



City of Sunnyvale

Notice and Agenda - Revised City Council

Tuesday, September 10, 2019

5:00 PM

West Conference Room and Council
Chambers, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

**Special Meeting: Study Session - 5 PM | Special Meeting: Study Session - 6 PM
Regular Meeting - 7 PM**

5 P.M. SPECIAL COUNCIL MEETING (Study Session)

1 Call to Order in the West Conference Room (Open to the Public)

2 Roll Call

3 Public Comment

4 Study Session

[19-0110](#)

Board and Commission Interviews

5 Adjourn Special Meeting

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

1 Call to Order in the Council Chambers

2 Roll Call

3 Public Comment

4 Study Session

[19-0798](#)

Study Session to Introduce Issues Requiring Council Direction for Proposed Amendments to Charter Article VI (The Council) to be Submitted to Voters in the March 2020 Election to Implement City Council By-District Elections

Recommendation: Staff recommends that the Council discuss the policy issues requiring further direction and provide direction to staff on information the Council would like to see at the next study session on Charter language.

5 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 (Open to the Public)

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY

[19-0316](#)

SPECIAL ORDER OF THE DAY - Active Aging Week

[19-0855](#)

SPECIAL ORDER OF THE DAY - Library Card Sign-Up Month

PRESENTATION

[19-0923](#)

PRESENTATION - Caltrain Business Plan Update, by Caltrain Director of Policy Development Sebastian Petty

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 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 [19-0819](#) Approve City Council Meeting Minutes of August 27, 2019

Recommendation: Approve the City Council Meeting Minutes of August 27, 2019 as submitted.

1.B [19-0787](#) 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 [19-0843](#) Receive and File the City of Sunnyvale Investment Report - 2nd Quarter 2019

Recommendation: Receive and file the City of Sunnyvale - Second Quarter 2019 Investment Report.

- 1.D** [19-0735](#) 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.E** [19-0883](#) Approve the Engagement Letter with J.P. Morgan Securities LLC to Support the Offering and Sale in a Public or Private Offering of Bond Anticipation Notes Associated with the City's Proposed Loan from the United States Environmental Protection Agency Under the Water Infrastructure Financing and Innovation Act (WIFIA) and Approve Budget Modification No. 8 in the amount of \$275,000

Recommendation: Take the following actions:

- Approve the Engagement Letter with J.P. Morgan, in substantially the same for as Attachment 1 to the report, with a not to exceed contract amount of \$150,000
- Authorize the City Manager to execute the Engagement Letter when all necessary conditions have been met
- Approve Budget Modification No. 8 in the amount of \$275,000 to fund financing support for the Sunnyvale Clean Water Program

- 1.F** [19-0797](#) Approval of Budget Modification No. 4 to Appropriate \$950,000 of Development Enterprise Reserves to Project 829571 - Fire Prevention Construction-Related Permitting.

Recommendation: Approve Budget Modification No. 4 in the amount of \$950,000 in Development Enterprise Fund Reserves to provide additional funding for fire protection system plan review and inspection temporary personnel services in Project 829751 - Fire Prevention Construction-Related Permitting.

- 1.G [19-0919](#) Approve the Third Amendment to Outside Counsel Agreement with Liebert Cassidy Whitmore for General Employment Advice

Recommendation: Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Liebert Cassidy Whitmore to increase the not-to-exceed contract amount by \$50,000, for a total new not-to-exceed contract amount of \$150,000.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearing/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 [19-0675](#) Public Hearing Pursuant to Elections Code Section 10010(a) (2) to Receive Public Comment Regarding the Content of the Draft City Council Districting Maps Published on September 3, 2019, and the Proposed Sequence of Elections

Recommendation: Staff makes no recommendation.

- 3 [19-0929](#) Consider Request from Sunnyvale Community Services for Forgiveness of 2003 Community Development Block Grant (CDBG) Loan in the amount of \$400,000.

Recommendation: Alternative 1: Approve the CDBG Loan Forgiveness for Sunnyvale Community Services (SCS) in the amount of \$400,000, and make a formal policy statement that this action shall not be seen as a precedent for other borrowers, and is made only due to the increasing service provided by SCS to the Sunnyvale community.

- 4 [19-0709](#) Approve the Green Stormwater Infrastructure Plan, Approve Budget Modification No. 7, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15308

Recommendation: Alternative 1: Approve the Green Stormwater Infrastructure Plan, Approve Budget Modification No. 7 in the amount of \$100,000, and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15308.

- 5 [19-0794](#) Approve City's Response to the 2018-2019 Santa Clara County Civil Grand Jury Report Titled, "Inquiry into the Governance of the Valley Transportation Agency".

Recommendation: Alternative 1: Approve the City's response to the 2018-2019 Santa Clara County Civil Grand Jury report as presented in Attachment 1 to the report and authorize the Mayor to sign the response.

- 6 [19-0740](#) Public Hearing and Approval of the City of Sunnyvale's 2019 Public Health Goal Report on Water Quality (2016-2018); Direct Staff to file with the California State Water Resources Control Board Division of Drinking Water and Find that the Action is Exempt from CEQA.

Recommendation: Alternative 1: Find that the Action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), Approve the City of Sunnyvale's 2019 Public Health Goal Report on Water Quality (2016-2018) and Direct Staff to file with the California State Water Resources Control Board Division of Drinking Water.

- 7 [19-0933](#) Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase Salaries for Pay Plan Category D (Unrepresented Classified Management Employees) and Pay Plan Category K (Unrepresented Unclassified Management Employees Appointed Directly by the City Attorney)

Recommendation: Alternative 1: Adopt a Resolution Amending Resolution 190-05, the City's Salary Resolution and the Schedule of Pay, to Increase Salaries for Pay Plan Category D (Unrepresented Classified Management Employees) and Pay Plan Category K (Unrepresented Unclassified Management Employees Appointed Directly by the City Attorney)

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.

[19-0493](#) Tentative Council Meeting Agenda Calendar

[19-0802](#) Board/Commission Meeting Minutes

[19-0812](#) 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 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 35.160 (b) (1))

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 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 City Clerk (located to the left of the Council dais). 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.