



# City of Sunnyvale

## Notice and Agenda City Council

---

Tuesday, October 27, 2020

5:30 PM

City Web Stream | Comcast Channel 15

---

### Special Meeting: Closed Session - 5:30 PM | Regular Meeting - 7 PM

*Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale City Council 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](mailto: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](mailto:cityclerk@sunnyvale.ca.gov) (28 CFR 35.160 (b) (1)).*

**5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)****Call to Order**

*Call to Order via teleconference.*

**Roll Call****Public Comment**

*The public may provide comments regarding the Closed Session item(s). If you wish to address the Council, please refer to the notice at the beginning of this agenda. Closed Sessions are not open to the public.*

**Convene to Closed Session**

- A**     [20-0833](#)           Closed Session held pursuant to California Government Code Section 54956.8:  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: Acquisition of 970 W Evelyn Ave, Sunnyvale, CA - APN 165-20-017  
Agency negotiator: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; and Sherine Nafie, City Property Administrator  
Negotiating parties: Edward Woodhall, Owner  
Under negotiation: Price and terms
- B**     [20-0667](#)           Closed Session Held Pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency Designated Representatives: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager; Charles Sakai, Labor Attorney
- Employee Organization: Public Safety Officers Association (PSOA)

**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****CLOSED SESSION REPORT****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**    [20-0027](#)            Approve City Council Meeting Minutes of October 13, 2020

**Recommendation:** Approve the City Council Meeting Minutes of October 13, 2020 as submitted.

**1.B**    [20-0733](#)            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 [20-0244](#) Appoint a City of Sunnyvale Community Member Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee

**Recommendation:** Appoint Mr. Timothy Oey as Sunnyvale's community member representative for the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two-year term, which begins retroactively on July 1, 2020 and ends on June 30, 2022.

- 1.D [20-0804](#) Award of Contract to Kimley Horn & Associates, Inc., for Signal Coordination and Timing Optimization (F20-144)

**Recommendation:** Take the following actions:

- Award a Consultant Services Agreement in the amount not-to-exceed \$372,050 insubstantially the same form as Attachment 1 to the report to Kimley Horn & Associates, Inc.;
- Approve a 10% contingency in the amount of \$37,205; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

- 1.E [20-0363](#) Acceptance of Google Inc.'s Donation of Voluntary Bicycle and Pedestrian Facility Improvements (Phase 1 and Phase 2) on Manila Drive/West Moffett Park Drive with an Estimated Construction Cost of \$2,575,800 and Finding of Exemption from the California Environmental Quality Act

**Recommendation:** Accept Google Inc.'s donation of voluntary Bicycle and Pedestrian Facility Improvements (Phase 1 and Phase 2) on Manila Drive/West Moffett Park Drive with an estimated construction cost of \$2,575,800 and make a finding that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c) existing streets, sidewalks, bicycle lanes and facilities involving negligible or no expansion and that does not create additional automobile lanes.

- 1.F [20-0853](#) Ratify Vice Mayor Smith's Appointment to the League of California Cities Women's Caucus as Immediate Past President; Re-appoint Councilmember Glenn Hendricks to the Valley Transportation Authority Board of Directors as the City of Sunnyvale Representative

**Recommendation:** Staff makes no recommendation. By approval of the consent calendar, Council ratifies Vice Mayor Smith's Appointment to the League of California Cities Women's Caucus as Immediate Past President and Re-appoints Councilmember Hendricks' VTA Board of Directors as the City of Sunnyvale Representative.

- 1.G [20-0906](#) CONTINUED FROM OCTOBER 13, 2020.  
Approve Participation in the Bay Area Air Quality Management District Spare the Air Cut the Commute Pledge

**Recommendation:** Approve participation in the BAAQMD Cut the Commute Pledge with the aspirational goal to extend remote work options by at least 25 percent for employees whose work requirements allow for that flexibility to improve air quality and quality of life for all Bay Area residents. Implementation details of the remote work policy will be determined by the City Manager.

## **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 [20-0814](#) Approve a Phased Reach Codes Program and implement Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42 (Energy Code) and Chapter 16.43 (Green Building Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from CEQA

**Recommendation:** Alternative 1: Phased Reach Codes Program and implement Phase 1 for new Residential and Non-Residential Construction Projects: Introduce an Ordinance to Amend Chapter 16.42, Energy Code and Chapter 16.43 (Green Building Code) of Title 16 (Buildings and Construction) and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15308, 15305 and 15061.

- 3 [20-0799](#) Award of Bid No. PW20-16 to Hensel Phelps Construction Co.

for Civic Center Modernization Phase 1

**Recommendation:** Alternative 1:

Take the following actions:

- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$174,116,999.92 to Hensel Phelps Construction Co.;
- Authorize the City Manager to execute the construction contract when all necessary conditions have been met; and
- Approve an 8.2% construction contingency in the amount of \$14,277,594

- 4      [20-0314](#)      Introduce an Ordinance to Amend Chapter 9.28 (Regulation of Smoking) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Prohibit the Sale of Flavored Tobacco Products (Study Issue)

**Recommendation:** Alternative 1: Introduce an Ordinance to amend the Sunnyvale Municipal Code Chapter 9.28 to prohibit the sale of flavored tobacco products.

- 5      [20-0905](#)      CONTINUED FROM OCTOBER 13, 2020.  
Receive and File the FY 2020/21 First Quarter Budget Update and Approval of Budget Modification No. 8 in the Amount of \$1,932,000 to Appropriate CARES Act Funding

**Recommendation:** Receive and file the FY 2020/21 First Quarter Budget Update and Approve Budget Modification No. 8 in the amount of \$1,932,000 to Appropriate CARES Act Funding.

- 6      [20-0865](#)      Approve the Master Plan for Public Art, Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan; and Allocate \$50,000 from the Public Art Fund to Implement a Utility Box Art Project.

**Recommendation:** Alternatives 1 through 3: (1) Approve the Master Plan for Public Art; (2) Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan; and (3) Allocate \$50,000 from the Public Art Fund to Implement a Utility Box Art Project.

**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.

[20-0319](#) Tentative Council Meeting Agenda Calendar

[20-0782](#) Board/Commission Meeting Minutes

[20-0803](#) 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 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.*