



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, April 20, 2021

5:15 PM

Telepresence Meeting: City Web Stream |  
AT&T Channel 99 | Comcast Channel 15

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**Special Meeting: Closed Session - 5:15 PM | Special Meeting: Study Session - 6 PM |  
Regular Meeting - 7 PM**

**Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/96111580540>**

*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&T Channel 99, 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 (28 CFR 35.160 (b) (1)).*

**5:15 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**     [21-0398](#)           CONFERENCE WITH LEGAL COUNSEL-PENDING  
LITIGATION Closed Session held pursuant to California  
Government Code Section 54956.9 (d)(1). Name of Case:  
Michael Laurent v. City of Sunnyvale, Santa Clara County  
Superior Court, Case No. 19CV355846

**Adjourn Special Meeting**

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

**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.*

- B**     [21-0321](#)           Tasman Drive Complete Street Corridor Study Update by  
Valley Transportation Authority

**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.*

**The City Council will observe a 15 minute recess at 7:45 p.m.**

### **Call to Order**

*Call to Order via teleconference.*

### **ROLL CALL**

### **CLOSED SESSION REPORT**

### **SPECIAL ORDER OF THE DAY**

- C     [21-0390](#)           Affordable Housing Month
- D     [21-0349](#)           Asian Pacific American Heritage Month
- E     [21-0519](#)           Earthquake Preparedness Month

### **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   [21-0466](#)           Approve City Council Meeting Minutes of April 6, 2021

**Recommendation:** Approve the City Council Meeting Minutes of April 6, 2021 as submitted.

- 1.B [21-0241](#) 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 [21-0320](#) Approve Budget Modification No. 20 to Appropriate \$3.5 Million in Valley Transportation Authority (VTA) 2016 Measure B Funding and \$389,000 from the Transportation Impact Fee Funds for the Environmental, Permitting, and Design Costs for the Stevens Creek Trail Segment from W. Remington Drive to W. Fremont Avenue and Authorize the City Manager to Execute All Grant-Related Documents

**Recommendation:** Approve Budget Modification No. 20 to Appropriate \$3,500,000 in Valley Transportation Authority (VTA) 2016 Measure B Funding and \$389,000 from the Transportation Impact Fee Funds for the Environmental, Permitting, and Design Costs for the Stevens Creek Trail Segment from W. Remington Drive to W. Fremont Avenue and Authorize the City Manager to Execute All Grant-Related Documents

- 1.D [21-0143](#) Award of Contract to JJR Construction Inc. for ADA Curb Retrofit (CDBG) 2021 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 \$580,328 to JJR Construction Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 20% construction contingency in the amount of \$116,066.

- 1.E [21-0432](#) Award of Contract to Intermountain Slurry Seal, Inc. for Slurry Seal 2021 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 \$647,627 to Intermountain Slurry Seal, 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 \$64,763.

- 1.F [21-0435](#) Approve the Second Amendment to Outside Counsel Agreement with Downey Brand for Litigation Services pertaining to the pending litigation San Francisco Baykeeper v. City of Sunnyvale and Approve Budget Modification No. 19 in the amount of \$500,000

**Recommendation:** Authorize the City Attorney to execute a Second Amendment, in substantially the same form as Attachment 1 to the report, to the Legal Services Agreement with the law firm of Downey Brand, LLP to increase the not-to-exceed amount by \$400,000, for a new not-to-exceed contract amount of \$500,000 and Approve Budget Modification No. 19 in the amount of \$500,000

- 1.G [21-0462](#) Countywide AB 939 Fee and Household Hazardous Waste Agreements for FY 2021/22 through FY 2023/24.

**Recommendation:**

1. Authorize the City Manager to execute a three year Agreement for Countywide AB 939 Implementation Fee, in substantially the same form as Attachment 1 of the report, and a three year Agreement for Countywide Household Hazardous Waste Collection Program, in substantially the same form as Attachment 2 of the report, with an augmentation amount of \$152,321; and
2. Authorize the City Manager to execute annual amendments to the Countywide HHW Collection Program Agreement and the authority to approve an increase of up to 20% in the augmentation amount.

- 1.H [21-0408](#) Extension of Lease Agreement with Sunnyvale Community

Services at 725 Kifer Road

**Recommendation:** Authorize City Manager or his designee to execute a First Amendment to Lease of Real Property in substantially the same form as Attachment 1 of the staff report for 725 Kifer Road with Sunnyvale Community Services.

- 1.I [21-0428](#) Appoint Mr. Russell Brunson and Ms. Lori Parris to the NOVA Workforce Board

**Recommendation:** Appoint Mr. Russell Brunson and Ms. Lori Parris to the NOVA Workforce Board.

- 1.J [21-0451](#) Approve Local Plan for NOVA and Regional Plan for Bay Peninsula Regional Planning Unit

**Recommendation:** Approve the Local Plan for NOVA and the Regional Plan for the Bay Peninsula Regional Planning Unit.

### **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 [21-0066](#) Housing Strategy: Update and Discussion on Sunnyvale Mobile Home Park Memorandum of Understanding

**Recommendation:** Alternative 1: Direct staff to continue to negotiate final terms with MOU Stakeholders.

- 3 [21-0378](#) Selection of a Configuration of the Mary Avenue Overcrossing to be Defined as the Proposed Project in an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA); Approve Budget Modification No. 21 in the Amount of \$273,092 from the Transportation Impact Fee funds; and Increase the Kimley-Horn and Associates contract from \$666,550 to \$914,815.

**Recommendation:** Alternative 1: Select Option 2 as the "Project" for the purposes of the project definition in the EIR for the Mary Avenue Overcrossing and fully evaluate the other four options as Project alternatives, Approve Budget Modification no. 21 in the Amount of \$273,092 from the Transportation Impact Fee funds, Approve a Second Amendment in substantially the same form as Attachment 6 to the report to the Kimley-Horn and Associates Contract to change the scope of work and increase the contract amount from \$666,550 to \$914,815 and approve a 10% contingency for the additional scope of work.

- 4      [21-0130](#)      Discussion and Possible Direction Regarding Taking a Position on Assembly Bill (AB) 703 (Rubio, Blanca D) - Open Meetings: Local Agencies: Teleconferences

**Recommendation:** Staff makes no recommendation. This report is being presented to Council to facilitate a discussion at the public hearing and for providing possible direction for the Mayor regarding AB 703.

## **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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|-------------------------|--|
| <a href="#">21-0467</a> | Tentative Council Meeting Agenda Calendar  |
| <a href="#">21-0468</a> | Board/Commission Meeting Minutes   |
| <a href="#">21-0469</a> | Information/Action Items   |
| <a href="#">21-0490</a> | Mayoral Announcement of Mayor-Appointed Ad Hoc Advisory Committee on City Attorney Compensation (Information Only) |

[21-0516](#)

Board/Commission Resignation (Information Only)

**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.*