



# City of Sunnyvale

## Notice and Agenda

### City Council

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Tuesday, April 12, 2016

6:00 PM

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

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**Special Meeting: Joint Meeting of Council and the Redevelopment Successor Agency  
Immediately Followed by Special City Council Meeting**

#### **6 P.M. SPECIAL MEETING**

#### **Joint Meeting of the City Council and the Redevelopment Successor Agency**

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

**2 Roll Call**

**3 Public Comment**

**4 Closed Session Reports for a) April 30, 2013 (revised report out) and b)  
February 23, 2016**

**5 Consent Calendar**

**A**     [16-0361](#)     Approve Joint City Council and Redevelopment Successor  
Agency Meeting Minutes of April 30, 2013

**Recommendation:** Redevelopment Successor Agency:  
Approve the Joint City Council and Redevelopment Successor  
Agency Meeting Minutes of April 30, 2013 as submitted.

**B**     [16-0379](#)     Approve Joint City Council and Redevelopment Successor  
Agency Meeting Minutes of December 10, 2015

**Recommendation:** Redevelopment Successor Agency:  
Approve the Joint City Council and Redevelopment Successor  
Agency Meeting Minutes of December 10, 2015 as submitted.

- C     [16-0378](#)     Approve Joint City Council and Redevelopment Successor Agency Meeting Minutes of February 23, 2016

**Recommendation:** Redevelopment Successor Agency:  
Approve the Joint City Council and Redevelopment Successor Agency Meeting Minutes of February 23, 2016 as submitted.

- D     [16-0343](#)     Approve the First Amendment to Outside Counsel Agreement with Goldfarb & Lipman LLP 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 First 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 extend the term of the Agreement until May 19, 2019 and to increase the not-to-exceed amount by \$60,000, for a new not-to-exceed contract amount of \$160,000.

Redevelopment Successor Agency:  
Authorize the Agency Counsel to execute a First 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 extend the term of the Agreement until May 19, 2019 and to increase the not-to-exceed amount by \$60,000, for a new not-to-exceed contract amount of \$160,000.

## **6 Adjourn Joint Meeting of the City Council and Redevelopment Successor Agency**

### **SPECIAL CITY COUNCIL MEETING (Immediately Following Joint Meeting of the City Council and Redevelopment Successor Agency)**

*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****PRESENTATION**[16-0355](#)

PRESENTATION - PG&E Pipeline Safety Program  
(Rescheduled from March 29, 2016)

**ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address 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 Councilmembers 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 [16-0344](#) Approve City Council Meeting Minutes of March 29, 2016

**Recommendation:** Approve the City Council Meeting Minutes of March 29, 2016 as submitted.

- 1.B [16-0348](#) 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**     [16-0312](#)     Award of Bid No. PW16-21 for the Slurry Seal 2016-B Project and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

**Recommendation:** 1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15301 (Class 1, Existing Facilities) as it relates to the rehabilitation of existing streets involving negligible or no expansion of existing use; 2) award a construction contract, in substantially the same format as Attachment 2 to the report and in the amount of \$277,000 to VSS International Inc.; and 3) approve a 10% construction contingency in the amount of \$27,700.

- 1.D**     [16-0342](#)     Award of Bid No. PW16-15 for the Concrete, Sidewalk, Curbs, Gutters and Driveway Approaches 2016-17 Project and Finding of California Environmental Quality Act (CEQA) Categorical Exemption

**Recommendation:** 1) Make a finding of CEQA categorical exemption pursuant to CEQA Guidelines Section 15301 (Class 1, Existing Facilities) as it relates to the rehabilitation of existing streets involving negligible or no expansion of existing use; 2) award a construction contract, in substantially the same format as Attachment 2 to the report and in the amount of \$867,728 to Spencon Construction Inc.; 3) approve a 10% construction contingency in the amount of \$86,773; and 4) determine that the bid submitted by JJR Construction, Inc. is non-responsive.

## **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/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**        [16-0046](#)     Introduce an Ordinance to Award a Non-Exclusive Taxicab Franchise to Silicon Valley Taxi Drivers, Inc. DBA Green Cab

**Recommendation:** Alternative 1: Introduce an Ordinance to Award a Non-exclusive Taxicab Franchise to Silicon Valley Taxi Drivers, Inc. DBA Green Cab and authorize the City Manager to execute the franchise agreement.

- 3      [16-0181](#)      Introduce an Ordinance to Award a Non-Exclusive Taxicab Franchise to Silicon Valley Cab Co., Inc. DBA Silicon Valley Cab

**Recommendation:** Alternative 1: Introduce an Ordinance to Award a Non-exclusive Taxicab Franchise to Silicon Valley Cab Co., Inc. DBA Silicon Valley Cab and authorize the City Manager to execute the franchise agreement.

- 4      [16-0373](#)      Appoint a Councilmember to the Valley Transportation Authority El Camino Real Rapid Transit Policy Advisory Board to Serve as a Voting Member and if necessary Appoint an Alternate Member

**Recommendation:** Staff makes no recommendation.

- 5      [16-0090](#)      Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 9.86 and Title 19 to Expressly Prohibit Medical Marijuana Cultivation, Commercial Activity, Distribution, and Delivery; Exempt from CEQA Pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3)

**Recommendation:** Alternative 1: Introduce an ordinance amending Chapter 9.86 and Title 19 (Zoning), Section 19.62.010 and Tables 19.24.030, 19.28.080, 19.18.030, 19.20.030, 19.29.050, and 19.22.030, of the Sunnyvale Municipal Code relating to an express prohibition on medical marijuana cultivation, commercial activity, distribution, delivery and other activities, and find that the adoption of the ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3).

- 6      [16-0151](#)      Introduce an Ordinance Amending Section 3.80.040 of the Sunnyvale Municipal Code to increase the City's Minimum Wage to \$15 by 2018

**Recommendation:** Alternative 1: Introduce an Ordinance Amending Section 3.80.040 of the Sunnyvale Municipal Code to increase the City's Minimum Wage to \$15 by 2018.

- 7      [16-0030](#)      Approve the Issuance of Request for Proposals to Develop a New Affordable Housing Project on City Property Located on Charles Street (Block 15)

**Recommendation:** Alternative 1: Approve the Issuance of the Request for Proposals (RFP) to Develop New Affordable Housing Project on City Property Located on Charles Street (Block 15).

- 8      [16-0301](#)      Introduce an Ordinance to Amend Titles 3 (Revenue and Finance) and 19 (Zoning) of the Sunnyvale Municipal Code related to the Transportation Impact Fee and Housing Impact Fees in Conjunction with the Study Issue to Evaluate the Timing of Park Dedication In-lieu Fee Calculation and Payment (2015-7151) (Continued from March 15 and March 29, 2016)

**Recommendation:** Alternative 1: Introduce an Ordinance to Amend Titles 3 (Revenue and Finance) and 19 (Zoning) of the Sunnyvale Municipal Code related to the Transportation Impact Fee and Housing Impact Fees to calculate fees at the time of building permit submittal.

- 9      [15-1031](#)      Consideration of Options for Implementation of an Auxiliary Restroom at the Las Palmas Park / Tennis Center

**Recommendation:** Alternative 3: Direct staff to defer the auxiliary restroom for consideration as part of the community outreach process for the Las Palmas Park Renovation and Enhancement project in FY 2023/24 and increase the project budget during the next capital project budget cycle to reflect the additional restroom scope.

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

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

-Council

-City Manager

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

- [16-0351](#) Tentative Council Meeting Agenda Calendar
- [16-0324](#) Information/Action Items
- [16-0359](#) Update on City Position as Part of Envision Silicon Valley and the Proposed 2016 Transportation Ballot Measure (Information Only)
- [16-0352](#) Board/Commission Meeting Minutes

## **ADJOURNMENT**

### **NOTICE TO THE PUBLIC**

*The agenda reports to council (RTCs) may be viewed on the City's Web site 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 35.106 ADA Title II).*

### **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" document available at [Presentations.inSunnyvale.com](http://Presentations.inSunnyvale.com).*

**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 [CouncilMeetings.inSunnyvale.com](http://CouncilMeetings.inSunnyvale.com) for upcoming Council meeting information.*

*Visit [BoardsandCommissions.inSunnyvale.com](http://BoardsandCommissions.inSunnyvale.com) for upcoming board and commission meeting information.*

*For a complete schedule of KSUN-15 Council meeting broadcasts, visit [KSUN.insunnyvale.com](http://KSUN.insunnyvale.com).*