



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, September 10, 2024

5:30 PM

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

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**Special Meeting: Closed Session - 5:30 PM | Regular Meeting - 7 PM**

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

### Public Participation

- *In-person participation: You may provide public comment by filling out a speaker card (optional) and giving it to the City Clerk.*

*As a courtesy, and technology permitting, members of the public may also attend online. However, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Ralph M. Brown Act, the meeting will continue despite technical difficulties for participants using the online option.*

*The Mayor may determine it would be impractical to include remote public comment during Oral Communications.*

- *Online participation: You may provide audio public comment by connecting to the 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*

*(\*9 to request to speak | \*6 to unmute/mute)*

- *Watch the City Council meeting at <http://youtube.com/SunnyvaleMeetings> or on television over Comcast Channel 15, AT&T Channel 99*

- *Submit written comments to the City Council no later than 4 hours prior to the meeting start to [council@sunnyvale.ca.gov](mailto:council@sunnyvale.ca.gov) or by mail to:  
City Clerk, 456 W. Olive Ave., Sunnyvale, CA 94086*

- Review recordings of this meeting and past meetings at <https://sunnyvaleca.legistar.com/calendar.aspx> or <http://youtube.com/SunnyvaleMeetings>

### **Accessibility/Americans with Disabilities Act (ADA) Notice**

*Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance to provide public comment, or 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)).*

### **5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

#### **Call to Order**

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

#### **Roll Call**

#### **Public Comment**

*The public may provide comments regarding the Closed Session item(s). If you wish to address the Council, please refer to the notice at the beginning of this agenda. Closed Sessions are not open to the public.*

#### **Convene to Closed Session**

*Convene to Closed Session in the Council Conference Room (Closed to the Public).*

- A**     [24-0941](#)     Closed Session Held Pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency Designated Representatives: Tina Murphy, Director of Human Resources  
Employee Organization: Public Safety Officers Association (PSOA)

#### **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*

### **SALUTE TO THE FLAG**

### **ROLL CALL**

### **CLOSED SESSION REPORT**

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

- |   |                         |  |
|---|-------------------------|--|
| B | <a href="#">24-0037</a> | Ceremonial Oath of Office for Board and Commission Members             |
| C | <a href="#">24-0346</a> | Hispanic Heritage Month  |
| D | <a href="#">24-0356</a> | Sunnyvale Stands United Against Hate Week                              |
| E | <a href="#">24-0344</a> | Prisoners of War/Missing in Action (POW/MIA) Recognition Day           |
| F | <a href="#">24-0940</a> | Ceremonial Oath of Office for and Recognition of Incoming City Manager |

### **ORAL COMMUNICATIONS**

*The Mayor may determine it would be impractical to include remote public comment during Oral Communications for the purpose of timeliness of the meeting or conducting an orderly meeting. Such a determination shall be made prior to opening public comment on 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 [24-0446](#) 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 [24-0850](#) Receive and File the City of Sunnyvale Investment Report - Second Quarter 2024

**Recommendation:** Receive and file the City of Sunnyvale Investment Report - Second Quarter 2024.

- 1.C [24-0935](#) Adopt a Resolution Amending the City's Salary Resolution to Increase Salaries for the Classifications of Water Pollution Control Plant Division Manager and Water Pollution Control Operations Manager and Make Corresponding Changes in the Schedule of Pay

**Recommendation:** Adopt a Resolution amending the City's Salary Resolution to increase Salaries for the Classifications of Water Pollution Control Plant Division Manager and Water Pollution Control Operations Manager, effective September 15, 2024.

- 1.D [24-0901](#) Approve Contract Amendment with Western Digital for Semiconductor Training and Employment Services

**Recommendation:** Approve the contract amendment for semiconductor training and employment services and authorize the City Manager to execute an amendment agreement with Western Digital in an amount not to exceed \$350,100, with the contract term starting September 11, 2024, and ending September 10, 2025.

- 1.E [24-0858](#) Award of Contract in the Amount of \$3,114,784.38 to Guerra Construction Group for the Corn Palace Park, Finding of California Environmental Quality Act (CEQA) Categorical Exemption Section 15168(c)(2), and Waiver of Minor Bid

Irregularity (PW24-21)

**Recommendation:** Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$3,114,784.38 to Guerra Construction Group;
- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15303, CEQA Guidelines Section 15304, 15168(c)(2) and Public Resources Code Section 20194(c);
- Approve a 10% construction contingency in the amount of \$467,218;
- Make a determination to waive the minor bid irregularity for Guerra Construction Group; and
- Authorize the City Manager to execute the agreement when all conditions are met.

**1.F**    [24-0794](#)

Authorize the Issuance of a Three-Year Agreement in the Amount of \$500,000 to Central Marin Sanitation Agency (CMSA) for the Disposal of Source-Separated Residential and Commercial Organic Waste from the Sunnyvale SMaRT Station® for the Department of Environmental Services and Finding of California Environmental Quality Act (CEQA) Categorical Exemption Pursuant to CEQA Guidelines Section 15162

**Recommendation:** Take the following actions:

- Authorize the Issuance of a Three-Year Agreement in substantially the same form as Attachment 1 to the Report in the Amount of \$500,000 with Central Marin Sanitation Agency (CMSA); and
- Authorize the City Manager to modify and renew the purchase agreement for two (2) additional one-year periods, not to exceed budgeted amounts, provided pricing and services remain acceptable to the City.

**1.G**    [24-0903](#)

Authorize the Issuance of a Purchase Agreement with Escape Velocity Holdings DBA Trace3 for Network Firewall Hardware Equipment and a Storage System Upgrade (F25-056)

**Recommendation:** Take the following actions:

- Award a five (5) year contract purchase agreement to Escape Velocity Holdings DBA Trace3 in the amount of \$553,221.43 for Network Firewall Upgrade, including a management appliance and dashboard;
- Award a five (5) year contract purchase to Escape Velocity Holdings DBA Trace3 in the amount of \$436,890.89 for Storage System Upgrade;
- Authorize the City Manager to execute the contracts when all necessary conditions have been met;
- Authorize the City Manager to renew the contracts for up to two (2) additional one-year periods based upon available funding, need, acceptable pricing and service; and
- Authorize the City Manager to increase the contracts up to available budgeted amounts.

**1.H** [24-0724](#)

Authorize the City Manager or his Designee to Execute a Small Cell License Agreement with Crown Castle Fiber LLC, Delegate Authority for Term Extensions, and Find the Project Categorically Exempt Under the California Environmental Quality Act (CEQA)

**Recommendation:** Alternative 1: Authorize the City Manager or designee to execute the Small Cell License Agreement in substantially the same form as in Attachment 1 to the report, extend the term for two (2) additional five (5) year terms upon mutual written agreement by the parties, and make a finding that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15302 and 15303.

**1.I** [24-0918](#)

Amend an Existing One (1) Year Blanket Purchase Agreement with W.W. Grainger, Inc., in the Amount of \$150,000 for a new Total Not-to-Exceed Amount of \$400,000, and to Extend the Term of the Purchase Agreement Through December 31, 2024, for the Purchase of Industrial and Commercial Supplies (F25-049)

**Recommendation:** Take the following actions:

- Approve the increase of \$150,000 to the current Blanket Purchase Agreement with Grainger for a new, not-to-exceed amount of \$400,000, and extend the term of the purchase agreement through December 31, 2024;
- Authorize the City Manager to execute the amended Blanket Purchase Agreement when all necessary conditions have been met; and
- Authorize the City Manager to increase the compensation up to the budgeted amounts and if pricing remains favorable to the City.

1.J [24-0770](#) Reject all Bids for Downtown Janitorial Services (F24-153)

**Recommendation:** Reject all bids received in response to Invitation for Bids No. F24-153 for Janitorial Services for the Department of Public Works.

1.K [24-0846](#) Adopt a Resolution of the City Council of the City of Sunnyvale 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.L [24-0845](#) Designate a Voting Delegate and Alternate for the 2024 League of California Cities Annual Conference

**Recommendation:** Staff makes no recommendation. By approving the Consent Calendar, Council ratifies the Mayor's nomination of Councilmember Mehlinger as Voting Delegate and Tim Kirby, City Manager, as Alternate Voting Delegate for the 2024 League of California Cities Annual Conference.

1.M [24-0938](#) Adopt Ordinance No. 3231-24 Approving a First Amendment to the Development Agreement Between Intuitive Surgical, Inc. and the City of Sunnyvale for the Development of Property Identified by Assessor's Parcel Numbers 205-49-005, 205-49-012, 205-40-002, and 205-40-001 and Respectively

Known as 932 Kifer Road, 950 Kifer Road, 945 Kifer Road,  
and 955 Kifer Road

**Recommendation:** Adopt Ordinance No. 3231-24 approving a First Amendment to the Development Agreement between Intuitive Surgical, Inc. and the City of Sunnyvale for the development of property identified by Assessor's Parcel Numbers 205-49-005, 205-49-012, 205-40-002, and 205-40-001 and respectively known as 932 Kifer Road, 950 Kifer Road, 945 Kifer Road, and 955 Kifer Road.

### **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.*

2      [24-0490](#)              Single Use Plastics - Phase 2

### **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearing/general business item, please refer to 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.*

3      [24-0821](#)              Consider Modifying the Scope of Work for Study Issue ESD 24-01: Evaluate the Use of Artificial Turf Versus Living Groundcovers and Approve Budget Modification No. 6 in the Amount of \$50,000

**Recommendation:** Alternative 1: Approve the proposed amendment to modify the Scope of Work for Study Issue ESD 24-01 to include an evaluation of how to manage grass fields in public parks and conduct an analysis of maintaining high-quality playing surfaces using natural turf and approve Budget Modification No. 6 in the amount of \$50,000.

### **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.

[24-0892](#) Tentative Council Meeting Agenda Calendar

[24-0039](#) Board/Commission Meeting Minutes

[24-0900](#) 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 at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue, during normal business hours, 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 on the fourth floor of City Hall at 456 W. Olive Avenue, during normal business hours and in the Council Chambers 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.*

**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.*

**Upcoming Meetings**

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