



City of Sunnyvale

Notice and Agenda City Council

Tuesday, February 7, 2023

7:00 PM

Online and Council Chambers, City Hall,
456 W. Olive Ave., Sunnyvale, CA 94086
(607 All America Way for map directions)

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, Councilmembers may participate in this meeting of the Sunnyvale City Council by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed January 10, 2023).

Public Participation

- *In-person participation: You may provide public comment by filling out a speaker card (optional) and giving it to the City Clerk.*
- *Online participation: You may provide audio public comment by connecting to the 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)).

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 and in the Council Chambers.

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY

A [23-0286](#) African American History 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** [23-0019](#) 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.B** [23-0151](#) Award of Consultant Services Agreement to MNS Engineers, Inc. for the Rehabilitation of the City's Sanitary Sewer Collection System (F23-037)

Recommendation: Take the following actions:

- Award a Consultant Services Agreement in substantially the same form as Attachment 1 to the report in an amount not-to-exceed \$619,304, to MNS Engineers, Inc. of San Jose for design and construction support services for the City's sanitary sewer collection system rehabilitation project;
- Approve a 10% a contingency in the amount of \$61,930; and
- Authorize the City Manager to execute the contract when all necessary conditions have been met.

- 1.C** [23-0089](#) Award of Contract to Van Dyk Recycling Solutions for SMaRT Station® Source Separated Organics Handling and Processing System Upgrade (F22-156)

Recommendation: Take the following actions

- Approve a Services Agreement in substantially the same form as Attachment 1 to the report in an amount not to exceed \$2,574,588 to Van Dyk Recycling Solutions for the Source Separated Organics Handling and Processing System.
- Authorize the City Manager to Execute the Agreement when all conditions have been met.
- Approve a 4% contingency in an amount of \$102,983

- 1.D** [23-0163](#) Reject All Bids Received for the Community Center Renovations for the Department of Public Safety (PW23-09)

Recommendation: Reject all bids received in response to Invitation for Bids PW23-09 Community Center Renovations for Department of Public Safety.

- 1.E [23-0205](#) 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. 1162-22 adopted on December 13, 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.F [23-0094](#) 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) and Terminating the Local Emergency on February 28, 2023, if the State COVID-19 Emergency Declaration Ends

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 January 10, 2023).

Call to Order

Call to Order via teleconference and in the Council Chambers.

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** [23-0206](#) Approve Sunnyvale Financing Authority Meeting Minutes of January 10, 2023

Recommendation: Approve the Sunnyvale Financing Authority Meeting Minutes of January 10, 2023 as submitted.

- 2.B** [23-0207](#) 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. 1162-22 adopted on December 13, 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 [23-0144](#) Consider Permanent Closure of the 100 Block of South Murphy Avenue (Study Issue), Adopt a Resolution of Intent to Establish a Pedestrian Mall, Adopt a Resolution Directing the City Manager to Temporarily Close the 100 Block of South Murphy Avenue until December 31, 2023, through the Issuance of a Special Event Permit, and Update Council Policy 1.1.10 (Use of the Public Sidewalk and Street of the 100 Block of South Murphy Avenue)

Recommendation: Alternatives 1, 2, 3 and 4: 1) Adopt a Resolution of Intent to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue and Set a Public Hearing for May 16, 2023; 2) Adopt a Resolution Directing the City Manager to Extend the Closure of Murphy Avenue until December 31, 2023, through the Issuance of a Special Event Permit in accordance with Sunnyvale Municipal Code Chapter 9.45 and Vehicle Code Section 21101(e); 3) Direct Staff to Return With a Project to Regrade Existing Parking Bays on Murphy Avenue (Option 3) and Use Funds From the City's Community Benefits Fund for Project; and 4) Update Council Policy 1.1.10 (Use of the Public Sidewalk and Street of the 100 Block of South Murphy Avenue).

- 4 [23-0001](#) Update on the Temporary Eastbound Tasman Lane Closure and Consideration to Extend the Closure Duration

Recommendation: Alternative 1: Extend the duration of the existing temporary eastbound Tasman Avenue lane closure until June 30, 2023 subject to previously identified traffic volume, congestion and safety triggers.

- 5 [23-0259](#) Introduce an Ordinance to Amend Chapter 19.36 of Title 19 of the Sunnyvale Municipal Code to Modify Table 19.36.060B Permitted, Conditionally Permitted, and Prohibited Uses in El Camino Real Specific Plan (ECRSP) Zoning Districts to Conditionally Permit Auto Sales or Rental in ECR-MU Zoning Districts and Find That this Action is Within the Scope of the Program EIR for the El Camino Real Specific Plan Pursuant to CEQA Guidelines Section 15168 (Planning File #2022-7790)

Recommendation: Alternative 1: Introduce an Ordinance (Attachment 2 to the report) to Amend Chapter 19.36 of Title 19 of the Sunnyvale Municipal Code to Modify Table 19.36.060B Permitted, Conditionally Permitted, and Prohibited Uses in ECRSP Districts to conditionally permit Auto sales or rental in ECR-MU zoning districts and find that this action is within the scope of the program EIR for the El Camino Real Specific Plan pursuant to California Environmental Quality Act Guidelines Section 15168.

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.

23-0077	Tentative Council Meeting Agenda Calendar
23-0025	Board/Commission Meeting Minutes
23-0078	Information/Action Items
23-0285	Notice of Public Works Director's Decision on Final Maps (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 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.