



City of Sunnyvale

Notice and Agenda City Council

Tuesday, September 27, 2022

5:30 PM

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

**Special Meeting: Closed Session - 5:30 p.m. | 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 30 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)).

5:30 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**Adjourn Special Meeting**

- A** [22-0889](#) 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)
- B** [22-0890](#) CONFERENCE WITH LEGAL COUNSEL-PENDING
LITIGATION Closed Session held pursuant to California Government Code Section 54956.9(d)(1). Name of case: Jane Doe v. The City of Sunnyvale, The City of Sunnyvale Department of Public Safety, Joel Lockwood, Santa Clara County Superior Court, Case No. 22CV399041

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 [22-0939](#) Active Aging Week and Arts and Humanities Month

D [22-0967](#) Breast Cancer Awareness 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 [22-0709](#) Approve City Council Meeting Minutes of September 13, 2022

Recommendation: Approve the City Council Meeting Minutes of September 13, 2022 as submitted.

- 1.B [22-0888](#) Approve City Council Meeting Minutes of September 20, 2022 (Moffett Park Specific Plan Mobility)

Recommendation: Approve the City Council Meeting Minutes of September 20, 2022 as submitted.

- 1.C [22-0186](#) 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 [22-0575](#) Approve Budget Modification No. 4 in the amount of \$5,040 from the Council Service Level Set-Aside for the Addition of an Automatic Dependent Surveillance Broadcast or ADSB Exchange Subscription to the Airplane Noise Monitoring System to Provide Complete Information of All Aircraft Equipped with the Proper Transponder not Already Captured by the Currently Available Systems

Recommendation: Approve Budget Modification No. 4 in the amount of \$5,040 from the Council Service Level Set-Aside for the Addition of an Automatic Dependent Surveillance Broadcast or ADSB Exchange Subscription to the Airplane Noise Monitoring System to Provide Complete Information of All Aircraft Equipped with the Proper Transponder not Already Captured by the Currently Available Systems

- 1.E [22-0816](#) Adopt the City's Investment Policy for Fiscal Year 2022/23 and Receive Annual Performance Report for Fiscal Year 2021/22

Recommendation: Adopt the City's Investment Policy for FY 2022/23 (Council Policy 7.1.2) and Receive Annual Performance Report for Fiscal Year 2021/22.

- 1.F [22-0938](#) Receive a Report of an Emergency Procurement to Provide Polymer to Meet Compliance Requirements at the Water Pollution Control Plant and Find that the Project is Urgent for the Preservation of Life, Health, or Property (F23-032)

Recommendation: Receive the Report of an Emergency Procurement to provide Polymer to meet Compliance Requirements at the Water Pollution Control Plant and find that the project is urgent for the Preservation of Life, Health, or Property,

- 1.G [22-0852](#) Award of Contract to Tennyson Electric, Inc. for Street Lights

Conduit Replacement 2022 and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW23-07)

- Recommendation:**
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$388,611.50 to Tennyson Electric, Inc. of Livermore;
 - Make a finding of categorical exemption from the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15302(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 \$38,861.

- 1.H [22-0951](#) Authorize the City Manager to Execute an Agreement with the California Department of Technology for the Purchase of Microsoft Online Subscription Services (F23-025)

- Recommendation:** Authorize the City Manager to Execute an Agreement with the California Department of Technology for Microsoft online subscription services in a not-to-exceed contract amount of \$2,034,910 and for a term of three years and four months and and approve a 9.8% contingency in the amount of \$200,000.

- 1.I [22-0544](#) 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.J [22-0590](#) Adopt a Resolution Amending the City of Sunnyvale Local Conflict of Interest Code

- Recommendation:** Adopt a Resolution amending the City of Sunnyvale Local Conflict of Interest Code.

- 1.K [22-0838](#) 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.L [22-0913](#) 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.M [22-0954](#) Adopt Ordinance No. 3198-22 to Amend Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) of the Sunnyvale Municipal Code

Recommendation: Adopt Ordinance No. 3198-22 to amend Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) of the Sunnyvale Municipal Code.

- 1.N [22-0955](#) Adopt Ordinance No. 3199-22 to Amend Section 2.29.010 (Electronic Filing of Campaign Statements and Statements of Economic Interests) of the Sunnyvale Municipal Code Relating to Electronic Filing of Campaign Statements and Statements of

Economic Interests to Correct a Typographical Error

Recommendation: Adopt Ordinance No. 3199-22 to amend Section 2.29.010 (Electronic Filing of Campaign Statements and Statements of Economic Interests) of the Sunnyvale Municipal Code relating to electronic filing of campaign statements and statements of economic interests to correct a typographical error

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 30, 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** [22-0914](#) Approve Sunnyvale Financing Authority Meeting Minutes of August 30, 2022

Recommendation: Approve the Sunnyvale Financing Authority Meeting Minutes of August 30, 2022 as submitted.

- 2.B** [22-0915](#) 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.

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 [22-0907](#) REQUEST FOR CONTINUANCE TO A DATE UNCERTAIN
Consider a Tenant Protection and Right to Lease Ordinance
(Study Issue)

Recommendation: Continue the City Council hearing to a date uncertain.

- 4 [22-0911](#) CONTINUED FROM AUGUST 30, 2022
Selection of the Sunnyvale Avenue Underpass Tunnel Option
to be Defined as the Proposed Project for the Grade
Separation of Crossing of the Caltrain Railroad Tracks for the
Environmental Review

Recommendation: Alternative 1: 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.

- 5 [22-0832](#) Authorize the City Manager to Execute an Operating
Agreement with Bird Rides, Inc. for a One-year Pilot Operation
of a Stand-up Electric Scooter Sharing Program

Recommendation: Alternative 1: Authorize the City Manager to Execute an
Operating Agreement with Bird Rides, Inc. for a One-Year Pilot
Operation of a Stand-Up Electric Scooter Sharing Program
and Authorize the City Manager to exercise the option for an
additional one year upon determination that it is in the best
interest of the City

- 6 [22-0831](#) Introduce an Ordinance Amending Section 9.62.090 of
Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code

Recommendation: Alternative 1: Introduce an Ordinance to Amend Sunnyvale
Municipal Code Section 9.62.090 (Loitering Prohibited During
Certain Hours) of Chapter 9.62 (Public Parks) of the
Sunnyvale Municipal Code.

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.

22-0885	Tentative Council Meeting Agenda Calendar
22-0886	Board/Commission Meeting Minutes
22-0887	Information/Action Items
22-0961	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 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.