



City of Sunnyvale

Notice and Agenda City Council

Tuesday, April 6, 2021

5:00 PM

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

**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM |
Regular Meeting - 7 PM**

Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/96111580540>

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 Governor Gavin Newsom’s Executive Order N-29-20.

- *Watch the City Council meeting on television over Comcast Channel 15, AT&T Channel 99, at <http://youtube.com/SunnyvaleMeetings> or <https://sunnyvaleca.legistar.com/calendar.aspx>*
- *Submit written comments to the City Council up to 4 hours prior to the meeting to council@sunnyvale.ca.gov or by mail to City Clerk, 603 All America Way, Sunnyvale, CA 94086.*
- *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

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment, contact the City at least 2 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. 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** [21-0447](#) Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Potential Acquisition of land on 1100 block of Manzano way, Sunnyvale, CA
Agency negotiator: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; and Sherine Nafie, City Property Administrator
Negotiating parties: City and County of San Francisco, Owner
Under negotiation: Price and terms

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** [21-0384](#) Impact on the Unhoused in Sunnyvale During the COVID-19 Pandemic

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** [21-0015](#) Ceremonial Oath of Office for Board and Commission Members
- D** [21-0346](#) Earth Month and Arbor Day Celebration
- E** [21-0348](#) Recognition of Green Businesses

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 [21-0423](#) Approve City Council Meeting Minutes of March 30, 2021

Recommendation: Approve the City Council Meeting Minutes of March 30, 2021 as submitted.

- 1.B [21-0240](#) 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 [21-0233](#) Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2020/21; and Adopt the Resolution of Intention to Levy and Collect Annual Assessment and Reauthorize Business Improvement District for Fiscal Year 2021/22

Recommendation: Approve the Fiscal Year 2020/21 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2021/22, and schedule the public hearing for May 4, 2021.

- 1.D [21-0403](#) Adopt a Resolution Authorizing the Finance Director to Renew a Business License Tax Data Exchange Agreement with the California Franchise Tax Board

Recommendation: Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15378(b)(5) and adopt a Resolution authorizing the Finance Director to execute a reciprocal agreement with the California Franchise Tax Board for the exchange of business license tax data through December 31, 2023.

- 1.E [21-0474](#) Adopt Uncodified Ordinance No. 3175-21 to repeal Ordinance No. 2898-09 and Designate Certain Streets in the Area of the Caltrain Station as Preferential Parking Zones

Recommendation: Adopt Uncodified Ordinance No. 3175-21 to repeal Ordinance No. 2898-09 and designate certain streets in the area of the Caltrain Station as preferential parking zones.

- 1.F [21-0473](#) Adopt Ordinance No. 3174-21 to amend Title 2 of the Sunnyvale Municipal Code to add Chapter 2.31 to Establish a Public Process for Redistricting

Recommendation: Adopt Ordinance No. 3174-21 to amend Title 2 of the Sunnyvale Municipal Code to add Chapter 2.31 to Establish a Public Process for Redistricting.

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.

- 2 [21-0083](#) Direct Staff to Develop an Ordinance to Reduce Use of Single-Use Plastic Foodware and Condiment Containers and Return to City Council for Approval after Completion of CEQA Review

Recommendation: Alternative 2 : Direct staff to develop an Ordinance to be implemented and phased in over three years to reduce the impacts of single-use plastic foodware and condiment containers, and return for City Council approval of the Ordinance after appropriate CEQA review, with a targeted Ordinance adoption date of September 2021:

- * Phase 1 - An opt-in requirement for foodware and condiment containers for online and take-out ordering from food service delivery vendors and restaurants, to take effect in September, 2021
- * Phase 2 - Require food service businesses to provide customers with single-use plastic foodware and condiment containers only upon request, for in-store as well as take-out, to take effect in June 2023.

Additionally, direct staff to return to Council in late 2023 with a proposal that evaluates further recommendations for the program.

- 3 [21-0281](#) Receive and File the FY 2020/21 Third Quarter Budget Update

Recommendation: Alternative 1: Receive and file the FY 2020/21 Third Quarter Budget Update

- 4 [21-0003](#) Discussion and Direction Regarding Amendments to Sunnyvale Municipal Code Section 2.28.030 Related to In-Lieu Petitions for Publication Costs of City Council Candidate Statements

Recommendation: Staff makes no recommendation. This report is developed to facilitate a conversation by the City Council. Staff will prepare and return with an Ordinance amending SMC section 2.28.030 to reflect any City Council direction from this discussion.

- 5 [21-0450](#) REQUEST FOR CONTINUANCE TO MAY 4, 2021
Introduce an Ordinance Making Minor Amendments to Chapters 19.18 (Residential Zoning Districts), 19.20 (Commercial Zoning Districts), and 19.79 (Accessory Dwelling Units) of the Sunnyvale Municipal Code and Amending Chapter 19.98 (General Procedures) of the Sunnyvale Municipal Code to Create a Procedure for Appealing Incompleteness Determinations, Adopt a Resolution to Amend the 2020/21 Citywide Fee Schedule Related to Appeals to Planning Commission, and Find that these Actions are Exempt from CEQA

Recommendation: Open the public hearing and continue to the City Council meeting of May 4, 2021.

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.

21-0424	Tentative Council Meeting Agenda Calendar
21-0425	Board/Commission Meeting Minutes
21-0426	Information/Action Items
21-0150	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 following the meeting.

Upcoming Meetings

Visit <https://sunnyvaleca.legistar.com> for upcoming Council, board and commission meeting information.



City of Sunnyvale

Agenda Item

21-0447

Agenda Date: 4/6/2021

Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE
WITH REAL PROPERTY NEGOTIATORS

Property: Potential Acquisition of land on 1100 block of Manzano way, Sunnyvale, CA

Agency negotiator: Kent Steffens, City Manager; Chip Taylor, Director of Public Works; and Sherine
Nafie, City Property Administrator

Negotiating parties: City and County of San Francisco, Owner

Under negotiation: Price and terms



City of Sunnyvale

Agenda Item

21-0384

Agenda Date: 4/6/2021

Impact on the Unhoused in Sunnyvale During the COVID-19 Pandemic



City of Sunnyvale

Agenda Item

21-0015

Agenda Date: 4/6/2021

Ceremonial Oath of Office for Board and Commission Members



City of Sunnyvale

Agenda Item

21-0346

Agenda Date: 4/6/2021

Earth Month and Arbor Day Celebration



City of Sunnyvale

Agenda Item

21-0348

Agenda Date: 4/6/2021

Recognition of Green Businesses



City of Sunnyvale

Agenda Item

21-0423

Agenda Date: 4/6/2021

SUBJECT

Approve City Council Meeting Minutes of March 30, 2021

RECOMMENDATION

Approve the City Council Meeting Minutes of March 30, 2021 as submitted.



City of Sunnyvale

Meeting Minutes - Draft

City Council

Tuesday, March 30, 2021

4:00 PM

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

**Special Meeting: Closed Session - 4 PM | Special Meeting: Study Session - 5 PM |
Regular Meeting - 7 PM**

Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/96111580540>

4 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 4:02 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysia Cisneros
Councilmember Omar Din

Mayor Klein, Vice Mayor Hendricks and all Councilmembers attended via teleconference.

Public Comment

Public Comment opened at 4:03 p.m.

Daniel Dorfman, General Counsel, Millennium Hotels spoke towards the apartment building and hotel project and the inability to acquire a certificate of occupancy for the apartments. He voiced support for an amendment to allow for the rental of the apartments before construction of the hotel.

Public Comment closed at 4:06 p.m.

Convene to Closed Session

- A** [21-0287](#) Closed Session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL-THREAT OF LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9.

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 5:13 p.m.

5 P.M. SPECIAL COUNCIL MEETING (Study Session)

Call to Order

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 5:15 p.m. via teleconference.

Roll Call

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysia Cisneros
Councilmember Omar Din

Mayor Klein, Vice Mayor Hendricks and all Councilmembers attended via teleconference.

Study Session

- B** [21-0362](#) Moffett Park Specific Plan Land Use Concepts

Michelle King and the following provided the staff report and presentation:

- Chris Sensenig, Senior Associate, Raimi + Associates
- Andy Miner, Community Development Assistant Director

Public Comment opened at 6:38 p.m.

Richard Mehlinger, Chair, Livable Sunnyvale shared the group's support for the project, specifically higher density of household units and active transportation. Speaking on his own behalf, he voiced support for including an aquatic center in the Moffett Park area.

Shani Kleinhaus, Santa Clara County Audubon Society communicated support for a project that includes habitat areas with limited access. She shared opposition to placing housing in areas vulnerable to flooding or sea level rise.

David Meyer, SV@Home voiced support for the land use concepts, housing developments near transit and significant affordable housing.

Mary Buxton spoke towards Governor Newsom's Executive Order N-82-80. She shared support for natural areas for open space, increased urban canopy and pedestrian friendly streets.

Molly Cox communicated support for Sierra Club's recommendations related to habitat for species along the Bay, open space and placement of the Lockheed development.

Jeff Holzman, Director of Real Estate Development, Google voiced support for an eco-innovation district that fosters innovation, has a mix of uses, includes significant housing, is pedestrian friendly and is a biodiverse environment.

Susan DesJardin shared concerns with the lack of information available related to a levee in the Moffett Park area, placement of housing on the Lockheed property and sea level rise.

Kat Wortham, Director of Housing and Healthy Policy, Silicon Valley Leadership voiced the group's endorsement of the level of housing and retail proposed. She communicated support for focusing on affordable housing and missing middle housing.

Eileen McLaughlin, Citizens Committee to Complete the Refuge spoke towards

building biodiversity and sea level rise adaptation strategy. She voiced concerns with the groundwater level and flooding in the Lockheed wetlands.

Gita Dev, Sierra Club communicated concerns with placing housing near wetlands and support for habitat overlays.

Mike Serrone shared support for an eco-innovation district, higher density of household units and activity centers.

Christophe LaBelle voiced support for the project and higher density of household units.

Tara Martin-Milius shared concerns with placing housing near the Bay. She communicated support for affordable housing, biodiversity and habitat linkages along the Bay.

Lisa Karpinski spoke towards equal representation of biodiversity, housing development and office space development in the project area. She shared concerns with placing housing in areas currently at two-feet above ground water.

Kerry Haywood, Moffett Park Business Group communicated support for an eco-innovation district that includes housing and retail developments, open space and allows for retail, restaurant and commercial growth.

Justin Wang, Advocacy Manager, Greenbelt Alliance shared support for an eco-innovation district that meets statewide emission goals, includes higher density of household units and uses green infrastructure for storm water management.

Mari voiced support for creating natural open space/settings and open park space in the Moffett Park area and along the Bay.

Coleen Hausler communicated support for the number of proposed housing units in the project and prioritization of active transportation.

Public Comment closed at 7:17 p.m.

Adjourn Special Meeting

Mayor Klein adjourned the meeting at 7:17 p.m.

7 P.M. COUNCIL MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Mayor Klein called the meeting to order at 7:20 p.m. via teleconference.

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Glenn Hendricks
Councilmember Gustav Larsson
Councilmember Russ Melton
Councilmember Mason Fong
Councilmember Alysa Cisneros
Councilmember Omar Din

Mayor Klein, Vice Mayor Hendricks and all Councilmembers attended via teleconference.

CLOSED SESSION REPORT

Vice Mayor Hendricks reported that Council met in closed session held pursuant to California Government Code Section 54956.9: LEGAL COUNSEL THREAT OF LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9; nothing to report.

SPECIAL ORDER OF THE DAY

C [21-0386](#) Fair Housing Month

Mayor Klein read a proclamation in honor of Fair Housing Month.

D [21-0345](#) Library Week

Mayor Klein read a proclamation in honor of Library Week. The Department of Library and Recreation Services presented a video highlighting the activities and services offered by the Sunnyvale Public Library during the past year.

E [21-0448](#) Poetry Month

Mayor Klein read a proclamation in honor of Poetry Month. Katherine, Poet recited her poem titled "Springtime."

ORAL COMMUNICATIONS

Councilmember Fong announced details of the upcoming Sunnyvale Unity Event: Solidarity with Asian American Pacific Islander Community.

Councilmember Larsson announced details of the current recruitment for various boards and commissions.

Richard Mehlinger, Chair, Livable Sunnyvale shared the group's request for Council to consider a study to allow for neighborhood scale duplexes, triplexes and fourplexes as part of the upcoming Housing Element update. He spoke towards missing middle housing options.

Cal Cornwell communicated support for examining mixed neighborhoods with single family and multiple-unit housing.

Sofie Wolfram voiced support for a study regarding missing middle housing in Sunnyvale as part of the Housing Element update.

Julia Liu shared support for studying missing middle housing as part of the Housing Element update.

Janette Brambila communicated support for a city-wide missing middle housing study as part of the Housing Element update.

Liam Davis, President, Fremont Firebirds voiced support for a multi-family housing study as part of the Housing Element update.

Galen Kim Davis shared support for mixed neighborhoods with single family and multiple-unit housing and including a study as part of the Housing Element update.

Colin Dixon requested Council consider amending leash laws to allow for off-leash hours at Sunnyvale parks.

Cesar Pena communicated support to study the possibility of multi-family housing city-wide as part of the Housing Element update.

David Meyer, SV@ Home voiced support for creation of missing middle housing.

Fly Oy Wong recited a poem about anti-Asian violence titled "Pools of Red."

Allison spoke towards the zoning for recreational and athletic use properties, permit process and cost constraints. She requested Council consider making the process more accessible to small business owners.

CONSENT CALENDAR

MOTION: Vice Mayor Hendricks moved and Councilmember Din seconded the motion to approve agenda items 1.A through 1.F.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

1.A [21-0063](#) Approve City Council Meeting Minutes of March 16, 2021

Approve the City Council Meeting Minutes of March 16, 2021 as submitted.

1.B [21-0238](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Approve the list(s) of claims and bills.

1.C [21-0273](#) Receive and File the City of Sunnyvale Investment Report -
Fourth Quarter 2020

Receive and file the City of Sunnyvale Fourth Quarter 2020 Investment Report.

1.D [21-0105](#) Approve Budget Modification No. 13 to Appropriate \$791,950
in FY 2020/21 Transportation Fund for Clean Air County
Program Manager Funds for the Retiming of Traffic Signals
and Authorize the City Manager to Execute All Grant-Related
Documents

Approve Budget Modification No. 13 to appropriate \$791,950 in FY 2020/21
Transportation Fund for Clean Air County Program Manager Funds for the retiming

of traffic signals and authorize the City Manager to execute all grant-related documents.

- 1.E** [21-0412](#) Adopt a Resolution Amending the City of Sunnyvale Local Conflict of Interest Code

Adopt a Resolution amending the City of Sunnyvale Local Conflict of Interest Code.

- 1.F** [21-0319](#) Adopt a Resolution Extending the City's Declaration of Local Emergency for COVID-19

Adopt a Resolution Extending the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency (COVID-19).

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [21-0364](#) Adopt a Resolution Denouncing Anti-Asian Hate

Deputy City Manager Jaqui Guzmán provided the staff report.

Public Hearing opened at 8:02 p.m.

No speakers.

Public Hearing closed at 8:02 p.m.

MOTION: Councilmember Fong moved and Councilmember Din seconded the motion to approve Alternative 2: Adopt a Resolution denouncing anti-Asian hate with the following modification: incorporate throughout the Resolution the term "Asian American Pacific Islander (AAPI)."

The motion carried with the following vote:

Yes: 7 - Mayor Klein
 Vice Mayor Hendricks
 Councilmember Larsson
 Councilmember Melton
 Councilmember Fong
 Councilmember Cisneros
 Councilmember Din

No: 0

- 3** [21-0347](#) Introduce an Ordinance Establishing a Public Process for Redistricting

Deputy City Manager Jaqui Guzmán provided the staff report.

Public Hearing opened at 8:21 p.m.

Martin Pyne voiced support for the Ordinance.

Elaine Manley, Co-President, League of Women Voters of Cupertino-Sunnyvale communicated support for the Ordinance and announced details of the upcoming webinar event regarding redistricting and redistricting commission application process.

Public Hearing closed at 8:25 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 2: Introduce the Ordinance establishing a public process for redistricting as shown in Attachment 1 to the report with the following modifications:

- Provide clarification in section 2.31.030(c)(1) that Council may choose a different voting process than outlined in the policy; and
- Provide clarification that a majority vote is required to return one or more proposed district maps to the redistricting commission.

City Clerk David Carnahan read the Ordinance title for the record.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

4 [21-0381](#) Approval of Third Substantial Amendment to the 2019 HUD
Annual Action Plan to Award CDBG-CV Funding

Housing Officer Jenny Carloni provided the staff report.

Public Hearing opened at 8:46 p.m.

Marie Bernard, Executive Director, Sunnyvale Community Services (SCS) voiced support for the amendment to award CDBG-CV funding and shared services offered by SCS.

Public Hearing closed at 8:49 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Cisneros seconded the motion to Alternative 1: Approve the third substantial amendment to the 2019 HUD Action Plan as shown in Attachment 3 to the report.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Fong
Councilmember Cisneros
Councilmember Din

No: 0

- 5 [21-0184](#) Introduce an Ordinance Repealing Ordinance No. 2898-09 and Designating Certain Streets in the Area of the Caltrain Station as Preferential Parking Zones

Transportation and Traffic Manager Dennis Ng provided the staff report and presentation.

Public Hearing opened at 9:20 p.m.

Robbie Gleichman recommended street signage be installed along W. Hendy Avenue and Angel Avenue that directs Caltrain users to public parking lots. He inquired if a temporary permit had been considered for residents hosting parties should time limits restriction be approved.

Public Hearing closed at 9:22 p.m.

MOTION: Vice Mayor Hendricks moved and Councilmember Larsson seconded the

motion to approve Alternative 1: Introduce an Ordinance repealing Ordinance No. 2898-09 and designating certain streets in the area of the Caltrain Station as preferential parking zones.

City Clerk David Carnahan read the Ordinance title for the record.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Hendricks
Councilmember Larsson
Councilmember Melton
Councilmember Cisneros
Councilmember Din

No: 1 - Councilmember Fong

6 [21-0002](#) Appoint Applicants to the Board of Library Trustees and the Heritage Preservation Commission

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:34 p.m.

No speakers.

Public Hearing closed at 9:34 p.m.

City Clerk David Carnahan conducted random roll call votes, tallied the votes and reported the results as follows:

Board of Library Trustees (1 vacancy)

Jenny Bratton (4th preference)

Vote:

0-0-7 (Abstentions by all Councilmembers)

Andrew Ma (only preference)

Vote:

6-0-1 (Abstention by Vice Mayor Hendricks)

Andrew Ma was appointed to the Board of Library Trustees to serve a term expiring 6/30/2024.

Heritage Preservation Commission (1 vacancy)

Jenny Bratton (1st preference)

Vote:

4-0-3 (Abstentions by Mayor Klein, Vice Mayor Hendricks and Councilmember Melton)

Jenny Bratton was appointed to the Heritage Preservation Commission to serve a term expiring 6/30/2023.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

None.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Fong spoke towards a Joint Study Session meeting between Valley Water and San José City Council regarding purified water generated by San José. He suggested staff reconnect with Valley Water regarding excess purified water generated by Sunnyvale.

-City Manager

None.

INFORMATION ONLY REPORTS/ITEMS

- | | |
|--------------------------------|--|
| <u>21-0366</u> | Tentative Council Meeting Agenda Calendar |
| <u>21-0367</u> | Board/Commission Meeting Minutes |
| <u>21-0368</u> | Information/Action Items |
| <u>21-0379</u> | Notice of Public Works Director's Decision on Final Maps
(Information Only) |

ADJOURNMENT

Mayor Klein adjourned the meeting at 9:38 p.m.



City of Sunnyvale

Agenda Item

21-0240

Agenda Date: 4/6/2021

REPORT TO COUNCIL

SUBJECT

Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

BACKGROUND

Pursuant to Sunnyvale Charter Section 802(6), the City Manager has approved for payment claims and bills on the following list(s); and checks have been issued.

<u>List No.</u>	<u>Date</u>	<u>Total Disbursements</u>
067	03-14-21 through 03-20-21	\$10,504,395.60

Payments made by the City are controlled in a variety of ways. In general, payments are reviewed by the appropriate City staff for compliance with the goods or services provided. Any discrepancies are resolved and re-submitted for payment. Different levels of dollar amounts for payments require varying levels of approval within the organization. Ultimately payments are reviewed and processed by the Finance Department. Budgetary control is set by Council through the budget adoption resolution.

ENVIRONMENTAL REVIEW

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)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

RECOMMENDATION

Approve the list(s) of claims and bills.

Prepared by: Tim Kirby, Director of Finance
Reviewed by: Jaqui Guzmán, Deputy City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. List(s) of Claims and Bills Approved for Payment

City of Sunnyvale

LIST # 067

**List of All Claims and Bills Approved for Payment
For Payments Dated 03/14/2021 through 03/20/2021**

Sorted by Payment Type, Payment Number and Invoice Number

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
CHECK	XXXXX0392	03/16/2021	Manorcare Health Services (471) Manorcare of Sunnyvale CA, LLC	4,948.16	075670	Business License Tax Refund	4,948.16	0.00	\$4,948.16
	XXXXX0393	03/16/2021	Ramada Inn Silicon Valley/Executive Inn Inc	4,816.90	014049	Business License Tax Refund	4,816.90	0.00	\$4,816.90
	XXXXX0394	03/16/2021	San Jose Taiko	137.74	064859	Business License Tax Refund	137.74	0.00	\$137.74
	XXXXX0395	03/16/2021	Monica Yeung, Kwok Yeung	78.84	077506	Business License Tax Refund	78.84	0.00	\$78.84
	XXXXX0396	03/16/2021	Zephyr Services Inc	63.79	061909	Business License Tax Refund	63.79	0.00	\$63.79
	XXXXX0397	03/16/2021	Tasman Associates	1,239.66	022749	Business License Tax Refund	1,239.66	0.00	\$1,239.66
	XXXXX0398	03/16/2021	Deepali Maniar & Pratik Parekh	144.05	147215-12842	Utility credit bal 1382 S Wolfe Rd	144.05	0.00	\$144.05
	XXXXX0399	03/16/2021	Sree Kanandarlepudi	4,916.25	175669-75340	Utility credit bal 1301 Pauline Dr	4,916.25	0.00	\$4,916.25
	XXXXX0400	03/16/2021	Jackie Magliulo	2,220.90	7545-4596	Utility credit bal 1199 Fairwood Ave	2,220.90	0.00	\$2,220.90
	XXXXX0401	03/16/2021	Snelson Companies Inc	4,174.39	200461-49008	Utility credit bal California Av Hydnt	4,174.39	0.00	\$4,174.39
	XXXXX0402	03/16/2021	Daisy Le	234.99	134419-2028	Utility credit bal 813 Lakewood Dr	234.99	0.00	\$234.99
	XXXXX0403	03/16/2021	Ohjun Kwon	83.62	165635-	Utility credit bal 1398	83.62	0.00	\$83.62

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					21922	Selo Dr			
	XXXXX0404	03/16/2021	Wilmer Alfredo Duranortega	1,051.00	FY21-131	Case#21-1008 Seized Ppty Refund	1,051.00	0.00	\$1,051.00
	XXXXX0405	03/16/2021	Daniel C Demuth	161.18	199193-21914	Utility Credit Refund	161.18	0.00	\$161.18
	XXXXX0406	03/16/2021	Greystar Development	3,516.36	192783-71876	Utility Credit Refund	3,516.36	0.00	\$3,516.36
	XXXXX0407	03/16/2021	Ara Technology	39.95	011343	Business License Tax Refund	39.95	0.00	\$39.95
	XXXXX0408	03/16/2021	Russell D Chung	497.65	EXP0013230 448	Tuition reimbursement FY 2020/2021	497.65	0.00	\$497.65
	XXXXX0409	03/16/2021	Platinum Builders	3,602.31	197881-43762	Utility credit bal 840 El Camino Hydnt	3,602.31	0.00	\$3,602.31
	XXXXX0410	03/16/2021	Donna Curry	46.10	21-085	NOVA Reimbursement	46.10	0.00	\$46.10
	XXXXX0411	03/16/2021	Maria Gomez	59.98	21-087	NOVA Reimbursement 400	59.98	0.00	\$59.98
	XXXXX0412	03/16/2021	Russell Doi	72.85	21-091	NOVA Reimbursement 500	72.85	0.00	\$72.85
	XXXXX0413	03/16/2021	Tashae Hawkins	177.89	21-089	NOVA Reimbursement 600	177.89	0.00	\$177.89
	XXXXX0414	03/16/2021	Justine Duong	20.83	21-090	NOVA Reimbursement 700	20.83	0.00	\$20.83
	XXXXX0416	03/16/2021	Spectral Incorporated	137.74	013352	Business License Tax Refund	137.74	0.00	\$137.74
	XXXXX0417	03/16/2021	Kim's Hair Art	39.95	046990	Business License Tax Refund	39.95	0.00	\$39.95
	XXXXX0419	03/16/2021	Lamese Nicole Khoury	255.00	FY21-134	DPS Refund	255.00	0.00	\$255.00
	XXXXX0420	03/16/2021	Earth Share of California	39.34	PR202108	Payroll 202108	39.34	0.00	\$39.34
	XXXXX0421	03/16/2021	Cognifisense, Inc.	68.33	074991	Business License	68.33	0.00	\$68.33

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Tax Refund			
	XXXXX0422	03/16/2021	Genesis Private Security	141.74	072916	Business License Tax Refund	141.74	0.00	\$141.74
	XXXXX0423	03/16/2021	DZ Travel	39.95	074591	Business License Tax Refund	39.95	0.00	\$39.95
	XXXXX0424	03/16/2021	Veronika Galne Babonics	62.25	21.112	NOVA Reimbursement	62.25	0.00	\$62.25
	XXXXX0425	03/16/2021	Academy of Truck Driving Inc	4,410.00	1969	WIOA #5642353	4,410.00	0.00	\$5,010.00
				600.00	1986	WIOA #5639493 Training	600.00	0.00	
	XXXXX0426	03/16/2021	AmfaSoft Corp	3,892.50	RomeoR-01	WIOA #5643235 Training	3,892.50	0.00	\$4,482.50
				590.00	YanchenXu-02	Y. Xu -2nd Final Invoice	590.00	0.00	
	XXXXX0427	03/16/2021	Baker & Taylor	15,020.00	NS20080410	8/1/20-7/31/21 Subscription	15,020.00	0.00	\$15,020.00
	XXXXX0428	03/16/2021	California Science and Tech University	10,800.00	158	Liang #5643390 & Chen #5643328	10,800.00	0.00	\$10,800.00
	XXXXX0429	03/16/2021	Central Labor Council Partnership	59,839.83	43	Agreement #001-201-18	59,839.83	0.00	\$59,839.83
	XXXXX0430	03/16/2021	Century Graphics	1,752.29	54116		1,752.29	0.00	\$1,752.29
	XXXXX0431	03/16/2021	Earth Share of California	39.34	PR202110	PR202110	39.34	0.00	\$39.34
	XXXXX0432	03/16/2021	Fremont Union High School District	18.50	V201210	Y. Ming App#5642094	18.50	0.00	\$18.50
	XXXXX0433	03/16/2021	Heritage Bank of Commerce	17,443.84	FOAOHBRIDGE#06	TR-13/01-16	17,443.84	0.00	\$17,443.84
	XXXXX0434	03/16/2021	IBI Group	12,725.00	0010002341	Services through 6/30/20	12,725.00	0.00	\$12,725.00
	XXXXX0435	03/16/2021	Inhouse Commercial Recyclers LLC	600.00	20121T71S3		600.00	0.00	\$600.00
	XXXXX0436	03/16/2021	JobTrain	28,855.00	YOUTHFY21	Agree #001-301-18 -	28,855.00	0.00	\$28,855.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					06	Dec2020			
	XXXXX0437	03/16/2021	Joseph J Albanese Inc	331,432.91	FOAOHBRID GE#06	TR-13/01-16	331,432.91	0.00	\$331,432.91
	XXXXX0438	03/16/2021	Kimley Horn & Assoc Inc	2,538.37	17154511	SRTS At Maude Svc Thru 7/31/2020	2,538.37	0.00	\$20,287.16
				1,909.73	17376565		1,909.73	0.00	
				15,839.06	18009982	TFCA Timing Svc Thru 12/31/20	15,839.06	0.00	
	XXXXX0439	03/16/2021	L N Curtis & Sons Inc	8,507.07	INV416906	Stores Invoice	8,507.07	0.00	\$8,507.07
	XXXXX0440	03/16/2021	Mark Thomas & Co Inc	17,148.37	39220	Design & Construction Java Road Diet	17,148.37	0.00	\$17,148.37
	XXXXX0441	03/16/2021	Mountain View Garden Center	167.86	104562		167.86	0.00	\$167.86
	XXXXX0442	03/16/2021	MSI Fuel Management Inc	875.00	5109	Jan 2021 Inspection	875.00	0.00	\$875.00
	XXXXX0443	03/16/2021	Municipal Maintenance Equipment Inc	6,292.41	0153563-IN		6,292.41	0.00	\$10,942.07
				5.58	0153608-IN		5.58	0.00	
				226.93	0153861-IN		226.93	0.00	
				321.61	0155327-IN		321.61	0.00	
				221.00	0155991-IN		221.00	0.00	
				533.38	0156083-IN		533.38	0.00	
				1,778.74	0156183-IN		1,778.74	0.00	
				76.28	0156253-IN		76.28	0.00	
				1,215.44	0156446-IN		1,215.44	0.00	
				270.70	0156583-IN		270.70	0.00	
	XXXXX0444	03/16/2021	Occupational Training Institute	383.39	WIA-1504	19-05-201-02 Lluvia Mendez	383.39	0.00	\$383.39
	XXXXX0445	03/16/2021	Otis Elevator Company	4,913.55	10040013045 8	550 E Remington 11/1/20-1/31/21 Mtnce	4,913.55	0.00	\$5,598.55
				685.00	SJ25611001	121 W Evelyn	685.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						1/25/21 Svc			
	XXXXX0446	03/16/2021	Overhead Door Co of Santa Clara Valley	1,278.57	1021-9113		1,278.57	0.00	\$1,278.57
	XXXXX0447	03/16/2021	Pacific Gas & Electric Co	14,298.13	1105922118-1 1020-0121	550 E Remington Dr Senior Center	14,298.13	0.00	\$14,399.72
				101.59	9732283098-1 0221	Landfill & Recycle Center	101.59	0.00	
	XXXXX0448	03/16/2021	Pine Cone Lumber Co Inc	176.56	80578		176.56	0.00	\$176.56
	XXXXX0449	03/16/2021	Priority 1 Public Safety Equipment	600.00	8130		600.00	0.00	\$600.00
	XXXXX0450	03/16/2021	Regional Monitoring Program	57,184.00	3021281	2021 Budget Municipal Participant Fee	57,184.00	0.00	\$57,184.00
	XXXXX0451	03/16/2021	Safety Kleen Systems Inc	858.21	84836779		858.21	0.00	\$1,716.42
				858.21	85107284		858.21	0.00	
	XXXXX0452	03/16/2021	Siegfried Engineering Inc	5,672.96	41361	Lawrence Area Stn Sidewalk & Bike Facilities Svc Thru 12/27/20	5,672.96	0.00	\$5,672.96
	XXXXX0454	03/16/2021	SmartCover Systems	35,264.85	17361	SmarrCover Installation and Data Svc 12/1/20-11/30/22	35,264.85	0.00	\$35,264.85
	XXXXX0455	03/16/2021	SmithGroup Inc	37,493.20	0151816	Civic Center 11/28/20-12/25/20	37,493.20	0.00	\$37,493.20
	XXXXX0456	03/16/2021	Suburban Propane	17.90	2632110	AC#1644-042648	17.90	0.00	\$17.90
	XXXXX0457	03/16/2021	TeamDynamix Solutions LLC	27,175.20	2021-12949		27,175.20	0.00	\$27,175.20
	XXXXX0458	03/16/2021	TEC Accutite	288.58	201517		288.58	0.00	\$1,338.58
				350.00	201534		350.00	0.00	
				350.00	201535		350.00	0.00	
				350.00	201536		350.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX0459	03/16/2021	Turf Star Inc	88.38	7149766-00		88.38	0.00	\$1,295.80
				58.67	7152224-00		58.67	0.00	
				278.62	7152813-00		278.62	0.00	
				130.83	7152973-00		130.83	0.00	
				55.46	7152973-01		55.46	0.00	
				117.19	7154691-00		117.19	0.00	
				440.43	7154808-00		440.43	0.00	
				32.28	7155005-00		32.28	0.00	
				46.97	7155173-00		46.97	0.00	
				46.97	7155174-00		46.97	0.00	
	XXXXX0460	03/16/2021	UC Regents	560.50	1048825-204	19-13-201-01 Cynthia Zahedianfard	560.50	0.00	\$560.50
	XXXXX0461	03/16/2021	United Language Group LLC	831.74	148081	Feb 2021	831.74	0.00	\$831.74
	XXXXX0462	03/16/2021	Wardell Auto Interiors and Tops LLC	323.15	9454		323.15	0.00	\$1,672.79
				354.50	9466		354.50	0.00	
				296.05	9474		296.05	0.00	
				699.09	9482		699.09	0.00	
	XXXXX0463	03/16/2021	West Coast Rubber & Recycling Inc	93.00	20-3049		93.00	0.00	\$93.00
	XXXXX0464	03/16/2021	Working Partnerships USA	11,940.89	INV-2701	Ag#001-1187-20 Sept 2020	11,940.89	0.00	\$73,323.09
				61,382.20	INV-2727	Ag#001-1187-20 Oct 2020	61,382.20	0.00	
	XXXXX0465	03/16/2021	WRA	305.00	22204-2-41364	Baylands Pump Stn 2 Vegetation Monitoring Dec 2020	305.00	0.00	\$305.00
	XXXXX0466	03/16/2021	Hensel Phelps Construction Co	7,323,645.00	CivicCenter#03	PR-19-06	7,323,645.00	0.00	\$7,323,645.00
	XXXXX0467	03/16/2021	Robert A Bothman Inc	434,396.80	FAOKPKPLY GD#03	PR-16-04, PR-18-07	434,396.80	0.00	\$956,542.16
				522,145.36	FAOPKPLYG D#02	PR-16-04, PR-18-07	522,145.36	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX0468	03/16/2021	Hummingbird Impact Advisors	20,256.67	Jan2021	January 2021	20,256.67	0.00	\$20,256.67
	XXXXX0469	03/16/2021	Benefit Coordinators Corporation	45,089.23	8528	December 2020	45,089.23	0.00	\$45,089.23
	XXXXX0470	03/16/2021	Jewish Family & Children's Services	350.00	11421	Quarterly Presentation	350.00	0.00	\$350.00
	XXXXX0471	03/16/2021	Pitney Bowes Global Financial Services LLC	2,326.63	3104082390	Contract 0040900149 5/14/20-8/13/20	2,326.63	0.00	\$6,979.89
				2,326.63	3104284142	Contract#004090014 9 8/14/20-11/13/20	2,326.63	0.00	
				2,326.63	3104498177	Contract#004090014 9 11/14/20-2/13/21	2,326.63	0.00	
	XXXXX0472	03/16/2021	Matrix Consulting Group	15,200.00	20-40#-3	Development Fees Study	15,200.00	0.00	\$15,200.00
	XXXXX0473	03/18/2021	840 Del Rey, LLC C/O Irvine Co	599.59	178649-49404	Utility credit bal 840 Del Rey Ave	599.59	0.00	\$599.59
	XXXXX0474	03/18/2021	Redgwick Construction Co.	2,633.67	190841-37320	Utility credit bal Various Loc Hydnt	2,633.67	0.00	\$2,633.67
	XXXXX0475	03/18/2021	Lamese Nicole Khoury	500.00	FY21-132	DPS Case#21-33 Seized Ppty Refund	500.00	0.00	\$500.00
	XXXXX0476	03/18/2021	Betty Wilkins	121.39	21-098	Textbook Reimbursement	121.39	0.00	\$121.39
	XXXXX0477	03/18/2021	Jim Zhao	49.52	21-088	Textbook Reimbursement	49.52	0.00	\$49.52
	XXXXX0478	03/18/2021	Leah Kidger	24.08	21-086	Textbook Reimbursement	24.08	0.00	\$24.08
	XXXXX0479	03/18/2021	Michael Oneto	39.00	21-084	Textbook Reimbursement	39.00	0.00	\$39.00
	XXXXX0480	03/18/2021	Nand Menon	396.07	21-092	Textbook Reimbursement	396.07	0.00	\$396.07
	XXXXX0481	03/18/2021	Pastora Regina Reikko	264.11	21-097	Textbook Reimbursement	264.11	0.00	\$264.11
	XXXXX0482	03/18/2021	Vedrana Pantic	30.47	21-094	Textbook	30.47	0.00	\$30.47

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Reimbursement			
	XXXXX0483	03/18/2021	Lab-Pro Inc	279.48	011149	Business License Tax Refund	279.48	0.00	\$279.48
	XXXXX0484	03/18/2021	Kindy Winkles	137.74	072214	Business License Tax Refund	137.74	0.00	\$137.74
	XXXXX0485	03/18/2021	Amazon Capital Services Inc	147.18	1377-LTQF-JV4V		147.18	0.00	\$147.18
	XXXXX0486	03/18/2021	Arne Sign & Decal Co Inc	1,577.45	20-12370		1,577.45	0.00	\$1,577.45
	XXXXX0487	03/18/2021	Ascent Environmental	1,967.50	18010179.01-8	December 2020	1,967.50	0.00	\$18,406.25
				16,438.75	18010179.01-9	January 2021	16,438.75	0.00	
	XXXXX0488	03/18/2021	Associated Infrastructure Mgmt Services	5,168.02	2021-003	D. Wimberly 2/1-2/28/21	5,168.02	0.00	\$5,168.02
	XXXXX0489	03/18/2021	Astra Radio Communications	2,142.41	92997.		2,142.41	0.00	\$2,142.41
	XXXXX0490	03/18/2021	Backflow Prevention Specialists Inc	89.65	9505		89.65	0.00	\$89.65
	XXXXX0491	03/18/2021	Banner Bank	19,577.73	WASHNGTN POOL#14	PR-15-02	19,577.73	0.00	\$19,577.73
	XXXXX0492	03/18/2021	Caltest Analytical Laboratory	75.00	617891		75.00	0.00	\$3,503.50
				261.00	617963		261.00	0.00	
				3,167.50	618117		3,167.50	0.00	
	XXXXX0493	03/18/2021	Ebsco Information Services	7.59	2102000		7.59	0.00	\$7.59
	XXXXX0494	03/18/2021	Ferguson Waterworks	365.15	1592028-1		365.15	0.00	\$365.15
	XXXXX0495	03/18/2021	Frank A Olsen Co Inc	64.94	246070.		64.94	0.00	\$2,004.88
				1,939.94	246171.		1,939.94	0.00	
	XXXXX0496	03/18/2021	GT Golf Supplies	905.18	INV203763		905.18	0.00	\$947.18
				42.00	INV203897		42.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX0497	03/18/2021	Hagensen Pacific Construction Inc	361,976.88	WSHNGTNP OOL#14	PR-15-02	361,976.88	0.00	\$361,976.88
	XXXXX0498	03/18/2021	Haute Cuisine Inc	640.00	273-2021	2/1-2/26/2021 Covid-19 Lunches	640.00	0.00	\$1,964.00
				1,324.00	274-2021	2/1-2/26 Covid-19 Lunches	1,324.00	0.00	
	XXXXX0499	03/18/2021	Humane Society Silicon Valley	4,512.48	125496.	January 2021	4,512.48	0.00	\$11,925.84
				7,413.36	125497.	February 2021	7,413.36	0.00	
	XXXXX0500	03/18/2021	International Contact Inc	150.00	I-05443		150.00	0.00	\$235.00
				85.00	I-05506		85.00	0.00	
	XXXXX0501	03/18/2021	Jakes of Sunnyvale	151.24	888410		151.24	0.00	\$151.24
	XXXXX0502	03/18/2021	John Zink Co LLC	24,509.20	1390296.		24,509.20	0.00	\$22,563.00
				-1,946.20	1390296CM		-1,946.20	0.00	
	XXXXX0503	03/18/2021	King Crane Service	2,104.40	PRI000002048		2,104.40	0.00	\$2,104.40
	XXXXX0504	03/18/2021	Office Depot Inc	413.48	162108342001		413.48	0.00	\$523.78
				110.30	162108344001		110.30	0.00	
	XXXXX0505	03/18/2021	Pacific Gas & Electric Co	1,133.95	0007994651-3 0221	1444 Borregas Ave/WPCP Departing Load	1,133.95	0.00	\$46,788.56
				45,654.61	3272592818-1 0121	Parks & Fields	45,654.61	0.00	
	XXXXX0506	03/18/2021	Pacific West Security Inc	205.00	45035	CNC March 2021	205.00	0.00	\$205.00
	XXXXX0507	03/18/2021	Reed & Graham Inc	6,462.49	992145		6,462.49	0.00	\$21,886.12
				3,512.88	993352		3,512.88	0.00	
				2,046.07	993438		2,046.07	0.00	
				2,520.13	993552		2,520.13	0.00	
				766.08	993746		766.08	0.00	
				638.85	993850		638.85	0.00	

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				975.71	993942		975.71	0.00	
				616.62	994165	\$32.45 Discount By 3/18/21	616.62	0.00	
				4,347.29	994301	\$238.81 Discount By 3/19/21	4,347.29	0.00	
	XXXXX0508	03/18/2021	Safeway Inc	16.77	00432263-022821		16.77	0.00	\$16.77
	XXXXX0509	03/18/2021	Silicon Valley Auto Body Inc	1,415.67	42010		1,415.67	0.00	\$19,423.33
				4,937.39	42110		4,937.39	0.00	
				3,009.35	42125		3,009.35	0.00	
				5,342.47	42127		5,342.47	0.00	
				4,718.45	42138		4,718.45	0.00	
	XXXXX0510	03/18/2021	SPF Mathilda LLC	39,094.31	SV2021		39,094.31	0.00	\$39,094.31
	XXXXX0511	03/18/2021	Stevens Creek Chevrolet	98.98	116976		98.98	0.00	\$901.33
				333.74	117003		333.74	0.00	
				291.44	117367		291.44	0.00	
				177.17	118549		177.17	0.00	
	XXXXX0512	03/18/2021	Valley Oil Co	22,307.18	30023		22,307.18	0.00	\$102,661.18
				12,513.39	467581		12,513.39	0.00	
				20,658.03	52104		20,658.03	0.00	
				21,077.80	54403		21,077.80	0.00	
				1,678.38	55215		1,678.38	0.00	
				24,426.40	55503		24,426.40	0.00	
	XXXXX0513	03/18/2021	Winsupply of Silicon Valley	3,249.77	020358 01		3,249.77	0.00	\$7,608.76
				939.75	021104 02		939.75	0.00	
				3,024.68	021850 02		3,024.68	0.00	
				394.56	021923 01		394.56	0.00	
	XXXXX0514	03/18/2021	Robert A Bothman Inc	103,750.02	FAOKPKPLY GD#04	PR-16-04, PR-18-07	103,750.02	0.00	\$103,750.02
	XXXXX0515	03/18/2021	STC Venture LLC	487,186.55	020821Letter	CityLine Proj Capital Improvement Reimbursement	487,186.55	0.00	\$487,186.55

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
EFT	XXXXX0480	03/16/2021	Barron N Renzi	422.01	EXP0012925 810	Travel San Diego 022821	422.01	0.00	\$422.01
	XXXXX0481	03/16/2021	Stephen Ross Eckford	200.00	EXP0012730 934	Eckford Misc Boot Reimbursement 030121	200.00	0.00	\$200.00
	XXXXX0482	03/16/2021	Matty E Maxwell	25.00	EXP0012846 210	Maxwell Misc Reimbursement 022621	25.00	0.00	\$25.00
	XXXXX0483	03/16/2021	Michael B Mendoza	289.21	EXP0012935 003	Mendoza Travel Anaheim 021621	289.21	0.00	\$289.21
Grand Total				10,504,395.60			10,504,395.60	0.00	\$10,504,395.60



City of Sunnyvale

Agenda Item

21-0233

Agenda Date: 4/6/2021

REPORT TO COUNCIL

SUBJECT

Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2020/21; and Adopt the Resolution of Intention to Levy and Collect Annual Assessment and Reauthorize Business Improvement District for Fiscal Year 2021/22

BACKGROUND

A Business Improvement District (BID) is a funding tool that provides funding for specific activities that must be reauthorized yearly by the City Council at the request of the BID Board (Board). Businesses pay into the BID based on the benefit they receive as members of the district.

Pursuant to Sunnyvale Municipal Code Section 3.60.050 (Establishment of benefit assessments) the formula for calculating the BID assessment amount is determined by the Board and enacted by the City. Business assessments are levied based on relative benefit from the activities to be funded. The City collects the assessment fee and forwards the collected funds to the BID, minus an administrative fee.

Downtown Sunnyvale BID

Approximately 170 businesses are in the existing BID area, which is divided into three zones: Zone A, Zone B, and Zone C. The current BID boundaries are Sunnyvale, Iowa, Mathilda and Evelyn Avenues (Attachment 1, Page 9). Board members volunteer their time to lead and manage the BID.

The current Board members are:

- Dr. Gary Gold, Dr. Gary Gold & Associates & Style Eyes Optique, Board Chair
- Leigh Odum, Leigh's Favorite Books and Bookasaurus
- Irene Murphy, Fibbar MaGee's
- Amit Rajgarhia, Dish Dash
- Katie Voong, K Tea Cafe
- Rahul Nair, The Oxford

The BID offers businesses the means to pool their resources by assessing themselves to collectively pay for programs, marketing, and special events which would not be possible on an individual basis. Also, the Board promotes the downtown area by maintaining an active website, social media presence, and organizes numerous events.

EXISTING POLICY

Municipal Code Sections - Downtown Sunnyvale Business Improvement District:

3.60.050. Establishment of benefit assessments.

3.60.060. Purpose and use of benefit assessments.

3.60.110. Annual budget process.

3.60.120. Decisions regarding expenditure of funds.

ENVIRONMENTAL REVIEW

This action is not a project within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it involves the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

DISCUSSION

As part of the annual reauthorization, the Board is presenting the BID Fiscal Year 2020/21 report and budget for Fiscal Year 2021/22. The Board is requesting that Council adopt the Resolution of Intention (ROI) (Attachment 2) to begin the BID renewal process for Fiscal Year 2021/22.

As of January 2021, the BID collected a total of \$25,000 of the \$36,250 due from assessments for Fiscal Year 2020/21. Expenditures are approximately \$267,050 and revenues are approximately \$287,000. The proposed budget for Fiscal Year 2021/22 (Attachment 1, Pages 7 and 8), as approved by the Board, is \$309,000. This proposed budget includes \$25,000 from BID assessments; \$52,000 from special events, such as the Summer Music Series and possible sponsorships; \$180,000 from corporate and developer support; \$12,000 from grants, and \$40,000 in matching funds from the City.

The impact of COVID-19 required the Board to redirect efforts to support Sunnyvale Downtown businesses. Numerous events were cancelled due to the COVID-19 shelter in place restrictions. Cancelled events included the Music Series, Jazz and Beyond and the Magic and Wine Stroll. In place of events, the BID developed a "Stronger Together" marketing campaign to entice residents and visitors to continue to support downtown businesses and developed "Music on Murphy Ave" to provide background music on Historic Murphy for diners and shoppers to enjoy. Additionally, partnered with Sunnyvale Community Services to provide food and gift cards to downtown employees and worked with the City's Recreation and Community Department to coordinate the display of community artwork on Murphy Avenue.

The BID modified their marketing plan to increase commercial marketing and promotions. Part of the marketing strategy included the development of a new website (SunnyvaleDowntown.com), ads on different social media channels including Facebook (<https://www.facebook.com/sunnyvaledowntownassociation>), and a new digital downtown visitor guide. These tools will continue to be part of the outreach and promotions to continue to expand the audience to support BID businesses.

The BID continues to partner with Cityline and other developers involved in downtown Sunnyvale projects. They distribute downtown construction, downtown news and any other project information that might affect the downtown businesses and community at large.

For the BID to be reauthorized for Fiscal Year 2021/22, Council must approve the BID's Annual Report (Attachment 1) and adopt the Resolution of Intention (Attachment 2). Notice of the public hearing on the BID will be published in a local newspaper and mailed to all BID members. Pursuant to Sunnyvale Municipal Code Section 3.60.110, the ROI sets a public hearing for May 4, 2021 for the Council to consider all oral and written protests received on or before that date regarding the levy and collection of the assessment and reauthorization of the BID for Fiscal Year 2021/22.

FISCAL IMPACT

Staff time from the Department of Finance is provided at an estimated cost of \$3,600 annually for the administration of the assessment. Because these costs are reimbursed by the BID, there is no fiscal impact to the City for providing this service.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

The BID Board also emailed all BID members the meeting announcement.

RECOMMENDATION

Approve the Fiscal Year 2020/21 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2021/22, and schedule the public hearing for May 4, 2021.

The impact of COVID-19 required the BID to cancel their regular events and to enhance their marketing to continue to attract visitors to businesses. Through shared resources paid by the BID assessment, the BID was able to use the tools to continue to market downtown businesses through online marketing and new events that met CDC requirements. Because of the costs associated with expanded marketing, BID members were able to utilize shared tools that would otherwise not be available to individual businesses.

Prepared by: Maria Rodriguez, Administrative Analyst

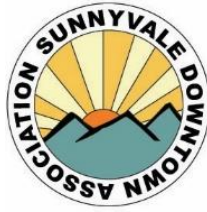
Reviewed by: Connie Verceles, Assistant to the City Manager/Economic Development Manager

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. BID Annual Report and Budget
2. Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Downtown Sunnyvale Business Improvement District for Fiscal Year 2021/22



Sunnyvale Downtown Association's 2021/2022 BID Renewal Request

Annual Report

What is a BID

A BID (Business Improvement District, authorized by State of California law) is a private sector funding tool that provides funding for the promotion and improvement of a specific area. All business license holders inside the said district are self-assessed an annual fee based on anticipated benefits they receive from the BID. The BID is reauthorized yearly by the City Council at the request of the businesses' Board of Directors. A BID is a tool used by over 200 business areas in California, including Mountain View, Palo Alto, Santa Clara, Morgan Hill, and San Jose.

The BID has legal requirements to be reauthorized. Specifically, the City Council must first approve the Annual Budget and then adopt a Request of Information (ROI) to reauthorize the BID for another year. Once the ROI is adopted, a public hearing must be held during a Council meeting. Businesses pay into the BID and the funds collected can only be used for projects within the BID boundaries. The business community maintains full control of all BID funds collected.

The formula for defining our BID assessment amount is determined by the Board members, and not the City. The Sunnyvale Downtown Association (SDA) Board considers the type, size, and location of the businesses and determines the most equitable formula for each type of business. Assessments are levied on businesses based on relative benefit from the activities to be funded. The City collects the fees on an annual basis. Normally, BID assessments are included as a separate charge on the business license tax bill that every business within the BID boundaries receives. However, because Sunnyvale has a two-year business license tax cycle, a separate billing process is being used. All assessment funds collected by the City are returned to the BID through annual contract agreements. The City does collect a fee for administrative costs associated with this service. The cost is reviewed and adjusted annually as needed.

The current Sunnyvale Downtown Association Board of Directors are: Chair - Gary Gold of Dr. Gary Gold & Associates, Secretary – Leigh Odum of Leigh's Favorite Books, Treasurer – Katie Voong of KTea, Members At Large – Amit Rajgarhia of Dish Dash, Irene Murphy of Fibbar MaGees, Rahul Nair of The Oxford Kitchen & Gastropub and Michael Johnson, SDA Executive Director.

Mission of the SDA

Sunnyvale Downtown Association (SDA) is a non-profit membership-based organization whose mission is to promote, advocate and enhance the vitality of downtown Sunnyvale. The SDA is funded by Business Improvement District (BID) fees, City grants, sponsorships and revenue producing events.

The Sunnyvale Downtown Association serves as the voice of downtown Sunnyvale by:

- Advocating for policies, programs and events that support the economic growth of the downtown
- Acting as the downtown marketing arm, voice, and ambassador for the City of Sunnyvale
- Producing attractive events for the community
- Promoting downtown as a premier venue for other groups to produce events
- Working with other community-based organization's that share in the growth, beautification, and continual vitality of downtown Sunnyvale
- Serving as the primary information portal to all events, attractions and programs stemming from the downtown core.

Budget

In 2021/22, BID fees collected from the businesses totaled \$25,000 (9% of Income) and the City of Sunnyvale contributed \$40,000 (14% of Income). These funds act as the foundational funding for the SDA. The remainder of SDA revenue comes from a combination of support from sponsorships, event sales/concessions, and event participant fees. By state law, the BID money can only be used to support general business activities, promote public events, decorate public places, and provide entertainment inside the BID area. BID funds are used for a myriad of projects including advertising, marketing materials, digital visitor guides, website, e-letters, street/holiday lighting and events.

This year we were fortunate to have received city support and grants to offset the reduction in corporate sponsorship. This helped us to maintain the Sunnyvale Downtown (BID) during this challenging year. We aren't guaranteed to receive this level of sponsorship supports every year. We continues to rely on all support channels to ensure fiscal accountability.

On January 6, 2021, the Board of Director's approved the renewal of the BID. Below we have included a brief overview of some of the major expense areas.

Event Related Financial Breakdown

Our focus in 2020/2021 has become addressing the needs of our SDA businesses amidst the COVID-19 pandemic. Businesses have struggled to keep their doors open and employees working in adhering to state and county orders. We have continued to work through the many financial challenges caused by event reduction. Corporate sponsor contributions were greatly diminished this year comparative to last year's forecasted budget. As well as we were unable to hold revenue producing events. We were fortunate to have received support from Community Grants, Annual City Support, and developer funding to aid through this unprecedented year.

Account	2020/21 Actual Forecast	2021/22 Projected
INCOME		
BID Fees	25,000	25,000
City Contributions	40,000	40,000
Community Grants	8,000	12,000
Developer Support & Funding	150,000	160,000
COVID-19 Disaster Relief	64,000	20,000
Events Revenue (Sponsorship & Sales)		
<i>Summer Series</i>	-	22,000
<i>Jazz & Beyond</i>	-	10,000
<i>Wine Stroll</i>	-	20,000
<i>Tree Lighting</i>	-	-
<i>Tech Expo</i>	-	-
<i>Movie Night</i>	-	-
<i>Car Show</i>	-	-
<i>Music on Murphy</i>	-	-
TOTAL INCOME	287,000	309,000
EXPENSES		
Personnel Related Expenses	142,500	149,000
Office/General Admin Exp	40,550	43,550
Sales Tax	0	3,000
City/Permit Fees	0	3,500
Covid 19-Events & Activities	58,000	10,000
Equipment	6,000	0
Event Expenses**		
<i>Summer Series</i>	-	42,000
<i>Wine Stroll</i>	-	20,000
<i>Jazz & Beyond</i>	-	20,000
<i>Movie Night</i>	-	-
<i>Tech Expo</i>	-	-
<i>Tree Lighting</i>	5,000	7,000
<i>Car Show</i>	-	-
<i>Music on Murphy</i>	15,000	8,000
TOTAL EXPENSES	267,050	306,050
TOTAL PROFIT/LOSS	19,950	2,950

** The event expenses reflect general marketing and promotional material, the day of staffing, Wine, Beer, Performers and some equipment. It does not include pre-event preparation cost for Visitors Guide layout & design, Staff labor for follow up with wineries, host locations coordination, design time for Passport, booking bands, volunteer coordination, Posters design, Flyer design, Social Media outreach & Website, ticket sales and various other task required to deliver the SDA events on annually.

Events

This year the SDA has produced twenty-one events that generated no revenue. Due to the impact of COVID-19, we had to redirect our efforts from large events and focus on ways to help support the Sunnyvale Downtown Businesses.

In 2020, we started a new marketing promotion to entice residents and visitors to shop at our SDA businesses by entering a drawing to win downtown cash. This campaign was called “Stronger Together”, which included downtown retail, professional services, and restaurants. We combined the businesses into a list of twelve groups and offered any participant who purchased products from five groups into a drawing for \$50.00 and if they purchased from ten different groups, into a drawing for \$100. Winners would receive downtown cash bucks to be used at participating downtown locations.

Last spring, we introduced Music on Murphy Ave., which provided music for restaurants and retail customers while they shopped on Historic Murphy. We partnered with the Sunnyvale Library and Community Services to display community artwork during that time.

The Annual Holiday Tree Lighting was held on December 8th. The community gathering component of the event was cancelled due to COVID concerns, however we continued community outreach through social media.

We project our 2021/22 events will gross \$52K from sponsorships, and event participation fees. In 2020, we were unable to provide the level of events we would have done previously because of COVID-19. As we enter 2021/22, we are optimistic that we will be able to provide more events this year, however we understand we need to adhere to CDC, County and City guidelines. We are currently planning to move forward with Music on Murphy, Jazz and Beyond, Summer Series Music & Market, and the Holiday Tree Lighting. We have decided to cancel The Magic of Sunnyvale & Wine Stroll this year as a safety precaution. Because of COVID-19, we cannot guarantee any of these events will happen until later in the year. That being the case we still will need to plan, organize, budget, and prepare for them as normal.

The City contribution is a crucial part of our overall funding for annual events. We appreciate that you have continued to support the Sunnyvale Downtown Association (BID) and want you to know, we don't take your support for granted.

COVID-19 has forced businesses rely on ecommerce tools more than ever before. In 2020/21 we increased our online presence and communication. We will continue to increase our commercial marketing and promotional effort. Our marketing strategies include a new SDA website, a digital downtown visitor guide, increase in social media presence, new print advertisement, paid marketing services on Twitter, Facebook, and Google, and partnering with other local community organization to expand our digital footprint. (educational programs to teach businesses about ecommerce tools?)

In the year ahead, we want to continue to grow with optimized resources and increased sponsorship as well as expanding our event audience where appropriate. We continually work to improve our communications and outreach. Building on our successes, by ensuring our BID members are supported and promoted in addition to keeping the community informed.

Event Sponsorships & City Contribution

We are very grateful for the continued support from the City and the many Sponsors who have helped fund our SDA events and enabling us to continue to serve the community in 2020/21. We'd like to give special thanks to the City of Sunnyvale, CityLine Sunnyvale, Minkoff Group, El Camino Health, Google, Facebook, LinkedIn, Specialty Waste, and Murphy Square.

We believe the SDA and our downtown businesses need City and Sponsorship support for these events now more than ever. With ongoing downtown development, the new minimum wage increase, COVID-19 forced shutdowns, and the high cost to do business in downtown Sunnyvale. These events and promotional programs allow for business owners to maintain a small level of revenue that will hopefully help them weather this period.

Without sponsorships as well as the support from the City, we could not continue to deliver these services year over year which are so critical to the SDA's businesses and attracting new consumers to our downtown. Each year we need to wait until early February before we have a sense of what amount of sponsorship support, we have coming in. This year many corporate sponsors are taking a step back due to COVID-19 and the impact of their brand name being associated with large events.

Looking Ahead

This year the SDA is planning to make some bold steps as we move forward into 2021. Our first order of business is building a new interactive mobile friendly and responsive website to support our downtown businesses. Second, we recognize that continuing into 2021 we need to address the move from printed visitor guides to a digital app that provides a more interactive and user-friendly experience for everyone.

The SDA's goal is to continue producing quality events and promoting downtown Sunnyvale as a great place to shop, dine, work and live. These events are especially important to continue to attract new visitors to our vibrant, growing downtown as well as community pride. Now more than ever, we need to keep dispersing messages that inspire and keep our businesses, community residents, and visitors engaged with Sunnyvale Downtown.

Overview

The 2020/21 year proved to be another very successful season for the Sunnyvale Downtown Association. Early in the year, we added a CPA firm to assist the SDA in its accounting. The continuing outreach campaign to all BID members regularly has help to reduce late BID fee collection and improve member support.

We continue to work to expand our reoccurring event partnerships with the City and other local non-profit organizations. Delivering events like The Technology Business Expo on Historic Murphy Avenue, State of the City, PAL Classic Car Show, The Pet Parade, Winter Ice Rink and Rides for Toys.

Moving forward into the 2021/22 fiscal year, the SDA plans to host 8 Summer Series Music + Market concerts, 8 Jazz & Beyond concerts, 17 Music & Dining events on Historic Murphy Ave., in addition to partnering with the Sunnyvale Chamber of Commerce in a support effort for the Sunnyvale Art & Wine Festival. Many of these events are scheduled to be held on Historic Murphy Avenue and the surrounding areas. We will also be holding our Annual Holiday Tree Lighting.

The Magic of Sunnyvale & Wine Stroll has again been cancelled for 2021. We look forward to continuing to collaborate with the City Economic Development Department on the Technology Business Expo and are excited to be hosting for the third year the PAL Classic Car Show in downtown Sunnyvale. This year we expect the return of the Sunnyvale Halloween Pet Parade to the downtown community and will monitor plans for the Winter Ice Rink in 2021.

While we continue to explore ways to bring new visitors to our downtown community, we remain vigilant in working to protect our community, visitors, residents, and our businesses during the COVID-19 pandemic. With light starting to emerge on the horizon as the vaccines are starting to be deployed in our county. We are optimistic that better days are ahead.

A few of the things we want to take a second and give thanks and gratitude for. First the City of Sunnyvale providing us with a COVID-19 Grant to help the SDA this year as well as the corporate sponsors who were willing to allow us to use their funds allocated for events as support to offset our expenses during COVID-19. The second item was the support and collaboration with the Sunnyvale Community Services who has worked with us on two events to provide food and gift cards to the many employees who have been displaced during the multiple shut down and restrictions this year. We were able to provide almost 600 meals and gift cards to our downtown employees.

As the SDA continues to partner with the Cityline and other developers while moving forward into the next phase of the downtown's development, we provide support in the distribution of downtown construction, downtown news and any other project information that might affect our downtown business and community at large. Thank you for your past support and once again, we ask that you continue to support our Resolution of Intent (ROI) request to renew the Sunnyvale Downtown Association's BID for fiscal year 2021/22.

Prepared by:

Michael Johnson
Executive Director

Approved by:

SDA Board of Directors
Gary Gold
Leigh Odum
Irene Murphy
Katie Voong
Admit Rajgarhia
Rahul Nair

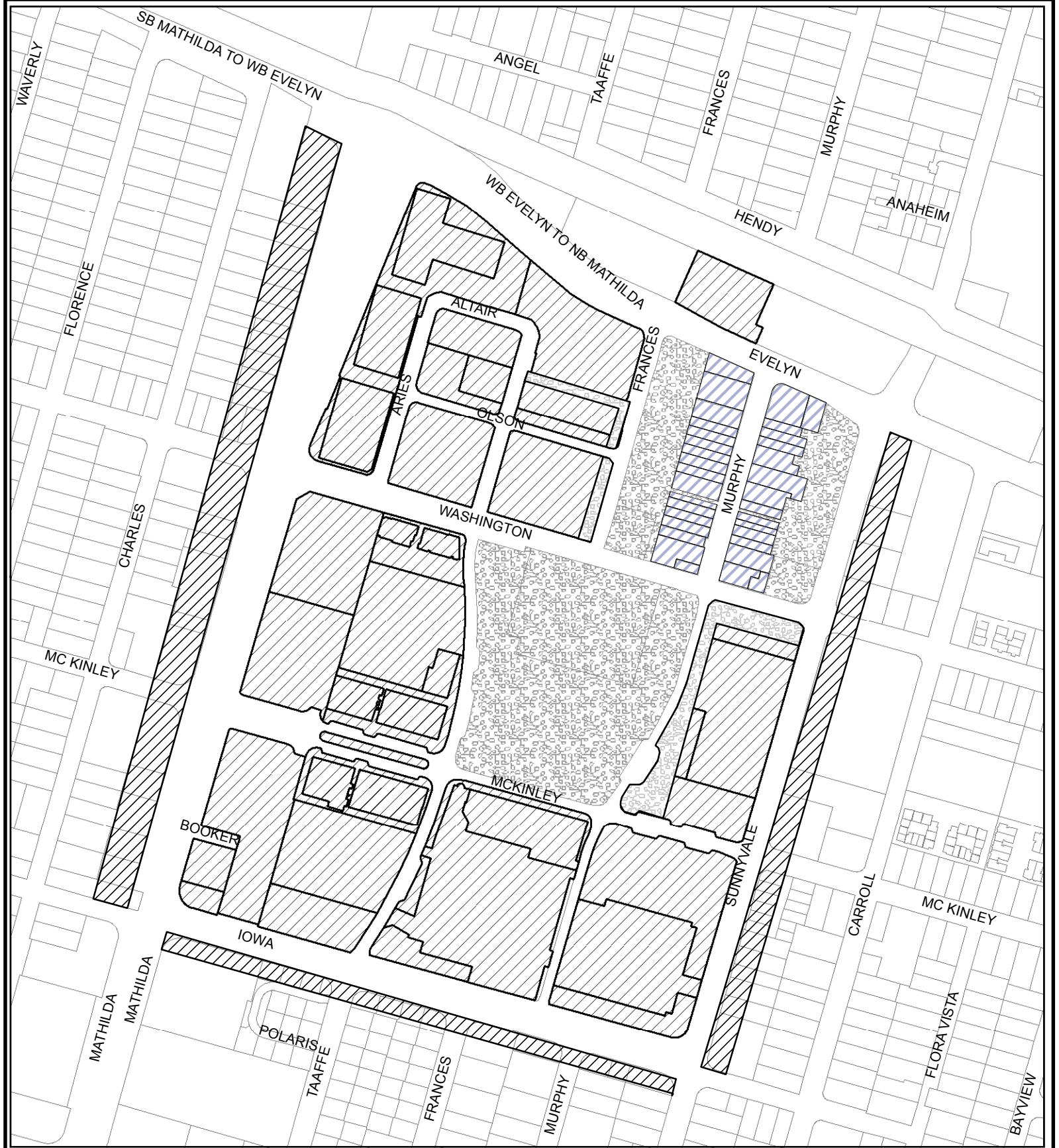
FISCAL YEAR		Actual	Projected	
		20/21	21/22	
Revenue				
City Contributions				
	Community Grants	\$ 8,000.00	\$ 12,000.00	
	City Contributions	\$ 40,000.00	\$ 40,000.00	
	BID Funds	\$ 25,000.00	\$ 25,000.00	
Total City Contributions		\$ 73,000.00	\$ 77,000.00	
Developer Support & Funding		\$ 150,000.00	\$ 160,000.00	
COVID-19 Disaster Relief				
	COVID-19 City Grant (SV Cares Nonprofit)	\$ 11,000.00	\$ -	
	COVID-19 Coporate Sponsorship	\$ 53,000.00	\$ 20,000.00	
Total Disaster Relief		\$ 64,000.00	\$ 20,000.00	
Holiday Tree Lighting				
	Sponsorships	\$ -	\$ -	
Total Holiday Tree Lighting		\$ -	\$ -	
Magic of Sunnyvale Wine Stroll				
	Sales	\$ -	\$ 20,000.00	
	Sponsorships	\$ -	\$ -	
Total Magic of Sunnyvale Wine Stroll		\$ -	\$ 20,000.00	
Summer Series				
	Sales	\$ -	\$ 22,000.00	
	Vendors	\$ -	\$ -	
	Sponsorships	\$ -	\$ -	
Total Summer Series		\$ -	\$ 22,000.00	
Jazz & Beyond				
	Sales	\$ -	\$ 10,000.00	
	Sponsorships	\$ -	\$ -	
Total Jazz & Beyond		\$ -	\$ 10,000.00	
Tech Expo				
	Sales	\$ -	\$ -	
	Sponsorships	\$ -		
Total Tech Expo		\$ -	\$ -	
Movie Night				
	Sales			
	Sponsorships	\$ -	\$ -	
Total Movie Night		\$ -	\$ -	
Classic Car Show				
	Sales	\$ -	\$ -	
	Event Operations Cost	\$ -	\$ -	
Total Classic Car Show		\$ -	\$ -	
Total Revenue		\$ 287,000.00	\$ 309,000.00	

FISCAL YEAR	Actual	Projected	
	20/21	21/22	
Expenses			
Administrative			
Insurance	\$ 9,500.00	\$ 10,000.00	D&O, Workers Comp & Events
Marketing & Advertisement	\$ 15,000.00	\$ 15,000.00	
Bookeeping/Accounting	\$ 6,800.00	\$ 6,800.00	
Office Supplies & Expenses	\$ 8,000.00	\$ 9,500.00	
Telephone & Website	\$ 1,250.00	\$ 1,250.00	
Travel Expense (CDA Conference)	\$ -	\$ 1,000.00	IDA / California Downtown Association Conf.
Total Administrative	\$ 40,550.00	\$ 43,550.00	
Covid 19-Events & Activities			
Stronger Together Campaign	\$ 10,000.00	\$ 10,000.00	New project as of 2020/21
Ecommerce Workshops & Consulting	\$ 7,000.00	\$ -	New project as of 2020/21
Food & Gift Cards for SDA Emp. not working	\$ 15,000.00		New project as of 2020/21
Website Development	\$ 18,000.00	\$ -	New project as of 2020/21
Visitor Guide App	\$ 8,000.00	\$ -	New project as of 2020/21
Total Covid 19-Events & Activities	\$ 58,000.00	\$ 10,000.00	
Event Expenses			
Building Permit Fees	\$ -	\$ 1,000.00	
City (event) Permits & Rental Fees	\$ -	\$ 2,500.00	
Holiday Tree Lighting	\$ 5,000.00	\$ 7,000.00	
New Equipment & Maintenance	\$ 6,000.00		Powered dolly/lift to move mobile wheelchair
Magic of Sunnyvale Wine Stroll	\$ -	\$ 20,000.00	
Music on Murphy	\$ 15,000.00	\$ 8,000.00	
Summer Series	\$ -	\$ 42,000.00	
Jazz & Beyond	\$ -	\$ 20,000.00	
Movie Night	\$ -	\$ -	
Tech Expo	\$ -	\$ -	
Sales Tax	\$ -	\$ 3,000.00	
Classic Car Show	\$ -	\$ -	
Total Event Expenses	\$ 26,000.00	\$ 103,500.00	
Staffing			
Exec. Director Compensation	\$ 81,000.00	\$ 87,000.00	
Employee Taxes	\$ 16,500.00	\$ 17,000.00	
Contract Labor	\$ 45,000.00	\$ 45,000.00	Add'l admin staff & part-time Event Coordinator, contract labor
Total Staff & ED Compensations/Commission	\$ 142,500.00	\$ 149,000.00	
Total Expense	\$ 267,050.00	\$ 306,050.00	

Profit or Loss **\$ 19,950.00** **\$ 2,950.00**

Here are a few reasons City Support is always important




- ~ Sponsorships vary from year to year. BID staff continues outreach to maintain and increase sponsorship amounts
- ~ Additional staffing is required to meet the new demand of work requirements to manage added correspondence, work with developers, additional events, city communications and general day to day operations
- ~ Our SDA businesses need this additional support more than ever now, with the new changes coming in 2019 that will make it even harder to keep their doors open long enough to hopefully last through the next period of development ahead (Change in block 6 and parking access).
- ~ We continue to work with outside community & non-profits to help in showcasing and promoting their causes in the downtown for better visibility, This also helps our downtown businesses as well.



DOWNTOWN BUSINESS IMPROVEMENT DISTRICT ZONES



Legend

-  ZONE A
 -  ZONE B
 -  ZONE C



BID Zones & Fee Breakdown

	ZONE A	ZONE B	ZONE C
Retailers, Restaurants, Bars	\$500	\$300	\$150
Service Businesses	\$300	\$200	\$100
Lodging	\$10/rm.	\$10/rm.	\$10/rm
Professional Services Businesses	\$100	\$100	\$100
Financial Institutions	\$500	\$500	\$500

Business type definitions:

Retail and Restaurant: Businesses that buy and resell goods, examples are clothing stores, shoe stores, office supplies as well as businesses that sell prepared foods and drinks.

Service Businesses: Businesses that sell services. Examples are beauty and barber shops, repair shops, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

Lodging: Includes renting rooms by the day or week to community visitors.

Professional Services Businesses: Includes Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

Financial Institutions: Includes banking and savings and loan institutions as well as credit unions, etc.

**Downtown Sunnyvale Business Improvement District
Proposed Improvements and Activities for Fiscal Year 2021/2022**

Income		
Zone A	34 Businesses paying an average annual benefit fee of \$458.	\$15,600
Zone B	42 Businesses paying an average of \$200.	\$8,400
Zone C	99 Businesses paying an average of \$126.	\$12,550
Total potential BID assessment collections		\$36,550
Projected assessment collections (COVID impact reduced annual paid average)		\$25,000
Revenues from SDA special events and fund-raisers		\$52,000
Grants, event sponsorships and other misc. revenue		\$232,000
Total BID Program annual budget		\$309,000

Expenditures		
Program	Amount	Percent
1) Commercial Marketing Program a) Advertising and promotion (Ads, social media, etc.) b) Theme development c) Special events and activities d) Visitor attraction	\$198,933	65%
2) Civic Beautification and Signage Program a) Streetscape beautification, lighting b) Public arts programs c) Public-private directional signage	\$3,060	1%
3) Programs Administration and BID Management	\$104,057	34%
Totals	\$306,050	100%

DRAFT 2/22/2021 *RLB*

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE DECLARING CITY COUNCIL'S
INTENTION TO LEVY AND COLLECT AN ASSESSMENT
AND TO REAUTHORIZE THE DOWNTOWN
SUNNYVALE BUSINESS IMPROVEMENT DISTRICT FOR
FISCAL YEAR 2021/2022 AND HOLD A PUBLIC HEARING**

WHEREAS, under California Streets and Highways Code Section 36500, *et seq.*, the City Council of the City of Sunnyvale is authorized to reauthorize an improvement district and to act as the legislative body for an improvement district; and

WHEREAS, the City Council now desires to review the annual report and proceed with the reauthorization of an improvement district in order to finance improvements and/or activities necessary or incident to development in the City of Sunnyvale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Authority. The City Council proposes to conduct proceedings and declares its intention to reauthorize an improvement district pursuant to California Streets and Highways Code Section 36500, *et seq.*
2. Name. The name of the district will continue to be the "Downtown Sunnyvale Business Improvement District" (the "District").
3. Boundaries. No changes are proposed in the boundaries of the Business Improvement District as established in fiscal year 2021-2022.
4. Annual Report. The annual report for the District (the "Report") with a detailed description of the improvements and activities is on file in the office of the City Clerk and is attached to the Report to Council No. 21-0233 and the City Council hereby approves the Report.
5. Improvements. A Report with the types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District is on file in the Office of the City Clerk.
6. Benefit Fee. The City Council intends to levy an annual benefit fee on businesses in the District to pay for selected improvements and activities of the District. All funds of the District shall be expended on improvements and activities within the District. There are no changes proposed for the method and basis of levying the assessments in the Business Improvement District as established in fiscal year 2021-2022.

7. Exemption. New businesses shall be exempt from payment of the fee until the next period following the commencement of operations of the business.

8. Public Hearing. A public hearing to reauthorize the levying the assessment is hereby set for May 4, 2021, at 7:00 p.m., before the City Council of the City of Sunnyvale, at Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale, CA.

(a) Testimony. At the public hearing the testimony of all interested persons, for or against the reauthorization of the District and levying of the assessment, interested in matters concerning the boundaries of the District, the areas of benefit within the District and the assessments to be levied, will be heard.

(b) Protest(s). A protest against the reauthorization of the District and levying of the assessment, or any aspect of it, may be made orally or in writing. Any oral protest shall be made at the said public hearing. To count in the majority protest against the District, a protest must be in writing. A written protest may be withdrawn from record at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is shown on the official records of the City of Sunnyvale as the owner of the business. If the written protest is not signed by registered business owner, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity of defect to which objection is made.

If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the District that will pay fifty percent (50%) or more of the total assessments of the entire District, no further proceedings to reauthorize the District and to levy the assessment shall occur for a period of one year from the date of the finding of a majority protest by the City Council.

If the majority of the written protests are only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated, pursuant to Streets and Highways Code Section 36525.

9. Notice of Public Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by causing copies of this Resolution to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of this Resolution in a newspaper of general circulation once, at least seven (7) days before the hearing, and a list of places where copies of this Resolution are posted.

Adopted by the City Council of the City of Sunnyvale at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney



City of Sunnyvale

Agenda Item

21-0403

Agenda Date: 4/6/2021

REPORT TO COUNCIL

SUBJECT

Adopt a Resolution Authorizing the Finance Director to Renew a Business License Tax Data Exchange Agreement with the California Franchise Tax Board

BACKGROUND

Chapter 5.04 of the Sunnyvale Municipal Code (SMC) is known as the Business License Tax Ordinance of the City of Sunnyvale. SMC Section 5.04.100 states: "No person shall transact, engage in, or carry on any business within the City without first having procured a license from the City to do so and having paid the tax".

Department of Finance staff regularly conduct audits to locate businesses that are operating in Sunnyvale without a license in violation of SMC Chapter 5.04. This data exchange program began because of the enactment of Senate Bill 1146 on September 26, 2008. This Act authorizes a city to enter into a reciprocal agreement with the California Franchise Tax Board (FTB) to exchange tax data. The data exchange enables both parties to identify any non-compliant businesses.

In 2009, the Council approved the initial agreement with the California Franchise Tax Board (FTB) to exchange data related to Business Licensing (RTC No. 09-232). The data exchange program has been renewed three times (RTC No. 12-053, RTC No. 15-0490, RTC No. 18-0221). The current agreement expired on December 31, 2020. The City needs to enter a new agreement by May 1, 2021 to continue the data exchange program through December 31, 2023.

EXISTING POLICY

Council Policy 7.1B.3.2 states: An aggressive collection system for all accounts receivable will be utilized to assure that monies due to the City are received in a timely fashion.

ENVIRONMENTAL REVIEW

This action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15378(b)(5) (government organizational and administrative activities that will not result in a direct or indirect physical change to the environment).

DISCUSSION

The City of Sunnyvale has conducted regular audits of business license data to ensure applicable taxes from businesses operating within city limits are received. Past audits included a comparison to property tax, sales tax, and phone book information to ensure the City receives the revenue it is legally entitled to collect. Staff also conducts field audits periodically to ensure all storefronts and offices have a business license.

The City's business license software can facilitate some of these audit functions through exception reports to identify business records that do not match business license information on file. As a result of the enactment of SB 1146, the software vendor created an exception report for FTB data as well. The software has been set up with the ability to import FTB data and export data files to send to the FTB with minimal staff involvement. Once the FTB data has been imported into the system, exception reports can be run on demand to compare FTB data to the City's business license data. These exception reports have enabled the City to bring in additional revenue from businesses operating in Sunnyvale that have not paid the Business License Tax.

Under the terms of the Agreement with the FTB, Sunnyvale will be required to send data to the FTB annually each June. The data required includes ownership name, address information, Employer ID number, and business start date. The FTB will send the City similar information from their database each year in December. The FTB will send information on taxpayers who file business related income tax returns. Under the terms of the Agreement, this data exchange will continue through December 2023. Neither the FTB nor the City of Sunnyvale would be reimbursed for the cost of providing data and neither party will be charged for receiving data from the other agency. Should the City wish to discontinue participating in the data exchange program, the Agreement may be terminated with thirty days written notice to the FTB.

FISCAL IMPACT

The City will receive additional Business License Tax revenue by renewing this Agreement. The City uses the FTB data to audit and identify businesses which otherwise would not pay business license taxes. Businesses discovered through audits continue to generate tax revenue on an ongoing basis, providing additional revenue for as long as the business continues to operate in Sunnyvale.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

RECOMMENDATION

Find that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15378(b)(5) and adopt a Resolution authorizing the Finance Director to execute a reciprocal agreement with the California Franchise Tax Board for the exchange of business license tax data through December 31, 2023.

Prepared by: Jenny Shain, Administrative Services Manager

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. State of California Franchise Tax Board Standard Agreement
2. Proposed Resolution Authorizing Agreement with the Franchise Tax Board

AGREEMENT NUMBER C1700212
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Franchise Tax Board

CONTRACTOR'S NAME

City of Sunnyvale

2. The term of this Agreement is: June 1, 2018 or date of approval, whichever is later, through December 31, 2020
3. The maximum amount of this Agreement is: \$ 0.00
NON-FINANCIAL AGREEMENT
4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	3 pages
Exhibit C* – General Terms and Conditions	GTC417
Exhibit D – Special Terms and Conditions	3 pages
Exhibit E – City/County Record Layout Specifications	2 pages
Exhibit F – FTB Record Layout Specifications	1 page
Exhibit G – Confidentiality Statement	1 page

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.
These documents can be viewed at <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)

City of Sunnyvale

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

650 W. Olive Avenue, Sunnyvale, CA 94086

STATE OF CALIFORNIA

AGENCY NAME

Franchise Tax Board

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Michael A. Banuelos, Procurement and Contracting Officer or Designee

ADDRESS

P.O. Box 2086, Rancho Cordova, CA 95741-2086

**California Department of General
Services Use Only**

☒ Exempt per: SCM 1 - 4.04.A.2.

EXHIBIT A SCOPE OF WORK

This Agreement is entered into by and between the Franchise Tax Board, herein after referred to as (FTB), and the City of Sunnyvale, herein after referred to as the City.

Purpose:

This Agreement provides for the reciprocal exchange between FTB and the City tax data specific to city business license information for tax administration purposes. By entering into a reciprocal agreement, each party agrees to bear its own costs of providing the data, and the City is precluded from obtaining reimbursement.

Both parties will abide by the legal and confidential provisions of this Agreement. Exhibits A, C, D, E, F, and G, attached hereto and incorporated by reference herein, set forth additional terms to which the parties agree to be bound.

No Federal Tax Information will be exchanged.

Legal Authority:

California Revenue and Taxation Code (R&TC) Section 19551.1 authorizes a reciprocal agreement for the exchange of specified tax information between a City/County and FTB. R&TC Section 19551.5 mandates cities/counties to provide city/county business licensing and tax information to FTB upon request.

City Responsibilities:

1. The City agrees that the information provided by FTB will be used exclusively to administer the City/County Business Tax Program.
2. The City agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose; and will only be accessed or used by City employees whose duties are to administer the City/County Business Tax Program.
3. The City agrees to provide FTB with tax information pursuant to Format Specifications, Exhibit E, which shall include, but not be limited to, the following:
 - Business or owner's name
 - Business or residence address
 - Federal Employer Identification Number (FEIN) or Social Security Number (SSN)
 - Ownership type
 - North American Industry Classification Code or Standard Industry Classification Code
 - Business start and cessation dates
 - City Business Tax Number, to be assigned to the City by FTB
4. The City agrees to extract and provide city data to FTB annually in June for each tax year that the Agreement is in place: June 2018, 2019, and 2020. If the Agreement is executed after June 30, 2018, the City will have 30 days after execution to provide FTB with the first year's data.

EXHIBIT A
SCOPE OF WORK

5. The City agrees to submit the records to FTB electronically using FTB's Secure Web Internet File Transfer (SWIFT) system.
6. The City agrees to submit the records to FTB in ASCII fixed-length format, .txt, per the Format Specifications, Exhibit E.
7. The City agrees to resubmit data in the event data is initially submitted with errors. The resubmission of data must be within 30 days of notification. If data is not submitted accurately and timely, the City will forfeit its rights to FTB data for that year.
8. The City agrees that each City employee having access to FTB data shall sign a City/County Business Tax Program Confidentiality Statement, Exhibit G, and FTB 712. The signed statement is to be retained by the City and produced to FTB upon request.
9. The City agrees to submit to FTB a completed Safeguard Review Questionnaire prior to receiving any FTB data. The Safeguard Review Questionnaire is valid for the duration of the Agreement.
10. The City agrees to provide a copy of the resolution, order, minutes reflecting passage of a motion, or ordinance of the local governing body authorizing the execution of the Agreement.

FTB Responsibilities:

1. FTB agrees that information provided by the City will be used for tax administration and non-tax programs that FTB administers and may be shared with other state or federal agencies as authorized by law.
2. FTB agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose, except as provided in paragraph 1 or otherwise authorized by law.
3. FTB agrees to provide the City with data extracted from the Taxpayer Information (TI) system and Business Entities Tax System (BETS). FTB will provide the City with records for taxpayers within the City's jurisdiction who indicate a business on their personal or business entity income tax return. The Record Layout, Exhibit F, FTB 909A shall include:
 - Taxpayer name
 - Taxpayer address
 - Taxpayer SSN or FEIN
 - Principal Business Activity code
4. FTB agrees to match the data provided by the City using the SSN or FEIN against FTB's data with a "Yes" or "No" indicator on the Record Layout, Exhibit F, FTB 909A. The first year's data match is at the discretion of FTB based on when the data is received from the City and processed.

EXHIBIT A
SCOPE OF WORK

5. FTB agrees to provide the City with an annual data extract in December 2018 for tax year 2017, in December 2019 for tax year 2018, and in December 2020 for tax year 2019 via SWIFT.
6. FTB agrees to register the City for a SWIFT account allowing for the secure electronic transmission of data.
7. FTB agrees to provide the City with a unique City Business Tax Number to be used for reporting purposes only.
8. FTB agrees to allow the City to resubmit data within 30 days of notification, in the event data is initially submitted with errors.

Project Coordinators:

The project coordinators during the term of this Agreement will be:

Franchise Tax Board

Felicia Hicks
City/County Business Tax Program Manager
Data Resources and Services Unit
P.O. Box 1468, Mailstop A181
Sacramento, CA 95812-1468
Phone: (916) 845-6304
Email: FTB CCBT@ftb.ca.gov

City of Sunnyvale

Stephen Napier
Administrative Services Manager
650 W. Olive Avenue
Sunnyvale, CA 94086
Phone: (408)730-7385
Email: Snapier@sunnyvale.ca.gov

Return executed agreement to:

Franchise Tax Board

Zeri Safi
Business Acquisitions Unit
P.O. Box 2086, Mailstop A-374
Rancho Cordova, CA 95741-2086
Phone: (916) 845-3552
Fax: (916) 843-2398

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

1. DATA OWNERSHIP: The confidential tax information or sensitive information being provided under this Agreement remains the exclusive property of the FTB. Confidential tax and sensitive data/information are not open to the public and require special precautions to protect from loss and unauthorized use, disclosure, modification, or destruction. The City (or County) shall have the right to use and process the disclosed information for the purposes stated in the Scope of Work of Exhibit A of this Agreement, which right shall be revoked and terminated immediately upon termination of this Agreement.
2. STATEMENT OF CONFIDENTIALITY: The FTB has tax returns and other confidential data in its custody. Unauthorized inspection or disclosure of federal returns and other confidential data is a misdemeanor or a felony (R&TC Sections 19542, 19542.1, 19542.3 and 19552 and Government Code Section 90005).

Upon the approval of this agreement and prior to any access to the confidential or sensitive data of the FTB. Each City (or County) employee who may have access to the confidential data of FTB will be required to sign a City/County Business Tax Program Confidentiality Statement, Exhibit G, FTB 712, attesting to the fact that he/she is aware of the confidentiality of the data and the penalties for unauthorized disclosure thereof under applicable state and federal law. The signed statement(s) shall be retained by the City (or County) and furnished to FTB upon request

3. USE OF INFORMATION: The City (or County) agrees that the information furnished or secured pursuant to this Agreement shall be used solely for the purposes described in the Scope of Work of Exhibit A. The City (or County) further agrees that information obtained under this Agreement will not be reproduced, published, sold or released in original or in any other form for any purpose other than as identified in this section.
4. EMPLOYEE ACCESS TO INFORMATION: Both FTB and the City (or County) receiving data agree that the information obtained will be kept in the strictest confidence and shall make information available to its own employees only on a "need to know" basis. The "need to know" standard is met by authorized employees who need the information to perform their official duties in connection with the uses of the information authorized by this Agreement. Each party receiving data recognize(s) their responsibility to protect the confidentiality of the information in its custody as provided by law and ensure that such information is disclosed only to those individuals and for such purposes as authorized by law and this Agreement.
5. PROTECTING CONFIDENTIAL INFORMATION/ INCIDENT REPORTING: Both agencies, receiving data, in recognizing the confidentiality of the information to be exchanged, pursuant to this agreement from unauthorized disclosure. Both agencies receiving data will conduct oversight of its users with access to the confidential information provided under this agreement and will immediately notify the FTB's Information Security Audit Unit (SecurityAuditMail@ftb.ca.gov) of any unauthorized or suspected unauthorized accesses, uses and/or disclosures (incidents). For purposes of this section, immediately is defined as within 24 hours of the discovery of the breach. The notification must describe the incident in detail and identify responsible personnel (name, title, and contact information). The City (or County) with an incident will comply with the incident reporting requirements in accordance with R&TC Section 19542.1, Civil Code Section 1798.29, SAM Chapter 5300, and SAM Section 20080 to facilitate or fulfill the required reporting to the taxpayers or state oversight agencies.

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

6. INFORMATION SECURITY: Information security is defined as the preservation of the confidentiality, integrity, and availability of information. A secure environment is required to protect the confidential information obtained from FTB pursuant to this agreement. The City (or County) receiving data will store information so that it is physically secure from unauthorized access. The records received by the City (or County) will be securely maintained and accessible only by employees of the City (or County) business license or tax programs who are committed to protect the data from unauthorized access, use, or disclosure. All FTB electronic data must be encrypted when in transit using FIPS 140-2 approved encryption technology and be password protected and secure at all times when in storage. Confidential information obtained from the FTB must be secured in accordance with the State Administrative Manual, Chapters 5100 (EDP Standards) and 5300 (Information Security); National Institute of Standards and Technology (NIST) Special Publication 800-53 (moderate); and additional security requirements provided by FTB.
7. CLOUD COMPUTING ENVIRONMENT: A Cloud Computing Environment cannot be used to receive, transmit, store or process FTB's confidential data without prior written approval from FTB's Chief Security Officer.
8. DESTRUCTION OF RECORDS: All records received by the City (or County) y from FTB, and any database(s) created, copies made, or files attributed to the records received, will be returned or destroyed within three years of receipt or upon termination of the agreement due to a breach of its terms, whichever occurs earlier. The records shall be destroyed in a manner to be deemed unusable or unreadable, and to the extent that an individual record can no longer be reasonably ascertained. The City (or County) will notify FTB City/County Business Tax program manager annually in writing at FTB CCBT@FTB.CA.GOV that proper destruction methods have been applied. FTB will destroy city/county data in accordance with the department's data retention policies.
9. DISPUTE RESOLUTION: In the event of a dispute, the City (or County) shall file a "Notice of Dispute" with the Chief Financial Officer of the FTB within ten (10) days of discovery of the problem. Within ten (10) days, the Chief Financial Officer or his/her designee shall meet with the City (or County) for purposes of resolving the dispute. The decision of the Chief Financial Officer shall be final.
10. SAFEGUARD REVIEW QUESTIONNAIRE AND REVIEW: Prior to sending data to the City (or County), FTB requires the City (or County) to submit a Safeguard Review Questionnaire certifying the protection and confidentiality of FTB data. The City (or County) will be provided a minimum of seven (7) days' notice prior to an on-site safeguard review being conducted by FTB. FTB retains the right to conduct on-site safeguard reviews of the City (or County) use of FTB information and security controls established. The safeguard reviews may include, but are not limited to an examination of the adequacy of information security controls, "need to know," and use justifications established by the City (or County) to ensure compliance with the terms and conditions of this agreement. The City (or County) will take appropriate disciplinary actions against any user determined to have violated security or confidentiality requirements.
11. LIMITED WARRANTY: Neither party represents or warrants the accuracy or content of the material available through this Agreement, nor each expressly disclaims any express or implied warranty, including any implied warranty of fitness for a specific purpose.

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

12. CANCELLATION: Either party may terminate this Agreement, in writing for any reason, upon thirty (30) days' prior written notice. This Agreement may be terminated immediately by either party in the event of any breach of the terms of this Agreement.
13. NO THIRD PARTY LIABILITY: Nothing contained in or related to this agreement shall create any contractual relationship between either of the Parties and any other party, except between FTB and the City (or County); and no other party shall relieve the City (or County) or FTB of its responsibilities and obligations hereunder. Each of the parties agrees to be fully responsible for the acts and omissions of its third party contractors and agents, and of persons either directly or indirectly employed by the party. Neither of the parties shall have any obligation to pay, or to see to the payment of, any monies to any party or persons either directly or indirectly employed by the other.

EXHIBIT E
CITY AND COUNTY RECORD FORMAT SPECIFICATIONS (FTB 909)

Data Element Name	Start Pos.	End Pos.	Field Size	Usage	Description
SOCIAL SECURITY NUMBER (SSN)	1	9	9	AN	Must be present unless FEIN is provided. Fill unused field with zeros.
FEDERAL EMPLOYER ID NUMBER (FEIN)	10	18	9	AN	Must be present unless SSN is provided. Fill unused field with zeros.
OWNERSHIP TYPE	19	19	1	AN	Must be present: S = Sole Proprietorship P = Partnership C = Corporation T = Trust L = Limited Liability Company
OWNER'S LAST NAME	20	34	15	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S FIRST NAME	35	45	11	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S MIDDLE INITIAL	46	46	1	AN	May be left blank.
BUSINESS NAME	47	86	40	AN	Enter if business is operating under a fictitious name (Doing Business As (DBA)).
BUSINESS ADDRESS NUMBER AND STREET	87	126	40	AN	Address of the business location or the residence of the owner if sole proprietorship.
CITY	127	166	40	A	Must be present.
STATE	167	168	2	A	Enter standard state abbreviation.
ZIP CODE	169	177	9	AN	Enter the five- or nine-digit ZIP Code assigned by the U.S. Postal Service. If only the first five-digits are known, left-justify information and fill the unused fields with zeros.
BUSINESS START DATE	178	185	8	N	Enter the eight-digit date (MMDDYYYY). Zero fill if not known.
BUSINESS CEASE DATE	186	193	8	N	Enter the eight-digit date (MMDDYYYY) if out of business. Zero fill if unknown or still in business.

City of Sunnyvale
Agreement # C1700212

EXHIBIT E
CITY AND COUNTY RECORD FORMAT SPECIFICATIONS (FTB 909)

Data Element Name	Start Pos.	End Pos.	Field Size	Usage	Description
CITY BUSINESS TAX NUMBER	194	196	3	N	Enter three-digit number assigned by FTB.
NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)	197	202	6	N	Enter the two- to six-digit NAICS code. Left justify. (example 99 will be 9900). Fill unused fields with zeros.
STANDARD INDUSTRIAL CLASSIFICATION (SIC)	203	206	4	N	Enter the 2-4 digit SIC code. Left justify (example 99 will be 9900). Fill unused fields with zeros.
TOTAL RECORD LENGTH		206			

EXHIBIT F

FRANCHISE TAX BOARD RECORD LAYOUT SPECIFICATIONS (FTB 909A)

Field Name	Length	Start Pos.	Description
ENTITY TYPE	1	1	"P" – personal income tax record; "B" – business entity tax record.
SSN or FEIN	9	2	For "P" records, primary taxpayer's social security number; For "B" records, federal employer identification number.
LAST NAME	40	11	For "P" records, the primary taxpayer's last name; For "B" records, business name.
FIRST NAME	11	51	For "P" records ONLY.
MIDDLE INITIAL	1	62	For "P" records ONLY.
SPOUSE SSN	9	63	For "P" records filed with a joint return.
SPOUSE LAST NAME	17	72	For "P" records filed with a joint return.
SPOUSE FIRST NAME	11	89	For "P" records filed with a joint return.
SPOUSE MIDDLE INITIAL	1	100	For "P" records filed with a joint return.
PBA CODE	6	101	Principal Business Activity code.
ADDRESS NUMBER	10	107	
PRE-DIRECTIONAL DIRECTOR	2	117	Postal Service term (i.e., N, S, E, W, NE, NW, SE, SW).
STREET NAME	28	119	
STREET SUFFIX	4	147	e.g., ST, WAY, HWY, BLVD, etc.
POST-DIRECTIONAL INDICATOR	2	151	Postal Service term (i.e., N, S, E, W, NE, NW, SE, SW).
STREET SUFFIX 2	4	153	
APARTMENT/SUITE NUMBER	10	157	e.g., APT, UNIT, FL, etc.
CITY	13	167	
STATE	2	180	Standard state abbreviation.
ZIP CODE	5	182	The five-digit ZIP Code assigned by the U.S. Postal Service.
ZIP CODE SUFFIX	4	187	Provided if known.
CBT MATCH	1	191	"N" – No match per CBT data. "Y" – Yes: CBT matched to state tax return filed.

EXHIBIT G

CONFIDENTIALITY STATEMENT (FTB 712)

State of California

Franchise Tax Board

City/County Business Tax Program Confidentiality Statement

Confidential tax data is protected from disclosure by law, regulation, and policy. Information security is strictly enforced; violators may be subject to disciplinary, civil, and/or criminal action. Protecting confidential tax data is in the best interest of the city, county, and state.

As a city/county employee, you are required to protect all information received from the Franchise Tax Board (FTB). To protect confidential tax data, you must:

- **Access or modify tax data solely to perform official duties.**
- **Never access or inspect tax data for curiosity or personal reasons.**
- **Never show or discuss confidential tax data with anyone who does not have a need to know.**
- **Never remove confidential tax data from your worksite without authorization.**
- **Place confidential tax data in approved locations only.**

Unauthorized inspection, access, use, or disclosure of confidential tax data is a crime under state laws including, but not limited to, California Revenue and Taxation Code Sections 19542 and 19552 and Penal Code Section 502. Unauthorized access, inspection, use, or disclosure may result in either or both of the following:

- **State criminal action.**
- **Taxpayer civil action.**

I certify that I have read the confidentiality statement printed above. I further certify and understand that unauthorized access, inspection, use, or disclosure of confidential information may be punishable as a crime and may result in disciplinary and/or civil action against me.

 Name (print)

Signature

Date

Each city/county employee accessing FTB data must retain a signed copy of this form and provide it to FTB upon request.

FTB 712 (REV 06-2016)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AUTHORIZING A RECIPROCAL
AGREEMENT WITH THE CALIFORNIA FRANCHISE
TAX BOARD FOR THE EXCHANGE OF BUSINESS
LICENSE TAX DATA**

WHEREAS, Chapter 5.04 of the Sunnyvale Municipal Code is known as the Business License Tax Ordinance of the City of Sunnyvale (“City”), and Section 5.04.100 states: “No person shall transact, engage in, or carry on any business within the city without first having procured a license from the city to do so and having paid the tax”; and

WHEREAS, the Business License Tax software currently used by City staff includes a number of exception reports to alert City staff of businesses operating in the City without a current tax certificate; and

WHEREAS, this data exchange program began as a result of the enactment of Senate Bill 1146 on September 26, 2008, which authorized a city to enter into a reciprocal agreement with the California Franchise Tax Board (“FTB”) to exchange tax data to enable both parties to identify any non-compliant businesses; and

WHEREAS, in September 2009, the Council approved an agreement with the FTB to exchange data related to Business Licensing, and has since renewed it in 2012, 2015 and 2018, and the current agreement with the FTB expired on December 31, 2020; and

WHEREAS, the City desires to enter into the agreement with a term from May 1, 2021 or date of adoption of this resolution to December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City approves entering into a reciprocal agreement with the California Franchise Tax Board for the exchange of business license tax data;
2. The City of Sunnyvale appoints and authorizes the Finance Director and his/her designee(s), and each of them, as agent(s) of the City of Sunnyvale to conduct all negotiations, execute and submit documents including, but not limited to, the standard agreement, applications, amendments, memoranda of understanding, payment requests and so on, which may be necessary for participation in and completion of the aforementioned Project, including any extensions or amendments thereof, subject to prior approval as to form by the City Attorney’s Office;

3. A signed copy of this resolution is transmitted to The California Franchise Tax Board in conjunction with the filing of the application.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney



City of Sunnyvale

Agenda Item

21-0474

Agenda Date: 4/6/2021

SUBJECT

Adopt Uncodified Ordinance No. 3175-21 to repeal Ordinance No. 2898-09 and Designate Certain Streets in the Area of the Caltrain Station as Preferential Parking Zones

BACKGROUND

The attached Ordinance was introduced at a regular meeting of the City Council held on March 30, 2021 with the following vote: 6-1

RECOMMENDATION

Adopt Uncodified Ordinance No. 3175-21 to repeal Ordinance No. 2898-09 and designate certain streets in the area of the Caltrain Station as preferential parking zones.

ORDINANCE NO. 3175-21

**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SUNNYVALE REPEALING ORDINANCE
NO. 2898-09 AND DESIGNATING CERTAIN STREETS IN
THE AREA OF THE CALTRAIN STATION AS
PREFERENTIAL PARKING ZONES FOR THE BENEFIT
OF RESIDENTS ADJACENT THERETO**

WHEREAS, on June 9, 2009, Council adopted Ordinance No. 2898-09 that designated certain streets around the Sunnyvale Caltrain Station as preferential parking zones. On Nov. 25, 2019, the City received a petition from nearly 90% of the residents on N. Taaffe Street and Angel Avenue requesting a change in the parking time limits from 7 hours to 2 hours. Staff collected additional data and surveys and determined that the current increase in parking demand in this neighborhood warrants new parking restrictions to reduce the on-street parking time limits in certain areas north of the Sunnyvale Caltrain Station while eliminating the preferential parking zones on certain street segments south of the Sunnyvale Caltrain Station. Accordingly, Ordinance No 2898-09 shall be repealed and replaced with this current ordinance; and

WHEREAS, north of the Sunnyvale Caltrain Station, residents of W. Hendy Avenue between N. Taaffe Street and N. Murphy Avenue; N. Frances Street between W. Hendy Avenue and California Avenue; N. Taaffe Street between W. Hendy Avenue and Beemer Avenue; Angel Avenue between Beemer Avenue and N. Taaffe Street; Beemer Avenue between Angel Avenue and N. Murphy Avenue; and N. Murphy Avenue between W. Hendy Avenue and California Avenue have provided input and have requested modifications to the 2-hour parking restrictions in the area of the Sunnyvale Caltrain Station; and

WHEREAS, south of the Sunnyvale Caltrain Station, residents of Charles Street between W. McKinley Avenue and W. Evelyn Avenue; Florence Street between W. Evelyn Avenue and Washington Avenue; Washington Avenue between Waverly Street and Charles Street; and Waverly Street between Washington Avenue and W. McKinley Avenue have provided input and have requested modifications to the 7-hour parking restrictions in the area of the Sunnyvale Caltrain Station; and

WHEREAS, staff has recommended modifications of the City's traffic control regulations document to allow for an exemption of the limited parking regulations for residents of W. Hendy Avenue between N. Taaffe Street and N. Murphy Avenue; N. Frances Street between W. Hendy Avenue and California Avenue; N. Taaffe Street between W. Hendy Avenue and Beemer Avenue; Angel Avenue between Beemer Avenue and N. Taaffe Street; Beemer Avenue between Angel Avenue and N. Murphy Avenue; N. Murphy Avenue between W. Hendy Avenue and California Avenue; Charles Street between W. McKinley Avenue and W. Evelyn Avenue; Florence Street between W. Evelyn Avenue and Washington Avenue; Washington Avenue between Waverly Street and Charles Street; and Waverly Street between Washington Avenue and W. McKinley Avenue; and

WHEREAS, under Sunnyvale Municipal Code Section 10.26.020, the City Council may

designate by ordinance certain residential streets or alleys or any portions thereof as a preferential parking zone for the benefit of residents adjacent thereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. REPEAL OF ORDINANCE NO. 2898-09. Ordinance No. 2898-09 is hereby repealed.

SECTION 2. FINDINGS. In accordance with Sunnyvale Municipal Code 10.26.030 and based upon staff's Report to Council, the Council finds and determines that each preferential parking zone will enhance or protect the quality of life in the area of the proposed zone and that such zone is necessary to provide reasonably available and convenient parking for the benefit of the adjacent residents, based on the following criteria established to the satisfaction of the City Council:

(a) Commuter and non-residentially oriented vehicles do, or may, substantially and regularly interfere with the use of the majority of available public street or alley parking spaces by adjacent residents;

(b) The interference by vehicles referred to in subsection (a) of this section occurs at regular and significant intervals. For purposes of this chapter, such interference shall be presumed to be regular and significant if it occurs, under typical circumstances, not less frequently than three times per week, Monday through Friday;

(c) The establishment of the proposed zone would benefit a majority of the residents adjacent to the proposed zone. Written requests for such a zone by residents of not less than fifty percent of the residentially developed parcels adjacent to the proposed zone shall constitute rebuttable evidence of such benefit;

(d) No reasonable displacement of commuter or non-residentially oriented vehicles into surrounding residential areas will result. In making this determination, substantial weight shall be given to the availability of alternate public and private parking facilities, and in particular underutilized or underdeveloped facilities or areas;

(e) A shortage of reasonably available and convenient residentially related parking spaces exist in the area of the proposed zone; and

(f) No alternative solution is feasible or practical.

SECTION 3. PREFERENTIAL PARKING ZONES APPROVED. It is hereby found and determined that an exemption of the 2-hour limited parking regulations for the residents of W. Hendy Avenue, N. Frances Street, N. Taaffe Street, Angel Avenue, Beemer Avenue, and N. Murphy Avenue; and an exemption of the 7-hour limited parking regulations for the residents of Charles Street, Washington Avenue, Waverly Street, and Florence Street in the area of the Caltrain Station is necessary and desirable; and staff is directed to incorporate the exemptions into the City's

traffic control regulations document as preferential parking zones.

SECTION 4. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 7. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney



City of Sunnyvale

Agenda Item

21-0473

Agenda Date: 4/6/2021

SUBJECT

Adopt Ordinance No. 3174-21 to amend Title 2 of the Sunnyvale Municipal Code to add Chapter 2.31 to Establish a Public Process for Redistricting

BACKGROUND

The attached Ordinance was introduced at a regular meeting of the City Council held on March 30, 2021 with the following vote: 7-0

RECOMMENDATION

Adopt Ordinance No. 3174-21 to amend Title 2 of the Sunnyvale Municipal Code to add Chapter 2.31 to Establish a Public Process for Redistricting.

ORDINANCE NO. 3174-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO ADD CHAPTER 2.31 (REDISTRICTING) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE SUNNYVALE MUNICIPAL CODE TO ESTABLISH A PUBLIC PROCESS FOR REDISTRICTING

WHEREAS, on March 3, 2020, Sunnyvale voters approved an amendment to the Sunnyvale City Charter to implement a six-district Council election system with a directly-elected mayor (Measure B); and

WHEREAS, Sunnyvale City Charter section 609(b) requires the City Council to adopt an ordinance establishing a public process for redistricting; and

WHEREAS, the City Council discussed options for a public redistricting process at its Council Strategic Session on January 28, and provided direction on key components of a draft ordinance on February 2, February 23, and March 16; and

WHEREAS, to implement the requirement of Sunnyvale City Charter section 609(b), the City of Sunnyvale desires to amend Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to add a new chapter establishing a public process for redistricting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.31 ADDED. Chapter 2.31 (Redistricting) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby added to read as follows:

Chapter 2.31

REDISTRICTING

2.31.010. Purpose and intent.

The purposes and intent of this chapter are to:

- (a) Implement the requirement of Sunnyvale Charter Section 609(b) by establishing a public process for redistricting;
- (b) Establish a redistricting process that is open and transparent and allows public participation, including a process for the public to draw and submit draft maps for city council district boundaries;

- (c) Ensure that city council district boundaries are drawn according to the redistricting criteria set forth in applicable State and Federal laws; and
- (d) Facilitate a redistricting process that is conducted with integrity, fairness, and without personal or political considerations.

2.31.020 Duties and Authority of Redistricting Commission and City Council.

- (a) Redistricting Commission Established. A redistricting commission of seven members and three to six alternates is hereby established. The duties of the redistricting commission shall be to meet, hold public meetings and hearings as required by law, and recommend to the city council maps of six districts by which councilmembers will be elected, as further described in this Chapter.
- (b) City Council Approval of Redistricting Schedule, Outreach Plan, Budget. Within a reasonable period before the city receives the final Federal Decennial Census information, city staff shall prepare and submit to the city council for approval a community outreach plan and meeting schedule for the redistricting process. The plan and schedule will take into account all relevant state law related to redistricting. The city council shall appropriate adequate funds for the work of the redistricting commission, including funds necessary for community outreach, costs for city staff time associated with supporting the work of the redistricting commission, and hiring a demographer and any other necessary consultants or outside counsel.
- (c) City Council District Map Adoption Process. The redistricting commission shall recommend, and the city council shall adopt, new districts in the following manner:
 - (1) The redistricting commission shall hold public hearings as required by law. The redistricting commission shall select three to five proposed district maps to recommend to the city council (the “proposed district maps”). The redistricting commission shall also indicate the proposed district map that it prefers the city council adopt (the “preferred map”). Selection of the proposed district maps and the redistricting commission’s preferred map shall require the affirmative vote of four commissioners and shall occur consistent with the outreach plan and schedule. All other redistricting commission actions require only a majority vote of those present, provided that a majority of the members of the commission are present.
 - (2) Prior to the redistricting commission’s meeting to select proposed district maps and the preferred map, the redistricting commission and the city council shall hold a joint meeting to review map submissions and draft maps, and provide the city council the opportunity to comment on possible maps.
 - (3) Not earlier than seven days after the redistricting commission’s proposed district maps have been made available to the public, the city council shall hold at least one public meeting to receive input on the redistricting commission’s proposed district maps. After the public hearing, the city council may approve and adopt one of the proposed district maps. The city council may not make any changes to a proposed district map unless adjustments are required to comply with state law, the United

States Constitution, or the federal Voting Rights Act, commencing at 52 U.S.C. Section 10101. If the city council approves a proposed district map, it shall become the final district map and shall be implemented.

(4) If the city council fails to adopt one of the proposed district maps as provided in section 2.31.020(c)(3), it may take one or more of the following actions:

(i) By majority vote, return one or more proposed district maps to the redistricting commission with comments. The redistricting commission shall then consider the city council's comments and may approve changes to the city council's returned district map(s) or reaffirm their approval of the returned map(s). The redistricting commission shall also select a new preferred map or reaffirm its prior decision on the preferred map. After such consideration, the redistricting commission shall resubmit to the city council the original maps returned by the council, any revised maps developed by the redistricting commission in response to the city council's comments, and its final preferred district map. The city council shall hold another public hearing not earlier than seven days after the proposed district maps have been made available to the public to select one of the redistricting commission's original proposed district maps, or one of the proposed district maps resubmitted by the commission.

(ii) Disapprove a proposed district map(s) with an affirmative vote of at least five council members. A map that is disapproved pursuant to this subsection shall not be reconsidered by the redistricting commission or the city council.

(5) Inaction by Redistricting Commission and/or City Council in Selecting Maps. Time is of the essence in completing the redistricting process. Notwithstanding any other provisions of this chapter, the following rules shall apply:

(i) If the redistricting commission fails to select proposed district maps and a preferred district map by the date set forth in the outreach plan and schedule approved by the city council, the latest maps considered by the redistricting commission shall be forwarded to the city council. The city council will review those maps, may make changes to any of those maps, and shall make a final decision on a district map.

(ii) If the city council fails to adopt one of the redistricting commission's proposed district maps and returns maps to the redistricting commission for reconsideration as provided in section 2.31.020(4)(i), and the redistricting commission does not complete the process to reconsider and resubmit maps to the city council by the date set forth in the outreach plan and schedule approved by the city council, the city council shall reconsider and choose from the proposed district maps originally submitted to the city council.

(iii) If the City Council fails to select a district map by the deadline set by election authorities for submitting district maps the most recently approved version of the redistricting commission's preferred district map shall be deemed adopted and shall go into effect immediately.

- (6) The redistricting map approved and adopted pursuant to this section shall be subject to referendum as provided in Article XIV of the City Charter.

2.31.030 Eligibility and appointment of Redistricting Commissioners.

(a) Composition of Redistricting Commission. The redistricting commission shall consist of seven commissioners and three to six alternates. The city council will use its best efforts to make appointments that achieve the goal of having at least one and not more than two members per district on the redistricting commission, based on residency at the time of application, and at least one but not more than two alternates per district. However, these numbers are not required if a majority of councilmembers agree to a different composition that achieves the other standards described in this section.

(b) Role of Alternates. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this section, and may fully participate in redistricting commission deliberations but may not vote and may not be counted towards the establishment of a quorum except as follows:

(1) Commissioner Absence. If a regular commission member is absent from a meeting of the redistricting commission, an alternate shall fulfill all responsibilities of that commissioner, including voting. Alternates shall be selected to fill the role of an absent commissioner based on the following criteria: (1) If an alternate is present who resides in the same district as the absent commissioner, that alternate shall fill the role of the absent commissioner. However, if more than one alternate resides in the same district, the Mayor shall designate a primary alternate for that district before the first redistricting commission meeting. (2) If there is not an alternate present who resides in the same district as the absent commissioner, the alternate to fill the role of an absent commissioner will be selected based on a ranked list of alternates established by the mayor before the first redistricting commission meeting

(2) Commissioner Vacancy. If one of the seven commissioners becomes unable to serve for any reason, the Mayor will appoint one of the alternates to fill the vacancy, considering the goal of achieving representation of at least one and not more than two members per district.

(c) Appointment of Redistricting Commissioners. Redistricting commission members and alternates shall be selected and appointed by the city council as provided in this section.

(1) Open Application Process. Commissioners shall be selected through an open application process that aligns with the city council policy for selecting members of other boards and commissions, except (a) as provided in this section, and (b) that the city council may choose a different voting process than outlined in the policy to achieve the goals described in subsection 2.31.030(a). Commissioners and alternates shall be appointed by the city council at a public hearing from the pool of qualified applicants.

(2) Desirable Qualifications of Applicants. The city council should select applicants that are best qualified to carry out the redistricting commission's duties and that, as a group, reasonably reflect the diversity of the City, provided that no quotas, formulas, or ratios may be applied for this purpose. In evaluating applications, the city council shall consider each applicant's:

- (i) interest in and ability to carry out the responsibilities of the redistricting commission;
- (ii) demonstrated ability to serve with impartiality in a nonpartisan role;
- (iii) relevant analytical skills;
- (iv) familiarity with the City's neighborhoods and communities;
- (v) appreciation for the diverse demographics of the City, including but not limited to geography, race and ethnicity, gender, age, and economic class;
- (vi) demonstrated ability to work cooperatively with other commissioners;
- (vii) relevant civic and/or volunteer activities; and
- (viii) ability to devote time required of a commissioner under the approved redistricting schedule and outreach plan.

(3) Required Qualifications of Applicants. To be eligible for appointment to the redistricting commission, a person must, at the time of their appointment, be a resident of the city; have resided in the city for at least one year; and will be at least eighteen years of age by the date of the city council election for which the redistricting will be effective.

(4) Ineligibility to Serve on Redistricting Commission. A person is not eligible for appointment if:

- (i) The person or his or her spouse has, in the four years preceding the person's application, served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate's campaign for elective office of the local jurisdiction.
- (ii) The person or his or her spouse has, in the four years preceding the person's application, contributed one thousand five hundred dollars (\$1,500) or more in a year to any single candidate other than the candidate him/her self, for an elective office of the local jurisdiction, which the city will adjust by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(5) Redistricting Commissioner Restrictions During and After Service. To promote public confidence in the redistricting process, redistricting commissioners and alternates shall be designated employees for purposes of the conflict of interest code adopted by the city council and shall perform their service on the redistricting commission with impartiality and integrity. In addition, redistricting commissioners and alternates shall not:

- (i) While serving on the redistricting commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the city.
- (ii) Be a candidate for an elective office of the city if less than four years has elapsed since the date of the commissioner's appointment to the redistricting commission.
- (iii) For four years commencing with the date of his or her appointment to the redistricting commission, receive a noncompetitively bid contract with the city.
- (iv) For four years commencing with the date of his or her appointment to the redistricting commission, accept an appointment to the office of City Manager, City Attorney, or department head.

(6) Redistricting Commissioner Terms. The term of office of each redistricting commissioner and alternate begins with their appointment to the redistricting commission and ends when a new final district map is adopted. Commissioners and alternates may be removed in accordance with the city council policy for boards and commissions.

2.31.040 Redistricting Criteria.

After ensuring that proposed districts comply with the United States Constitution, California Constitution, and applicable federal and state laws, including the federal Voting Rights Act, commencing at 52 U.S.C. Section 10101, the redistricting commission may consider the following criteria in determining the boundaries of each city council district in its final proposed district maps and preferred alternative:

- (1) Districts are composed of whole census units as developed by the United States Bureau of the Census; and
- (2) Ensure to the extent practicable that voters who did not vote for a city council candidate in 2020 are able to vote in a district that will be on the ballot in 2022.

2.31.050 Severability.

If any portion of this chapter is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this chapter. The city council declares that this chapter and each portion would have been adopted without regard to whether any portion of this chapter would be later declared invalid, unconstitutional, or unenforceable.

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, sections 15320, 15378 and 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it is not "project" within the meaning of the California Environmental Quality Act ("CEQA"), as it is an organizational structure change and does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney



City of Sunnyvale

Agenda Item

21-0083

Agenda Date: 4/6/2021

REPORT TO COUNCIL

SUBJECT

Direct Staff to Develop an Ordinance to Reduce Use of Single-Use Plastic Foodware and Condiment Containers and Return to City Council for Approval after Completion of CEQA Review

REPORT IN BRIEF

The Sustainability Commission considered this item on March 15, 2021.

Staff provided a presentation with an overview of the challenges with single-use plastics and their alternatives, steps being taken regionally and in Santa Clara County to reduce plastics, a model ordinance developed by the Santa Clara County Technical Advisory Committee, impacts of COVID-19 on restaurants and single use plastics and what options might be workable in Sunnyvale. After the presentation, the Commission discussed the possibility of adding a third action to the recommended two phases in Alternative 1, which was for staff to return to Council in late 2022 to provide additional recommendations for reducing single use plastics. Staff agreed it was a viable addition.

The Sustainability Commission voted 7-0 to recommend that Council approve Alternative 1 with an amendment to add an action to come back to Council in late 2022: The Commission further recommended that the City Council direct staff to develop two ordinances to be developed and phased in over three years to reduce the impacts of single-use plastic foodware and condiment containers, and return for City Council approval of the ordinance after appropriate CEQA review.

The phases and action include 1) by September 2021 develop an opt-in program for foodware and condiment containers for online and take-out ordering from food service delivery vendors and restaurants and, 2) by late 2022/early 2023 require food service businesses to provide customers with single-use plastic foodware and condiment containers only upon request, for in-store as well as take-out. Additionally, direct staff to return to Council in late 2022 with further recommendations for the program.

After the Commission meeting, staff discussed the Commission's recommendation of developing two ordinances and agreed it would be more streamlined to develop one single ordinance instead and is recommending that Council direct staff to develop a single Ordinance (See Alternative 2). In addition, staff specified the implementation date for Phase 2. Staff also recommends that we return to Council with further recommendations in late 2023 instead of late 2022. This will allow staff to implement and evaluate the effectiveness of phases one and two before making recommendations on the next phase. Staff's recommendation on phases and action are as follows:

- 1) By September 2021. Develop an opt-in program for foodware and condiment containers for online and take-out ordering from food service delivery vendors and restaurants.

- 2) By June 2023. Require food service businesses to provide customers with single-use plastic foodware and condiment containers only upon request, for in-store as well as take-out.
- 3) Direct staff to return to Council by late 2023 with additional recommendations for the program.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

ALTERNATIVES

Alternative 1: Direct staff to: 1) by September 2021 develop an ordinance with an opt-in requirement for foodware and condiment containers for online and take-out ordering from food service delivery vendors and restaurants and, 2) by late 2022/early 2023 develop an ordinance to require food service businesses to provide customers with single-use plastic foodware and condiment containers only upon request, for in-store as well as take-out. Additionally, direct staff to return to Council in late 2022 with further recommendations for the program.

Alternative 2: Direct staff to develop an Ordinance to be implemented and phased in over three years to reduce the impacts of single-use plastic foodware and condiment containers, and return for City Council approval of the Ordinance after appropriate CEQA review, with a targeted Ordinance adoption date of September 2021:

- Phase 1 - An opt-in requirement for foodware and condiment containers for online and take-out ordering from food service delivery vendors and restaurants, to take effect in September, 2021
- Phase 2 - Require food service businesses to provide customers with single-use plastic foodware and condiment containers only upon request, for in-store as well as take-out, to take effect in June 2023.

Additionally, direct staff to return to Council in late 2023 with a proposal that evaluates further recommendations for the program.

Alternative 3: Direct staff to come back to Council after the impacts of Covid-19 have passed with an updated recommendation.

Alternative 4: Other action as directed by Council.

STAFF RECOMMENDATION

Alternative 2 : Direct staff to develop an Ordinance to be implemented and phased in over three years to reduce the impacts of single-use plastic foodware and condiment containers, and return for City Council approval of the Ordinance after appropriate CEQA review, with a targeted Ordinance adoption date of September 2021:

- Phase 1 - An opt-in requirement for foodware and condiment containers for online and take-out ordering from food service delivery vendors and restaurants, to take effect in September, 2021

- Phase 2 - Require food service businesses to provide customers with single-use plastic foodware and condiment containers only upon request, for in-store as well as take-out, to take effect in June 2023.

Additionally, direct staff to return to Council in late 2023 with a proposal that evaluates further recommendations for the program.

The opt-in program will have minimal impact on restaurants and some restaurants and food delivery service providers already have this as an option on their websites so Phase 1 will be fairly easy to implement. For Phase 2, staff can begin informing businesses about the timeline for the change when they are assisting them with implementation of the mandatory food scraps collection program in early 2022 (Senate Bill 1383). The impacts on businesses are minimal for both of these actions and will likely save them money due to the reduction of the single-use plastics being given out for take-out and in-store use.

Prepared by: Karen Gissibl, Environmental Programs Manager

Reviewed by: David Krueger, Solid Waste Division Manager

Reviewed by: Ramana Chinnakotla, Director, Environmental Services Department

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Report to Sustainability Commission, 21-0229, March 15, 2021 (without attachments)
2. Sustainability Commission Meeting Minutes, March 15, 2021
3. Report on Single-Use Plastics



City of Sunnyvale

Agenda Item

21-0229

Agenda Date: 3/15/2021

REPORT TO SUSTAINABILITY COMMISSION

SUBJECT

Single Use Plastics Strategy (Study Issue ESD 19-01): Recommend that the City Council Direct Staff to Develop Two Ordinances to Reduce Use of Single-Use Plastic Foodware and Condiment Containers and Return to City Council for Approval after Completion of CEQA Review.

BACKGROUND

At the March 2019 City Council Budget and Study Issue workshop, Study Issue 19-01 on Single Use Plastics Strategy was ranked by City Council to proceed with an evaluation of the beneficial impacts of reducing plastic in Sunnyvale's waste stream and implement measures to reduce single-use plastic waste. The scope of the Study is to identify and determine which single-use plastics should be addressed, the availability, cost and function of products made from alternatives to plastic, consideration of what ordinances are already in place in other jurisdictions, options for controls such as bans, enforcement, phased implementation and recommendation for what steps to take in Sunnyvale.

City Council is scheduled to consider this item on April 20, 2021.

EXISTING POLICY

Zero Waste Policy 3.2.4

Provides guidance to businesses and residents on ways to reduce waste by buying reusable, recyclable or compostable products and encouraging manufacturers to produce and market more durable, repairable, reusable, recycled and recyclable products.

Climate Action Playbook (CAP)

Outlines Sunnyvale's path to achieve bold greenhouse gas reductions and to a sustainable and healthy community that, among other things, uses waste prevention as a tool to consume and throw away less material to reach zero waste goals for solid waste.

General Plan

Urban Runoff-Policy EM-10.4 Support legislation and regulations that will reduce or eliminate pollutants of concern at the source.

Solid Waste Management-Goal EM-Recycling and Source Reduction Programs, Reduce solid waste through recycling, source reduction, education and special programs.

ENVIRONMENTAL REVIEW

The recommended action is to direct staff to develop ordinances that will be brought back to the City Council for approval at a later date. As part of this process, staff will complete CEQA review. At that time, the City Council will have no obligation to adopt the ordinances and may approve or reject the

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ordinances after consideration of the potential environmental impacts (such as increased water use to clean reusable foodware). The direction to move forward with preparation of the ordinances is also categorically exempt from environmental review under Section 15262 of the California Environmental Quality Act (CEQA) Guidelines, which exempts feasibility and planning studies for possible future actions that have not been funded or approved. The action is also exempt under CEQA Guideline Section 15306, which exempts information gathering activities undertaken as part of a study leading to action that the agency has not yet approved, adopted, or funded.

DISCUSSION

Overview of single-use plastics and their “green” alternatives

Single-use plastic foodware products and packaging such as straws, cups, lids, and take-out containers are ubiquitous. Nearly all single-use plastic produced today is derived from natural gas. The production of these items contributes to greenhouse gas emissions. Single-use plastics are not readily recyclable, they contaminate materials that are recyclable or compostable, and often become litter, polluting our oceans and waterways.

Over the last ten years the availability of alternative “environmentally friendly” plastic-like products in the market has increased. The most popular of the alternative products are made from bioplastics, paper, or plant fiber. While such products are marketed as “recyclable” and/or “compostable” they are often very difficult to recycle or compost. They contaminate other materials that are actually recyclable and compostable, and are therefore not accepted in Sunnyvale’s recycling or food scraps programs. These alternative products typically cost more than plastic, but often wind up in the landfill just like the plastic products they were meant to replace. Most paper and plant fiber alternative food ware products are coated with a thin layer of plastic, and many contain chemicals (PFAS) that are harmful both to the environment and to humans.

State, County and local efforts to address single-use plastics

Sunnyvale has already implemented plastic bag and foam foodware bans. Currently there are state, regional and local efforts to further reduce single-use plastic use.

State efforts

In 2018, a straw ban (AB 1884) was signed into law which requires businesses to provide customers with single-use plastic straws only upon request. Two companion bills, SB 54 and AB 1080, were introduced in late 2018 to the legislature and would eliminate non-reusable, non-recyclable and non-compostable products and packaging. Unfortunately, the legislative session ended with legislators failing to pass both bills. Because the session ended without lawmakers voting on the measures, they were taken up again in the 2020 legislative session, but once again failed to pass.

Local Bay Area cities efforts

Many local Bay Area jurisdictions have started adopting ordinances that focus on restricting single-use plastic items that go beyond polystyrene and plastic bags. Early versions of these ordinances focused on setting standards for disposable foodware, primarily by restricting these items to only those that are recyclable or compostable and moving towards requiring the use of reusable dishware for onsite dining. Below is a summary of local city ordinances that were passed or are being considered:

The City of Palo Alto is currently the only jurisdiction in Santa Clara County that has a single-use

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plastic foodware ordinance. In Phase I of their ordinance, which started in January 2020, food service establishments were prohibited from the distribution of plastic straws, utensils (bioplastic utensils are okay) and stirrers. They want to address additional single-use foodware reduction requirements such as fees on disposables, requiring reusables or a combination of both approaches and will be meeting with City leadership in the future to decide when the appropriate time to engage the public and business community will be, given the impacts from Covid-19.

In March of 2019, the City of Berkeley adopted an ordinance that includes a phased approach to reduce the use and disposal of single-use foodware items including cups, lids, utensils, straws, clamshells and other disposables and to increase reusable foodware over disposables. In March 2019, “accessory items” (i.e., straws, stirrers, utensils, lids and spill plugs) were made available only upon request, then in January 2020 they implemented a \$0.25 charge for disposable cups and starting July 2021, food vendors must only offer reusable/washable foodware for onsite dining.

Neither Palo Alto or Berkeley are actively enforcing the ordinances due to Covid-19, but if staff receives a complaint about a non-compliant business, they will visit and provide technical support to help them come into compliance.

Other jurisdictions in Santa Clara County (i.e., San Jose, Los Altos, Cupertino and Mountain View) were in the process or considering a single-use plastic ordinance but they have all postponed or put on hold implementation due to the pandemic.

Santa Clara County Model Foodware Ordinance

In July 2019, a Model Foodware Ad Hoc Subcommittee was formed by the Technical Advisory Committee (TAC) of the County Recycling and Waste Reduction Commission. Participating members of the ad hoc subcommittee provided input on the scope and specifics of a model ordinance to reduce litter and waste related to food service ware. There are three phases with a two-year implementation schedule identified in the model ordinance. The first phase focuses on reduction of accessory items and an “opt in” option for service ware accessories and condiments when ordering take-out and delivery food, the second phase includes a \$0.25 charge on non-reusable beverage cups provided to customers and a requirement of reusable food service ware and utensils for on-site consumption and the third phase requires reusable beverage cups for no less than ten percent of attendees at large events.

The model ordinance is available for jurisdictions to customize and use as they see fit.

Covid-19 impacts

Before the start of the Covid-19 outbreak, cities were starting to make headway in efforts to reduce the use of single-use plastics and move to recyclable or reusable products. Many jurisdictions are now delaying rolling out new policies or enforcing existing ones.

The surge in single-use plastic is especially apparent in the restaurant industry due to an increased reliance on food delivery service.

Due to the pandemic, there have been many changes to how food is served and provided to customers. The pandemic has shifted from dining in, to a much bigger reliance on take-out and delivery service, thereby increasing the dependence on single-use accessory items (utensils, condiment packets, napkins, etc.), coffee shops and cafes are slow to allow reusable cups at stores and street and curbside dining is very popular but many restaurants have moved to disposables for

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sit-down dining.

Although reducing single-use products has many benefits, existing food businesses are struggling and overwhelmed just to stay in business during the pandemic. These impacts must be considered and will drive recommendations until we are well beyond the impacts of the pandemic.

Senate Bill (SB) 1383 impacts

Another impact to businesses will be a new mandatory organics collection regulation imposed by SB 1383. While many of Sunnyvale's larger businesses have had food scraps collection in place for several years, medium and small businesses will now be required to implement a collection program which means finding space both inside and outside for new containers, setting up collection and sorting protocols, training staff and ensuring the material stays free of contaminants. Programs must be in place by January 2022 and penalties for non-compliance will begin in January 2024.

Phased Implementation

Single-use plastics have a harmful impact on the environment and human health and safety and limiting the use of single-use plastics is a worthwhile sustainability goal. However, the food service sector has been dramatically impacted due to the pandemic. Therefore, it is recommended that the City take a slow, phased approach and wait several months post pandemic to implement a single-use plastic foodware reduction program.

While impacts from the pandemic are the most pressing reason to move slowly, SB 1383 is another reason. The organics mandate will impact food service providers at the same time they need to comply with restricting single-use plastic use. Imposing multiple regulations at the same time will not be received well by the impacted customers and staff resources will be limited in the next two years as the focus will be on implementing the new SB 1383 regulations.

Recommended phased approach:

- Phase 1 - (Sept 2021) - Opt-In Ordinance for accessories and condiment containers for online and take-out ordering from food service delivery vendors and restaurants. Under this ordinance, customers have to opt-in (specifically request) to receive these items, they are not provided by default. Restaurants and vendors would have to include this option on their websites or ask customers when they place their order whether they want the items or not.
- Phase 2 - (late 2022/early 2023) - Food service businesses to provide customers with single-use plastic accessories and condiment containers only upon request, for in-store dining as well as take-out. Such items would be behind the counter and not available to customers.

Both Phase 1 and 2 can save money for the businesses due to reductions in restaurant purchases of disposable items, which would be a positive selling point during implementation.

Other actions (e.g., a charge on disposable cups; requiring reusable service ware; utensils and condiments for on-site consumption; requiring events where food is served to make reusable beverage cups available to no less than ten percent of their attendees) can be considered at a later date.

Conclusion

Reusable foodware regulations are becoming more crucial as cities continue being challenged by disposable items that harm the environment and have no easy way to be recycled. "Compostable"

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and “recyclable” alternatives to plastic are no better, and in fact may be even more dangerous for human health. Switching to reusable products is the best solution. It is likely that in the next few years the state may pass regulations that address some or part of the issue, but until then, more and more single-use plastics are being disposed in the landfill or end up as litter in the Bay.

Sunnyvale’s recommended approach uses a phased approach that minimizes back-to-back regulatory impacts on businesses that will likely still be recovering from the pandemic. It also gives staff time to focus first on implementing organics programs at these places of businesses to meet the requirements of SB 1383 and will keep Sunnyvale aligned with its zero-waste goal of 90 percent diversion by 2030.

FISCAL IMPACT

There is no fiscal impact anticipated to result from the proposed staff recommendation.

PUBLIC CONTACT

Public contact was made through posting of the Sustainability Commission agenda on the City’s official-notice bulletin board, on the City’s website, and the availability of the agenda and report in the Office of the City Clerk.

ALTERNATIVES

1. Recommend that the City Council direct staff to develop two ordinances to be implemented and phased in over three years to reduce the impacts of single-use plastic foodware and condiment containers, and return for City Council approval of the ordinances after appropriate CEQA review:
 - Phase 1 - (Sept 2021) - Opt-In Ordinance for foodware and condiment containers for online and take-out ordering from food service delivery vendors and restaurants. Under this ordinance, customers have to opt-in (specifically request) to receive these items, they are not provided by default. Restaurants and vendors would have to include this option on their websites or ask customers when they place their order whether they want the items or not.
 - Phase 2 - (late 2022/early 2023) - An ordinance requiring food service businesses to provide customers with single-use plastic foodware and condiment containers only upon request, for in-store dining as well as take-out. Such items would be behind the counter and not available to customers.
2. Recommend that City Council direct staff to come back to Council after the impacts of Covid-19 have passed with an updated recommendation.

RECOMMENDATION

Staff recommends Alternative 1: Recommend that the City Council direct staff to develop two ordinances to be implemented and phased in over three years to reduce the impacts of single-use plastic foodware and condiment containers, and return for City Council approval of the ordinances after appropriate CEQA review:

- Phase 1 - (Sept 2021) - Opt-In Ordinance for foodware and condiments containers for

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online and take-out ordering from food service delivery vendors and restaurants. Under this ordinance, customers have to opt-in (specifically request) to receive these items, they are not provided by default. Restaurants and vendors would have to include this option on their websites or ask customers when they place their order whether they want the items or not.

- Phase 2 - (late 2022/early 2023) - Food service businesses to provide customers with single-use plastic foodware and condiment containers only upon request, for in-store dining as well as take-out. Such items would be behind the counter and not available to customers.

Prepared by: Karen Gissibl, Environmental Programs Manager

Reviewed by: Ramana Chinnakotla, Director, Environmental Services Department

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Reserved for Report to Council
2. Report on Single-Use Plastics



City of Sunnyvale

Meeting Minutes - Draft

Sustainability Commission

Monday, March 15, 2021

7:00 PM

Telepresence Meeting: City Web Stream

Meeting Online Link: <https://sunnyvale-ca.gov.zoom.us/j/95835903911>

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Chair Wickham called the meeting to order at 7:01 p.m. via teleconference.

ROLL CALL

Present: 7 - Chair Kristel Wickham
Vice Chair Douglas Kunz
Commissioner Stephen Joesten
Commissioner Shana Padgett
Commissioner Bruce Paton
Commissioner Murali Srinivasan
Commissioner Tonya Veitch

Council Liaison – Councilmember Fong (absent)

Chair Wickham, Vice Chair Kunz, and all Commissioners attended via teleconference.

ORAL COMMUNICATIONS

Tim Oey, Sunnyvale resident, stated that Bike Month will be celebrated in May and encouraged everyone to bike. He expressed appreciation for the Commission's work on sustainability.

CONSENT CALENDAR

[21-0402](#) Approve the Sustainability Commission Meeting Minutes of February 16, 2021

Commissioner Padgett moved, and Commissioner Joesten seconded, a motion to

approve the consent calendar. The motion carried by the following vote:

Yes: 7 - Chair Wickham
Vice Chair Kunz
Commissioner Joesten
Commissioner Padgett
Commissioner Paton
Commissioner Srinivasan
Commissioner Veitch

No: 0

PUBLIC HEARINGS/GENERAL BUSINESS

[21-0229](#) Single Use Plastics Strategy (Study Issue ESD 19-01):
Recommend that the City Council Direct Staff to Develop Two
Ordinances to Reduce Use of Single-Use Plastic Foodware
and Condiment Containers and Return to City Council for
Approval after Completion of CEQA Review.

David Krueger, Solid Waste Division Manager, and Karen Gissibl, Environmental Programs Manager, presented the findings of Study Issue ESD 19-01 on Single Use Plastics (SUPs) Strategy. They gave an overview of the challenges with disposal of SUPs and best practices for reducing SUPs through local ordinances and bans. Commissioners asked clarifying questions, and staff provided responses.

Chair Wickham opened the Public Hearing.

Tim Oey asked questions and provided comments about specific materials, best practices for incentivizing and reducing waste, and recommended a few local resources.

Barbara Brunasso asked if restaurants will be supplied with resources to enable them to comply with the proposed ordinances. She also asked a clarification question about the microfiber containers.

Staff responded to questions from the public.

Chair Wickham closed the Public Hearing.

The Commission discussed the two alternative recommendations.

MOTION: Chair Paton moved to recommend Alternative 1 to City Council.
The motion failed for lack of a second.

MOTION: Vice Chair Kunz moved, and Commissioner Veitch seconded, a motion to recommend a new Alternative 3, which would combine Alternatives 1 and 2.

Ramana Chinnakotla, Director of Environmental Services, clarified that the Alternatives were mutually exclusive and cannot be combined. He explained that Alternative 2 recommended doing nothing on this topic until the impacts of the COVID-19 pandemic had passed.

Vice Chair Kunz withdrew his motion.

MOTION: Vice Chair Kunz moved, and Chair Wickham seconded, a motion to recommend to City Council Alternative 1, with the modification that staff return to City Council to recommend future phases of the program, after the impacts of the COVID-19 pandemic have passed.

Commissioners discussed the motion.

FRIENDLY AMENDMENT: Commissioners Paton and Veitch offered a friendly amendment to revise the motion to recommend Alternative 1 to City Council, with the modification that staff return to City Council in late 2022 with a Phase 3 proposal that includes additional recommendations for the program.

Vice Chair Kunz accepted the friendly amendment.

The motion carried by the following vote:

Yes: 7 - Chair Wickham
Vice Chair Kunz
Commissioner Joesten
Commissioner Padgett
Commissioner Paton
Commissioner Srinivasan
Commissioner Veitch

No: 0

STUDY SESSION

21-0400

Climate Action Playbook Quarterly Update

Nupur Hiremath, Environmental Programs Manager, and Madeline Willett, Environmental Engineering Coordinator, presented Climate Action Playbook implementation and planning updates. They discussed progress on key moves, the current Game Plan extension, and the process for drafting the next Game Plan. Commissioners asked clarifying questions, and staff provided responses.

Chair Wickham opened public comments.

Barbara Brunasso indicated that the Sunnyvale Neighborhood Association group would like to learn more about programs and events put on by the City. Staff clarified where to find this information on the City's website.

Chair Wickham closed the public comments.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

No new Study Issues were submitted.

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Chair Wickham shared that she attended the City Council Study Issues and Budget Workshop in February. Study Issue ESD 17-01 was ranked and DPW 20-04 was dropped by Council. She shared that the online calendar of Boards, Commissions, and Council meetings is now available. She reminded Commissioners that the last two Sustainability Speaker Series events will be held on March 17, 2021, from 7 to 8:30 p.m. and May 19, 2021, from 7 to 8:30 p.m. The March event will feature Meghan Weir who will discuss decarbonizing transportation and the May event will feature Karen Gissibl and Mark Bowers from the City's Solid Waste Division.

Commissioner Veitch shared that the County of Santa Clara's Sustainability Master Plan website is live at www.sccgov.org/sustainabilityplan.

-Staff Comments

Ms. Willett shared that the Sustainability Speaker Series proposal for FY 2021/22 was approved by Council on February 23, 2021. She announced that the City is cohosting a webinar with the Bay Area Water Supply and Conservation Agency on March 24, 2021, from 7 to 8:30 p.m. She reminded Commissioners that the City will be hosting virtual Earth Week events from April 17-24, 2021. She noted that the

Single Use Plastics Strategy Study Issue report presented to the Commission at this meeting is scheduled to go to Council on April 20, 2021.

INFORMATION ONLY REPORTS/ITEMS

[21-0401](#) Updated Annual Work Plan March 2021

ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

REPORT ON SINGLE-USE PLASTICS

Background, Alternatives, Local Actions, Covid-19 Impacts and Recommendations for Sunnyvale

1 Background

1.1 Single-use Plastics and Challenges

Single-use plastics are goods that are primarily made from fossil fuel-based chemicals. While plastic was invented in the mid-19th century, it wasn't until the 1970s that it became more popular. Paper and glass staples traditionally used, started being replaced with lighter and more affordable plastic alternatives; plastic milk jugs replaced glass milk bottles, plastic cups replaced durable coffee mugs. Plastic's range of unique properties has made it a product that is now seen as essential in society. Many of the uses for plastic are both reasonable and important, such as surgical gloves or medical devices. However, these products make up a very small portion of all plastics made. The rest, because it is lightweight and inexpensive, such as packaging, service ware, wrappers, straws and bags, are designed as single-use products and get thrown in the trash, sometimes minutes after use. Since the 1950s, 8.3 billion metric tons of plastic have been produced and half of that has been in the last 15 years. Today we produce 300 million tons of plastic globally per year and 50 percent of it is for single use¹.








Nearly all single-use plastic produced today is made from fossil fuel feedstock derived from natural gas or a by-product of crude oil refining. The production of these items is harmful to the environment and contribute to greenhouse gas emissions (GHG) at every point in their production. If plastic production and growth continue as predicted, GHG emissions could reach 1.34 gigatons per year which is equivalent to the emissions from 295 new 500-megawatt coal-fired power plants². The process of drilling for oil and gas, plastic's source material, leads to methane leaking and flaring and is often combined with clearing forests and wetlands that would have otherwise sequestered carbon. And refineries, where crude oil is turned into plastic, are one of the most intensive greenhouse gas emissions industries in the manufacturing sector.

At the end of their useful life, which as mentioned previously can be a very short lifespan, single-use plastics become plastic waste unless they are recycled. Despite the widespread use of recycling symbols on plastic products and convincing marketing that it is acceptable to use disposables, only nine percent

¹ <https://www.unenvironment.org/interactive/beat-plastic-pollution/>

² <https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-FINAL-2019.pdf>

of plastic actually gets recycled³. This is because global markets no longer accept the masses of mixed plastics being produced and only plastics with a #1 or #2 recycling symbol (bottles and jugs) can find decent and reliable markets.

Plastic Resin Identification Codes						
						
PETE	HDPE	PVC	LDPE	PP	PS	OTHER
Polyethylene Terephthalate	High-Density Polyethylene	Polyvinyl Chloride	Low-Density Polyethylene	Polypropylene	Polystyrene	Other

And if disposed of improperly, or even properly, aerodynamic plastic bags and other lightweight plastic can become litter in the environment. More than eight million tons of plastic ends up in the oceans each year, wreaking havoc on marine wildlife, fisheries and tourism and costing at least \$8 billion in damage to marine ecosystems⁴. Due to the challenges that single-use plastics pose to the environment, health and safety, there is now a concerted effort to limit the use of single-use plastics worldwide. The focus of this paper is to discuss alternatives to single-use products and what the challenges are, summarize the local and state efforts under way to limit their use, discuss the impacts of the Covid-19 pandemic and recommend options for Sunnyvale given both limited staff resources as well as impacts on businesses due to Covid-19.

2 Alternatives to Single-use Plastics

As the fight against single use plastics has intensified over the last few years, more and more companies have started selling alternative “environmentally friendly” products they claim can biodegrade, compost or be recycled at the end of its useful life. The most popular alternatives include bioplastics and molded fiber made from plants rather than fossil fuel. Other plant-based options include bamboo, wheat straw, seaweed, wood and food (pasta and licorice straws), to name a few. However, these too have concerns.

2.1 Alternative Material Types

- **Bioplastics**

Bioplastics are exactly what they sound like, products made from plant or other biological material instead of petroleum. They can either be made by extracting sugar from plants like corn and sugarcane to convert into polylactic acids (PLAs) or can be made from polyhydroxyalkanoates (PHAs) through bacterial fermentation of sugars or lipids. PLA plastic is commonly used in food packaging, plastic bottles, utensils and textiles while PHA is often used in medical devices like sutures and cardiovascular patches.

While bioplastics do produce up to 25 percent fewer GHGs than traditional plastic over their lifetime, the negatives may outweigh the good when the materials’ life cycle is taken into

³ Roland Geyer, Jenna R. Jambeck, Kara Lavender Law, Production, use, and fate of all plastics ever made, *Science Advances* (2017)

⁴ https://wedocs.unep.org/bitstream/handle/20.500.11822/27113/plastics_limits.pdf

consideration. A 2010 University of Pittsburgh study found that bioplastics production resulted in greater amounts of pollutants due to fertilizers and pesticides used to grow the crops and chemical processing needed to make it into plastic. There was also more ozone depletion than traditional plastic during production and required extensive land use to grow the crops. Another challenge with bioplastics is with both the recyclability and biodegradability of the products, discussed later in the report.

- **Molded Fiber and Bagasse**

Molded fiber is constructed from post-consumer content, typically made from recycled paperboard and/or newsprint. It is used for protective packaging or for food service trays and beverage carriers. Other typical uses are end caps, trays, plates, bowls and clamshell containers.

Bagasse is a by-product from the sugarcane industry. The raw material is the fiber that remains after sugarcane stalks are crushed to extract their juice. With renewable growth of between two to three times per year it is a highly sustainable material choice. Bagasse products are durable and sturdy with a high heat tolerance and a natural feel and texture. Products typically include plates, bowls, take-out containers and trays.

The concern with both molded fiber and Bagasse products is that special chemicals are added to the packaging to give them greater resistance to moisture, oil and grease. These chemicals, called PFAS or Per- and Poly fluoroalkyl substances, are a group of over 5,000 man-made chemicals that, according to the EPA, are impossible to break down, both in the environment and in the body and studies indicate they can cause reproductive and developmental, liver and kidney and immunological effects in lab animals. PFAS are found in a number of sources including food packaging (like compostable food containers), commercial household products, workplace facilities, drinking water and even living organisms like fish.

During production and use, PFAS can migrate into the soil, water and air. Most PFAS do not break down, so they remain in the environment. Because of their widespread use and their persistence in the environment, PFAS are found in the blood of people and animals and are present at low levels in a variety of food products and in the environment.

Research is still being done on what the human and environmental effects are. The federal government is looking for methods to address, regulate and monitor these chemicals in a variety of ways, but until then, PFAS are being phased out of foodware containers that retailers and restaurants purchase. And as of January 2020, the Biodegradable Products Institute (BPI), a third-party certifier of biodegradable products, now bans the use of PFAS in the manufacturing of the packaging or product that are BPI certified. Though progress will vary by manufacturer, it is likely that it will take time for more readily available alternative molded fiber or bagasse product to be widely available.

- **Bamboo**

While bamboo dishware may seem like it would be a harmless natural replacement to disposables, even these are problematic. Bamboo dishware is manufactured by using a

melamine binder to hold it together. Melamine is a chemical compound originally thought only to be toxic to the kidney in large quantities.⁵ There is new research now showing that even exposure to low doses of melamine can negatively impact brain development and reproductive functions in the body. The exposure generally comes from it leaching from dishes into food. It can be avoided by carefully looking at the materials list when it is purchased, but if these products are available at a restaurant for take-out or use in the store, you may not know what they are made from.

- **Wheat, straw, seaweed, pasta and other plant or food-based products**

While more innovative products are being made from plant-based materials such as edible cups made from seaweed and spoons made from rice, wheat and sorghum, most plant-based products other than bagasse and bioplastics are limited to straws and stir sticks.

2.2 Recyclability/ Compostability of Single Use Plastic Alternatives

Seeing the word “biodegradable,” “compostable,” or even “recyclable” on plant based alternative products leads consumers to believe that these products can be disposed of for recycling and they will be sorted out and taken to a compost facility or recycler who will make them into new products. However, challenges with recyclability and compostability of plant based alternative products have emerged. Some bioplastics, such as cold cups for drinks you purchase at coffee shops, have a lower melting temperature than other plastics and must be separated from them to be recycled. This is nearly impossible due to the similarity in appearance of the bioplastic items and regular plastic items. Even if they were separated out, reliable and available markets to recycle these plastics do not currently exist.

Regarding compostability, bioplastics need high heat to degrade, which can only be accomplished at an industrial composting facility. However, the abovementioned sorting challenges complicate the ability of such facilities to get a clean stream of bioplastics. Natural degradation of bioplastics in landfills or compost bins will take significantly longer without the high heat. If littered, bioplastics do not decompose so may persist as micro-sized pieces, thereby posing an environmental and human health risk similar to plastics.

Furthermore, with molded fiber and Bagasse products, as mentioned previously, these products can contain PFAS which can migrate into the soil, water, and air, and have significant human health impacts, including hormonal interference, adverse immune system impacts, and increased risk of cancer. These products do not belong in a composting facility, whether it’s a commercial facility or your backyard. In March of 2019, the Oregon state compost recyclers put out a statement indicating they no longer wanted compostable packaging and foodware brought to their facilities⁶. It is a movement that may likely spread to other states, especially as regulatory requirements increase the amount and quality of food scraps collected that get processed.

In that vein, Sunnyvale’s unique “food only” food scraps program for both residents and businesses, puts us in a position to collect a clean stream of food scraps and provide us more options for end use of

⁵ Bolden, Ashley L., Johanna R. Rochester, and Carol F Kwiatkowski. “Melamine, beyond the kidney: A ubiquitous endocrine disruptor and neurotoxicant?” *Toxicology letters* (2017)

⁶ <https://www.oregon.gov/deq/mm/Documents/MessagefromComposter-En.pdf>

the products made (energy production from anaerobic digestion, soil amendment or an ingredient in animal feed). While compostable/biodegradable products are popular alternatives for food vendors, these products end up being disposed in the landfill because we don't accept them in our programs. Further, due to their human and environmental health impacts, these products should not take the place of single-use plastics. Table 1 summarizes the different types of single-use plastic alternative foodware products and challenges with each.

Table 1. Summary of Single-use Plastic Alternative Foodware

Product type	Easily sortable for recycling	Recyclable in Sunnyvale's recycling programs?	Accepted in Sunnyvale's food scraps program?	Toxicity
Bioplastic	No	No	No	No
Bagasse/Molded fiber	No	No	No	Yes
Bamboo	No	No	No	Yes
Stir sticks made from wood/pasta	No	No	Wood No, Pasta Yes	No

3 State, County and Local Efforts to Address Single-use Plastics

Many local jurisdictions, county agencies and the state are working on or have passed some type of ordinances in the last decade to address single-use plastics. According to Californians Against Waste, plastic bag bans had been implemented in 151 California cities (including Sunnyvale) prior to the Statewide ban that went into place in 2016. These bans have directly eliminated over five billion plastic shopping bags per year as well as the resulting litter and waste and has also reduced paper bag consumption by nearly 400 million bags. In addition, over 120 cities or counties (including Sunnyvale) have implemented foam foodware and product bans that has reduced the amount of polystyrene that ends up in the landfill or becomes litter in the environment.

A comprehensive list of jurisdictions that have enacted policies that have restricted disposable foodware items and brought reusables into food service for on-site dining, take-out and delivery can be found at *Reuse in Food Service: Enacted* at <https://upstreamolutions.org/policytracker>.

3.1 State efforts

In 2018, a straw ban (AB 1884) was signed into law which requires businesses to provide customers with single-use plastic straws only upon request. Two companion bills, SB 54 and AB 1080, were introduced in late 2018 to the legislature and would eliminate non-reusable, non-recyclable and non-compostable products and packaging. The proposed rules set a deadline of 2030 for several new requirements on manufacturers. Unfortunately, the legislative session ended with legislators failing to pass both bills.

Because the session ended without lawmakers voting on the measures, they were taken up again in the 2020 legislative session, but once again failed to pass.

3.2 Local Bay Area cities efforts

Many local Bay Area jurisdictions have started adopting ordinances that focus on restricting single use plastic items that go beyond polystyrene and plastic bags. Early versions of these ordinances focused on setting standards for disposable foodware, primarily by restricting these items to only that are recyclable or compostable and moving towards the requiring the use of reusable dishware for onsite dining. Below is a summary of local city ordinances that were passed or are being considered:

- The City of Palo Alto is currently the only jurisdiction in Santa Clara County that has a single-use plastic foodware ordinance. In Phase I of their ordinance, starting in January 2020, food service establishments were prohibited from the distribution of plastic straws, utensils (bioplastic utensils are ok) and stirrers. Staff has been instructed to hold off on checking for compliance in the short term, due to Covid impacts. By July 2020, grocery stores and farmer's markets were required to switch from regular plastic produce/meat bags to compostable ones. Staff estimates a 90 percent compliance rate with the switch to compostable bags. Palo Alto has developed a second phase for additional single-use foodware reduction requirements and will be meeting with City leadership in the near future to decide when the appropriate time to engage the public and business community will be, given the impacts from Covid-19. These may include fees on disposables, requiring reusables or a combination of both approaches.
- In March of 2019, the City of Berkeley adopted an ordinance that includes standards to reduce the use and disposal of single-use foodware items including cups, lids, utensils, straws, clamshells and other disposables and to increase reusable foodware over disposables. The ordinance uses a phased approach, starting with "accessory items" (straws, stirrers, utensils, lids and spill plugs) being available only upon request in the first phase which started in March 2019, then moving to a \$0.25 charge for disposable cups in the second phase which started in January 2020 and in the third phase, starting July 2021, food vendors must only offer reusable/washable food ware for onsite dining. Due to Covid-19 impacts, the ordinance is not being actively enforced, but if staff receives a complaint about a non-compliant business, they will visit and provide technical support to help them come into compliance. In early 2021, they will be reassessing the implementation and enforcement strategy for Phase III of the ordinance.
- In January 2020, the City of Santa Cruz adopted an update to its existing food packaging and products ordinance to include a \$0.25 fee on disposable to-go hot and cold cups and expanded its current definitions of "compostable" and "biodegradable." The definitions state that any to-go ware sold as compostable or biodegradable must be free of PFAS and must be able to completely decompose in nature.
- Other jurisdictions in Santa Clara County (San Jose, Los Altos, Cupertino and Mountain View) were in the process or considering a single-use plastic ordinance but they have all postponed or put on hold implementation due to the pandemic.

3.3 Santa Clara County Model Foodware Ordinance

In July 2019, a Model Foodware Ad Hoc Subcommittee was formed by the Technical Advisory Committee (TAC) of the County Recycling and Waste Reduction Commission. Participating members of the ad hoc subcommittee provided input on the scope and specifics of a model ordinance to reduce litter and waste related to food service ware. Feedback from UPSTREAM Solutions, a public interest non-profit environmental organization that works locally and nationally on waste reduction measures, was also provided.

There are three phases of Santa Clara County Model Foodware Ordinance. Highlights of the first phase, which is 6-12 months after the ordinance is implemented, includes:

- Requirement that non-reusable food service ware be recyclable or compostable
- No distribution of plastic straws, utensils (bioplastic utensils ok) and other plastic accessories
- Food delivery service must have an “opt in” for food service ware accessories and condiments

The second phase, which is 12-18 months after the ordinance implementation includes:

- A \$0.25 charge on every non-reusable beverage cup provided to customers (income is retained by retailer)
- Only reusable food service ware, utensils and condiments provided for on-site consumption
There are many exciting new reusable dishware options available. One example is a reusable/returnable stainless steel cup from Vessel (<https://vesselworks.org/>). For more information on reusable dishware go to <https://upstreamolutions.org/services>)
- Food vendors must have dishwashing capacity or service on the premises (dishwashing services for inhouse and/or reusable take-out containers are becoming more popular for restaurants who don't have space for a dishwasher, one example is a company called Dishcraft (<https://dishcraft.com/insights/serve-it-safe>))

And the last phase which is 18-24 months after ordinance implementation includes:

- Reusable beverage cups must be available to no less than 10 percent of attendees at large events

The phases allow a two-year timeframe for adjustments by the food vendors to use up non-reusable products, switch to reusable foodware products, potentially install a dishwasher or set up a dishwashing protocol and provide outreach to customers about the change.

The model ordinance was originally going to be presented to TAC in early 2020, but due to Covid-19 impacts, TAC meetings were cancelled until August. Once the meetings resumed, the model ordinance was briefly discussed by TAC but not reviewed or approved. As of this writing, TAC has not approved or

adopted the Model Foodware Ordinance and the assumption is that jurisdictions can customize and use all or parts of the ordinance as they see fit.

4 Covid-19 Impacts

Before the start of the Covid-19 outbreak, cities were starting to make headway in efforts to reduce the use of single-use plastics and move to recyclable or reusable products. Many jurisdictions are now delaying rolling out new policies and many retailers are banning customers from bringing reusable bags and cups into stores. In a September 2020 letter from the City's Solid Waste Division, grocery stores were asked to start charging for bags again and most have complied. The surge in single-use plastic is especially apparent in the restaurant industry due to an increased reliance on food delivery service.

Due to the pandemic, there have been many changes to how food is served and provided to customers:

- The pandemic has shifted from dining in, to a much bigger reliance on take-out and delivery service, thereby increasing the dependence on single-use accessory items (utensils, condiment packets, napkins, etc.). According to the International Waste Association, the amount of accessory items wasted for take-out and delivery services has skyrocketed by 200-300 percent.
- At the beginning of the pandemic, stores and coffee shops were not allowing customers to BYO cups or reusable grocery bags. As mentioned previously, staff is working with grocery stores to allow reusable bags again, but coffee shops are slower to allow reusable cups at stores.
- Street and curbside dining is very popular-many restaurants moved to disposables for sit-down dining
- Events and catering on hold

Although reducing single-use products has many benefits, existing food businesses are struggling and overwhelmed just to stay in business during the pandemic. These impacts must be considered and will drive policy direction and recommendations until we are well beyond the impacts of the pandemic.

5 Senate Bill 1383 Impacts

Another impact to businesses will be a new mandatory organics collection regulation, SB 1383. Signed into law in 2016, the regulation seeks to reduce greenhouse gas emissions by reducing organics in the landfill by 75 percent and recovering 20 percent of edible food for human consumption by 2025. While many of Sunnyvale's larger businesses have had food scraps collection in place for several years, medium and small businesses will now be required to implement a collection program which means finding space both inside and outside for new containers, setting up collection and sorting protocols, training staff and ensuring the material stays free of contaminants. Programs must be in place by 2022 and penalties for non-compliance will begin in 2024.

6 Recommendation

Single-use plastics have a harmful impact on the environment and human health and safety and limiting the use of single-use plastics is a worthwhile sustainability move. Further, limiting the use of single-use plastics in the food service sector provides the highest benefit. However, the food service sector has been dramatically impacted due to the pandemic. Therefore, it is recommended that the City take a slow, phased approach and with the exception of the "opt in" ordinance as described below, wait

several months post pandemic to implement a single-use plastic foodware accessories reduction program. Other actions, such as a charge on disposable cups, requiring reusable service ware, utensils and condiment containers for onsite dining and requiring events where food is served to make reusable beverage cups available to attendees can be considered at a later date.

While impacts from the pandemic are the most pressing reason to move slowly, SB 1383 is another reason. The organics mandate will impact food service providers at the same time they need to comply with restricting single-use plastic use. Imposing multiple regulations at the same time will not be received well by the impacted customers as they will have to deal with operational and financial impacts of the new regulations while recovering from the pandemic impacts. In addition, staff resources will be limited in the next two years as the focus will be on meeting the planning, outreach, implementation and compliance requirements of the new SB 1383 regulations.

Here is the phased approach recommended:

Phase 1 (Sept 2021)

- Implement an opt-in ordinance for accessories and condiments for online and take-out ordering from food service delivery vendors and restaurants. Under this ordinance, customers have to opt-in (specifically request) to receive these items, they are not provided by default. Restaurants and vendors would have to include this option on their websites or ask customers when they place their order whether they want the items or not. Several Bay Area cities, including the City of Santa Cruz and San Mateo County (see example⁷), have enacted such ordinances and some food delivery services are already offering this as an option.

Phase 2 (after implementation of SB 1383 Organics program is complete in late 2022/early 2023)

- Implement a single-use plastic accessories reduction ordinance. Businesses would provide customers with single-use plastic accessories and condiments only upon request, for in-store dining as well as take-out. Such items will be behind the counter and not readily available to customers.

Both phases can save money for the businesses due to reductions in restaurant purchases of disposable items, which would be a positive selling point during implementation.

One side note, since Sunnyvale's food scraps program does not allow any paper or compostable food service ware to be disposed with the food scraps, we would need to determine whether allowing PFAS-free compostable foodware items would be acceptable in future ordinances, even if those items would have to be disposed in the garbage. While compostable or biodegradable foodware products are made from renewable resources (paper or plants) which makes their production less impactful to the environment, they are typically more expensive than disposable foodware products. Asking food service vendors to spend more money to purchase compostable products, only to have their customers throw them in the trash instead of the compost bin, should be considered as a very short-term transitional solution.

⁷https://library.municode.com/ca/san_mateo_county/codes/code_of_ordinances?nodeId=TIT4SAHE_CH4.107REU_SDIFOSEWA_4.107.030DIDIFOSEWAAC&fbclid=IwAR1GnC4c9mdHJLW39Zrf18h4K1MRm2p1_l8xffi0o3NmMyS2KB7au-ozw

7 Conclusion

Reusable foodware regulations are becoming more crucial as cities continue being challenged by disposable items that wreak havoc on the environment and have no easy way to be recycled. Alternatives to plastic are no better, and in fact may be even more dangerous for human health. It is likely that in the next few years the state may pass regulations that address some or part of the issue, but until then, more and more single-use plastics are being disposed in the landfill and end up as litter in the Bay.

While there is no easy solution for disposing of single-use plastics or their plant-based alternatives, Sunnyvale's recommended phased approach uses a thoughtful and slow approach that minimizes back-to-back regulatory impacts on businesses that will likely still be recovering from the pandemic. It also gives staff time to focus first on implementing organics programs at these places of businesses to meet the requirements of SB 1383. Addressing the overabundance of disposables from food service delivery vendors by requiring an "opt in" request and later, restricting the use of the accessory items by only making them available by request, is a simple and non-impactful first step. Once the pandemic is well over, customizing the county's model ordinance can be used later to begin collaborations with business owners to determine what works best for them, how to help them transition away from disposables and importantly, will keep Sunnyvale aligned with its zero waste goal of 90 percent diversion by 2030.



City of Sunnyvale

Agenda Item

21-0281

Agenda Date: 4/6/2021

REPORT TO COUNCIL

SUBJECT

Receive and File the FY 2020/21 Third Quarter Budget Update

REPORT IN BRIEF

This report summarizes the FY 2020/21 year to date financial position of the City's major funds, including an update on the receipt of revenue and current status of expenditures through February 2021. Overall, the City's operating expenditures are tracking within budget. FY 2020/21 revenue is tracking lower than budgeted in some categories.

Staff is recommending that Council Receive and File the Third Quarter Budget Update.

BACKGROUND

As part of the FY 2020/21 Budget Adoption, staff committed to providing a report to Council detailing the current financial condition of the City on a quarterly basis. This is the third of these reports. This update compares the FY 2020/21 Adopted Budget with actual revenues and expenditures year to date.

Fiscal year data, especially on revenues, has now begun to fully develop. Operating expenditures trend more evenly due to regular payroll costs with some expenditures that also develop further into the year. Consequently, each Quarterly Report provides a little more context for the year to date status of revenues and expenditures with the third quarter results informing the current year revised revenue estimates in the FY 2021/22 Long Term Financial Plan.

EXISTING POLICY

Pursuant to Sunnyvale Charter Section 1305, at any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by affirmative votes of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another, or to appropriate available revenue not included in the budget.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b) (4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

DISCUSSION

This report presents the FY 2020/21 Adopted Budget and actual year-to-date information for FY 2020/21 (as of February 2021) for the General Fund and Enterprise funds. Transfers, Interfund revenues, bond proceeds, debt service as well as project and equipment costs are not included in this report.

Overall progress looks to be as planned for operating expenditures and staff continue to watch incoming receipts closely as many revenues are not received evenly through the year and the ongoing restrictions associated with the COVID-19 pandemic have continued to interrupt business as usual. With some of the pandemic restrictions recently lifted and COVID-19 vaccinations rolling out, the economy is slowly reopening. That said, there is expected to be continued pandemic-related limitations that will impact service delivery (e.g., capacity limits on recreation classes) as well as ongoing concern that some economic activity, such as business travel that affects the City's Transient Occupancy Tax (TOT) revenue, will continue to impact revenue into the post-pandemic future. Revenue projections will be carefully analyzed and updated as part of the current year update during FY 2021/22 budget development.

To that end, the City is anticipating \$29.5 million in COVID-19 relief funding per the American Rescue Plan Act of 2021 that was recently passed by Congress. Though it is expected that these funds will help mitigate the short-term general revenue loss that the City has experienced as a result of the pandemic over the past year, specifics regarding eligible use of the funds are still forthcoming. Furthermore, total anticipated revenue loss over the twenty-year planning period is expected to continue to pressure the General Fund.

One of the most closely watched unbudgeted expenditure is the effect of underperforming CalPERS returns from FY 2019/20 on the City's pension costs. The City's consulting actuary has calculated an impact of \$4 million over ten years, and a total of \$23.1 million over twenty years. CalPERS smooths in gains and losses over a five-year period, starting two years after the initial gain or loss. This results in the larger annual impact in the long run. CalPERS is currently on track to have a return that is better than planned, which if materializes will be factored into next year's analysis.

During the budget development process, one of the major cost savings strategies was to hold vacant positions. The practical effect of this is some impact to various services. The City Manager held 29.65 FTE vacancies in the budget process and continues to exercise judgment on which vacancies to hold, with the service level reductions approved by Council through the cost savings measures maintained as planned. To date, the City Manager has frozen an additional two part time positions and one full time position in the Library Recreation Services Department. This surgical approach to freezing positions allows the City to continue to be responsive to shifting and changing conditions while maintaining the needed cost savings in each affected fund.

General Fund

At this point in the fiscal year, revenues are tracking behind, but operating expenditures are in line with FY 2020/21 estimates. General Fund revenue tends to trend unevenly throughout the year with most sources catching up the second half of the year, though it is expected that some revenue estimates will be revised downward as part of the current year update in the FY 2021/22 budget.

Revenue

It was anticipated during FY 2020/21 budget development that uncertainty regarding the length of the COVID-19 pandemic could impact revenue estimates. While revenues were adjusted downward to account for this uncertainty, the level of impact could not be accurately predicted. Accordingly, revenues such as service fees and TOT continue to be depressed due to the prolonged pandemic restrictions and are expected to be further adjusted downward with the current year revised revenue projections. Other revenues, such as Property Tax, are expected to meet or exceed budget and will be revised upward for the current year forecast.

<i>General Fund Revenue</i>	FY 2020/21		
	<i>66.67% of Fiscal Year</i>		
	Budget	Actuals	% to Date
Property Tax	\$ 90,750,445	\$ 53,377,483	58.8%
Sales Tax	\$ 27,163,221	\$ 13,564,816	49.9%
Transient Occupancy Tax	\$ 10,617,327	\$ 2,667,724	25.1%
UUT & Franchise Fees	\$ 15,760,876	\$ 6,590,782	41.8%
Construction Tax	\$ 3,686,757	\$ 1,697,261	46.0%
Business License Tax	\$ 1,914,476	\$ 1,671,841	87.3%
Real Property Transfer Tax	\$ 1,790,431	\$ 948,482	53.0%
Permits & Licenses	\$ 1,634,631	\$ 1,202,713	73.6%
Service Fees	\$ 3,626,133	\$ 1,146,340	31.6%
Rents & Concession	\$ 3,113,907	\$ 2,481,377	79.7%
Other Revenue	\$ 3,822,573	\$ 2,778,078	72.7%
<i>Revenue Subtotal</i>	\$ 163,880,779	\$ 88,126,897	53.8%
Grand Total	\$ 163,880,779	\$ 88,126,897	53.8%

FY 2020/21 Year to Date Update

Property Taxes

Valuation growth for the FY 2020/21 tax roll increased 10.4%, which is greater than the FY 2020/21 Budget estimate of 7.8%. This increase will be included as part of the current year revenue updates during FY 2021/22 budget development and will increase the Property Tax base over the entire twenty-year plan. That said, with slower property sales and a sluggish economy, tax roll growth for FY 2021/22 is expected to moderate heavily and anticipated growth is projected in the financial plan at 2.6% with the current County estimate as of March at 2.8%, which includes the 1% California CPI growth factor that was under the maximum 2% allowed.

Property tax revenue received to date is \$53.4 million and primarily made up of Secured Tax payments of \$35.1 million and \$11.6 million in Property Tax in Lieu of Vehicle License Fees (first of two payments), Supplemental Tax payments (\$1.2 million), and Unsecured Tax payments (\$3.7 million). Secured Tax payment is received in ten payments that the City receives between late November and June and will continue to be received throughout the second half of the year. Supplemental taxes are taxes that are due when property undergoes a change of ownership or new

construction. These mid-year adjustments will be reflected on the tax roll the following year, but in the year of the event, the tax is prorated, and the City receives this amount separate from the Secured tax revenue. Unsecured property tax is collected on certain business property, such as equipment and fixtures, as well as certain personal property, such as boats and airplanes.

Real Property Transfer Tax (RPTT) is imposed on property sales and therefore, is subject to the volatility of sales activity. The budget of \$1.8 million is based on the seven-year historical average. Revenue of \$0.9 million is at 53% of budgeted revenue to date, which is below the historical average for this point in time.

Sales Tax

\$13.6 million in Sales Tax (\$12.7 million for State and \$0.9 million for the local Public Safety sales tax) has been received through February and this is consistent with the collection rate at this time last year. Receipt of sales tax revenue lags the actual economic activity because taxpayers have 30 days to file for monthly reporting periods followed for processing by the California Department of Tax and Fee Administration (CDTFA), which takes several weeks. Sales Tax is expected to see sharp revenue declines in FY 2020/21 due to the impacts of the pandemic. Accordingly, Sales Tax estimates for the FY 2020/21 Budget anticipate a drop of an additional 2% from FY 2019/20 after falling off 19% from FY 2018/19. Based on our sales tax consultant's analysis, it is anticipated that some business restructuring will impact the State and County Pools starting in the first quarter of the 2021 calendar year that will reduce the City's Pool allocation and likely necessitate an adjustment to the current year revenue forecast in the FY 2021/22 budget.

Transient Occupancy Tax (TOT)

At \$2.7 million, TOT revenue collection is trending behind at 25% versus the historical average collection of approximately 50% at this point in the fiscal year with both room and occupancy following the post-COVID trend (economy hotels leading room and occupancy rates). As a revenue particularly sensitive to the impacts of the COVID-19 pandemic due to travel restrictions and general public health concerns related to travel, the FY 2020/21 Transient Occupancy Tax (TOT) revenue estimate anticipated a sharp decline in hotel occupancy rates with over a 55% decline in the revenue estimate (\$24.2 million to \$10.6 million) when compared to the FY 2020/21 plan in the FY 2019/20 Adopted Budget. With restrictions easing and some pent-up demand, travel is expected to slowly resume. However, as the City's TOT is driven mainly by business travel and with many businesses now comfortable conducting business remotely, there is grave concern that the City will not reach pre-pandemic levels of TOT revenue for some time, if at all. Therefore, both short and long-term revenue projections are expected to be further moderated in the FY 2021/22 budget.

Utility Users Tax (UUT)

The Utility Users Tax (UUT) revenue forecast decreased slightly from the FY 2019/20 Adopted Budget revised estimate by \$0.04 million to a budget of \$8.3 million in FY 2020/21. Expecting some continued impacts of COVID-19, gas and electric tax forecasts were reduced by 1% to account for the many businesses moving to the work from home model and therefore, less utility demand in the office/commercial sector. Utility Users Tax is at \$4.5 million (54% of its revenue budget), which is just slightly lower than February of prior years.

Franchise Fees

Franchise fees were also expected to mostly stay flat from FY 2019/20 to FY 2020/21 to account for the uncertainty regarding COVID-19. The largest fee is the PG&E franchise fee and similar to UUT, is anticipated to be impacted by many of the businesses now allowing most employees to work from home rather than working from an office. This is also a revenue that trends unevenly throughout the year. For example, the City typically receives one payment from PG&E in the fourth quarter of the fiscal year. The \$2.1 million received to date is consistent with prior years at this point in the fiscal year.

Business License Tax

Business License Tax revenue is trending at 87% of budget as renewals are due at the beginning of the calendar year. It should also be noted that in December 2020, Council authorized renewal deferrals due to the pandemic's financial impact on small businesses (RTC No.10-0918). Approximately a dozen small businesses took advantage of this deferral and it is anticipated that this deferred renewal revenue will still be collected this year.

Construction Tax

The FY 2020/21 Construction Tax estimate was moderated to taper down to the historical average and in anticipation of slowing development activity. Development activity continues to be slower than the heightened activity of the past few years.

Revenue through February is at \$1.7 million (46% of budget), which is below the projected revenue expected for this point in the fiscal year.

Permits and Licenses

The FY 2020/21 Permits and Licenses revenue budget of \$1.6 million was based on a three-year historical average. Permit activity related to hazardous materials permitting and fire operations are performing well. At 73.6% of the revenue estimate, permits and license revenue is trending above 66.7% of the fiscal year. To note, though, \$0.7 million in Certified Unified Program Agency (CUPA) receipts are over half of the \$1.2 million collected to date and these funds are restricted to the City's CUPA program to require permits, inspect facilities, issue violations, and perform enforcement actions related to hazardous material or hazardous waste.

Service Fees

Service fees are at 31.6% versus 66.7% of the fiscal year. Hit the hardest as a result of the COVID-19 stay-at-home orders and health restrictions, it was expected that we would continue to see some Recreation service interruptions related to ongoing COVID-19 restrictions. As a result, Recreation fees were budgeted at 50% (\$1.8 million) of actual revenue (\$3.6 million) in FY 2018/19. At \$0.2 million to date, recreation fee revenue is slightly over 10% of budget due to prolonged restrictions limiting recreation offerings. Therefore, this current year revenue projection will be lowered during FY 2021/22 budget development.

Similarly, FY 2020/21 revenue of \$0.5 million for facility rentals was also based on 50% of actual revenue of \$1 million in FY 2018/19. To date, approximately 10% (or \$0.05 million) has been received and this current year revenue forecast will also be reduced.

Parking Fees

Parking fees from the City's downtown parking lots near the CalTrain station have also been impacted by the pandemic with less ridership due to many companies moving to work from home situations as well as general public health concerns towards using public transportation. With a budget of \$0.1 million, as of February, less than 1% has been collected. This is also a current year revenue estimate that is anticipated to be reduced for the short-term.

The positive position of Other Revenue is primarily related to a large non-compliance Transportation Demand Management (TDM) penalty of \$0.5 million that the City received as well as other fines and penalties, \$1.6 million of interest income received to date, and various reimbursements from other agencies.

As discussed, the revenue picture evolves over the course of the fiscal year. Typically, by the end of the third quarter of the fiscal year, revenue trends become more certain. Revenue is, however, reviewed and analyzed through the beginning of the fourth quarter before finalizing current year revised revenue estimates in the FY 2021/22 Recommended Budget.

Expenditures

<i>General Fund Expenditures</i>	FY 2020/21 66.67% of Fiscal Year		
	Budget	Actuals	% to Date
Community Development	\$ 1,780,747	\$ 1,149,382	64.5%
Environmental Services	\$ 2,417,676	\$ 1,618,705	67.0%
Finance	\$ 11,298,211	\$ 6,433,055	56.9%
Human Resources	\$ 5,136,261	\$ 2,716,340	52.9%
Library and Recreation Services*	\$ 18,308,181	\$ 10,879,988	59.4%
Office of the City Attorney	\$ 1,875,126	\$ 1,272,175	67.8%
Office of the City Manager	\$ 5,505,884	\$ 3,243,767	58.9%
Public Safety	\$ 102,064,174	\$ 64,532,742	63.2%
Public Works	\$ 25,057,955	\$ 14,738,564	58.8%
<i>Operating Subtotal</i>	\$ 173,444,216	\$ 106,584,719	61.5%
Grand Total	\$ 173,444,216	\$ 106,584,719	61.5%

* Library and Community Services changed name to Library and Recreation Services in Sept. 2020

FY 2020/21 Year to Date Update

General Fund expenditures are at 61.5% while 66.7% of the fiscal year has passed. Expenditures trend more evenly throughout the year driven mainly by bi-weekly payroll costs. Accordingly, salary and benefit expenditures are trending on target (62.9%) with the payroll benchmark for this point in the fiscal year at 64.4%. The timing of operations & maintenance expenditures can vary throughout the year and are expected to end the year at budget.

Due to prolonged restrictions on travel as well as general health concerns related to travel and recurring stay-at-home orders, staff have been working more hours and taking less paid time off. As a result, we are seeing some uptick in salary costs since paid time off (PTO) is paid for from the Employee Payroll & Benefits - Leave Subfund (640-100) versus regular salary costs that are paid from operating funds. With frozen positions and other cost-savings measures incorporated into the FY 2020/21 operating budget, the operating budget is very tight this year. While overall operating expenditures are tracking at budget, the Department of Public Safety (DPS) is tracking overbudget in overtime due to mutual aid, protest events, backfill for COVID medical leave, etc. A separate report to Council is being prepared to discuss DPS' overtime and seek authorization to appropriate reimbursement revenue.

Enterprise Funds

Golf & Tennis Operations

<i>Golf & Tennis Fund Revenue</i>	FY 2020/21 66.67% of Fiscal Year		
	Budget	Actuals	% to Date
Golf Course Revenue	\$ 2,907,403	\$ 2,608,842	89.7%
Tennis Revenue (Rental Fee)	\$ 105,000	\$ -	0.0%
Grand Total	\$ 3,012,403	\$ 2,608,842	86.6%

<i>Golf & Tennis Fund Expenditure</i>	FY 2020/21 66.67% of Fiscal Year		
	Budget	Actuals	% to Date
Golf Course Expenditures	\$ 3,961,279	\$ 2,547,549	64.3%
Tennis Expenditures	\$ 108,428	\$ 44,936	41.4%
Grand Total	\$ 4,069,707	\$ 2,592,485	63.7%

FY 2020/21 Year to Date Update

Golf play continues to be steady and is benefiting as a sport that allows for the physical distancing required to prevent the spread of COVID-19. \$2.4 million of the \$2.6 million collected to date are for golf fees and are expected to outpace the current revenue estimate. Accordingly, the current year revenue estimate will be revised upward as the trend is expected to continue as we head from winter to the more favorable spring and summer months, though this heightened golf activity is not expected to last over the long term. Golf & Tennis fund operating costs are trending within budget at this point in the fiscal year.

COVID-19 restrictions continue to impact concession operations with both the tennis operator and the restaurant operator at Sunken Gardens experiencing revenue loss due to the varying ongoing restrictions to recreation and dining. City Council authorized the City Manager to negotiate reduced rent for both operators in May 2020 to help mitigate their financial losses and staff have been negotiating with both vendors to update these rent abatement agreements with a plan to bring forward to Council for consideration in the fourth quarter. Final amounts approved by Council will be updated with the current year budget updates in the FY 2021/22 financial plan.

Development Enterprise Fund

<i>Development Enterprise Fund Revenue</i>	FY 2020/21 66.67% of Fiscal Year		
	Budget	Actuals	% to Date
Permits & Licenses	\$ 10,399,818	\$ 5,587,880	53.7%
Community Development Fees	\$ 4,641,052	\$ 2,153,073	46.4%
Public Works Fees	\$ 1,282,029	\$ 882,840	68.9%
Other*	\$ 1,178,648	\$ 687,780	58.4%
Grand Total	\$ 17,501,547	\$ 9,311,574	53.2%

*Interest Income & Miscellaneous

<i>Development Enterprise Fund Expenditures</i>	FY 2020/21 66.67% of Fiscal Year		
	Budget	Actuals	% to Date
Community Development	\$ 7,895,889	\$ 5,435,377	68.8%
Environmental Services	\$ 271,741	\$ 101,174	37.2%
Library and Recreation Services	\$ 25,018	\$ 23,462	93.8%
Office of the City Attorney	\$ 511,221	\$ 319,480	62.5%
Public Safety	\$ 1,425,639	\$ 727,955	51.1%
Public Works	\$ 2,756,989	\$ 1,552,040	56.3%
Grand Total	\$ 12,886,496	\$ 8,159,487	63.3%

* Library and Community Services changed name to Library and Recreation Services in Sept. 20

FY 2020/21 Year to Date Update

Development fee revenue has been steady for this point in the fiscal year, though not as elevated as the past few years. The FY 2020/21 Development fee revenue forecast was moderated to 80% (\$17.5 million) of the FY 2019/20 Revised Budget of \$21.8 million to bring down the revenue base from recent peaks and with an assumption of some slowdown due to the economic uncertainty related to the COVID-19 pandemic. Revenue of \$9.3 million collected to date is at 53.2% of budget compared to over a 100% revenue rate at this same time last fiscal year.

At 63.3%, operating expenditures are trending just below the fiscal year benchmark of 66.7%. We are monitoring revenues and expenditures closely and anticipate slightly reducing the current year revenue estimate with the FY 2021/22 budget.

Development Impact Fees

<i>Development Impact Fees*</i>	FY 2020/21 66.67% of Fiscal Year		
	Budget	Actuals	% to Date
Park Dedication Fees	\$ 41,704,226	\$ 3,999,244	9.6%
Housing Mitigation Fees	\$ 41,047,149	\$ -	0.0%
Transportation Impact Fees	\$ 7,459,583	\$ 113,032	1.5%
Sense of Place Fees	\$ 1,632,757	\$ 320	0.0%
Grand Total	\$ 91,843,715	\$ 4,112,595	4.5%

*Excludes Interest Income

Impact fees are not received evenly throughout the year and are difficult to predict as payments are collected based on milestones in the development process. Development projects take years to come to fruition and the FY 2020/21 revenue estimates are based on actual projects in the development pipeline that were expected in FY 2019/20, but did not reach the payment threshold due to project delays plus estimated impact fees associated with FY 2020/21 activity.

Staff will revise the current year revenue projections downward with the FY 2021/22 Development Enterprise financial plan. For projects in the earlier stages of the development pipeline, economic uncertainty makes it difficult to predict projects that will proceed or stall, though we anticipate most fees will be collected in a future year as they are associated with confirmed projects moving along in the development process.

Utility Funds

<i>Utility Fund Revenue</i>	FY 2020/21 *58.33% of Fiscal Year		
	Budget	Actuals	% to Date
Water Fund	\$ 61,799,016	\$ 31,220,129	50.5%
Wastewater Fund	\$ 49,738,978	\$ 27,796,527	55.9%
Solid Waste Management Fund	\$ 53,167,280	\$ 26,551,393	49.9%
Grand Total	\$ 164,705,274	\$ 85,568,049	52.0%

*Service Fee revenue lags by one month due to timing of billing.

<i>Utility Fund Expenditures</i>	FY 2020/21 66.67% of Fiscal Year		
	Budget	Actuals	% to Date
Water Fund	\$ 44,033,189	\$ 26,995,541	61.3%
Wastewater Fund	\$ 22,166,607	\$ 12,655,453	57.1%
Solid Waste Management Fund	\$ 41,838,851	\$ 31,548,466	75.4%
Grand Total	\$ 108,038,647	\$ 71,199,460	65.9%

FY 2020/21 Year to Date Update

With COVID-19's prolonged impact to businesses (e.g., moving to work from home scenarios, reduced capacity, etc.), the City is closely monitoring utility service fees. It's also important to note that these fees lag as the City bills two months in arrears and a year-end accrual occurs to true this up.

To date, at 58.3% of the fiscal year (for utility billing), Water revenues are near the benchmark at 56.2% with metered water sales and recycled water fees trending high for this point in the fiscal year. For the Wastewater Fund, sewer revenues are on par with this time of the year at 55.9%. Solid Waste Fees continue to trend low at 49.7% as businesses are holding and/or reducing service due to the ongoing pandemic. Solid waste fees are expected to remain sensitive through the fiscal year, though as restrictions ease and the economy begins to reopen, we anticipate a related demand for service.

As with other funds, salary and benefit operating expenditures tend to trend more evenly during the fiscal year due to regular payroll costs while timing of Operations & Maintenance costs can vary. Water salary costs are trending at 61.1%, which is slightly lower than the payroll benchmark of 66.7% of the fiscal year. The cost to purchase water, this fund's largest expense, is trending at 61.4%, which is below the accounting benchmark of 66.7% of the fiscal year. Water consumption typically increases as the weather warms in the spring, and expenditures are expected to closely align with budget by the end of the fiscal year. Wastewater salary costs are trending at 65.3%, near the accounting benchmark of 66.7% for the fiscal year. Solid Waste salary costs are trending slightly low for this point in time at 62.9%. Transfer and Landfill costs have been recorded in advance for the full fiscal year and therefore, are trending near 100%.

Utility delinquencies have increased compared to prior years due to the COVID-19 pandemic. The delinquency rate is down slightly from the prior quarter's collection rate of 96.4% to 95.2% for delinquent balances over 80 days and a collection rate of 89.6% when all delinquent balances are considered. Due to a state mandate preventing discontinuation of water service for non-payment, some customers who have not paid since the beginning of the pandemic are accruing increasingly large balances. Staff has opened a conversation with Sunnyvale Community Services to use donation funds to assist these customers and we continue outreach efforts to see how customers might begin to start paying again, such as with alternative payment arrangements.

FISCAL IMPACT

The quarterly financial analysis discussed in this report is informational.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Receive and file the FY 2020/21 Third Quarter Budget Update
2. Other action as determined by Council

STAFF RECOMMENDATION

Alternative 1: Receive and file the FY 2020/21 Third Quarter Budget Update

Prepared by: Felicia Silva, Budget Manager

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



City of Sunnyvale

Agenda Item

21-0003

Agenda Date: 4/6/2021

REPORT TO COUNCIL

SUBJECT

Discussion and Direction Regarding Amendments to Sunnyvale Municipal Code Section 2.28.030 Related to In-Lieu Petitions for Publication Costs of City Council Candidate Statements

BACKGROUND

At the March 3, 2020 election, Sunnyvale voters approved Measure B, changing the Sunnyvale electoral system from seven at-large Councilmembers to a system with six district-based Councilmembers and a Mayor elected at-large. The November 3, 2020 Election was the first election held under the new system, with voters registered in Districts 2, 4 and 6 eligible to vote for a candidate from their respective district and all Sunnyvale voters eligible to vote for Mayor.

Sunnyvale Municipal Code (SMC) section 2.28.030 currently allows candidates for City Council to obtain a subsidy for the cost of publishing a candidate statement for a local election. Pursuant to this SMC section, the City pays the full cost of publishing a candidate statement for any candidates who submit 250 or more signatures, verified by the registrar of voters. Candidates submitting less than 250 verified signatures are eligible for a pro-rated amount based on the number of verified signatures.

On June 9, 2020, Council adopted Resolution No. 998-20 (Attachment 1) waiving the signature gathering requirement in SMC Section 2.28.030 and providing for the City to cover publication costs of all City Council Candidate Statements for the November 2020 General Municipal Election due to the COVID-19 Emergency (RTC No. 20-0498).

On July 14, 2020, Council held a Study Session regarding local campaign finance, including a discussion of the requirements in SMC section 2.28.030 (RTC No. 20-0597). Key areas of discussion about SMC section 2.28.030 included the following comments and ideas:

- Setting the number of signatures required for a full subsidy of a District Councilmember at a number lower than the current 250, possibly 50 or 100 signatures.
- Requiring all candidates to pay a portion of the candidate statement cost, with the City subsidizing the remaining cost.
- Councilmembers noted a minimum of 20 valid signatures of registered voters are required by the California Elections Code to run for local office.

Based on the discussions held at the June 9 and July 14, 2020 Council meetings this Report is brought forward to facilitate a discussion of the issue of city-paid publication costs for candidate statements and possible direction to staff regarding amendments to Sunnyvale Municipal Code section 2.28.030.

EXISTING POLICY

Sunnyvale Municipal Code Section 2.28.030 (In lieu petitions for cost of candidate's statement) (Attachment 2).

ENVIRONMENTAL REVIEW

Consideration of and direction on amendments to SMC section 2.28.030 does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15378(b)(4) and 15378(b)(5) in that it is a fiscal and governmental organizational or administrative activity that will not result in direct or indirect changes in the environment and does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

DISCUSSION**1. Recent Elections and Subsidies Pursuant to SMC Section 2.28.030**

Nearly all candidates in the last four City Council elections have used the provisions of SMC section 2.28.030 to obtain a full or partial subsidy of the cost to publish Candidate Statements of Qualifications (additional information regarding these subsidies is contained in Attachment 3).

- For the August 2016 Special Council Election, the City subsidized 100% of the \$4,198 cost to publish two candidate statements.
- For the November 2016 Council Election, the City subsidized 63% of the \$16,281 cost to publish nine candidate statements.
- For the November 2018 Council Election, the City subsidized 95% of the \$11,964 cost to publish six candidate statements.
- For the November 2020 Council Election, the City waived the signature gathering requirement due to the COVID-19 emergency (Resolution No. 998-20) and subsidized 100% of the \$27,699 cost to publish 11 candidate statements.

2. Costs to Verify Signatures

In addition to paying the cost of any subsidy for which a candidate is determined to be eligible, the City also pays the costs for the Santa Clara County Registrar of Voters (ROV) to verify signatures submitted to determine a candidate's eligibility for the SMC section 2.28.030 subsidy. Verification costs are based on actual ROV staff time. For the 2020 election, the ROV estimated that the cost to verify approximately 250 signatures would range from \$3,414 to \$4,370. Resolution No. 998-20 waived the signature gathering requirements for the November 3, 2020 Election, which resulted in a savings of the costs the City would have normally incurred from the ROV to verify signatures on Petition-in-Lieu of Payment for Candidate's Statement of Qualifications forms. Requiring a lower number of signatures for a subsidy would reduce the City's cost for the ROV to verify submitted signatures.

3. Publication Costs for Candidate Statements in Other Jurisdictions

The subsidy for the cost to publish a Candidate Statement of Qualifications is available in several other municipalities in Santa Clara County. Attachment 4 to the report provides details of the various subsidies for candidate statements available to council candidates in Santa Clara County.

4. Options for Amending SMC 2.28.030 Regarding Candidate Statement Costs

As noted above, at meetings on June 9 and July 14, 2020, several Councilmembers expressed interest in reducing the number of signatures needed for City Council Candidates to receive a partial

or full subsidy from the City for the cost to publish a Candidate Statement of Qualifications now that Councilmembers are elected by districts instead of citywide. Other ideas were also briefly discussed. Options for updating SMC section 2.28.030 include, but are not limited to:

- (a) **Reducing the number of signatures required for council candidates in districts 1-6.** Some councilmembers noted that with the new district system, the number of signatures required should be lower than the 250 required when councilmembers were elected citywide. The Council could retain the current requirement of 250 signatures for the mayor, since that position is still elected on a citywide basis, and reduce the number required for district candidates. Dividing the current 250 signatures required for citywide election by six districts yields approximately 42 signatures as an option for full District Councilmembers candidate statement subsidies, but the Council could select any number it deems appropriate, including the 50-100 signatures suggested at the July 14, 2020 Council meeting.
- (b) **Eliminate the signature requirement and/or have the City pay all or a specific portion of the cost of the candidate statement.** The council could choose to amend the current ordinance to eliminate the signature requirement (which would save the city the costs of the ROV signature verification process) and either specify that the City will pay the full cost of candidate statements or a specified percentage or dollar amount.
- (c) **Eliminate City-paid subsidies for candidate statements.** As noted in Attachment 4, several cities in Santa Clara County do not provide any subsidy for candidate statement publication costs. The Council could repeal SMC section 2.28.030, which would then require candidates to cover the publication costs for their own statements.

FISCAL IMPACT

Modifying the signature gathering requirement associated with SMC section 2.28.030 (in lieu petitions for cost of candidate's statement) for Councilmembers elected by district so that the City may cover all or some costs for candidate statements in future elections is not anticipated to have a significant fiscal impact. The FY 2022/23 Budget includes a project for Bi-Annual Elections Costs in the amount of \$489,750. This amount was recommended to cover the cost of three District Councilmember elections, including a full subsidy of all Candidate Statements of Qualifications and potential for up to two ballot measures.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

ALTERNATIVES

Provide staff direction on whether and how the Council would like to modify the subsidy for City Council candidate statements. Options include but are not limited to:

1. Reducing the number of signatures required for council candidates in districts 1-6 to obtain a full subsidy.
2. Eliminate the signature requirement and/or have the City pay all or a specific portion of the cost of the candidate statement.
3. Eliminate City-paid subsidies for candidate statements.
4. Other direction as provided by Council.

STAFF RECOMMENDATION

Staff makes no recommendation. This report is developed to facilitate a conversation by the City Council. Staff will prepare and return with an Ordinance amending SMC section 2.28.030 to reflect any City Council direction from this discussion.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Resolution No. 998-20
2. Sunnyvale Municipal Code Section 2.28.030 In lieu petitions for cost of candidate's statement
3. Recent Candidate Statement Subsidies Pursuant to Sunnyvale Municipal Code (SMC) Section 2.28.030
4. Cities and Towns in Santa Clara County Subsidy of Council/Mayor Candidate Statements

RESOLUTION NO. 998-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE WAIVING THE SIGNATURE
GATHERING REQUIREMENT IN SUNNYVALE
MUNICIPAL CODE SECTION 2.28.030 AND PROVIDING
FOR THE CITY TO COVER PUBLICATION COSTS OF
CITY COUNCIL CANDIDATE STATEMENTS FOR THE
NOVEMBER 2020 GENERAL MUNICIPAL ELECTION DUE
TO THE COVID-19 EMERGENCY**

WHEREAS, Sunnyvale Municipal Code (SMC) section 2.28.030 (In-Lieu Petitions for Costs of Candidate Statements) contains a process that allows candidates for City Council to receive either a partial or full subsidy, determined based on the number of voter signatures gathered, up to 250 for a full subsidy, from the City for the cost to publish a Candidate Statement of Qualifications in the voter pamphlet; and

WHEREAS, the State of California, Santa Clara County, and City of Sunnyvale have been operating under a state of emergency since early March 2020, due to the COVID-19 outbreak. The State and Santa Clara County have issued public health orders designed to limit the spread of COVID-19 that prohibit gatherings and require, among other things, that non-essential workers stay home and that all individuals maintain a “social distance” from others of at least six feet and observe a variety of other conduct-related health measures such as wearing facial coverings, washing or cleansing hands frequently, and avoiding sharing personal items; and

WHEREAS, although jurisdictions throughout the state, including Santa Clara County, are in the process of a phased reopening, it is anticipated that measures such as limitations on gatherings, social distancing, and conduct-related health measures are likely to stay in place at various levels well into the summer months; and

WHEREAS, to promote the health, safety and welfare of the community, the City of Sunnyvale encourages its residents to comply with all health orders and recommendations to reduce the spread of COVID-19; and

WHEREAS, the City of Sunnyvale has an interest in promoting policies that encourage residents to comply with public health orders and recommendations to further the public health, safety, and welfare during the COVID-19 emergency; and

WHEREAS, the COVID-19 emergency presents challenges to candidates for the office of mayor and the office of the city council positions who wish to utilize the Petition-in-Lieu process described in SMC 2.28.030 because social distancing requirements and prohibitions on large gatherings are likely to make it more difficult for candidates to gather signatures needed for a full or partial subsidy of the cost to publish a candidate statement; and

WHEREAS, the November 2020 General Municipal Election is also the first election under Sunnyvale's new City Council district system, and the City consequently has a strong interest in promoting voter and candidate participation and information to the fullest extent possible. The City Council is concerned that costs to candidates associated with gathering the signatures would be greater during the COVID-19 emergency, therefore making it more challenging for some potential candidates considering running for office of the city council under the new district election system. By eliminating this potential increased cost to candidates, the City Council would be supporting the possibility that the COVID-19 situation would not deter potential candidates from deciding to run for office; and

WHEREAS, the City Council further finds that covering the full cost to publish all mayor and city council candidate statements for the November 2020 General Municipal Election is not likely to be a significant cost to the City beyond the amount currently budgeted; and

WHEREAS, the City Council therefore finds that waiving the requirements of SMC 2.28.030 and providing for the City to pay the cost of publishing any candidate statement appropriately submitted by candidates for mayor or city council for the November 2020 General Municipal Election is desirable and appropriate in light of the COVID-19 emergency and the City's interest in promoting public health and slowing the spread of COVID-19.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The requirements of Sunnyvale Municipal Code section 2.28.030 (In-Lieu Petitions for Costs of Candidate Statements) are hereby waived and suspended for candidates for City Council and Mayor positions for the November 2020 General Municipal Election.
2. For the November 2020 General Municipal Election, the City of Sunnyvale shall pay the full cost to publish all candidate statements timely and appropriately submitted by any candidate for the office of the mayor or office of the city council, without regard to whether such candidates have submitted signatures as required by Sunnyvale Municipal Code section 2.28.030.

Adopted by the City Council at a regular meeting held on June 9, 2020, by the following vote:

AYES: KLEIN, SMITH, LARSSON, HENDRICKS, MELTON, GOLDMAN, FONG
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:



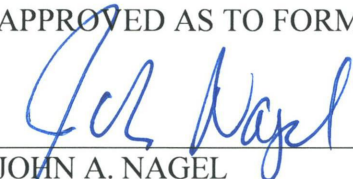
DAVID CARNAHAN
City Clerk
(SEAL)

APPROVED:



LARRY KLEIN
Mayor

APPROVED AS TO FORM:



JOHN A. NAGEL
City Attorney

Sunnyvale Municipal Code

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[Title 2. ADMINISTRATION AND PERSONNEL](#)
[Chapter 2.28. ELECTIONS](#)

2.28.030. In lieu petitions for cost of candidate's statement.

Each candidate filing a statement must pay in advance his or her estimated pro rata share of the total cost of printing, handling, translating, and mailing the candidate's statement as a condition of having his or her statement included in the voter's pamphlet. A candidate for the office of the city council may submit a petition containing signatures of registered voters in lieu of paying all or a portion of the costs of the candidate's statement assessed pursuant to Section 13307 of the [Elections Code](#) of the state of California as follows:

(a) In the event a candidate submits a petition containing not less than two hundred fifty valid signatures, then the city shall assume the entire cost of that candidate's statement and the candidate shall not be liable for payment of any of the costs thereof assessed pursuant to Section 13307 of the [Elections Code](#). In the event a candidate submits a petition containing less than two hundred fifty valid signatures, that candidate shall be given a credit toward the cost of the candidate's statement assessed pursuant to Section 13307 of the [Elections Code](#) of a pro rata amount for each valid signature contained in the petition. The pro rata amount shall be approximately 1/250th of the cost of the candidate's statement, rounded to the nearest whole dollar amount. In the event the total credit allowed to a candidate is less than the cost of the candidate's statement assessed pursuant to Section 13307 of the [Elections Code](#), then the candidate shall be responsible for the remainder of the cost. In the event the total credit allowed equals or exceeds the actual cost of the statement, whether or not two hundred fifty valid signatures have been obtained, the candidate shall be relieved of any obligation for the cost of the statement. In no event shall the city make any payment to a candidate or in any way become obligated to a candidate by reason of the fact that the credit calculated may exceed the actual cost of the statement.

(b) Except as otherwise provided in this section, any registered voter may sign an in lieu petition for any candidate for whom he or she is eligible to vote.

(c) A registered voter may not sign in lieu petitions for more than one candidate for any city council seat. A registered voter may sign in lieu petitions for more than one city council candidate; provided that they are not candidates for the same city council seat. If a registered voter signs in lieu petitions for more than one candidate for any city council seat, the voter's signature shall be valid only on the petition which is filed first in time with the city clerk.

(d) A registered voter may, but is not obligated, to sign both a candidate's nomination papers and an in lieu petition for that candidate. Any voter desiring to sign both a candidate's nomination papers and in lieu petition shall be obligated to sign each separately. The signing of one by a voter shall not be deemed automatically to constitute the signing of the other.

(e) A candidate may only obtain nomination papers for one council seat at a time. If papers are obtained for one council seat and they decide to run for a different council seat, the papers obtained for the initial seat must be returned before the other papers are obtained. The city clerk shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. The city clerk shall fill in the name of the candidate, the election date, and the office being filed for on all pertinent election forms. The forms may be issued at the time a candidate is issued nomination papers for the office of city council, or at any time after such issuance and before such nomination papers are filed with the city clerk. The in lieu petition shall be filed by the candidate with the city clerk at the time the nomination papers for that candidate are filed. The entire in lieu petition, and all pages thereof, shall be filed at one time with the nomination papers. A candidate shall not be entitled to file additional signatures either prior to or subsequent to the time of filing of the nomination papers.

(f) The petition shall be in such form as may be prescribed by the city clerk. Candidates shall utilize the forms provided by the city clerk. No forms prepared by the city clerk shall be altered. If a form is altered, it shall not be accepted for filing. Collection of signatures is not considered to be an alteration of a form.

(g) As soon as is practicable following filing of in lieu petitions, the city clerk shall examine such petitions, or cause such petitions to be examined, for the purpose of determining the number of valid signatures thereon. Upon completing examination of all petitions for the various candidates, the city clerk shall give written notice to each candidate of the number of valid signatures contained in the petition submitted by that candidate and the total credit which the candidate

will be allowed toward the cost of the statement. Each candidate may submit more than two hundred fifty signatures to allow for subsequent losses due to invalidity of some signatures. The clerk shall not be required to determine the validity of more than two hundred fifty signatures. Candidates shall not be allowed additional time in which to collect supplemental signatures in the event the number of valid signatures is less than two hundred fifty.

(h) For the purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the Secretary of State pursuant to Section 2187 of the [Elections Code](#) prior to the first day on which petitions are available.

(i) If the number of signatures affixed to an in lieu petition filed pursuant to this section is one hundred or more, the city clerk may use a random sampling technique for the verification of signatures as set out in Section 8084 of the [Elections Code](#). (Ord. 3152-19 § 1; Ord. 2691-02 § 1; Ord. 2065-83 § 1).

View the [mobile version](#).

Recent Candidate Statement Subsidies Pursuant to Sunnyvale Municipal Code (SMC)Section 2.28.030

November 2020 Election

Candidate	Subsidy	Verified signatures	Candidate Cost	City Cost
Mayor				
Michael Goldman	Full*	n/a	\$0	\$2,769
Larry Klein	Full*	n/a	\$0	\$2,769
Nancy Smith	Full*	n/a	\$0	\$2,769
District 2				
Alysa Cisneros	Full*	n/a	\$0	\$2,411
Josh Frossman	Full*	n/a	\$0	\$2,411
Hina Siddiqui	Full*	n/a	\$0	\$2,411
District 4				
Paul Lesevic	Full*	n/a	\$0	\$2,452
Russ Melton	Full*	n/a	\$0	\$2,452
District 6				
Omar Din	Full*	n/a	\$0	\$2,419
Leia Mehlman	Full*	n/a	\$0	\$2,419
Charlotte Thornton	Full*	n/a	\$0	\$2,419

* Resolution No. 998-20 waived the signature gathering requirement in SMC Section 2.28.030 for the November 2020 Election.

\$0 **\$27,699**
0.00% **100.00%**

November 2018 Election

Candidate	Subsidy	Verified signatures	Candidate Cost	City Cost
Hendricks, Glenn	Full	250	\$0	\$1,994
Fong, Mason	Partial	215	\$279	\$1,715
Cordes, John	Full	250	\$0	\$1,994
Grossman, Joshua	Full	250	\$0	\$1,994
Alexander, Henry	Partial	215	\$279	\$1,715
Larsson, Gustav	Full	250	\$0	\$1,994

\$558 **\$11,406**
4.67% **95.33%**

November 2016 Election

Candidate	Subsidy	Verified signatures	Candidate Cost	City Cost
Banks, Ron	No Statement	n/a	\$0	\$0
Cordes, John	Partial	248	\$17	\$1,792
Davis, Jim	Partial	245	\$42	\$1,767
Goldman, Michael	Partial	54	\$1,664	\$145
Klein, Larry	Partial	229	\$178	\$1,631
Martin-Milius, Tara	Full	250	\$0	\$1,809
McCarthy, Michael	Partial	20	\$1,953	-\$144
Melton, Russ	Partial	82	\$1,427	\$382
Meyering, Pat	Full	250	\$0	\$1,809
Smith, Nancy	Partial	159	\$773	\$1,036
			\$6,054	\$10,227
			37.18%	62.82%

August 2016 Election

Candidate	Subsidy	Verified signatures	Candidate Cost	City Cost
Cordes, John	Full	250	\$0	\$2,099
Klein, Larry	Full	250	\$0	\$2,099
Williams, Stephen	No Statement	n/a	\$0	\$0
			\$0	\$4,198
			0.00%	100.00%

Cities and Towns in Santa Clara County Subsidy of Council/Mayor Candidate Statements

Jurisdiction	City/Town Subsidy of Candidate Statements
City of Campbell	Partial subsidy; candidate pays \$300.
City of Cupertino	No subsidy.
City of Gilroy	Partial subsidy; candidate pays 50%.
City of Los Altos	No subsidy.
Town of Los Altos Hills	Full subsidy.
Town of Los Gatos	No subsidy.
City of Milpitas	No subsidy.
City of Monte Sereno	No subsidy.
City of Morgan Hill	No subsidy.
City of Mountain View	Partial subsidy, if candidate agrees to voluntary expenditure limit; candidate pays \$500.
City of Palo Alto	Full subsidy.
City of San Jose	No subsidy.
City of Santa Clara	Partial subsidy, if candidate agrees to voluntary campaign expenditure limit; candidate pays half.
City of Saratoga	No subsidy.
City of Sunnyvale	Full subsidy with 250 verified signatures or partial subsidy with fewer than 250 verified signatures.



City of Sunnyvale

Agenda Item

21-0450

Agenda Date: 4/6/2021

REPORT TO COUNCIL

SUBJECT

REQUEST FOR CONTINUANCE TO MAY 4, 2021

Introduce an Ordinance Making Minor Amendments to Chapters 19.18 (Residential Zoning Districts), 19.20 (Commercial Zoning Districts), and 19.79 (Accessory Dwelling Units) of the Sunnyvale Municipal Code and Amending Chapter 19.98 (General Procedures) of the Sunnyvale Municipal Code to Create a Procedure for Appealing Incompleteness Determinations, Adopt a Resolution to Amend the 2020/21 Citywide Fee Schedule Related to Appeals to Planning Commission, and Find that these Actions are Exempt from CEQA

REPORT IN BRIEF

Staff is requesting additional time to complete the internal analysis of the proposed Ordinance.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

This continuance to a date certain serves as a notice to the public.

As of the date of staff report preparation, staff has received no comments from members of the public.

STAFF RECOMMENDATION

Open the public hearing and continue to the City Council meeting of May 4, 2021.

Prepared by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



City of Sunnyvale

Agenda Item

21-0424

Agenda Date: 4/6/2021

Tentative Council Meeting Agenda Calendar



City of Sunnyvale

Tentative Council Meeting Agenda Calendar

Tuesday, April 20, 2021 - City Council

Closed Session

- 21-0398** CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION Closed
Session held pursuant to California Government Code Section 54956.9 (d)
(1). Name of Case: Michael Laurent v. City of Sunnyvale, Santa Clara County
Superior Court, Case No. 19CV355846

Study Session 21-0321

6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Tasman Drive Complete Street Corridor Study Update by Valley
Transportation Authority

Special Order of the Day

- 21-0349** SPECIAL ORDER OF THE DAY - Asian Pacific American Heritage Month
- 21-0390** SPECIAL ORDER OF THE DAY - Affordable Housing Month

Public Hearings/General Business

- 21-0066** Housing Strategy: Update and Discussion on Sunnyvale Mobile Home Park
Memorandum of Understanding
- 21-0378** Designation of a Project Alternative for the Purposes of Environmental Impact
Report (EIR) of Mary Avenue Overcrossing under the California Environmental
Quality Act (CEQA); Approve Budget Modification No. XX in the Amount of
\$295,092 from the Transportation Impact Fee funds; and Increase the
Kimley-Horn and Associates contract from \$734,465 to \$982,730.
- 21-0377** Proposed Project:
GENERAL PLAN AMENDMENT INITIATION (GPI): Request to initiate
amendment of the Lakeside Specific Plan to modify timing requirement for
hotel
Location: 1250 Lakeside (APNs: 216-43-014, -016, -017, -037, -038, -039
and -040)
File #: 2021-7118
Zoning: Lakeside Specific Plan
Applicant / Owner: Steve Curtin (applicant) / Sunnyvale Partners Ltd Co.
(owner)
Environmental Review:

Project Planner: George Schroeder, (408) 730-7443,
gschroeder@sunnyvale.ca.gov

- 21-0208** Award Two Contracts to Zanker Road Resource Management, Ltd and Sustainable Organic Solutions, LLC for Organic Material Processing at the SMaRT Station® (F21-024)

Tuesday, May 4, 2021 - City Council

Study Session

- 21-0024** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Cultural Inclusion Study and Plan

Special Order of the Day

- 21-0350** SPECIAL ORDER OF THE DAY - Public Works Week
- 21-0388** SPECIAL ORDER OF THE DAY - Municipal Clerks Week
- 21-0389** SPECIAL ORDER OF THE DAY - Nurses Week

Public Hearings/General Business

- 21-0082** SMaRT MOU with Mountain View
- 21-0070** Consider 2021 HUD Annual Action Plan
- 21-0234** Public Hearing to Adopt a Resolution Confirming the Annual Report to Levy and Collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District (BID) for Fiscal Year 2021/22
- 21-0343** CONTINUED FROM APRIL 6, 2021
Introduce an Ordinance to Amend Chapter 19.18 (Residential Zoning Districts), Chapter 19.20 (Commercial Zoning Districts), Chapter 19.26 (Combining Districts) and Chapter 19.79 (Accessory Dwelling Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code

Monday, May 10, 2021 - City Council

Study Session

- 21-0115** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews

Tuesday, May 11, 2021 - City Council

Study Session

- 21-0114** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Board and Commission Interviews

Thursday, May 20, 2021 - City Council

Workshop

21-0116 8:30 A.M. SPECIAL COUNCIL MEETING (Workshop)
Budget Workshop

Tuesday, May 25, 2021 - City Council

Closed Session

21-0442 Closed Session Held Pursuant to California Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

Public Hearings/General Business

21-0117 Board and Commission Appointments

21-0363 Moffett Park Specific Plan Land Use Alternatives

Tuesday, June 8, 2021 - City Council

Special Order of the Day

21-0118 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

21-0351 SPECIAL ORDER OF THE DAY - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month

Public Hearings/General Business

21-0212 Annual City Council Public Hearing on FY 2021/22 Budget and Resource Allocation Plan and Establishment of Appropriations Limit and Sunnyvale Financing Authority Public Hearing on FY 2021/22 Budget

21-0037 Approval of the 2020 Urban Water Management Plan

21-0086 Ordinance Updates for Mandatory Organics Collection Regulation (SB 1383).

Tuesday, June 15, 2021 - City Council

Public Hearings/General Business

21-0090 Proposed Utility Rate Increases for FY 2021/22 Rates for Water, Wastewater, and Solid Waste Utilities for Services Provided to Customers Within and

Outside City Boundaries; Finding of CEQA Exemption Pursuant to Public Resource Code Section 21080(b)(8) and CEQA Guidelines Section 15273

21-0091 Adopt a Resolution to Cause Charges for Non-Payment of Delinquent Utility Charges to be placed on the FY 2021/22 County of Santa Clara Property Tax Roll

21-0213 City Council Adoption of the FY 2021/22 Budget, Fee Schedule and Appropriations Limit, and Sunnyvale Financing Authority Adoption of the FY 2021/22 Budget

Tuesday, June 29, 2021 - City Council

Special Order of the Day

21-0352 SPECIAL ORDER OF THE DAY - Parks and Recreation Month

Public Hearings/General Business

21-0074 Housing Strategy Implementation: Consider Draft Mobile Home Park Memorandum of Understanding

21-0420 Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Assessment, and Levy and Collect an Annual Assessment for The Downtown Parking Maintenance District for Fiscal Year 2021/22

Tuesday, July 13, 2021 - City Council

Public Hearings/General Business

21-0072 Introduce an Ordinance to amend Chapter 19.77 "Inclusionary Below Market Rate Rental Housing" and 19.69 "Below Market Rate Ownership Housing" in Title 19 ("Zoning") of the Sunnyvale Municipal Code to modify the City's Inclusionary Housing Programs

21-0443 Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY 2021/22 County of Santa Clara Property Tax Roll, and Find that this Action is Exempt from CEQA

Tuesday, July 27, 2021 - City Council

Public Hearings/General Business

21-0120 Agenda Items Pending - to be scheduled

Tuesday, August 10, 2021 - City Council

Special Order of the Day

21-0438 SPECIAL ORDER OF THE DAY - Department of Public Safety Special

Awards

Public Hearings/General Business

21-0201 Second Quarter General Plan Initiation Requests

Tuesday, August 17, 2021 - City Council

Study Session

21-0161 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews (as needed)

Tuesday, August 31, 2021 - City Council

Study Session

21-0023 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Administrative Fee and Revenue Policy

Special Order of the Day

21-0353 SPECIAL ORDER OF THE DAY - Library Card Sign-Up Month

Public Hearings/General Business

21-0162 Board and Commission Appointments (as needed)

Tuesday, September 14, 2021 - City Council

Study Session

21-0048 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Consider the Creation of a Formal Process for City Council Colleague
Memorandums (Study Issue)

Special Order of the Day

21-0164 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and
Commission Members (as needed)

21-0354 SPECIAL ORDER OF THE DAY - Hispanic Heritage Month

21-0355 SPECIAL ORDER OF THE DAY - POW/MIA Recognition Day

Public Hearings/General Business

21-0163 Agenda Items Pending - to be scheduled

Tuesday, September 28, 2021 - City Council

Special Order of the Day

21-0356 SPECIAL ORDER OF THE DAY - Breast Cancer Awareness Month

21-0357 SPECIAL ORDER OF THE DAY - Active Aging Week and Arts and Humanities Month

Public Hearings/General Business

21-0166 Agenda Items Pending - to be scheduled

Tuesday, October 12, 2021 - City Council

Study Session

21-0204 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Creation of a Human Relations Commission (Study Issue)

Special Order of the Day

21-0358 SPECIAL ORDER OF THE DAY - Freedom from Workplace Bullying Week

Public Hearings/General Business

21-0167 Agenda Items Pending - to be scheduled

Tuesday, October 26, 2021 - City Council

Public Hearings/General Business

21-0168 Agenda Items Pending - to be scheduled

Tuesday, November 9, 2021 - City Council

Public Hearings/General Business

21-0202 Third Quarter General Plan Initiation Requests

Tuesday, November 16, 2021 - City Council

Study Session

21-0170 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews (as needed)

Special Order of the Day

21-0359 SPECIAL ORDER OF THE DAY - Picture Book Month

21-0360 SPECIAL ORDER OF THE DAY - Small Business Saturday

Tuesday, November 30, 2021 - City Council

Public Hearings/General Business

21-0172 Board and Commission Appointments (as needed)

Tuesday, December 7, 2021 - City Council

Special Order of the Day

21-0174 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members (as needed)

Public Hearings/General Business

21-0175 Agenda Items Pending - to be scheduled

Tuesday, December 14, 2021 - City Council

Study Session

21-0186 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Discussion of Upcoming Selection of Vice Mayor

Public Hearings/General Business

21-0176 Agenda Items Pending - to be scheduled

Tuesday, January 4, 2022 - City Council

Special Order of the Day

21-0187 SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor

Public Hearings/General Business

21-0189 Selection of Vice Mayor for a One-Year Term Effective January 4, 2022

21-0190 Determine the 2022 Seating Arrangements for City Council

21-0276 Appoint Councilmembers to Intergovernmental Assignments; Ratify Appointments of Councilmembers made by Outside Agencies; Take Action to Modify, Create, or Terminate Council Subcommittees

Tuesday, January 25, 2022 - City Council

Special Order of the Day

21-0188 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Vice Mayor

Public Hearings/General Business

21-0278 Annual Public Hearing-Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2022

21-0279 Approve the Proposed 2022 Priority Advocacy Issues and Review Long-term Legislative Advocacy Positions (LAPs)

Thursday, January 27, 2022 - City Council

Workshop

21-0179 8:30 A.M. SPECIAL COUNCIL MEETING (Workshop)
Strategic Planning Workshop

Tuesday, February 1, 2022 - City Council

Public Hearings/General Business

21-0203 Fourth Quarter General Plan Initiation Requests

Tuesday, February 8, 2022 - City Council

Study Session

21-0181 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews (as needed)

Tuesday, February 15, 2022 - City Council

Public Hearings/General Business

21-0182 Board and Commission Appointments (as needed)

Thursday, February 17, 2022 - City Council

Workshop

21-0183 8:30 A.M. SPECIAL COUNCIL MEETING (Workshop)
Budget Issues and Study Issues Workshop

Date to be Determined - City Council

Public Hearings/General Business

21-0030 El Camino Real Specific Plan

21-0050 Adopt Updated Lawrence Station Area Plan and Related Actions

- 21-0053** Moffett Park Specific Plan: Selection of a Preferred Land Use for Study
- 21-0065** Approval of Assessment of Fair Housing Plan



City of Sunnyvale

Agenda Item

21-0425

Agenda Date: 4/6/2021

Board/Commission Meeting Minutes



City of Sunnyvale

Meeting Minutes - Draft

Arts Commission

Wednesday, March 17, 2021

7:00 PM

Telepresence Meeting: City Web Stream

TELECONFERENCE NOTICE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

CALL TO ORDER

Chair Eskridge called the meeting to order at 7:03 p.m. via teleconference.

ROLL CALL

Present: 3 - Chair Dawna Eskridge
Commissioner Susannah Vaughan
Commissioner Agnes Veith
Absent: 2 - Vice Chair Sue Serrone
Commissioner Jeremie Gluckman

Commissioner Gluckman's absence is unexcused.

Vice Chair Serrone's absence is excused.

Council Liaison Klein (Present)

PRESENTATION

A [21-0336](#) Hands on the Arts Festival (Project Scope)

Michele-Bridget Ragsdale, Recreation Services Coordinator II, provided a presentation on the Hands on the Arts Festival. Highlights included: plan to have festival as a drive-through event, map detailing driving route, performances/artists, supply bag pickup, inquiry for Commissioner participation, date, price and advertising materials.

Commissioners inquired and staff responded:

Can families participate if they cannot afford the ticket price? Yes, families that

apply and are approved in our fee waiver program receive funds to use on recreation programs and events.

As the event would be appointment based, is there a plan for families that do not attend during their designated time? The event will be setup in a way to spread out attendance, early and late visitors will be accommodated.

B [21-0265](#) Study Issue Update (Citywide)

Ricky Le, Administrative Aide, provided a presentation on Study Issues Update. Highlights included: results of study issues workshop, timeline for feedback by the City Manager, and 2021 budget workshop date.

ORAL COMMUNICATIONS

Chair Eskridge opened oral communications and there was no public testimony, closed oral communications

CONSENT CALENDAR

Commissioner Vaughan moved and Commissioner Veith seconded the motion to approve the consent calendar as presented.

The motion carried by the following vote:

Yes: 3 - Chair Eskridge
 Commissioner Vaughan
 Commissioner Veith

No: 0

Absent: 2 - Vice Chair Serrone
 Commissioner Gluckman

1 [21-0266](#) Approve the Arts Commission Meeting Minutes of January 20, 2021

Approve the Arts Commission Minutes of January 20, 2021 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [21-0391](#) Approve Art in Private Development Project - Sunrise Assisted Living/581-583 Fremont Avenue

Kristin Dance, Recreation Services Coordinator II, introduced the Arts in Private Development Project - Sunrise Assisted Living/581-583 Fremont Avenue.

David Austin, Art Consultant for Sunrise Senior Living, and Michael Kalish, Artist, provided detailed information regarding the project. Highlights included: background of site, proposed art piece, scale, related projects and maintenance.

Commissioners inquired and artist responded.

Will the sculpture provide shade and have seated areas underneath? Yes, benches will be installed.

Does the artist work with recycled materials? Yes, but this particular project would require materials with greater structural integrity.

Can solar panels be incorporated in the project? Pending budget, yes. Art Consultant will speak with Sunrise to pitch idea.

Commissioner Vaughan moved and Commissioner Veith seconded the motion to approve the Art in Private Development Project - Sunrise Assisted Living/581-583 Fremont Avenue.

The motion carried by the following vote:

Yes: 3 - Chair Eskridge
Commissioner Vaughan
Commissioner Veith

No: 0

Absent: 2 - Vice Chair Serrone
Commissioner Gluckman

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

3 [21-0267](#) Arts Commission Proposed Study Issues, Calendar Year: 2022

Standing item. No study issues approved in previous meeting were proposed.

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Commissioner Veith informed the Arts Commission that she has been in contact with the Heritage Preservation Commission to provide a presentation on Sunnyvale's history at our April or August commission meeting dates.

Commissioner Vaughan mentioned that the month of March is recognized as Women's History Month and would like to acknowledge women's art pieces.

Commissioners notified staff that they would like to assist with the Hands on the Arts Festival preparation.

-Staff Comments

Trenton Hill, Community Services Manager, and Kristin Dance provided an update to Commissioners regarding next steps for selecting upcoming public art projects, distribution of Call for Artists for the Civic Center project and Utility Box program, Washington Swim Center sculptures, Fair Oaks project, Public Art website, and plan to distribute a quarterly newsletter.

ADJOURNMENT

Chair Eskridge adjourned the meeting at 8:13 p.m.



City of Sunnyvale

Agenda Item

21-0426

Agenda Date: 4/6/2021

Information/Action Items

Information/Action Items - Council Directions to Staff

Date Requested	Directive/Action Required	Dept	Due Date	Completed
2/7/19	Produce quarterly report on staff vacancies and include, actual staff total numbers for each department, including part-time positions.	HRD	Apr 2021	
5/21/20	Provide a quarterly status report of vacant positions that were frozen	OCM	Apr 2021	
12/8/20	Provide clarity on any conflict of interest when voting on the MOU/Accord if a Councilmember lives in a mobile home park.	OCA	Mar 2021	
2/23/21	Include in the budget workshop an update on CIP projects costs and include how we are using the money that we have and potential impacts on increased costs for the solid waste fund.	FIN	May 2021	
2/23/21	Provide a separate project for the new cleanwater project reserve fund.	FIN	May 2021	
2/23/21	Schedule a study session to discuss homeless in Sunnyvale during COVID-19.	OCM	Apr 2021	4/6/21
3/30/21	Communicate with Sunnyvale Business Park and provide update to Council on the status of the parking situation in the area both Pre and Post COVID.	DPW		
3/30/21	Engage with Valley Water on Recycled water and provide Council with an update.	ESD		
3/30/31	Place Resolutions that support AAPI and the Statement of Values on the City website so that it is easily accessible to the public	OCM		

New Study/Budget Issues Sponsored by Council

Date Requested	Study/Budget Issue Topic	Requested By	Dept	Approved by City Manager
	N/A			

Initial Sponsor in **Bold**.

Following approval by the City Manager, study issues papers are posted to:

<https://sunnyvale.ca.gov/government/council/study/studyissues.htm>

Printed on 4/1/2021



City of Sunnyvale

Agenda Item

21-0150

Agenda Date: 4/6/2021

REPORT TO COUNCIL

SUBJECT

Board/Commission Resignation (Information Only)

BACKGROUND AND DISCUSSION

This report is to inform the Council of the following resignation from a City commission.

John Cordes, who was appointed to the Bicycle and Pedestrian Advisory Commission on July 1, 2018 and serving a term to expire June 30, 2022, has submitted a letter of resignation from the Commission, effective June 30, 2021.

Administrative Policy, Chapter 1, General Management, Article 15 Boards and Commissions, Section 2, Subdivision 8 states that when a resignation letter is received, staff shall prepare an Information Only Report to Council that indicates the resignation(s) and specifies the process that staff recommends to fill the new vacancy.

The Bicycle and Pedestrian Advisory Commission vacancy will be included in the upcoming recruitment process for July 2021 appointments. The application deadline for this recruitment is April 30, with interviews tentatively scheduled for May 10 and 11, and appointments on May 25.

With this resignation, the recruitment includes the following vacancies:

- Arts Commission (2)
- Bicycle and Pedestrian Advisory Commission (3)
- Board of Building Code Appeals (2)
- Board of Library Trustees (1)
- Heritage Preservation Commission (1)
- Housing and Human Services Commission (4)
- Parks and Recreation Commission (2)
- Personnel Board (1)
- Planning Commission (1)
- Sustainability Commission (2)

EXISTING POLICY

Administrative Policy, Chapter 1, General Management, Article 15 Boards and Commissions

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

Prepared by: David Carnahan, City Clerk
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager