



City of Sunnyvale

Notice and Agenda City Council

Tuesday, April 4, 2023

5:45 PM

Online and Bay Conference Room
(Room 145), City Hall,
456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting: Closed Session - 5:45 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.*
- *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 Avenue, 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)).

5:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Call to Order

Call to Order via teleconference and in the Bay Conference Room (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** [23-0499](#) Closed Session Held Pursuant to California Government Code Section 54956.9 (d) (1): CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION; Name of case: In re National Prescription Opiate Litigation, Northern District of Ohio, Case No. 1:17-MD-2804 (National Opioid litigation involving Teva, Allergan, CVS, Walgreens, and Walmart)
- B** [23-0474](#) 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: Sunnyvale Managers Association (SMA)

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 and in the Bay Conference Room (Room 145).

SALUTE TO THE FLAG**ROLL CALL****CLOSED SESSION REPORT****SPECIAL ORDER OF THE DAY**

- C [23-0365](#) Recognition of Green Businesses
- D [23-0366](#) Poetry 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 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 [23-0266](#) 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** [23-0039](#) Accept Pavement Management Technical Assistance Program Round 24 Grant Funds from the Metropolitan Transportation Commission to Complete a Citywide Pavement Condition Assessment to Qualify for Regional Discretionary Funds and Approve Budget Modification No. 14 in the amount of \$18,300

Recommendation: Accept Pavement Management Technical Assistance Program Round 24 Grant Funds from the Metropolitan Transportation Commission to Complete a Citywide Pavement Condition Assessment to Qualify for Regional Discretionary Funds and Approve Budget Modification No. 14 in the amount of \$18,300.

- 1.C** [23-0168](#) Approve the Downtown Sunnyvale Business Improvement District (BID) Annual Report for Fiscal Year 2022/23 and Adopt Resolution of Intention to Levy and Collect an Annual Assessment to Reauthorize the BID for Fiscal Year 2023/24

Recommendation: Approve the Fiscal Year 2022/23 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2023/24, and schedule the public hearing for May 2, 2023.

- 1.D** [23-0486](#) Ratify Appointment of Councilmember Murali Srinivasan as Councilmember Russ Melton's Proxy to the Santa Clara County Airport Land Use Commission (ALUC)

Recommendation: Staff makes no recommendation. By approval of the consent calendar, Council ratifies the appointment of Councilmember Murali Srinivasan to Seat 07A as Councilmember Russ Melton's proxy to the Santa Clara County Airport Land Use Commission.

- 1.E** [23-0491](#) Adopt Ordinance No. 3212-23 Amending Various Sections of Title 16 (Buildings and Construction) and Title 19 (Zoning) of the Sunnyvale Municipal Code Related to the Board of Building Code Appeals and the Chief Building Official

Recommendation: Adopt Ordinance No. 3212-23 amending various Sections of Title 16 (Buildings and Construction) and Title 19 (Zoning) of the Sunnyvale Municipal Code related to the Board of Building Code Appeals and the Chief Building Official

- 1.F** [23-0501](#) Adopt a Resolution Ratifying the City Manager's Proclamation of a Local Emergency Regarding the March 2023 Winter

Storms and Find that the Action is Exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15269 and 15378(b)

Recommendation: Adopt a Resolution Ratifying the City Manager's Proclamation of a Local Emergency Regarding the March 2023 Winter Storms and Find that the Action is Exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15269 and 15378(b)

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 [23-0308](#) Award of Contract to Hazen and Sawyer for the Water Pollution Control Plant Master Plan Update and Cogeneration Upgrade Design (F23-001)

Recommendation: Alternative 1: Take the following actions:

- Award a contract to Hazen and Sawyer for Water Pollution Control Plant Master Plan Update and Cogeneration Upgrade Design in substantially the same form as Attachment 1 to the report in an amount not-to-exceed \$7,401,597;
- Authorize the City Manager to execute the contract when all the necessary conditions have been met;
- Approve a 10% contingency in the amount of \$740,160; and
- Authorize the City to amend the contract annually after the first three years to increase rates as follows: 3.75% to non-senior staff and 2% for senior staff, subject to available budget and if pricing and services remain acceptable to the City.

- 3 [23-0493](#) Consider Reinstating the Pilot of the Process for City Council Colleague Memorandums to Propose new Agenda Items Previously Included in Council Policy 7.3.19 (Council Meetings)

Recommendation: Staff makes no recommendation. This report is being presented to City Council at the Mayor's request to facilitate discussion at the public hearing and for Council to consider various options that relate to the possible reinstatement of a pilot Council Colleague Memorandums process.

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.

23-0292	Tentative Council Meeting Agenda Calendar
23-0294	Board/Commission Meeting Minutes
23-0295	Information/Action Items
23-0490	Mayoral Announcement of Mayor-Appointed Ad Hoc Advisory Committee on Potential HomeKey Application (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 in the Office of the City Clerk located at 456 W. Olive Avenue, 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 456 W. Olive Avenue, during normal business hours and in the Bay Conference Room 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.