



# City of Sunnyvale

## Notice and Agenda

### City Council

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Tuesday, January 29, 2019

4:30 PM

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

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

#### **4:30 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**

###### **[19-0184](#)**

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

###### **[19-0063](#)**

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Kent Steffens, City Manager; Tina Murphy, Director of Human Resources  
Employee organization: Sunnyvale Managers Association (SMA)

Employee organization: Sunnyvale Employee Association (SEA)/IFPTE Local 21

## 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

[19-0154](#) SPECIAL ORDER OF THE DAY - Recognition of Outgoing Mayor

[19-0155](#) SPECIAL ORDER OF THE DAY - National Slavery and Human Trafficking Prevention Month

### 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 [19-0142](#) Approve City Council Meeting Minutes January 8, 2019

**Recommendation:** Approve the City Council Meeting Minutes of January 8, 2019, as submitted.

1.B [19-0058](#) Approve City Council Meeting Minutes January 15, 2019

**Recommendation:** Approve the City Council Meeting Minutes of January 15, 2019, as submitted.

1.C [19-0024](#) 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 [19-0016](#) Authorize the Issuance of a Blanket Purchase Order for Fire Hoses to L.N. Curtis & Sons, Inc. (F19-102)

**Recommendation:** Authorize the issuance of a blanket purchase order to L.N. Curtis & Sons, Inc. in the amount of \$225,815, in substantially the same form as Attachment 1 to the report.

1.E [18-1125](#) Award of Bid No. PW19-05 to Spencon Construction, Inc. for Concrete Sidewalk, Curb, Gutter and Driveway Approaches 2018 Project and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

**Recommendation:** 1) Make a finding of a California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301(c); 2) award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,648,533.30 to Spencon Construction, Inc. for the Concrete Sidewalk, Curb, Gutter and Driveway Approaches 2018 Project, and authorize the City Manager to execute the contract when all necessary conditions have been met; and 3) approve a 10% construction contingency in the amount of \$164,853.33.

1.F [18-1076](#) Award of Bid No. PW19-07 for the Fair Oaks Avenue Bikeway and Streetscape Re-Bid to JJR Construction, Inc, Determination of Bid Non-responsiveness and Waiver of Minor

Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 15 in the amount of \$131,666

**Recommendation:** Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301.
- Make a determination that the bid received from Golden Bay Construction, Inc. is non-responsive.
- Make a determination to waive the minor bid irregularity for JJR Construction, Inc.
- Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$961,012 to JJR Construction, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met.
- Approve a 10% construction contingency in the amount of \$96,101.
- Approve Budget Modification 15 in the amount of \$131,666.

**1.G** [19-0146](#)

Ratify Appointments of Councilmembers Made by Outside Agencies; Re-Ratify Appointment to Valley Transportation Authority (VTA) Policy Advisory Board and Cities Association of Santa Clara County (CASCC) Executive Board

**Recommendation:** Staff does not provide a recommendation.

By approval of the consent calendar, Council ratifies the appointments in the report.

**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** [18-0751](#)

Proposed Project: Appeal by the Applicant of a decision by the Planning Commission to deny:  
PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT:  
to consider a high school for 400 students (Summit School).

The project includes interior and exterior improvements of an existing industrial building for an educational use, the installation of a tri-level mechanical lift parking structure in the rear serving 22 parking spaces, and a request for adjustment to the minimum parking requirements.

Location: 824 San Aleso Avenue (APN: 204-02-006)

File #: 2017-7986

Zoning: PPSP-NT - Peery Park Specific Plan - Neighborhood Transition

Applicant / Owner: Artik Art & Architecture (applicant) / 824 San Aleso, LLC (owner)

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: Momoko Ishijima, (408) 730-7532,  
mishijima@sunnyvale.ca.gov

**Recommendation:** Alternative 1: Deny the appeal and affirm the Planning Commission's determination to deny the Peery Park Specific Plan Conditional Use Permit.

- 3      [18-1126](#)      Proposed Project:      Amend Sunnyvale Municipal Code Chapter 19.44 to add sign code provisions for theaters on the second floor.
- Location: Citywide
- File #: 2018-7131
- Applicant / Owner: STC Venture LLC
- Environmental Review: The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a).
- Project Planner: Noren Caliva-Lepe, (408) 730-7659,  
ncaliva-lepe@sunnyvale.ca.gov

**Recommendation:** Alternatives 1 and 2: Make the finding that the action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a); and Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code (Attachment 5 to the report).

- 4      [19-0070](#)      Adopt a Resolution to Accept Six Grant Awards from the California Public Utilities Commission's California Advanced Services Fund (CASF), Approve Budget Modification No 17 for a total of \$313,446 and Authorize the City Manager to Execute the Required Grant Documents for Each Grant Award

**Recommendation:** Alternative 1: Adopt a Resolution to Accept Six Grant Awards from the California Public Utilities Commission's California Advanced Services Fund (CASF) for Digital Inclusion and Literacy Training for a total of \$313,446 for six Sunnyvale School District sites, Approve Budget Modification No 17 for a total of \$313,446 and Authorize the City Manager to Execute the Required Grant Documents for Each Grant Award

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

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

-Council

-City Manager

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

- |                         |  |
|-------------------------|--|
| <a href="#">19-0059</a> | Tentative Council Meeting Agenda Calendar    |
| <a href="#">19-0060</a> | Information/Action Items                     |
| <a href="#">19-0061</a> | Board/Commission Meeting Minutes             |
| <a href="#">19-0177</a> | Annual Review of New Laws (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 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.*