



City of Sunnyvale

Notice and Agenda - Revised City Council

Tuesday, March 17, 2020

5:30 PM

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

Special Meeting: Closed Session - 5:30 P.M. - Canceled

Special Meeting: Study Session - 6 PM - Canceled

Regular Meeting - 7 PM

TELECONFERENCE SPECIAL NOTICE

Pursuant to Executive Order N-25-20:

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020 to mitigate the spread of the coronavirus known as COVID-19. In particular, the Executive Order suspends that provisions of the Brown Act that require noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members for purposes of a quorum or to hold a meeting. Executive Order N-25-20 requires that the agency to notice at least one publicly accessible location where members of the public have the right to observe and offer comment at the meeting, consistent with other provisions of the Brown Act.

The following members of the Sunnyvale City Council are listed to permit them to appear telephonically, if necessary, at the City Council Meeting on March 17, 2020: Mayor Klein; Vice Mayor Smith and Councilmembers Larsson, Hendricks, Melton, Goldman and Fong.

Members of the public may physically attend, observe and provide public comment at the meeting at the Sunnyvale City Council Chamber, located at 456 West Olive Ave., Sunnyvale, CA 94088.

Attendees are expected to comply with directions from City staff with regard to seating arrangements and other social distancing measures pursuant to Santa Clara Public Health Officer's Coronavirus Guidances.

Members of the public wanting to view and listen to the open session of the meeting may do so by tuning-in live via sunnyvaleca.legistar.com/calendar.aspx

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

1 Call to Order in the West Conference Room

2 Roll Call

3 Public Comment

The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.

4 Convene to Closed Session

- | | | |
|--------------------------------|---|--------------------------|
| <u>20-0296</u> | CONFERENCE WITH LEGAL COUNSEL-SETTLEMENT OF WORKER'S COMPENSATION CLAIM Closed Session held pursuant to California Government Code Section 54956.95(b):
Claimant: Bart Carrigan
City of Sunnyvale Claim No. SYVX-227845 | Item
Canceled |
| <u>20-0324</u> | CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION
Closed Session held pursuant to California Government Code Section 54956.9 (d)(1).
Name of Case: Ronald D'Alba v. City of Sunnyvale (Workers Compensation Appeal Board Case Nos. AB ADJ7427931 and ADJ4363668) | Item
Canceled |

5 Adjourn Special Meeting

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

1 Call to Order in the Council Chambers

2 Roll Call

3 Public Comment

4 Study Session

- [20-0237](#) Transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) **Item Canceled**

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

CLOSED SESSION REPORT

SPECIAL ORDER OF THE DAY

- [20-0365](#) SPECIAL ORDER OF THE DAY - Recognition of Sunnyvale Resident Eric Steger **Item Canceled**
- [20-0350](#) SPECIAL ORDER OF THE DAY - American Red Cross Month **Item Canceled**

PRESENTATION

- [20-0030](#) PRESENTATION - Split Tax Roll Ballot Measure by Santa Clara County Assessor Larry Stone **Item Canceled**

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** [20-0219](#) Approve City Council Meeting Minutes of February 25, 2020

Recommendation: Approve the City Council Meeting Minutes of February 25, 2020 as submitted.

- 1.B** [20-0346](#) Approve City Council Meeting Minutes of February 27, 2020

Recommendation: Approve the City Council Meeting Minutes of February 27, 2020 as submitted.

- 1.C** [20-0071](#) 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.D** [20-0271](#) Receive and File the City of Sunnyvale Investment Report - 4th Quarter 2019

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

- 1.E** [20-0267](#) Award of Contract to Bellecci & Associates, Inc. for Water Line Replacement 2019 Project (F19-238)

Recommendation:

- Award a Consultant Services Agreement in substantially the same form as Attachment 1 to the report in the not to exceed contract amount of \$557,511 to Bellecci & Associates, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met, and
- Approve a 10% contingency in the amount of \$55,751

- 1.F** [20-0317](#) Award of Bid No. PW20-13 to Graham Contractors, Inc. for Slurry Seal 2020 and Finding of CEQA Categorical Exemption

Recommendation: Take the following actions:

- Make a finding of categorical exemption from the California Environmental Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$856,215.84 to Graham Contractors, Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% construction contingency in the amount of \$85,622.

- 1.G** [20-0261](#) Authorize the Issuance of a Purchase Order to Tymco, Inc. for Two Sweeper Service Vehicles (F20-107)

Recommendation: Authorize the issuance of a Purchase Order in the amount of \$487,861 (including tire and delivery fees) excluding sales tax, in substantially the same form as Attachment 1 to the report, to Tymco, Inc. for two 2020 sweeper service vehicles.

- 1.H** [20-0376](#) Approve a Revised Memorandum of Understanding with Santa Clara County for Crime Laboratory Services Related to Department of Public Safety Major Cases

Recommendation: Authorize the City Manager to execute a revised Memorandum of Understanding (MOU), in substantially the form as Attachment 1 of the report, between the City of Sunnyvale and Santa Clara County for services provided by Santa Clara County Crime Laboratory related to Department of Public Safety Major Cases, for a term of ten years commencing with the last signature date of the MOU.

- 1.I** [20-0336](#) Adopt a Resolution authorizing display of the Prisoners of War/Missing in Action (POW/MIA) flag on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day and Veterans Day

Recommendation: Adopt a Resolution authorizing display of the POW/MIA flag on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day and Veterans Day.

- 1.J** [20-0021](#) Annual Review and Approval of City's Code of Ethics and Conduct for Elected and Appointed Officials

Recommendation: Review and approve the 2020 Code of Ethics and Conduct for Elected and Appointed Officials with no changes from the 2019 Code as set forth in Attachment 1 of the report.

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 [20-0405](#) Adopt a Resolution Ratifying the City Manager's Proclamation of a Local Health Emergency in Response to the 2019 Novel Coronavirus

Recommendation: Alternative 1: Adopt a Resolution Confirming the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency (COVID-19).

- 3 [20-0356](#) Proposed Project: Related applications on a 40.5 acre site: MAJOR MOFFETT PARK SPECIAL DEVELOPMENT PERMIT: Two new five-story R&D office buildings of 1,041,890 square feet resulting in 60 percent Floor Area Ratio (FAR). The existing 710,381 square feet of office & manufacturing buildings will be demolished. VESTING TENTATIVE MAP: Merge ten existing parcels and create two new parcels. Location: 360 W. Caribbean Drive (APNs: 110-26-020, 021, 022, 023, 025, 027, 028, 029, 030, 031) File #: 2017-8042 Zoning: Moffett Park Industrial (MP-I) & Moffett Park Transit Oriented Development (MP-TOD) Applicant / Owner: Google LLC (applicant) / Google Inc. (owner) Environmental Review: Transportation Environmental Impact Report and Statement of Overriding Considerations and Mitigation Monitoring and Reporting program Project Planners: Shaunn Mendrin, (408) 730-7431, smendrin@sunnyvale.ca.gov and Michelle King, (408) 730-7463, mking@sunnyvale.ca.gov.

**Item
Canceled**

Recommendation: Alternatives 1 and 3: 1) Adopt a resolution certifying the Transportation Environmental Impact Report, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting Program as contained in Attachments 4 and 5 of the report; and, 3) Approve the Major Moffett Park Special Development Permit as indicated in the Site and Architectural Plans in Attachment 6 of the report and Tentative Map in Attachment 7 of the report, Findings of Approval in Attachment 8 of the report and Conditions of Approval in Attachment 9 of the report.

- 4 [20-0269](#) Approve the 2019 Annual Progress Report on Implementation of the General Plan Housing Element

Recommendation: Alternative 1: Approve the 2019 Housing Element Annual Progress Report (Attachment 1 of the report) and direct staff to submit it to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

- 5 [20-0226](#) Introduce an Ordinance to Amend Title 10 (Vehicles and Traffic); Sections 10.04.090 (General), 10.16.020 (Parking Regulations), 10.36.065 (Loading and Special Zones), and 10.56.140 (Bicycles) of the Sunnyvale Municipal Code for Clarification and Cleanup

**Item
Canceled**

Recommendation: Introduce an Ordinance to Amend Sections 10.04.090 (General), 10.16.020 (parking Regulations, 10.36.065 (Loading and Special Zones), and 10.56.140 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code for Clarification and Cleanup

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.

- [20-0020](#) Tentative Council Meeting Agenda Calendar
- [20-0300](#) Board/Commission Meeting Minutes
- [20-0119](#) Information/Action Items
- [20-0388](#) Transportation Map Depicting Major Transit Stops and Stops along a High-Quality Transit Corridor with a One-Half Mile Buffer as defined by Senate Bill 743 (Information Only)
- [20-0341](#) Study Session Summary of December 10, 2019 - #HRD 19-01 Review Results of Workforce Initiative That Creates Partnerships to Develop a Pipeline for Students to Enter Public Sector Employment
- [20-0368](#) Study Session Summary of February 25, 2020 - Fines Amnesty (2019 Study Issue)

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 <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 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.