



# City of Sunnyvale

## Notice and Agenda

### City Council

---

Tuesday, May 7, 2024

6:00 PM

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

---

**Special Meeting: Study Session 6 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)).*

### **6 P.M. SPECIAL COUNCIL MEETING (Study Session)**

#### **Call to Order**

*Call to Order in the Council Chambers*

#### **Roll Call**

#### **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.*

- A**     [24-0177](#)           35% Design for Homestead Road, Safe Routes to School Project

#### **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**     [24-0333](#)        Asian Pacific American (APA) Heritage Month
- C**     [24-0336](#)        Jewish Heritage Month
- D**     [24-0620](#)        Recognition of Outgoing Sunnyvale Downtown Association  
Executive Director
- E**     [24-0335](#)        Public Service Recognition Week

**PRESENTATION**

- F**     [24-0402](#)        Midpeninsula Regional Open Space District (Midpen) Update  
by District Board Members Jed Cyr and Curt Riffle

**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**   [24-0409](#)        Approve City Council Meeting Minutes of April 18, 2024  
(Closed Session)

**Recommendation:** Approve the City Council Meeting Minutes of April 18, 2024 as submitted.

- 1.B**   [24-0463](#)        Approve City Council Meeting Minutes of April 23, 2024

**Recommendation:** Approve the City Council Meeting Minutes of April 23, 2024 as submitted.

- 1.C [24-0003](#) Approve City Council Meeting Minutes of April 30, 2024 (Closed Session)

**Recommendation:** Approve the City Council Meeting Minutes of April 30, 2024 as submitted.

- 1.D [24-0436](#) 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.E [24-0517](#) Authorize the Issuance of a Two-Year Purchase Agreement in the Amount of \$420,000 to L.N. Curtis & Sons, Inc. to Provide Fire Protective Clothing, Equipment and Fire Safety Supplies for the Department of Public Safety (F24-145)

**Recommendation:** Take the following actions:

- Authorize the issuance of a two-year purchase agreement in the amount of \$420,000 to L.N. Curtis & Sons, Inc.; and
- Authorize the City Manager to amend and renew the purchase agreement for three (3) additional one-year periods, not-to-exceed budgeted amounts, provided pricing and service remain acceptable to the City.

- 1.F [24-0536](#) Award of Contract to Interstate Grading & Paving, Inc. in the Amount of \$2,562,341 for the Wolfe Road Pavement Rehabilitation Project and Make a Finding of California Environmental Quality Act (CEQA) Exemption Pursuant to CEQA Guidelines Section 15301(c) (PW24-13)

**Recommendation:** Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$2,562,341 to Interstate Grading & Paving, Inc.;
- Approve a 10% construction contingency in the amount of \$256,234.10;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c).

- 1.G [24-0537](#) Award of an On-Call Service Agreement to Telestar

Instruments in the Amount of \$500,000 for On-Call Services for the Water Pollution Control Plant (F24-083)

**Recommendation:** Take the following actions:

- Award an on-call service agreement in substantially the same form as Attachment 1 to the report to Telestar Instruments in a not-to-exceed amount of \$500,000;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Authorize the City Manager to increase the contract up to budgeted amounts;
- Authorize the City Manager to extend the contract for up to two (2) additional two (2) year periods based upon available funding, need, and acceptable pricing and service; and
- Authorize the City Manager to modify the contract compensation schedule subject to negotiated pricing.

**1.H** [24-0552](#)

Award a Contract to Joseph J Albanese, Inc. in the Amount of \$3,782,663 for Peery Park Area Transportation Improvements - Re-Bid, Approve a 10% Construction Contingency, Allow the Withdrawal of a Bid in Conformance with Public Contract Code Section 5103, Make a Finding of California Environmental Quality Act (CEQA) Exemption Pursuant to CEQA Guidelines Sections 15301 and 15303, and Approve Budget Modification No. 22 in the Amount of \$438,000 (PW24-09)

**Recommendation:** Take the following actions:

- Award a contract in substantially same form as Attachment 2 to the report in the amount of \$3,782,663 to Joseph J Albanese, Inc. of Santa Clara, CA;
- Approve a 10% construction contingency in the amount of \$378,266;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Allow S&H Construction Inc., to withdraw its bid in conformance with Public Contract Code (PCC) Section 5103;
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 and 15303; and
- Approve Budget Modification No. 22 in the amount of \$438,000.

**1.I** [24-0567](#)

Award of Contract in the Amount of \$5,249,820 to DPI, Inc. for

Citywide Water Line Replacement 2023 (Maude & San Aleso) and Finding of California Environmental Quality Act (CEQA) Categorical Exemption Pursuant to CEQA Guidelines Section 15302(c) (PW24-17)

**Recommendation:** Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$5,249,820 to DPI, Inc. of Livermore;
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302(c);
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 15% contingency in the amount of \$787,473.

1.J [24-0564](#)

Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 5, 2024 for the Election of Councilmembers from Districts 2, 4 and 6 and the Office of Mayor; Requesting Consolidation with the Statewide General Election and Election Services from the Santa Clara County Board of Supervisors; Providing Regulations for Candidates' Statements

**Recommendation:** Adopt a Resolution calling a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 5, 2024 for the Election of Councilmembers to Districts 2, 4 and 6 and the Office of Mayor; requesting consolidation with the Statewide General Election and Election Services from the Santa Clara County Board of Supervisors; providing regulations for Candidates' Statements.

1.K [24-0611](#)

Ratify National League of Cities' Appointment of Vice Mayor Murali Srinivasan to the Artificial Intelligence Advisory Committee

**Recommendation:** Staff makes no recommendation. By approval of the consent calendar, Council ratifies National League of Cities' appointment of Vice Mayor Murali Srinivasan to the Artificial Intelligence Advisory Committee.

## **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      [24-0229](#)      Public Hearing to Adopt a Resolution Confirming the Annual Report to Levy and Collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District (BID) for Fiscal Year 2024/25

**Recommendation:** Alternative 1: Adopt a Resolution to confirm the Annual Report and Levy and collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District for Fiscal Year 2024/25.

- 3      [24-0599](#)      Consider Approval of Draft 2024 Housing and Urban Development (HUD) Action Plan

**Recommendation:** Alternative 1: Approve the 2024 HUD Action Plan as shown in Attachment 2 of the staff report.

- 4      [24-0603](#)      Proposed Project:      Related applications on three sites totaling 1.74 acres:  
GENERAL PLAN AMENDMENT: Amend the General Plan land use designation from Commercial to either Medium Density (15-24 du/ac) or High Density (25-36 du/ac) Residential.  
REZONE: Rezone from Neighborhood Business with a Planned Development combining district (C-1/PD) to either Medium Density Residential (R-3) or High Density Residential (R-4) with a Mixed Use (MU) and Planned Development (PD) combining district.  
File #: 2022-7146  
Location: 1313 South Wolfe Road (APNs 309-10-026 and 309-10-027) and 898 East Fremont Avenue (APN 309-10-015)  
Current Zoning: C-1/PD (Neighborhood Business with a Planned Development combining district)  
Applicant / Owner: 4Terra Investments (applicant)/Desmond Family Real Estate Limited Partner (Owner)  
Environmental Review: Mitigated Negative Declaration  
Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov



**Recommendation:** Alternative 1: Take the following actions:

- a. Make the findings required by CEQA (Attachment 3) and adopt the Mitigated Negative Declaration (Attachment 10);
- b. Adopt a Resolution (Attachment 4) to amend the General Plan Designation for the two parcels at 1313 South Wolfe Road from Commercial to Medium Density Residential;
- c. Make the finding that the General Plan Amendment and rezoning are deemed to be in the public interest (Attachment 3); and
- d. Introduce an Ordinance (Attachment 5) to rezone 1313 South Wolfe Road (APN 309-10-026) from Neighborhood Commercial with a Planned Development Combining District (C-1/PD) to Medium Density Residential with a Mixed-Use Combining District (R-3/MU) and 1313 South Wolfe Road (APN 309-10-027) from C-1/PD to Medium Density Residential with a Planned Development Combining District (R-3/PD).

- 5      [24-0406](#)      Discussion and (1) Adoption of a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 5, 2024, for the Purpose of Submitting to City Voters an Ordinance Concerning Amendments to the City Charter; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments; and (2) Approve Amendments to Council Policy 7.3.4 (Roles and Responsibilities of Mayor, Vice Mayor and Councilmembers) Relating to the Role of District Councilmembers

**Recommendation:** Alternatives 1 and 2:

1. Adopt a Resolution (Attachment 1) calling a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 5, 2024, for the purpose of submitting to City voters an Ordinance concerning amendments to the City Charter; requesting consolidation with the Statewide General Election and election services from Santa Clara County; directing the City Attorney to prepare an impartial analysis; and setting priorities for ballot arguments.
2. Approve Amendments to Council Policy 7.3.4 (Roles and Responsibilities of Mayor, Vice Mayor and Councilmembers) Relating to the role of District Councilmembers.



- 6      [24-0626](#)      Approve the Appointment of the City Attorney and Approve the Employment Agreement

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

- 7      [24-0592](#)      Appointment of Interim City Manager and Approval of Employment Agreement

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

- 8      [24-0600](#)      Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase the Salary Range for the Director of NOVA Workforce Services

**Recommendation:** Alternative 1: Adopt a Resolution amending the City's Salary Resolution and Schedule of Pay to increase the Salary Range for the Director of NOVA Workforce Services effective May 12, 2024.

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

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

##### **-Council**

- G      [24-0606](#)      Colleagues Memorandum: Study Session on City Support for Organizing Community Events

##### **-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.

[24-0532](#)      Tentative Council Meeting Agenda Calendar

[24-0546](#)      Board/Commission Meeting Minutes

[24-0573](#)      Information/Action Items

[24-0612](#)

## Council Advocacy Letters

**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.*

