



City of Sunnyvale

Notice and Agenda City Council

Tuesday, November 29, 2022

4:30 PM

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

**Special Meeting: Closed Session 4:30 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 November 1, 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)).

4:30 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

- A** [22-1037](#) Closed Session held pursuant to California Government Code Section 54956.9:
CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: San Francisco Baykeeper v. City of Sunnyvale,
U.S. Dist. Of California, Case No.: 5:20-CV-00824-EJD
- B** [22-0854](#) Closed Session held pursuant to California Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager
- C** [22-0855](#) Closed Session held pursuant to California Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney

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****PRESENTATION**

- D [22-0192](#) 2022 Municipal Information Systems Association of California (MISAC) Awards, Presented by MISAC Board Member Gaurav Garg

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 [22-0824](#) Approve City Council Meeting Minutes of November 1, 2022

Recommendation: Approve the City Council Meeting Minutes of November 1, 2022 as submitted.

- 1.B [22-0958](#) Approve City Council Meeting Minutes of November 2, 2022

(Board and Commission Interviews | Gun Safety Measures Study Session)

Recommendation: Approve the City Council Meeting Minutes of November 2, 2022 as submitted.

- 1.C [22-1013](#) Adopt a Resolution Authorizing Acceptance of Subgrants and Agreements for Federal and State Funds on Behalf of NOVA Workforce Services and Execution of Documents Related to Such Subgrants and Agreements

Recommendation: Adopt a Resolution authorizing acceptance of subgrants and agreements for federal and state funds on behalf of NOVA Workforce Services and execution of documents related to such subgrants and agreements.

- 1.D [22-1071](#) Approve Request from the Sunnyvale Chamber of Commerce to Reduce the Outstanding City Fees for the 2022 Art and Wine Festival by 50 Percent (\$9,139.02)

Recommendation: Approve the Sunnyvale Chamber's request to reduce the outstanding City fees for the 2022 Art and Wine Festival by 50 Percent (\$9,139.02). The Festival is a community-wide event and is attended by the Sunnyvale community. The Festival drew a lot of visitors to the downtown area and the local businesses benefitted from the Festival.

- 1.E [22-1070](#) Adopt a Resolution to Amend the City's Salary Resolution to Update the Schedule of Pay by Increasing Salaries for the Classifications of Network and Systems Engineer I/II

Recommendation: Adopt a Resolution to Amend the City's Salary Resolution to Update the Schedule of Pay by Increasing Salaries for the Classifications of Network and Systems Engineer I/II effective the first pay period after City Council approval.

- 1.F [22-1032](#) Approve the Third Amendment to Outside Counsel Agreement with Downey Brand for Litigation Services Pertaining to the Pending Litigation San Francisco Baykeeper v. City of Sunnyvale Increasing the Not-to-Exceed Contract Amount by \$250,000 for a new Not-to-Exceed Contract Amount of \$750,000 and Approve Budget Modification No. 6

Recommendation: Authorize the Agency Counsel to execute a Third 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 \$250,000 for a new not-to-exceed contract amount \$750,000 and approve Budget Modification No. 6 in the amount of \$250,000.

1.G [22-1047](#) Award of Contract to J.J.R. Construction, Inc. for Pedestrian and Bike Infrastructure Improvements and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW23-09) and Make a Finding that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15301(c)

Recommendation:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$779,224 to J.J.R. Construction, Inc. of San Mateo;
- Make a finding of categorical exemption from the California Environmental Quality Act 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 10% contingency in the amount of \$77,922.

1.H [22-1056](#) Award of three contracts to Solenis LLC, Polydyne Inc., and San Joaquin Chemicals for the purchase of Polymer for the Water Pollution Control Plant and Approval of Budget Modification No. 7 (F22-148) and Find that this Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline 15378(b)(2)

Recommendation: Take the following actions:

- Award three (3) three-year contracts in substantially the same form as Attachment 2, 3 and 4 to the report to: Solenis LLC, of Wilmington, DE, in an amount not-to-exceed \$5,000,000, Polydyne Inc. of Riceboro, CA, in an amount not-to-exceed \$3,000,000, and San Joaquin Chemicals, Inc. of Fresno, CA in an amount not-to-exceed \$1,000,000;
- Authorize the City Manager to execute the contracts when all necessary conditions have been met; and
- Authorize the City Manager to increase and extend each contract for up to three additional one-year periods based on available funding, need, pricing, and performance of the product.
- Approve Budget Modification No. 7 in the amount of \$1,000,000
- Find that the action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(2) as it is a continuing administrative or maintenance activity, such as the purchase for supplies.

- 1.I [22-1045](#) Modify an Existing Contract Purchase Agreement with OverDrive Inc. for eBooks and eAudio Content (F23-051) and Find that this Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline 15378(b)(2)

Recommendation: Authorize the City Manager to modify the existing Contract Purchase Agreement with OverDrive Inc. for eBooks and eAudio content, increasing the not-to-exceed amount by \$60,000 to a new not-to-exceed total amount of \$285,000.

- 1.J [22-1046](#) Modify an Existing Contract Purchase Agreement with Western States Oil for Diesel Fuel (F23-062) and Find that this Action is Exempt from CEQA Pursuant to CEQA Guideline 15378(b)(2).

Recommendation: Take the following actions:

- Authorize the City Manager to modify the existing Contract Purchase Agreement with Western States Oil for diesel fuel, increasing the not-to-exceed amount by \$150,000 to a new not-to-exceed amount of \$390,000 and find that the action is exempt from CEQA pursuant to CEQA Guidelines 15378(b)(2); and
- Authorize the City Manager to modify the new not-to-exceed amount and to renew the contract for up to three (3) additional one-year periods, both subject to available budget and if pricing and service remain acceptable to the City.

- 1.K [22-0790](#) Reject all Bids Received for the East Sunnyvale Area Sense of Place (PW22-15) and Make a Finding that the Action Does not Constitute a “project” with the Meaning of the California Environmental Quality Act Guidelines Section 15378(b)(4)

Recommendation: Reject all bids received in response to Invitation for Bids PW22-15 East Sunnyvale Area Sense of Place

- 1.L [22-0862](#) Accept Proposed Unconditional Donation of Art, Titled Ito Den-emon House Collage, from the Sunnyvale Art Club and Iizuka Art Association

Recommendation: Alternative 1: Accept Proposed Unconditional Donation of Art, titled Ito Den-emon House Collage, from the Sunnyvale Art Club and Iizuka Art Association

- 1.M [22-1122](#) Adopt a Resolution Authorizing the City to Apply to and Participate in the State of California’s Prohousing Designation Program

Recommendation: Adopt a Resolution Authorizing the City to Apply to and Participate in the State of California's Prohousing Designation Program.

- 1.N [22-1076](#) 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. 1154-22 adopted on November 1, 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.O** [22-1080](#) Adopt Ordinance No 3203-22 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: Adopt Ordinance No. 3203-22 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.

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 November 1, 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** [22-1077](#) Approve Sunnyvale Financing Authority Meeting Minutes of November 1, 2022

Recommendation: Approve the Sunnyvale Financing Authority Meeting Minutes of November 1, 2022 as submitted.

- 2.B** [22-1078](#) 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. 1154-22 adopted on November 1, 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 [22-1112](#) REQUEST FOR CONTINUANCE TO A DATE CERTAIN

Proposed Project: Adopt a Resolution for a:
SPECIFIC PLAN AMENDMENT to modify Block 20 of the
Downtown Specific Plan to allow additional residential units
and office square footage, and associated modifications to
design guidelines and development standards; and
GENERAL PLAN AMENDMENT to reflect increases in
Projected Build-out in the Land Use and Transportation
Element (LUTE).

Location: 510 and 528 S. Mathilda Avenue (APNs: 209-29-060)

and 061), and 562 and 568 S. Mathilda Avenue (APNs: 209-29-057 and 067)
File #: 2018-7585
Zoning: DSP (Block 20)
Applicant / Owner: Shawn Karimi, Karimi Shahriar Trustee (applicant and owner 510 and 528 S. Mathilda Avenue) and Shawn Taheri, Sam Cloud Barn LLC (applicant and owner 562 and 568 S. Mathilda Avenue)
Environmental Review: Addendum to the Downtown Specific Plan Amendments Final Environmental Impact Report for the Block 20 Area Project.
Project Planner: Margaret Netto, (408) 730-7628, mnetto@sunnyvale.ca.gov

Recommendation: Continue the item to the City Council hearing on January 10, 2023.

- 4 [22-0385](#) Approve Art in Private Development Project - Hunter Properties/CityLine, Titled Heads (Phase 2, Artwork 1 of 4) in a Temporary Location for up-to 3 Years and Require Submittal of the Permanent Artwork Location, Landscaping and Lighting Plans for Council Approval Prior to Permanently Relocating it to Redwood Square

Recommendation: Alternative 1: Approve Art in Private Development Project - Hunter Properties/CityLine, titled Heads (Phase 2, Artwork 1 of 4) in a Temporary Location for Up to 3 Years and Require Submittal of the Permanent Artwork Location, Landscaping and Lighting Plans for Council Approval Prior to Permanently Relocating it to Redwood Square

- 5 [22-0818](#) Adopt Resolution Establishing a Human Relations Commission and Approve Conforming Amendments to Council Policy 7.2.19 on Boards and Commissions

Recommendation: Alternative 1: Adopt Resolution Establishing a Human Relations Commission and Approve Conforming Amendments to Council Policy 7.2.19 on Boards and Commissions

- 6 [22-0718](#) Council Subcommittee on Boards and Commissions Recommendation to Dissolve the Board of Building Code Appeals and Have City Council Serve as the Local Appeals Board as set Forth in the California Building Code Section

1.8.8.1

Recommendation: Staff makes no recommendation. This report is developed to facilitate conversation for the public hearing and action by the City Council.

- 7 [22-0631](#) Approve Updates to Council Policy 7.2.19 (Boards and Commissions) Including: Timing of Appointments for Incumbent Members; Bicycle and Pedestrian Advisory Commission Categories; Sustainability Commission Category Two Description as Recommended by the Council Subcommittee on Boards and Commissions and Removal of Gender Specific Language

Recommendation: Staff makes no recommendation. This report was prepared to facilitate a discussion and direction to staff by Council, as well as to report the findings of the Council Subcommittee on Boards and Commissions for the Council's consideration.

- 8 [22-0038](#) Appoint Applicants to the Heritage Preservation Commission, and Housing and Human Services Commission

Recommendation: Staff makes no recommendation.

- 9 [22-1053](#) Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase the Salary Range for the Director of NOVA Workforce Services

Recommendation: Alternative 1: Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to Increase the Salary Range for the Director of NOVA Workforce Services.

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.

| | |
|-------------------------|---|
| 22-1021 | Tentative Council Meeting Agenda Calendar |
| 22-1054 | Board/Commission Meeting Minutes |
| 22-1055 | 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 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.