



City of Sunnyvale

Notice and Agenda - Revised City Council

Tuesday, September 15, 2020

7:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15

Special Meeting: Study Session - 5 PM - Canceled
Regular Meeting - 7 PM

Special Teleconference Notice

Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, the meeting of the Sunnyvale City Council on September 15, 2020, will take place by teleconference, as allowed by Governor Gavin Newsom’s Executive Order N-29-20.

- *Watch the City Council meeting on television over Comcast Channel 15, at <http://youtube.com/SunnyvaleMeetings> or <https://sunnyvaleca.legistar.com/calendar.aspx>.*
- *Submit written comments to the City Council up to 4 hours prior to the meeting to council@sunnyvale.ca.gov or by mail to City Clerk, 603 All America Way, Sunnyvale, CA 94086.*
- *Teleconference participation: You may provide audio public comment by connecting to the teleconference 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

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment, contact the City at least 2 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. 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 P.M. SPECIAL COUNCIL MEETING (Study Session) - Canceled**Call to Order**

Call to Order via teleconference.

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 [20-0407](#) Cleanwater Center Architectural Concept - **Item Canceled**
- B [20-0329](#) Review of Solid Waste Franchise Collection Proposal - **Item Canceled**

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.

ROLL CALL**SPECIAL ORDER OF THE DAY**

- C [20-0014](#) SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office
for Board and Commission Members
- D [20-0390](#) SPECIAL ORDER OF THE DAY - Hispanic Heritage Month
- E [20-0391](#) SPECIAL ORDER OF THE DAY - POW/MIA Recognition Day

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 [20-0393](#) Approve City Council Meeting Minutes of August 19, 2020
(Commission Interviews)

Recommendation: Approve the City Council Meeting Minutes of August 19, 2020 as submitted.

- 1.B [20-0649](#) Approve City Council Meeting Minutes of August 25, 2020

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

- 1.C [20-0709](#) 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 [20-0716](#) Adopt a Resolution to Summarily Vacate a Portion of a Slope
Easement at 1390 Borregas Avenue

Recommendation: Adopt the Resolution to summarily vacate a portion of the 18-foot wide slope easement at 1390 Borregas Avenue; and to authorize and direct the City Clerk to record a certified copy of the resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

- 1.E [20-0717](#) Adopt a Resolution to Summarily Vacate a Portion of a Slope
Easement at 212 Gibraltar Drive

Recommendation: Adopt the resolution to summarily vacate a portion of the 15-foot wide slope easement at 212 Gibraltar Drive; and to authorize and direct the City Clerk to record a certified copy of the resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

- 1.F [20-0721](#) 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

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.G [20-0807](#) Adopt a Resolution Confirming a Local Emergency Order of the Director of Emergency Services Regarding Allowing Temporary Outdoor Business Activities on Private and Public Property in the City of Sunnyvale in Response to Public Health Concerns Because of the Novel Coronavirus (COVID-19)

Recommendation: Adopt a Resolution Ratifying the City Manager/Director of Emergency Services' Order Regarding Temporary Outdoor Business Activities on Public and Private Property in the City of Sunnyvale.

- 1.H [20-0819](#) Ratify the Appointments of Mayor Larry Klein and Vice Mayor Nancy Smith to the Santa Clara County Unhoused Task Force as the City of Sunnyvale Representatives

Recommendation: Staff makes no recommendation. By approval of the consent calendar, Council ratifies Mayor Klein and Vice Mayor Smith's Appointments to the Santa Clara County Unhoused Task Force as the City of Sunnyvale Representatives.

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 [20-0047](#) APPLICATION WITHDRAWN
Proposed Project: General Plan Amendment Initiation request to study changing the General Plan designation from Low Density Residential to Low-Medium Density Residential on a 0.94 acre site
Location: 640 Lakehaven Drive (APN: 110-16-040)
File #: 2020-7030
Zoning: R-0/PD (Low Density Residential/Planned Development)
General Plan: Low Density Residential
Applicant / Owner: GSJ &2 LLC
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).
Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Recommendation: Application withdrawn. No action required.

- 3 [20-0651](#) Award of Bid No. PW20-02 to Robert A. Bothman Construction for Fair Oaks Park Renovation & Enhancement and Magical Bridge Playground, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, Approve Second Amendment to Consultant Services Agreement with Magical Bridge Foundation, and Approval of Budget Modification No. 6

Recommendation: Alternative 1:

Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301;
- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$16,300,000.00 to Robert A. Bothman Construction;
- Authorize the City Manager to execute the construction contract when all necessary conditions have been met;
- Approve a 10% construction contingency in the amount of \$1,630,000;
- Authorize the City Manager to execute a Second Amendment to a Consultant Services Agreement, in substantially the same form as Attachment 3 to the report, with Magical Bridge Foundation to increase the City's contribution to \$2,301,500 and the contract amount to a new not-to-exceed amount of \$4,591,500; and
- Approve Budget Modification No. 6 in the amount of \$3,399,392 to provide additional project funding.

4 [20-0762](#)

Proposed Project: General Plan Amendment Initiation request to consider amending the General Plan designation from Commercial to Medium Density Residential on two sites totaling 1.2-acres.

Location: 1313 S. Wolfe Road (APN: 309-10-026 and 309-10-027)

File #: 2020-7031

Zoning: C-1 (Neighborhood Business)/PD (Planned Development)

General Plan: Commercial

Applicant / Owner: 4Terra Investments (applicant) / Desmond Family Real Estate Limited Partner (owner)

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).

Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov

Recommendation: Alternative 2: Deny the General Plan Amendment Initiation request to consider amending the General Plan designation from Commercial to Medium Density Residential including a commercial component, per the applicant's proposal.

- 5 [20-0673](#) Adopt a Resolution Authorizing the City to Enter into a Loan Agreement with the United States Environmental Protection Agency up to the amount of \$221,000,000 and Authorize the City Manager to Execute the Loan Agreement and Related Documents and Pay All Closing Costs

Recommendation: Alternative 1: Adopt a Resolution Authorizing the City to Enter into a Loan Agreement with the United States Environmental Protection Agency up to the amount of \$221,000,000 and Authorizing the City Manager to Execute the Loan Agreement and Related Documents and Pay All Closing Costs.

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.

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| 20-0711 | Tentative Council Meeting Agenda Calendar |
| 20-0758 | Board/Commission Meeting Minutes |
| 20-0759 | Information/Action Items |
| 20-0823 | Study Session Summary of August 11, 2020 - Moffett Park Specific Plan Update |

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 603 All America Way, 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, 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 to access City Hall to view these materials and 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 following the meeting.

Upcoming Meetings

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