



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, August 9, 2022

6:00 PM

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

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**Special Meeting: Study Session - 6 PM | Regular Meeting - 7 PM | Regular Meeting of the  
Sunnyvale Financing Authority - 7 PM (or soon thereafter)**

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

### **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, this meeting of the Sunnyvale City Council will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed July 12, 2022)*

### **Public Participation**

- *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  
(\*9 to request to speak | \*6 to unmute/mute)*

- *Watch the City Council meeting at <http://youtube.com/SunnyvaleMeetings> or on television over Comcast Channel 15, AT&T Channel 99*
- *Submit written comments to the City Council no later than 4 hours prior to the meeting start to [council@sunnyvale.ca.gov](mailto:council@sunnyvale.ca.gov) or by mail to:  
City Clerk, 603 All America Way, Sunnyvale, CA 94086*
- *Review recordings of this meeting and past meetings at  
<https://sunnyvaleca.legistar.com/calendar.aspx> or  
<http://youtube.com/SunnyvaleMeetings>*

**Accessibility/Americans with Disabilities Act (ADA) Notice**

*Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance to provide public comment, or 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)).*

**6 P.M. SPECIAL COUNCIL MEETING (Study Session)****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**      [22-0147](#)      Creation of a Human Relations Commission: Identify Policy Issues and Responsibilities for the Commission (Study Issue)

**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****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    [22-0609](#)            Approve City Council Meeting Minutes of July 12, 2022

**Recommendation:** Approve the City Council Meeting Minutes of July 12, 2022 as submitted.

- 1.B    [22-0469](#)            Approve City Council Meeting Minutes of July 19, 2022  
(Closed Session)

**Recommendation:** Approve the City Council Meeting Minutes of July 19, 2022, 2022 as submitted.

- 1.C    [22-0741](#)            Approve City Council Meeting Minutes of July 26, 2022

**Recommendation:** Approve the City Council Meeting Minutes of July 26, 2022 as submitted.

- 1.D    [22-0184](#)            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.E    [22-0636](#)            Receive a Report of an Emergency Procurement to Provide  
Polymer to Meet Compliance Requirements at the Water  
Pollution Control Plant (WPCP) and Find that the Project is of  
Urgent Necessity for the Preservation of Life, Health, or  
Property. (F22-145)

**Recommendation:** Receive the Report of an Emergency Procurements to provide Polymer to Meet Compliance Requirements at the Water Pollution Control Plant (WPCP) and Find that the Project is of Urgent Necessity for the Preservation of Life, Health, or Property.

- 1.F     [22-0542](#)     Accept Google LLC's Voluntary Donation in the Amount of \$1,000,000 for the East Channel Trail Study; Authorize the City Manager to Execute Funding Agreements with Google and Santa Clara Valley Transportation Authority and any Other Necessary Documents Related to the Grant or Funding; Approve Budget Modification No. 3 to Appropriate \$830,000 in Santa Clara Valley Transportation Authority (VTA) 2016 Measure B Bicycle & Pedestrian Planning Studies Funding, \$1,000,000 in Google LLC's Voluntary Donation, and \$1,000,000 from the Transportation Impact Fee Funds for the East Channel Trail Study

**Recommendation:** Accept Google LLC's Voluntary Donation in the Amount of \$1,000,000 for the East Channel Trail Study; Authorize the City Manager to Execute Funding Agreements with Google and Santa Clara Valley Transportation Authority and any other necessary documents related to the grant or funding; Approve Budget Modification No. 3 to Appropriate \$830,000 in Santa Clara Valley Transportation Authority (VTA) 2016 Measure B Bicycle & Pedestrian Planning Studies Funding, \$1,000,000 in Google LLC's Voluntary Donation, and \$1,000,000 from the Transportation Impact Fee Funds for the East Channel Trail Study.

- 1.G     [22-0649](#)     Award of Contract to VSS International, Inc. for Java Drive Road Diet and Bike Lanes, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 1 (PW22-13)

- Recommendation:**
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$574,000 to VSS International, Inc.;
  - Making a finding of categorical exemption from the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15301(c);
  - Authorize the City Manager to execute the contract when all necessary conditions have been met;
  - Approve a 10% contingency in the amount of \$57,400; and
  - Approve Budget Modification No. 1 in the amount of \$269,400

- 1.H     [22-0685](#)     Award of Contract to Golden Bay Construction, Inc. for the Pedestrian and Bicycle Safety Improvements at the Intersection of Fremont Avenue and Manet Drive/Bobwhite Avenue Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 2 (PW22-12)

- Recommendation:** Take the following actions:
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);
  - Approve Budget Modification No. 2 in the amount of \$60,000;
  - Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$292,411 to Golden Bay Construction, 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 \$29,241

- 1.I     [22-0705](#)     Award of Contract to American Asphalt Repair & Resurfacing Co., Inc. for Slurry Seal 2022 B and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW22-20)

**Recommendation:** - Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,177,911.95 to American Asphalt Repair & Resurfacing Co., Inc. of Hayward;  
- Make a finding of categorical exemption from the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15301(c);  
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and  
- Approve a 10% contingency in the amount of \$117,791.

**1.J**     [22-0712](#)     Approve the Fiscal Year 2022/23 Sustainability Speaker Series

**Recommendation:** Approve the FY 2022/23 Sustainability Speaker Series topics as proposed by the Sustainability Commission, with the provision that the implementation of up to four events will be contingent on speaker availability, staffing resources, and available budget. Staff has collaborated with the Subcommittee during the development of the proposed Series and generally supports the topics selected.

**1.K**     [22-0783](#)     Adopt a Resolution Amending the City's Salary Resolution to Provide a Time Exception to Extend Assignments for Term Limited Employees Assigned to the Enterprise Resource Planning (ERP) Project

**Recommendation:** Adopt a Resolution Amending the City's Salary Resolution Amending the City's Salary Resolution to Provide a Time Exception to Extend Assignments for Term Limited Employees Assigned to the Enterprise Resource Planning (ERP) Project

**1.L**     [22-0789](#)     Adopt a Resolution Extending the City's Declaration of Local Emergency for COVID-19

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

**1.M**     [22-0764](#)     Reconsider and Affirm Resolution No. 1089-21; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the City Council and Boards, Commissions and Council Subcommittees During the COVID-19 State of Emergency

**Recommendation:** Affirm Resolution 1089-21; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the City Council and Boards, Commissions and Council Subcommittees during the COVID-19 State of Emergency:

1. The City Council hereby finds that the state of emergency conditions related to COVID-19, as set forth in Resolution No. 1130-22 adopted on June 28, 2022 and incorporated herein by reference, are on-going;
2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

- 1.N**     [22-0806](#)     Amend Resolution No. 1075-21 Directing the City Manager to Temporarily Allow Outdoor Dining on Private Parking Lots and Close the 100 Block of South Murphy Avenue Through the Earlier of Either June 30, 2023, or Until the Emergency Proclamation is Lifted

**Recommendation:** Amend Resolution No. 1075-21 Directing the City Manager to Temporarily Allow Outdoor Dining on Private Parking Lots and Close the 100 Block of South Murphy Avenue Through the Earlier of Either June 30, 2023, or Until the Emergency Proclamation is Lifted.

**ADJOURNMENT TO REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY**

**7 P.M. (OR SOON THEREAFTER) REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY**

**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, this meeting of the Sunnyvale*

*Financing Authority will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1105-22FA (reaffirmed July 12, 2022).*

### **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 Financing Authority on items not listed on the agenda and is limited to 15 minutes (may be extended or continued 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 Financing to take action on an item not listed on the agenda. If you wish to address the Financing Authority, 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.*

- 2.A**    [22-0766](#)            Approve Sunnyvale Financing Authority Meeting Minutes of July 12, 2022

**Recommendation:** Approve the Sunnyvale Financing Authority Meeting Minutes of July 12, 2022 as submitted.

- 2.B**    [22-0765](#)            Reconsider and Affirm Resolution No. 1105-22FA; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the Sunnyvale Financing Authority During the COVID-19 State of Emergency



**Recommendation:** Affirm Resolution 1105-22FA; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the Financing Authority during the COVID-19 State of Emergency:

1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1130-22 adopted on June 28, 2022, and incorporated herein by reference, are on-going;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

## **ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING**

## **RECONVENE TO CITY COUNCIL MEETING**

## **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.*

- 3      [22-0668](#)      Approve Modifying the Recreation Fee Waiver Program and Amend Council Policy 7.1.1 to Reflect the Modifications

**Recommendation:** Alternative 1: Approve Modifying the Recreation Fee Waiver Program and Amend Council Policy 7.1.1 to Reflect the Modifications proposed by Staff.

- 4      [22-0775](#)      APPEAL BY PROJECT APPLICANT OF THE PLANNING COMMISSION DECISION OF JUNE 27, 2022  
Proposed Project:      Related applications on a 1.81-acre site: Special Development Permit to redevelop a portion (westerly portion) of an existing shopping center (Fremont Corners) into

a mixed-use Village Center with 3,384 square feet of commercial space and 35, four-story townhome-style condominiums with associated parking and site improvements including common public open space.

TENTATIVE MAP to subdivide the lot into five lots and 35 condominiums.

Location: 102 E. Fremont Ave. and 1310 S.

Sunnyvale-Saratoga Rd. (APN: 309-01-002)

File #: 2021-7161

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

Applicant / Owner: TTLC Sunnyvale FC, LLC / Fremont Corners, Inc Et Al

Environmental Review: Consistent with California Environmental Quality Act (CEQA) Section 15183 and 15183.3 (Projects Consistent with a Community Plan, General Plan, or Zoning and Streamlining for In-fill Projects).

Project Planner: Shétal Divatia, (408) 730-7637, [sdivatia@sunnyvale.ca.gov](mailto:sdivatia@sunnyvale.ca.gov)

**Recommendation:** Alternative 1: Uphold the decision of the Planning Commission and make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is consistent with CEQA Guidelines Sections 15183 and 15183.3 (Projects Consistent with a Community Plan, General Plan, or Zoning and Streamlining for Infill Projects) as noted in checklist (Attachment 6), approve the Special Development Permit and the Tentative Map subject to the Recommended Findings in Attachment 3 and subject to the Recommended Conditions of Approval in Attachment 4.

- 5      [22-0807](#)      Approve a Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Employees' Association/IFPTE Local 21; and Adopt Two Resolutions Implementing Changes Associated with the New MOU: (1) Resolution Amending the City's Salary Resolution by Updating Medical Insurance Contribution Provisions and the Schedule of Pay to Increase Salaries for Pay Plan Category B (Employees Represented by the Sunnyvale Employees' Association/IFPTE Local 21), and Pay Plan Category G (Unrepresented Classified Confidential Employees); and (2) Resolution Approving Amendments to the

City's Contribution for CalPERS Medical Insurance for Management, Sunnyvale Employees' Association/International Federation of Professional and Technical Engineers (SEA/IFPTE Local 21), and Confidential Employees and Annuitants (Retirees)

**Recommendation:** Alternative 1: Authorize the City Manager to Execute the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Employees' Association/IFPTE Local 21; and Adopt Two Resolutions Implementing Changes Associated with the New MOU: (1) Resolution Amending the City's Salary Resolution by Updating Medical Insurance Contribution Provisions and the Schedule of Pay to Increase Salaries for Pay Plan Category B (Employees Represented by the Sunnyvale Employees' Association/IFPTE Local 21), and Pay Plan Category G (Unrepresented Classified Confidential Employees); and (2) Resolution Approving Amendments to the City's Contribution for CalPERS Medical Insurance for Management, Sunnyvale Employees' Association/International Federation of Professional and Technical Engineers (SEA/IFPTE Local 21), and Confidential Employees and Annuitants (Retirees).

#### **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.*

[22-0755](#) Tentative Council Meeting Agenda Calendar

[22-0756](#) Board/Commission Meeting Minutes

[22-0757](#) 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.*

**Upcoming Meetings**

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