



City of Sunnyvale

Notice and Agenda - Revised City Council

Tuesday, December 12, 2023

5:00 PM

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

**Special Meeting: Closed Session - 5 PM | Regular Meeting - 7 PM | Joint Meeting with
Sunnyvale Financing Authority - 7 PM**

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 Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

- *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 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 (28 CFR 35.160 (b) (1)).

5 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** [23-1130](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Closed Session Held Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9: Name of Cases: Madison Reading v. City of Sunnyvale, et al. and Daniel Aguilar, Keena Lochner vs. City of Sunnyvale, et al., Santa Clara County Superior Court, Case Nos. 20CV372833 and 20CV373012
- B** [23-1128](#) Closed Session Held Pursuant to California Government Code Section 54957:
PUBLIC EMPLOYEE APPOINTMENT
Title: Interim City Attorney

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****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** [23-0284](#) 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** [23-0574](#) Receive and File the FY 2022/23 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Impact Fees and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section

15378(b)(4) of the CEQA Guidelines

Recommendation: Receive and file FY 2022/23 Annual Status Report on receipt and use of development impact fees and adopt a Resolution making findings regarding unspent impact fees as required by the Mitigation Fee Act (California Government Code Section 66000 et seq.) and find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) of the CEQA Guidelines.

- 1.C** [23-0650](#) Authorize Amending an Existing Contract with Questica, Inc., to Renew Annual Software Maintenance, Support, and Hosting for Three Years (F23-166)

Recommendation: Take the following actions:

- Authorize the City Manager to execute the First Amendment, in substantially the same form as Attachment 1 to the report, to an existing contract with Questica Inc., to extend the term for three years in a total contract amount for the extension period not to exceed \$301,570.80; and
- Authorize the City Manager to amend the not-to-exceed amount, subject to available budget, providing pricing and services remain acceptable to the City.

- 1.D** [23-1045](#) Reject All Bids Received for the Peery Park Area Transportation Improvements (PW23-16) and Make a Finding that the Action Does Not Constitute a “Project” Within the Meaning of the California Environmental Quality Act Guidelines Section 15378(b)(4)

Recommendation: Reject all bids received in response to Invitation for Bids PW23-16 Peery Park

- 1.E** [23-0898](#) Award of Three On-Call Contracts Totaling \$1,125,000 for Consulting Support for Solid Waste Services (F23-112)

Recommendation: Take the following actions:

- Award Three (3) three-year on-call Consultant Service agreements for solid waste services to the following firms: SCS Engineers, with a contract amount not to exceed \$450,000, J.R. Miller and Associates Inc, with a contract amount not to exceed \$375,000 and HF&H, LLC., with a contract amount not to exceed \$300,000 in substantially the same form as Attachments 1 to 3 to the report;
- Authorize the City Manager to execute the agreements when all conditions have been met;
- Authorize the City Manager to increase the contracts up to budgeted amounts; and
- Authorize the City Manager to renew the contracts for up to two additional years based on available funding, need, acceptable pricing, and service.

1.F [23-1056](#)

Award of a Contract to PBK Architects, Inc. in the Amount of \$2,364,140 for Design and Construction Support Services for Fire Station 2 - New Construction Project (F24-003)

Recommendation: Take the following actions:

- Award a Consultant Services Agreement in an amount not-to-exceed \$2,364,140 in substantially the same form as Attachment 1 to the report, to PBK Architects, Inc.;
- Approve a 10% a contingency in the amount of \$236,140; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

1.G [23-1079](#)

Award of Contract in the Amount of \$256,654.17 to Bear Electrical Solutions Inc. to Provide Street Name Sign Removal and Replacement; and Finding of California Environmental Quality Act (CEQA) Categorical Exemption Pursuant to CEQA Guidelines Section 15301 (F23-170)

Recommendation: Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301 which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$256,654.17 to Bear Electrical Solutions Inc. of Alviso, CA.
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% contingency in the amount of \$25,665.

1.H [23-0990](#)

Award of Thirteen (13) On-Call Contracts for Engineering Support Services Totaling \$7,700,000 Over a Four-Year Period and Make a Finding of California Environmental Quality Act (CEQA) Categorical Exemption (F23-171)

Recommendation: Take the following actions:

- Award thirteen (13) four-year on-call engineering support services contracts in substantially the same form as Attachments 1 through 13 to the report to: Bellecci in a total amount not to exceed of \$1,000,000; BKF Engineers in a total amount not to exceed \$1,000,000; Wilsey Ham in a total amount not to exceed \$1,000,000; CSG Consultants in a total amount not to exceed \$1,000,000; Schaaf & Wheeler In a total amount not to exceed \$500,000; Siegfried in a total amount not to exceed \$500,000; Mark Thomas & Company in a total amount not to exceed \$500,000; Nichols Consulting Engineers in a total amount not to exceed \$500,000; Advanced Design Consultants in a total amount not to exceed \$400,000; Salas O'Brien in a total amount not to exceed \$400,000; Kimley Horn & Associates in a total amount not to exceed \$300,000; TJKM Transportation Consultants in a total amount not to exceed \$300,000; and W-Trans in a total amount not to exceed \$300,000
- Authorize the City Manager to execute the contracts when all necessary conditions have been met;
- Authorize the City Manager to increase the contracts up to the budgeted amount;
- Authorize the City Manager to Extend the term of each contract for up to one (1) additional one (1) year period based upon available funding, need, acceptable pricing and service;
- Authorize the City Manager to modify each contract's compensation schedule subject to negotiated pricing; and
- Finding of California Environmental Quality Act (CEQA) Categorical exemption pursuant to CEQA Guidelines Section 15378 (a).

1.I [23-1103](#)

Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to (1) Update Pay Rates for Casual/Temporary Classifications to Reflect the January 1, 2024 Sunnyvale Minimum Wage of \$18.55 per Hour, and (2) Increase the Councilmember and Mayor Stipend Amounts Pursuant to City Charter Section 605

Recommendation: Adopt a Resolution amending the City's Salary Resolution and Schedule of Pay to (1) update Pay Rates for Casual/Temporary Classifications to reflect the January 1, 2024 Sunnyvale Minimum Wage of \$18.55 per hour, and (2) Increase the Councilmember and Mayor Stipend amounts Pursuant to City Charter Section 605.

1.J [23-1107](#) Appoint Lee Lambert to the NOVA Workforce Board

Recommendation: Appoint Lee Lambert to the NOVA Workforce Board.

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.

2 [23-1120](#) Adopt a Resolution to Amend the General Plan by Adopting the 2023-2031 Housing Element and Adopt a Negative Declaration for the 2023-2031 Housing Element

Recommendation: Alternative 1: Make the findings and adopt the Resolution in Attachment 2 to the report to:

- a. Adopt the Negative Declaration in Attachment 3 to the report; and
- b. Amend the General Plan by Adopting the 2023-2031 Housing Element as included as Exhibit A.

3 [23-0588](#) Increase Construction Contingency by \$3,600,000 from \$14,277,594 to \$17,877,594 for the Civic Center Phase 1 Project and Authorize the City Manager or Designee to Execute Change Order Number 254 in the Amount of \$4,394,208.92

Recommendation: Increase Construction Contract Contingency with Hensel Phelps Construction Co. by \$3,600,000 from \$14,277,594 to \$17,877,594 for the Civic Center Phase 1 Project and authorize the City Manager or designee to execute Change Order Number 254 in the amount of \$4,394,208.92.

ADJOURNMENT TO JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY

7 P.M. (OR SOON THEREAFTER) JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY**Call to Order**

Call to Order in the Council Chambers

Roll Call**Oral Communications**

This category provides an opportunity for members of the public to address the City Council and Financing Authority Board on items not listed on the agenda and is limited to 15 minutes (may be extended or continued at the discretion of the Mayor/Board Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the City Council or Board to take action on an item not listed on the agenda. If you wish to address the City Council and Board, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

Consent Calendar

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- 4.A** [23-1101](#) Approve Sunnyvale Financing Authority Meeting Minutes of June 20, 2023

Recommendation: Approve the Sunnyvale Financing Authority Meeting Minutes of June 20, 2023 as submitted.

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.

- 5** [23-0955](#) Receive and File the FY 2022/23 Budgetary Year-End Financial Report, Annual Comprehensive Financial Report (ACFR), the Sunnyvale Financing Authority Financial Report, Agreed Upon Procedure Reports, and the Report to the City

Council Issued by the Independent Auditors, and Approve Budget Modification No. 8 in the Amount of \$32,787,289

Recommendation: Staff Recommends Alternative 1 for the City Council, and Alternative 3 for the Sunnyvale Financing Authority:

City Council

1. Receive and File the FY 2022/23 Budgetary Year-End Financial Report, Annual Comprehensive Financial Report (ACFR), the Sunnyvale Financing Authority Financial Report, Agreed Upon Procedure Reports, and the Report to the City Council Issued by the Independent Auditors, and Approve Budget Modification No. 8 in the Amount of \$23,853,572

Sunnyvale Financing Authority

3. Receive and File the FY 2022/23 Sunnyvale Financing Authority Financial Report.

ADJOURN JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY MEETING

RECONVENE TO CITY COUNCIL MEETING

PUBLIC HEARINGS/GENERAL BUSINESS CONTINUED

- 6 [23-0791](#) Consider Amending the Employment Agreement between the City of Sunnyvale and City Manager Kent Steffens to Increase the City Manager's Salary and Modify Certain Benefits

Recommendation: Staff makes no recommendation. This report is developed to facilitate conversation for the public hearing and action by the City Council.

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.

23-1058	Tentative Council Meeting Agenda Calendar
23-1093	Information/Action Items
23-1106	Local Appointments List - Maddy Act (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 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.