



# City of Sunnyvale

## Notice and Agenda - Revised City Council

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Tuesday, November 1, 2022

5:00 PM

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

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**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 6 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 October 25, 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)).*

**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**     [22-0853](#)     Closed Session held pursuant to California Government Code Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager and City Attorney

**Adjourn Special Meeting****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.

**B**      [22-0009](#)              Sunnyvale Clean Water Program Update

### **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**      [22-0972](#)              Small Business Saturday

**D**      [22-0971](#)              Picture Book Month

### **PRESENTATION**

**E**      [22-1068](#)              Update from Bay Area Water Supply and Conservation Agency (BAWSCA) by BAWSCA Chief Executive Officer and General Manager Nicole Sandkulla

### **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**     [22-0682](#)            Approve City Council Meeting Minutes of October 25, 2022

**Recommendation:** Approve the City Council Meeting Minutes of October 25, 2022 as submitted.

**1.B**     [22-0190](#)            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**     [22-0739](#)            Receive and File the FY 2022/23 First Quarter Budget Update

**Recommendation:** Receive and file the FY 2022/23 First Quarter Budget Update.

**1.D**     [22-0730](#)            Award of Contract to Bear Electrical Solutions, Inc. for Advance Dilemma Zone Detection Phase II and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW23-06)

**Recommendation:**

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,038,000 to Bear Electrical Solutions, Inc. of Alviso, CA;
- Make a finding of categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 5% contingency in the amount of \$51,900

**1.E**     [22-0993](#)            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.F**     [22-1058](#)            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. 1147-22 adopted on September 27, 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.G**     [22-1061](#)     Adopt Ordinance No. 3201-22 to amend Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference The 2022 California Fire Code with Local Amendments and Related Findings.

**Recommendation:** Adopt Ordinance No. 3201-22 to amend Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference The 2021 California Fire Code with Local Amendments and Related Findings.

- 1.H**     [22-1065](#)     Adopt Ordinance No. 3202-22 to amend various Sections of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference the 2022 California Building, Residential, Mechanical, Plumbing, Electrical, Building Standards Administrative, Energy, Historical Building, Existing Building, and Green Building Standards Codes, and

the International Property Maintenance, with Local Amendments and Related Findings.

**Recommendation:** Adopt Ordinance No. 3202-22 to amend various Sections of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference the 2022 California Building, Residential, Mechanical, Plumbing, Electrical, Building Standards Administrative, Energy, Historical Building, Existing Building, and Green Building Standards Codes, and the International Property Maintenance, with Local Amendments and Related Findings.

## **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 October 25, 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**    [22-1059](#)            Approve Sunnyvale Financing Authority Meeting Minutes of October 25, 2022

**Recommendation:** Approve the Sunnyvale Financing Authority Meeting Minutes of October 25, 2022 as submitted.

- 2.B**    [22-1060](#)            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. 1147-22 adopted on September 27, 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      [22-1057](#)      Biennial Review of Priority Needs for Human Services and Recommendation to City Council

**Recommendation:** Alternatives 1 and 3: 1) Approve the list of priority needs as stated in the staff report, excerpted from the City's 2020-2025 Consolidated Plan submitted to the Department of Housing and Urban Development; and, 5) Approve supplemental funding in the amount of \$135,000 for human services grants for FY 2023/24 and FY 2024/25..

- 4      [22-0975](#)      Award of Contract to Walsh Construction Company II, LLC for the Water Pollution Control Plant Secondary Treatment and Thickening/Dewatering Project (PW22-17); Amend an Existing Contract with Carollo Engineers, Inc. for Engineering Services During Construction (F23-048); Amend an Existing Contract with Psomas for Construction Management Services (F23-049); Authorize the City Manager to Execute a Lease Agreement with Mobile Modular; and Approve Budget Modification No. 5 in the Amount of \$83,217,755.



**Recommendation:** Alternative 1:

A. Authorize the City Manager to take the following actions:

- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$277,872,751 to Walsh Construction Company II, LLC;
  - Authorize the City Manager to execute the construction contract when all necessary conditions have been met;
  - Approve a 7% construction contingency in the amount of \$19,451,093;
  - Approve a Third Amendment to a Consultant Services Agreement in substantially the same form as Attachment 3 to the report to increase the contract amount by \$6,889,452.03, from \$19,598,797.78 to \$26,528,249.81 for Carollo Engineers Inc.;
  - Authorize the City Manager to execute the Third Amendment to the Consultant Services Agreement with Carollo Engineers Inc., when all necessary conditions have been met;
  - Approve a 10% contingency for consultant services with Carollo Engineers Inc. in the amount of \$688,945;
  - Approve an Amendment to a Consultant Services Agreement in substantially the same form as Attachment 4 to the report in the amount of \$16,650,467 to Psomas;
  - Authorize the City Manager to execute an Amendment to a Consultant Services Agreement with Psomas, when all necessary conditions have been met;
  - Approve a 10% contingency for consultant services with Psomas in the amount of \$1,665,047;
  - Authorize the City Manager to execute a Lease Agreement with Mobile Modular in the amount of \$328,726.56;
  - Accept the addendum to the previously certified Program Environmental Impact Report for the Sunnyvale Water Pollution Control Plant Master Plan (SCH #2015062037) pursuant to California Environmental Quality Act Guidelines (CEQA) Section 15164; and
- B. Approve Budget Modification No. 5 in the amount of \$83,217,755 to provide additional funding.

5      [22-1012](#)

Proposed Project: General Plan Amendment Initiation to consider amending the General Plan designation from Commercial to Medium Density Residential on a one-acre site.

Location: 665 South Knickerbocker Drive (APN: 198-08-036)  
File: 2022-7477  
Zoning: C-1/PD (Neighborhood Business with a Planned Development Combining District)  
General Plan: Commercial  
Applicant / Owner: Mandevilla LLC  
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a)  
Project Planner: Shila Bagley, (408) 730-7418, sbagley@sunnyvale.ca.gov

**Recommendation:** Alternatives 2 and 5: 2) Initiate a General Plan Amendment Study to analyze amending the General Plan designation from Commercial to High Density Residential at an expanded area including the Applicant's property at 665 South Knickerbocker Drive and adjacent properties at 695 South Knickerbocker Drive and 745 South Bernardo Avenue and find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15378(a); 5) Commence the General Plan Amendment study after the update to the Moffett Park Specific Plan is completed.

6      [22-1011](#)

Peery Park Specific Plan Amendment Initiation Requests  
Two applications in the Peery Park Specific Plan (PPSP) area with requests to increase the allowable office/industrial square footage and to study housing on one of the housing opportunity sites (HOS) (not currently permitted in the plan).  
File: 2020-7814  
Location: 400-840 W. California Avenue (APNs: 165-26-009-020)  
Proposed Project: Peery Park Specific Plan Amendment Initiation  
Request to initiate a study to consider 1,027 housing units on the western 13.1 acres and a net increase of 487,000 square feet of office/industrial on the remaining 16.2 acres of the property.  
Applicant / Owner: Skidmore, Owings, & Merrill LLP (applicant) / Steelwave LLC (owner)

File: 2021-7022  
Location: 505 & 525 Almanor Avenue (APNs 165-44-001-

003)

Proposed Project: Peery Park Specific Plan Amendment  
Initiation

Request to initiate a study to allow a new 135,000 square foot  
office building and parking structure.

Applicant / Owner: RMW Architecture & Interiors (applicant) /  
Invesco Advisors, Inc (owner)

Zoning (both sites): PPSP - Innovation Edge (PPSP-IE)

Environmental Review: The decision to initiate a Specific Plan  
Amendment (SPA) study does not require an environmental  
review under the California Environmental Quality Act (CEQA)  
pursuant to CEQA Guidelines Section 15378(a).

Project Planner: Amber Blizinski, [ablizinski@sunnyvale.ca.gov](mailto:ablizinski@sunnyvale.ca.gov),  
(408) 730-2723

**Recommendation:** Alternatives 1, 2, 3, 4, and 5: Allow the SPA in the PPSP to  
study an increase to the development capacity for the plan  
area and allow residential units in the HOS, as noted in the  
Alternatives, along with the required associated environmental  
studies.

7      [22-0991](#)

Introduce an Ordinance to Amend, Approve, and Adopt a  
Revised Public Safety Military Equipment Use Policy Pursuant  
to California Assembly Bill No. 481, to Increase the Authorized  
Quantity of Unmanned Aerial Systems, Commonly Referred to  
as Drones, from Two to Three Devices

**Recommendation:** Alternative 1: Introduce an Ordinance to Amend, Approve, and  
Adopt a Revised Public Safety Military Equipment Use Policy  
Pursuant to California Assembly Bill No. 481, to Increase the  
Authorized Quantity of Unmanned Aerial Systems, commonly  
referred to as Drones, from Two to Three Devices.

## **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.*

<a href="#">22-0997</a>	Tentative Council Meeting Agenda Calendar
<a href="#">22-1007</a>	Board/Commission Meeting Minutes
<a href="#">22-1008</a>	Information/Action Items
<a href="#">22-1039</a>	Mayoral Announcement of Mayor-Appointed Ad Hoc Advisory Committee on City Manager Compensation (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 Chambers 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.*