer Line Maintenance and Repair Services (F21-154)

**Recommendation:** - Award a contract in substantially the same form as Attachment 2 to the report in an amount not to exceed \$400,000 to Able Construction Group, Inc. for on-call sewer and maintenance repair;  
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and  
- Authorize the City Manager to amend and renew the contract for two additional one-year periods, subject to available budget, if pricing and service remain acceptable to the City.

- 1.D**    [21-0798](#)            Award of Contract to Ray's Electric Inc. for Mary Avenue at Evelyn Avenue Caltrain Crossing and Traffic Signal

Improvements and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW21-39)

**Recommendation:** Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$537,648.00 to Ray's Electric Inc. of Oakland;
- Make a finding of categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% Contingency in the amount of \$53,765.

- 1.E**    [21-0855](#)    Authorize Amending an Existing Contract with Psomas for the Sunnyvale Cleanwater Program Plant Rehabilitation Project for Construction Management Services (F22-005)

**Recommendation:** Take the following actions:

- Approve the Sixth Amendment to Consultant Services Agreement with Psomas, in substantially the same form as Attachment 1 to the report, increasing the not-to-exceed amount by \$4,330,091 for a new not-to-exceed amount of \$13,316,082 and extending the term of the agreement through December 31, 2023;
- Authorize the City Manager to execute the Sixth Amendment when all necessary conditions have been met; and
- Approve an increase to the contract contingency in the amount of \$433,009.10 for a contingency total of \$1,331,608.

- 1.F**    [21-0840](#)    Approve Amendment 1 to the Pension Trust Agreement with PFM Asset Management, LLC for the Sunnyvale Post-Employment Pension and Retiree Healthcare Benefits Program and Consent to the Assignment from PFM Asset Management LLC to U.S. Bancorp Asset Management Inc. for the Pension Trust Agreement for the Sunnyvale Post-Employment Pension and Retiree Healthcare Benefits Program

**Recommendation:** Take the following actions:

- Authorize the City Manager to execute the First Amendment to the Post-Employment Benefits Trust Agreement with U.S. Bank National Association and PFM Asset Management LLC; and
- Execute the Consent to Deemed Assignments of Investment Advisory Agreements for the OPEB Trust and Pension Program Trust from PFM Asset Management LLC to U.S. Bancorp Asset Management Inc.

- 1.G [21-0858](#) Approve City Position on Proposed League of California Cities' 2021 Annual Conference Resolutions

**Recommendation:** Approve a Support for the proposed Resolution No. 1 (Online Sales Tax Equity); and a Take No Position for the proposed Resolution No. 2 (Securing Railroad Property Maintenance) and authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted positions.

- 1.H [21-0708](#) Adopt a Resolution Acknowledging Receipt of a Report From the Department of Public Safety Regarding Annual Fire and Life Safety Inspections Pursuant to Sections 13146.2 Through 13146.4 of the California Health and Safety Code

**Recommendation:** Adopt a Resolution acknowledging receipt of a report from the Department of Public Safety regarding annual Fire and Life Safety Inspections pursuant to Sections 13146.2 through 13146.4 of the California Health and Safety Code.

- 1.I [21-0883](#) Designate a Voting Delegate and Alternate for the 2021 League of California Cities Annual Conference

**Recommendation:** Approve the Mayor's nomination of himself as the Voting Delegate and City Manager Kent Steffens as Alternate.

**PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearing/general business item, please refer to the notice at the beginning of this agenda. 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 [21-0876](#) Proposed Project:  
For the Lawrence Station Area Plan (LSAP) Update:

1. Adopt a Resolution to:
  - a. Certify the Subsequent Environmental Impact Report;
  - b. Make the findings required by the California Environmental Quality Act;
  - c. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
  - d. Adopt the Water Supply Assessment;
  - e. Amend the Lawrence Station Area Plan;
  - f. Amend the General Plan and update the General Plan Map;
  - g. Adopt the LSAP Sense of Place Plan; and
  - h. Amend the LSAP Development Incentives Program.
2. Adopt a Resolution to:
  - a. Amend Resolution No. 1060-21 (Master Fee Schedule) to add the LSAP Plan Fee, LSAP Sense of Place Fee, LSAP Residential Wastewater Fee, and LSAP Transportation Impact Fee.
3. Introduce an Ordinance to:
  - a. Amend Sunnyvale Municipal Code (SMC) Section 19.16.020 (Zoning Districts-Creation), Chapter 19.35 (Lawrence Station Area Plan Specific Plan District), and make related changes to the SMC to implement the amended LSAP;
  - b. Amend the Precise Zoning Plan Districts Map and re-zone parcels within the LSAP district; and
  - c. Add Chapter 3.52 (LSAP Transportation Impact Fee) to Title 3.50 (Revenue and Finance).

Location:

Existing Plan: Lawrence Station Area

Proposed Boundary Expansion Sites: 932 Kifer Road (APN 205-49-005), 950 Kifer Road (APN 205-49-012), 945 Kifer Road (APN 205-40-002), and 955 Kifer Road (APN 205-40-001)

File nos.:

2017-7082 (Lawrence Station Area Plan Amendment)

2018-7714 (Sense of Place Plan)

2018-7723 (General Plan Amendment/Rezoning for Boundary Expansion Sites)

Zoning:

LSAP - Various designations of Flexible Mixed-Use I (MXD-I),

Flexible Mixed-Use II (MXD-II), Flexible Mixed-Use III (MXD-III), LSAP Industrial and Service (M-S/LSAP), Office/Retail (O-R), and High Density Residential and Office (R-5)

Proposed Boundary Expansion Sites - General Industrial (M-3) [932 and 950 Kifer Road] and Industrial and Service (M-S) [945 and 955 Kifer Road]

Applicants: City of Sunnyvale (file #'s 2017-7082 and 2018-7714) and Intuitive Surgical, Inc. (file # 2018-7723)

Environmental Review (SCH # 2019012022): Adopt a resolution to make findings required by CEQA, certify the Subsequent Environmental Impact Report (SEIR), and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

Project Planner: George Schroeder, 408-730-7443, gschroeder@sunnyvale.ca.gov

**Recommendation:** Alternative 1:

1. Adopt a Resolution (Attachment 2 to the report) to:
  - a. Certify the Subsequent Environmental Impact Report
  - b. Make the findings required by the California Environment Quality Act;
  - c. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
  - d. Adopt the Water Supply Assessment
  - e. Amend the Lawrence Station Area Plan
  - f. Amend the General Plan and update the General Plan Map
  - g. Adopt the LSAP Sense of Place Plan; and
  - h. Amend the LSAP Development Incentives Program
  
2. Adopt a Resolution (Attachment 4 to the report) to:
  - a. Amend Resolution No. 1060-21 (Master Fee Schedule) to add the LSAP Plan Fee, LSAP Sense of Place Fee, LSAP Residential Wastewater Fee, and LSAP Transportation Impact Fee.
  
3. Introduce an Ordinance (Attachment 3 to the report) to:
  - a. Amend Sunnyvale Municipal Code (SMC) Section 19.16.020 (Zoning Districts-Creation), Chapter 19.35

Lawrence Station Area Plan Specific Plan District), and make related changes to the SMC to implement the amended LSAP;

- a. Amend the Precise Zoning Plan Districts Map and re-zone parcels within the LSAP district; and
- b. Add Chapter 3.52 (LSAP Transportation Impact Fee) to Title 3.50 (Revenue and Finance).

**3**      [21-0877](#)

Proposed Project: Related applications on multiple sites totaling 32.4-acres:

**SPECIAL DEVELOPMENT PERMIT:** To demolish two existing industrial/office/R&D buildings and three accessory structures and construct two new three-story office/R&D/manufacturing buildings totaling 1,211,000 sq. ft. (including 148,000 sq. ft. of basement space) connected by a pedestrian bridge across Kifer Road; and construct an 11,000 sq. ft. freestanding amenity building for a total combined FAR of 77%. The project also includes a five-level, above ground parking structure with an attached 12,000 sq. ft. central utility plant.

**VESTING TENTATIVE PARCEL MAP:** To merge four existing lots into two.

**DEVELOPMENT AGREEMENT:** Introduction of an Ordinance Approving and Adopting a Development Agreement Between the City of Sunnyvale and Intuitive Surgical, Inc.

Location: 932 Kifer Road (APN 205-49-005), 950 Kifer Road (APN 205-49-012), 945 Kifer Road (APN 205-40-002), 955 Kifer Road (APN 205-40-001)

File #: 2019-7557

Zoning: M-S (945/955 Kifer Road) and M-3 (932/950 Kifer Road)

Applicant / Owner: Foster + Partners/Intuitive Surgical, Inc.

Environmental Review: No additional review required pursuant to CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Subsequent Environmental Impact Report (SEIR - State Clearinghouse No. 2019012022)

Project Planner: George Schroeder, (408) 730-7443,  
gschroeder@sunnyvale.ca.gov



**Recommendation:** Alternatives 1, and 2:

- 1) Make the required findings to approve the California Environmental Quality Act (CEQA) determination that the project is consistent with the Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Subsequent Environmental Impact Report and no additional environmental review is required pursuant to CEQA Guidelines 15168(c)(2) and (4) and approve the Special Development Permit and Vesting Tentative Parcel Map based on findings in Attachment 3 to the report and Recommended Conditions of Approval in Attachment 6 to the report; and
- 2) Introduction of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and Intuitive Surgical, Inc. (Attachment 2 to the report).

**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.

[21-0826](#) Tentative Council Meeting Agenda Calendar

[21-0827](#) Board/Commission Meeting Minutes

[21-0828](#) Information/Action Items

**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 in the Office of the City Clerk located at 603 All America Way, 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, 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 to access City Hall to view these materials and 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.*

**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 Office of the City Clerk. The City Clerk will distribute your items to the Council following the meeting.*

**Upcoming Meetings**

*Visit <https://sunnyvaleca.legistar.com> for upcoming Council, board and commission meeting information.*