



# City of Sunnyvale

## Notice and Agenda - Revised City Council

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Tuesday, March 31, 2020

7:00 PM

Telepresence Meeting:  
City Web Stream and  
KMVT Channel 15

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### Regular Meeting - 7 PM

### SPECIAL TELECONFERENCE NOTICE

*Pursuant to Executive Order N-29-20:*

*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 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 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 of the legislative body or the public for purposes of a quorum or to hold a meeting. Executive Order N-29-20 allows an agency to conduct a teleconference meeting that provides members of the public telephonic or other electronic participation in place of making a physical location for the public to observe the meeting and provide public comment, consistent with other provisions of the Brown Act.*

*The following members of the Sunnyvale City Council are listed to permit them to appear telephonically at the City Council Meeting on March 31, 2020: Mayor Klein; Vice Mayor Smith and Councilmembers Larsson, Hendricks, Melton, Goldman and Fong.*

*As always, members of the public can send written comments to the City Council prior to the meeting by emailing [council@sunnyvale.ca.gov](mailto:council@sunnyvale.ca.gov). These emails will be provided to the members of the City Council and will become part of the official record of the meeting.*

*Members of the public who wish to verbally address the City Council during the meeting should email those comments to [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov). Comments must be received before the Chair announces that the time for public comment is closed. The City Clerk will read the first three minutes of each email into the public record. IMPORTANT: identify the Agenda Item Number or Oral Communications in the subject line of your email. Example: Public Comment for Agenda Item Number 20-0439*

*Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment in this meeting, please contact the Office of the City Clerk at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) at least 2 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. If you need special assistance in this meeting for purposes other than providing public comment, please contact the Office of the City Clerk at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b) (1))*

*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](http://sunnyvaleca.legistar.com/calendar.aspx) or KMVT Channel 15.*

### **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.*

### **ROLL CALL**

### **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 Special Teleconference 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, refer to the Special Teleconference Notice at the beginning of this agenda.*

**1.A**    [20-0078](#)            Approve City Council Meeting Minutes of March 17, 2020

**Recommendation:** Approve the City Council Meeting Minutes of March 17, 2020 as submitted.

**1.B**    [20-0442](#)            Approve City Council Special Meeting Minutes of March 17, 2020

**Recommendation:** Approve the City Council Special Meeting Minutes of March 17, 2020 as submitted.

**1.C**    [20-0059](#)            Approve Budget Modification No. 20 to Appropriate \$302,900 in FY 2019/20 Transportation Fund for Clean Air County Program Manager Funds for the Retiming of Traffic Signals and Authorize the City Manager to Execute All Grant-Related Documents

**Recommendation:** Approve Budget Modification No. 20 to Appropriate \$302,900 in FY 2019/20 Transportation Fund for Clean Air (TFCA) County Program Manager Funds for Retiming of Traffic Signals and Authorize the City Manager to Execute All Grant-Related Documents.

**1.D**    [20-0370](#)            Approve Budget Modification No. 25 in the amount of \$464,435 for the Fair Oaks Avenue Overhead Bridge Rehabilitation and Authorize the City Manager to Execute the Construction Contract with Joseph J. Albanese

**Recommendation:** Authorize the City Manager to take the following actions:

- Award a construction contract to Joseph J. Albanese in the amount of \$18,386,002.86;
- Execute the construction contract when all necessary conditions have been met;
- Approve a 10% construction contingency;
- Approve Budget Modification No. 25 in the amount of \$464,435

**1.E**     [20-0340](#)

Award a Contract to Macias Gini and O'Connell LLP in an amount not to exceed \$382,243 for Annual Financial Auditing Services (F20-142)

**Recommendation:** Take the following actions:

1. Award a three-year contract in substantially the same form as Attachment 1 to the report in the amount of \$382,243 to Macias Gini & O'Connell LLP; and
2. Authorize the City Manager to execute the contract when all necessary conditions have been met

**1.F**     [20-0303](#)

Authorize Amending the Existing Contract with The Arcanum Group for the Infor Enterprise Asset Management Licensing and Maintenance and Support for the Water Pollution Control Plant and Related Actions Regarding Purchasing Additional Licenses and Renewing Existing Licenses and Maintenance and Support Services (F20-115)

**Recommendation:** Take the follow actions:

- Authorize the City Manager to execute the First Amendment to an existing contract with The Arcanum Group, in substantially the same format as Attachment 1 to the report, increasing the not-to-exceed contract amount by \$33,245 for a new not-to-exceed contract amount of \$667,206; and
- Authorize the City Manager to purchase additional licenses and renew existing licenses and maintenance and support for five (5) additional one-year periods with Infor or its VARS, within budgeted amounts.

**1.G**     [20-0221](#)

Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2019/20; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2020/21

**Recommendation:** Approve the Fiscal Year 2019/20 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2020/21, and schedule the public hearing for April 28, 2020.

## **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearing/general business item, please refer to the Special Teleconference Notice at the beginning of this agenda*

- 2      [20-0439](#)      Adopt an Emergency Ordinance Enacting a Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Pandemic; Introduce a Regular Ordinance Enacting a Moratorium on Evictions for Nonpayment of Rent by Residential Tenants Impacted by the COVID-19 Pandemic; and Provide Direction Regarding any Desired Enhanced Provisions on Temporary Moratorium on Evictions of Commercial Tenants Impacted by the COVID-19 Pandemic.

**Recommendation:** Alternative 1 and Alternative 4:  
1) Adopt an Emergency Ordinance and Introduce a Regular Ordinance Enacting a Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Pandemic (Attachments 1 and 2); and, 4) provide direction to staff on whether the Council desires enhanced provisions, beyond those set forth in the County ordinance, for eviction moratoriums for commercial tenants impacted by the COVID-19 pandemic.

## **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.

[20-0357](#) Board/Commission Meeting Minutes

[20-0358](#) 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](http://sunnyvale.ca.gov) after 7 p.m. on Thursdays or in the Office of the City Manager located at 456 W. Olive Ave., 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 Manager located at 456 W. Olive Ave. 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.*

### **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 Manager. The City Clerk will distribute your items to the Council following the meeting.*

## **Upcoming Meetings**

*Visit <https://sunnyvaleca.legistar.com> for upcoming Council, board and commission meeting information.*