



City of Sunnyvale

Notice and Agenda - Revised City Council

Tuesday, August 30, 2022

5:00 PM

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

**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM |
Regular Meeting - 7 PM | Regular Meeting: 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 August 9, 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 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 (28 CFR 35.160 (b) (1)).

5 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** [22-0752](#) Closed Session Held Pursuant to California Government Code Section 54957.6:
CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Tina Murphy, Director of Human Resources
Employee organization: Service Employees International Union (SEIU)

Adjourn Special Meeting**5:30 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.

- B** [22-0114](#) Discussion Regarding Potential Gun Safety Measures in Sunnyvale

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

SPECIAL ORDER OF THE DAY

- C** [22-0815](#) Hispanic Heritage Month
- D** [22-0906](#) National Library Card Sign-Up 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 [22-0112](#) Approve City Council Meeting Minutes of August 9, 2022

Recommendation: Approve the City Council Meeting Minutes of August 9, 2022 as submitted.

- 1.B [22-0574](#) Approve City Council Meeting Minutes of August 16, 2022
(Board and Commission Interviews | Consider Development Agreement and Special Development Permit)

Recommendation: Approve the City Council Meeting Minutes of August 16, 2022 as submitted.

- 1.C [22-0158](#) Approve City Council Meeting Minutes of August 22, 2022
(Consider Canceling Council District 1 Election)

Recommendation: Approve the City Council Meeting Minutes of August 22, 2022 as submitted.

- 1.D [22-0185](#) 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 [22-0681](#) Receive and File the City of Sunnyvale Investment Report - Second Quarter 2022

Recommendation: Receive and file the City of Sunnyvale Investment Report - Second Quarter.

- 1.F [22-0719](#) Adopt a Resolution to Summarily Vacate Slope Easement at 1100 North Mathilda Avenue

Recommendation: Adopt the Resolution to summarily vacate the 15-foot wide slope easement at 1100 North Mathilda Avenue; and 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.G [22-0577](#) Designate a Voting Delegate and Alternate for the 2022 League of California Cities Annual Conference

Recommendation: Approve the Mayor's nomination of himself as the Voting Delegate and Councilmember Russ Melton as Alternate.

- 1.H [22-0813](#) Appoint Jean Cohen, Brian Murphy, Mrinalini Vittal and Theresa Woo to the NOVA Workforce Board

Recommendation: Appoint Jean Cohen, Brian Murphy, Mrinalini Vittal and Theresa Woo to the NOVA Workforce Board.

- 1.I [22-0839](#) 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. 1139-22 adopted on August 9, 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.J [22-0884](#) Adopt Ordinance No. 3197-22 to Approve and Adopt a Development Agreement between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC, and the City of Sunnyvale for the development of property identified by assessor's parcel numbers 209-28-008 and 209-28-052 and commonly known as 355 W. Olive Avenue and 480 S. Mathilda

Avenue.

Recommendation: Adopt Ordinance No. 3197-22 Approve and Adopt a Development Agreement between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC, and the City of Sunnyvale for the development of property identified by assessor's parcel numbers 209-28-008 and 209-28-052 and commonly known as 355 W. Olive Avenue and 480 S. Mathilda Avenue.

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 August 9, 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 Board on items not listed on the agenda and is limited to 15 minutes (may be extended or continued at the discretion of the Board Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Board to take action on an item not listed on the agenda. If you wish to address the Board, 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** [22-0840](#) Approve Sunnyvale Financing Authority Meeting Minutes of August 9, 2022

Recommendation: Approve the Sunnyvale Financing Authority Meeting Minutes of August 9, 2022 as submitted.

- 2.B** [22-0841](#) 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. 1139-22 adopted on August 9, 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.

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.

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 [22-0041](#) Selection of the Mary Avenue Underpass with Jughandle Option and the Sunnyvale Avenue Underpass Tunnel Option to be Defined as the Proposed Projects for the Grade Separation of Crossings of the Caltrain Railroad Tracks for the Environmental Review

Recommendation: Alternative 2: Selection of the Mary Avenue Underpass with Jughandle option to be defined as the Proposed Project for the grade separation of the Mary Avenue crossing of the Caltrain railroad tracks for the Environmental Review.

Alternative 3: Selection of the Sunnyvale Avenue Underpass Tunnel option to be defined as the Proposed Project for the grade separation of the Sunnyvale Avenue crossing of the Caltrain railroad tracks for the Environmental Review.

- 4 [22-0043](#) Appoint Applicants to the Arts Commission, Board of Building Code Appeals and Heritage Preservation Commission

Recommendation: Alternative 2: Postpone the appointment to the Board of Building Code Appeals until the City Council considers the Council Subcommittee on Boards and Commission's recommendation to disband the Board of Building Code Appeals and appoint qualified applicants to the remaining boards and commissions as determined by the Council. Staff makes no recommendation regarding appointments to the boards and commissions.

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.

22-0747	Tentative Council Meeting Agenda Calendar
22-0748	Board/Commission Meeting Minutes
22-0792	Information/Action Items
22-0809	Boards and Commissions Semi-Annual Attendance Report, January to June 2022 (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 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.