



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, September 27, 2022

5:30 PM

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

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**Special Meeting: Closed Session - 5:30 p.m. | Regular Meeting - 7 PM | Regular Meeting:  
Sunnyvale Financing Authority - 7 PM (or soon thereafter)**

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

### Special Teleconference Notice

*Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale City Council will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed August 30 2022)*

### Public Participation

- *Teleconference participation: You may provide audio public comment by connecting to the teleconference meeting online or by telephone. Use the Raise Hand feature to request to speak (\*9 on a telephone):*

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

*Meeting call-in telephone number: 833-548-0276 | Meeting ID: 961 1158 0540  
(\*9 to request to speak | \*6 to unmute/mute)*

- *Watch the City Council meeting at <http://youtube.com/SunnyvaleMeetings> or on television over Comcast Channel 15, AT&T Channel 99*
- *Submit written comments to the City Council no later than 4 hours prior to the meeting start to [council@sunnyvale.ca.gov](mailto:council@sunnyvale.ca.gov) or by mail to:  
City Clerk, 603 All America Way, Sunnyvale, CA 94086*
- *Review recordings of this meeting and past meetings at  
<https://sunnyvaleca.legistar.com/calendar.aspx> or  
<http://youtube.com/SunnyvaleMeetings>*

**Accessibility/Americans with Disabilities Act (ADA) Notice**

*Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance to provide public comment, or for other special assistance; please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. The Office of the City Clerk may be reached at 408-730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) (28 CFR 35.160 (b) (1)).*

**5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)****Call to Order**

*Call to Order via teleconference.*

**Roll Call****Public Comment**

*The public may provide comments regarding the Closed Session item(s). If you wish to address the Council, please refer to the notice at the beginning of this agenda. Closed Sessions are not open to the public.*

**Convene to Closed Session****Adjourn Special Meeting**

- A**     [22-0889](#)     Closed Session Held Pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Tina Murphy, Director of Human Resources  
Employee organization: Service Employees International Union (SEIU)
- B**     [22-0890](#)     CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION Closed Session held pursuant to California Government Code Section 54956.9(d)(1). Name of case: Jane Doe v. The City of Sunnyvale, The City of Sunnyvale Department of Public Safety, Joel Lockwood, Santa Clara County Superior Court, Case No. 22CV399041

**7 P.M. COUNCIL MEETING**

*Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.*

**CALL TO ORDER**

*Call to Order via teleconference.*

**ROLL CALL****CLOSED SESSION REPORT****SPECIAL ORDER OF THE DAY**

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

D     [22-0967](#)           Breast Cancer Awareness Month

**ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address the City Council on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Mayor) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Council to take action on an item not listed on the agenda. If you wish to address the Council, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.*

**CONSENT CALENDAR**

*All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please refer to the notice at the beginning of this agenda.*

1.A   [22-0709](#)           Approve City Council Meeting Minutes of September 13, 2022

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

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

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

- 1.C [22-0186](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

**Recommendation:** Approve the list(s) of claims and bills.

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

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

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

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

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

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

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



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

- Recommendation:**
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$388,611.50 to Tennyson Electric, Inc. of Livermore;
  - Make a finding of categorical exemption from the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15302(c);
  - Authorize the City Manager to execute the contract when all necessary conditions have been met; and
  - Approve a 10% contingency in the amount of \$38,861.

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

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

- 1.I     [22-0544](#)     Adopt a Resolution Acknowledging Receipt of a Report from the Department of Public Safety Regarding Annual Fire and Life Safety Inspections Pursuant to Sections 13146.2 Through 13146.4 of the California Health and Safety Code

- Recommendation:** Adopt a Resolution acknowledging receipt of a report from the Department of Public Safety regarding annual Fire and Life Safety Inspections pursuant to Sections 13146.2 through 13146.4 of the California Health and Safety Code.

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

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

- 1.K     [22-0838](#)     Adopt a Resolution Extending the City's Declaration of Local Emergency for COVID-19

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

- 1.L     [22-0913](#)     Reconsider and Affirm Resolution No. 1089-21; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the City Council and Boards, Commissions and Council Subcommittees During the COVID-19 State of Emergency

**Recommendation:** Affirm Resolution 1089-21; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the City Council and Boards, Commissions and Council Subcommittees during the COVID-19 State of Emergency:

1. The City Council hereby finds that the state of emergency conditions related to COVID-19, as set forth in Resolution No. 1139-22 adopted on August 9, 2022 and incorporated herein by reference, are on-going;
2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

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

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

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

### Economic Interests to Correct a Typographical Error

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

### **ADJOURNMENT TO REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY**

### **7 P.M. (OR SOON THEREAFTER) REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY**

#### **Special Teleconference Notice**

*Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Financing Authority will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1105-22FA (reaffirmed August 30, 2022).*

#### **Call to Order**

*Call to Order via teleconference.*

#### **Roll Call**

#### **Oral Communications**

*This category provides an opportunity for members of the public to address the Financing Authority Board on items not listed on the agenda and is limited to 15 minutes (may be extended or continued at the discretion of the Board Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Board to take action on an item not listed on the agenda. If you wish to address the Board, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.*

#### **Consent Calendar**

*All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed*

*separately, please refer to the notice at the beginning of this agenda.*

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

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

- 2.B**    [22-0915](#)            Reconsider and Affirm Resolution No. 1105-22FA; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the Sunnyvale Financing Authority During the COVID-19 State of Emergency

**Recommendation:** Affirm Resolution 1105-22FA; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the Financing Authority during the COVID-19 State of Emergency:

1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1139-22 adopted on August 9, 2022, and incorporated herein by reference, are on-going;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

## **ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING**

## **RECONVENE TO CITY COUNCIL MEETING**

## **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearing/general business item, please refer to notice at the beginning of this agenda. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 5 minutes for closing comments.*

- 3      [22-0907](#)      REQUEST FOR CONTINUANCE TO A DATE UNCERTAIN  
Consider a Tenant Protection and Right to Lease Ordinance  
(Study Issue)

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

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

**Recommendation:** Alternative 1: Selection of the Sunnyvale Avenue Underpass  
Tunnel option to be defined as the Proposed Project for the  
grade separation of the Sunnyvale Avenue crossing of the  
Caltrain railroad tracks for the Environmental Review.

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

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

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

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

#### **COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

#### **NON-AGENDA ITEMS & COMMENTS**

-Council

-City Manager

**INFORMATION ONLY REPORTS/ITEMS**

Visit <http://Sunnyvale.ca.gov/TCMAC> to view the Tentative Council Meeting Agenda Calendar (TCMAC) online. The TCMAC is updated each Thursday afternoon.

<a href="#">22-0885</a>	Tentative Council Meeting Agenda Calendar
<a href="#">22-0886</a>	Board/Commission Meeting Minutes
<a href="#">22-0887</a>	Information/Action Items
<a href="#">22-0961</a>	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](http://sunnyvale.ca.gov) after 7 p.m. on Thursdays or in the Office of the City Clerk located at 603 All America Way, prior to Tuesday City Council meetings. Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at 408-730-7483 to access City Hall to view these materials and for specific questions regarding the agenda.*

*PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing.*

*PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.*

**Planning a presentation for a City Council meeting?**

*To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings"*

available at <http://Sunnyvale.ca.gov/PublicComments>

**Planning to provide materials to Council?**

*If you wish to provide the City Council with copies of your presentation materials, please provide 12 copies of the materials to the Office of the City Clerk. The City Clerk will distribute your items to the Council.*

**Upcoming Meetings**

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



# City of Sunnyvale

## Agenda Item

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**22-0889**

**Agenda Date:** 9/27/2022

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Closed Session Held Pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Tina Murphy, Director of Human Resources  
Employee organization: Service Employees International Union (SEIU)





# City of Sunnyvale

## Agenda Item

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**22-0890**

**Agenda Date:** 9/27/2022

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



# City of Sunnyvale

## Agenda Item

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**22-0939**

**Agenda Date:** 9/27/2022

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Active Aging Week and Arts and Humanities Month



# City of Sunnyvale

## Agenda Item

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**22-0967**

**Agenda Date: 9/27/2022**

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Breast Cancer Awareness Month



# City of Sunnyvale

## Agenda Item

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**22-0709**

**Agenda Date: 9/27/2022**

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**SUBJECT**

Approve City Council Meeting Minutes of September 13, 2022

**RECOMMENDATION**

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



# City of Sunnyvale

## Meeting Minutes - Draft

### City Council

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Tuesday, September 13, 2022

7:00 PM

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

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#### Regular Meeting - 7 PM

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on August 30, 2022.

Mayor Klein called the meeting to order at 7:00 p.m. via teleconference.

#### **ROLL CALL**

**Present:** 7 - Mayor Larry Klein  
Vice Mayor Alysa Cisneros  
Councilmember Gustav Larsson  
Councilmember Glenn Hendricks  
Councilmember Russ Melton  
Councilmember Omar Din  
Councilmember Anthony (Tony) Spitaleri

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

#### **SPECIAL ORDER OF THE DAY**

**A**      [22-0097](#)      Ceremonial Oath of Office for Commission Member

City Clerk David Carnahan administered the Ceremonial Oath of Office to the incoming Commission Member.

#### **ORAL COMMUNICATIONS**

Vice Mayor Cisneros announced the upcoming State of the City event and the start of Constitution Week.

Jessica Biddy, Daughters of the American Revolution spoke to Constitution week.

Martin Pyne spoke to the United States Constitution and its history.

**CONSENT CALENDAR**

Public Comment opened at 7:09 p.m.

No speakers.

Public Comment closed at 7:09 p.m.

MOTION: Vice Mayor Cisneros moved and Councilmember Melton seconded the motion to approve agenda items 1.A through 1.E.

The motion carried with the following vote:

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

**No:** 0

**1.A**     [22-0750](#)     Approve City Council Meeting Minutes of August 30, 2022

Approve the City Council Meeting Minutes of August 30, 2022 as submitted.

**1.B**     [22-0586](#)     Award of Contract to Verde Design, Inc. for Design Services for the Lakewood Park Renovation and Enhancement Project (F21-080)

Take the following actions:

- Award a Consultant Services Agreement in substantially the same form as Attachment 1 to the report in an amount not-to-exceed \$1,665,383 to Verde Design, Inc. of Santa Clara;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% contingency in the amount of \$166,538.

**1.C**     [22-0611](#)     Authorize Amending an Existing Contract Purchase Agreement

with Canon Financial Services, Inc. for the Lease of Multi-Function Devices (F22-159) to Extend the Term and Increase the Amount

Take the following actions:

- Authorize amending the existing Contract Purchase Agreement with Canon Financial Services, Inc. for the lease of multi-function devices, increasing the not-to-exceed contract amount by \$41,000 for a new not-to-exceed contract amount of \$341,367 and extending the term through December 31, 2022; and
- Approve a contingency in the amount of \$2,000.00.

- 1.D**      [22-0836](#)      Authorize the Mayor to Sign a Letter of Support for the Affordable Housing Development at 245 W. Weddell Drive for the State of California's Infill Infrastructure Grant Program

Authorize the Mayor to sign a letter of support for the affordable housing development at 245 W. Weddell Drive for the Infill Infrastructure Grant Program.

- 1.E**      [22-0837](#)      Authorize the Mayor to Sign a Letter of Support for the Affordable Housing Development at 1178 Sonora Court for the State of California's Infill Infrastructure Grant Program

Authorize the Mayor to sign a letter of support for the affordable housing development at 1178 Sonora Court for the Infill Infrastructure Grant Program.

#### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**      [22-0808](#)      Approve Recommendation of Public Art for the Civic Center Lobbies

Public Hearing opened at 7:22 p.m.

Michael Endicott spoke towards their proposed art project, "Message in a Bottle: We Are Our Dreams."

Liz Hickok spoke towards their proposed art project, "The Metamorphosis and Memory of Flowers."

Carrie Lederer spoke towards their proposed art project, "The Sunnyside of My Abstracted Garden".

Daniela Garofalo, Arteclettica, spoke towards their proposed art project, "The Unity of the Opposites."

Vickie Jo Sowell spoke towards their proposed art project, "Bay Mornings."

Ben Phipps spoke to their proposed art project, "Branches of Illumination."

Peter Wegner spoke towards their proposed art project, "Sun, Sunny, Sunny Vale, Sunnyvale, Mostly Sunny."

Public Hearing closed at 7:40 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve art project "The Metamorphosis and Memory of Flowers" by Liz Hickok.

The motion carried with the following vote:

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

**No: 0**

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve art project "Legacies" by Phillip Hua.

The motion carried with the following vote:

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

**No: 0**

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to approve art project "Sun, Sunny, Sunny Vale, Sunnyvale, Mostly



Sunny" by Peter Wegner.

The motion failed with the following vote:

- Yes:** 2 - Councilmember Larsson  
Councilmember Melton
- No:** 5 - Mayor Klein  
Vice Mayor Cisneros  
Councilmember Hendricks  
Councilmember Din  
Councilmember Spitaleri

MOTION: Councilmember Hendricks moved and Councilmember Din seconded the motion to approve art project "The Sunnyside of My Abstracted Garden" by Carrie Lederer.

The motion carried with the following vote:

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

**No:** 0

MOTION: Councilmember Din moved and Vice Mayor Cisneros seconded the motion to approve art project "Tree of Life" by Ragini Prasad.

The motion carried with the following vote:

- Yes:** 5 - Vice Mayor Cisneros  
Councilmember Larsson  
Councilmember Melton  
Councilmember Din  
Councilmember Spitaleri
- No:** 2 - Mayor Klein  
Councilmember Hendricks

3      [22-0811](#)      Approve Updated Design Vocabulary for Gateway Signs in  
Downtown (File # 2022-7483)

Planning Officer Shaunn Mendrin provided the staff report and presentation.

Public Hearing opened at 8:32 p.m.

Josh Rupert, Commercial Lead, CityLine Sunnyvale provided the applicant report and presentation.

Mike Johnson, Executive Director, Sunnyvale Downtown Association, spoke in support of Alternative 1.

Public Hearing closed at 8:57 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Cisneros seconded the motion to approve Alternative 1: Approve the Design Vocabulary for the Gateway Signs and wayfinding based on Option 3 and direct that the Public Works Wayfinding project use the Option 3 design as a basis for future gateway and wayfinding sign designs Downtown with the following modification, direct Staff to work with the Applicant to explore adding the City logo, art caricature or similar elements to the lower section of the Gateway Signs.

The motion carried with the following vote:

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

**No: 0**

- 4**      [22-0810](#)      Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council)

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:04 p.m.

Steve Scandalis shared support for improving the voting process while retaining

Ranked Choice Voting provisions.

Public Hearing closed at 9:07 p.m.

MOTION: Councilmember Melton moved and Vice Mayor Cisneros seconded the motion to approve Alternatives 1 and 3:

Alternative 1: Introduce an Ordinance (Attachment 1 to the report) amending Sunnyvale Municipal Code Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council); and

Alternative 3: Approve amendments to Council Policy 7.3.15 (Appointment of Interim Councilmembers) (Attachment 2 to the report) to align the appointment process for interim Councilmembers with the appointment process for filling council vacancies.

The motion carried with the following vote:

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

**No:** 0

- 5      [22-0749](#)      Introduce an Ordinance Amending Sunnyvale Municipal Code Section 2.29.010 (Electronic Filing of Campaign Statements and Statements of Economic Interests) of the Sunnyvale Municipal Code to Correct Typographical Errors

City Clerk David Carnahan provided the staff report.

Public Hearing opened at 9:14 p.m.

Steve Scandalis spoke in support of introducing the proposed ordinance and the continuation of electronic filing.

Public Hearing closed at 9:17 p.m.

MOTION: Councilmember Melton moved and Councilmember Hendricks seconded the motion to approve Alternative 1: Introduce an Ordinance amending Section 2.29.010 (Electronic Filing of Campaign Statements and Statements of Economic

Interests) of the Sunnyvale Municipal Code to correct typographical errors.

The motion carried with the following vote:

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

**No: 0**

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL  
COMMITTEE ASSIGNMENTS**

Councilmember Hendricks spoke on a potential nationwide railway strike and how that may impact Caltrain service South of Tamien Station.

Mayor Klein shared he and Councilmember Melton attended the League of California Cities conference last week.

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

None.

**-City Manager**

None.

**INFORMATION ONLY REPORTS/ITEMS**

[22-0751](#) Tentative Council Meeting Agenda Calendar

[22-0834](#) Board/Commission Meeting Minutes

[22-0835](#) Information/Action Items

**ADJOURNMENT**

Mayor Klein adjourned the meeting at 9:22 p.m.



# City of Sunnyvale

## Agenda Item

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**22-0888**

**Agenda Date:** 9/27/2022

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**SUBJECT**

Approve City Council Meeting Minutes of September 20, 2022 (Moffett Park Specific Plan Mobility)

**RECOMMENDATION**

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



# City of Sunnyvale

## Meeting Minutes - Draft

### City Council

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Tuesday, September 20, 2022

6:00 PM

Telepresence Meeting: City Web Stream

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#### Special Meeting: Moffett Park Specific Plan - Mobility Workshop - 6 PM

#### **6 P.M. SPECIAL COUNCIL MEETING (Workshop)**

##### **Call to Order**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on August 30, 2022.

Mayor Klein called the meeting to order at 6:01 p.m. via teleconference.

##### **Roll Call**

**Present:** 6 - Mayor Larry Klein  
Vice Mayor Alysa Cisneros  
Councilmember Gustav Larsson  
Councilmember Glenn Hendricks  
Councilmember Russ Melton  
Councilmember Omar Din  
**Absent:** 1 - Councilmember Anthony (Tony) Spitaleri

Mayor Klein, Vice Mayor Cisneros and Councilmember Larsson, Hendricks, Melton, and Din attended via teleconference.

Councilmember Spitaleri joined the meeting at 6:13 p.m.

##### **Workshop**

**A**      [22-0468](#)      Moffett Park Specific Plan: Mobility Workshop

Principal Planner Michelle King and the following provided the staff presentation:

- Chris Sensenig, Senior Associate, Raimi & Associates
- Meghan Weir, Principal, Nelson/Nygaard
- Emily Roach, Senior Associate, Nelson/Nygaard

## Round Table Discussion

The following provided responses to questions from the community:

- Chris Sensenig, Senior Associate, Raimi & Associates
- Principal Planner Michelle King
- Meghan Weir, Principal, Nelson/Nygaard
- Transportation & Traffic Manager Dennis Ng
- Brent Pearce, Transportation Planner, Valley Transportation Authority (VTA)

Public Comment opened at 7:44 p.m.

Tom Gilman shared concerns regarding suggestions to breakup larger parcels, such as the Navy Parcel, into smaller parcels.

Janette D'Elia, Jay Paul Company communicated concerns about the proposed parking ratios.

Gail Rubino voiced concerns regarding the number of roads accessing the Plan area and a lack of sufficient accommodations for residents from outside the Plan area to park in the Plan area.

Phil Mahoney, Real Estate Broker, Newmark shared concerns with the how the proposed parking requirements in the Moffett Park Specific Plan will cause potential tenants to neighboring cities.

Mitch Vinciguerra, Nor Cal Carpenters Union Local 405 spoke in support of projects hiring union professionals and community benefits union apprenticeship programs provide.

Rani Fischer, Santa Clara Valley Autobahn Society shared concerns of the Plan's potential effects on the wetland environment.

Sharlene Liu, Bike Sunnyvale spoke in support of greater accessibility for bicycle and pedestrian access in Moffett Park.

Mark Hlady, Bike Sunnyvale voiced support for a Moffett Park Transportation Management Association (TMA) program.

Stephen Meier, Bike Sunnyvale spoke to increasing bicycle connectivity between Moffett Park and the rest of Sunnyvale.

Maia Harris, Jay Paul Company shared concerns about the public safety coverage in the Moffett Park area

Angela Rausch spoke in support of the Plan's efforts to make the neighborhood more bicycle and pedestrian friendly.

Kenneth Javier-Rosales, Planning Senior Associate, SV@Home communicated support for the Plan, particularly the additional housing units allowed for under the Plan and potential environmental benefit measures included in the Plan.

Agnes Veith, Livable Sunnyvale voiced support for a TMA and additional mobility options in the Moffett Park area.

Marlee Smith, Director of Transportation Policy, Silicon Valley Leadership Group shared their support of the transportation goals of the Plan and integrations with existing transportation options.

Jeff Holzman, Real Estate Development Director, Google communicated support for the creation of a TMA and the Plan's transportation goals.

Kerry Haywood, Moffett Park Business Group spoke in support of the transportation and circulation goals of the Plan.

Public Comment closed at 8:09 p.m.

### **Adjourn Special Meeting**

Mayor Klein adjourned the meeting at 9:30 p.m.





# City of Sunnyvale

## Agenda Item

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**22-0186**

**Agenda Date: 9/27/2022**

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### **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>
142	08-14-22 through 08-20-22	\$5,841,969.61
143	08-21-22 through 08-27-22	\$4,901,212.78
144	08-28-22 through 09-03-22	\$4,403,490.62
145	09-04-22 through 09-10-22	\$9,230,575.12

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, at the Sunnyvale Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, 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 # 142**

**List of All Claims and Bills Approved for Payment  
For Payments Dated 08/14/2022 through 08/20/2022**

**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	XXXXX2901	08/16/2022	County of Santa Clara	50.00	CEQA/NOE - Project #TR-20-01	County filing of CEQA and NOE	50.00	0.00	\$50.00
	XXXXX2902	08/16/2022	U.S. Bank	3,275.00	13338458	6736305900 4/1-6/30/22	3,275.00	0.00	\$3,275.00
	XXXXX2903	08/16/2022	Sunnyvale Public Safety Officers Assn	20,070.00	PR202232	PR202232 Association Dues	20,070.00	0.00	\$20,070.00
	XXXXX2904	08/16/2022	Century Graphics	245.79	56788	Uniform ESD	245.79	0.00	\$245.79
	XXXXX2905	08/16/2022	Coast Counties Peterbilt	76.86	01159710P	Fleet materials	76.86	0.00	\$779.88
				253.02	01160242P	Fleet materials	253.02	0.00	
				450.00	0140390S	FERRARA FIRE TRUCK	450.00	0.00	
	XXXXX2906	08/16/2022	Consolidated Parts Inc	993.04	5074439	WPCP Order# 1078846	993.04	0.00	\$1,326.96
				333.92	5074712	WPCP	333.92	0.00	
	XXXXX2907	08/16/2022	CSG Consultants Inc	870.00	45098.	Sunnyvale Fair Oaks Phase 2	870.00	0.00	\$870.00
	XXXXX2908	08/16/2022	CSW/Stuber-Stroeh Engineering Group Inc	1,127.50	2207040	Project 2019-20-031B	1,127.50	0.00	\$1,127.50
	XXXXX2909	08/16/2022	Detail Plus	75.00	21391	16 FORD TRANSIT WHITE WASH	75.00	0.00	\$75.00
	XXXXX2910	08/16/2022	EOA Inc	1,496.96	SU65-0622	Recycled Water Program	1,496.96	0.00	\$1,496.96
	XXXXX2911	08/16/2022	FedEx	35.70	7-769-83007	WPCP ac#1038-	35.70	0.00	\$148.06

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						8072-6			
				35.70	7-798-49952	WPCP AC#1038-8072-6	35.70	0.00	
				57.87	7-813-18508	WPCP AC#1038-8072-6	57.87	0.00	
				18.79	7-819-86346	WPCP AC#1038-8072-6	18.79	0.00	
	XXXXX2912	08/16/2022	Ferguson US Holdings Inc	1,623.12	1683369-1	PARTS ORDER	1,623.12	0.00	\$32,478.44
				1,045.64	1683369-2	PARTS ORDER	1,045.64	0.00	
				240.51	1691638-3	PARTS REQUEST	240.51	0.00	
				115.12	1691638-4	PARTS REQUEST	115.12	0.00	
				236.91	1711303	12" GASKETS	236.91	0.00	
				1,977.35	1711844	12" MATERIAL	1,977.35	0.00	
				6,799.70	1716467	MISC PARTS	6,799.70	0.00	
				8,424.99	1716722	MISC PARTS	8,424.99	0.00	
				2,163.07	1720717	EPOXY PARTS	2,163.07	0.00	
				3,134.51	1720717-1	EPOXY PARTS	3,134.51	0.00	
				3,962.11	1723928	HYMAX LONG BODY COUP	3,962.11	0.00	
				2,755.41	1723935	12" TUFGRIP SETS	2,755.41	0.00	
	XXXXX2913	08/16/2022	GCS Environmental Equipment Services Inc	45.97	25386	Fleet materials	45.97	0.00	\$1,080.69
				620.64	25412	Fleet materials	620.64	0.00	
				414.08	25437	Fleet materials	414.08	0.00	
	XXXXX2914	08/16/2022	General Datatech LP	1,055.00	90464477	SES-SUB-100-499? COM	1,055.00	0.00	\$1,055.00
	XXXXX2915	08/16/2022	Giuliani & Kull San Jose Inc	140.00	16969	Job#19119-E Fremont Ave.	140.00	0.00	\$3,150.00
				140.00	16970	Job#19119-899 Kifer Rd.	140.00	0.00	
				560.00	16971	Job#19119-5th Ave LLA-1	560.00	0.00	
				560.00	16972	Job#19119-5th Ave LLA-2	560.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				70.00	16973	Job#19119-Fair Oaks Tract Map	70.00	0.00	
				70.00	16974	Job#19119-Bordeaux Dr.	70.00	0.00	
				70.00	16975	Job#19119-Bordeaux Dr.	70.00	0.00	
				70.00	16976	Job#19119-5th Ave Moffett TWR	70.00	0.00	
				280.00	16977	Job#19119-5th Ave Moffett TWR	280.00	0.00	
				70.00	16978	Job#19119-Bordeaux Dr.	70.00	0.00	
				280.00	16979	Job#19119-1194 N Mathilda Ave	280.00	0.00	
				840.00	16980	Job#19119-166 E Fremont Ave	840.00	0.00	
	XXXXX2916	08/16/2022	The Goodyear Tire & Rubber Co	1,677.25	189-1108933	FLEET SERVICE 42 UNIT 95	1,677.25	0.00	\$4,020.78
				832.99	189-1108960	VEHICLE ID: 751	832.99	0.00	
				701.91	189-1108973	VEHICLE ID: 471	701.91	0.00	
				283.56	189-1108981	Fleet Tires	283.56	0.00	
				285.05	189-1109003	VEHICLE ID: 25	285.05	0.00	
				240.02	189-1109004	VEHICLE ID: 057	240.02	0.00	
	XXXXX2917	08/16/2022	Grainger	4,039.98	9357011759	AC# 810031823-ESD Water	4,039.98	0.00	\$4,039.98
	XXXXX2918	08/16/2022	Granicus Inc	7,851.79	154078	Compliance Monitoring 6/21-9/17/22	7,851.79	0.00	\$7,851.79
	XXXXX2919	08/16/2022	Graniterock Co	1,214.30	1381816	Asphalt and Aggregate	1,214.30	0.00	\$1,214.30
	XXXXX2920	08/16/2022	GRM Information Management Services Inc.	4,094.59	0124598	Records Management July	4,094.59	0.00	\$4,094.59

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX2921	08/16/2022	HDR Engineering Inc	483.06	1200448335	Sunnyvale TR On Call	483.06	0.00	\$483.06
	XXXXX2922	08/16/2022	Hi Tech Emergency Vehicle Service Inc	397.84	173136	Fleet materials	397.84	0.00	\$2,585.61
				1,790.74	173238	Fleet materials	1,790.74	0.00	
				397.03	173609	Fleet materials	397.03	0.00	
	XXXXX2923	08/16/2022	High Line Software Inc	250.00	INV406347	Year end seminar 2021	250.00	0.00	\$74,826.00
				300.00	INV408711	Remote service - 02/23/22	300.00	0.00	
				74,276.00	INV410950	Software Maintenance 7/1/22-6/30/23	74,276.00	0.00	
	XXXXX2924	08/16/2022	HydroScience Engineers Inc	4,410.00	262001126	115 2022 Water Quality Support	4,410.00	0.00	\$4,410.00
	XXXXX2925	08/16/2022	Imperial Maintenance Services Inc	73,105.04	50	JULY 2022 JANITORIAL SERVICES	73,105.04	0.00	\$73,105.04
	XXXXX2926	08/16/2022	Inhouse Commercial Recyclers LLC	734.80	2207P63S12	Book Recycling July	734.80	0.00	\$734.80
	XXXXX2927	08/16/2022	International Contact Inc	436.44	I-07742	Quote No Q-17375: 6/1-6/15/22	436.44	0.00	\$436.44
	XXXXX2928	08/16/2022	Interstate Battery System of San Jose Inc.	655.04	10303634	Fleet batteries	655.04	0.00	\$655.04
	XXXXX2929	08/16/2022	IPS Group Inc	136.31	INV73359	Space meters & cc transactions	136.31	0.00	\$270.15
				133.84	INV74583	Space meters & cc transactions	133.84	0.00	
	XXXXX2930	08/16/2022	Kimley Horn & Assoc Inc	10,288.00	21824262	Smart Stn Svc Thru 6/30/22	10,288.00	0.00	\$10,288.00
	XXXXX2931	08/16/2022	Kovatch Mobile Equipment Corp.	1,401.78	ca 558350	Parts	1,401.78	0.00	\$1,401.78
	XXXXX2932	08/16/2022	L N Curtis & Sons Inc	1,167.64	INV602495	Supplies	1,167.64	0.00	\$9,640.10

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				8,472.46	INV610733	Supplies	8,472.46	0.00	
	XXXXX2933	08/16/2022	Lawson Products Inc	392.68	9309747098	Supplies	392.68	0.00	\$1,662.25
				74.25	9309764432	Supplies	74.25	0.00	
				595.44	9309768351	Supplies	595.44	0.00	
				141.95	9309768352	Supplies	141.95	0.00	
				19.37	9309772286	Supplies	19.37	0.00	
				348.07	9309781758	Supplies	348.07	0.00	
				36.56	9309785570	Supplies	36.56	0.00	
				53.93	9309797626	Supplies	53.93	0.00	
	XXXXX2934	08/16/2022	McMaster Carr Supply Co	340.46	81901252	Supplies	340.46	0.00	\$12,179.35
				396.62	81932517	Supplies	396.62	0.00	
				1,728.66	81964925	Supplies	1,728.66	0.00	
				3,294.24	82045764	Supplies	3,294.24	0.00	
				1,333.78	82322745	Supplies	1,333.78	0.00	
				817.12	82395717	Supplies	817.12	0.00	
				1,444.78	82455952	Supplies	1,444.78	0.00	
				2,823.69	82577735	Supplies	2,823.69	0.00	
	XXXXX2935	08/16/2022	McNabb Construction Inc	3,521.00	WPCP-37	Pond Levee Vegetation Mtnce	3,521.00	0.00	\$3,521.00
	XXXXX2936	08/16/2022	MSI Fuel Management, Inc.	875.00	5468	Inspection Aug 2022	875.00	0.00	\$875.00
	XXXXX2937	08/16/2022	NAPA Auto Parts	102.97	5983-777601	Parts \$2.10 Disct By 9/10	105.07	2.10	\$558.87
				37.91	5983-777751	Parts \$0.77 Disct By 9/10	38.68	0.77	
				15.84	5983-777871	Parts \$\$0.32 Disct By 9/10	16.16	0.32	
				50.55	5983-777994	Arts \$\$1.03 Disct By 9/10	51.58	1.03	
				9.62	5983-777995	Parts \$0.20 Disct By 9/10	9.82	0.20	
				156.12	5983-778152	Parts \$3.19 Disct By 9/10	159.31	3.19	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				14.44	5983-778276	Parts \$0.29 Disct By 9/10	14.73	0.29	
				98.70	5983-778788	Parts \$2.01 Disct By 9/10	100.71	2.01	
				36.36	5983-778910	Parts \$0.74 Disct By 9/10	37.10	0.74	
				36.36	5983-778912	Parts \$0.74 Disct By 9/10	37.10	0.74	
	XXXXX2938	08/16/2022	National CineMedia LLC	2,171.16	INV-211808	Theatre Advertising	2,171.16	0.00	\$4,342.32
				2,171.16	INV-212643	Theater Advertising	2,171.16	0.00	
	XXXXX2939	08/16/2022	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	336.47	259552213001	Rebecca Montalvo 8/10/2022	336.47	0.00	\$610.09
				119.68	260651087001	Silvia Ramirez 8/8/2022	119.68	0.00	
				153.94	261102516001	Aracely Diaz 8/11/2022	153.94	0.00	
	XXXXX2940	08/16/2022	Orlandi Trailer Inc	184.71	210074	Parts	184.71	0.00	\$184.71
	XXXXX2941	08/16/2022	OverDrive Inc	141.95	13449DA22267787	Library Materials	141.95	0.00	\$141.95
	XXXXX2942	08/16/2022	Pacific Gas & Electric Co	53,299.12	0114206254-4 0722	301 Carl Road/Smart Station	53,299.12	0.00	\$53,299.12
	XXXXX2943	08/16/2022	Peterson Power Systems Inc	256,738.06	SW240183101	Caterpillar Overhaul	256,738.06	0.00	\$306,738.06
				50,000.00	SW240183102	Billing Inv Adjustment	50,000.00	0.00	
	XXXXX2944	08/16/2022	Polydyne Inc	15,180.00	1662398	Chemicals	15,180.00	0.00	\$45,540.00
				11,385.00	1662399	Chemicals	11,385.00	0.00	
				11,385.00	1662518	Chemicals	11,385.00	0.00	
				7,590.00	1662520	Chemicals	7,590.00	0.00	
	XXXXX2945	08/16/2022	Productivity People Inc	2,400.00	1550	4/6/2022 Webminar	2,400.00	0.00	\$2,400.00
	XXXXX2946	08/16/2022	Lisa Abboud	13,200.00	00002373	Food Scraps	13,200.00	0.00	\$13,200.00



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Program			
	XXXXX2947	08/16/2022	California Building Officials	1,560.00	15317	CALBO Seminars	1,560.00	0.00	\$3,380.00
				1,560.00	15318	CALBO Seminars	1,560.00	0.00	
				260.00	15424	CALBO Seminar	260.00	0.00	
	XXXXX2948	08/16/2022	Sunnyvale Towing Inc	45.00	293657	Towing Svc	45.00	0.00	\$1,576.00
				450.00	306149	Towing Svc	450.00	0.00	
				45.00	319856	Towing Svc	45.00	0.00	
				45.00	319943	Towing Svc	45.00	0.00	
				45.00	319982	Towing Svc	45.00	0.00	
				45.00	319985	Towing Svc	45.00	0.00	
				45.00	321744	Towing Svc	45.00	0.00	
				90.00	322610	Towing Svc	90.00	0.00	
				45.00	323052	Towing Svc	45.00	0.00	
				45.00	323099	Towing Svc	45.00	0.00	
				51.00	323627	Towing Svc	51.00	0.00	
				45.00	324068	Towing Svc	45.00	0.00	
				375.00	324079	Towing Svc	375.00	0.00	
				150.00	325122	Towing Svc	150.00	0.00	
				55.00	325876	Towing Svc	55.00	0.00	
	XXXXX2949	08/16/2022	Tri-Force Consulting Services Inc	5,000.00	1910	GIS Technician Finders Fee	5,000.00	0.00	\$5,000.00
	XXXXX2950	08/16/2022	Zanker Road Resource Management, LTD	169,572.06	202207812	Waste Processing Jul 2022	169,572.06	0.00	\$169,572.06
	XXXXX2951	08/16/2022	Bayscape Management Inc	1,366.00	26430	Landscaping Maintenance July	1,366.00	0.00	\$1,366.00
	XXXXX2952	08/16/2022	FleetPride Inc	1,109.76	101102337	Fleet supplies	1,109.76	0.00	\$831.68
				-33.24	84876053	Return on parts from invoice #84836763	-33.24	0.00	
				-109.38	93486135	Part returned	-109.38	0.00	
				-135.46	98294261	Return on parts from invoice #93793790	-135.46	0.00	
	XXXXX2953	08/16/2022	FleetPride Inc	143.58	100619945	Fleet supplies	143.58	0.00	\$1,351.59

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				91.11	100619985	Fleet supplies	91.11	0.00	
				26.82	100665451	Fleet supplies	26.82	0.00	
				190.94	100666656	Fleet supplies	190.94	0.00	
				87.94	100718911	Fleet supplies	87.94	0.00	
				337.93	100931814	Fleet supplies	337.93	0.00	
				182.69	101026519	Fleet supplies	182.69	0.00	
				33.97	101255443	Fleet supplies	33.97	0.00	
				81.80	101279072	Fleet supplies	81.80	0.00	
				140.98	101433577	Fleet supplies	140.98	0.00	
				33.83	101464902	Fleet supplies	33.83	0.00	
	XXXXX2954	08/16/2022	United Language Group LLC	931.75	214799	July 2022	931.75	0.00	\$931.75
	XXXXX2955	08/16/2022	Pacific Gas & Electric Co	5,000.00	0008124270-3	N#124183473 Carl Rd Proj	5,000.00	0.00	\$5,000.00
	XXXXX2956	08/16/2022	Roger D Higdon	2,300.00	6527-B	DPW PROJECT # ST-20-15	2,300.00	0.00	\$2,300.00
	XXXXX2957	08/16/2022	Royal Brass Inc	160.72	990800-001	Parts \$1.48 Disct By 8/20	162.20	1.48	\$160.72
	XXXXX2958	08/16/2022	Safety-Kleen Systems, Inc.	214.75	89483104	Oil Service	214.75	0.00	\$527.48
				30.00	89561045	Antifreeze Svc	30.00	0.00	
				282.73	89627260	Fuel Service	282.73	0.00	
	XXXXX2959	08/16/2022	Santa Clara Lighting Inc	4,909.48	24744	Supplies	4,909.48	0.00	\$4,909.48
	XXXXX2960	08/16/2022	Security Alert Systems of California Inc	473.00	177693	505 Olive #600 7/26/22 Svc	473.00	0.00	\$1,178.00
				705.00	177709	July 2022	705.00	0.00	
	XXXXX2961	08/16/2022	SFO Reprographics	109.13	75175	Color Posters	109.13	0.00	\$109.13
	XXXXX2962	08/16/2022	Shawn Spano	4,500.00	22-2	3/24/22 Retreat	4,500.00	0.00	\$4,500.00
	XXXXX2963	08/16/2022	Shums Coda Assoc	9,976.25	7552	Inspection Svc Jun 2022	9,976.25	0.00	\$9,976.25
	XXXXX2964	08/16/2022	California Newspapers	184.00	0006683270	Advertising - July	184.00	0.00	\$561.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Partnership			0001347450			
				377.00	0006683280	Advertising - July 0001347450	377.00	0.00	
	XXXXX2965	08/16/2022	Stevens Creek Chevrolet	21.31	152200	Parts	21.31	0.00	\$329.24
				320.15	152587	Parts	320.15	0.00	
				24.53	152590	Parts	24.53	0.00	
				60.33	153009	Parts	60.33	0.00	
				-62.34	CM130527	Invoice 130527	-62.34	0.00	
				-34.74	CM130527A	Inv 130527	-34.74	0.00	
	XXXXX2966	08/16/2022	Laura P. Scott	4,180.95	720	Horizon Summer 2022	4,180.95	0.00	\$4,180.95
	XXXXX2967	08/16/2022	Sunnyvale Ford	117.46	194038FOW	Parts	117.46	0.00	\$1,329.67
				500.99	208258FOW	Parts	500.99	0.00	
				57.89	208409FOW	Parts	57.89	0.00	
				21.05	208416FOW	Parts	21.05	0.00	
				121.21	208494FOW	Parts	121.21	0.00	
				211.76	208545FOW	Parts	211.76	0.00	
	XXXXX2968	08/16/2022	Sunnyvale Public Safety Officers Assn	299.31	208574FOW	Parts	299.31	0.00	\$4,851.00
				4,851.00	Disability0822	LTD Reimb Aug 2022	4,851.00	0.00	
	XXXXX2969	08/16/2022	TaylorMade Golf Co Inc	160.20	36034878	Resale Merchandise	160.20	0.00	\$2,574.58
				165.61	36071299	Resale \$3.26 Disct By 8/29	168.87	3.26	
				417.84	36078964	Resale Merchandise	417.84	0.00	
				1,413.09	36082061	Resale Merchandise	1,413.09	0.00	
				417.84	36096989	Resale Merchandise	417.84	0.00	
	XXXXX2970	08/16/2022	TJKM	17.45	0052628	Traffic Engineering Svc Apr 22	17.45	0.00	\$6,877.45
				3,738.00	0052770	Traffic Engineering Svc May22	3,738.00	0.00	
				3,122.00	0052913	Traffic Engineering Svc Jun 22	3,122.00	0.00	
	XXXXX2971	08/16/2022	Turf Star Inc	109.19	7239371-00	Parts	109.19	0.00	\$1,033.84

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				924.65	7239373-00	Parts	924.65	0.00	
	XXXXX2972	08/16/2022	Univar Solutions USA Inc	7,827.22	50438371	Chemicals	7,827.22	0.00	\$12,727.43
				4,900.21	50438372	Chemicals	4,900.21	0.00	
	XXXXX2973	08/16/2022	Viasyn	214.29	27732	Jun 2022	214.29	0.00	\$214.29
	XXXXX2974	08/16/2022	Wardell Auto Interiors and Tops LLC	625.21	13511	Upholstery Repair	625.21	0.00	\$625.21
	XXXXX2975	08/16/2022	Water One Industries Inc	1,300.00	162940	Water Treatment Jul 2022	1,300.00	0.00	\$1,300.00
	XXXXX2976	08/16/2022	Weck Laboratories Inc	95.52	W2G1484	Lab Svc	95.52	0.00	\$413.87
				318.35	W2G1505	Lab Svc	318.35	0.00	
	XXXXX2977	08/16/2022	WOWzy Creation Corp	122.91	95544	Awards Plaques	122.91	0.00	\$122.91
	XXXXX2978	08/16/2022	Sunnyvale Downtown Association	1,198.53	BID20220729	BID 2/1-6/30/22	1,198.53	0.00	\$1,198.53
	XXXXX2979	08/16/2022	The Sourcing Group LLC	3,006.40	484238	Supplies	3,006.40	0.00	\$3,006.40
	XXXXX2980	08/16/2022	Endress & Hauser Inc	1,228.20	6002357188	WPCP Micropilot FMR20	1,228.20	0.00	\$523.61
				-704.59	6700579983	Return of circuit board.	-704.59	0.00	
	XXXXX2981	08/16/2022	Golden State Emergency Vehicle Service, Inc.	128.26	CI035132	Fleet Supplies	128.26	0.00	\$128.26
	XXXXX2982	08/16/2022	Sustainable Organic Solutions LLC	13,822.22	8012022	Food Waste Jul 2022	13,822.22	0.00	\$13,822.22
	XXXXX2986	08/16/2022	Baker & Taylor, LLC	202.54	2036822626	Library collection	202.54	0.00	\$19,708.71
				17.86	2036835603	Library collection	17.86	0.00	
				166.79	2036851724	Library collection	166.79	0.00	
				4,190.17	41516807202 2V	415168 VAS & Tax July	4,190.17	0.00	
				1,182.45	5017763751	Library collection	1,182.45	0.00	
				369.86	5017767723	Library collection	369.86	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				139.61	5017768247	Library collection	139.61	0.00	
				79.61	5017768249	Library collection	79.61	0.00	
				28.86	5017768895	Library collection	28.86	0.00	
				8.34	5017768897	Library collection	8.34	0.00	
				128.07	5017768899	Library collection	128.07	0.00	
				11.54	5017773788	Library collection	11.54	0.00	
				36.60	5017773790	Library collection	36.60	0.00	
				122.57	5017773792	Library collection	122.57	0.00	
				185.98	5017773794	Library collection	185.98	0.00	
				174.83	5017773796	Library collection	174.83	0.00	
				25.65	5017782382	Library collection	25.65	0.00	
				11.54	5017782384	Library collection	11.54	0.00	
				100.20	5017782386	Library collection	100.20	0.00	
				169.52	5017782388	Library collection	169.52	0.00	
				135.00	5017782390	Library collection	135.00	0.00	
				143.28	5017785161	Library collection	143.28	0.00	
				122.85	5017786632	Library collection	122.85	0.00	
				92.88	5017786634	Library collection	92.88	0.00	
				416.02	5017788937	Library collection	416.02	0.00	
				118.89	5017793244	Library collection	118.89	0.00	
				19.60	5017795609	Library collection	19.60	0.00	
				94.63	5017795611	Library collection	94.63	0.00	
				140.64	5017795613	Library collection	140.64	0.00	
				304.52	5017795615	Library collection	304.52	0.00	
				248.41	5017795617	Library collection	248.41	0.00	
				169.28	5017796096	Library collection	169.28	0.00	
				274.57	5017797936	Library collection	274.57	0.00	
				89.72	5017798109	Library collection	89.72	0.00	
				14.43	5017798111	Library collection	14.43	0.00	
				30.79	5017798113	Library collection	30.79	0.00	
				1,811.18	5017801089	Library collection	1,811.18	0.00	
				436.85	5017802384	Library collection	436.85	0.00	
				971.97	5017814424	Library collection	971.97	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				710.75	5017818405	Library collection	710.75	0.00	
				175.44	5017818544	Library collection	175.44	0.00	
				598.50	5017830932	Library collection	598.50	0.00	
				10.90	5017838544	Library collection	10.90	0.00	
				25.39	5017838552	Library collection	25.39	0.00	
				18.75	5017838742	Library collection	18.75	0.00	
				12.83	5017838744	Library collection	12.83	0.00	
				34.93	5017838746	Library collection	34.93	0.00	
				64.11	5017838764	Library collection	64.11	0.00	
				10.26	5017838766	Library collection	10.26	0.00	
				46.62	5017838768	Library collection	46.62	0.00	
				17.31	5017838780	Library collection	17.31	0.00	
				62.21	5017838782	Library collection	62.21	0.00	
				12.16	5017838784	Library collection	12.16	0.00	
				142.35	5017838786	Library collection	142.35	0.00	
				17.32	5017838793	Library collection	17.32	0.00	
				20.21	5017838795	Library collection	20.21	0.00	
				16.04	5017838797	Library collection	16.04	0.00	
				53.64	5017838799	Library collection	53.64	0.00	
				217.41	5017838801	Library collection	217.41	0.00	
				128.19	5017838803	Library collection	128.19	0.00	
				21.15	5017838805	Library collection	21.15	0.00	
				8.34	5017838807	Library collection	8.34	0.00	
				10.26	5017838809	Library collection	10.26	0.00	
				108.11	5017838812	Library collection	108.11	0.00	
				22.50	5017838814	Library collection	22.50	0.00	
				17.97	5017838826	Library collection	17.97	0.00	
				7.05	5017838828	Library collection	7.05	0.00	
				29.51	5017838930	Library collection	29.51	0.00	
				15.59	5017838932	Library collection	15.59	0.00	
				17.94	5017838993	Library collection	17.94	0.00	
				22.46	5017838995	Library collection	22.46	0.00	
				32.06	5017838997	Library collection	32.06	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				112.22	5017838999	Library collection	112.22	0.00	
				115.55	5017839001	Library collection	115.55	0.00	
				132.15	5017839109	Library collection	132.15	0.00	
				19.60	5017839183	Library collection	19.60	0.00	
				20.21	5017839233	Library collection	20.21	0.00	
				15.70	5017839235	Library collection	15.70	0.00	
				47.91	5017839237	Library collection	47.91	0.00	
				16.74	5017839239	Library collection	16.74	0.00	
				107.14	5017839241	Library collection	107.14	0.00	
				22.50	5017839312	Library collection	22.50	0.00	
				8.34	5017839325	Library collection	8.34	0.00	
				21.14	5017839327	Library collection	21.14	0.00	
				441.57	5017842090	Library collection	441.57	0.00	
				344.62	5017852956	Library collection	344.62	0.00	
				48.73	5017854574	Library collection	48.73	0.00	
				25.39	5017859469	Library collection	25.39	0.00	
				373.92	5017864640	Library collection	373.92	0.00	
				1,603.69	5017874385	Library collection	1,603.69	0.00	
				535.23	PCG080222S VAVP	AV Consolidated VAS July	535.23	0.00	
	XXXXX2987	08/16/2022	Grainger	39.31	7101794241	Fleet AC# 883745200	39.31	0.00	\$7,083.85
				2,801.63	7102873960	DPW Fleet AC# 883745200	2,801.63	0.00	
				69.48	9332161984	Parks supplies	69.48	0.00	
				88.29	9357011734	AC# 810031823-ESD Water	88.29	0.00	
				124.36	9358827682	Golf supplies	124.36	0.00	
				3,283.90	9362324692	AC# 10031823-ESD Water	3,283.90	0.00	
				136.15	9376917556	AC# 810031823 - ESD Water	136.15	0.00	
				58.99	9385499653	AC# 10031823-ESD	58.99	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Water			
				481.74	9398174467	AC# 810031823-ESD Water	481.74	0.00	
	XXXXX2988	08/16/2022	Nancy A Nuti	8,596.38	Nuti-Reimburseme nt2	Rehab & Paint Loans Reimb	8,596.38	0.00	\$8,596.38
	XXXXX2989	08/16/2022	Bayside Petroleum	1,334.64	PA0000471-2021	DPS motorcycle fuel for 2021	1,334.64	0.00	\$1,334.64
	XXXXX2990	08/16/2022	DataBank Holdings LTD	19,131.20	161600	Monthly Charges - August	19,131.20	0.00	\$19,131.20
	XXXXX2991	08/16/2022	Valley Oil Co	827.66	589031	Motor Oil	827.66	0.00	\$827.66
	XXXXX2992	08/16/2022	Law Office of Todd Simonson PC	5,411.00	139	May 2022	5,411.00	0.00	\$12,855.50
				7,444.50	151	Jun 2022	7,444.50	0.00	
	XXXXX2993	08/16/2022	Stearns, Conrad and Schmidt Consulting Engineers Inc	3,131.00	0439872	LF Jun 2022 Svc	3,131.00	0.00	\$3,131.00
	XXXXX2994	08/16/2022	Rodolfo De Anda	2,252.67	PR202128_A nda	Replacement lost ck# 300387927	2,252.67	0.00	\$2,252.67
	XXXXX2995	08/16/2022	Agilent Technologies Inc	723.50	123849841	Customer# 70004320	723.50	0.00	\$723.50
	XXXXX2996	08/16/2022	Altec Industries Inc.	344.12	11990672	Fleet materials	344.12	0.00	\$344.12
	XXXXX2997	08/16/2022	Always Under Pressure	1,259.17	97005	Fleet supplies	1,259.17	0.00	\$1,259.17
	XXXXX2998	08/16/2022	Amazon Capital Services Inc	212.89	1FPP-PV7M-9TL7	Marylou Veloz	212.89	0.00	\$1,907.73
				20.72	1G33-RWGP-L9QW	Lisa Mason	20.72	0.00	
				8.56	1G7G-DPP4-H439	Jody Badiei	8.56	0.00	
				340.00	1KVQ-3T1X-1KG3	Library Rafael Bayani	340.00	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				49.10	1MT3-JMRN-XXRR	Betty King	49.10	0.00	
				212.42	1N64-R7JM-HN49	Rebecca Montalvo	212.42	0.00	
				359.89	1P4G-14L4-1WR4	Lisa Mason	359.89	0.00	
				704.15	1Y67-9M43-MFNM	Marylou Veloz	704.15	0.00	
	XXXXX2999	08/16/2022	Ascent Environmental	16,318.99	19010069.01-15	Downtown Specific Plan Amend.	16,318.99	0.00	\$16,318.99
	XXXXX3000	08/16/2022	AssetWorks	18,124.45	605-6049	SUNNYVALE-FA-MA2022 SOFTWARE	18,124.45	0.00	\$18,124.45
	XXXXX3001	08/16/2022	AT&T	313.41	000018453622	BAN 9391064476	313.41	0.00	\$313.41
	XXXXX3002	08/16/2022	Bibliotheca LLC	70,118.40	INV-US55645	Subscription 7/1/22 - 6/30/23	70,118.40	0.00	\$70,118.40
	XXXXX3003	08/16/2022	Buckles-Smith Electric Co	57.16	3266191-01	WPCP kit	57.16	0.00	\$4,302.03
				2,713.22	3271744-03	WPCP analog input	2,713.22	0.00	
				1,531.65	3283968-00	WPCP	1,547.12	15.47	
	XXXXX3004	08/16/2022	Callander Associates Landscape Architec	10,359.00	22017-3	Serra Park Play Area 22017	10,359.00	0.00	\$10,359.00
	XXXXX3005	08/16/2022	Caltest Analytical Laboratory	261.00	634661	WW22JUL12-04	261.00	0.00	\$1,613.84
				398.40	634873	Cyanide Testing July 2022	398.40	0.00	
				66.40	634929	CI22JUL12-03	66.40	0.00	
				66.40	634930	CI22JUL09-03	66.40	0.00	
				66.40	634931	CI22JUL09-06	66.40	0.00	
				66.40	634932	CI22JUL08-01	66.40	0.00	
				255.00	634955	WW22JUL07-06	255.00	0.00	
				433.84	634956	CI22JUL12-07	433.84	0.00	
	XXXXX3006	08/18/2022	Bay Area Air Quality Management District	492.00	T142515	Customer B113259F13687	492.00	0.00	\$492.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Renewal			
	XXXXX3007	08/18/2022	BSA Environmental Services Inc	850.00	COS 22-09	Analysis 7/14/22	850.00	0.00	\$1,700.00
				850.00	COS 22-10	Analysis 7/28/22	850.00	0.00	
	XXXXX3008	08/18/2022	Zanker Road Resource Management, LTD	78,741.31	359	Organic Processing Jul 22	78,741.31	0.00	\$78,741.31
	XXXXX3009	08/18/2022	Julie K Gavin	1,920.00	206-9July2022	Workshop	1,920.00	0.00	\$1,920.00
	XXXXX3010	08/18/2022	Sierra Maestas	7,944.60	CC2022JJA	Swim Lessons	7,944.60	0.00	\$7,944.60
	XXXXX3011	08/18/2022	Paul Zagaris	4,300.00	22832	Video Production	4,300.00	0.00	\$4,300.00
	XXXXX3012	08/18/2022	Code for Fun	7,050.00	1918	Tuition: Class 7/29/22	7,050.00	0.00	\$7,050.00
	XXXXX3013	08/18/2022	San Mateo County Economic Development Association	16,000.00	23-002	Platinum Mbership FY2023	16,000.00	0.00	\$16,000.00
	XXXXX3014	08/18/2022	Laurie Ann Borchard	32.13	EXP000030901044	Misc Amazon 071222	32.13	0.00	\$32.13
	XXXXX3015	08/18/2022	David C Larks	272.90	EXP000031335583	Misc Vest Reimbursement 080322	272.90	0.00	\$272.90
	XXXXX3016	08/18/2022	Acme Boiler & Water Heating Co	3,878.76	8909	Columbia Middle School	3,878.76	0.00	\$3,878.76
	XXXXX3017	08/18/2022	Advanced Chemical Transport Inc	1,068.76	422205	Chemical Transport	1,068.76	0.00	\$1,068.76
	XXXXX3018	08/18/2022	AFCO AvPorts Management LLC	66,438.00	NUQ-22-27604	Golf course annual lease	66,438.00	0.00	\$66,438.00
	XXXXX3019	08/18/2022	Alhambra	339.76	19768402080122 WPCP	Water	339.76	0.00	\$339.76
	XXXXX3020	08/18/2022	All City Management Services Inc	5,389.62	78765	School Crossing Guard Services	5,389.62	0.00	\$17,547.60

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				12,157.98	78807	School Crossing Guard Services	12,157.98	0.00	
	XXXXX3021	08/18/2022	Amazon Capital Services Inc	109.11	11CT-63JF-T4P4	Priscilla Luckey	109.11	0.00	\$1,393.43
				102.01	136L-3K76-JNVW	Priscilla Luckey	102.01	0.00	
				16.14	139Y-Q1DN-7HL3	Nan Choi	16.14	0.00	
				38.10	13GJ-Y39X-3444	Nan Choi	38.10	0.00	
				6.53	16MX-TCVP-7L3L	Tisha	6.53	0.00	
				19.63	17F6-RQYW-DXMC	Chris Klackle	19.63	0.00	
				13.63	1CLJ-KC1H-V33N	Library Rafael Bayani	13.63	0.00	
				205.12	1CT7-C4YW-CN74	Chris Klackle	205.12	0.00	
				87.56	1CWF-MLWX-FRKQ	Walter Buczeke	87.56	0.00	
				39.24	1MFY-DDQ6-4DTC	Pauline Hill	39.24	0.00	
				132.94	1MMT-Q7GD-CMWW	Nan Choi	132.94	0.00	
				178.94	1Q7M-XXN1-1P6G	Marylou Veloz	178.94	0.00	
				30.09	1Q9Y-T43T-HGTK	WPCP	30.09	0.00	
				291.10	1QKL-3H7D-V7HW	Lisa Mason	291.10	0.00	
				20.18	1TY6-RL6Y-GWJD	jerdman	20.18	0.00	
				52.37	1WGG-	Linda Lovett	52.37	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					13HM-3G7R				
				50.74	1XL7-YJFM-D9FP	Jerdman	50.74	0.00	
	XXXXX3022	08/18/2022	American Fidelity Administrative Svcs	636.35	59218	Time & Eligibility fee July	636.35	0.00	\$636.35
	XXXXX3023	08/18/2022	American Leak Detection	1,880.00	43455A	582 E Maude Ave.	1,880.00	0.00	\$1,880.00
	XXXXX3024	08/18/2022	Applied Industrial Technologies	529.22	7024525850	WPCP Parts	529.22	0.00	\$529.22
	XXXXX3025	08/18/2022	Backflow Prevention Specialists Inc	5,477.77	10127	ESD Parts	5,477.77	0.00	\$5,477.77
	XXXXX3026	08/18/2022	BMI	1,404.00	42340472	Music licensing 4/1/22-3/31/23	1,404.00	0.00	\$1,404.00
	XXXXX3027	08/18/2022	Bound Tree Medical LLC	2,018.84	84584972	Stores supplies	2,018.84	0.00	\$6,683.97
				1,964.25	84614890	Stores supplies	1,964.25	0.00	
				2,700.88	84627118	Stores supplies	2,700.88	0.00	
	XXXXX3028	08/18/2022	Carahsoft Technology Corporation	4,058.00	34888491INV	DocuSign 6/1/22-5/31/23	4,058.00	0.00	\$4,058.00
	XXXXX3029	08/18/2022	D & M Traffic Services Inc	200.35	86109	Stores supplies	200.35	0.00	\$200.35
	XXXXX3030	08/18/2022	Dahlin Group	4,055.00	2207-051	Project 1129-003	4,055.00	0.00	\$4,055.00
	XXXXX3031	08/18/2022	Eisenhauer's Catering and Events	2,000.00	48287	Deposit-City catering 9/17/22	2,000.00	0.00	\$2,000.00
	XXXXX3032	08/18/2022	Ferguson US Holdings Inc	4,756.77	1725618	Stores supplies	4,756.77	0.00	\$8,259.57
				405.29	1729206	Stores supplies	405.29	0.00	
				3,097.51	1732930	Stores supplies	3,097.51	0.00	
	XXXXX3033	08/18/2022	The Goodyear Tire & Rubber Co	1,227.16	189-1108855	Stores tires	1,227.16	0.00	\$5,437.77
				359.34	189-1108870	Stores tires	359.34	0.00	
				1,757.06	189-1108885	Stores Tires	1,757.06	0.00	
				818.11	189-1108956	Stores tires	818.11	0.00	
				1,276.10	189-1109008	Stores tires	1,276.10	0.00	
	XXXXX3034	08/18/2022	Graham Contractors	592,647.32	SlurrySeal202	ST-21-07	592,647.32	0.00	\$771,617.85

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Inc		1B#02				
				178,970.53	SlurrySeal2021B#03	ST-21-07	178,970.53	0.00	
	XXXXX3035	08/18/2022	Haute Cuisine Inc	1,980.00	373-2022	Senior lunch - July	1,980.00	0.00	\$1,980.00
	XXXXX3036	08/18/2022	Heritage Bank of Commerce	57,244.53	FOAOHBRID GE#23	TR-13/01-16	57,244.53	0.00	\$57,244.53
	XXXXX3037	08/18/2022	ImageTrend Inc	7,690.77	133721	Annual Fee	7,690.77	0.00	\$7,690.77
	XXXXX3038	08/18/2022	Intex Auto Parts	1,896.92	2-60464-13	Stores supplies	1,896.92	0.00	\$6,874.26
				942.33	2-63142-15	Stores supplies	942.33	0.00	
				934.50	2-65961-15	Stores supplies	934.50	0.00	
				466.38	2-68285-15	Stores supplies	466.38	0.00	
				69.53	2-69455-14	Fleet misc. parts	69.53	0.00	
				26.93	2-70325-18	Fleet misc. parts	26.93	0.00	
				1,610.32	2-70633-16	Stores supplies	1,610.32	0.00	
				20.14	2-71754-17	Fleet misc. parts	20.14	0.00	
				568.94	2-71769-16	CM 2-72097-16 (\$45.46) applied	568.94	0.00	
				53.46	2-71861-15	Fleet misc. parts	53.46	0.00	
				19.64	2-72576-14	Fleet misc. parts	19.64	0.00	
				265.17	2-73174-14	Fleet misc.parts	265.17	0.00	
	XXXXX3039	08/18/2022	IPS Group Inc	318.27	INV73830	DPW03162022	318.27	0.00	\$2,116.65
				1,798.38	INV74903	DPW03162022	1,798.38	0.00	
	XXXXX3040	08/18/2022	Island Kids LLC	8,250.00	001	Slimetopia Camp 7/11-7/15	8,250.00	0.00	\$11,630.00
				3,380.00	002	STEM Tank Ent. 7/11-7/15	3,380.00	0.00	
	XXXXX3041	08/18/2022	Joseph J Albanese Inc	1,087,646.07	FOAOHBRID GE#23	TR-13/01-16	1,087,646.07	0.00	\$1,087,646.07
	XXXXX3042	08/18/2022	Judicial Council of California	1,725.50	September2022	Facility 43-F1 Lic Fee Sep 22	1,725.50	0.00	\$1,725.50

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3043	08/18/2022	Kappe Architects	3,400.00	1935	Corp Yard Plan Jun 2022	3,400.00	0.00	\$3,400.00
	XXXXX3044	08/18/2022	Kelly Moore Paint Co Inc	290.59	820-00000463126	Paint Supplies	290.59	0.00	\$290.59
	XXXXX3045	08/18/2022	L N Curtis & Sons Inc	-313.80	CM33194	Invoice INV61352	-313.80	0.00	\$2,519.86
				256.44	INV606609	Supplies	256.44	0.00	
				259.55	INV610935	Supplies	259.55	0.00	
				684.00	INV611111	Stores Inventory	684.00	0.00	
				313.80	INV613512	Cr Memo CM33194	313.80	0.00	
				684.00	INV615218	Stores Inventory	684.00	0.00	
				84.83	INV620321	Stores Inventory	84.83	0.00	
				339.34	INV621589	Stores Inventory	339.34	0.00	
				211.70	NV609932	Supplies	211.70	0.00	
	XXXXX3046	08/18/2022	Mallory Safety & Supply LLC	1,223.60	5387128	Stores Inventory	1,223.60	0.00	\$16,072.71
				5,530.61	5389762	Stores Inventory	5,530.61	0.00	
				94.16	5390131	Stores Inventory	94.16	0.00	
				583.42	5392513	Stores Inventory	583.42	0.00	
				288.61	5392716	Stores Inventory	288.61	0.00	
				1,466.70	5394089	Stores Inventory	1,466.70	0.00	
				346.15	5398103	Stores Inventory	346.15	0.00	
				120.73	5404154	Stores Inventory	120.73	0.00	
				3,008.90	5404291	Supplies	3,008.90	0.00	
				1,622.03	5405396	Stores Inventory	1,622.03	0.00	
				1,702.35	5411971	Stores Inventory	1,702.35	0.00	
				85.45	5413593	Stores Inventory	85.45	0.00	
	XXXXX3047	08/18/2022	Mission Linen Service	102.81	517331516	Linen Svc	102.81	0.00	\$2,513.29
				102.19	517331517	Linen Svc	102.19	0.00	
				163.95	517331518	Linen Svc	163.95	0.00	
				102.81	517331519	Linen Svc	102.81	0.00	
				84.21	517331520	Linen Svc	84.21	0.00	
				84.21	517331521	Linen Svc	84.21	0.00	
				102.81	517379953	Linen Svc	102.81	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				106.91	517379954	Linen Svc	106.91	0.00	
				147.45	517379955	Linen Svc	147.45	0.00	
				102.81	517379956	Linen Svc	102.81	0.00	
				84.21	517379957	Linen Svc	84.21	0.00	
				84.21	517379958	Linen Svc	84.21	0.00	
				100.16	517425023	Linen Svc	100.16	0.00	
				102.19	517425024	Linen Svc	102.19	0.00	
				147.45	517425025	Linen Svc	147.45	0.00	
				102.81	517425026	Linen Svc	102.81	0.00	
				84.21	517425027	Linen Svc	84.21	0.00	
				84.21	517425028	Linen Svc	84.21	0.00	
				102.81	517465942	Linen Svc	102.81	0.00	
				102.19	517465943	Linen Svc	102.19	0.00	
				147.45	517465944	Linen Svc	147.45	0.00	
				102.81	517465945	Linen Svc	102.81	0.00	
				84.21	517465946	Linen Svc	84.21	0.00	
				84.21	517465947	Linen Svc	84.21	0.00	
	XXXXX3048	08/18/2022	Mountain View Garden Center	305.44	110567	Supplies	305.44	0.00	\$469.49
	XXXXX3049	08/18/2022	NAPA Auto Parts	164.05	110576	Supplies	164.05	0.00	\$838.04
				23.49	5983-764557	Parts	23.49	0.00	
				30.61	5983-767328	Parts	30.61	0.00	
				85.85	5983-767671	Parts	85.85	0.00	
				150.59	5983-767672	Parts	150.59	0.00	
				221.21	5983-768720	Parts	221.21	0.00	
				81.70	5983-768724	Parts	81.70	0.00	
				63.49	5983-768726	Parts	63.49	0.00	
				100.72	5983-768727	Parts	100.72	0.00	
				54.40	5983-768758	Parts	54.40	0.00	
				6.81	5983-768809	Parts	6.81	0.00	
				5.22	5983-769363	Parts	5.22	0.00	
				13.95	5983-769364	Parts	13.95	0.00	
	XXXXX3050	08/18/2022	National Construction Rentals Inc	160.91	6642740	Borregas & Carl 7/23-8/19/22	160.91	0.00	\$160.91

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3051	08/18/2022	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	19.94	259589988001	Brandon Tong 8/8/2022	19.94	0.00	\$242.46
				30.10	260542206001	Silvia Ramirez 8/15/2022	30.10	0.00	
				105.74	261348695001	Frances Morales 8/13/22	105.74	0.00	
				33.57	261348696001	Frances Morales 8/13/22	33.57	0.00	
				3.98	261627942001	Phyllis Chan 8/15/2022	3.98	0.00	
				49.13	261865697001	Patricia Pickett 8/16/2022	49.13	0.00	
	XXXXX3052	08/18/2022	P&R Paper Supply Co., Inc.	98.09	60040821-01	Cr Memo 60051461-00	98.09	0.00	\$23,157.95
				765.73	60045678-01	Stores Inventory	765.73	0.00	
				249.76	60045678-02	Stores Inventory	249.76	0.00	
				1,004.06	60047032-00	CM 60052722-00 Applied	1,004.06	0.00	
				9,290.36	60049723-00	Stores Inventory	9,290.36	0.00	
				-98.09	60051461-00	Inv 60040821-01	-98.09	0.00	
				1,141.63	60052340-00	CM 60052935-00 Applied	1,141.63	0.00	
				2,294.30	60053366-00	Stores Inventory	2,294.30	0.00	
				8,412.11	60054678-00	CM 60046283-00 Applied	8,412.11	0.00	
	XXXXX3053	08/18/2022	Pacific Gas & Electric Co	5,210.34	0395847945-7 0722	121 W Evelyn Ave-Multimodal	5,210.34	0.00	\$5,220.39
				10.05	8980516791-6 0722	N/S El Camino&E Remington	10.05	0.00	
	XXXXX3054	08/18/2022	Pacific West Security, Inc	211.00	63510	CNC Aug 2022	211.00	0.00	\$211.00
	XXXXX3055	08/18/2022	Peninsula Battery Inc	437.88	138778	Stores Inventory	437.88	0.00	\$437.88



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3056	08/18/2022	Pine Cone Lumber Co Inc	1,439.55	153732	Stores Inventory	1,439.55	0.00	\$2,577.14
				679.47	156495	Stores Inventory	679.47	0.00	
				458.12	156497	Stores Inventory	458.12	0.00	
	XXXXX3057	08/18/2022	Peter W. Richards	732.26	34005	Stores Inventory	732.26	0.00	\$732.26
	XXXXX3058	08/18/2022	Rays Electric	9,177.00	MaryEvelynTrainCrossing#05	TR-19-03	9,177.00	0.00	\$9,177.00
	XXXXX3059	08/18/2022	Rayvern Lighting Supply Co Inc	876.81	68469-0	Stores Inventory	876.81	0.00	\$2,231.55
				1,354.74	68534-0	Stores Inventory	1,354.74	0.00	
	XXXXX3060	08/18/2022	Reed & Graham Inc	997.98	033745	Asphalt	997.98	0.00	\$2,238.46
				1,240.48	036724	Asphalt \$65.29 Disc By 9/5	1,305.77	65.29	
	XXXXX3061	08/18/2022	Richards Watson & Gershon	837.50	235396	Svc Thru 12/31/2021	837.50	0.00	\$837.50
	XXXXX3062	08/18/2022	Royal Brass Inc	1,362.08	977689-001	Parts	1,362.08	0.00	\$1,362.08
	XXXXX3063	08/18/2022	County of Santa Clara	50.00	CEQA/NOE - Slurry Seal 2022 B	CEQA and NOE County filing	50.00	0.00	\$50.00
	XXXXX3064	08/18/2022	SCP Distributors LLC	127.14	36073023	Supplies	127.14	0.00	\$127.14
	XXXXX3065	08/18/2022	SFO Reprographics	81.84	75194	Color Posters	81.84	0.00	\$228.07
				54.56	75195	Color Posters	54.56	0.00	
				91.67	75196	PVC Printing	91.67	0.00	
	XXXXX3066	08/18/2022	California Newspapers Partnership	85.00	0006678340	Advertising July	85.00	0.00	\$1,063.00
				68.00	0006683295	Advertising - July	68.00	0.00	
				102.00	0006686801	Advertising - July	102.00	0.00	
				102.00	0006686806	Advertising - July	102.00	0.00	
				112.00	0006686813	Advertising - July	112.00	0.00	
				99.00	0006686816	Advertising - July	99.00	0.00	
				95.00	0006686823	Advertising - July	95.00	0.00	
				92.00	0006686824	Advertising - July	92.00	0.00	

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				95.00	0006686833	Advertising - July	95.00	0.00	
				213.00	0006686881	Advertisement - July	213.00	0.00	
	XXXXX3067	08/18/2022	Silver & Wright LLP	288.00	29257	Feb 2022	288.00	0.00	\$288.00
	XXXXX3068	08/18/2022	SiteOne Landscape Supply LLC	2,740.94	121268173-001	Stores Inventory	2,740.94	0.00	\$2,740.94
	XXXXX3069	08/18/2022	Staples Inc	126.24	3515363852	Summary Bill 8067250189	126.24	0.00	\$126.24
	XXXXX3071	08/18/2022	Tap Master, Inc.	2,795.00	0722-93	Svc@360 Caribbean	2,795.00	0.00	\$2,795.00
	XXXXX3072	08/18/2022	Home Depot USA Inc d/b/a The Home Depot Pro	1,371.70	694634478	Stores supplies	1,371.70	0.00	\$7,648.70
				1,414.26	694745266	Stores supplies	1,414.26	0.00	
				481.42	695490888	Stores supplies	481.42	0.00	
				388.92	696530872	Stores supplies	388.92	0.00	
				1,586.13	696794080	Stores supplies	1,586.13	0.00	
				74.16	698321411	Stores supplies	74.16	0.00	
				375.39	700060833	Stores supplies	375.39	0.00	
				190.14	700576788	Stores supplies	190.14	0.00	
				1,766.58	700831613	Stores supplies	1,766.58	0.00	
	XXXXX3073	08/18/2022	Tripac Fasteners	1,078.14	5792462	Supplies	1,078.14	0.00	\$1,078.14
	XXXXX3074	08/18/2022	Turf & Industrial Equipment Co	-515.07	IV40219	Inv IV39935	-515.07	0.00	\$2,848.32
				-237.89	IV40269	IV40221	-237.89	0.00	
				240.35	IV43366	Parts	240.35	0.00	
				90.21	IV43366A	Parts	90.21	0.00	
				210.29	IV43374	Parts	210.29	0.00	
				71.76	IV43385	Parts	71.76	0.00	
				45.72	IV43393	Parts	45.72	0.00	
				478.73	IV43485	Parts	478.73	0.00	
				138.05	IV43507	Parts	138.05	0.00	
				425.48	IV43514	PArts	425.48	0.00	
				109.34	IV43561	Stores Inventory	109.34	0.00	
				108.85	IV43580	Parts	108.85	0.00	

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				110.89	IV43592	Parts	110.89	0.00	
				27.16	IV43592A	Parts	27.16	0.00	
				158.41	IV43593	Parts	158.41	0.00	
				27.16	IV43593A	Parts	27.16	0.00	
				109.99	IV43595	Parts	109.99	0.00	
				38.34	IV43598	Parts	38.34	0.00	
				181.22	IV43615	Parts	181.22	0.00	
				40.16	IV43676	Parts	40.16	0.00	
				68.59	IV43784	Parts	68.59	0.00	
				811.24	IV43908	Stores Inventory	811.24	0.00	
				109.34	IV43912	Stores Inventory	109.34	0.00	
	XXXXX3075	08/18/2022	United Rentals (North America), Inc.	1,642.33	165469049-047	Truck 7/7-8/4/22	1,642.33	0.00	\$4,947.73
				3,305.40	172295268-039	Dump Truck 7/4-8/1/22	3,305.40	0.00	
	XXXXX3076	08/18/2022	United Rotary Brush Corp	4,440.60	CI286009	Stores Inventory	4,440.60	0.00	\$4,440.60
	XXXXX3077	08/18/2022	HD Supply Facilities Maintenance LTD	763.15	065489	C#231870 Supplies	763.15	0.00	\$763.15
	XXXXX3078	08/18/2022	Vermont Systems Inc	11,012.40	VS004573	RecTrac 7/1/22-6/30/23	11,012.40	0.00	\$11,012.40
	XXXXX3079	08/18/2022	VWR International LLC	19.81	8810146999	Supplies	19.81	0.00	\$19.81
	XXXXX3080	08/18/2022	Walker Parking Consultants/Engineers , Inc.	2,912.00	330023800002	CityLine Operations Thru 7/28	2,912.00	0.00	\$2,912.00
	XXXXX3081	08/18/2022	West Valley Engineering, Inc	2,631.60	317815	Margaret Netto W/E 8/7/22	2,631.60	0.00	\$2,631.60
	XXXXX3082	08/18/2022	Western States Tool & Supply Corporation	872.33	214616	Stores Inventory	872.33	0.00	\$1,610.01
				141.86	214969	Stores Inventory	141.86	0.00	
				595.82	216899	Stores Inventory	595.82	0.00	
	XXXXX3083	08/18/2022	ZAP Manufacturing Inc	5,971.80	6944	Refurb Labor & Supplies	5,971.80	0.00	\$5,971.80

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3084	08/18/2022	Zenner USA Inc	17,628.05	0069259-IN	Stores Inventory	17,628.05	0.00	\$29,148.26
				5,782.00	0069421-IN	Stores Inventory	5,782.00	0.00	
				5,738.21	0069794-IN	Stores Inventory	5,738.21	0.00	
	XXXXX3085	08/18/2022	Western States Oil	28,876.04	829373	Stores Inventory	28,876.04	0.00	\$58,801.50
				29,925.46	830695	Stores Inventory	29,925.46	0.00	
	XXXXX3086	08/18/2022	Macias Gini and OConnell LLP	1,414.00	317397	GANN Limit Thru 5/31/2022	1,414.00	0.00	\$1,414.00
	XXXXX3087	08/18/2022	Superco Specialty Products	773.59	PSI457219	Stores Inventory	773.59	0.00	\$2,370.37
				1,596.78	PSI459220	Stores Inventory	1,596.78	0.00	
	XXXXX3088	08/18/2022	Anixter Inc	185.57	22K458613	Stores Supplies	185.57	0.00	\$1,474.60
				454.66	22K459809	Stores Supplies	454.66	0.00	
				613.72	22K459810	Stores supplies	613.72	0.00	
				220.65	22K459811	Stores supplies	220.65	0.00	
	XXXXX3089	08/18/2022	Ace Fire Equipment & Service Co Inc	945.25	12461762	Fire Extinguishers & chemicals	945.25	0.00	\$945.25
	XXXXX3090	08/18/2022	Cleansmart Solutions Inc.	379.86	10513	Stores Inventory	379.86	0.00	\$1,473.62
				1,093.76	15167	Stores Inventory	1,093.76	0.00	
	XXXXX3091	08/18/2022	Core & Main LP	39.29	R391864	Stores supplies	39.29	0.00	\$39.29
	XXXXX3092	08/18/2022	Grainger	5,249.14	9344963963	DPW Tools	5,249.14	0.00	\$9,333.22
				372.03	9348033136	DPW Tools	372.03	0.00	
				568.56	9364965575	Stores supplies	568.56	0.00	
				493.68	9368983574	Stores supplies	493.68	0.00	
				246.84	9369272175	Stores Supplies	246.84	0.00	
				508.29	9372117698	Stores supplies	508.29	0.00	
				420.35	9372593443	Stores supplies	420.35	0.00	
				13.66	9380423856	Stores supplies	13.66	0.00	
				129.28	9388746530	Stores supplies	129.28	0.00	
				1,331.39	9405811721	Stores supplies	1,331.39	0.00	
	XXXXX3093	08/18/2022	California Sports Center	16,046.86	CSC082022S C	Gymnastics July-Aug	16,046.86	0.00	\$16,046.86
	XXXXX3094	08/18/2022	Valley Oil Co	34,341.79	118728	Stores Inventory	34,341.79	0.00	\$151,096.29
				40,320.26	120920	Stores Inventory	40,320.26	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				37,155.10	120922	Stores Inventory	37,155.10	0.00	
				3,194.21	122466	Stores Inventory	3,194.21	0.00	
				2,297.15	122467	Store Inventory	2,297.15	0.00	
				33,787.78	124473	Stores Inventory	33,787.78	0.00	
	XXXXX3095	08/18/2022	Law Office of Todd Simonson PC	2,052.00	159	July 2022	2,052.00	0.00	\$2,052.00
	XXXXX3096	08/18/2022	Sunnyvale Towing Inc	45.00	319746	Towing Svc	45.00	0.00	\$514.00
				45.00	320556	Towing Svc	45.00	0.00	
				45.00	320687	Towing Svc	45.00	0.00	
				339.00	324526	Towing Svc	339.00	0.00	
				40.00	324555	Towing Svc	40.00	0.00	
EFT	XXXXX5679	08/18/2022	David K Sakurai	576.86	EXP000031217985	Travel Boston 070922	576.86	0.00	\$576.86
	XXXXX5680	08/18/2022	Norma Alicia Amaro	15.00	EXP000031158578	Misc Parking Reimbursement 070622	15.00	0.00	\$15.00
	XXXXX5681	08/18/2022	Raina Tuakoi	429.02	EXP000030555513	Travel Washington DC 062422	429.02	0.00	\$429.02
	XXXXX5682	08/18/2022	Agustin Velasquez	70.20	EXP000031460331	Misc Taqueria El Grullo/7-11 06-29-22	70.20	0.00	\$70.20
	XXXXX5683	08/18/2022	Gerardo L Medina	84.46	EXP000031128197	Misc Carls Jr 07-15-22	84.46	0.00	\$84.46
	XXXXX5684	08/18/2022	Michele Bridget Ragsdale	316.92	EXP000031565829	Misc Costco 080922	316.92	0.00	\$316.92
	XXXXX5685	08/18/2022	Jose A Navarro	73.99	EXP000031594190	Misc_In-N-Out Burger 08-11-22	73.99	0.00	\$73.99
	XXXXX5686	08/18/2022	Sara K Searle	190.00	EXP000031218467	Travel San Diego 072422	190.00	0.00	\$190.00
	XXXXX5687	08/18/2022	Lisa A Gonzales	6.44	EXP000031289344	Travel Santa Clara July 2022	6.44	0.00	\$6.44
	XXXXX5688	08/18/2022	Casey Alan Bishop	70.00	EXP000031095873	Travel Livermore 072022	70.00	0.00	\$70.00
	XXXXX5689	08/18/2022	Nicholas A Kakis	372.82	EXP0000313	Travel Makawao	372.82	0.00	\$372.82

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					97562	080222			
	XXXXX5690	08/18/2022	Moises Dorado Valle	97.98	EXP000031436995	Travel July 2022	97.98	0.00	\$97.98
	XXXXX5691	08/18/2022	Jennifer A Wood	414.38	EXP000030901586	Travel Amador County 070522	414.38	0.00	\$414.38
	XXXXX5692	08/18/2022	Elisa M Barrios	576.73	EXP000031005907	Travel Corona 071722	576.73	0.00	\$576.73
	XXXXX5693	08/18/2022	Michael W Mcmillen	405.00	EXP000031158508	Tuition Domestic Violence FY22/23	405.00	0.00	\$810.00
				405.00	EXP000031158531	Tuition Research Methods in Criminal Justice FY22/23	405.00	0.00	
	XXXXX5694	08/18/2022	Justin Joseph Mardesich	138.00	EXP000031095846	Travel Livermore 072022	138.00	0.00	\$138.00
	XXXXX5695	08/18/2022	Jerardo Barajas	352.25	EXP000031172543	Travel Morro Bay 7/22/22	352.25	0.00	\$352.25
	XXXXX5696	08/18/2022	Joel Meza	57.68	EXP000031330667	Travel July 2022	57.68	0.00	\$57.68
	XXXXX5697	08/18/2022	Shannon R Keener	8.31	EXP000031305176	Travel SV 08022022	8.31	0.00	\$8.31
WIRE	XXXXX5585	08/16/2022	Wells Fargo	1,183.00	783006-2022-08-16	Paid on behalf of Johnson, Tisha	1,183.00	0.00	\$130,273.38
				967.94	783007-2022-08-16	Paid on behalf of Lopez, Nelia	967.94	0.00	
				781.69	783008-2022-08-16	Paid on behalf of Huerta, Rene	781.69	0.00	
				202.63	783009-2022-08-16	Paid on behalf of Wilson, Rodney	202.63	0.00	
				1,396.90	783010-2022-08-16	Paid on behalf of Merrill, Mark	1,396.90	0.00	
				226.31	783011-2022-08-16	Paid on behalf of Hill, Trenton	226.31	0.00	
				17.59	783012-2022-	Paid on behalf of	17.59	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					08-16	Medina, Roberto			
				85.08	783013-2022-08-16	Paid on behalf of Diaz, Aracely	85.08	0.00	
				66.10	783014-2022-08-16	Paid on behalf of Orozco, Raymond	66.10	0.00	
				163.73	783015-2022-08-16	Paid on behalf of Gamez, Alberto	163.73	0.00	
				2,164.12	783016-2022-08-16	Paid on behalf of Masamori, Mark	2,164.12	0.00	
				3,300.00	783017-2022-08-16	Paid on behalf of Bokla, Sonia	3,300.00	0.00	
				939.00	783018-2022-08-16	Paid on behalf of Rodriguez, Lorena	939.00	0.00	
				399.00	783019-2022-08-16	Paid on behalf of Card, Gregory	399.00	0.00	
				138.02	783020-2022-08-16	Paid on behalf of Knight, Robert	138.02	0.00	
				125.98	783021-2022-08-16	Paid on behalf of Jensen, Julie	125.98	0.00	
				344.33	783022-2022-08-16	Paid on behalf of Rodriguez, Pedro	344.33	0.00	
				28.35	783023-2022-08-16	Paid on behalf of Sipes, Jeffrey	28.35	0.00	
				334.82	783024-2022-08-16	Paid on behalf of Mckinley, Joseph	334.82	0.00	
				715.91	783025-2022-08-16	Paid on behalf of Gutierrez, Monica	715.91	0.00	
				576.54	783026-2022-08-16	Paid on behalf of Nguyen, Thao Thanh	576.54	0.00	
				518.11	783027-2022-08-16	Paid on behalf of Young, George	518.11	0.00	
				714.78	783028-2022-08-16	Paid on behalf of Bracamonte, Markus	714.78	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				97.06	783029-2022-08-16	Paid on behalf of Plonka, Marie	97.06	0.00	
				128.38	783030-2022-08-16	Paid on behalf of Locke, Ron	128.38	0.00	
				273.80	783031-2022-08-16	Paid on behalf of Choi, Yong Nan	273.80	0.00	
				40.31	783032-2022-08-16	Paid on behalf of Bracamonte, Daniel	40.31	0.00	
				5,927.66	783033-2022-08-16	Paid on behalf of Mason, Lisa	5,927.66	0.00	
				261.17	783034-2022-08-16	Paid on behalf of Nguyen, Alex	261.17	0.00	
				75.00	783035-2022-08-16	Paid on behalf of Rodriguez, Maria	75.00	0.00	
				400.08	783036-2022-08-16	Paid on behalf of Serfoss, Charles	400.08	0.00	
				67.67	783037-2022-08-16	Paid on behalf of Dance, Kristin	67.67	0.00	
				318.80	783038-2022-08-16	Paid on behalf of Jacquemet, Paul	318.80	0.00	
				154.00	783039-2022-08-16	Paid on behalf of Theyskens, William	154.00	0.00	
				1,044.17	783040-2022-08-16	Paid on behalf of Avila, Saul	1,044.17	0.00	
				972.05	783041-2022-08-16	Paid on behalf of Contreras, Audel	972.05	0.00	
				142.64	783042-2022-08-16	Paid on behalf of Brown, James	142.64	0.00	
				4,630.74	783043-2022-08-16	Paid on behalf of Charles, Rodolfo	4,630.74	0.00	
				738.91	783044-2022-08-16	Paid on behalf of Medina, Gerardo	738.91	0.00	
				280.90	783045-2022-	Paid on behalf of	280.90	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					08-16	Tano, Troy			
				711.74	783046-2022-08-16	Paid on behalf of Barajas, Jerardo	711.74	0.00	
				972.00	783047-2022-08-16	Paid on behalf of Barajas, Emiliano	972.00	0.00	
				142.95	783048-2022-08-16	Paid on behalf of Ragsdale, Michele Bridget	142.95	0.00	
				1,711.59	783049-2022-08-16	Paid on behalf of Luckey, Priscilla	1,711.59	0.00	
				1,226.23	783050-2022-08-16	Paid on behalf of Lemmon, Lisa	1,226.23	0.00	
				4,977.36	783051-2022-08-16	Paid on behalf of Callaghan, Julie	4,977.36	0.00	
				690.74	783052-2022-08-16	Paid on behalf of Kashitani, Jamie	690.74	0.00	
				5,937.14	783053-2022-08-16	Paid on behalf of Buczeke, Walter	5,937.14	0.00	
				193.70	783054-2022-08-16	Paid on behalf of Martinez Melena, Gabriela	193.70	0.00	
				2,342.96	783055-2022-08-16	Paid on behalf of Garcia, Claire	2,342.96	0.00	
				1,941.95	783056-2022-08-16	Paid on behalf of Griffith, Jonathan	1,941.95	0.00	
				7,672.13	783057-2022-08-16	Paid on behalf of Bayani, Rafael	7,672.13	0.00	
				62.05	783058-2022-08-16	Paid on behalf of Lemasters, James	62.05	0.00	
				130.96	783059-2022-08-16	Paid on behalf of Ashe, Jesse	130.96	0.00	
				309.91	783060-2022-08-16	Paid on behalf of Gott, Tracey	309.91	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				4,127.36	783061-2022-08-16	Paid on behalf of Hernandez, Jaime	4,127.36	0.00	
				909.20	783062-2022-08-16	Paid on behalf of Badiei, Jody	909.20	0.00	
				1,051.22	783063-2022-08-16	Paid on behalf of Bailey, Camron	1,051.22	0.00	
				358.74	783064-2022-08-16	Paid on behalf of Dunklee, Chaunacey	358.74	0.00	
				222.00	783065-2022-08-16	Paid on behalf of Velasco, Leanora	222.00	0.00	
				3,073.03	783066-2022-08-16	Paid on behalf of Wong, Jennifer	3,073.03	0.00	
				32.69	783067-2022-08-16	Paid on behalf of Howard, Jonathan	32.69	0.00	
				1,572.95	783068-2022-08-16	Paid on behalf of De La Cerda, Melanie	1,572.95	0.00	
				3,075.73	783069-2022-08-16	Paid on behalf of Lovett, Linda	3,075.73	0.00	
				904.63	783070-2022-08-16	Paid on behalf of Wan, Xianliang	904.63	0.00	
				625.50	783071-2022-08-16	Paid on behalf of Sharma, Guia Marie	625.50	0.00	
				145.00	783072-2022-08-16	Paid on behalf of Luc, Annie	145.00	0.00	
				1,466.00	783073-2022-08-16	Paid on behalf of Manzanares, Anjelene	1,466.00	0.00	
				1,737.70	783074-2022-08-16	Paid on behalf of Le, Kien Ricky	1,737.70	0.00	
				81.83	783075-2022-08-16	Paid on behalf of Raygoza, Jesus	81.83	0.00	
				242.77	783076-2022-08-16	Paid on behalf of Christian, Kelsey	242.77	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				13,161.09	783077-2022-08-16	Paid on behalf of Klackle, Chris	13,161.09	0.00	
				957.11	783078-2022-08-16	Paid on behalf of Villegas, Carmen	957.11	0.00	
				622.77	783079-2022-08-16	Paid on behalf of Yoshidome, Reiko	622.77	0.00	
				2,451.94	783080-2022-08-16	Paid on behalf of Dia, Salimata	2,451.94	0.00	
				189.82	783081-2022-08-16	Paid on behalf of Monge, Fabian	189.82	0.00	
				1,740.00	783082-2022-08-16	Paid on behalf of Goel, Swati	1,740.00	0.00	
				2,040.00	783083-2022-08-16	Paid on behalf of Calixto, Irma	2,040.00	0.00	
				2,398.21	783084-2022-08-16	Paid on behalf of Martinez, Mark	2,398.21	0.00	
				11,350.46	783085-2022-08-16	Paid on behalf of Espinoza, Leonard	11,350.46	0.00	
				100.00	783086-2022-08-16	Paid on behalf of Lima, Jeromy	100.00	0.00	
				54.32	783087-2022-08-16	Paid on behalf of Brusco, Robert	54.32	0.00	
				14,479.62	783088-2022-08-16	Paid on behalf of Ketell, Victoria	14,479.62	0.00	
				1,135.01	783089-2022-08-16	Paid on behalf of Yoshidome, Reiko	1,135.01	0.00	
	XXXXX5677	08/18/2022	Carl Warren & Company	10,286.72	8/16/22 Replenishment	Liability Trust Fund Replenishment WR date 8/16/2022	10,286.72	0.00	\$10,286.72
	XXXXX5678	08/18/2022	San Francisco Public Utilities Commission	1,914,442.81	07022022-08012022	Purchased Water Jul 2022 WR Date 8/16/2022	1,914,442.81	0.00	\$1,914,442.81
<b>Grand Total</b>				5,841,969.61			5,842,066.50	96.89	\$5,841,969.61

City of Sunnyvale

**LIST # 143**

**List of All Claims and Bills Approved for Payment  
For Payments Dated 08/21/2022 through 08/27/2022**

**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	XXXXX3097	08/23/2022	Landsea Homes	22,520.00	Proj 2015-9429	Maint dep refund CR314210-2	22,520.00	0.00	\$22,520.00
	XXXXX3098	08/23/2022	Aantex Pest Control	63.00	483233	Pest Control - July	63.00	0.00	\$1,056.00
				87.00	483234	Pest Control	87.00	0.00	
				55.00	486902	Pest Control - August	55.00	0.00	
				55.00	486903	Pest Control - August	55.00	0.00	
				55.00	486904	Pest Control - August	55.00	0.00	
				55.00	486905	Pest Control - August	55.00	0.00	
				55.00	486906	Pest Control - August	55.00	0.00	
				55.00	486907	Pest Control - August	55.00	0.00	
				63.00	486908	Pest Control - August	63.00	0.00	
				95.00	486910	Pest Control - August	95.00	0.00	
				150.00	486913	Pest Control - August	150.00	0.00	
				85.00	486915	Pest Control - August	85.00	0.00	
				88.00	486917	Pest Control - August	88.00	0.00	
				95.00	486932	Pest Control - August	95.00	0.00	
	XXXXX3099	08/23/2022	Advanced Chemical Transport Inc	696.60	422456.	Labor	696.60	0.00	\$696.60
	XXXXX3100	08/23/2022	Airgas, Inc.	208.52	9990513434	Cylinder Rental	208.52	0.00	\$208.52
	XXXXX3101	08/23/2022	Amazon Capital Services Inc	209.48	1DHF-CL7K-KKRM	Linda Lovett	209.48	0.00	\$348.24
				27.27	1F3K-PCNL-46WL	Tim Kashitani	27.27	0.00	
				78.78	1GJ9-7X6V-	Marylou Veloz	78.78	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					3C4P				
				32.71	1X6Q-3G76-6DPD	Anna Lewis	32.71	0.00	
	XXXXX3102	08/23/2022	American Leak Detection	4,000.00	42983A	Panama Park Neighborhood	4,000.00	0.00	\$4,000.00
	XXXXX3103	08/23/2022	AmfaSoft Corp	3,669.30	CHRISTOPHERS-01	Semler,training# 22-03-1194-04	3,669.30	0.00	\$3,669.30
	XXXXX3104	08/23/2022	Ascent Environmental	23,051.50	19010069.01 - 16	Downtown Specific Plan Amendment	23,051.50	0.00	\$23,051.50
	XXXXX3105	08/23/2022	Associated Infrastructure Mgmt Services	4,164.16	2021-029	Services 7/4-7/31/22	4,164.16	0.00	\$4,164.16
	XXXXX3106	08/23/2022	Buckles-Smith Electric Co	4,538.23	3283968-01	WPCP Supplies	4,584.07	45.84	\$5,397.05
				858.82	3284950-00	WPCP Supplies	867.50	8.68	
	XXXXX3107	08/23/2022	Caltest Analytical Laboratory	712.44	635182	Chemical analysis	712.44	0.00	\$1,677.48
				66.40	635237	Chemical analysis	66.40	0.00	
				66.40	635238	Chemical analysis	66.40	0.00	
				66.40	635239	Chemical analysis	66.40	0.00	
				66.40	635240	Chemical analysis	66.40	0.00	
				66.40	635241	Chemical analysis	66.40	0.00	
				433.84	635450	Chemical analysis	433.84	0.00	
				66.40	635451	Chemical analysis	66.40	0.00	
				66.40	635452	Chemical analysis	66.40	0.00	
				66.40	635453	Chemical analysis	66.40	0.00	
	XXXXX3108	08/23/2022	Central Computer	1,222.18	4723362-01	POWTRIS1XLAR	1,222.18	0.00	\$1,222.18
	XXXXX3109	08/23/2022	Occupational Health Centers of California	375.00	76188846	Services CMC-BAY Sunnyvale	375.00	0.00	\$375.00
	XXXXX3110	08/23/2022	CSG Consultants Inc	130.00	45558	Civic Ctr. Fire Protection Plan	130.00	0.00	\$130.00
	XXXXX3111	08/23/2022	Ennis-Flint Inc	14,965.65	267385	Streets Maintenance supplies	14,965.65	0.00	\$41,303.53
				19,463.00	428482	Streets Maintenance	19,463.00	0.00	

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						supplies			
				6,874.88	428485	Streets Maintenance supplies	6,874.88	0.00	
	XXXXX3112	08/23/2022	Environmental Resource Assoc	220.49	015313	WPCP Supplies	220.49	0.00	\$220.49
	XXXXX3113	08/23/2022	Ferguson US Holdings Inc	1,453.55	1732930-1	Stores Supplies	1,453.55	0.00	\$1,453.55
	XXXXX3114	08/23/2022	FitGuard Inc	105.00	0000188987	Preventative Maintenance Visit	105.00	0.00	\$525.00
				105.00	0000188988	Preventative Maintenance Visit	105.00	0.00	
				105.00	0000188991	Preventative Maintenance Visit	105.00	0.00	
				105.00	0000189089	Preventative Maintenance Visit	105.00	0.00	
				105.00	0000189305	Preventative Maintenance Visit	105.00	0.00	
	XXXXX3115	08/23/2022	HydroScience Engineers Inc	710.00	262013065	Hydraulic Analysis	710.00	0.00	\$710.00
	XXXXX3116	08/23/2022	ICAND Promotions	679.64	8971	Shirts	679.64	0.00	\$679.64
	XXXXX3117	08/23/2022	Intex Auto Parts	1,178.57	2-75008-12	Stores supplies	1,178.57	0.00	\$1,304.86
				126.29	2-76197-19	Parts	126.29	0.00	
	XXXXX3118	08/23/2022	Kidz Love Soccer	1,989.00	KLS2022JA	MBJOSK HA/HB 7/25-29/22	1,989.00	0.00	\$1,989.00
	XXXXX3119	08/23/2022	L N Curtis & Sons Inc	3,096.97	INV613017	Supplies	3,096.97	0.00	\$3,096.97
	XXXXX3120	08/23/2022	Lyngso Garden Materials Inc	4,116.20	11414	Supplies	4,116.20	0.00	\$4,116.20
	XXXXX3121	08/23/2022	Mallory Safety & Supply LLC	222.07	5420715	Stores Inventory	222.07	0.00	\$3,529.22
				250.72	5420938	Stores Inventory	250.72	0.00	
				3,056.43	5420952	Stores Inventory	3,056.43	0.00	
	XXXXX3122	08/23/2022	McMaster Carr Supply	799.84	82623404	Supplies	799.84	0.00	\$1,301.31

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Co	501.47	82630070	Supplies	501.47	0.00	
	XXXXX3123	08/23/2022	Mountain View Garden Center	254.21	110486	Supplies	254.21	0.00	\$1,581.99
				752.42	110537	Supplies	752.42	0.00	
				242.80	110538	Supplies	242.80	0.00	
				332.56	110629	Supplies	332.56	0.00	
	XXXXX3124	08/23/2022	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	189.10	259974221001	Celena Ruiz 8/16/2022	189.10	0.00	\$1,501.10
				875.03	260000770001	A Manzanares 8/16/22	875.03	0.00	
				189.54	261102510001	Aracely Diaz 8/11/2022	189.54	0.00	
				25.49	261761040001	Karen Gissibl 8/15/2022	25.49	0.00	
				53.96	262332172001	C Ruiz 8/17 CM 263197219001	53.96	0.00	
				10.89	262388634001	A Manzanares 8/17/22	10.89	0.00	
				176.49	262477871001	Frances Morales 8/17/22	176.49	0.00	
				-19.40	263197219001	C Ruiz Inv 262332172001	-19.40	0.00	
	XXXXX3125	08/23/2022	Pacific Crest Landscape and Maintenance	833.33	46266	July 2022	833.33	0.00	\$833.33
	XXXXX3126	08/23/2022	Peterson Power Systems Inc	13,014.47	PC240038251	Parts	13,014.47	0.00	\$20,601.06
				2,007.03	PC240038323	Parts	2,007.03	0.00	
				5,579.56	SW240183261	Mtnce Svc & Parts	5,579.56	0.00	
	XXXXX3127	08/23/2022	Planet Futsal	2,548.00	FK2022JA	MBJOSA 7/11-15/22	2,548.00	0.00	\$2,548.00
	XXXXX3128	08/23/2022	Santa Clara Lighting	1,021.52	24712	Supplies	1,021.52	0.00	\$2,308.65

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Inc	313.52	24924	Supplies	313.52	0.00	
				973.61	24961	Supplies	973.61	0.00	
	XXXXX3129	08/23/2022	SFO Reprographics	491.06	75273	Color Posters	491.06	0.00	\$491.06
	XXXXX3130	08/23/2022	Shawn Spano	8,475.00	22-3	DPS Mgmt Retreat 8/17/22	8,475.00	0.00	\$8,475.00
	XXXXX3131	08/23/2022	SHI International Corp	31.30	B15603608	VisioPlan2GCC ShrdSvr	31.30	0.00	\$31.30
	XXXXX3132	08/23/2022	Stericycle Inc	142.56	8001905171	C#3000153519 6/6/22 Svc	142.56	0.00	\$142.56
	XXXXX3133	08/23/2022	Sierra Pacific Turf Supply Inc	6,947.26	0618826-IN	Supplies	6,947.26	0.00	\$6,947.26
	XXXXX3134	08/23/2022	Smith's Gopher Trapping Service	94.00	167139	6/29/22 Inspection	94.00	0.00	\$654.00
				260.00	59446B	June 2022	260.00	0.00	
				300.00	59447B	June 2022	300.00	0.00	
	XXXXX3135	08/23/2022	Staples Inc	-11.23	3506600414	Summary Bill 8066094878 L Mason 4/16/22	-11.23	0.00	\$47.90
				19.86	3511455679	Bill 8066729320 Lisa Mason 6/22	19.86	0.00	
				39.27	3511455681	Summary Bill 8066729320 Lisa Mason 6/22/2022	39.27	0.00	
	XXXXX3136	08/23/2022	Starting Arts Inc	415.00	0773	Offsite Camps	415.00	0.00	\$415.00
	XXXXX3137	08/23/2022	Studio Em Graphic Design	600.19	18628	State of City Projects	600.19	0.00	\$600.19
	XXXXX3138	08/23/2022	The Toro Company	1,992.00	963877-68- 2022	Software	1,992.00	0.00	\$1,992.00
	XXXXX3139	08/23/2022	HD Supply Facilities Maintenance LTD	262.70	059318	Supplies	262.70	0.00	\$262.70
	XXXXX3140	08/23/2022	Watersavers Irrigation Inc	597.72	2673653-00	Supplies	597.72	0.00	\$2,697.58
				2,048.54	2673670-00	Supplies	2,048.54	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				51.32	2673697-00	Supplies	51.32	0.00	
	XXXXX3141	08/23/2022	Weck Laboratories Inc	148.58	W2H0109	Lab Svc	148.58	0.00	\$541.23
				392.65	W2H0525	Lab Svc	392.65	0.00	
	XXXXX3142	08/23/2022	Pacific Coast Flag	214.32	28051	Stores Inventory	214.32	0.00	\$214.32
	XXXXX3143	08/23/2022	Core & Main LP	3,164.63	Q921198	Supplies	3,164.63	0.00	\$86,847.53
				1,278.95	R162706	Supplies	1,278.95	0.00	
				1,069.12	R188508	Supplies	1,069.12	0.00	
				9,530.98	R206777	Supplies	9,530.98	0.00	
				2,444.40	R240633	Supplies	2,444.40	0.00	
				15,190.20	R255163	Supplies	15,190.20	0.00	
				323.75	R263073	Supplies	323.75	0.00	
				12,964.05	R274491	Supplies	12,964.05	0.00	
				3,941.60	R300749	Supplies	3,941.60	0.00	
				5,128.88	R311074	Supplies	5,128.88	0.00	
				639.48	R316568	Supplies	639.48	0.00	
				6,355.44	R322856	Supplies	6,355.44	0.00	
				1,364.07	R325576	Supplies	1,364.07	0.00	
				17,350.88	R345518	Supplies	17,350.88	0.00	
				1,090.16	R349244	Supplies	1,090.16	0.00	
				4,670.32	R358003	Supplies	4,670.32	0.00	
				340.62	R358403	Supplies	340.62	0.00	
	XXXXX3144	08/23/2022	Grainger	332.40	9354224074	Supplies	332.40	0.00	\$2,788.15
				431.71	9355048076	Supplies	431.71	0.00	
				349.16	9375641462	Supplies	349.16	0.00	
				740.94	9375641470	Supplies	740.94	0.00	
				84.29	9388928526	Supplies	84.29	0.00	
				103.71	9389304701	Supplies	103.71	0.00	
				114.38	9390641463	Supplies	114.38	0.00	
				30.68	9411509012	Supplies	30.68	0.00	
				51.13	9411509020	Supplies	51.13	0.00	
				549.75	9411509038	Stores supplies	549.75	0.00	
	XXXXX3145	08/23/2022	Bortolussi & Watkin	107,701.23	CmptrRdioCnt	PR-18-02	107,701.23	0.00	\$107,701.23

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Inc		rlrrgatn#R				
	XXXXX3146	08/23/2022	Robert William Payne Jr.	560.00	SDPS-220801	Pre-Employment Exams	560.00	0.00	\$560.00
	XXXXX3147	08/23/2022	Herrera & Sons Two Inc.	3,000.00	13839	Cars for Training	3,000.00	0.00	\$4,500.00
				1,500.00	13962	Vehicles for training	1,500.00	0.00	
	XXXXX3148	08/23/2022	Kuykendall's Auto Body & Frame Inc	2,191.80	5901	Unit#009-3 Parts & Labor	2,191.80	0.00	\$2,191.80
	XXXXX3149	08/23/2022	T3CHCOMP Incorporated	16,200.00	2110-027 SVT 2207 - July	Technical Consulting Jul 22	16,200.00	0.00	\$16,200.00
	XXXXX3150	08/23/2022	Hexagon Transportation Consultants Inc	9,735.50	15842	Homestead Road Study	9,735.50	0.00	\$9,735.50
	XXXXX3151	08/23/2022	Pro-Sweep, Inc.	882.67	317365	July 2022	882.67	0.00	\$882.67
	XXXXX3152	08/23/2022	Marco A Barrita	4,850.00	719	Field PO#PGT-2217	4,850.00	0.00	\$4,850.00
	XXXXX3153	08/23/2022	Peter Wegner	1,000.00	PG01	Civic Ctr Lobby Art Proj	1,000.00	0.00	\$1,000.00
	XXXXX3154	08/23/2022	Momentive Inc.	3,500.00	INV-SM-00037113	SurveyMonkey 7/1/22-6/30/23	3,500.00	0.00	\$3,500.00
	XXXXX3155	08/24/2022	Delta Dental Insurance Co	1,063.90	BE005019109	July 2022 Delta Dental DMO Premium	1,063.90	0.00	\$1,699.16
				635.26	BE005117605	AC#05-7536000000 Sep DMO	635.26	0.00	
	XXXXX3156	08/24/2022	The Party Helpers	7,146.32	69936	Yrs Of Svc Breakfast 8/25/22	7,146.32	0.00	\$7,146.32
	XXXXX3157	08/25/2022	Valley Water	17,481.36	GM103652	Gdwater Extraction Jul 22	17,481.36	0.00	\$17,481.36
	XXXXX3158	08/25/2022	Kirby Canyon Recycling and Disposal Facility	432,606.04	July2022	Acct #046-0849 Jul 2022	432,606.04	0.00	\$432,606.04

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3159	08/25/2022	Division of the State Architect	145,700.00	DSA Filing Fees	DSA Filing Fees Lakewood Branch Library Facility	145,700.00	0.00	\$145,700.00
	XXXXX3160	08/25/2022	Liebert Cassidy Whitmore	144.00	211430	Svc Thru 12/31/2021	144.00	0.00	\$23,272.15
				72.00	211431	Svc Thru 12/31/2021	72.00	0.00	
				1,906.00	212894	Svc Thru 1/31/2022	1,906.00	0.00	
				696.00	214620	Svc Thru 2/28/2022	696.00	0.00	
				144.00	216499	Svc Thru 3/31/2022	144.00	0.00	
				1,872.00	216501	Svc Thru 3/31/2022	1,872.00	0.00	
				36.00	216503	Svc Thru 3/31/2022	36.00	0.00	
				4,896.95	216504	Svc Thru 3/31/2022	4,896.95	0.00	
				396.00	218374	Svc Thru 4/30/2022	396.00	0.00	
				3,189.40	218375	Svc Thru 4/30/2022	3,189.40	0.00	
				792.00	218376	Svc Thru 4/30/2022	792.00	0.00	
				209.00	218377	Svc Thru 4/30/2022	209.00	0.00	
				5,736.20	220683	Svc thru 5/31/2022	5,736.20	0.00	
				684.00	220684	Svc Thru 5/31/2022	684.00	0.00	
				108.00	220685	Svc Thru 5/31/2022	108.00	0.00	
				662.60	222445	Svc Thru 6/30/2022	662.60	0.00	
				468.00	222446	Svc Thru 6/30/2022	468.00	0.00	
				720.00	222447	Svc Thru 6/30/2022	720.00	0.00	
				540.00	222448	Svc Thru 6/30/2022	540.00	0.00	
	XXXXX3161	08/25/2022	Liebert Cassidy Whitmore	36.00	211428	Svc Thru 12/31/2021	36.00	0.00	\$686.00
				224.00	211429	Svc Thru 12/31/2021	224.00	0.00	
				30.00	211767	Svc Thru 12/31/2021	30.00	0.00	
				360.00	216500	Svc Thru 3/31/022	360.00	0.00	
				36.00	216502	Svc Thru 3/31/2022	36.00	0.00	
	XXXXX3162	08/25/2022	Lozano Sunnyvale Car Wash	1,875.00	30	June 2022	1,875.00	0.00	\$3,900.00
				2,025.00	31	July 2022	2,025.00	0.00	
	XXXXX3163	08/25/2022	Marsha Hovey LLC	2,500.00	SV-031	Emergency Mgmt Svc Jul 22	2,500.00	0.00	\$2,500.00
	XXXXX3164	08/25/2022	Municipal Maintenance	3,297.32	0172617-IN	Parts	3,297.32	0.00	\$3,297.32

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3165	08/25/2022	Equipment Inc						
			NAPA Auto Parts	44.30	5983-779431	Parts \$0.90 Disct By 9/10	45.20	0.90	\$1,045.54
				221.17	5983-780039	Parts \$4.51 Disct By 9/10	225.68	4.51	
				41.83	5983-780582	Parts \$0.85 Disct By 9/10	42.68	0.85	
				98.39	5983-780584	Parts \$2.01 Disct by 9/10	100.40	2.01	
				33.73	5983-780875	Parts \$0.69 Disct By 9/10	34.42	0.69	
				153.78	5983-781120	Parts \$3.14 Disct By 9/10	156.92	3.14	
				143.87	5983-781132	Parts \$2.94 Disct By 9/10	146.81	2.94	
				20.35	5983-781137	Parts \$0.42 Disct By 9/10	20.77	0.42	
				2.48	5983-781168	Parts \$0.05 Disct By 9/10	2.53	0.05	
				12.09	5983-781386	Parts \$0.25 Disct By 9/10	12.34	0.25	
				41.47	5983-781491	Parts \$0.85 Disct By 9/10	42.32	0.85	
				3.75	5983-781497	Parts \$0.08 Disct By 9/10	3.83	0.08	
				69.22	5983-781547	Parts \$1.41 Disct By 9/10	70.63	1.41	
				33.84	5983-782201	Parts \$0.69 Disct By 9/10	34.53	0.69	
				22.88	5983-782282	Parts \$0.47 Disct By 9/10	23.35	0.47	
				102.39	5983-782502	Parts \$2.09 Disct By 9/10	104.48	2.09	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3166	08/25/2022	National Construction Rentals Inc	247.30	6642739	301 Carl 7/23-8/19/22	247.30	0.00	\$247.30
	XXXXX3167	08/25/2022	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	178.75	260847698001	Stacy De Benedetti 8/19/22	178.75	0.00	\$1,080.51
				67.73	262676653001	Debra Alvarez 8/23/2022	67.73	0.00	
				834.03	264106996001	Lorena Rodriguez 8/23/22	834.03	0.00	
	XXXXX3168	08/25/2022	P&R Paper Supply Co., Inc.	765.73	60053478-00	Store Inventory	765.73	0.00	\$765.73
	XXXXX3169	08/25/2022	Pacific Gas & Electric Co	57,342.84	8100862765-5 0722	City Owned St & Hwy Lighting	57,342.84	0.00	\$57,506.48
				163.64	9732283098-1 0722	Landfill & Recycle Center	163.64	0.00	
	XXXXX3170	08/25/2022	Payment Vision	2,315.36	217851	Gateway Utility Billing Jun 2022	2,315.36	0.00	\$2,315.36
	XXXXX3171	08/25/2022	Peninsula Crane And Rigging	2,243.00	5323	8/3/2022 Service	2,243.00	0.00	\$2,243.00
	XXXXX3172	08/25/2022	RAFT Resource Area for Teachers	25.00	1307	Membership	25.00	0.00	\$25.00
	XXXXX3173	08/25/2022	Reeds Indoor Range	80.00	733872	Lane Rentals Jul 2022	80.00	0.00	\$80.00
	XXXXX3174	08/25/2022	Safety-Kleen Systems, Inc.	347.43	89433954	Supplies	347.43	0.00	\$1,257.59
				910.16	89658546	Haz Mat	910.16	0.00	
	XXXXX3175	08/25/2022	Stericycle Inc	76.37	8002181109	C#3000149638 7/19/22	76.37	0.00	\$76.37
	XXXXX3176	08/25/2022	Shums Coda Assoc	8,112.50	7631	Plan Review Svc July 2022	8,112.50	0.00	\$16,920.35
				8,807.85	7632	Inspection Svc July 2022	8,807.85	0.00	
	XXXXX3177	08/25/2022	Siegfried Engineering Inc	590.44	43952	Svc Thru 7/31/2022	590.44	0.00	\$590.44
	XXXXX3178	08/25/2022	Sportzania Inc dba	27,809.42	SKY2022AUC	Sports Camps	27,809.42	0.00	\$27,809.42

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Skyhawks Sports						
	XXXXX3179	08/25/2022	Sunnyvale Ford	104.79	208557FOW	Parts	104.79	0.00	\$818.62
				50.20	208670FOW	Parts	50.20	0.00	
				13.79	208794FOW	Parts	13.79	0.00	
				226.23	208824FOW	Parts	226.23	0.00	
				293.66	208840FOW	Parts	293.66	0.00	
				129.95	FOCS848567	Labor	129.95	0.00	
	XXXXX3180	08/25/2022	Sunnyvale Public Safety Officers Assn	38,700.00	Dental0822	Dental Reimb Aug 22	38,700.00	0.00	\$38,700.00
	XXXXX3181	08/25/2022	Home Depot USA Inc d/b/a The Home Depot Pro	85.77	703208108	Supplies	85.77	0.00	\$85.77
	XXXXX3182	08/25/2022	TJKM	4,429.50	0052914	Design&Construction Jun 22	4,429.50	0.00	\$6,383.80
				1,954.30	0053024	Sense of Place Jun 2022	1,954.30	0.00	
	XXXXX3183	08/25/2022	TRISTAR Risk Management	2,728.43	116230	Trust Reimb July 2022	2,728.43	0.00	\$2,728.43
	XXXXX3184	08/25/2022	Turf & Industrial Equipment Co	45.01	IV43908A	Stores Inventory	45.01	0.00	\$45.01
	XXXXX3185	08/25/2022	United Parcel Service	1,859.19	00009666083 22	966608 W/E 7/9-8/6/22	1,859.19	0.00	\$1,859.19
	XXXXX3186	08/25/2022	Univar Solutions USA Inc	7,367.53	50460496	Chemicals	7,367.53	0.00	\$26,654.12
				4,835.31	50471543	Chemicals	4,835.31	0.00	
				7,185.53	50475197	Chemicals	7,185.53	0.00	
				7,265.75	50479089	Chemicals	7,265.75	0.00	
	XXXXX3187	08/25/2022	Verde Design Inc	6,300.12	9-2111400	Community Ctr 7/1-25/22	6,300.12	0.00	\$6,300.12
	XXXXX3188	08/25/2022	Viasyn	3,500.00	27742	Aug 2022	3,500.00	0.00	\$3,500.00
	XXXXX3189	08/25/2022	Vickie Jo Sowell	1,000.00	VJS2022-11	Civic Ctr Lobby Art Proj	1,000.00	0.00	\$1,000.00
	XXXXX3190	08/25/2022	VWR International	126.76	8810290476	Supplies	126.76	0.00	\$504.88

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			LLC	258.58	8810317384	Supplies	258.58	0.00	
				119.54	8810343287	Supplies	119.54	0.00	
	XXXXX3191	08/25/2022	West Valley Engineering, Inc	2,368.44	318148	Margaret Netto W/E 8/14/22	2,368.44	0.00	\$2,368.44
	XXXXX3192	08/25/2022	Wood Rodgers Inc	21,282.50	159525	Pavement Rehab Thru 6/30/22	21,282.50	0.00	\$21,282.50
	XXXXX3193	08/25/2022	Yorke Engineering LLC	536.00	30540	July 2022	536.00	0.00	\$536.00
	XXXXX3194	08/25/2022	Zalco Laboratories	250.00	2207168	Gas Analysis	250.00	0.00	\$250.00
	XXXXX3195	08/25/2022	Sunnyvale Downtown Association	3,000.00	22NBRGRAN TSDA 2	Jazz & Beyond Jul 2022	3,000.00	0.00	\$3,000.00
	XXXXX3196	08/25/2022	Charles Eaneff	433.47	September 2022	Medical Reimbursement September 2022	433.47	0.00	\$433.47
	XXXXX3197	08/25/2022	Lynne Kilpatrick	73.41	September 2022	Medical Reimbursement September 2022	73.41	0.00	\$73.41
	XXXXX3198	08/25/2022	Robert Van Heusen	235.57	September 2022	Medical Reimbursement September 2022	235.57	0.00	\$235.57
	XXXXX3199	08/25/2022	Glenn Fortin	433.52	September 2022	Medical Reimbursement September 2022	433.52	0.00	\$433.52
	XXXXX3200	08/25/2022	Nancy Steward	433.47	September 2022	Medical Reimbursement September 2022	433.47	0.00	\$433.47
	XXXXX3201	08/25/2022	Battery Systems Inc	991.15	7862396	Parts	991.15	0.00	\$991.15
	XXXXX3202	08/25/2022	Consolidated Parts Inc	1,113.07	5075181	Parts	1,113.07	0.00	\$1,113.07
	XXXXX3203	08/25/2022	LD Products Inc	33.02	SIP-013508530	Gold HP Laserjet	33.02	0.00	\$33.02
	XXXXX3204	08/25/2022	Baker & Taylor, LLC	-26.06	0003266792	Materials processing	-26.06	0.00	\$3,543.05

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						errors			
				-2.17	0003266793	Materials processing errors	-2.17	0.00	
				-72.26	0003266887	Materials processing errors	-72.26	0.00	
				-38.20	0003268520	Materials processing errors	-38.20	0.00	
				-1.80	0003268643	Materials processing errors	-1.80	0.00	
				539.50	5017826591	Library collection	539.50	0.00	
				1,529.57	5017837984	Library collection	1,529.57	0.00	
				537.22	5017838738	Library collection	537.22	0.00	
				51.34	5017838773	Library collection	51.34	0.00	
				94.03	5017838775	Library collection	94.03	0.00	
				40.90	5017840822	Library collection	40.90	0.00	
				236.47	5017840824	Library collection	236.47	0.00	
				654.51	5017848774	Library collection	654.51	0.00	
	XXXXX3205	08/25/2022	Grainger	438.87	9368320439	Supplies	438.87	0.00	\$767.65
				328.78	9419954335	Supplies	328.78	0.00	
	XXXXX3206	08/25/2022	Ranger Pipelines Inc	859,821.73	SCWPSitePre p#06	UY-20-02	859,821.73	0.00	\$859,821.73
	XXXXX3207	08/25/2022	Valley Oil Co	330.10	589941	Oil Supply	330.10	0.00	\$330.10
	XXXXX3208	08/25/2022	Deborah Pigott	1,067.68	September 2022	Medical Reimbursement September 2022	1,067.68	0.00	\$1,067.68
	XXXXX3209	08/25/2022	Columbia State Bank	45,253.78	SCWPSitePre p#06	UY-20-02	45,253.78	0.00	\$45,253.78
	XXXXX3210	08/25/2022	Anderson Brule Architects Inc	48,435.50	20.0401.0-25	Lakewood Lib July 2022	48,435.50	0.00	\$48,435.50
	XXXXX3211	08/25/2022	Hemalatha Nekkanti	5.68	September 2022	Medical Reimbursement September 2022	5.68	0.00	\$5.68



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3212	08/25/2022	Michael Ballard	25.77	September 2022	Medical Reimbursement September 2022	25.77	0.00	\$25.77
	XXXXX3213	08/25/2022	Lisa Abboud	405.00	00002403	Spanish Chinese Video Review	405.00	0.00	\$405.00
	XXXXX3214	08/25/2022	Kemira Chemicals Inc	97,705.58	9005447245	Supplies	97,705.58	0.00	\$97,705.58
	XXXXX3215	08/25/2022	Columbia State Bank	41,192.10	CityH2OLine2 021#04	UW-18-01B	41,192.10	0.00	\$74,273.21
				33,081.11	CityH2OLine2 021#05	UW-18-01B	33,081.11	0.00	
	XXXXX3216	08/25/2022	Home Depot USA Inc d/b/a The Home Depot Pro	97.34	703208116	Supplies	97.34	0.00	\$97.34
	XXXXX3217	08/25/2022	FleetPride Inc	72.44	101514237	Parts	72.44	0.00	\$231.60
				159.16	101596243	Parts	159.16	0.00	
	XXXXX3218	08/25/2022	FleetPride Inc	191.35	101583502	Parts	191.35	0.00	\$191.35
	XXXXX3219	08/25/2022	Kathleen F. Rushing	400.00	1974	7/21/22 Music Performance	400.00	0.00	\$400.00
	XXXXX3220	08/25/2022	Dante Mancini	700.00	723	7/28/2022 Magic Shows	700.00	0.00	\$700.00
	XXXXX3221	08/25/2022	Stephen L Treder	300.00	2207051	7/14/2022 Performance	300.00	0.00	\$300.00
	XXXXX3222	08/25/2022	Dominic Panziera	1,000.00	DP-06	Civic Ctr Lobby Art Proj	1,000.00	0.00	\$1,000.00
	XXXXX3223	08/25/2022	Elizabeth P Hickok	1,000.00	HICKOK 22-3	Civic Center art design proposal	1,000.00	0.00	\$1,000.00
	XXXXX3224	08/25/2022	Michael Bradford Endicott	1,000.00	E&B1003	Civic Center art design proposal	1,000.00	0.00	\$1,000.00
	XXXXX3225	08/25/2022	Animal Assisted Happiness	350.00	0487	August 4 AAH Mobile Visit	350.00	0.00	\$350.00
	XXXXX3226	08/25/2022	Carrie Lederer	1,000.00	CL2022-10	Civic Ctr Lobby Art	1,000.00	0.00	\$1,000.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Proj			
	XXXXX3227	08/25/2022	Ben Phipps	1,000.00	SV1004	Civic Ctr Lobby Art Proj	1,000.00	0.00	\$1,000.00
	XXXXX3228	08/25/2022	Phillip Hua	1,000.00	00077	Civic Center art design proposal	1,000.00	0.00	\$1,000.00
	XXXXX3229	08/25/2022	John Stufflebean	1.53	September 2022	Medical Reimbursement September 2022	1.53	0.00	\$1.53
	XXXXX3230	08/25/2022	Ortega Park Neighborhood Association	1,150.00	22NBRGRAN TORTEGA	National Night Out 8/2/22	1,150.00	0.00	\$1,150.00
	XXXXX3231	08/25/2022	David Arthur Middlebrook	1,000.00	32022	Civic Ctr Lobby Art Proj	1,000.00	0.00	\$1,000.00
	XXXXX3232	08/25/2022	Stearns, Conrad and Schmidt Consulting Engineers Inc	1,695.00	0437017	May 2021 Svc	1,695.00	0.00	\$6,407.00
				212.00	0443209A	Engineering Svc Jul 2022	212.00	0.00	
				4,500.00	0443209B	July 2022 Svc	4,500.00	0.00	
	XXXXX3233	08/25/2022	DeSilva Gates Construction	4,466.75	204845-58078	Credit Refund-various Hydnt	4,466.75	0.00	\$4,466.75
	XXXXX3234	08/25/2022	Level 10 Construction	4,475.59	171935-48576	Refund 465 N Mary Av Hydnt 2	4,475.59	0.00	\$4,475.59
	XXXXX3235	08/25/2022	Susan Gardner	43.36	23-012	Textbook: Essential Scrum	43.36	0.00	\$43.36
	XXXXX3236	08/25/2022	OPI Commercial Builders, Inc.	4,257.92	196633-11342	Refund-E El Camino Real Hydnt1	4,257.92	0.00	\$8,538.47
				4,280.55	196633-11356	Refund-E El Camino Real Hydnt	4,280.55	0.00	
	XXXXX3237	08/25/2022	Sung Nam Chi	42.07	031247	Business tax refund-closed acct	42.07	0.00	\$42.07
	XXXXX3238	08/25/2022	The True Life Companies	2,367.00	2021-7161	Refund - Proj 2021-7161	2,367.00	0.00	\$2,367.00
	XXXXX3239	08/25/2022	Albert Mc Cracken	146.57	62913-39092	Credit refund-1286 Cortez Dr.	146.57	0.00	\$146.57

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3240	08/25/2022	Kaitlyn Winner	75.73	23-008	SUS mileage WIOA #5644936	75.73	0.00	\$75.73
	XXXXX3241	08/25/2022	Raymond Sawyer	275.96	196183-72812	Credit refund-976 Wisteria Ter.	275.96	0.00	\$275.96
	XXXXX3242	08/25/2022	James Fairman	236.38	182733-21950	Credit refund-1320 Selo Dr	236.38	0.00	\$236.38
	XXXXX3243	08/25/2022	RREEF CPIF 111 Uranium Dr LLC	164.35	209569-6192	Credit refund -111 Uranium Dr	164.35	0.00	\$164.35
	XXXXX3244	08/25/2022	Rocio Alegria	500.00	23-011.	SUS August rent	500.00	0.00	\$500.00
	XXXXX3245	08/25/2022	Gregg Loo	6.10	145427-72182	Credit refund-1003 Live Oak Ter.	6.10	0.00	\$6.10
	XXXXX3246	08/25/2022	Pengcheng Xiong	308.13	176423-42234	Credit refund-841 Muender Av	308.13	0.00	\$308.13
	XXXXX3247	08/25/2022	Ray's Electric	4,368.90	199445-43790	Credit Refund- X Hydnt	4,368.90	0.00	\$4,368.90
	XXXXX3248	08/25/2022	Advanced Chemical Transport Inc	405.92	414941	Spill Clean up	405.92	0.00	\$405.92
	XXXXX3249	08/25/2022	Airgas, Inc.	700.36	9128003101	Argon	700.36	0.00	\$1,921.13
				764.85	9128690471	WPCP Supplies	764.85	0.00	
				455.92	9990542907	WPCP Supplies	455.92	0.00	
	XXXXX3250	08/25/2022	Alhambra	27.98	19768402 080122 DPS PREV	Water	27.98	0.00	\$243.53
				215.55	19768402 080122 FIRE	Water	215.55	0.00	
	XXXXX3251	08/25/2022	Allstar Fire Equipment Inc	420.13	240371	Boots	420.13	0.00	\$420.13
	XXXXX3252	08/25/2022	Amazon Capital Services Inc	310.77	11VW-D6WG-3KG9	Devin Diazoni	310.77	0.00	\$1,293.01
				52.37	1HHC-4MWV-KQLC	Michelle Chuck	52.37	0.00	
				17.42	1JNM-	Peter Dang 08/11/22	17.42	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					DQDW-NTQG				
				266.14	1MFY-7777-QGFD	Michael Herrera	266.14	0.00	
				21.80	1MLM-VTDG-96R7	Elizabeth Rich	21.80	0.00	
				33.81	1X76-M6CV-33YW	Marylou Veloz	33.81	0.00	
				88.94	1XVC-199X-VGFM	MB Ragsdale 08/12/22	88.94	0.00	
				501.76	1YVV-6QVL-QRFF	Michael Herrera	501.76	0.00	
	XXXXX3253	08/25/2022	Astra Radio Communications	2,093.43	95535	Acoustic Tube	2,093.43	0.00	\$2,093.43
	XXXXX3254	08/25/2022	Bellecci & Assoc Inc	2,248.00	200002.00 - 0000002	Sunnyvale Water Line 2019	2,248.00	0.00	\$24,178.53
				5,340.53	200002.00-0000001	Sunnyvale Water Line 2019	5,340.53	0.00	
				2,303.49	220071.00 - 0000001	Poplar Avenue Sidewalk Study	2,303.49	0.00	
				14,286.51	220071.00-0000002	Poplar Avenue Sidewalk Study	14,286.51	0.00	
	XXXXX3255	08/25/2022	Bentley Systems Incorporated	5,856.00	90063424	Staffing	5,856.00	0.00	\$5,856.00
	XXXXX3256	08/25/2022	BMI Imaging Systems	2,812.49	317993	Scanning Documents	2,812.49	0.00	\$2,812.49
	XXXXX3257	08/25/2022	Buckles-Smith Electric Co	7,519.12	3268018-00	Parts	7,519.12	0.00	\$7,519.12
	XXXXX3258	08/25/2022	C Overaa & Co	140,780.50	PRMRYTRT MT2#60	UY-16/01-20	140,780.50	0.00	\$140,780.50
	XXXXX3259	08/25/2022	California Fire Chiefs Association	2,750.00	02600	Membership Renewal 07/01/2022 to 07/01/2023	2,750.00	0.00	\$2,750.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3260	08/25/2022	California Joint Powers Risk Management	553,453.21	PROP-SUNN-22/23	2022-2023 Property Premium	553,453.21	0.00	\$553,453.21
	XXXXX3261	08/25/2022	City of Santa Clara	608.40	Bill 08052022	AC# 00017353-01 Route 127	608.40	0.00	\$608.40
	XXXXX3262	08/25/2022	Detail Plus	75.00	21843	Hand Wash	75.00	0.00	\$75.00
	XXXXX3263	08/25/2022	Dooley Enterprises, Inc.	17,862.26	63248	Ammo	17,862.26	0.00	\$17,862.26
	XXXXX3264	08/25/2022	FedEx	47.46	7-827-86170	STEVE THEXTON	47.46	0.00	\$47.46
	XXXXX3265	08/25/2022	Fire & Risk Alliance LLC	19,791.19	132-001-73	Staffing	19,791.19	0.00	\$19,791.19
	XXXXX3266	08/25/2022	FirstTwo Inc	7,200.00	1721	License	7,200.00	0.00	\$7,200.00
	XXXXX3267	08/25/2022	FitGuard Inc	105.00	0000188986	Preventative Maintenance Visit	105.00	0.00	\$105.00
	XXXXX3268	08/25/2022	GCS Environmental Equipment Services Inc	697.97	25600	Curtain Set	697.97	0.00	\$697.97
	XXXXX3269	08/25/2022	Golden Gate Truck Center	43.02	FA005146810:01	Parts	43.02	0.00	\$43.02
	XXXXX3270	08/25/2022	The Goodyear Tire & Rubber Co	1,045.59	189-1108993	Parts	1,045.59	0.00	\$1,688.18
				642.59	189-1109018	Parts	642.59	0.00	
	XXXXX3271	08/25/2022	Hach Co Inc	162.56	13146889	Chlorine	162.56	0.00	\$763.12
				600.56	13162182	Monochloramine	600.56	0.00	
	XXXXX3272	08/25/2022	HDR Engineering Inc	2,309.64	1200455541	Sunnyvale Landfill Repairs	2,309.64	0.00	\$2,309.64
	XXXXX3273	08/25/2022	Humane Society Silicon Valley	54,384.72	INV275	Animal Intake, Shelter & Medical Services	54,384.72	0.00	\$54,384.72
	XXXXX3274	08/25/2022	Interstate Battery System of San Jose	418.36	10303866	Parts	418.36	0.00	\$418.36

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Inc.						
	XXXXX3275	08/25/2022	Joint Venture Silicon Valley	6,000.00	930EDAsunnyvale	Membership 2022-23	6,000.00	0.00	\$6,000.00
	XXXXX3276	08/25/2022	Kimley Horn & Assoc Inc	4,252.50	097318031-0222	Wolfe&Dartshire Thru 2/28/22	4,252.50	0.00	\$15,983.15
				8,547.50	21525297	TS Spec Update Thru 5/31/22	8,547.50	0.00	
				3,183.15	22061637	Mary Ave EIR Thru 7/31/22	3,183.15	0.00	
	XXXXX3277	08/25/2022	Lawson Products Inc	407.99	9309810505	Supplies	407.99	0.00	\$799.14
				391.15	9309822930	Supplies	391.15	0.00	
	XXXXX3278	08/25/2022	Lexipol LLC	10,927.28	INVLEX10165	Fire Policy 7/1/22-6/30/23	10,927.28	0.00	\$10,927.28
	XXXXX3279	08/25/2022	LexisNexis Risk Data Management Inc	130.00	1409790-20220731	July 2022	130.00	0.00	\$130.00
EFT	XXXXX5883	08/25/2022	SILVIA MARTINS	224.17	September 2022	Medical Reimbursement September 2022	224.17	0.00	\$224.17
	XXXXX5884	08/25/2022	SIMON C LEMUS	1,108.54	September 2022	Medical Reimbursement September 2022	1,108.54	0.00	\$1,108.54
	XXXXX5885	08/25/2022	STEPHEN QUICK	1,742.75	September 2022	Medical Reimbursement September 2022	1,742.75	0.00	\$1,742.75
	XXXXX5886	08/25/2022	TAMMY PARKHURST	224.17	September 2022	Medical Reimbursement September 2022	224.17	0.00	\$224.17
	XXXXX5887	08/25/2022	Therese Balbo	787.95	September 2022	Medical Reimbursement September 2022	787.95	0.00	\$787.95
	XXXXX5888	08/25/2022	TIM CARLYLE	719.52	September 2022	Medical Reimbursement September 2022	719.52	0.00	\$719.52
	XXXXX5889	08/25/2022	VINCENT CHETCUTI	2,384.92	September	Medical	2,384.92	0.00	\$2,384.92

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					2022	Reimbursement September 2022			
	XXXXX5890	08/25/2022	Craig Anderson	1,222.88	September 2022	Medical Reimbursement September 2022	1,222.88	0.00	\$1,222.88
	XXXXX5891	08/25/2022	Marc Freitas	611.44	September 2022	Medical Reimbursement September 2022	611.44	0.00	\$611.44
	XXXXX5892	08/25/2022	Chaunacey Summer Dunklee	34.13	EXP0000317 94745	Travel Morgan Hill 072822	34.13	0.00	\$34.13
	XXXXX5893	08/25/2022	ABEL A VARGAS	154.11	September 2022	Medical Reimbursement September 2022	154.11	0.00	\$154.11
	XXXXX5894	08/25/2022	AIMEE FOSBENNER	110.53	September 2022	Medical Reimbursement September 2022	110.53	0.00	\$110.53
	XXXXX5895	08/25/2022	ALI FATAPOUR	1,602.52	September 2022	Medical Reimbursement September 2022	1,602.52	0.00	\$1,602.52
	XXXXX5896	08/25/2022	Anthony Pineda	2,384.92	September 2022	Medical Reimbursement September 2022	2,384.92	0.00	\$2,384.92
	XXXXX5897	08/25/2022	BRICE MC QUEEN	1,602.52	September 2022	Medical Reimbursement September 2022	1,602.52	0.00	\$1,602.52
	XXXXX5898	08/25/2022	BYRON K PIPKIN	907.52	September 2022	Medical Reimbursement September 2022	907.52	0.00	\$907.52
	XXXXX5899	08/25/2022	CARL RUSHMEYER	1,222.88	September 2022	Medical Reimbursement September 2022	1,222.88	0.00	\$1,222.88
	XXXXX5900	08/25/2022	CATHY HAYNES	1,108.54	September 2022	Medical Reimbursement September 2022	1,108.54	0.00	\$1,108.54

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX5901	08/25/2022	CHRIS CARRION	689.94	September 2022	Medical Reimbursement September 2022	689.94	0.00	\$689.94
	XXXXX5902	08/25/2022	DAN HAMMONS	110.53	September 2022	Medical Reimbursement September 2022	110.53	0.00	\$110.53
	XXXXX5903	08/25/2022	DAVID KAHN	689.94	September 2022	Medical Reimbursement September 2022	689.94	0.00	\$689.94
	XXXXX5904	08/25/2022	DAVID L VERBRUGGE	1,896.15	September 2022	Medical Reimbursement September 2022	1,896.15	0.00	\$1,896.15
	XXXXX5905	08/25/2022	DAYTON W K PANG	2,384.92	September 2022	Medical Reimbursement September 2022	2,384.92	0.00	\$2,384.92
	XXXXX5906	08/25/2022	DEAN CHU	624.55	September 2022	Medical Reimbursement September 2022	624.55	0.00	\$624.55
	XXXXX5907	08/25/2022	DON JOHNSON	689.94	September 2022	Medical Reimbursement September 2022	689.94	0.00	\$689.94
	XXXXX5908	08/25/2022	DOUGLAS MORETTO	1,222.88	September 2022	Medical Reimbursement September 2022	1,222.88	0.00	\$1,222.88
	XXXXX5909	08/25/2022	ENCARNACION HERNANDEZ	224.17	September 2022	Medical Reimbursement September 2022	224.17	0.00	\$224.17
	XXXXX5910	08/25/2022	ESTRELLA KAWCZYNSKI	153.53	September 2022	Medical Reimbursement September 2022	153.53	0.00	\$153.53
	XXXXX5911	08/25/2022	GAIL SWEGLER	87.39	September 2022	Medical Reimbursement September 2022	87.39	0.00	\$87.39
	XXXXX5912	08/25/2022	GARY LUEBBERS	64.20	September	Medical	64.20	0.00	\$64.20



Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					2022	Reimbursement September 2022			
	XXXXX5913	08/25/2022	GREGORY E KEVIN	719.52	September 2022	Medical Reimbursement September 2022	719.52	0.00	\$719.52
	XXXXX5914	08/25/2022	JAMES BOUZIANE	689.94	September 2022	Medical Reimbursement September 2022	689.94	0.00	\$689.94
	XXXXX5915	08/25/2022	JANICE BROUSSARD	708.64	September 2022	Medical Reimbursement September 2022	708.64	0.00	\$708.64
	XXXXX5916	08/25/2022	JEFFREY PLECQUE	1,213.52	September 2022	Medical Reimbursement September 2022	1,213.52	0.00	\$1,213.52
	XXXXX5917	08/25/2022	JOHN S WITTHAUS	1,602.52	September 2022	Medical Reimbursement September 2022	1,602.52	0.00	\$1,602.52
	XXXXX5918	08/25/2022	KAREN WOBLESKY	1,108.54	September 2022	Medical Reimbursement September 2022	1,108.54	0.00	\$1,108.54
	XXXXX5919	08/25/2022	KATHLEEN FRANCO SIMMONS	517.46	September 2022	Medical Reimbursement September 2022	517.46	0.00	\$517.46
	XXXXX5920	08/25/2022	KELLY FITZGERALD	544.52	September 2022	Medical Reimbursement September 2022	544.52	0.00	\$544.52
	XXXXX5921	08/25/2022	KELLY MENEHAN	51.53	September 2022	Medical Reimbursement September 2022	51.53	0.00	\$51.53
	XXXXX5922	08/25/2022	KLAUS DAEHNE	413.96	September 2022	Medical Reimbursement September 2022	413.96	0.00	\$413.96
	XXXXX5923	08/25/2022	MARK G PETERSEN	1,108.54	September 2022	Medical Reimbursement	1,108.54	0.00	\$1,108.54

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						September 2022			
	XXXXX5924	08/25/2022	Michael Spath	1,896.15	September 2022	Medical Reimbursement September 2022	1,896.15	0.00	\$1,896.15
	XXXXX5925	08/25/2022	PETE GONDA	1,896.15	September 2022	Medical Reimbursement September 2022	1,896.15	0.00	\$1,896.15
	XXXXX5926	08/25/2022	Robert Paternoster	757.85	September 2022	Medical Reimbursement September 2022	757.85	0.00	\$757.85
	XXXXX5927	08/25/2022	ROBERT WALKER	1,067.68	September 2022	Medical Reimbursement September 2022	1,067.68	0.00	\$1,067.68
	XXXXX5928	08/25/2022	RONALD DALBA	893.52	September 2022	Medical Reimbursement September 2022	893.52	0.00	\$893.52
	XXXXX5929	08/25/2022	SCOTT MORTON	708.64	September 2022	Medical Reimbursement September 2022	708.64	0.00	\$708.64
WIRE	XXXXX5756	08/23/2022	Keenan & Associates	66,267.75	080122-081522	Trust Reimb 8/1-15/22 Wire Date 8/18/22	66,267.75	0.00	\$66,267.75
	XXXXX5757	08/23/2022	Valley Water	1,441,610.49	TI002600	Treated Water Usage Jul 2022 Wire Date 8/22/2022	1,441,610.49	0.00	\$1,441,610.49
<b>Grand Total</b>				4,901,212.78			4,901,288.65	75.87	\$4,901,212.78

City of Sunnyvale

**LIST # 144**

**List of All Claims and Bills Approved for Payment  
For Payments Dated 08/28/2022 through 09/03/2022**

**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	XXXXX3280	08/30/2022	NOVAworks Foundation	55.00	PR202234	PR202234 NOVA Dues	55.00	0.00	\$55.00
	XXXXX3281	08/30/2022	Sunnyvale Public Safety Officers Assn	20,520.00	PR202234	PR202234 Association Dues	20,520.00	0.00	\$20,520.00
	XXXXX3282	08/30/2022	Agilent Technologies Inc	17,624.64	9100712356	08/16/22-08/15/23	17,624.64	0.00	\$17,624.64
	XXXXX3283	08/30/2022	Airgas, Inc.	298.19	9129027300	RAD	298.19	0.00	\$298.19
	XXXXX3284	08/30/2022	Amazon Capital Services Inc	45.55	116T-TPML-74MD	Anjelene Manzanares	45.55	0.00	\$2,912.25
				43.62	119Q-3THN-4VQ4	Michelle Chuck	43.62	0.00	
				172.00	11DN-QG9T-4T4N	Devin Diazoni	172.00	0.00	
				146.22	11GP-TX1P-366X	Library Rafael Bayani	146.22	0.00	
				74.57	19X4-L6LD-G13F	Peter Dang	74.57	0.00	
				42.54	1FGQ-WRMY-4CPQ	Nan Choi 08/12/22	42.54	0.00	
				24.83	1HKJ-7171-4K4M	Phyllis Chan 08/15/22	24.83	0.00	
				572.65	1JKL-J9DR-3KJ1	Rebecca Montalvo 08/10/22	572.65	0.00	
				120.03	1KPD-T39X-F99L	Cameron Kostigen Mumper	120.03	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				1,200.30	1PPV-FD13-117T	Anna Lewis 08/17/22	1,200.30	0.00	
				18.17	1QG7-GKYK-7KNL	Annie Luc 08/18/22	18.17	0.00	
				402.67	1QQD-MMWD-RN3H	Devin Diazoni	402.67	0.00	
				49.10	1VNF-WCNQ-6NNF	Lisa Mason	49.10	0.00	
	XXXXX3285	08/30/2022	Bee Friendly Honey Bee Mgmt Solutions	950.00	6978	Bee colony removal	950.00	0.00	\$950.00
	XXXXX3286	08/30/2022	Bluebeam Inc	6,989.80	1461540	Annual Maintenance Renewal	6,989.80	0.00	\$6,989.80
	XXXXX3287	08/30/2022	Buckles-Smith Electric Co	755.73	3289053-00	Disc. \$6.76 by 09/01/22	762.49	6.76	\$819.19
				63.46	3290108-00	0.36 if paid by 08/29/22	63.46	0.00	
	XXXXX3288	08/30/2022	Caltest Analytical Laboratory	22.00	635593	Chemical analysis	22.00	0.00	\$22.00
	XXXXX3289	08/30/2022	Cengage Learning Inc	24.43	78246046	Books	24.43	0.00	\$370.90
				87.27	78260636	Books	87.27	0.00	
				19.20	78267483	Books	19.20	0.00	
				149.24	78282776	Books	149.24	0.00	
				90.76	78338507	Books	90.76	0.00	
	XXXXX3290	08/30/2022	Chemsearchfe	2,155.16	7838279	Spill Shark Water	2,155.16	0.00	\$2,155.16
	XXXXX3291	08/30/2022	CSG Consultants Inc	31,446.25	B221255	Building Plan Review June 22	31,446.25	0.00	\$31,446.25
	XXXXX3292	08/30/2022	CUES Inc	880.84	617293	Parts	880.84	0.00	\$880.84
	XXXXX3293	08/30/2022	Universal Protection Service, LP	6,783.00	13153975	July	6,783.00	0.00	\$6,783.00
	XXXXX3294	08/30/2022	D & M Traffic Services	458.33	86197	Paper Sign	458.33	0.00	\$4,379.63

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Inc	1,629.45	86399	PEDESTRIAN BARRICADE	1,629.45	0.00	
				152.78	86668	Paper Signs	152.78	0.00	
				2,139.07	86936	Cone	2,139.07	0.00	
	XXXXX3295	08/30/2022	Del Gavio Group	4,996.50	10300	Removal of shelves FPO#LRS070822	4,996.50	0.00	\$4,996.50
	XXXXX3296	08/30/2022	Dell Marketing LP	250.32	10590549256	Memory Upgrade	250.32	0.00	\$1,383.59
				552.11	10599277910	Monitor	552.11	0.00	
				581.16	10607225036	VESA Mount with adaptor box	581.16	0.00	
	XXXXX3297	08/30/2022	Environmental Products & Accessories	4,495.55	259428	Parts	4,495.55	0.00	\$4,495.55
	XXXXX3298	08/30/2022	Ferguson US Holdings Inc	2,204.33	1723935-1	Parts	2,204.33	0.00	\$10,896.14
				1,600.87	1735768	Parts	1,600.87	0.00	
				840.26	1735769	Parts	840.26	0.00	
				6,250.68	1735770	Parts	6,250.68	0.00	
	XXXXX3299	08/30/2022	First Student Inc	953.74	9396856	CAMP VOYAGER Charter	953.74	0.00	\$5,579.57
				753.74	9401857	CAMP QUEST Charter	753.74	0.00	
				1,096.59	9402423	Charter	1,096.59	0.00	
				1,010.88	9402846	Charter CAMP VOYAGER	1,010.88	0.00	
				839.45	9403045	CAMP QUEST Charter	839.45	0.00	
				925.17	9403173	CAMP XSCAPE Charter	925.17	0.00	
	XXXXX3301	08/30/2022	Fisher Scientific Co LLC	264.57	0262987	Parts	264.57	0.00	\$9,053.01
				231.89	0377144	Parts	231.89	0.00	
				97.24	0438866	Parts	97.24	0.00	
				956.07	0497761	Parts	956.07	0.00	
				221.14	0608248	parts	221.14	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				33.59	0664290	Parts	33.59	0.00	
				96.62	0722203	Parts	96.62	0.00	
				966.15	0832156	Parts	966.15	0.00	
				149.94	0832158	Parts	149.94	0.00	
				1,076.06	1141457	Parts	1,076.06	0.00	
				47.63	1192012	Parts	47.63	0.00	
				1,395.40	6358719	Parts	1,395.40	0.00	
				733.15	6500446	Parts	733.15	0.00	
				438.56	6500449	Parts	438.56	0.00	
				31.46	7542588	Parts	31.46	0.00	
				218.29	7663154	Parts	218.29	0.00	
				53.20	7698514	Parts	53.20	0.00	
				268.53	8127622	Parts	268.53	0.00	
				216.25	8127623	Parts	216.25	0.00	
				79.08	8127624	Parts	79.08	0.00	
				219.13	9224474	Parts	219.13	0.00	
				276.47	9224475	Parts	276.47	0.00	
				95.98	9338882	Parts	95.98	0.00	
				709.49	9395047	Parts	709.49	0.00	
				177.12	9970363	Parts	177.12	0.00	
	XXXXX3302	08/30/2022	BKF Engineers	4,088.88	22081073	Caltrain Grade Separation July 22	4,088.88	0.00	\$4,088.88
	XXXXX3303	08/30/2022	Gigantic Idea Studio Inc	6,426.75	INV-3841	Video Production Expense	6,426.75	0.00	\$6,426.75
	XXXXX3304	08/30/2022	Goldfarb & Lipman	306.00	143664	Legal fees through 12/31/21	306.00	0.00	\$374.00
				68.00	143851	Legal Fees through 01/31/22	68.00	0.00	
	XXXXX3305	08/30/2022	Hybrid Commercial Printing, Inc.	330.65	27525	Business Card	330.65	0.00	\$1,157.82
				158.23	27529	Business Card	158.23	0.00	
				496.52	27530	YCS Program	496.52	0.00	
				172.42	27536	Business Card	172.42	0.00	
	XXXXX3306	08/30/2022	Javelco Equipment	313.68	59268	Parts	313.68	0.00	\$590.35

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Service Inc	180.00	59630	Parts	180.00	0.00	
				96.67	59652	Parts	96.67	0.00	
	XXXXX3307	08/30/2022	Johnson Roberts & Associates, Inc.	157.50	148710	June 2022	157.50	0.00	\$315.00
				157.50	148968	July 2022	157.50	0.00	
	XXXXX3308	08/30/2022	Kimley Horn & Assoc Inc	22,235.35	21061136	TRCA Timing Thru 3/31/22	22,235.35	0.00	\$29,706.41
				7,471.06	22219503	TFCA FBR Svc Thru 7/31/22	7,471.06	0.00	
	XXXXX3309	08/30/2022	L N Curtis & Sons Inc	3,096.97	INV613013	Supplies	3,096.97	0.00	\$28,493.69
				157.14	INV613841	Supplies	157.14	0.00	
				6,193.94	INV613969	Supplies	6,193.94	0.00	
				2,824.15	INV616659	Supplies	2,824.15	0.00	
				3,096.97	INV616677	Supplies	3,096.97	0.00	
				5,486.86	INV616788	Supplies	5,486.86	0.00	
				7,637.66	INV621339	Supplies	7,637.66	0.00	
	XXXXX3310	08/30/2022	Lawson Products Inc	330.47	9309843226	Supplies	330.47	0.00	\$330.47
	XXXXX3311	08/30/2022	Mallory Safety & Supply LLC	873.70	5424163	Stores Inventory	873.70	0.00	\$873.70
	XXXXX3312	08/30/2022	Mark Thomas & Company, Inc.	624.21	44652	Java Rd Diet Thru 7/29/22	624.21	0.00	\$624.21
	XXXXX3313	08/30/2022	McMaster Carr Supply Co	1,073.15	83080637	Supplies	1,073.15	0.00	\$2,333.24
				104.63	83098471	Supplies	104.63	0.00	
				30.39	83101627	Supplies	30.39	0.00	
				587.25	83160862	Supplies	587.25	0.00	
				472.16	83168145	Supplies	472.16	0.00	
				65.66	83268611	Supplies	65.66	0.00	
	XXXXX3314	08/30/2022	National Auto Fleet Group	33,646.42	WC8567	Chevrolet Bolt	33,646.42	0.00	\$67,292.84
				33,646.42	WC8623	Chevrolet Bolt	33,646.42	0.00	
	XXXXX3315	08/30/2022	Norfield Development Partners LLC	4,518.00	1396	Locator LOGiX	4,518.00	0.00	\$4,518.00
	XXXXX3316	08/30/2022	ODP Business Solutions, LLC (f/k/a	172.90	260238049001	Dustin Clark 8/24/2022	172.90	0.00	\$858.01

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Office Depot Business Solutions, LLC)	10.90	260483820001	Rafael Bayani 8/19/22	10.90	0.00	
				89.37	260847698002	Stacy De Benedetti 8/19/22	89.37	0.00	
				43.63	261636285001	Rafael Bayani 8/15/2022	43.63	0.00	
				65.11	262336418001	Silvia Ramirez 8/23/2022	65.11	0.00	
				14.39	262388633001	Anjelene Manzanares 8/17/22	14.39	0.00	
				287.98	263321707001	Rick Cotter 8/23/2022	287.98	0.00	
				173.73	264106994001	Lorena Rodriguez 8/23/22	173.73	0.00	
	XXXXX3317	08/30/2022	OverDrive Inc	7,792.23	13449CO22202860	Library Materials	7,792.23	0.00	\$7,792.23
	XXXXX3318	08/30/2022	P&R Paper Supply Co., Inc.	1,124.81	60055664-00	Stores Inventory	1,124.81	0.00	\$1,124.81
	XXXXX3319	08/30/2022	Pan Asian Publications Inc	32.46	U-17270	Library Materials	32.46	0.00	\$118.17
				85.71	U-17271	Library Materials	85.71	0.00	
	XXXXX3320	08/30/2022	Pan Pacific Supply Co Inc	1,688.11	29611394	Supplies	1,688.11	0.00	\$1,688.11
	XXXXX3321	08/30/2022	Peterson Power Systems Inc	673.58	PC240038357	Parts	673.58	0.00	\$673.58
	XXXXX3322	08/30/2022	PlaceWorks Inc	328.95	79203	Housing Dvpt Objective Jul 22	328.95	0.00	\$328.95
	XXXXX3323	08/30/2022	Polydyne Inc	37,950.00	1668589	Chemicals	37,950.00	0.00	\$37,950.00
	XXXXX3324	08/30/2022	Priority 1 Public Safety Equipment	6,213.33	8892	Parts Installation	6,213.33	0.00	\$6,213.33
	XXXXX3325	08/30/2022	Ralph Andersen & Assoc	5,800.00	INV-03837	PSOA Survey 2022	5,800.00	0.00	\$13,300.00
				7,500.00	INV-03861	IT Structure & Survey 2022	7,500.00	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3326	08/30/2022	Rayvern Lighting Supply Co Inc	474.64	68586-0	Stores Inventory	474.64	0.00	\$474.64
	XXXXX3327	08/30/2022	San Jose Conservation Corps	12,174.40	7758	Glass Collection Jul 2022	12,174.40	0.00	\$12,174.40
	XXXXX3328	08/30/2022	Santa Clara Lighting Inc	96.61	24696	Supplies	96.61	0.00	\$96.61
	XXXXX3329	08/30/2022	Silver & Wright LLP	25.50	29765	May 2022	25.50	0.00	\$4,376.96
				2,856.00	29960	June 2022	2,856.00	0.00	
				1,495.46	29961	June 2022	1,495.46	0.00	
	XXXXX3330	08/30/2022	Springshare LLC	1,019.00	22-A1691	LibStaffer Aug 22-Apr 23	1,019.00	0.00	\$1,019.00
	XXXXX3331	08/30/2022	Home Depot USA Inc d/b/a The Home Depot Pro	531.15	701786618	Cr, Memo 702213067 applied	531.15	0.00	\$531.15
	XXXXX3332	08/30/2022	TJKM	360.00	0053082	TR-21-01 July 2021	360.00	0.00	\$360.00
	XXXXX3333	08/30/2022	Turf & Industrial Equipment Co	54.31	IV39496	Parts	54.31	0.00	\$1,650.83
				54.31	IV39500	Parts	54.31	0.00	
				30.51	IV39739	Parts	30.51	0.00	
				127.77	IV40059	Parts	127.77	0.00	
				1,230.38	IV43866	Parts	1,230.38	0.00	
				153.55	IV43942	Parts	153.55	0.00	
	XXXXX3334	08/30/2022	Weck Laboratories Inc	350.19	W2H1707	Lab Svc	350.19	0.00	\$350.19
	XXXXX3335	08/30/2022	West Valley Engineering, Inc	2,500.02	318455	Margaret Netto W/E 8/21/22	2,500.02	0.00	\$2,500.02
	XXXXX3336	08/30/2022	Winsupply of Silicon Valley	344.94	036891 01	Supplies \$6.44 Discd By 9/10	351.38	6.44	\$344.94
	XXXXX3337	08/30/2022	Witmer Tyson Imports Inc	1,395.53	T14545	K9 Trng & Misc Jun 2022	1,395.53	0.00	\$1,395.53
	XXXXX3338	08/30/2022	HomeFirst Services of Santa Clara County	22,909.55	HF-July 2022-cc5035	Sunnyvale outreach & shelter	22,909.55	0.00	\$31,251.04
				8,341.49	HF-June	Sunnyvale Outreach	8,341.49	0.00	

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					2022-cc5035	& Shelter June 22			
	XXXXX3339	08/30/2022	Net Transcripts Inc	21.90	NT11987	Transcription	21.90	0.00	\$21.90
	XXXXX3340	08/30/2022	Ace Fire Equipment & Service Co Inc	1,419.46	12462576	Service	1,419.46	0.00	\$1,419.46
	XXXXX3341	08/30/2022	Venous Technologies Inc	10,834.12	7174	Face Masks	10,834.12	0.00	\$10,834.12
	XXXXX3342	08/30/2022	Johansing Iron Works Inc	3,878.56	322-0046-2	Adapter Plate - Fabricate	3,878.56	0.00	\$3,878.56
	XXXXX3344	08/30/2022	Baker & Taylor, LLC	143.53	2036878008	Books	143.53	0.00	\$6,822.78
				20.85	2036892861	Books	20.85	0.00	
				69.39	2036902114	Books	69.39	0.00	
				104.21	2036907412	Books	104.21	0.00	
				10.88	5017838752	Books	10.88	0.00	
				17.32	5017838754	Books	17.32	0.00	
				246.95	5017838756	Books	246.95	0.00	
				88.87	5017838758	Books	88.87	0.00	
				864.39	5017838760	Books	864.39	0.00	
				1,246.01	5017838762	Books	1,246.01	0.00	
				24.37	5017841488	Books	24.37	0.00	
				175.80	5017841490	Books	175.80	0.00	
				35.80	5017843938	Books	35.80	0.00	
				28.96	5017843940	Books	28.96	0.00	
				98.08	5017843942	Books	98.08	0.00	
				150.73	5017843944	Books	150.73	0.00	
				92.79	5017843946	Books	92.79	0.00	
				377.18	5017860526	Books	377.18	0.00	
				87.72	5017860746	Books	87.72	0.00	
				16.17	5017860837	Books	16.17	0.00	
				14.41	5017860839	Books	14.41	0.00	
				83.63	5017860841	Books	83.63	0.00	
				193.04	5017860843	Books	193.04	0.00	
				191.16	5017860845	Books	191.16	0.00	

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				902.30	5017872606	Books	902.30	0.00	
				416.99	5017874607	Books	416.99	0.00	
				25.97	5017878789	Books	25.97	0.00	
				33.68	5017878791	Books	33.68	0.00	
				460.47	5017889589	Books	460.47	0.00	
				16.68	5017907821	Books	16.68	0.00	
				11.53	5017907823	Books	11.53	0.00	
				8.34	5017909537	Books	8.34	0.00	
				9.63	5017909539	Books	9.63	0.00	
				8.34	5017910356	Books	8.34	0.00	
				115.45	5017919869	Books	115.45	0.00	
				21.67	H61917920	Books	21.67	0.00	
				154.72	H61981790	Books	154.72	0.00	
				23.24	H61981800	Books	23.24	0.00	
				47.23	H61992970	Books	47.23	0.00	
				184.30	H62046480	Books	184.30	0.00	
	XXXXX3345	08/30/2022	Grainger	276.13	9373369173	Supplies	276.13	0.00	\$3,761.27
				448.32	9389490484	Supplies	448.32	0.00	
				428.88	9391773836	Supplies	428.88	0.00	
				903.75	9392117884	Supplies	903.75	0.00	
				642.86	9398619321	Supplies	642.86	0.00	
	XXXXX3346	08/30/2022	Stacy Robert Macfarlane	1,061.33	9413204323	Supplies	1,061.33	0.00	\$300.00
				300.00	743	Polygraph exams	300.00	0.00	
	XXXXX3347	08/30/2022	Medical Priority Consultants, Inc.	11,739.26	SIN315926	ProQA ESP 9/30/22-9/30/23	11,739.26	0.00	\$11,739.26
	XXXXX3348	08/30/2022	Sunnyvale Towing Inc	45.00	323104	Towing Svc	45.00	0.00	\$321.00
				45.00	324101	Towing Svc	45.00	0.00	
				45.00	324102	Towing Svc	45.00	0.00	
				45.00	324103	Towing Svc	45.00	0.00	
				101.00	325142	Towing Svc	101.00	0.00	
				40.00	325148	Towing Svc	40.00	0.00	
	XXXXX3349	08/30/2022	FleetPride Inc	57.60	101624303	Parts	57.60	0.00	\$57.60

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3350	08/30/2022	vTech Solution Inc	2,400.00	21876	Roy-Joy Tsai 8/13/2022	2,400.00	0.00	\$13,600.00
				4,000.00	22320	Roy-Joy Tsai 7/30/2022	4,000.00	0.00	
				4,000.00	22417	Roy-Joy Tsai 8/6/2022	4,000.00	0.00	
				3,200.00	22581	Roy-Joy Tsai 8/20/22	3,200.00	0.00	
	XXXXX3351	08/30/2022	United Way of the Bay Area	60.00	PR202234	PR202234 Contribution	60.00	0.00	\$60.00
	XXXXX3352	08/30/2022	Andrew Marshall Merovich	2,700.00	1147	Lego Camp	2,700.00	0.00	\$2,700.00
	XXXXX3353	08/30/2022	Thatcher Company of California Inc	8,081.87	20222501048 92	Chemicals	8,081.87	0.00	\$8,081.87
	XXXXX3354	09/01/2022	American Water Works Assn	6,578.00	7002039750	11/01/2022 -10 /31/2023 Mem#00134980	6,578.00	0.00	\$6,578.00
	XXXXX3355	09/01/2022	State Water Resources Control Board	1,153.00	SC-132926	P#2247 A#2020263 4/1-6/30	1,153.00	0.00	\$1,153.00
	XXXXX3356	09/01/2022	Self Insured Services Company	65,590.20	B067GC	Aug 2022 Delta Dental PPO and VSP Vision Premiums	65,590.20	0.00	\$131,237.80
				65,647.60	B06H72	Sept 22 Delta Dental PPO and VSP Vision Premiums	65,647.60	0.00	
	XXXXX3357	09/01/2022	Self Insured Services Company	46,590.25	11458	Aug 2022 life insurance	46,590.25	0.00	\$46,590.25
	XXXXX3358	09/01/2022	State Water Resources Control Board	20.00	JBD2-08312022	J Barajas D2 Cert Renewal	20.00	0.00	\$20.00
	XXXXX3359	09/01/2022	State Water Resources Control	60.00	T2-40315-22	Op#40315 A Martinez T2	60.00	0.00	\$60.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Board						
	XXXXX3360	09/01/2022	United States Postal Service	275.00	P#2661000-082022	Permit#2661000 Renewal	275.00	0.00	\$275.00
	XXXXX3361	09/01/2022	Kelly Spicers Inc	666.92	11057864	Supplies	666.92	0.00	\$666.92
	XXXXX3362	09/01/2022	L N Curtis & Sons Inc	697.31	INV621536	Supplies	697.31	0.00	\$1,616.19
				918.88	INV626728	Repairs Labor & Parts	918.88	0.00	
	XXXXX3363	09/01/2022	LTI Electric Inc	994.00	5068	Job@221 Commercial	994.00	0.00	\$3,926.00
				2,932.00	5069	Pool Pump Material & Labor	2,932.00	0.00	
	XXXXX3364	09/01/2022	MNS Engineers	3,375.00	80935	Sanitary Sewer Main Jul 22	3,375.00	0.00	\$3,375.00
	XXXXX3365	09/01/2022	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	427.04	260422945001	Rebecca Elizondo 8/24/22	427.04	0.00	\$520.70
				48.41	260422970001	Rebecca Elizondo	48.41	0.00	
				45.25	261689311001	Rebecca Montalvo 8/24/22	45.25	0.00	
	XXXXX3366	09/01/2022	Otis Elevator Company	5,074.35	100400751973	Library Mtnce 5/1-7/31/22	5,074.35	0.00	\$5,074.35
	XXXXX3367	09/01/2022	OverDrive Inc	651.34	13449DA22314080	Library Materials	651.34	0.00	\$663.33
				11.99	13449DA22316623	Library Materials	11.99	0.00	
	XXXXX3368	09/01/2022	Pacific Gas & Electric Co	8,761.37	0008125793-3 0722	1444 Borregas Ave/WPCP Departing Load	8,761.37	0.00	\$315,477.02
				90,014.44	0314283663-8 0822	H2O Pollution Control	90,014.44	0.00	
				4,148.35	0522589865-8 0722	850 Russet Drive/Tennis Center	4,148.35	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				165,193.33	1105922118-1 0722	City Buildings	165,193.33	0.00	
				47,359.53	6022590556-5 0722	H2O Supply	47,359.53	0.00	
	XXXXX3369	09/01/2022	Pacific West Security, Inc	211.00	64268	CNC Sept 2022	211.00	0.00	\$211.00
	XXXXX3370	09/01/2022	Payment Vision	1,871.84	218749	Gateway Utility Billing Jul 22	1,871.84	0.00	\$1,871.84
	XXXXX3371	09/01/2022	Robin Pickel	1,300.00	RP2022JA	Yoga Classes 7/9-8/27/22	1,300.00	0.00	\$1,300.00
	XXXXX3372	09/01/2022	San Francisco Bay Bird Observatory	1,729.80	2380	Avian Botulism Jul 2022	1,729.80	0.00	\$1,729.80
	XXXXX3373	09/01/2022	Santa Clara Lighting Inc	338.18	24439	Supplies	338.18	0.00	\$338.18
	XXXXX3374	09/01/2022	SCP Distributors LLC	1,351.51	36073060	Supplies	1,351.51	0.00	\$1,843.53
				492.02	36073235	Supplies	492.02	0.00	
	XXXXX3375	09/01/2022	SFO Reprographics	2,496.78	75404	Print Job	2,496.78	0.00	\$4,993.56
				2,496.78	75414	Plans	2,496.78	0.00	
	XXXXX3376	09/01/2022	SHI International Corp	31.30	B15550053	VisioPlan2GCC ShrdSvr	31.30	0.00	\$31.30
	XXXXX3377	09/01/2022	SiteOne Landscape Supply LLC	714.24	121500588-001	Supplies	714.24	0.00	\$714.24
	XXXXX3378	09/01/2022	Smith's Gopher Trapping Service	300.00	56167B	1054 Carson May 2022	300.00	0.00	\$1,860.00
				1,300.00	61855B	999 E Caribbean Jul 22	1,300.00	0.00	
				260.00	61878B	1080 Mango Jul 2022	260.00	0.00	
	XXXXX3379	09/01/2022	Spartan Tool LLC	215.92	IN00071018	Stores Inventory	215.92	0.00	\$371.78
				155.86	IN00072594	Stores Inventory	155.86	0.00	
	XXXXX3380	09/01/2022	Roger Cleveland Golf Company Inc.	175.50	7041294 SO	Resale Merchandise	175.50	0.00	\$3,542.50
				3,250.00	7042985 SO	Resale Merchandise	3,250.00	0.00	
				58.50	7045334 SO	Resale Merchandise	58.50	0.00	
				58.50	7048265 SO	Resale Merchandise	58.50	0.00	

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	XXXXX3381	09/01/2022	Staples Inc	33.82	3516588305	Bill 8067416055 L Mason	33.82	0.00	\$1,040.59
				274.02	3516588306	Bill 8067416055 P Luckey	274.02	0.00	
				13.34	3516588307	Bill 8067416055 P Luckey	13.34	0.00	
				28.35	3516588308	Bill 8067416055 P Luckey	28.35	0.00	
				13.00	3516588309	Bill 8067416055 R Montalvo	13.00	0.00	
				95.44	3516588310	Bill 8067416055 R Montalvo	95.44	0.00	
				396.57	3516588311	Bill 8067416055 S Ramirez	396.57	0.00	
				186.05	3516588312	Bill 8067416055 G Young	186.05	0.00	
	XXXXX3382	09/01/2022	Statcomm Inc	360.00	W20816	2/14/2022 Service	360.00	0.00	\$360.00
	XXXXX3383	09/01/2022	Amazon Capital Services Inc	130.92	14FN-J34M-37WW	Priscilla Luckey	130.92	0.00	\$664.65
				58.56	1MCL-7LCG-HNK6	Lisa Mason 07/11/22	58.56	0.00	
				109.11	1W7K-J766-1YPK	Frances Moralez	109.11	0.00	
				58.56	1Y61-4WJ3-JJ67	Lisa Mason 07/11/22	58.56	0.00	
				307.50	1Y6N-TT99-CMGD	Rebecca Elizondo	307.50	0.00	
	XXXXX3384	09/01/2022	American Fidelity Administrative Svcs	3,158.35	59698	Employer Reporting	3,158.35	0.00	\$3,158.35
	XXXXX3385	09/01/2022	American Red Cross	120.00	22425758	Lifeguarding Instructor	120.00	0.00	\$120.00
	XXXXX3386	09/01/2022	AMS.NET Inc	35,940.00	INVOICE-	MVaaS Standard	35,940.00	0.00	\$35,940.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					0057626	2022-2023			
	XXXXX3387	09/01/2022	Apex Systems, LLC	2,025.00	0006454501	Consultant	2,025.00	0.00	\$4,075.00
				2,050.00	0006469302	Consultant	2,050.00	0.00	
	XXXXX3388	09/01/2022	Bay Alarm	540.60	19846250	Sprinkler insp. + Monitoring	540.60	0.00	\$540.60
	XXXXX3389	09/01/2022	Bound Tree Medical LLC	2,209.80	84655295	Supplies	2,209.80	0.00	\$2,209.80
	XXXXX3390	09/01/2022	Buckles-Smith Electric Co	2,148.32	3268018-01	Parts	2,148.32	0.00	\$2,148.32
	XXXXX3391	09/01/2022	Califa Group	7,000.00	5457	Tutor.com 07/01/22-06/30/23	7,000.00	0.00	\$7,000.00
	XXXXX3392	09/01/2022	Callander Associates Landscape Architec	217.00	21057-9	Plaza del Sol Ph II Improvements	217.00	0.00	\$217.00
	XXXXX3393	09/01/2022	Caltest Analytical Laboratory	246.34	635774	Chemical Analysis	246.34	0.00	\$880.78
				66.40	635775	Chemicals	66.40	0.00	
				66.40	635859	Chemicals	66.40	0.00	
				132.80	635860	Chemicals	132.80	0.00	
				293.84	635907	Chemicals	293.84	0.00	
				75.00	635916	Chemicals	75.00	0.00	
	XXXXX3394	09/01/2022	Canon Solutions America Inc	7,942.05	6001622937	Maintenance	7,942.05	0.00	\$10,697.06
				2,755.01	6001661057	Maintenance	2,755.01	0.00	
	XXXXX3395	09/01/2022	Carbonic Service Inc	255.47	448841	EQ Lease	255.47	0.00	\$255.47
	XXXXX3396	09/01/2022	Cellhire USA LLC	2,784.56	3007407	Usage	2,784.56	0.00	\$2,784.56
	XXXXX3397	09/01/2022	Cengage Learning Inc	25.32	78370503	Books	25.32	0.00	\$52.38
				27.06	78370542	Books	27.06	0.00	
	XXXXX3398	09/01/2022	Central Labor Council Partnership	50,841.37	61	#001.201.23 Jul2022 61	50,841.37	0.00	\$50,841.37
	XXXXX3399	09/01/2022	CimexTek Inc	225.00	10276	Bedbug Inspection	225.00	0.00	\$225.00
	XXXXX3400	09/01/2022	City & County of San Francisco	11,566.63	NDWG-0003	#001-2064-22_Jul2022_ND	11,566.63	0.00	\$11,566.63



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3401	09/01/2022	City of San Jose	18,907.37	0004-2064	#002-2064-22_Jul2022_000	18,907.37	0.00	\$18,907.37
	XXXXX3402	09/01/2022	Consolidated Parts Inc	401.58	5075233	Parts	401.58	0.00	\$843.53
				441.95	5075271	Parts	441.95	0.00	
	XXXXX3403	09/01/2022	Public Risk Innovation, Solutions and Management	681,551.00	23100164	Worker Comp 7/1/22-6/30/23	681,551.00	0.00	\$681,551.00
	XXXXX3404	09/01/2022	Universal Protection Service, LP	191.52	12735047	Security guard services	191.52	0.00	\$829.92
				638.40	12755377	Security guard services	638.40	0.00	
	XXXXX3405	09/01/2022	Esbro	4,859.10	93416	Chemicals	4,859.10	0.00	\$4,859.10
	XXXXX3406	09/01/2022	Everbridge Inc	7,650.00	M71576	Nixle Engage	7,650.00	0.00	\$7,650.00
	XXXXX3407	09/01/2022	FedEx	53.22	7-842-53848	Steven Thexton	53.22	0.00	\$136.82
				33.68	7-849-54033	Mail	33.68	0.00	
				49.92	7-857-15332	Mail	49.92	0.00	
	XXXXX3409	09/01/2022	Fisher Scientific Co LLC	1,394.57	1301867	Parts	1,394.57	0.00	\$16,502.28
				63.50	1547461	Parts	63.50	0.00	
				435.97	1597099	Parts	435.97	0.00	
				998.44	1740864	Parts	998.44	0.00	
				87.72	1838571	Parts	87.72	0.00	
				1,886.59	2251569	Parts	1,886.59	0.00	
				199.87	2337887	Parts	199.87	0.00	
				462.79	2618928	Parts	462.79	0.00	
				78.83	2618929	Parts	78.83	0.00	
				148.55	2711092	Parts	148.55	0.00	
				110.73	3157789	Parts	110.73	0.00	
				147.12	3243151	Parts	147.12	0.00	
				63.50	3284677	Parts	63.50	0.00	
				140.22	3284678	Parts	140.22	0.00	
				186.62	3552585	Parts	186.62	0.00	

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				558.09	3599746	Parts	558.09	0.00	
				278.75	4152914	Parts	278.75	0.00	
				289.47	4482380	Parts	289.47	0.00	
				1,915.57	4655634	Parts	1,915.57	0.00	
				410.35	4697182	Parts	410.35	0.00	
				111.55	4866756	Parts	111.55	0.00	
				630.52	4906443	Parts	630.52	0.00	
				102.59	4906444	Parts	102.59	0.00	
				47.20	4989784	Parts	47.20	0.00	
				53.36	5110984	Parts	53.36	0.00	
				627.52	5196384	Parts	627.52	0.00	
				299.97	5483150	Parts	299.97	0.00	
				126.47	7071991	Partz	126.47	0.00	
				122.18	7284452	Parts	122.18	0.00	
				2,165.59	7542587	Parts	2,165.59	0.00	
				814.36	8197947	Parts	814.36	0.00	
				303.19	8707974	Parts	303.19	0.00	
				539.63	8821808	Parts	539.63	0.00	
				595.54	8821810	Parts	595.54	0.00	
				105.36	9452159	Parts	105.36	0.00	
	XXXXX3410	09/01/2022	Foster Bros Security Systems Inc	8.73	2024	Key	8.73	0.00	\$8.73
	XXXXX3411	09/01/2022	Garda	4,283.42	10701199	Aug 22 Armored Transportation Services	4,283.42	0.00	\$4,283.42
	XXXXX3412	09/01/2022	Gardenland Power Equipment	4,704.18	946498	Parts	4,704.18	0.00	\$4,704.18
	XXXXX3413	09/01/2022	Graniterock Co	3,775.40	1388465	Asphalt	3,775.40	0.00	\$3,775.40
	XXXXX3414	09/01/2022	GRM Information Management Services Inc.	1,509.50	0123324	May 2022	1,509.50	0.00	\$1,509.50
	XXXXX3415	09/01/2022	Hach Co Inc	497.29	13148094	Nutrient BFR	497.29	0.00	\$1,635.64

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				594.84	13185203	Chemicals	594.84	0.00	
				543.51	13203810	Chemicals	543.51	0.00	
	XXXXX3416	09/01/2022	Hefner Stark & Marois LLP	1,641.50	8327.0002-4	Legal Fee	1,641.50	0.00	\$5,358.00
				971.50	8327.0002-5	Legal fee	971.50	0.00	
				2,016.00	8327.0002-6	Legal Fee	2,016.00	0.00	
				729.00	8327.0002-9	Overaa Construction Claim	729.00	0.00	
	XXXXX3417	09/01/2022	Intex Auto Parts	-84.03	2-52506-18	Return on parts from invoice 2-52181-17	-84.03	0.00	\$119.38
				-16.37	2-53823-14	Return on parts from invoice 2-52178-12	-16.37	0.00	
				-33.83	2-68213-14	Return on parts from invoice e 2-67741-12	-33.83	0.00	
				15.14	2-75432-16	Parts	15.14	0.00	
				206.45	2-76633-20	Parts	206.45	0.00	
				24.01	2-76635-17	Parts	24.01	0.00	
				24.01	2-76784-11	Parts	24.01	0.00	
				13.46	2-77047-12	Parts	13.46	0.00	
				-29.46	[2-65001-10	Return on parts from invoice 2-64356-14	-29.46	0.00	
	XXXXX3418	09/01/2022	Island Kids LLC	3,120.00	003	June 27 - July 1 Pet Palooza Camp	3,120.00	0.00	\$3,120.00
	XXXXX3419	09/01/2022	JobTrain	10,709.34	YOUTHFY23 01	001-301-23 Jul2022 YOUTH	10,709.34	0.00	\$10,709.34
	XXXXX3420	09/01/2022	Keller Supply Company	613.83	S020706334.001	Supplies	613.83	0.00	\$2,743.09
				2,129.26	S020762402.001	Supplies	2,129.26	0.00	
	XXXXX3421	09/01/2022	Stevens Creek Chrysler Jeep Dodge	67.81	377612	Parts	67.81	0.00	\$67.81
	XXXXX3422	09/01/2022	Stop Processing Center	27.36	19841	Utility Billing Signups Jul 22	27.36	0.00	\$27.36
	XXXXX3423	09/01/2022	Studio Em Graphic	245.53	18615	Pet Waste Ads	245.53	0.00	\$354.66

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			Design	109.13	18629	Kifer Road Sign Spanish	109.13	0.00	
	XXXXX3424	09/01/2022	Home Depot USA Inc d/b/a The Home Depot Pro	360.90	704544477	Supplies	360.90	0.00	\$360.90
	XXXXX3425	09/01/2022	The Toro Company	1,085.29	197791428	Controller Repair	1,085.29	0.00	\$1,085.29
	XXXXX3426	09/01/2022	Tyler Technologies	280.00	025-364039	Report Development	280.00	0.00	\$52,455.00
				24,262.50	025-379368	Apr-May 2022 Svc	24,262.50	0.00	
				27,912.50	025-386804	May-Jun 2022 Svc	27,912.50	0.00	
	XXXXX3427	09/01/2022	United Rotary Brush Corp	2,553.19	CI288129	Stores Inventory	2,553.19	0.00	\$2,553.19
	XXXXX3428	09/01/2022	United Way of the Bay Area	1,866.67	20220815	Ag#002-1234-22 Jul 2022	1,866.67	0.00	\$1,866.67
	XXXXX3429	09/01/2022	Univar Solutions USA Inc	4,828.81	50488637	Chemicals	4,828.81	0.00	\$20,202.06
				3,198.82	50490187	Chemicals	3,198.82	0.00	
				4,827.20	50511232	Chemicals	4,827.20	0.00	
				7,347.23	50512693	Chemicals	7,347.23	0.00	
	XXXXX3430	09/01/2022	VWR International LLC	99.62	8810385544	Supplies	99.62	0.00	\$1,465.17
				352.82	8810400067	Supplies	352.82	0.00	
				307.63	8810409983	Supplies	307.63	0.00	
				11.57	8810431651	Supplies	11.57	0.00	
				170.33	8810434525	Supplies	170.33	0.00	
				523.20	8810455953	Supplies	523.20	0.00	
	XXXXX3431	09/01/2022	Watson-Marlow Inc	622.28	SI171872	Supplies	622.28	0.00	\$21,304.81
				1,208.62	SI174841	Supplies	1,208.62	0.00	
				1,799.66	SI190005	Supplies	1,799.66	0.00	
				15,723.27	SI198155	Supplies	15,723.27	0.00	
				974.02	SI205278	Supplies	974.02	0.00	
				976.96	SI207401	Supplies	976.96	0.00	
	XXXXX3432	09/01/2022	Weck Laboratories Inc	668.55	W2H0298	Lab Svc	668.55	0.00	\$2,760.74
				583.64	W2H1387	Lab Svc	583.64	0.00	
				624.49	W2H1509	Lab Svc	624.49	0.00	

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				618.77	W2H1511	Lab Svc	618.77	0.00	
				265.29	W2H1513	Lab Svc	265.29	0.00	
	XXXXX3433	09/01/2022	Western States Tool & Supply Corporation	297.91	217662	Stores Inventory	297.91	0.00	\$297.91
	XXXXX3434	09/01/2022	Wilsey Ham	337.00	24753	On-Call Survey Svc Apr 22	337.00	0.00	\$4,261.00
				3,924.00	24936	On-Call Survey Svc Jul 2022	3,924.00	0.00	
	XXXXX3435	09/01/2022	Witmer Tyson Imports Inc	1,553.76	T14579	K9 Trng & Misc Jul 2022	1,553.76	0.00	\$1,553.76
	XXXXX3436	09/01/2022	Yamaha Motor Finance Corporation USA	7,158.60	780483	Lease M22079096	7,158.60	0.00	\$7,158.60
	XXXXX3437	09/01/2022	Cratus Inc	205,966.88	LWRNCEXP RSS#R	UY-15/03-16	205,966.88	0.00	\$205,966.88
	XXXXX3438	09/01/2022	Colleen Valles	1,100.00	87	July Outlining & Writing	1,100.00	0.00	\$1,100.00
	XXXXX3439	09/01/2022	Park Consulting Group, Inc.	10,853.75	COS2022066	GIS Setup Svc Jun 2022	10,853.75	0.00	\$102,906.25
				7,425.00	COSUN2022 057	Implementation Configuration	7,425.00	0.00	
				12,625.00	COSUN2022 06	EnerGov June 2022	12,625.00	0.00	
				4,950.00	COSUN2022 062	EnerGov Build & Validate	4,950.00	0.00	
				32,516.25	COSUN2022 063	Report Development	32,516.25	0.00	
				17,255.00	COSUN2022 064	Data Conversion	17,255.00	0.00	
				17,281.25	COSUN2022 065	Lead Transition & Onboarding	17,281.25	0.00	
	XXXXX3440	09/01/2022	Consolidated Parts Inc	4,792.77	5075234	Parts	4,792.77	0.00	\$5,205.27
				412.50	5075353	Parts	412.50	0.00	

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	XXXXX3441	09/01/2022	OpenGov Inc	11,400.00	INV00007739	Town Hall 7/1/22-6/30/23	11,400.00	0.00	\$11,400.00
	XXXXX3442	09/01/2022	LD Products Inc	33.02	SIP-013446454	Gold HP LASERJET	33.02	0.00	\$33.02
	XXXXX3443	09/01/2022	NBC Construction & Engineering Inc	27,119.48	DeAnzaPrkPt hwy#R	PR-19-02	27,119.48	0.00	\$27,119.48
	XXXXX3444	09/01/2022	Stacy Robert Macfarlane	1,200.00	735	Polygraph exams	1,200.00	0.00	\$1,200.00
	XXXXX3445	09/01/2022	Herrera & Sons Two Inc.	405.76	14191	Tow fee	405.76	0.00	\$405.76
	XXXXX3446	09/01/2022	Sunnyvale Towing Inc	125.00	323062	Towing Svc FPO#FY23-019	125.00	0.00	\$250.00
				125.00	326036	Towing Svc FPO#FY23-019	125.00	0.00	
	XXXXX3447	09/01/2022	Bayscape Management Inc	1,366.00	26770	Monthly Maintenance August 2022.	1,366.00	0.00	\$1,366.00
	XXXXX3448	09/01/2022	Jeff Lewis	12,500.00	109	Smart City Plan - Payment Schedule #1	12,500.00	0.00	\$12,500.00
	XXXXX3449	09/01/2022	Andrew Marshall Merovich	4,014.00	1143	Lego Camp	4,014.00	0.00	\$4,014.00
	XXXXX3450	09/01/2022	Hanna, Brophy, MacLean, McAleer & Jensen, LLP	10,175.00	2062993,2067112,2072661	Legal Services	10,175.00	0.00	\$10,175.00
	XXXXX3451	09/01/2022	Home Depot USA Inc d/b/a The Home Depot Pro	74.26	703463026	Supplies	74.26	0.00	\$74.26
	XXXXX3452	09/01/2022	CLAP Arts	3,360.00	29102	Hogwarts Camp	3,360.00	0.00	\$6,048.00
				2,688.00	29105	Dance Camp	2,688.00	0.00	
	XXXXX3453	09/01/2022	Sunnyvale Public Safety Officers Assn	40,680.00	Dental0922	COA & PSOA Dental Sep 22	40,680.00	0.00	\$40,680.00
	XXXXX3454	09/01/2022	Joseph J. Albanese, Inc.	5,110.97	187367-40942	Utility balance refund-X Hydnt	5,110.97	0.00	\$5,110.97

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	XXXXX3455	09/01/2022	Polargy, Inc.	67.56	190785-71978	Credit refund-118 Sonora Ct.	67.56	0.00	\$67.56
	XXXXX3456	09/01/2022	Nina Paul	233.09	206949-12450	Credit refund-1370 Hampton Dr.	233.09	0.00	\$233.09
	XXXXX3457	09/01/2022	Juan Buenrostro	42.07	077863	Refund business tax-closed acct.	42.07	0.00	\$42.07
	XXXXX3458	09/01/2022	Ethelita Wallace	149.00	603547	Refund-cancelled class	149.00	0.00	\$149.00
	XXXXX3459	09/01/2022	Kelly Gilbert	189.00	629656	Refund-activity enrollment	189.00	0.00	\$189.00
	XXXXX3460	09/01/2022	Jose Ramos Cardona	55.00	631573	Refund-Picnic reservation	55.00	0.00	\$55.00
	XXXXX3461	09/01/2022	Maria Pilar Gonzalez	455.00	628204	Refund-Building reservation	455.00	0.00	\$455.00
	XXXXX3462	09/01/2022	Sameer Kulkarni	68.00	593639	Refund-swim lesson	68.00	0.00	\$68.00
	XXXXX3463	09/01/2022	Israel Luvianos	250.00	LUVIANOS YOS 08-2022	Years of Service Award	250.00	0.00	\$250.00
	XXXXX3464	09/01/2022	Access Systems	1,330.00	12397	Service Call	1,330.00	0.00	\$1,330.00
	XXXXX3465	09/01/2022	Acushnet Co	237.06	913616832	Golf Store	237.06	0.00	\$237.06
	XXXXX3466	09/01/2022	Aladtec Inc	1,562.00	INV00199010	Annual subscription 07/01/2022-06/30/2023	1,562.00	0.00	\$1,562.00
	XXXXX3467	09/01/2022	Alpine Awards Inc	1,272.37	5550457	AC# 116303 May invoice	1,272.37	0.00	\$1,272.37
EFT	XXXXX6197	09/01/2022	Chaunacey Summer Dunklee	34.13	EXP0000321 83702	Travel Morgan Hill 082522	34.13	0.00	\$34.13
	XXXXX6198	09/01/2022	Anna Mai Mendoza	14.80	EXP0000321 81464	Misc What's New What's Next Event 082422	14.80	0.00	\$14.80
	XXXXX6199	09/01/2022	Russell W Melton	347.96	EXP0000317 94138	Melton-Reimbursement-	347.96	0.00	\$347.96

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Airfare			
	XXXXX6200	09/01/2022	Maribelle B Hightower	96.45	EXP000032113705	Misc supplies and food for Task Force event	96.45	0.00	\$96.45
	XXXXX6201	09/01/2022	Leopoldo Sanchez Junior	764.34	EXP000031342349	Travel San Diego 072422	764.34	0.00	\$764.34
	XXXXX6202	09/01/2022	Jody Michelle Badiei	81.26	EXP000032132777	Misc Task Force Event 08242022	81.26	0.00	\$81.26
	XXXXX6203	09/01/2022	Anthony J Sult	621.00	EXP000032180100	Tuition Modern Management FY22/23	621.00	0.00	\$621.00
	XXXXX6204	09/01/2022	Allan F Chan	222.00	EXP000031218489	Misc ICC 101321049	222.00	0.00	\$444.00
				222.00	EXP000031797704	Misc ICC 082022	222.00	0.00	
WIRE	XXXXX6002	08/30/2022	Bay Counties SMaRT	1,926,085.06	July 2022	July contract payment WR date 08/24/22	1,926,085.06	0.00	\$1,926,085.06
	XXXXX6003	08/30/2022	US Dept of Housing & Urban Development	1,026.96	B-20-MC-06-0023	CDBG Loan Funds Interests WR Date 8/25/2022	1,026.96	0.00	\$1,026.96
	XXXXX6196	09/01/2022	California Dept of Tax & Fee Admin	4,762.25	28370988	July 31, 2022 ACH Debit 082422	4,762.25	0.00	\$4,762.25
<b>Grand Total</b>				4,403,490.62			4,403,503.82	13.20	\$4,403,490.62



City of Sunnyvale

**LIST # 145**

**List of All Claims and Bills Approved for Payment  
For Payments Dated 09/04/2022 through 09/10/2022**

**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	XXXXX3468	09/06/2022	Aantex Pest Control	63.00	486909	Pest Control	63.00	0.00	\$126.00
				63.00	486911	Pest Control	63.00	0.00	
	XXXXX3469	09/06/2022	Aaron's Industrial Pumping	395.00	11691	Grease pumping	395.00	0.00	\$395.00
	XXXXX3470	09/06/2022	Acushnet Co	82.55	913742420	\$4.20 disc by 09/04/22	86.75	4.20	\$253.65
				171.10	913765225	\$8.40 disc by 09/12/22	179.50	8.40	
	XXXXX3471	09/06/2022	Amazon Capital Services Inc	101.90	14JJ-MRHF-MJJV	Phyllis Chan	101.90	0.00	\$6,971.66
				60.00	177K-FK17-4TKP	Leann Rose Lucas	60.00	0.00	
				71.86	179K-4NFG-RQT9	Devin Diazoni	71.86	0.00	
				72.02	1CQC-V99G-HTT4	Lisa Mason	72.02	0.00	
				4,737.64	1D11-F6PQ-HDXV	Lisa Mason	4,737.64	0.00	
				14.18	1DQQ-169Q-39KY	Leann Rose Luca	14.18	0.00	
				48.47	1JLM-HL36-61Y3	Julie Jensen	48.47	0.00	
				61.49	1JNJ-MFLN-PDYW	Leann Rose Lucas	61.49	0.00	
				35.58	1JR4-YXNH-	Leann Rose Lucas	35.58	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					71FF				
				281.50	1TVX-9RC1-K1W4	Lisa Mason	281.50	0.00	
				216.91	1V9M-XGTR-3CTM	Lorena Rodriguez	216.91	0.00	
				952.58	1WKD-RKVX-WDTH	Anna Lewis	952.58	0.00	
				29.41	1WLG-KMY9-4CJK	Rebecca Elizondo	29.41	0.00	
				152.72	1XRT-Y6PW-4PND	Monica Gutierrez	152.72	0.00	
				45.38	1YGD-WNW1-4GRQ	Peter Dang	45.38	0.00	
				90.02	1YKP-K67H-3FY3	Lisa Mason	90.02	0.00	
	XXXXX3472	09/06/2022	American Red Cross	310.00	22427000	Lifeguarding	310.00	0.00	\$310.00
	XXXXX3473	09/06/2022	Applied Industrial Technologies	87.22	7024882656	Parts	87.22	0.00	\$87.22
	XXXXX3474	09/06/2022	Ascent Environmental	29,425.51	20210092.01-12	2023-2031 Housing Element	29,425.51	0.00	\$29,425.51
	XXXXX3475	09/06/2022	Bay Alarm	286.20	19842330	Security Services	286.20	0.00	\$286.20
	XXXXX3476	09/06/2022	Buckles-Smith Electric Co	2,128.63	3268018-02	\$19.69 paid by 09/09/22	2,148.32	19.69	\$2,128.63
	XXXXX3477	09/06/2022	Burke Williams & Sorensen LLP	1,298.00	283777	Housing and CEQA April 2022	1,298.00	0.00	\$3,628.50
				413.00	284805	HOUSING AND CEQA ADVICE April 2022	413.00	0.00	
				1,062.00	286637	HOUSING AND CEQA ADVICE May 22	1,062.00	0.00	

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				855.50	288839	HOUSING AND CEQA ADVICE	855.50	0.00	
	XXXXX3478	09/06/2022	Central Computer	6.44	4460801	Cell	6.44	0.00	\$6.44
	XXXXX3479	09/06/2022	Century Graphics	84.57	56699	Logo	84.57	0.00	\$84.57
	XXXXX3480	09/06/2022	Cintas Loc #38K	172.79	4124568910	Uniform	172.79	0.00	\$1,929.80
				309.79	4124568938	Uniform	309.79	0.00	
				172.79	4125316769	Uniform	172.79	0.00	
				309.79	4125316942	Uniform	309.79	0.00	
				172.53	4125996721	Uniform	172.53	0.00	
				309.79	4125996825	Uniform	309.79	0.00	
				172.53	4126662626	Uniform	172.53	0.00	
				309.79	4126662692	Uniform	309.79	0.00	
	XXXXX3481	09/06/2022	Downey Brand LLP	1,174.86	570907	San Francisco Baykeeper	1,174.86	0.00	\$11,599.86
				1,174.50	570908	General on-call Water Quality Regulatory Issue	1,174.50	0.00	
				769.50	573013	San Francisco Baykeeper	769.50	0.00	
				1,863.00	573014	General on-call Water Quality Regulatory Issue	1,863.00	0.00	
				3,199.50	573698	General on-call Water Quality Regulatory Issues	3,199.50	0.00	
				1,677.00	575029	San Francisco Baykeeper through June 2022	1,677.00	0.00	
				1,741.50	575030	General on-call Water Quality Regulatory Issues	1,741.50	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						thru June 2022			
	XXXXX3482	09/06/2022	Farwest Insulation Contracting	1,114.29	77951	Chiller Project	1,114.29	0.00	\$1,114.29
	XXXXX3483	09/06/2022	Fisher Scientific Co LLC	185.66	5725530	Parts	185.66	0.00	\$185.66
	XXXXX3484	09/06/2022	Hybrid Commercial Printing, Inc.	363.39	27455	Business Cards	363.39	0.00	\$761.70
				398.31	27456	Sunnyvale Animal Control Animal Impound	398.31	0.00	
	XXXXX3485	09/06/2022	Imperial Headwear	490.90	476130	Palazzo	490.90	0.00	\$1,950.02
				869.13	476738	Golf store	869.13	0.00	
				589.99	481741	Golf Store	589.99	0.00	
	XXXXX3486	09/06/2022	Intex Auto Parts	1,847.79	2-79705-14	Parts	1,847.79	0.00	\$1,847.79
	XXXXX3487	09/06/2022	Johnson Controls Fire Protection LP	2,025.00	22869230	Fire Alarm and Sprinkler service	2,025.00	0.00	\$2,705.00
				680.00	23040231	Fire Alarm and Sprinkler Service	680.00	0.00	
	XXXXX3488	09/06/2022	Keller Supply Company	56.38	S020762310.001	Supplies	56.38	0.00	\$87.58
				31.20	S020773643.001	Supplies	31.20	0.00	
	XXXXX3489	09/06/2022	Kelly Spicers Inc	216.89	11060354	Supplies	216.89	0.00	\$216.89
	XXXXX3490	09/06/2022	Law Enforcement Psychological Serv Inc	1,500.00	2156	Assessment & Report	1,500.00	0.00	\$1,500.00
	XXXXX3491	09/06/2022	Lawson Products Inc	568.25	9309872090	Supplies	568.25	0.00	\$568.25
	XXXXX3492	09/06/2022	McMaster Carr Supply Co	714.80	83650306	Supplies	714.80	0.00	\$1,243.83
				266.10	83662476	Supplies	266.10	0.00	
				262.93	83976328	Supplies \$5.16 Disc By 9/9	268.09	5.16	
	XXXXX3493	09/06/2022	Midwest Tape LLC	4,936.31	502614028	Library Materials M/E	4,936.31	0.00	\$4,936.31

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						8/31/22			
	XXXXX3494	09/06/2022	Mission Linen Service	102.81	517509313	Linen Svc	102.81	0.00	\$1,765.35
				147.45	517509315	Linen Svc	147.45	0.00	
				102.81	517509316	Linen Svc	102.81	0.00	
				102.81	517552029	Linen Svc	102.81	0.00	
				147.45	517552031	Linen Svc	147.45	0.00	
				102.81	517552032	Linen Svc	102.81	0.00	
				102.81	517594343	Linen Svc	102.81	0.00	
				147.45	517594345	Linen Svc	147.45	0.00	
				102.81	517594346	Linen Svc	102.81	0.00	
				102.81	517638015	Linen Svc	102.81	0.00	
				147.45	517638017	Linen Svc	147.45	0.00	
				102.81	517638018	Linen Svc	102.81	0.00	
				102.81	517673120	Linen Svc	102.81	0.00	
				147.45	517673122	Linen Svc	147.45	0.00	
				102.81	517673123	Linen Svc	102.81	0.00	
	XXXXX3495	09/06/2022	Mitali Gupta	369.60	MG2022JA	Xtrim Bollywood July/Aug	369.60	0.00	\$369.60
	XXXXX3496	09/06/2022	MM Communications	1,500.00	INV-1333	725 Kifer Cable Labor	1,500.00	0.00	\$1,500.00
	XXXXX3497	09/06/2022	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	54.45	262751364001	Debra Alvarez 8/30/2022	54.45	0.00	\$204.96
				42.54	263671318001	Aracely Diaz 8/31/2022	42.54	0.00	
				107.97	264070899001	Silvia Ramirez 8/31/2022	107.97	0.00	
	XXXXX3498	09/06/2022	OverDrive Inc	2,342.52	13449CO22310503	Library Materials	2,342.52	0.00	\$2,342.52
	XXXXX3499	09/06/2022	P&R Paper Supply Co., Inc.	4,753.15	60056497-00	Cr Memo 60057204-00	4,753.15	0.00	\$4,753.15
	XXXXX3500	09/06/2022	Pan Pacific Supply Co Inc	4,953.42	29611147	Supplies	4,953.42	0.00	\$4,953.42
	XXXXX3501	09/06/2022	Pavithra Ramesh	996.60	PR2022JA	Bombay Jam	996.60	0.00	\$996.60

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Jayaraman			July/Aug			
	XXXXX3502	09/06/2022	Peterson Power Systems Inc	8,578.97	R3224459	Equip Rental 7/21-8/20/22	8,578.97	0.00	\$8,578.97
	XXXXX3503	09/06/2022	Pine Cone Lumber Co Inc	1,317.36	161101	Stores Inventory	1,329.43	12.07	\$1,317.36
	XXXXX3504	09/06/2022	Peter W. Richards	121.13	34017	Stores Inventory	121.13	0.00	\$121.13
	XXXXX3505	09/06/2022	Stericycle Inc	106.15	8001982779	C#1000431167 7/8/22	106.15	0.00	\$424.19
				106.15	8001982780	C#1000431167 7/12/22	106.15	0.00	
				211.89	8002171101	C#1000431167 7/19 & 8/22	211.89	0.00	
	XXXXX3506	09/06/2022	Sunnyvale Ford	1,467.56	209529FOW	Stores Inventory	1,467.56	0.00	\$216.05
				-148.19	CM202644FOW	Inv 202644FOW	-148.19	0.00	
				-81.84	CM206483FOW	Inv 206483FOW	-81.84	0.00	
				-81.84	CM206819FOW	Inv 206819FOW	-81.84	0.00	
				-233.68	CM206909FOW	Inv 206909FOW	-233.68	0.00	
				-566.50	CM207040-1FOW	Inv 207040-1FOW	-566.50	0.00	
				-18.33	CM207040FOW	Inv 207040FOW	-18.33	0.00	
				-76.39	CM208139-1FOW	Inv 208139-1FOW	-76.39	0.00	
				-27.28	CM208545FOW	Inv 208545FOW	-27.28	0.00	
				-17.46	CM208824FOW	Inv 208824FOW	-17.46	0.00	
	XXXXX3507	09/06/2022	West Publishing	2,033.85	846928419	Software	2,033.85	0.00	\$2,033.85

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Corporation			Subscription Aug 22			
	XXXXX3508	09/06/2022	Unity Courier Service Inc	1,113.20	482846	AC#C30508 Aug 2022	1,113.20	0.00	\$1,113.20
	XXXXX3509	09/06/2022	Endress & Hauser Inc	18,055.60	6002365543	Parts	18,055.60	0.00	\$72,158.58
				54,102.98	6002368749	Parts	54,102.98	0.00	
	XXXXX3510	09/06/2022	Farella Braun & Martel LLP	1,249.50	375689	Legal fees	1,249.50	0.00	\$10,339.88
				9,090.38	377763	Legal Fees	9,090.38	0.00	
	XXXXX3511	09/06/2022	Todd Michael Hollenbeck	1,699.20	TH2O22JA	Volleyball July/Aug	1,699.20	0.00	\$1,699.20
	XXXXX3512	09/06/2022	Baker & Taylor, LLC	62.21	5017866557	Books	62.21	0.00	\$167.96
				16.68	5017866559	Books	16.68	0.00	
				89.07	5017866561	Books	89.07	0.00	
	XXXXX3513	09/06/2022	Grainger	8,543.91	7103417205	Supplies	8,543.91	0.00	\$10,486.57
				1,942.66	7103419367	Supplies	1,942.66	0.00	
	XXXXX3514	09/06/2022	Valley Oil Co	33,192.98	124501	Stores Inventory	33,192.98	0.00	\$33,192.98
	XXXXX3515	09/06/2022	Shaw HR Consulting Inc	250.00	005203	Consulting Aug 2022	250.00	0.00	\$250.00
	XXXXX3516	09/06/2022	Hanson Bridgett LLP	7,195.50	1319446	Legal Fees	7,195.50	0.00	\$8,424.00
				1,228.50	1322395	Legal Services	1,228.50	0.00	
	XXXXX3517	09/06/2022	GT Golf Holdings, Inc.	405.00	INV287713	Store	405.00	0.00	\$896.98
				188.60	INV291831	Golf store	188.60	0.00	
				303.38	NV292434	Golf Store	303.38	0.00	
	XXXXX3518	09/06/2022	Kurt Ashley	1,812.56	000328	Background Investigation	1,812.56	0.00	\$5,184.36
				200.00	000329	Canceled Background	200.00	0.00	
				400.00	000344	Incomplete Background	400.00	0.00	
				400.00	000345	Incomplete Background	400.00	0.00	
				400.00	000346	Incomplete Background	400.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				400.00	000347	Incomplete Background	400.00	0.00	
				1,571.80	000348	Background Investigation	1,571.80	0.00	
	XXXXX3519	09/06/2022	Kanopy Inc	1,229.00	312578 – PPU	Library Materials	1,229.00	0.00	\$1,229.00
	XXXXX3520	09/08/2022	Chandler Asset Management Inc	2,121.21	2208SUNNY VAL	Mgmt Fees for SFA Civic Center 2020 Lease Bonds - August 2022	2,121.21	0.00	\$2,121.21
	XXXXX3521	09/08/2022	Eisenhauer's Catering and Events	3,253.75	48287.	Remaining bal. Breakfast Buffet	3,253.75	0.00	\$3,253.75
	XXXXX3522	09/08/2022	Kirby Canyon Recycling and Disposal Facility	483,664.76	August2022	Acct #046-0849 Aug 2022	483,664.76	0.00	\$483,664.76
	XXXXX3523	09/08/2022	Ricardo Martinez	550.00	RM91722	State of City 9/17/2022	550.00	0.00	\$550.00
	XXXXX3524	09/08/2022	Susan Yuen	550.00	TV91722	State of City 9/17/2022	550.00	0.00	\$550.00
	XXXXX3525	09/08/2022	State Water Resources Control Board	25.00	MSD3R-05182022A	BA061522-02 Dishonored Check Fee Ck#100010995	25.00	0.00	\$25.00
	XXXXX3526	09/08/2022	State Water Resources Control Board	80.00	MHT2CF-09022022	Manuel Hernandez T2 Cert	80.00	0.00	\$80.00
	XXXXX3527	09/08/2022	Medinas Catering	1,257.82	054	Deposit 9/14/22 Catering	1,257.82	0.00	\$1,257.82
	XXXXX3528	09/08/2022	Laura Nelson	794.00	23-016	Membership/Exam: WIOA #5644024	794.00	0.00	\$794.00
	XXXXX3529	09/08/2022	ARB Inc.	4,307.88	209891-43740	Refund-618 Lakehaven Ter Hydnt	4,307.88	0.00	\$4,307.88
	XXXXX3530	09/08/2022	C. Overaa & Co.	3,064.57	190735-75130	Credit refund-Borregas Av hydnt	3,064.57	0.00	\$3,064.57



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3531	09/08/2022	CVE Demolition Inc.	4,367.10	207107-75132	Credit refund- X Hydnt	4,367.10	0.00	\$4,367.10
	XXXXX3532	09/08/2022	Capital One Auto Finance	816.26	23-013	A. Wolfgramm #6201014993468	816.26	0.00	\$816.26
	XXXXX3533	09/08/2022	Mechanics Bank	1,129.35	23-017	R. Pena #58949771001	1,129.35	0.00	\$1,129.35
	XXXXX3534	09/08/2022	Blanca Zuniga Guizar	2,170.00	23-015.	August 2022: B. Guizar	2,170.00	0.00	\$2,170.00
	XXXXX3535	09/08/2022	State Water Resources Control Board	9,736.90	CA4310014	Water Arrearage Prog. CA4310014	9,736.90	0.00	\$9,736.90
	XXXXX3536	09/08/2022	Acme Boiler & Water Heating Co	310.00	9129	Planned Maintenance	310.00	0.00	\$310.00
	XXXXX3537	09/08/2022	Airgas, Inc.	700.36	9129460337	Argon	700.36	0.00	\$700.36
	XXXXX3538	09/08/2022	Amazon Capital Services Inc	16.14	16H4-1JPT-6NTV	Rafael Bayani	16.14	0.00	\$862.57
				5.10	17FW-Q3GM-F31R	Betty King	5.10	0.00	
				359.02	1GWD-PRG4-DFQ9	Priscilla Luckey	359.02	0.00	
				482.31	1JLM-HL36-1F1X	Priscilla Luckey 08/14/22	482.31	0.00	
	XXXXX3539	09/08/2022	BLX Group LLC	2,000.00	41612-4463/082622	Interim Arbitrage Rebate Report	2,000.00	0.00	\$5,500.00
				3,500.00	41612-6366/082622	Final Arbitrage Rebate Report	3,500.00	0.00	
	XXXXX3540	09/08/2022	Brightview Landscape Services Inc	3,465.00	7899056	Raise Canopy	3,465.00	0.00	\$3,465.00
	XXXXX3541	09/08/2022	BrightView Tree Company	2,520.00	7884025	Remove & grind	2,520.00	0.00	\$16,275.00
				13,755.00	7943583	Remove & Grind	13,755.00	0.00	
	XXXXX3542	09/08/2022	California Science and Tech University	600.00	183	Xu, Grace 22-16-501-01	600.00	0.00	\$600.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3543	09/08/2022	ChargePoint Inc.	1,545.75	IN148975	Repairs electric car chargers	1,545.75	0.00	\$1,545.75
	XXXXX3545	09/08/2022	Cintas Loc #38K	38.36	4124095269	Uniform	38.36	0.00	\$3,906.80
				18.83	4124566883	Uniform	18.83	0.00	
				35.37	4124568887	Uniform	35.37	0.00	
				100.14	4124568935	Uniform	100.14	0.00	
				158.71	4124568969	Uniform	158.71	0.00	
				152.09	4124737455	Uniform	152.09	0.00	
				19.14	4124737472	Uniform	19.14	0.00	
				163.50	4124737585	Uniform	163.50	0.00	
				311.08	4124737814	Uniform	311.08	0.00	
				25.00	4125015366	Uniform	25.00	0.00	
				18.83	4125175369	Uniform	18.83	0.00	
				19.14	4125315899	Uniform	19.14	0.00	
				152.09	4125315990	Uniform	152.09	0.00	
				163.50	4125316136	Uniform	163.50	0.00	
				311.08	4125316309	Uniform	311.08	0.00	
				34.08	4125316699	Uniform	34.08	0.00	
				100.14	4125316951	Uniform	100.14	0.00	
				157.46	4125317103	Uniform	157.46	0.00	
				38.36	4125443249	Uniform	38.36	0.00	
				18.83	4125839370	Uniform	18.83	0.00	
				19.14	4125996079	Uniform	19.14	0.00	
				152.09	4125996121	Uniform	152.09	0.00	
				163.50	4125996224	Uniform	163.50	0.00	
				275.10	4125996300	Uniform	275.10	0.00	
				100.14	4125996834	Uniform	100.14	0.00	
				158.71	4125996843	Uniform	158.71	0.00	
				25.00	4126357326	Uniform	25.00	0.00	
				18.83	4126510907	Uniform	18.83	0.00	
				19.14	4126661721	Uniform	19.14	0.00	
				152.09	4126661903	Uniform	152.09	0.00	
				163.50	4126661964	Uniform	163.50	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				326.62	4126662167	Uniform	326.62	0.00	
				158.71	4126662693	Uniform	158.71	0.00	
				100.14	4126662726	Uniform	100.14	0.00	
				38.36	4126798806	Uniform	38.36	0.00	
	XXXXX3546	09/08/2022	Coastal Tractor	630.00	WO69963	Repairs	630.00	0.00	\$630.00
	XXXXX3547	09/08/2022	CSDS Inc	1,640.00	91191978	Equipment	1,640.00	0.00	\$1,640.00
	XXXXX3548	09/08/2022	CyberSource Corp	75.00	235959338503	Credit Card Settlement	75.00	0.00	\$75.00
	XXXXX3549	09/08/2022	Davey Resource Group	5,000.00	916992819	Treekeeper Subscription 7/1/2022-6/30/2024	5,000.00	0.00	\$5,000.00
	XXXXX3550	09/08/2022	David J Powers & Assoc Inc	7,049.60	28380	480 MATHILDA OFFICE	7,049.60	0.00	\$7,049.60
	XXXXX3551	09/08/2022	DKF Solutions Group LLC	6,200.00	20730	Training	6,200.00	0.00	\$6,200.00
	XXXXX3552	09/08/2022	Dooley Enterprises, Inc.	12,426.67	63616	Ammo	12,426.67	0.00	\$12,426.67
	XXXXX3553	09/08/2022	FedEx	16.96	7-848-87628	Mail	16.96	0.00	\$69.37
				52.41	7-863-79274	Mail	52.41	0.00	
	XXXXX3554	09/08/2022	Francisco & Assoc Inc	6,975.00	3637	Downtown Parking Assessment	6,975.00	0.00	\$6,975.00
	XXXXX3555	09/08/2022	All West Equipment Company	5,617.86	249693	Equipment	5,617.86	0.00	\$5,617.86
	XXXXX3556	09/08/2022	Fremont Union High School District	456.11	22-384	Custodial services for women's restroom April 2022	456.11	0.00	\$1,502.23
				1,046.12	22-433	Custodial services for women's restroom June 2022	1,046.12	0.00	
	XXXXX3557	09/08/2022	Gardenland Power Equipment	91.71	946286	Parts	91.71	0.00	\$1,868.82
				14.11	947321	Parts	14.11	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				440.96	947661	Parts	440.96	0.00	
				220.46	952009	Parts	220.46	0.00	
				130.76	952458	Parts	130.76	0.00	
				280.55	952697	Parts	280.55	0.00	
				447.29	952888	Parts	447.29	0.00	
				18.38	953542	Parts	18.38	0.00	
				224.60	954734	Parts	224.60	0.00	
	XXXXX3558	09/08/2022	Ghirardelli Associates Inc	31,355.87	19110.000-26	Fair Oaks Bridge 05/01-06/30/22	31,355.87	0.00	\$31,355.87
	XXXXX3559	09/08/2022	Global Access Inc	236.00	18426	Fax	236.00	0.00	\$236.00
	XXXXX3560	09/08/2022	The Goodyear Tire & Rubber Co	1,915.66	184-1097474	Parts	1,915.66	0.00	\$5,582.42
				-309.01	189-1109061	Billing error on invoice #189-1108993	-309.01	0.00	
				312.60	189-1109078	Parts	312.60	0.00	
				109.41	189-1109084	Parts	109.41	0.00	
				707.35	189-1109108	Parts	707.35	0.00	
				1,653.86	189-1109116	Parts	1,653.86	0.00	
				1,192.55	189-1109134	Parts	1,192.55	0.00	
	XXXXX3561	09/08/2022	Haute Cuisine Inc	3,020.00	377-2022	Senior Lunches August	3,020.00	0.00	\$3,020.00
	XXXXX3562	09/08/2022	Hinderliter de Llamas & Assoc	5,907.06	SIN020678	Quarter Sales Tax Services	5,907.06	0.00	\$5,907.06
	XXXXX3563	09/08/2022	Imperial Sprinkler Supply	96.03	5184686-00	Parts	96.03	0.00	\$654.61
				219.51	5213420-00	Parts	219.51	0.00	
				339.07	5217527-00	Parts	339.07	0.00	
	XXXXX3564	09/08/2022	Irvine & Jachens Inc.	1,329.54	3998	Badges	1,329.54	0.00	\$2,118.44
				788.90	4026	Badges	788.90	0.00	
	XXXXX3565	09/08/2022	Jetmulch Inc	3,480.17	19303-OL	Wood Chips	3,480.17	0.00	\$3,480.17
	XXXXX3566	09/08/2022	Keller Supply Company	458.10	S020879863.002	Supplies	458.10	0.00	\$1,155.30

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				697.20	S020915470.001	Supplies	697.20	0.00	
	XXXXX3567	09/08/2022	Kimley Horn & Assoc Inc	2,472.00	22061782	Smart Stn Thru 7/31/2022	2,472.00	0.00	\$2,472.00
	XXXXX3568	09/08/2022	LED Trail	1,663.64	INV-000532	Supplies	1,663.64	0.00	\$1,663.64
	XXXXX3569	09/08/2022	Level 3 Communications LLC	4,069.53	600776484	1-EY3E51 Sep 2022	4,069.53	0.00	\$11,226.03
				7,156.50	600784587	5-BGFGCK3N Sep 2022	7,156.50	0.00	
	XXXXX3570	09/08/2022	McMaster Carr Supply Co	961.69	84129523	Supplies	980.82	19.13	\$961.69
	XXXXX3571	09/08/2022	Mission Linen Service	102.19	517509314	Linen Svc	102.19	0.00	\$1,353.05
				84.21	517509317	Linen Svc	84.21	0.00	
				84.21	517509318	Linen Svc	84.21	0.00	
				102.19	517552030	Linen Svc	102.19	0.00	
				84.21	517552033	Linen Svc	84.21	0.00	
				84.21	517552034	Linen Svc	84.21	0.00	
				102.19	517594344	Linen Svc	102.19	0.00	
				84.21	517594347	Linen Svc	84.21	0.00	
				84.21	517594348	Linen Svc	84.21	0.00	
				102.19	517638016	LinenSvc	102.19	0.00	
				84.21	517638019	Linen Svc	84.21	0.00	
				84.21	517638020	Linen Svc	84.21	0.00	
				102.19	517673121	Linen Svc	102.19	0.00	
				84.21	517673124	Linen Svc	84.21	0.00	
				84.21	517673125	Linen Svc	84.21	0.00	
	XXXXX3572	09/08/2022	MM Communications	487.50	INV-1382	Cable Installation	487.50	0.00	\$2,887.50
				1,200.00	INV-1383	Cable Installation	1,200.00	0.00	
				1,200.00	INV-1384	Cable Installation	1,200.00	0.00	
	XXXXX3573	09/08/2022	MSI Fuel Management, Inc.	5,385.00	5457	FuelMaster 7/1/22-6/30/23	5,385.00	0.00	\$5,385.00
	XXXXX3574	09/08/2022	MTS Training Academy	815.00	4287-A	M Gilbrecht 22-15-501-04	815.00	0.00	\$815.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3575	09/08/2022	Municipal Plan Check Services Inc	3,468.75	1250	Plan Checking Svc Aug 22	3,468.75	0.00	\$3,468.75
	XXXXX3576	09/08/2022	Myers Tire Supply Co	116.74	21412003	Parts	116.74	0.00	\$116.74
	XXXXX3577	09/08/2022	Mythics Inc	464.54	184491	Oracle Pass & IaaS Cr Jun 22	464.54	0.00	\$464.54
	XXXXX3578	09/08/2022	NAPA Auto Parts	-19.64	5983-768072	Inv 5983-767901	-19.64	0.00	\$145.95
				-15.66	5983-771950	Inv 5983-674657	-15.66	0.00	
				-76.15	5983-777953	Inv 5983-777156	-76.15	0.00	
				43.46	5983-780559	Parts \$0.89 Disct By 9/10	44.35	0.89	
				-154.96	5983-780818	Inv 5983-780039	-154.96	0.00	
				60.29	5983-780858	Parts \$1.23 Disct By 9/10	61.52	1.23	
				-9.82	5983-781104	Inv 5983-777995	-9.82	0.00	
				35.20	5983-781230	Parts \$0.72 Disct By 9/10	35.92	0.72	
				82.72	5983-782513	Parts \$1.69 Disct By 9/10	84.41	1.69	
				28.83	5983-782514	Parts \$0.59 Disct By 9/10	29.42	0.59	
				21.67	5983-783013	Parts \$0.44 Disct By 9/10	22.11	0.44	
				33.91	5983-783291	Parts \$0.69 Disct By 9/10	34.60	0.69	
				116.10	5983-784223	Parts \$2.37 Disct By 9/10	118.47	2.37	
	XXXXX3579	09/08/2022	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	119.71	261480466001	Anjelene Manzanares 8/31/22	119.71	0.00	\$1,246.89
				56.88	261482043001	Anjelene Manzanares 8/31/22	56.88	0.00	
				89.37	261776354001	Stacy De Benedetti 8/31/22	89.37	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				178.75	261776371001	Stacy De Benedetti 8/31/22	178.75	0.00	
				647.65	263387162001	Priscilla Luckey 8/29/2022	647.65	0.00	
				51.61	263387162002	Priscilla Luckey 8/29/2022	51.61	0.00	
				40.63	263387168001	Priscilla Luckey 8/29/22	40.63	0.00	
				13.54	263387169001	Priscilla Luckey 8/29/2022	13.54	0.00	
				48.75	265274924001	Mckendra Lafferty 9/1/2022	48.75	0.00	
	XXXXX3580	09/08/2022	Pacific Gas & Electric Co	15,375.53	3272592818-1 0722	Parks & Fields	15,375.53	0.00	\$28,409.50
				822.31	5689257244-9 0722	Landscape H2O	822.31	0.00	
				12,211.66	9147590356-2 0722	Golf Courses	12,211.66	0.00	
	XXXXX3581	09/08/2022	Power Plan - OIB	547.59	13845988	Parts	547.59	0.00	\$1,212.51
				664.92	13852087	Parts	664.92	0.00	
	XXXXX3582	09/08/2022	Quality Assurance Solutions LLC	1,408.75	CA-2022-070	Support 7/1/22-8/19/22	1,408.75	0.00	\$1,408.75
	XXXXX3583	09/08/2022	Reed & Graham Inc	3,744.57	037114	Broken AC & Asphalt	3,941.65	197.08	\$4,576.68
				698.22	037530	Emulsion & Asphalt	734.97	36.75	
				133.89	037808	Asphalt	140.94	7.05	
	XXXXX3584	09/08/2022	San Jose BMW	639.96	271295	Parts & Labor	639.96	0.00	\$639.96
	XXXXX3585	09/08/2022	Santa Clara Adult Education	359.10	12513	Maria Gomez 22-07-2064-02	359.10	0.00	\$359.10
	XXXXX3586	09/08/2022	Santa Clara Lighting Inc	5,778.17	24095	Supplies	5,778.17	0.00	\$5,778.17
	XXXXX3587	09/08/2022	County of Santa Clara	329,187.00	1800082390	FY 22/23 Cal-ID Program	329,187.00	0.00	\$329,187.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX3588	09/08/2022	Security Alert Systems of California Inc	705.00	177754	Monitoring Fees Aug 2022	705.00	0.00	\$705.00
	XXXXX3589	09/08/2022	SetCom Corp	404.72	50128	Repairs	404.72	0.00	\$404.72
	XXXXX3590	09/08/2022	SHI International Corp	36.26	B15765186	Acrobat Pro	36.26	0.00	\$72.52
				36.26	B15765837	Acrobat Pro	36.26	0.00	
	XXXXX3591	09/08/2022	Sierra Pacific Turf Supply Inc	772.05	0626002-IN	Supplies	772.05	0.00	\$2,645.10
				494.20	0626843-IN	Supplies	494.20	0.00	
				579.27	0626922-IN	Supplies	579.27	0.00	
				587.45	0626969-IN	Supplies	587.45	0.00	
				98.22	0626970-IN	Supplies	98.22	0.00	
				113.91	0627326-IN	Supplies	113.91	0.00	
	XXXXX3592	09/08/2022	Sunnyvale Ford	1,385.45	205285-1FOW	Parts	1,385.45	0.00	\$6,346.55
				112.92	209083FOW	Parts	112.92	0.00	
				202.04	209094FOW	Parts	202.04	0.00	
				262.11	209123FOW	Parts	262.11	0.00	
				39.15	209234FOW	Parts	39.15	0.00	
				35.81	209240FOW	Parts	35.81	0.00	
				5.72	209249-1FOW	Parts	5.72	0.00	
				135.52	209249FOW	Parts	135.52	0.00	
				30.12	209273FOW	Parts	30.12	0.00	
				94.87	209275FOW	Parts	94.87	0.00	
				46.50	209314FOW	Parts	46.50	0.00	
				142.79	209424FOW	Parts	142.79	0.00	
				69.01	209529-1FOW	Stores Inventory	69.01	0.00	
				1,350.76	FOCS848418	Parts & Labor	1,350.76	0.00	
				2,433.78	FOCS848650	Parts & Labor	2,433.78	0.00	
	XXXXX3593	09/08/2022	Synagro-WWT Inc	22,536.29	31938	Jun 2022	22,536.29	0.00	\$22,536.29
	XXXXX3594	09/08/2022	Target Specialty	3,485.37	INVP5008632	Supplies	3,485.37	0.00	\$8,999.11



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Products Inc		75				
				1,530.91	INVP500866543	Supplies	1,530.91	0.00	
				1,948.40	INVP500879920	Supplies	1,948.40	0.00	
				2,034.43	INVP500907356	Supplies	2,034.43	0.00	
	XXXXX3595	09/08/2022	Home Depot USA Inc d/b/a The Home Depot Pro	455.49	704244151	Supplies	455.49	0.00	\$455.49
	XXXXX3596	09/08/2022	Thomas Plumbing Inc	285.00	09255	Plumbing Service	285.00	0.00	\$835.00
				550.00	9066	Plumbing Service	550.00	0.00	
	XXXXX3597	09/08/2022	Turf & Industrial Equipment Co	1,199.28	UI20802	Equipment	1,199.28	0.00	\$1,199.28
	XXXXX3598	09/08/2022	Turf Star Inc	162.00	7228798-00	Supplies	162.00	0.00	\$3,965.81
				90.42	7233669-01	Parts	90.42	0.00	
				557.84	7239246-01	Parts	557.84	0.00	
				56.18	7239373-02	Parts	56.18	0.00	
				104.04	7240625-00	Parts	104.04	0.00	
				121.24	7240627-00	Parts	121.24	0.00	
				1,309.46	7240912-00	Parts	1,309.46	0.00	
				264.55	7243303-00	Supplies	264.55	0.00	
				33.00	7243303-01	Supplies	33.00	0.00	
				41.71	7243650-00	Parts	41.71	0.00	
				63.20	7244532-00	Supplies	63.20	0.00	
				660.90	7244543-00	Parts	660.90	0.00	
				501.27	7244553-00	Parts	501.27	0.00	
	XXXXX3599	09/08/2022	United Rentals (North America), Inc.	587.21	205570720-003	Equip Rental 6/20-7/18/22	587.21	0.00	\$1,460.03
				872.82	207860140-001	Equip Rental 6/27-30/22	872.82	0.00	
	XXXXX3600	09/08/2022	Unity Courier Service	2,887.50	482374	Print Shop#C30744	2,887.50	0.00	\$2,887.50

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Inc			Aug 22			
	XXXXX3601	09/08/2022	Verde Design Inc	16,542.50	10-2111400	Community Ctr 7/26-8/25/22	16,542.50	0.00	\$16,542.50
	XXXXX3602	09/08/2022	VMI Inc	1,254.57	304755	Labor & Materials	1,254.57	0.00	\$1,254.57
	XXXXX3603	09/08/2022	VWR International LLC	57.20	8810595336	Chemicals	57.20	0.00	\$57.20
	XXXXX3604	09/08/2022	Water One Industries Inc	1,300.00	164131	Water Treatment Aug 2022	1,300.00	0.00	\$1,300.00
	XXXXX3605	09/08/2022	West Coast Rubber & Recycling Inc	348.70	22-1818	Tire Disposal	348.70	0.00	\$348.70
	XXXXX3606	09/08/2022	Zalco Laboratories	125.00	2207309	Gas Analysis	125.00	0.00	\$520.00
				395.00	2208031	Gas Analysis	395.00	0.00	
	XXXXX3607	09/08/2022	Zayo Group LLC	13,583.97	2022090024865	AF#24865 Sept 2022	13,583.97	0.00	\$13,583.97
	XXXXX3608	09/08/2022	Hensel Phelps Construction Co	3,972,045.00	CivicCenter#20	PR-19-06	3,972,045.00	0.00	\$3,972,045.00
	XXXXX3609	09/08/2022	ECS Imaging Inc	2,596.57	16963	Scanning Services	2,596.57	0.00	\$2,596.57
	XXXXX3610	09/08/2022	First Foundation Bank	209,055.00	CivicCenter#20	PR-19-06	209,055.00	0.00	\$209,055.00
	XXXXX3611	09/08/2022	Sunnyvale Downtown Association	16,966.00	BID Reimb1-FY22-23	1st Reimb FY 22/23	16,966.00	0.00	\$16,966.00
	XXXXX3612	09/08/2022	Yamaha Motor Finance Corporation USA	5,347.12	778690	Lease M22079096	5,347.12	0.00	\$5,347.12
	XXXXX3613	09/08/2022	Yamaha Golf Cars of California, Inc.	1,946.65	L45044	Supplies	1,946.65	0.00	\$1,946.65
	XXXXX3614	09/08/2022	Hanford Applied Restoration & Conservation	2,293.00	2208STW210	Wetland Mitigation maintenance Aug	2,293.00	0.00	\$2,293.00
	XXXXX3615	09/08/2022	Stommel Inc.	11.11	SI75227	Parts	11.11	0.00	\$1,597.52
				826.12	SI77567	Parts	826.12	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				760.29	SI76545	Parts	760.29	0.00	
	XXXXX3616	09/08/2022	Sustainable Organic Solutions LLC	15,205.36	9012022	Foodwaste Aug 2022	15,205.36	0.00	\$15,205.36
	XXXXX3617	09/08/2022	Baker & Taylor, LLC	1,312.25	5017806608	Library collection	1,312.25	0.00	\$1,312.25
	XXXXX3618	09/08/2022	Grainger	74.87	9436355227	Supplies	74.87	0.00	\$74.87
	XXXXX3619	09/08/2022	Ranger Pipelines Inc	772,649.81	CityH2OLine2 021#04	UW-18-01B	772,649.81	0.00	\$1,401,190.83
				628,541.02	CityH2OLine2 021#05	UW-18-01B	628,541.02	0.00	
	XXXXX3620	09/08/2022	Bayview Hydraulics	581.35	1627	Parts & Labor	581.35	0.00	\$581.35
	XXXXX3621	09/08/2022	Able Construction Group Inc	400.00	66741	Repair	400.00	0.00	\$400.00
	XXXXX3622	09/08/2022	Pro-Sweep, Inc.	551.67	317366	Power Sweeping	551.67	0.00	\$2,011.67
				1,460.00	319325	Pressure Washing	1,460.00	0.00	
	XXXXX3623	09/08/2022	A Tool Shed Inc	1,638.56	1570788B-4	Tool rental	1,638.56	0.00	\$1,638.56
	XXXXX3624	09/08/2022	Zanker Road Resource Management, LTD	178,613.47	202208100	Waste Processing Aug 2022	178,613.47	0.00	\$264,701.74
				86,088.27	363	Organic Processing Aug 22	86,088.27	0.00	
	XXXXX3625	09/08/2022	FleetPride Inc	627.99	101830470	Parts	627.99	0.00	\$748.82
				64.65	102001648	Parts	64.65	0.00	
				56.18	102001691	Parts	56.18	0.00	
	XXXXX3626	09/08/2022	Paul Zagaris	2,300.00	22834	Video Post-Production	2,300.00	0.00	\$2,300.00
	XXXXX3627	09/08/2022	Tshaka Campbell	200.00	TC91722	State of the City performance	200.00	0.00	\$200.00
	XXXXX3628	09/08/2022	CALPELRA	122.00	CALPELRA A1	Conference Registration	122.00	0.00	\$2,211.00
				122.00	CALPELRA	Conference	122.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					B1	Registration			
				842.00	CALPELRA C1	Conference Registration	842.00	0.00	
				1,125.00	CALPELRA D1	Conference Registration	1,125.00	0.00	
	XXXXX3629	09/08/2022	Medinas Catering	4,528.13	055	DPW Employee Appreciation	4,528.13	0.00	\$4,528.13
	XXXXX3630	09/08/2022	Medinas Catering	566.02	MC-SUN-FIN-2022	9/15/22 Catering Deposit	566.02	0.00	\$566.02
WIRE	XXXXX6257	09/06/2022	Carl Warren & Company	95,622.89	Prefund Casa legal fees	Liability Trust Fund Pre Funding for Legal invoices WR date 09/01/22	95,622.89	0.00	\$159,337.41
				63,714.52	Prefund Laurent legal fees	Liability Trust Fund Pre Funding for Legal fees WR date 09/01/22	63,714.52	0.00	
	XXXXX6368	09/08/2022	Public Employees Retirement System	1,769,133.74	100000016905640	Medical Premium Sep 2022 Wire Date 9/7/22	1,769,133.74	0.00	\$1,769,133.74
<b>Grand Total</b>				9,230,575.12			9,230,893.27	318.15	\$9,230,575.12



# City of Sunnyvale

## Agenda Item

22-0575

Agenda Date: 9/27/2022

### REPORT TO COUNCIL

#### **SUBJECT**

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

#### **BACKGROUND**

At the July 26, 2022 Council meeting, Council directed staff to draft a budget modification from the Council Service Level Set-Aside for the addition of an ADS-B receiver to the Casper Airplane Noise Monitoring System.

In October 2020, Casper Airport Solutions Inc installed permanent noise monitors in four locations throughout the City. All four sites are solar powered and capture a wide range of airplane activity from San Jose, Moffett Field, Palo Alto and San Carlos airports. The monitors are located at: City-owned land on Dona Avenue, the Community Center, and Ortega and Washington parks.

On February 1, 2021, the City launched the Noise Lab website (Attachment 2). The site allows the public to see trends in airplane flight paths and tracks noise events in a specific neighborhood. The public can run reports and view statistics about flight activity and noise levels. This site also includes a flight tracking page. On it, the public can view near real-time and historical flight paths and noise data, covering the past six months. Additionally, Casper provides the City with quarterly information only reports (Attachment 3) based on flight activity and the aircraft noise associated with overflights that affect residents living within the city limits.

While SJC Airport is the closest major airport to the City of Sunnyvale, arriving and departing from many different airports in the region fly over Sunnyvale. These airports of interest are: Hayward Executive Airport (KHWD), Moffett Federal Airfield (KNUQ), Metro Oakland Int'l Airport (KOAK), Palo Alto Airport (KPAO), Reid-Hillview Airport of Santa Clara County (KRHV), San Francisco Int'l Airport (KSFO), Norman Y Mineta San Jose Int'l Airport (KSJC) and San Carlos Airport (KSQL).

#### **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 a motion adopted by affirmative votes of at least four members to authorize the transfer of unused balances appropriated for one purpose or another, or to appropriate available revenue included in the budget.

General Plan, Chapter 6 Safety and Noise, Policy SN-10.2 Support efforts to reduce or mitigate airport noise, including noise impacts of Moffett Federal Airfield, San Jose International Airport and helicopters.

**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(a) as there is no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**DISCUSSION**

In order to increase the City’s insight into the actual air traffic situation (including departure and arrival times), the City requested that Casper Airport Solutions Inc. provide the City with a quote for the installation of an ADS-B receiver. Instead of the installation of a receiver, Casper recommends that the City subscribe to the ADSB Exchange (Attachment 1). According to the proposal, the ADSB Exchange is a software solution in lieu of an antenna and ADS-B receiver. The ADSB Exchange utilizes all installed receivers in and around the City, thus providing more accurate coverage and data to the Casper Noise system.

According to the FAA, ADS-B stands for Automatic Dependent Surveillance - Broadcast:

- Automatic because it periodically transmits information with no pilot or operator involvement required.
- Dependent because the position and velocity vectors are derived from the Global Positioning System (GPS) or other suitable Navigation Systems.
- Surveillance because it provides a method of determining three-dimensional position and identification of aircraft, vehicles, or other assets.
- Broadcast because it transmits the information available to anyone with the appropriate receiving equipment.

ADS-B uses satellite signals to track aircraft movements. ADS-B transmits GPS-derived aircraft position information along with several other data fields including aircraft type, speed, flight number, and whether the aircraft is turning, climbing or descending, which are not transmitted by radar technology. This information is broadcast to air traffic control (ATC) as well as other aircraft. Aircraft equipped with ADS-B that transmit these data fields have what is called ADS-B Out. Pursuant to federal regulations (14 CFR Part 91 subsection C), a ADS-B Out transponder is a requirement for almost all airspace in and around Sunnyvale. U.S. federal, state and local government aircraft performing sensitive operations are permitted to fly with their installed ADS-B position reporting electronics turned off. Aircraft conducting operations related to homeland security, law enforcement, national defense and intelligence that could be compromised by transmitting real-time aircraft position information are permitted to disable ADS-B transmissions after obtaining proper authorization from the FAA.

An ADSB Exchange subscription would enable the effective presentation of complete flight tracks in the City and will provide a near real-time presentation of all movements of aircraft equipped with an ADS-B transmitter. Currently all coverage in the Casper Noise system used by the City is pulled from FAA SWIM data and FlightAware. Both are reliable sources of information, however, there are some flight tracks that are not in those systems which will be picked up from the ADSB Exchange.

By using this subscription service, the availability of the service to track these flights is significantly

less with no hardware installation. The subscription service in lieu of the physical receiver also negates the risk of any hardware damages that could require replacement in the future and would result in data downtime while under construction. The subscription service is also a cost-effective way of increasing the City's insight into air traffic without incurring additional power and internet costs that would be associated with the installation of a physical antenna and ADS-B receiver. By choosing the ADSB Exchange subscription, the City still has the option to install a receiver in the future should that be of interest. Should an ADS-B receiver be installed, it would include a small receiver box and about a 4ft tall antenna at a high location at/near Sunnyvale. It will provide the complete information of all aircraft equipped with the proper transponder not already captured by Casper's available systems.

The effectiveness of the ADS-B receiver is dependent on an aircraft having a transponder that is on for the entire duration of the flight and has not turned off their ADS-B Out transmissions to the FAA. The receiver is also effective for aircraft that are within its direct line of sight. According to Casper, ADS-B is a popular and effective supplementary radar receiver; however, Casper cannot guarantee that it will show data that the operation is blocking.

### **FISCAL IMPACT**

Budget Modification No. 4 has been prepared to reduce General Fund Council Service Level Set Aside funds in Project 829630 - Council Set Aside by \$5,040 and appropriate \$5,040 to Project 834420 - Airplane Noise Monitoring System for a three-year subscription to the ADSB Exchange. If continued after the three-year period, ongoing costs will be included in the Program 15200 - Information Technology Services and Support operating budget. The remaining balance for the Council Service Level Set Aside will be \$94,960 with approval of this budget modification.

#### **Budget Modification No. 4 FY 2022/23**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>General Fund</b>			
<b><u>Expenditures</u></b>			
829630 - Council Set Aside	\$100,000	(\$5,040)	\$94,960
<b><u>Expenditures</u></b>			
Project 834420 - Airplane Noise Monitoring System	\$0	\$5,040	\$5,040

### **PUBLIC CONTACT**

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

### **RECOMMENDATION**

Approve Budget Modification No. 4 in the amount of \$5,040 from the Council Service Level Set-Aside for the Addition of an Automatic Dependent Surveillance Broadcast or ADSB Exchange Subscription to the Airplane Noise Monitoring System to Provide Complete Information of All Aircraft Equipped with

the Proper Transponder not Already Captured by the Currently Available Systems

Prepared by: Michelle Zahraie, Senior Management Analyst

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Teri Silva, Assistant City Manager

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Casper Proposal for Addition of ADSB Exchange Subscription
2. Airplane Noise Weblink
3. Casper Quarterly Information Report





CITY OF SUNNYVALE

AUGUST 29, 2022

## **Casper Proposal for Addition of ADSB Exchange Subscription**



Sunnyvale

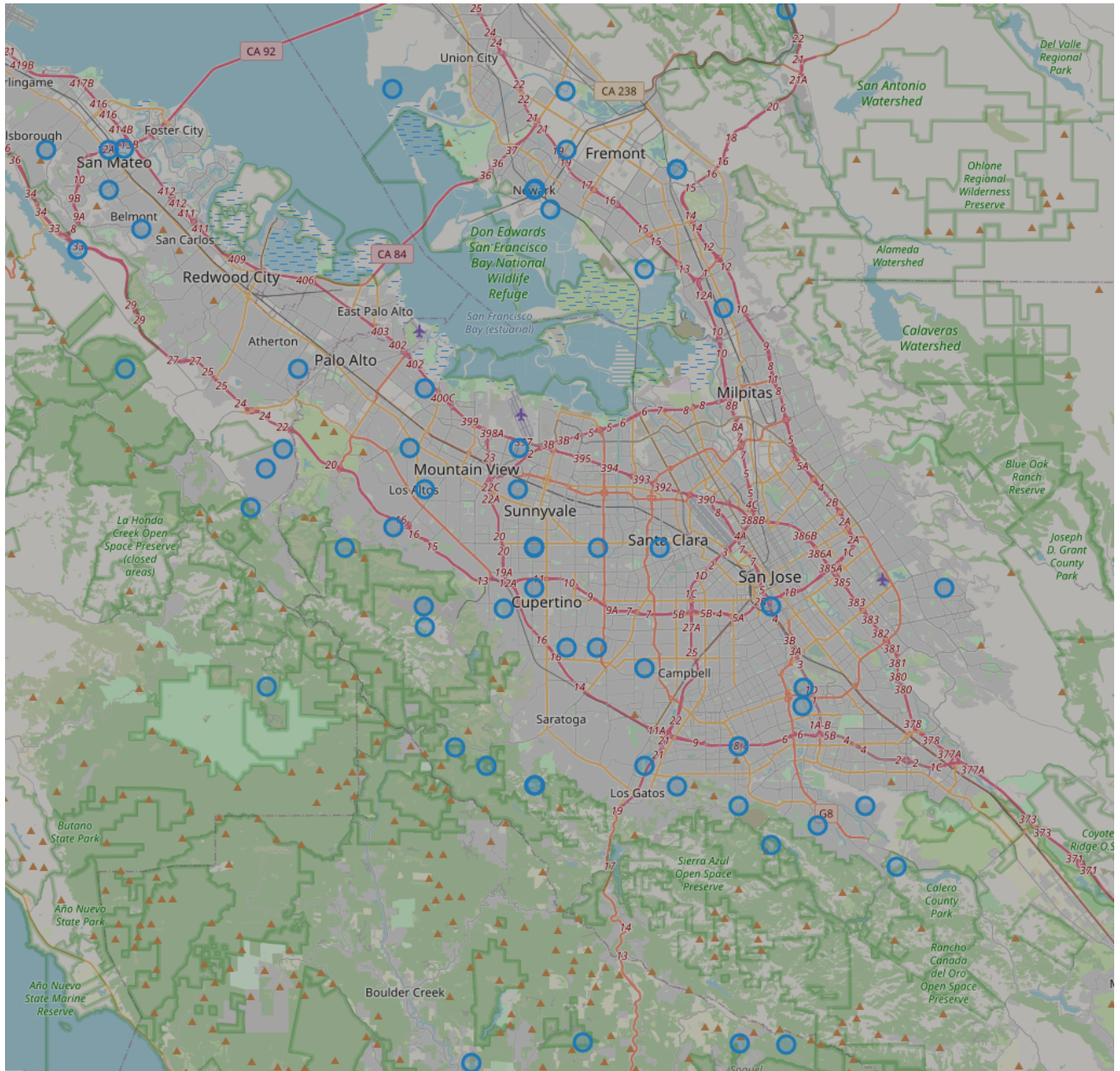
## Table of Contents

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<b>Project Timeline</b>	<b>4</b>
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## Proposal Summary

To be able to increase the insight into the actual air traffic situation (including departure & arrival times) at various locations around The City of Sunnyvale and as such to improve logistic operations, The City of Sunnyvale has requested Casper Airport Solutions Inc. to quote for the installation of an ADSB Exchange.

We propose to integrate ADSB Exchange into the current web-base Casper Noise solution used by the City of Sunnyvale in lieu of an antenna and ADSB Receiver for the following reasons. ADSB Exchange utilizes all receivers around the City of Sunnyvale, thus providing more accurate coverage and data to the Casper Noise system. Also, by using this subscription service the install time is significantly less, without needing to worry about hardware installation, Casper can have the software running and integrated with the Casper Noise software in just a couple of days. Finally, the subscription service in lieu of the physical antenna negates the risk of any hardware damages that could require replacement in the future and would result in data downtime while under construction. By choosing the ADSB Exchange subscription, The City of Sunnyvale still has the option to install an antenna in the future should that be of interest to The City. If that is decided then the coverage by the City's antenna will be added to the Exchange server. After reviewing the coverage map which you will see in Attachment A, it is our opinion that this is not necessary.



Attachment A: ADSB Exchange Coverage Map

This solution enables the effective presentation of complete flight tracks in the vicinity of Sunnyvale and will provide a near real-time presentation of all movements of aircraft equipped with an ADS-B transmitter. Currently all coverage in the Casper Noise system used by The City is pulled from FAA SWIM data and Flightaware which are both reliable sources of information however, there are some flight tracks that are not in those systems which will be picked up on ADSB Exchange. Pursuant to 14 CFR Part 91 subsection C, ADSB Out transponder is a requirement for almost all airspace in and around Sunnyvale.

The ADS-B system to be installed is a software solution, requiring no hardware installation. It will provide the complete information of all aircraft equipped with the proper transponder not already captured by our currently available systems. This data will be provided to Sunnyvale in almost real-time. In addition this information will be incorporated into our North American wide flight tracking system which uses FAA SWIM data as well as Flightaware.

The user of the system will have access to the web application using a standard web browser. Access to the system is realized via a username and password.

Should there be questions regarding any parts or aspects of our proposal, please contact us.

Sincerely,



Heleen Erkamp – Chief Executive Officer

Casper Airport Solutions Inc.  
1055 Westlakes Drive, Suite 300, Berwyn, PA 19312  
heleen@casper.aero/ (323) 984-8787  
Visit us at: [www.casper.aero](http://www.casper.aero)

## Project Schedule

### Project Timeline

As Casper Noise is a serviced solution that is already active in the City of Sunnyvale, little time is needed to install and configure the ADS-B Exchange. The following steps need to be taken:

- ✓ Subscription purchase and back-end installation.
- ✓ Casper Noise needs to be connected to the identified ADS-B data feed.

## Cost Proposal

Description	Monthly Price	Comment
ADSB Exchange Subscription	<b>\$140</b>	-
3 Year Term Total Cost	<b>\$5,040</b>	-

- All prices are in USD, excluding any applicable sales taxes.
- All invoices should be paid within 30 days.

## Conditions

### General Conditions

The following conditions apply:

- ✓ Casper shall provide the ADS-B Exchange and integration with Casper Noise.
- ✓ This contract term will coincide with the current contract agreement between Casper and Sunnyvale.
- ✓ Monthly fee is subject to an annual price indexation.
- ✓ After the addendum is signed the City of Sunnyvale and Casper will mutually agree on the determination of T0 (the start) of the project.

### Validity of Proposal

This proposal has a validity of 30 days.





RTC #: 22-0575

Airplane Noise

Document Title: Noise Lab and Flight Tracker

Link: <https://syv.noiselab.casper.aero/>



# (●) CASPER

## CITY OF SUNNYVALE Q2 – FLIGHT OPERATIONS AND NOISE REPORT

## DISCLAIMER

Casper Airport Solutions, Inc. provides the data in this report on behalf of the City of Sunnyvale for informational purposes only. It has no legal standing and is not recognized as an official source by either the State of California or the Federal Aviation Administration (FAA).

The City of Sunnyvale is not an airport authority. It has no statutory reporting obligation under Title 21 of the California Department of Transportation.

The sound level meters installed by Casper are certified by the manufacturer Larson Davis to meet all ANSI performance requirements for a Type 1 sound level meter.

The FAA System Wide Information Management (SWIM) flight track position data has a stated minimum accuracy of  $\pm 150$  feet and temporal accuracy of approximately 1 second.

# INTRODUCTION

The City of Sunnyvale's primary goal in procuring a Noise and Operations Monitoring System (NOMS) is to monitor flight activity and the aircraft noise associated with overflights that affect residents living within the city limits. Secondly, to provide this data to interested parties in a transparent and unfiltered way.

The data contained in this report is presented with that goal in mind. On each page, you will find an explanation of how to read the various charts and definitions of the different metrics and data types. What you will not find is any interpretation by the "City" about the data in this report.

For a more detailed explanation of the various noise metrics, general aircraft operations, or ATC procedures discussed in this report, please refer to the Education section of the City of Sunnyvale's NoiseLab website (<https://syv.noiselab.casper.aero>). The website also contains interactive data browsers that allow interested parties to view detailed noise and flight operations statistics concerning areas around the City of Sunnyvale.

When reading this report, it is essential to consider the following factors:

- This report's data may vary from San Jose International Airport's (SJC) information as this report does not include South Flow arrivals to SJC that did not overfly the "City".
- Not every aircraft overflight is captured by one of the four NMTs due to spikes in ambient noise levels, which may obscure the aircraft event or environmental factors such as wind speed and direction.
- The maximum noise level of a specific flight may vary based on the point of closest approach (PCA) slant distance and altitude of the aircraft in relation to the NMT. In addition, aircraft engine power settings, flap position, and landing gear state also influence the maximum noise level and event duration.
- The City's noise monitors capture noise events from all sources such as people, vehicles, animals, trains, and planes. The NOMS system analyzes every noise event captured by each NMT to determine if it meets the parameters to identify it as an aircraft noise event. Once the system identifies the source of a noise event as an aircraft, the NOMS system then attempts to match the noise event based on the time stamp, altitude, and lateral distance from the noise monitor to a specific flight.

## 24 HOUR VIEW OF AIRCRAFT NOISE

Most aircraft overfly the City during daytime hours between 7:00 AM and 7:00 PM when ambient noise levels tend to be higher due to increased community activity. Aircraft overflight volumes during the evening (7:00 PM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM) periods are significantly reduced. However, individual events during these periods can be more disturbing to residents due to the lower ambient noise levels in the City. Below is the breakdown of flights by time of day in Q2-2022.

### SUNNYVALE OVERFLIGHTS BY TIME OF DAY



## SJC AIRPORT SOUTH FLOW DATA FOR Q2 – 2022

One of the City of Sunnyvale's primary objectives in installing a Noise and Operations Monitoring System (NOMS) was to monitor and report on South Flow arrivals that overfly the City on their approach to land to Norman Y. Mineta San Jose International Airport (SJC).

There are two types of approaches flown by airplanes landing in South Flow at SJC Airport. The widely dispersed ILS/Visual approach is shown in yellow. The highly concentrated RNP approach is shown in blue on the facing page.

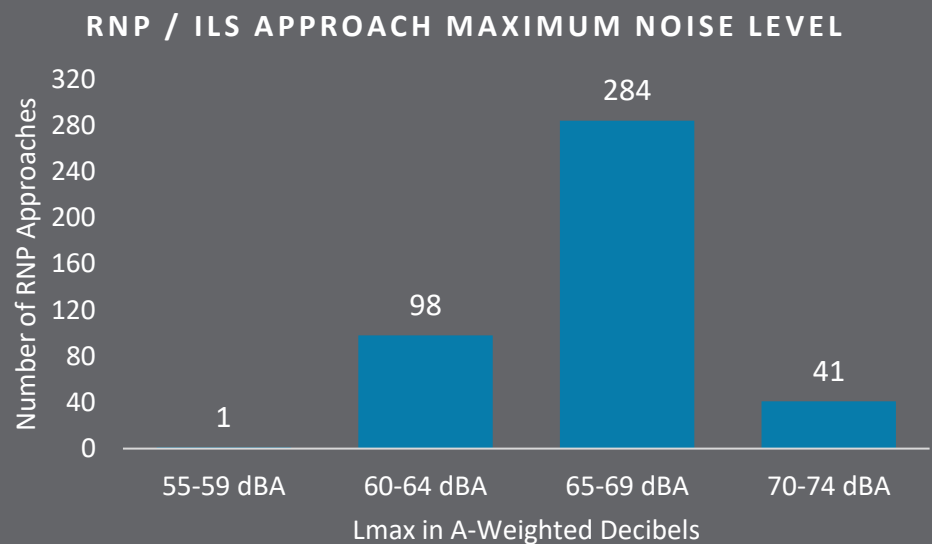
The ILS/Visual approach has a wide lateral footprint because the pilots are flying vectors (headings) under ATC's direction. The controller determines their turn onto the final approach. By contrast, the RNP approach is a precision instrument procedure that utilizes fixed GPS waypoints that must be precisely overflown and have very small lateral error tolerances.

Because of the wide dispersion caused by the ILS/Visual approach, a single noise monitoring terminal (NMT) cannot capture a noise event for each flight. However, the concentrated flight path of the RNP approach makes it possible to capture noise events at SYV-2 Dona Ave. for the vast majority of aircraft flying this approach.

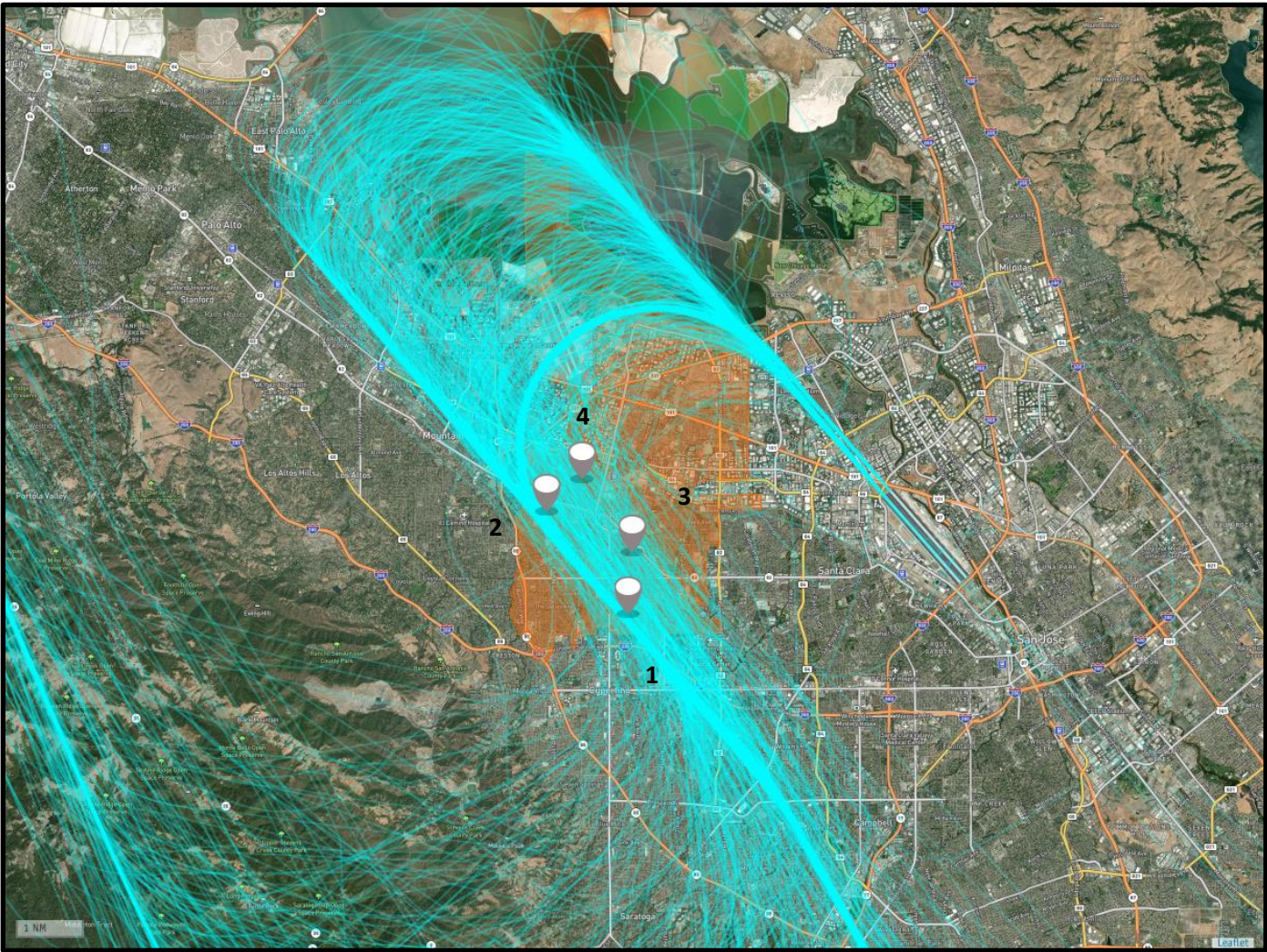
In the 2nd Quarter of 2022, the Casper system successfully captured noise events for 89% of the total South Flow RNP approaches flown to SJC Airport, the distribution of which is shown in the chart below.

The chart at right illustrates the maximum noise level (L<sub>max</sub>) recorded at the Dona Ave (SYV-2) permanent noise monitor for aircraft that flew the RNP Approach to Runway 12L or 12R at SJC Airport and passed over the City of Sunnyvale.

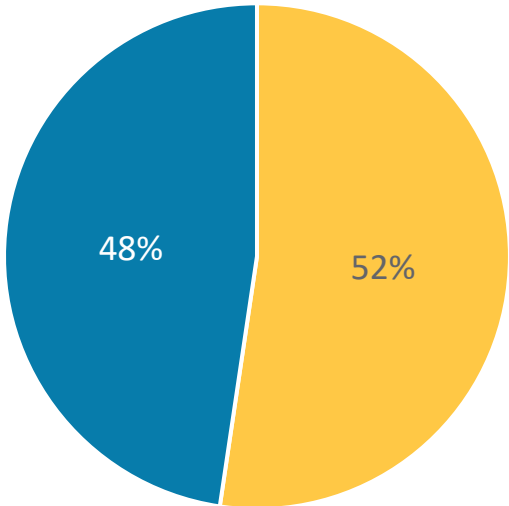
The number above each bar represents the total number of aircraft noise events in which the L<sub>max</sub> fell within the specific five decibel bucket identified on the chart.







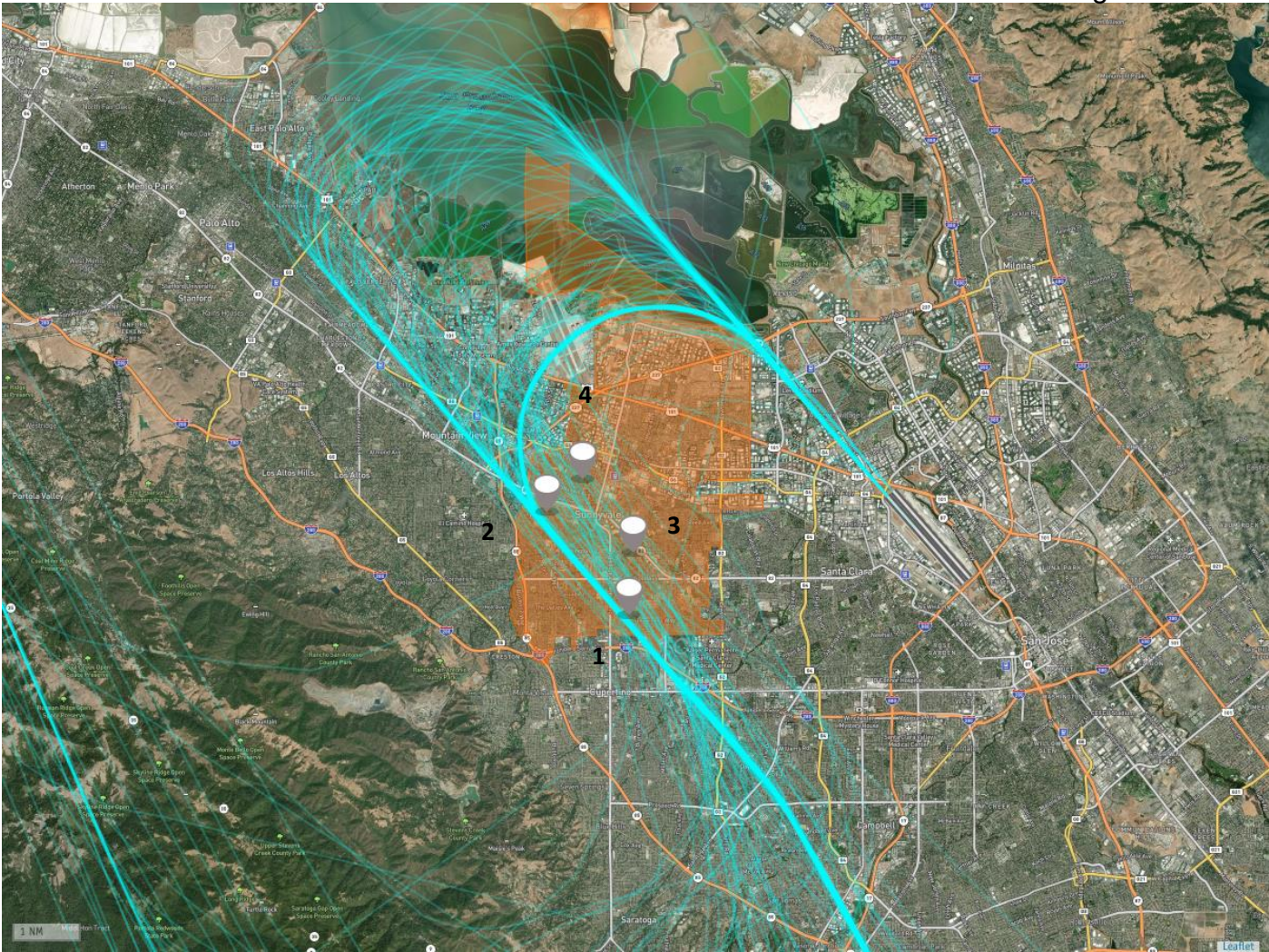
**SOUTH FLOW APPROACHES IN Q2-2022**  
**April 1 – June 30**



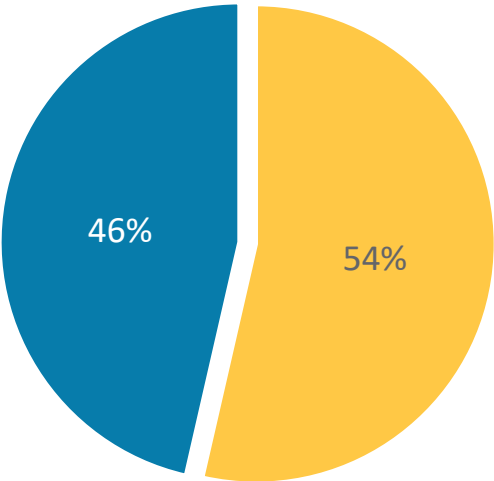
■ ILS/Visual Approach   ■ RNP Approach

	ILS/Visual vs	RNP
Average Altitude ft.	3,167	3,176
Runway 12L App.	20	24
Runway 12R App.	503	452
Total Approaches	523	476





**PEAK SOUTH FLOW DAY IN Q2-2022**  
**April 14**

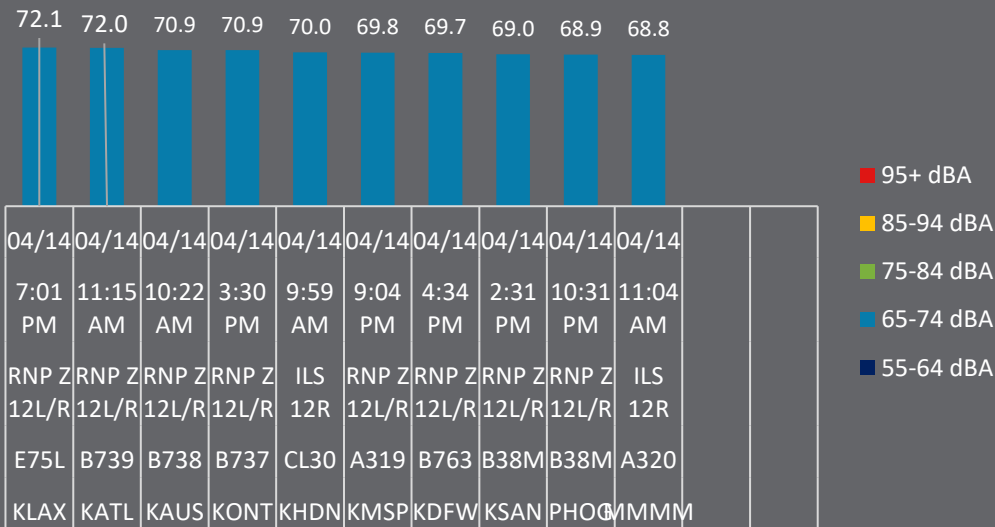


■ ILS/Visual Approach   ■ RNP Approach

	ILS/Visual	RNP
Average Altitude ft.	3,183	3,139
Runway 12L App.	4	2
Runway 12R App.	108	95
Total Approaches	112	97

The following charts detail the Peak South Flow Approach Day Top 10 loudest (by Lmax) noise events measured at SYV-1 and SYV-2 noise monitoring terminals (NMTs) during the 2nd Quarter. Keep in mind that these events only pertain to aircraft that overflowed the City of Sunnyvale on a South Flow Approach to SJC Airport and were not necessarily the loudest overall for the Quarter. For information on the loudest overall aircraft noise events, see the individual NMT summaries starting on page 10.

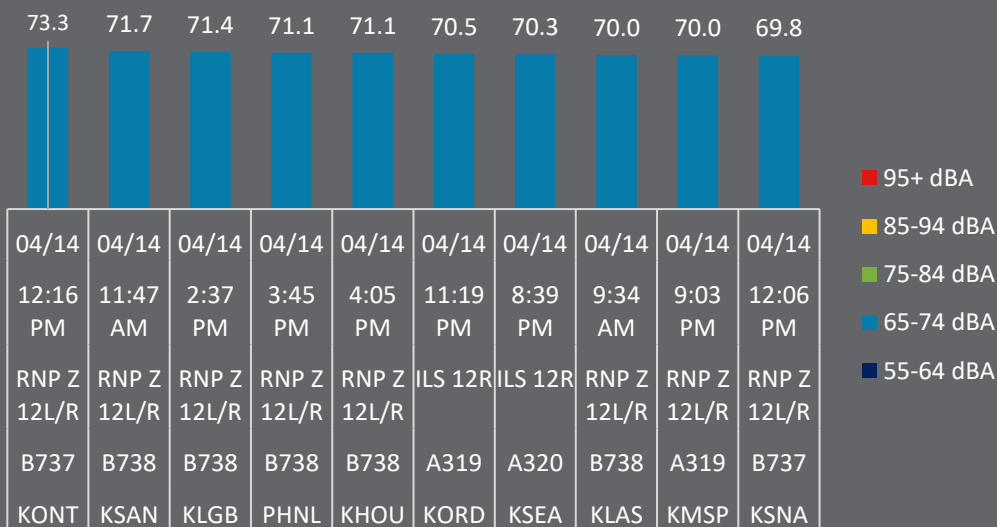
#### SYV-1 PEAK SOUTH FLOW DAY A/C NOISE EVENTS IN Q2-2022



The chart at left illustrates the Top 10 SJC South Flow Peak Day aircraft noise events ranked by maximum noise level (Lmax) as measured at SYV-1 in the 2nd Quarter of 2022. Below each bar is the date of the event and the four-letter ICAO aircraft code of the aircraft type involved.

Events with no aircraft type denote that an aircraft type was not identified in the FAA data.

#### SYV-2 PEAK SOUTH FLOW DAY A/C NOISE EVENTS IN Q2-2022



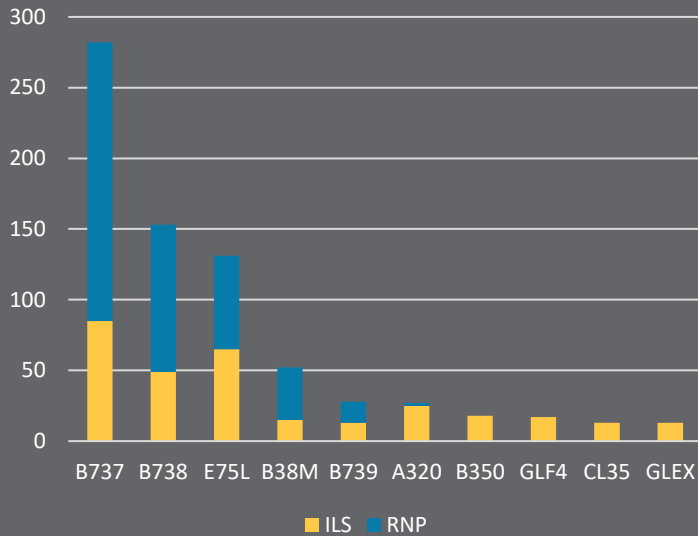
The chart at left illustrates the Top 10 SJC South Flow Peak Day aircraft noise events ranked by maximum noise level (Lmax) as measured at SYV-2 in the 2nd Quarter of 2022. Below each bar is the date of the event and the four-letter ICAO aircraft code of the aircraft type involved.

Events with no aircraft type denote that an aircraft type was not identified in the FAA data.

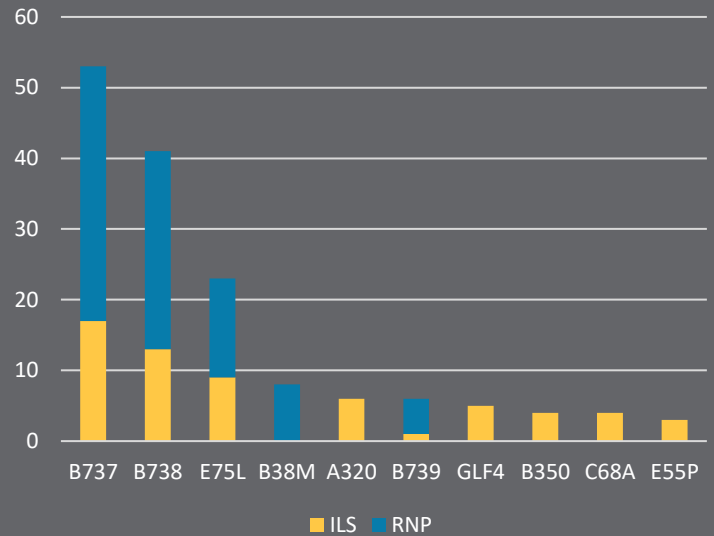


The following charts show the most frequent aircraft types and operators to fly the South Flow approach to SJC for the 2<sup>nd</sup> Quarter and the Peak South Flow Approach Day. The total for each column is derived by adding the number of ILS/Visual, and RNP approaches flown. Keep in mind that this data only pertains to aircraft that overflew the City of Sunnyvale on a South Flow Approach to land at SJC Airport.

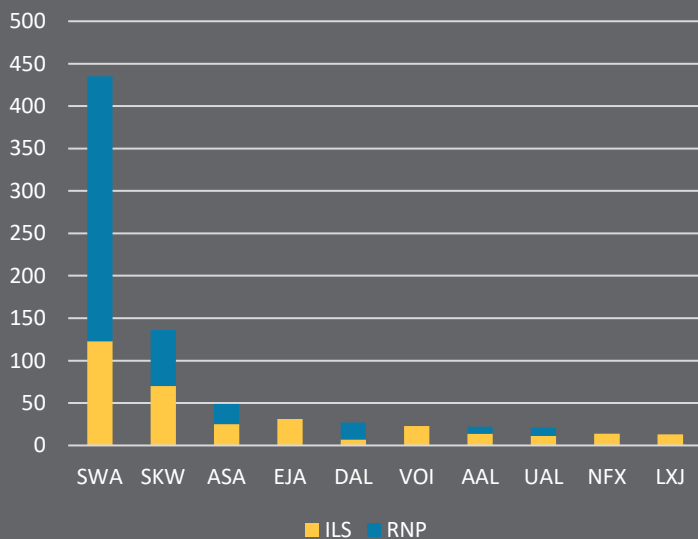
**SOUTH FLOW APPROACH BY AIRCRAFT TYPE IN Q2-2022**



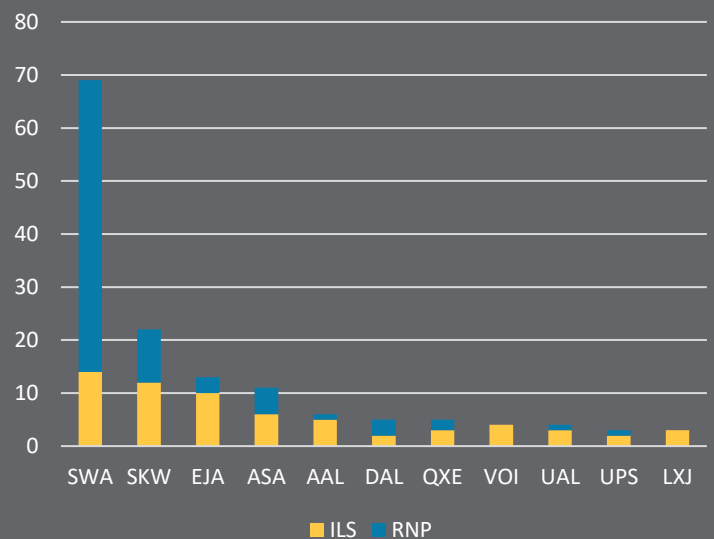
**PEAK SOUTH FLOW DAY APPROACH BY AIRCRAFT TYPE IN Q2-2022**



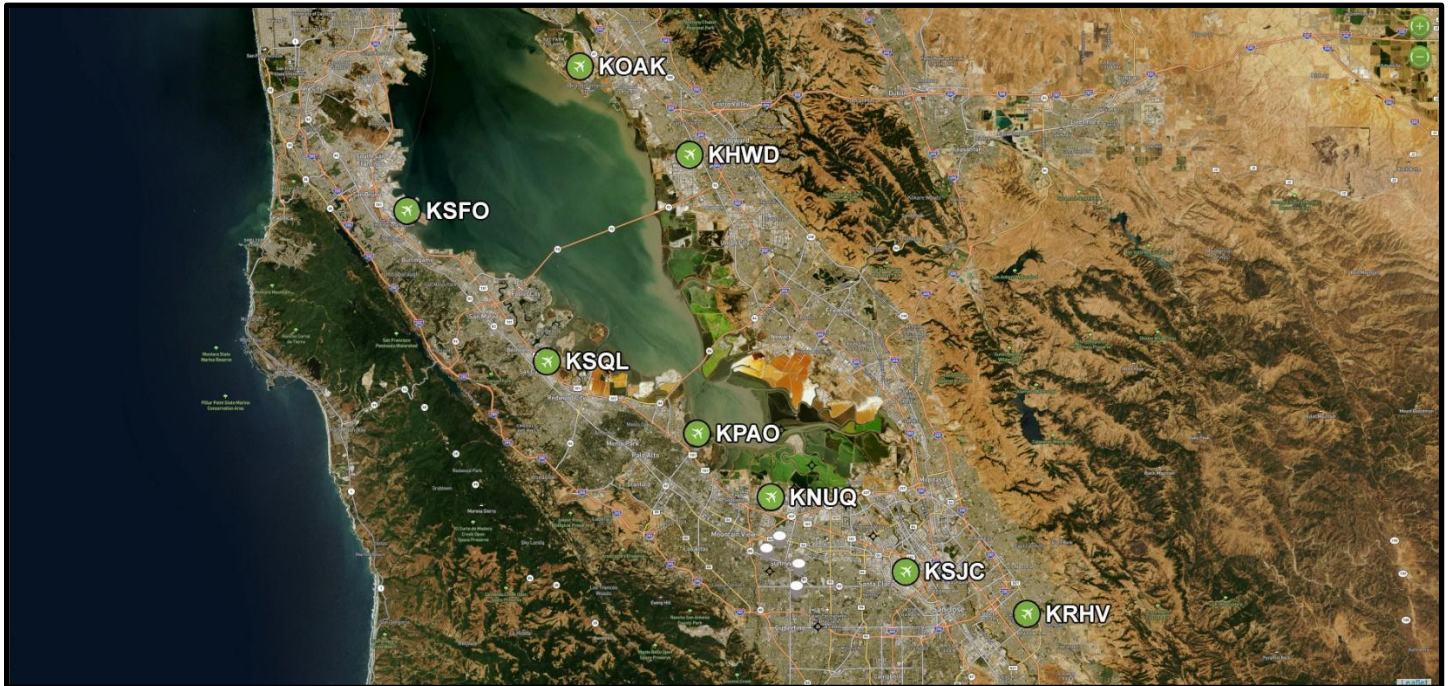
**SOUTH FLOW APPROACH BY OPERATOR IN Q2-2022**



**PEAK SOUTH FLOW DAY APPROACH BY OPERATOR IN Q2-2022**



# CITY OF SUNNYVALE OVERFLIGHT DATA FOR Q2 – 2022

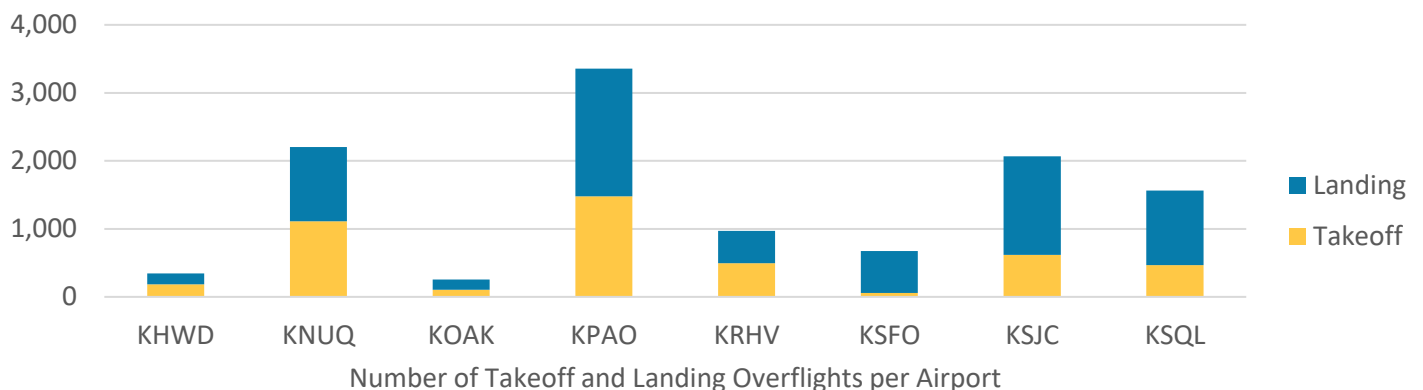


While SJC Airport is the closest major airport to the City of Sunnyvale, residents are overflown by aircraft arriving and departing from many different airports in the region. The data in this section quantifies overflights associated with each of the eight primary airports of interest listed below and helps explain the distribution of flights across the four zip codes that fall within the City limits.

## AIRPORTS OF INTEREST

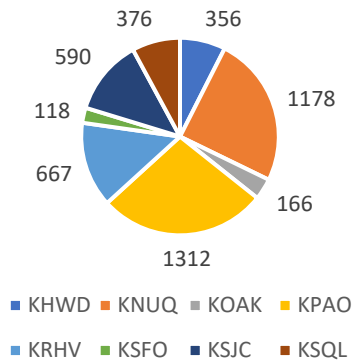
- KHWD – Hayward Executive Airport
- KNUQ – Moffett Federal Airfield
- KOAK – Metro Oakland Int’l Airport
- KPAO – Palo Alto Airport
- KRHV – Reid-Hillview Airport of Santa Clara County
- KSFO – San Francisco Int’l Airport
- KSJC – Norman Y Mineta San Jose Int’l Airport
- KSQL – San Carlos Airport

## CITY OF SUNNYVALE OVERFLIGHTS BY AIRPORT

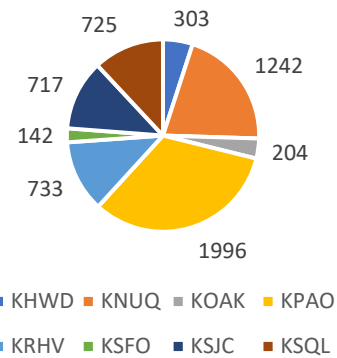


The City of Sunnyvale is comprised of four primary zip codes (94085, 94086, 94087, 94089), which bisect the City forming four unique zones from North to South. The volume of overflights on any given day can vary significantly across the City. Seasonal wind patterns play the most significant role in dictating the arrival and departure patterns into a specific airport. The current wind direction largely determines which Sunnyvale neighborhoods are overflowed by aircraft during their arrival or departure to that airport. The charts below illustrate the pattern of overflights for each of the four zip codes for the 2nd Quarter of 2022.

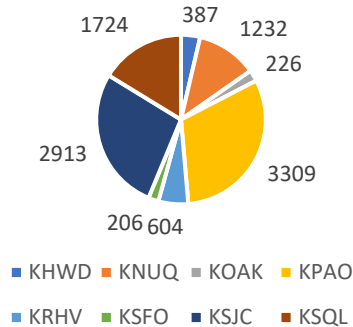
Overflights by Airport in Zip Code  
94085



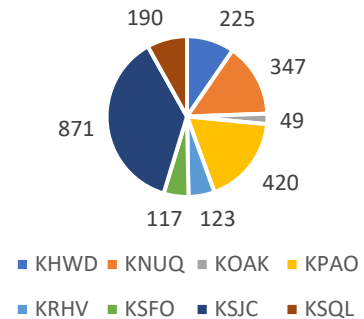
Overflights by Airport in Zip Code  
94086



Overflights by Airport in Zip Code  
94087



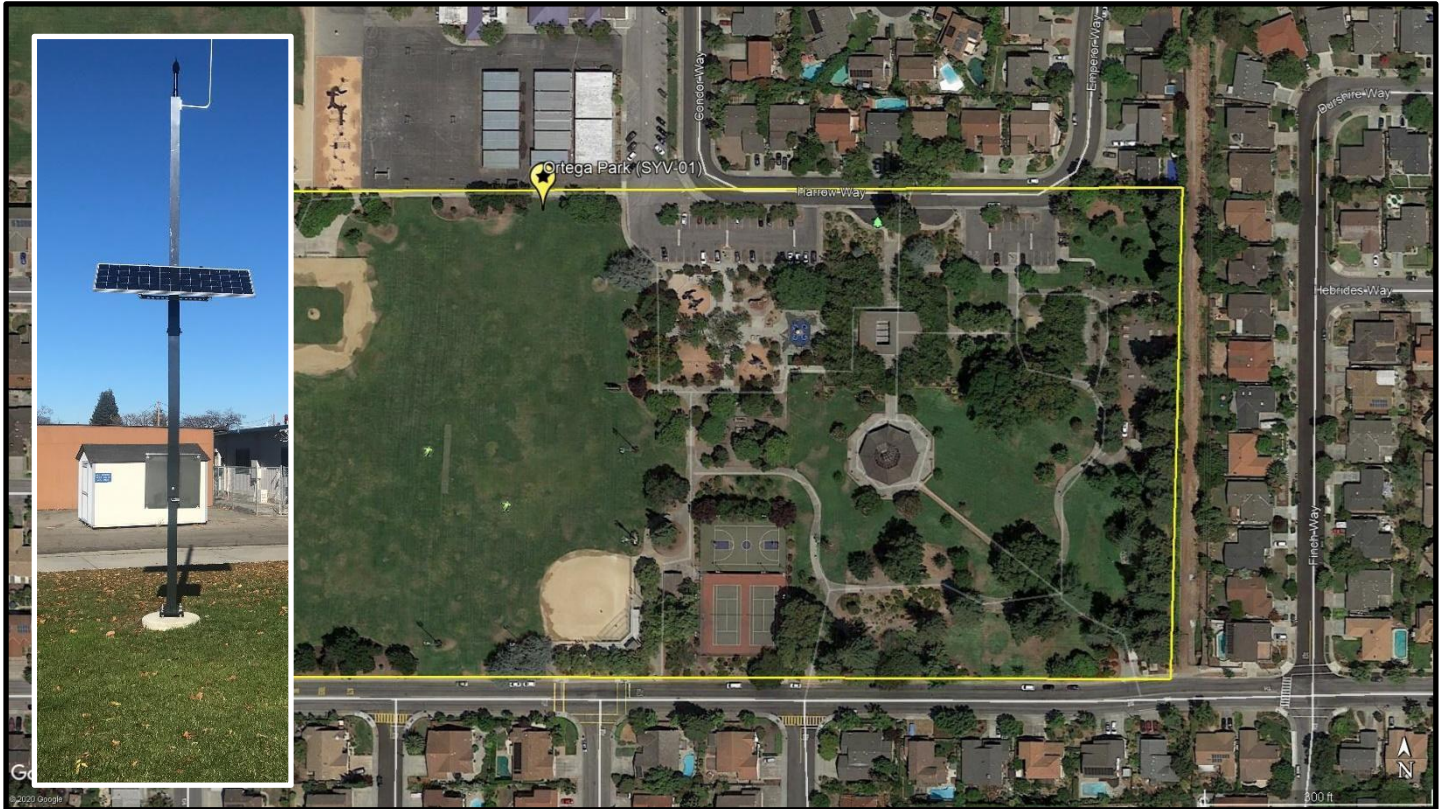
Overflights by Airport in Zip Code  
94089



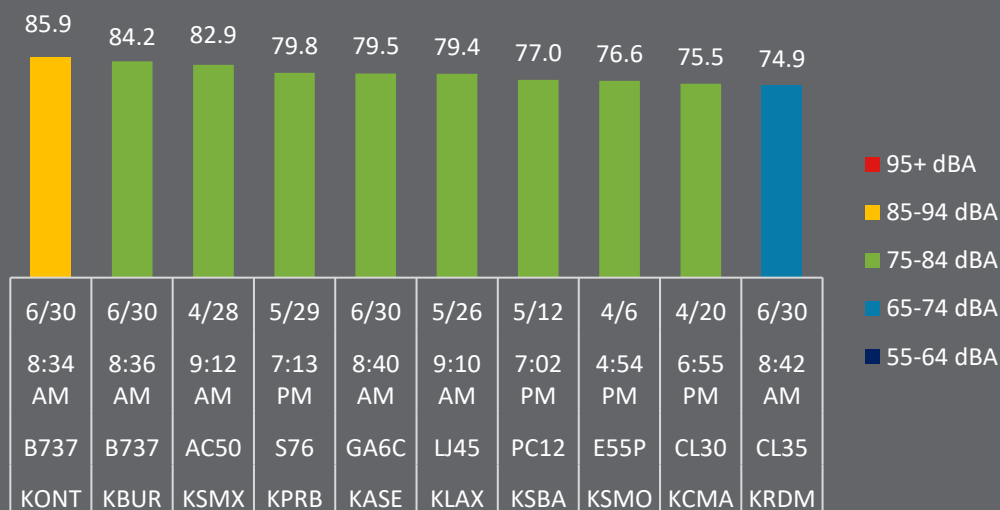


## SYV-1 ORTEGA PARK NMT DATA Q2 – 2022

Noise Monitoring Terminal SYV-1 is in Ortega Park. Its primary purpose is to capture RNP arrivals to SJC Airport in South Flow and secondarily flight activity associated with Moffett Field, Palo Alto, Reid-Hillview, and San Carlos Airports. The image below is an aerial depicting the location of the NMT in the park and a photo of the installed equipment.



**SYV-1 TOP 10 AIRCRAFT NOISE EVENTS IN Q2-2022**

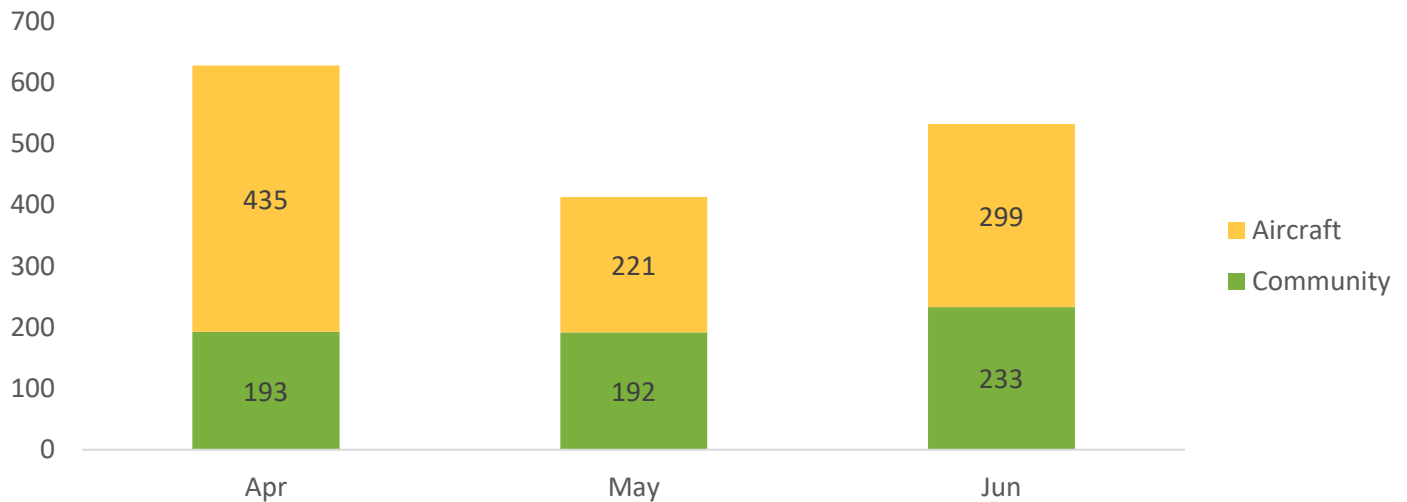


The chart at left illustrates the Top 10 aircraft noise events ranked by maximum noise level (Lmax) as measured at SYV-1 in the 2nd Quarter of 2022. Below each bar is the date of the event and the four-letter ICAO aircraft code of the aircraft type involved.

Events with no aircraft type denote that an aircraft type was not identified in the FAA data.

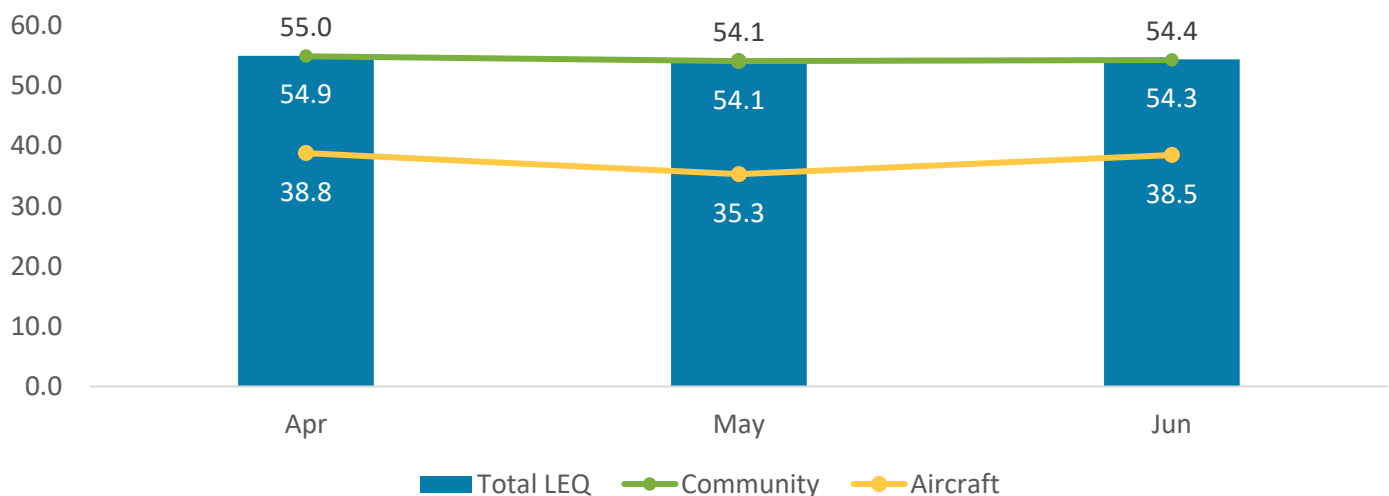
The charts below illustrate the relationship between aircraft and community noise and their contribution to the total noise environment measured by the noise monitoring terminal SYV-1 in Ortega Park.

### SYV-1 TOTAL RECORDED NOISE EVENTS IN Q2-2022



Noise events captured by the NMTs are analyzed on the fly as they happen. Based on their categorization as community or aircraft noise, the system automatically calculates an hourly Aircraft, Community, and Total LEQ (equivalent continuous sound level). Equivalent signifies that the total acoustical energy associated with the continually fluctuating noise level (during the specified period); in this case, a month is equal to the total acoustic energy associated with the steady noise level. Hourly LEQs are averaged to derive a Daily LEQs, which is averaged to derive a monthly LEQ. The Total LEQ considers both the aircraft and community contributions to the noise environment.

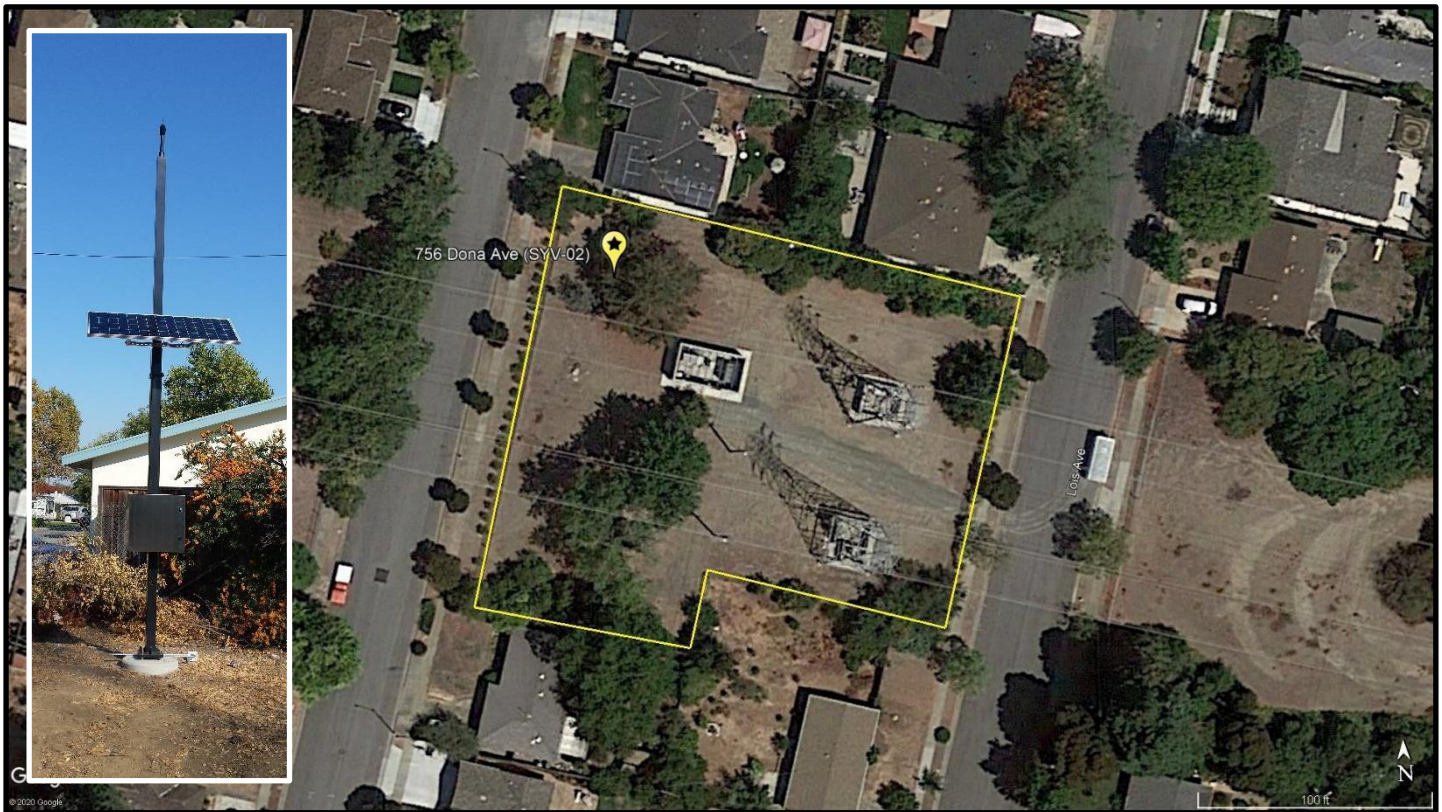
### SYV-1 LEQ NOISE LEVEL FOR Q2-2022



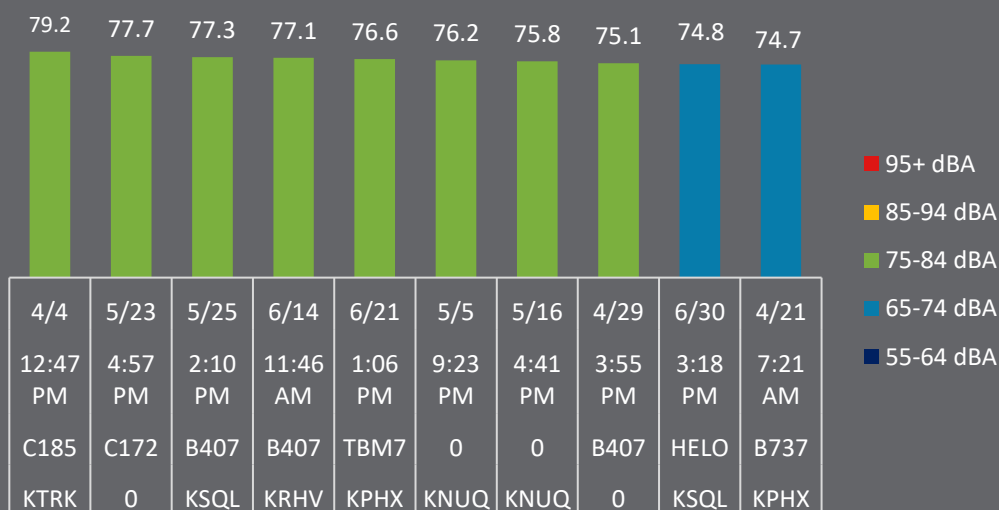


## SYV-2 DONA AVE NMT DATA Q2 – 2022

Noise Monitoring Terminal SYV-2 is on Dona Ave. Its primary purpose is to capture RNP arrivals to SJC Airport in South Flow and secondarily flight activity associated with Moffett Field, Palo Alto, Reid-Hillview, and San Carlos Airports. The image below is an aerial depicting the location of the NMT and a photo of the installed equipment.



### SYV-2 TOP 10 AIRCRAFT NOISE EVENTS IN Q2-2022

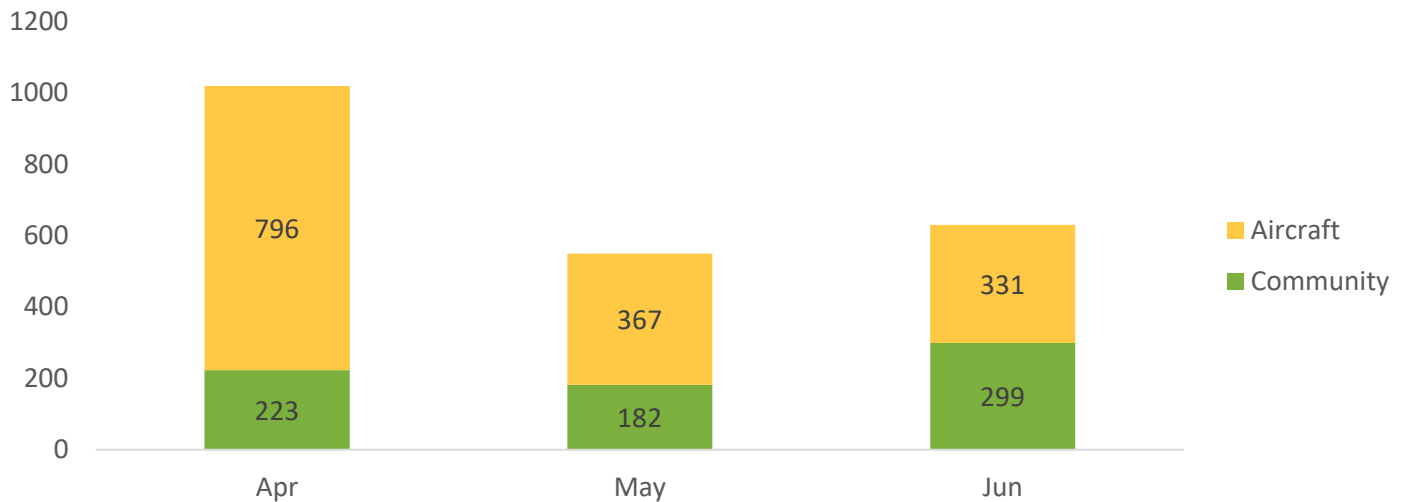


The chart at left illustrates the Top 10 aircraft noise events ranked by maximum noise level (Lmax) as measured at SYV-2 in the 2nd Quarter of 2022. Below each bar is the date of the event and the four-letter ICAO aircraft code of the aircraft type involved.

Events with no aircraft type denote that an aircraft type was not identified in the FAA data.

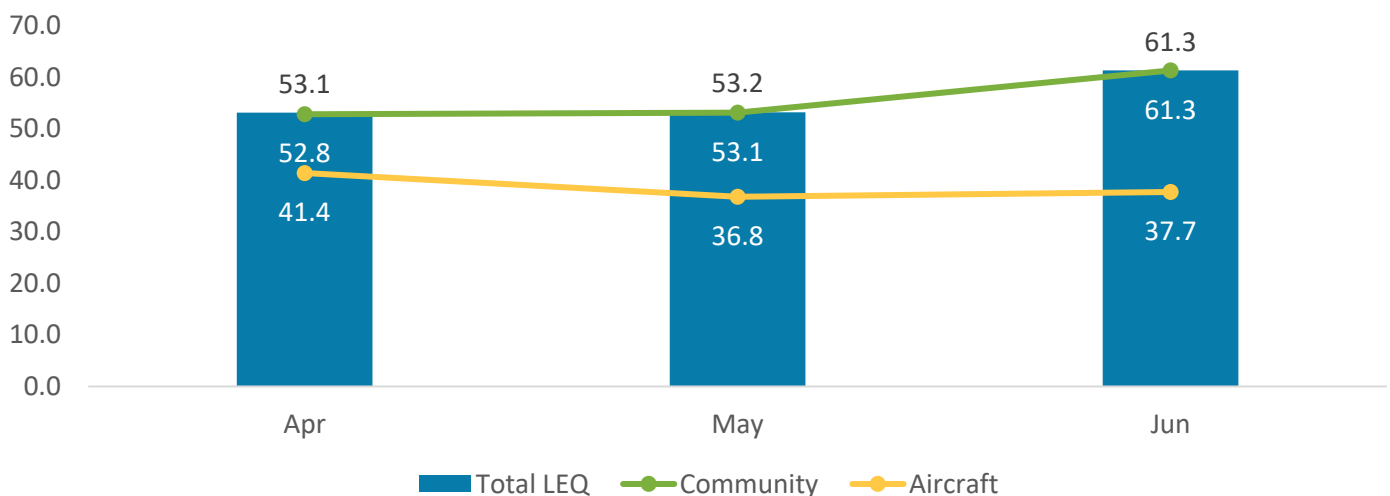
The charts below illustrate the relationship between aircraft and community noise and their contribution to the total noise environment measured by the noise monitoring terminal SYV-2 on Dona Avenue.

### SYV-2 TOTAL RECORDED NOISE EVENTS IN Q2-2022



Noise events captured by the NMTs are analyzed on the fly as they happen. Based on their categorization as community or aircraft noise, the system automatically calculates an hourly Aircraft, Community, and Total LEQ (equivalent continuous sound level). Equivalent signifies that the total acoustical energy associated with the continually fluctuating noise level (during the specified period); in this case, a month is equal to the total acoustic energy associated with the steady noise level. Hourly LEQs are averaged to derive a Daily LEQs, which is averaged to derive a monthly LEQ. The Total LEQ considers both the aircraft and community contributions to the noise environment.

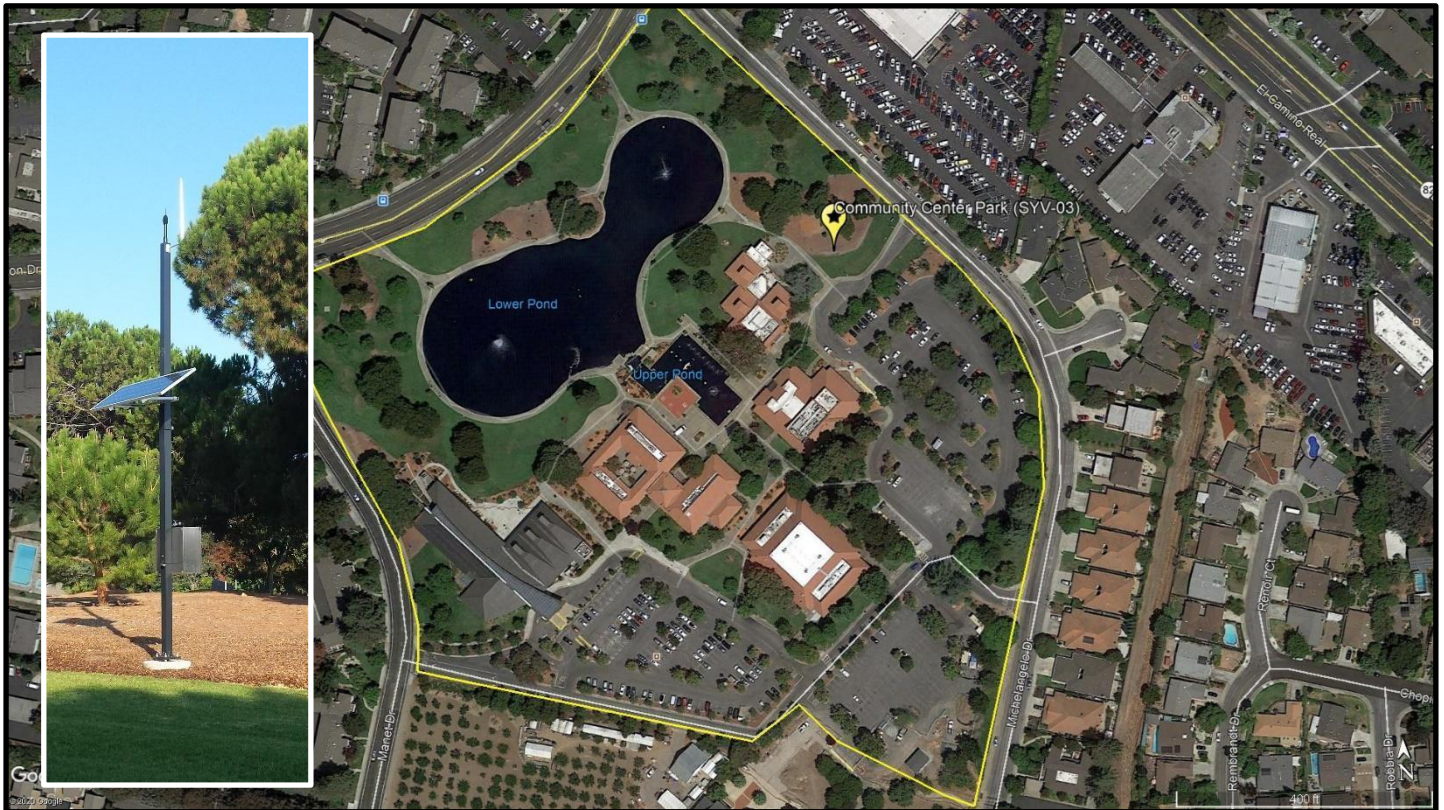
### SYV-2 LEQ NOISE LEVEL FOR Q2-2022



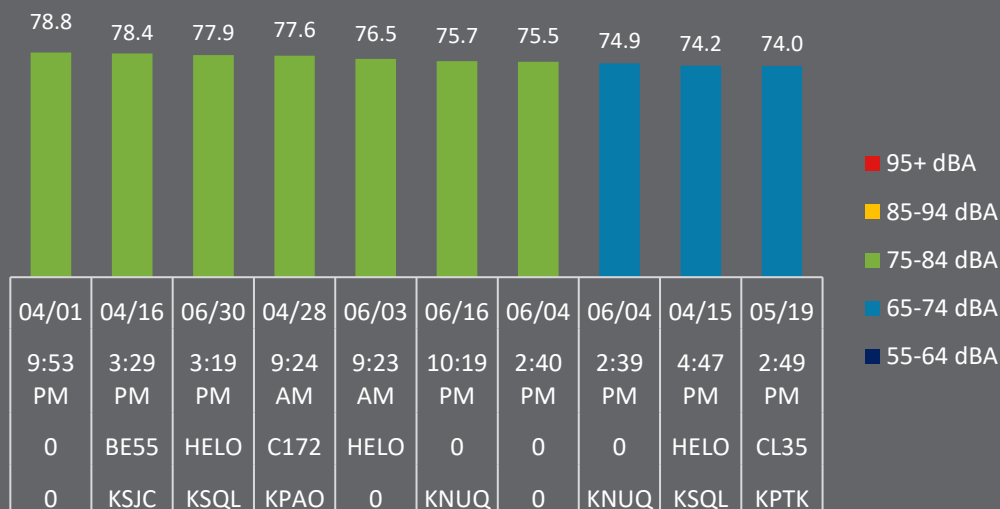


## SYV-3 COMMUNITY CENTER PARK NMT DATA Q2 – 2022

Noise Monitoring Terminal SYV-3 is in Community Center Park. Its primary purpose is to capture RNP arrivals to SJCAirport in South Flow and secondarily flight activity associated with Moffett Field, Palo Alto, Reid-Hillview, and San Carlos Airports. The image below is an aerial depicting the location of the NMT and a photo of the installed equipment.



**SYV-3 TOP 10 AIRCRAFT NOISE EVENTS IN Q2-2022**



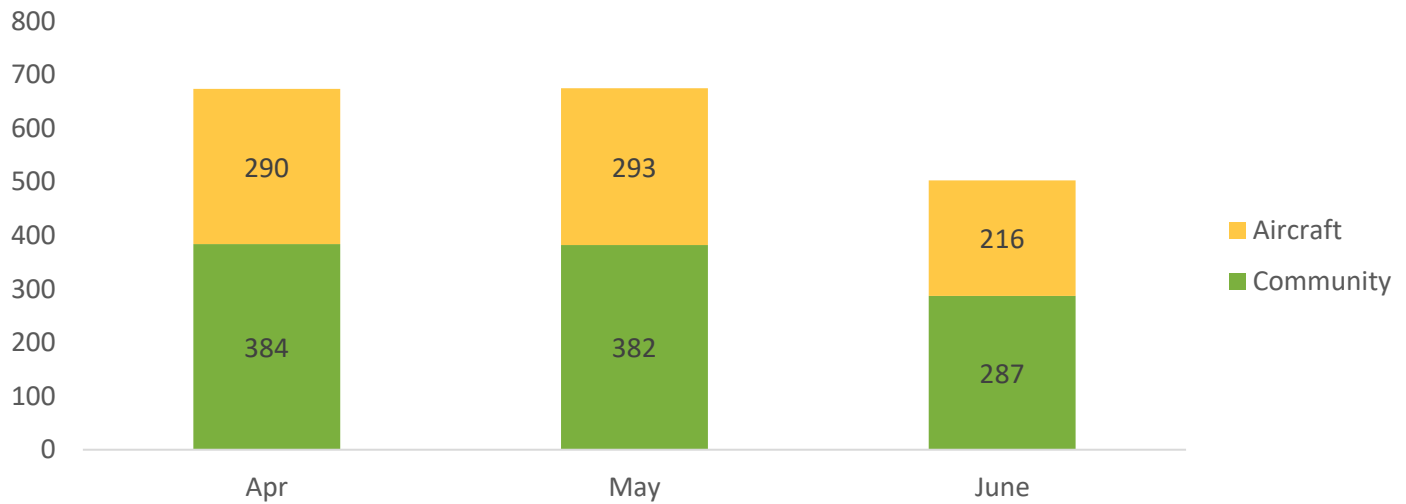
The chart at left illustrates the Top 10 aircraft noise events ranked by maximum noise level (Lmax) as measured at SYV-3 in the 2nd Quarter of 2022. Below each bar is the date of the event and the four-letter ICAO aircraft code of the aircraft type involved.

Events with no aircraft type denote that an aircraft type was not identified in the FAA data.



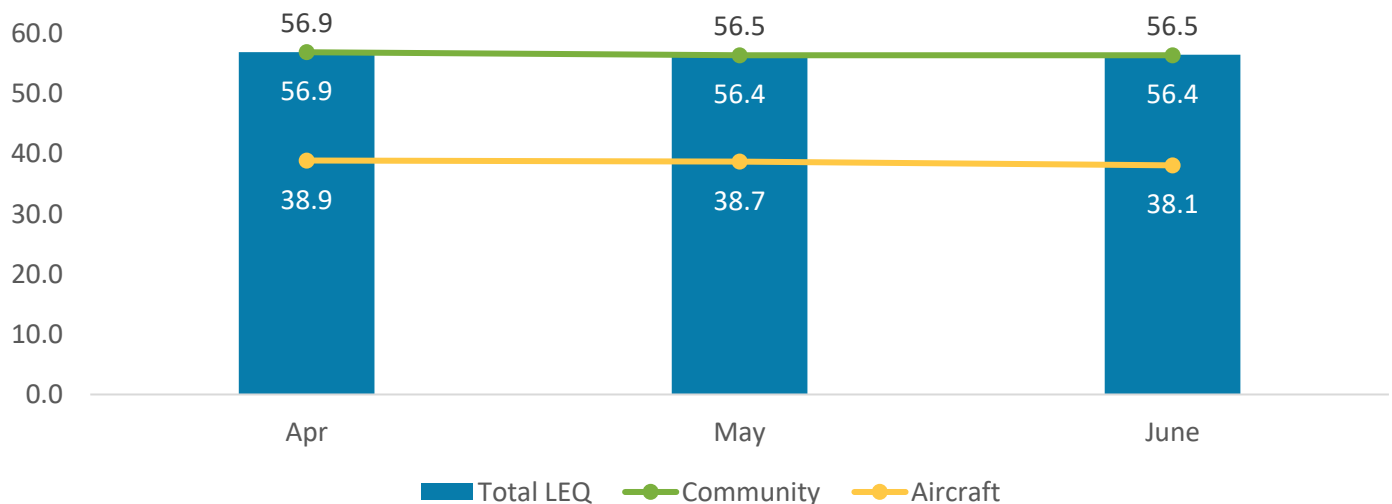
The charts below illustrate the relationship between aircraft and community noise and their contribution to the total noise environment measured by the noise monitoring terminal SYV-3 in Community Center Park.

### SYV-3 TOTAL RECORDED NOISE EVENTS IN Q2-2022



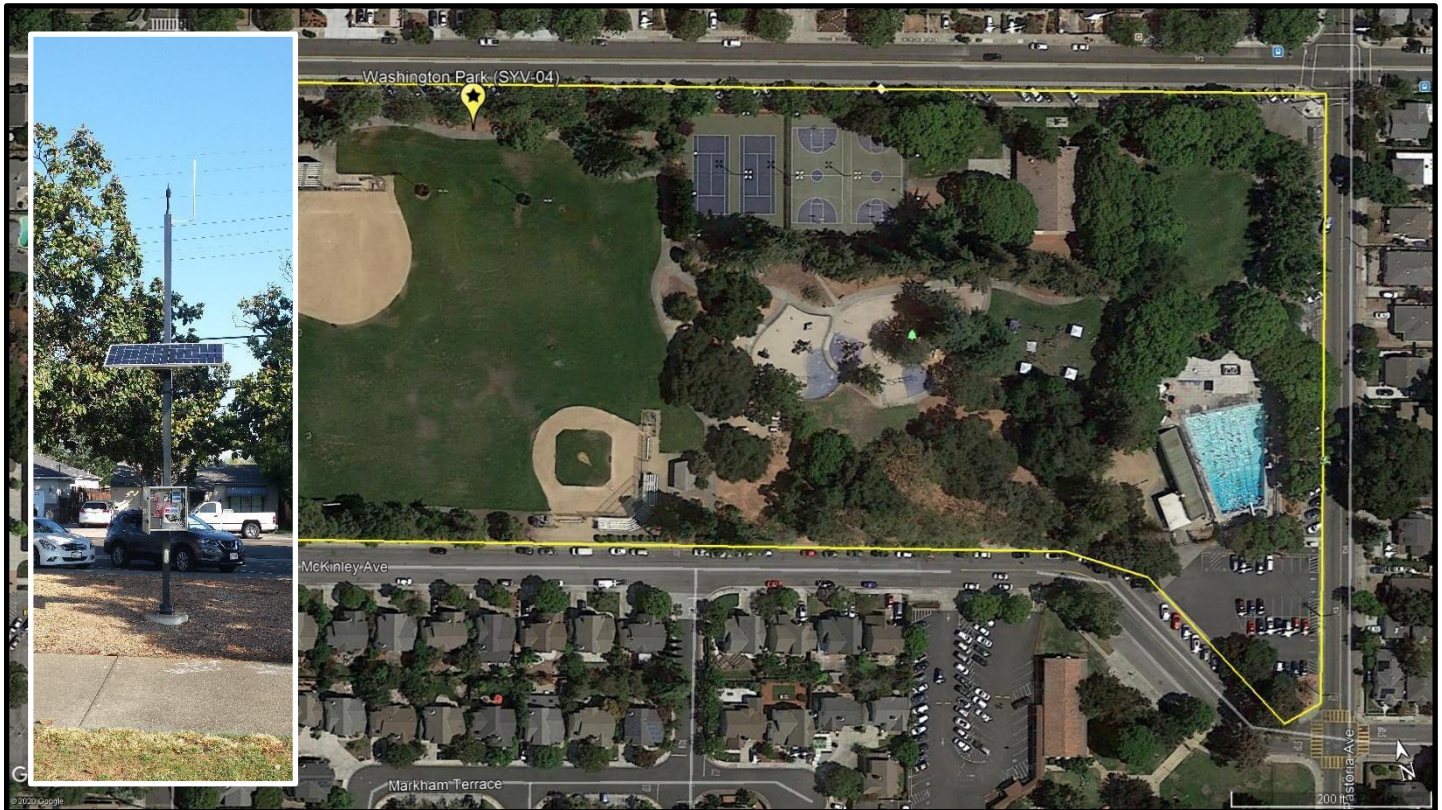
Noise events captured by the NMTs are analyzed on the fly as they happen. Based on their categorization as community or aircraft noise, the system automatically calculates an hourly Aircraft, Community, and Total LEQ (equivalent continuous sound level). Equivalent signifies that the total acoustical energy associated with the continually fluctuating noise level (during the specified period); in this case, a month is equal to the total acoustic energy associated with the steady noise level. Hourly LEQs are averaged to derive a Daily LEQs, which is averaged to derive a monthly LEQ. The Total LEQ considers both the aircraft and community contributions to the noise environment.

### SYV-3 LEQ NOISE LEVEL FOR Q2-2022

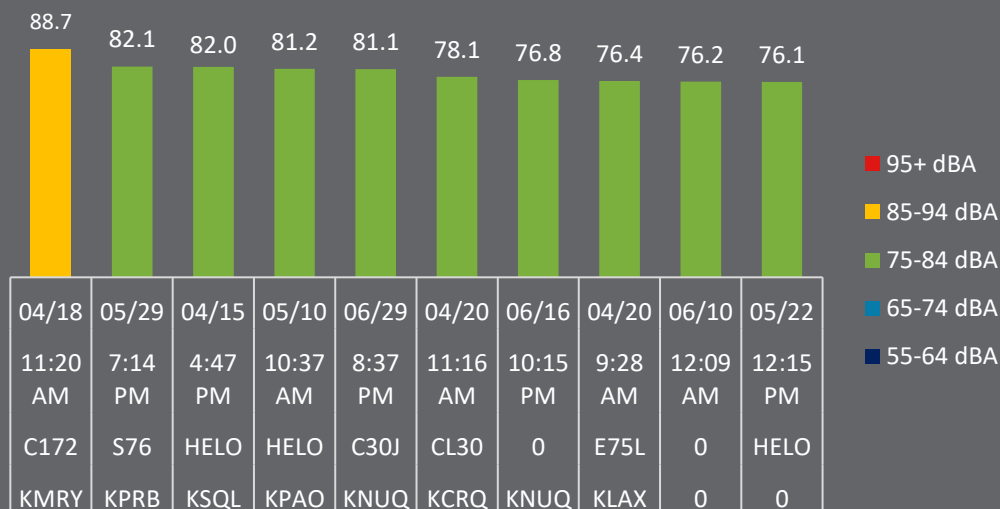


## SYV-4 WASHINGTON PARK NMT DATA Q2 – 2022

Noise Monitoring Terminal SYV-4 is in Washington Park. Its primary purpose is to capture RNP arrivals to SJC Airport in South Flow and secondarily flight activity associated with Moffett Field, Palo Alto, Reid-Hillview, and San Carlos Airports. The image below is an aerial depicting the location of the NMT and a photo of the installed equipment.



**SYV-4 TOP 10 AIRCRAFT NOISE EVENTS IN Q2-2022**

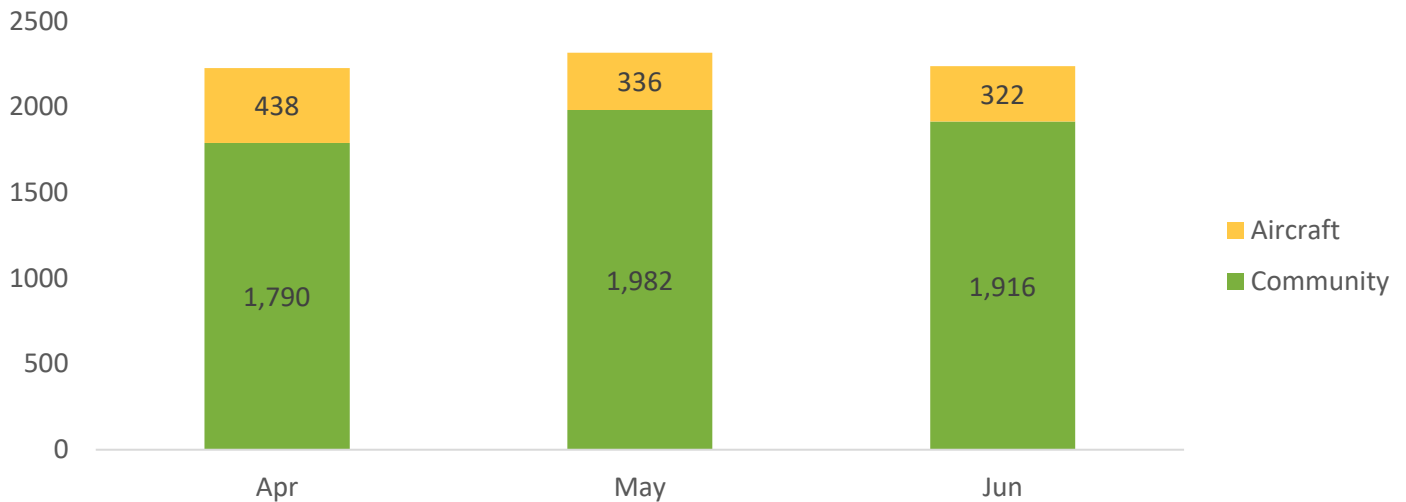


The chart at left illustrates the Top 10 aircraft noise events ranked by maximum noise level (Lmax) as measured at SYV-4 in the 2nd Quarter of 2022. Below each bar is the date of the event and the four-letter ICAO aircraft code of the aircraft type involved.

Events with no aircraft type denote that an aircraft type was not identified in the FAA data.

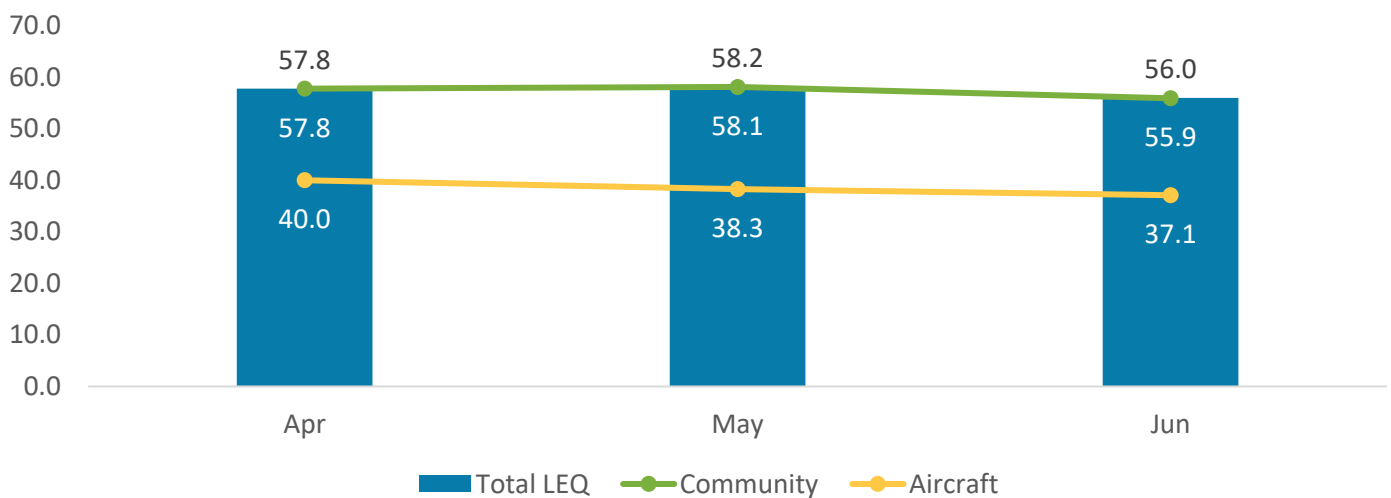
The charts below illustrate the relationship between aircraft and community noise and their contribution to the total noise environment measured by the noise monitoring terminal SYV-4 in Washington Park.

### SYV-4 TOTAL RECORDED NOISE EVENTS IN Q2-2022



Noise events captured by the NMTs are analyzed on the fly as they happen. Based on their categorization as community or aircraft noise, the system automatically calculates an hourly Aircraft, Community, and Total LEQ (equivalent continuous sound level). Equivalent signifies that the total acoustical energy associated with the continually fluctuating noise level (during the specified period); in this case, a month is equal to the total acoustic energy associated with the steady noise level. Hourly LEQs are averaged to derive a Daily LEQs, which is averaged to derive a monthly LEQ. The Total LEQ considers both the aircraft and community contributions to the noise environment.

### SYV-4 LEQ NOISE LEVELS FOR Q2-2022



# ICAO AIRCRAFT CODE REFERENCE

Below is a list of the ICAO aircraft codes referenced in the Top-10 Aircraft Noise Event charts.

ICAO Aircraft Code	Common Name	Type
A109	<a href="#">AugustaWestland 109</a>	General Aviation Helicopter
A124	<a href="#">Antonov An-124 Ruslan</a>	Cargo Jet
A306	<a href="#">Airbus A300-600</a>	Commercial Jet
A21N	<a href="#">Airbus A321neo</a>	Commercial Jet
A319	<a href="#">Airbus A319-100</a>	Commercial Jet
A320	<a href="#">Airbus A320-200</a>	Commercial Jet
AC50	<a href="#">Aero Commander 500</a>	General Aviation Piston
AJET	<a href="#">Dassault Alpha Jet</a>	Military Jet Trainer
B38M	<a href="#">Boeing 737 MAX 8</a>	Commercial Jet
B407	<a href="#">Bell Helicopter 407</a>	General Aviation Helicopter
B430	<a href="#">Bell Helicopter 430</a>	General Aviation Helicopter
B733	<a href="#">Boeing 737-300</a>	Commercial Jet
B737	<a href="#">Boeing 737-700</a>	Commercial Jet
B738	<a href="#">Boeing 737-800</a>	Commercial Jet
B763	<a href="#">Boeing 767-300</a>	Commercial Jet
BCS1	<a href="#">Airbus A220-100</a>	Commercial Jet
BCS3	<a href="#">Airbus A220-300</a>	Commercial Jet
BE9L	<a href="#">Beechcraft 90 King Air</a>	General Aviation Turboprop
BE20	<a href="#">Beechcraft 200 Super King Air</a>	General Aviation Turboprop
BE35	<a href="#">Beechcraft 35 Bonanza</a>	General Aviation Piston
BE36	<a href="#">Beechcraft 36 Bonanza</a>	General Aviation Piston
BE60	<a href="#">Beechcraft 60 Duke</a>	General Aviation Piston
C25B	<a href="#">Cessna Citation CJ3</a>	Business Jet
C680	<a href="#">Cessna Citation Sovereign</a>	Business Jet
C68A	<a href="#">Cessna Citation Latitude</a>	Business Jet
C172	<a href="#">Cessna Skyhawk</a>	General Aviation Piston
C180	<a href="#">Cessna 180 Skywagon</a>	General Aviation Piston
C182	<a href="#">Cessna 182 Skylane</a>	General Aviation Piston
C185	<a href="#">Cessna 185 Skywagon</a>	General Aviation Piston
C206	<a href="#">Cessna 206 Stationair</a>	General Aviation Piston
C208	<a href="#">Cessna 208 Caravan</a>	General Aviation Turboprop
C414	<a href="#">Cessna 414 Chancellor</a>	General Aviation Piston
C56X	<a href="#">Cessna Citation Excel</a>	Business Jet
CL30	<a href="#">Bombardier Challenger 300</a>	Business Jet
CL35	<a href="#">Bombardier Challenger 350</a>	Business Jet
CL60	<a href="#">Bombardier Challenger 600</a>	Business Jet
E300	<a href="#">Extra EA-300</a>	General Aviation Piston
E55P	<a href="#">Embraer Phenom 300</a>	Business Jet
E75L	<a href="#">Embraer 175 (Long Winglet)</a>	Commercial Jet
EC45	<a href="#">Airbus Helicopters EC-145</a>	General Aviation Helicopter
FA50	<a href="#">Dassault Falcon 50</a>	Business Jet
F900	<a href="#">Dassault Falcon 900</a>	Business Jet
GL5T	<a href="#">Bombardier Global 5000</a>	Business Jet
GLEX	<a href="#">Bombardier Global Express</a>	Business Jet
GLF3	<a href="#">Gulfstream III</a>	Business Jet
GLF4	<a href="#">Gulfstream IV</a>	Business Jet

GLF5	<a href="#">Gulfstream V</a>	Business Jet
GLF6	<a href="#">Gulfstream G650</a>	Business Jet
H25B	<a href="#">Hawker Beechcraft 800</a>	Business Jet
HELO	Generic Helicopter	General Aviation Helicopter
LJ60	<a href="#">Bombardier Learjet 60</a>	Business Jet
M20P	<a href="#">Mooney M20</a>	General Aviation Piston
MD11	<a href="#">McDonnell Douglas MD-11</a>	Commercial Jet
P180	<a href="#">Piaggio P.180 Avanti</a>	Business Jet
PC12	<a href="#">Pilatus PC-12</a>	General Aviation Turboprop
RV8	<a href="#">Van's Aircraft RV-8</a>	General Aviation Piston
S22T	<a href="#">Cirrus SR22 Turbocharged</a>	General Aviation Piston
SR20	<a href="#">Cirrus SR20</a>	General Aviation Piston
T6	<a href="#">North American T-6 Texan</a>	Military Piston Trainer
TBM7	<a href="#">Socata TBM 7</a>	General Aviation Turboprop







# City of Sunnyvale

## Agenda Item

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22-0816

Agenda Date: 9/27/2022

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### REPORT TO COUNCIL

#### **SUBJECT**

Adopt the City's Investment Policy for Fiscal Year 2022/23 and Receive Annual Performance Report for Fiscal Year 2021/22

#### **BACKGROUND**

The City Council first adopted a policy governing the investment of City funds on July 30, 1985. This policy has been reviewed and adopted on an annual basis since that time.

To support the management of an increasingly complex investment environment and a portfolio that is growing significantly, Council approved a three-year contract with Chandler Asset Management, Inc. (Chandler) on April 24, 2018 (RTC No. 18-0281). Chandler investment managers have been managing City investments since July 1, 2018. The City executed the option to extend the contact for two additional years.

#### **EXISTING POLICY**

**Council Policy 7.1.2** Investment and Cash Management requires that the Investment Policy be reviewed and adopted annually within 120 days of the fiscal year. This review ensures consistency with the overall objectives of safety, liquidity, and yield and its relevance to current laws as well as financial and economic trends.

The key provisions of the existing Investment and Cash Management Policy are as follows:

1. Safety of principal is the foremost objective of the investment program. The City's portfolio is diversified by type of investment, issuer, and maturity date. Diversification is required to minimize exposure to any potential market and credit risk. The investment policy specifies the percentage of funds that can be invested in each investment type and issuer and the maximum maturity of each investment. The policy allows a maximum maturity of seven years for US Treasury, US Agency and Government Sponsored Enterprises (GSE) investments and shorter maturities for all other investments.
2. Liquidity- the portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. A schedule of major revenues and expenditures for at least 12 months is maintained in order to determine liquidity needs. The daily checking account balance is also tracked to ensure sufficient funds available to pay operational expenses. Liquidity requirements have been met through utilizing the State's Local Agency Investment Fund (LAIF) and the City's interest-bearing bank accounts.

3. Yield- the portfolio will be maintained with the objectives of safety and liquidity first, and then the objective of obtaining a reasonable market rate of return based on economic cycles while taking into account the City's investment risk approach and cash flow needs.

All investments in the portfolio are in accordance with the California Government Code requirements and authorized by the City's Investment Policy. The City is in compliance with the requirement that all investments be held in safekeeping by a third-party bank trust department. The US Bank currently provides custodial service to the City.

### **ENVIRONMENTAL REVIEW**

This action does not require environmental review because it is not a project that has the potential for causing a significant impact on the environment. (CEQA Guideline 15061(b)(3). Furthermore, 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**

The City's investment portfolio includes funds not immediately needed for disbursement. Third-party administrators manage funds for the City's Deferred Compensation Plan, Retirement Plan, Other Post-Employment Benefits (OPEB) Trust, Pension Trust, and debt issuance proceeds; therefore, they are not covered by this Investment Policy. Funds needed for disbursement are maintained in a liquid checking account.

### **Annual Performance Reporting for FY 2022/23**

For FY 2021/22, total rate of return of the portfolio managed by Chandler was -4.64%. The return is on par with the City's performance measuring benchmark, ICE BAML 1-5 Years US Treasury Securities/Agency Index, which was -4.60% for the same period. Total return represents growth of the portfolio arising from both interest earnings and fair value appreciation achieved during the fiscal year. Interest earnings were strong for the fiscal year, but the fair value of the portfolio fell as interest rates rose dramatically over the past twelve months. This caused the fair value of the portfolio to drop sharply and overall total return to be negative. However, the drop in fair value is not realized unless the entire portfolio is sold. The majority of the City's investments are held to maturity, so the loss is never realized. The average duration of investments in the portfolio at fiscal year-end was 2.63 years. As investments mature, the proceeds are reinvested at higher interest rates. The return of the LAIF account, which comprises interest earnings only (no fair value adjustments) for the fiscal year was 0.37%, and the LAIF portfolio average life at fiscal year-end was 311 days.

Interest earnings for FY 2021/22 for all City funds totaled \$11,762,997. Interest earnings are allocated pro rata to each fund throughout the City based on the periodic cash balance held in each fund.

The portfolio balance was \$770.7 million as of June 30, 2022, which increased by 7.4% from \$717.5 million balance on June 30, 2021. This increase is mainly attributed to higher-than-expected revenue collections for property tax, development related fees and other City services while City expenditures came in under budget. During FY 2021/22, the local economy continued to improve from the negative economic impacts of the COVID-19 Pandemic. Additional details on the City's fiscal year ending performance will be available with the Budgetary Year End Financial Report in December.



**Investment Policy**

The City's Investment Policy has been reviewed and certified annually by the Association of Public Treasurers of the United States and Canada (APT US&C) since 1999. As part of the investment management role, Chandler provides a review the City's Investment Policy and recommends minor modifications to update the Investment Policy with the latest best practices and to enhance clarity and readability.

The City's investment policy currently maintains a prohibition on purchasing 144a securities. 144a securities are securities issued in a private market that are only accessible to investors that the Securities and Exchange Commission (SEC) has classified as "Qualified Institutional Buyers" (QIB). The definition of QIB excluded local governments like the City. In order to ensure compliance with the SEC definition of QIB, the City opted to place this prohibition in the investment policy.

Recently, the SEC updated its definition of QIB, and included local governments with investable assets of \$100 million or more. Chandler is recommending the City update its investment policy and remove this prohibition so that the City's investment policy reflects the City's status as a QIB. This will allow the City to take advantage of investing in 144a securities.

144a securities are privately placed but are often issued by similarly rated issuers as public securities. By removing the prohibition on 144a securities, the City will broaden its investment opportunities, increase diversification in the City's investment portfolio, and enhance long-term returns, all while maintaining strong levels of credit quality and liquidity. Only investments that comply with California Code and the City's investment policy will be made.

Staff met with Chandler managers and reviewed the proposed change in detail. Staff recommends adoption of the updated definition in the Investment Policy. A redlined version of the Investment Policy is available as Attachment 1.

Once approved by Council, staff will submit the Investment Policy for FY 2022/23 to be re-certified by the APT US&C. Once adopted, the proposed FY 2022/23 Investment Policy will be incorporated into the Council Policy Manual as Council Policy 7.1.2, replacing the Investment Policy for Fiscal Year 2021/22.

**FISCAL IMPACT**

There is no fiscal impact associated with adoption of the Investment Policy as recommended.

**PUBLIC CONTACT**

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

**RECOMMENDATION**

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

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

**ATTACHMENT**

1. Proposed Investment Policy for FY 2022/23

## **Policy 7.1.2 Investment and Cash Management**

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### **POLICY PURPOSE:**

The City establishes investment policies that meet its current investment goals. This policy is intended to establish objectives and criteria for the investment of the City's temporarily idle funds and for the City's Redevelopment Successor Agency and to provide guidelines for the City's cash management system.

This policy is set forth by the City of Sunnyvale (City) for the following purposes:

1. To establish a clear understanding for the City Council, City management, responsible employees, citizens and third parties of the objectives, policies and guidelines for the investment of the City's temporarily idle funds;
2. To offer guidance to investment staff on the investment of City funds; and
3. To establish a basis for evaluating investment results.

### **POLICY STATEMENT:**

#### Objectives

The City's cash management system shall be designed to accurately monitor and forecast expenditures and revenues, to enable the City to invest funds to the fullest extent possible.

Idle funds of the City shall be invested in accordance with principles of sound treasury management and in accordance with the provisions of California Government Code Section 53600 et seq., the City Charter, the City's Municipal Code and this policy.

The objectives of the City's investment program are, in order of priority:

1. Safety – Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. Liquidity – The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.
3. Return on Investment – The City's investment portfolio shall be designed with the objective of attaining the safety and liquidity objectives first, and then attaining a market rate of return throughout the budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.

### Standard of Care – Prudent Investor

The governing body of the City and any staff members authorized to make investment decisions on behalf of the City are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the City, that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.

The Director of Finance or his/her designee is authorized to manage the investment portfolio and act within the intent and scope of the investment policy and other written procedures and exercise due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

### Ethics and Conflicts of Interest

Officers and employees involved with the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. The Director of Finance or his/her designee and other designated employees are required to file applicable financial disclosures, as required by the Fair Political Practices Commission.

## **OPERATIONAL AND PROCEDURAL MATTERS:**

### Scope

This Investment Policy applies to all funds and investment activities of the City with the following exceptions:

1. The City's Deferred Compensation Plan is excluded because it is managed by a third party administrator and invested by individual plan participants;
2. The City's retirement funds, including any funds invested in a Section 115 Pension Rate Mitigation Trust. These funds are invested pursuant to California code and the Trust's separate long-term investment policy as approved by Council under the Trust Agreement.

3. Proceeds of debt issuance shall be invested in accordance with the general investment philosophy of the City; however, such proceeds are invested in accordance with permitted investment provisions of their specific bond indentures.
4. Funds for the Other Post Employment Benefits (OPEB) Trust; shall be invested in accordance with the general investment philosophy of the City; however, these funds are invested pursuant to California code and the Trust's separate long-term investment policy as approved by Council under the Trust Agreement.

#### Authorized Financial Dealers and Institutions

1. The Director of Finance or his/her designee shall maintain a list of institutions qualified and authorized to transact investment business with the City. Eligible institutions include:
  - A. Primary government dealers as designated by the Federal Reserve Bank ;
  - B. Regional broker/dealers;
  - C. Nationally or state-chartered banks;
  - D. The Federal Reserve Bank; and
  - E. Direct issuers of securities eligible for purchase by the City.
2. Public deposits shall be made only in qualified public depositories within the State of California as established by State law, or as permitted by Section III.A (4-7). Deposits shall be insured by the Federal Deposit Insurance Corporation, or, to the extent the amount exceeds the insured maximum, shall be collateralized with securities in accordance with state law.
3. A sufficient pool of qualified financial institutions and dealers will be maintained using criteria based on credit worthiness, experience, reference checks, and qualifications under the Securities and Exchange Commission. Unless working with a registered investment adviser, the City will issue a Request for Qualifications once every three years for these services. All broker/dealers who desire to become qualified must be registered with Financial Industry Regulatory Authority (FINRA) and supply the following as appropriate:
  - A. Audited financial statements
  - B. Completed broker/dealer questionnaire
  - C. Certification of having reviewed the City's Investment Policy.
4. It is the policy of the City to require competitive bidding for investment transactions. Whenever possible, at least three authorized financial dealers or institutions will be contacted to provide price quotations on security purchases and sales.
5. Selection of financial institutions and broker/dealers used by the City shall be at the sole discretion of the City, except where the City utilizes an external investment

adviser in which case the City may rely on the adviser for selection. Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the adviser. The adviser shall make available its list of approved broker/dealers to City staff upon request.

#### Delivery vs. Payment

All investment transactions of the City shall be conducted using standard delivery vs. payment procedures.

#### Safekeeping of Securities

To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments, and maturity proceeds, all securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement executed by the bank and by the City.

The only exceptions to the foregoing shall be depository accounts and securities purchases made with: (i) local government investment pools; (ii) time certificates of deposit, and, (iii) money mutual funds, since the purchased securities are not deliverable.

### **PERMITTED INVESTMENTS AND GUIDELINES TO ACHIEVE POLICY OBJECTIVES:**

#### Authorized Investments

All investments shall be made in accordance with Sections 53600 *et seq.* of the Government Code of California and as described within this Investment Policy. In the event a discrepancy is found between this policy and the Code, the more restrictive parameters will take precedence. Percentage holding limits and minimum credit quality requirements listed in this section apply at the time the security is purchased.

Any investment currently held at the time the policy is adopted which does not meet the new policy guidelines can be held until maturity and shall be exempt from the current policy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current policy.

Permitted investments under this policy shall include:

1. **Securities issued by the US Treasury**, provided that:
  - A. There shall be no maximum allowable investment in US Treasury securities; and
  - B. As required by Section 53601 of the California Government Code, the City Council hereby grants express authority to the Director of Finance or his/her

designee to invest in U.S. Treasury securities with final stated maturities up to seven years.

2. **Securities Issued and fully guaranteed as to payment by a federal agency or issued by a United States Government Sponsored Enterprise**, provided that:

- A. No more than 30% of the total portfolio may be invested in federal agencies or government sponsored enterprises of any single issuer; and
- B. As required by Section 53601 of the California Government Code, the City Council hereby grants express authority to the Director of Finance or his/her designee to invest in U. S. Agency securities with final stated maturities up to seven years.
- C. The maximum percent of agency callable securities in the portfolio will be 20%

3. **Banker's acceptances**, provided that:

- A. No more than 40% of the total portfolio may be invested in banker's acceptances;
- B. No more than 5% of the total portfolio may be invested per issuer;
- C. Their maturity does not exceed 180 days; and
- D. They are issued by institutions with short term debt obligations rated a minimum of P-1 by Moody's or A-1 by Standard and Poor's, or the equivalent by a nationally recognized statistical-rating organization (NRSRO).

4. **Federally Insured Bank Deposits** (Non-negotiable certificates of deposit) in state or federally chartered banks, savings and loans, or credit unions in the state of California, provided that:

- A. No more than 20% of the total portfolio may be invested in a combination of federally insured and collateralized time deposits;
- B. The amount per institution is limited to the maximum covered under federal insurance; and
- C. Their maturity does not exceed five years.

5. **Collateralized Bank Deposits** (Non-negotiable certificates of deposit) in California banks in excess of insured amounts which are fully collateralized with securities in accordance with California law, provided that:

- A. No more than 20% of the portfolio shall be invested in a combination of federally insured and collateralized time deposits;
- B. No more than 5% may be invested per issuer; and
- C. The maturity of such deposits does not exceed 365 days.

6. **Negotiable Certificates of Deposit** (NCDs) issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), or by a federally or state-licensed branch of a foreign bank, provided that:
  - A. No more than 30% of the total portfolio may be invested in investments made in accordance with this section plus deposits made under section III (7) of this policy;
  - B. No more than 5% of the total portfolio may be invested per issuer;
  - C. The maturity does not exceed 5 years;
  - D. The amount of the NCD insured up to the FDIC limit does not require any credit ratings.
  - D. Any amount above the FDIC insured limit must be issued by institutions which have long-term obligations which are rated in the rating category of "A" or its equivalent or higher by a nationally recognized statistical rating organization; or have short-term debt obligations rated "A-1" or the equivalent or higher, by a nationally recognized statistical rating organization.
7. **Certificates of Deposit Placement Service** (e.g. CDARS or like services) using private sector entity to assist in the placement of deposits above federal insurance amounts in increments less than federal insurance at participating banks, savings and loans, or credit unions nationally through a "selected depository institution" in California, provided that:
  - A. No more than 30% of the City's total portfolio may be invested in such deposits plus negotiable certificates of deposit purchased pursuant to Section III (6) of this policy;
  - B. The full amount of the principal and the interest that may be accrued during the maximum term of each certificate shall at all times be insured by the FDIC or the NCUA;
  - C. The selected depository institution shall be a nationally or state-chartered bank, savings and loan, or credit union in California and shall serve as the custodian for each certificate of deposit issued by the placement service for the City's account;
  - D. At the same time the City's funds are deposited and the certificates of deposit are issued, the selected depository institution shall receive an amount of deposits from other commercial banks, savings banks, savings and loan associations or credit unions that, in total, are equal to or greater than the full amount of the principal that the City initially deposited with the selected depository institution;
  - E. No credit union may act as a selected depository institution unless:
    - I) The credit union offers federal depository insurance through the NCUA; and
    - II) The credit union is authorized by the NCUA in the deposit placement services, and affirms that moneys held by those credit



unions while participating in a deposit placement service will at all times be insured by a federal government entity.

- F. The maximum maturity does not exceed five (5) years.
8. **Repurchase agreements** collateralized with securities authorized under Sections III (A1-2) of this policy maintained at a level of at least 102% of the market value of the repurchase agreements, provided that:
- A. No more than 10% of the portfolio shall be invested in repurchase agreements;
  - B. The maximum maturity of repurchase agreements shall be 15 days;
  - C. Securities used as collateral for repurchase agreements shall be delivered to the City's custodian bank, except that securities used as collateral for the one to seven day repurchase agreements with the City's depository bank may be held in safekeeping by an independent third party bank trustee in the name of the City, as evidenced by appropriate receipts of trust; and
  - D. The repurchase agreements are the subject of a master repurchase agreement between the City and the provider of the repurchase agreement. The master repurchase agreement shall be substantially in the form developed by the Securities Industry and Financial Markets Association (SIFMA).
9. **Commercial paper**, provided that:
- A. No more than 25% of the total portfolio may be invested in commercial paper. Under a provision sunseting on January 1, 2026, no more than 40% of the portfolio may be invested in Commercial Paper if the Agency's investment assets under management are greater than \$100,000,000;
  - B. No more than 5% of the total portfolio may be invested per issuer.
  - C. The City may purchase no more than 10% of the outstanding commercial paper of any single issuer.
  - D. The maturity does not exceed 270 days from the date of purchase;
  - E. The paper is of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization (NRSRO). The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):
    - I) Is organized and operating in the United States as a general corporation. Has total assets in excess of five hundred million dollars (\$500,000,000). Has debt other than commercial paper, if any, that is rated in the rating category of "A" or its equivalent or higher by a nationally recognized statistical-rating organization (NRSRO).

- II) Is organized within the United States as a special purpose corporation, trust, or limited liability company. Has program wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or surety bond. Has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical-rating organization (NRSRO).

10. **State of California Local Agency Investment Fund (LAIF)**, provided that:

- A. The Agency may invest up to the maximum amount permitted by LAIF.;
- B. It is recognized that LAIF has authority to invest in some instruments that are not permitted for Cities under the California Government Code; and
- C. A thorough investigation of the pool/fund is required prior to investing and on a continual basis. City staff will annually perform due diligence analysis of LAIF based on a standardized questionnaire developed to address investment policy and practices.

11. **Corporate medium-term notes**, provided that:

- A. No more than 30% of the total portfolio may be invested in medium-term notes;
- B. No more than 5% of the total portfolio may be invested per issuer;
- C. Such notes have a maximum maturity of 5 years;
- D. Such notes are issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States; and
- E. Such notes are rated in the rating category of "A" or its equivalent or higher by a nationally recognized statistical rating organization.

12. **Asset-backed securities, Mortgage-backed, Mortgage pass-through securities, and collateralized mortgage obligations not defined in paragraphs 1 and 2 of the Authorized Investments Section of this policy**, provided that:

- A. No more than 20% of the total portfolio may be invested in Mortgage pass-through, mortgage-backed, collateralized mortgage obligations securities and asset-backed securities;
- B. No more than 5% of the portfolio may be invested in any single Asset-Backed or Commercial Mortgage security issuer.
- C. Such securities shall have a maximum legal final maturity of 5 years;
- E. Such securities are rated in the rating category of "AA" or its equivalent or higher by a nationally recognized statistical rating organization.

13. **Money market mutual funds**, provided that:

- A. No more than 20% of the total portfolio may be invested in Money market mutual funds;

- B. Such funds are registered with the Securities and Exchange Commission and have attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations;
  - C. Such funds have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code Section 53601 (a through j) and with assets under management in excess of \$500 million;
  - D. Such funds include in their prospectus the statement that one of the investment fund's investment objectives is to seek to maintain a net asset value of \$1; and
  - E. Such funds invest only in US Treasury and federal agency securities, and in repurchase agreements backed by US Treasury and federal agency securities.
14. **Municipal Securities.** These include obligations of the state of California, the treasuries or agencies of any other 49 states in addition to California, and any local Agency within the state of California including the City of Sunnyvale to the extent permitted by federal law, provided that:
- A. No more than 30% of the portfolio may be in Municipal Securities.
  - B. No more than 5% of the portfolio may be invested in any single issuer.
  - C. The maturity does not exceed 5 years from the date of purchase;
  - D. The rating by a nationally recognized statistical rating organization is in the "A" category or its equivalent or better; and
  - E. For Municipal Obligations in the form of variable rate demand obligations, the obligations shall be supported by a third-party liquidity facility from a financial institution with short-term ratings of at least A-1 by S&P or P-1 by Moody's. The right of the bondholder to tender the obligation converts these obligations to a short term investment.
15. **Local Government Investment Pools (LGIP),** provided that:
- A. The LGIP is organized pursuant to CGC Section 6509.7;
  - B. The Pool invests only in securities and obligations authorized in CGC Section 53601;
  - C. The Pool is managed by an investment adviser registered with the SEC or exempt from registration; and
  - D. Such adviser has not less than five years of experience investing in securities and obligations authorized in CGC Section 53601 and has assets under management in excess of five hundred million dollars (\$500,000,000).
16. **Supranational Securities.** CGC 53601 defines allowable Supranational Securities as United States dollar denominated senior unsecured unsubordinated obligations

issued or unconditionally guaranteed by: the International Bank for Reconstruction and Development, the International Finance Corporation, or Inter-American Development Bank, provided that:

- A. No more than 30% of the total portfolio may be invested in Supranational securities;
- B. No more than 10% of the portfolio may be invested in any single issuer.
- C. The maturity does not exceed 5 years from the date of purchase;
- D. The instruments are eligible for purchase and resale within the United States; and
- E. The rating by a nationally recognized statistical rating organization is in the "AA" category or its equivalent or better.

#### Prohibited Investment Vehicles and Practices

1. State law notwithstanding, any investments not specifically described herein are prohibited, including, but not limited to, mutual funds (other than government money market funds as described in this policy, unregulated and/or unrated investment pools or trusts, and futures and options.
2. In accordance with Government Code Section 53601.6, investment in inverse floaters, range notes, or mortgage derived interest-only strips is prohibited.
3. Investment in any security that could result in a zero interest accrual if held to maturity is prohibited. Under a provision sunseting on January 1, 2026, securities backed by the U.S. Government that could result in a zero- or negative-interest accrual if held to maturity are permitted.
4. Trading securities for the sole purpose of speculating on the future direction of interest rates is prohibited.
5. Purchasing or selling securities on margin is prohibited.

~~6. No securities subject to rule 144A restrictions that are not required to be registered with the Securities and Exchange Commission (SEC). Agencies that are not Qualified Institutional Buyers (QIB) as defined by the Securities and Exchange Commission are prohibited from purchasing Private Placement Securities. The SEC defines a QIB as having at least \$100,000,000 in securities owned and invested.~~

~~6.~~

#### Investment Pools/Mutual Funds

The City shall conduct a thorough investigation of any pool or mutual fund prior to making an investment, and on a continual basis thereafter. The Treasurer shall develop a questionnaire which will answer the following general questions:

1. A description of eligible investment securities, and a written statement of

investment policy and objectives.

2. A description of interest calculations and how it is distributed, and how gains and losses are treated.

3. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
4. A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
5. A schedule for receiving statements and portfolio listings.
6. Are reserves, retained earnings, etc. utilized by the pool/fund?
7. A fee schedule, and when and how is it assessed.
8. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

#### Social and Environmental Responsibility

The City has a desire to encourage investments that support sound environmental, social and governance (ESG) investing. While the portfolio may not be classified as an ESG portfolio, investments in entities that support community well-being through safe and environmentally sound practices and fair labor practices and equality of rights regardless of sex, race, age, disability, or sexual orientation is encouraged. Investments are discouraged in entities that manufacture tobacco products, or firearms or nuclear weapons not used in the national defense of the United States, and are direct or indirect investments to support the production or drilling of fossil fuels.

#### Risk/Safety

The City recognizes that it is subject to the risks of investing in fixed income securities, especially “market risk” and “call risk” which are risks that the value of the portfolio will fluctuate with changes in the general level of interest rates, and “credit risk,” which is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt.

1. Mitigating market risk in the portfolio

The City recognizes that, over time, longer-term portfolios achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The City shall mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer term investments with funds which are not needed for current cashflow purposes. The City further recognizes that certain types of securities, including variable rate securities, securities with principal paydowns prior to maturity, and securities with embedded options (callable securities), will affect the market risk profile of the portfolio differently in different interest rate environments. The City, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

- A. The City shall maintain a percentage of the portfolio in short term securities to provide for cash flows.
  - B. The maximum stated final maturity of individual securities in the portfolio will be five (5) years, except as otherwise stated in this policy.
  - C. The duration of the portfolio will generally be approximately equal to the duration (typically, plus or minus 20%) of a Market Benchmark, an index selected by the City based on the City's investment objectives, constraints and risk tolerances.
2. Mitigating credit risk in the portfolio
- A. The diversification requirements included in the Authorized Investments section are designed to mitigate credit risk in the portfolio.
  - B. No more than 5% of the total portfolio may be invested in securities of any single issuer unless otherwise specified.
  - C. The City may elect to sell a security prior to its maturity and record a capital gain or loss in order to improve the quality, liquidity or yield of the portfolio in response to market conditions or the City's risk preferences; and
  - D. If a security owned by the City is downgraded to a level below the minimum quality required by this Investment Policy, it will be the City's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio. If the City employs the services of an investment advisor, it is the duty of the advisor to communicate any actions related to the downgrade to the Treasurer in a timely manner. \*If a security is downgraded, the Treasurer will use discretion in determining whether to sell or hold the security based on its current maturity, the economic outlook for the issuer, and other relevant factors.

\*If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported quarterly to the City Council.

### Liquidity

- 1. A schedule of major revenues and expenditures for a rolling 12-month period shall be maintained and coordinated with investments to the extent feasible.
- 2. Investment maturities may be timed to provide funds for scheduled expenditures not met by anticipated major revenue receipts.
- 3. To the extent possible, the Twenty Year Resource Allocation Plan shall be used for the cash flow projection purposes, and shall be taken into account in determining long term investment strategy.

### Return Objectives

1. **Overall objective.** The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that restrict investments.
2. **Specific objective.** The Treasurer shall monitor and evaluate the portfolio's performance relative to the chosen market benchmark(s), which will be included in the Treasurer's quarterly report. The Treasurer shall select an appropriate, readily available index to use as a market

## **RESPONSIBILITY AND REPORTING:**

### Delegation of Authority

The City Manager is responsible for directing and supervising the Director of Finance and is also responsible to keep the City Council fully advised as to the financial condition of the City.

The Director of Finance is responsible, by Council delegation, for the custody and investment of City funds and the development of procedures to implement this Investment Policy. This delegation requires that the Director of Finance submit a monthly transaction report to the Council accounting for the investment of funds. The Director of Finance is further responsible for the duties and powers imposed on City Treasurers by the laws of the State of California.

The Director of Finance or his/her designee is responsible for monitoring investment market information, recommending investment strategy for portfolio diversity and timing of maturities, as well as ensuring compliance with the City's Investment Policy. The Investment staff shall maintain current knowledge of technical and legal requirements regarding municipal investments through continued education and maintain active membership in the California Municipal Treasurers Association (CMTA).

The City may employ an investment adviser to invest all or a portion of the City's cash. Such Adviser shall be granted discretion to invest and reinvest the portfolio in accordance with this Investment Policy and must be registered under the Investment Advisers Act of 1940. Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the investment adviser.

### Reporting, Disclosure and Program Evaluation

The Director of Finance, as Chief Financial Officer and City Treasurer, shall file a quarterly investment report with the City Council and the City Manager within 30 days following the end of the quarter covered by the report. The report shall include the following information:



1. An asset listing showing par value, cost and accurate and complete market value of each security, type of investment, issuer, and interest rate;
2. The Director of Finance shall provide a monthly transaction report to the City Council;
3. A statement of compliance with the Investment Policy; and
4. A statement that the City has adequate funds to meet its cash flow requirements for the next six months.

#### Annual Reports

1. The investment policy shall be reviewed and adopted at least annually within 120 days of the end of the fiscal year to ensure its consistency with the overall objectives of preservation of principal, liquidity and return, and its relevance to current law and financial and economic trends.
2. A report of portfolio performance for the immediately preceding fiscal year shall be presented as part of the annual investment policy review. This report shall include comparisons of the City's performance compared to the return objectives, and shall include a section on compliance with the investment policy.

#### **INTERNAL CONTROL:**

The Director of Finance has established a system of internal controls to ensure compliance with the Investment Policies of the City and the California Government Code. The internal control procedures include segregation of duties in the different phases of an investment transaction, monthly reconciliation of the investment report to the general ledger, and annual policy compliance review by the City's outside auditor. An independent audit is conducted by the City's outside auditors which includes a compliance review of the City's investment activities to the City's Investment Policy, the California Government Code, and Government Accounting Standards Board (GASB) requirements regarding investment disclosures.

The Finance staff has established written investment procedures. These procedures include the process for projecting future cash flows, obtaining and documenting quotes, the review process for purchasing a new investment, how to select a broker when multiple brokers offer the same investment at the same price and other procedures relating to investments. These procedures are reviewed annually.

#### **OVERSIGHT**

The Investment Committee consisting of the City Manager, the Assistant City Manager, and the Director of Finance with staff support, will meet at least annually to evaluate the portfolio performance and establish current investment strategies and allocations in accordance with the adopted Policy and its objectives.

(Adopted: RTC 85-388 (7/30/1985); Amended: RTC 86-387 (7/22/1986), 87-421 (8/11/1987), 88-379 (07-26/88), [No RTC] (7/18/1989), 90-342 (7/17/1990), 91-303 (7/23/1991), 92-370 (7/28/1992), 93-363 (7/27/1993), 94-410 (8/9/1994), 95-301 (7/25/1995), 96-300 (7/23/1996), 97-338 (7/29/1997), 98-273 (8/4/1998), 99-383 (8/17/1999), 00-320 (9/12/2000), 01-272 (7/31/2001), 02-296 (7/23/2002), 03-277 (8/12/2003), 04-290 (8/17/2004), 05-242 (8/16/05), (Clerical/clarity update, Policy Update Project 11/2005), 06-262 (8/22/06), 07-286 (8/21/2007), 08-256 (8/26/2008), 08-307 (10/14/2008) 09-213 (8/11/2009), 10-225 (8/31/2010), 11-176 (8/23/2011), 12-211 (9/11/2012), 13-252 (10/22/2013), 14-0804 (10/28/2014), 15-0864 (10/13/2015), 16-0693 (10/25/2016), 17-0775 (10/3/2017), 18-0609 (8/14/2018), 19-0971 (11/5/2019), 20-797 (10/13/2020), 21-0901 (10/26/2021).

Lead Department: Department of Finance

## GLOSSARY OF INVESTMENT TERMS

**Agencies.** Shorthand market terminology for any obligation issued by a *government-sponsored entity (GSE)*, or a *federally related institution*. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

**FFCB.** The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

**FHLB.** The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

**FHLMC.** Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called “FreddieMac” issues discount notes, bonds and mortgage pass-through securities.

**FNMA.** Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as “FannieMae,” issues discount notes, bonds and mortgage pass-through securities.

**GNMA.** The Government National Mortgage Association, known as “GinnieMae,” issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

**PEFCO.** The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

**TVA.** The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.

**Asked.** The price at which a seller offers to sell a security.

**Average Life.** In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

**Banker’s Acceptance.** A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which “accepts” the obligation to pay the investor.

**Benchmark.** A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

**Bid.** The price at which a buyer offers to buy a security.

**Broker.** A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

**Callable.** A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline since an issuer issues securities, it will likely call its current securities and reissue them at a lower rate of interest. Callable securities have reinvestment risk as the investor may receive its principal back when interest rates are lower than when the investment was initially made.

**Certificate of Deposit (CD).** A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs may be marketable.

**Collateral.** Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

**Collateralized Mortgage Obligations (CMO).** Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

**Commercial Paper.** The short-term unsecured debt of corporations.

**Cost Yield.** The annual income from an investment divided by the purchase cost. Because it does not give effect to premiums and discounts which may have been included in the purchase cost, it is an incomplete measure of return.

**Coupon.** The rate of return at which interest is paid on a bond.

**Credit Risk.** The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

**Current Yield.** The annual income from an investment divided by the current market value. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

**Dealer.** A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

**Debenture.** A bond secured only by the general credit of the issuer.

**Delivery vs. Payment (DVP).** A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

**Derivative.** Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate, or index.

**Discount.** The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as **discount securities**. They sell at a discount from par, and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons, trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

**Diversification.** Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

**Duration.** The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates. (See modified duration).

**Federal Funds Rate.** The rate of interest charged by banks for short-term loans to other banks. The Federal Reserve Bank through open-market operations establishes it.

**Federal Open Market Committee.** A committee of the Federal Reserve Board that establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

**Haircut.** The margin or difference between the actual market value of a security and the value assessed by the lending side of a transaction (i.e. a repo).

**Leverage.** Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

**Liquidity.** The speed and ease with which an asset can be converted to cash.

**Make Whole Call.** A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

**Margin.** The difference between the market value of a security and the loan a broker makes using that security as collateral.

**Market Risk.** The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

**Market Value.** The price at which a security can be traded.

**Marking to Market.** The process of posting current market values for securities in a portfolio.

**Maturity.** The final date upon which the principal of a security becomes due and payable.

**Medium Term Notes.** Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts on either a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

**Modified Duration.** The percent change in price for a 100 basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

**Money Market.** The market in which short-term debt instruments (Tbills, discount notes, commercial paper, and banker's acceptances) are issued and traded.

**Mortgage Pass-Through Securities.** A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

**Mutual Fund.** An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

**Premium.** The difference between the par value of a bond and the cost of the bond, when the cost is above par.

**Prepayment Speed.** A measure of how quickly principal is repaid to investors in mortgage securities.

**Prepayment Window.** The time period over which principal repayments will be received on mortgage securities at a specified prepayment speed.

**Primary Dealer.** A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.

**Prudent Person (Prudent Investor) Rule.** A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care,

skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiarity with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes.”

**Realized Yield.** The change in value of the portfolio due to interest received and interest earned and realized gains and losses. It does not give effect to changes in market value on securities, which have not been sold from the portfolio.

**Regional Dealer.** A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities and that is not a primary dealer.

**Repurchase Agreement (RP, Repo).** Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller’s point of view, the same transaction is a reverse repurchase agreement.

**Safekeeping.** A service to bank customers whereby securities are held by the bank in the customer’s name.

**Structured Note.** A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and "dual index floaters," which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

**Supranational Debt.** Supranational debt is the term for debt (unsecured unsubordinated obligations issued or unconditionally guaranteed) of an international or multi-lateral financial agency. Supranationals are well capitalized and in most cases have strong credit support from contingent capital calls from their member countries. CGC 53601 was amended effective January 1, 2015 to allow local agencies to invest in the senior debt obligations of three supranational issuers which are eligible for purchase and resale within the United States, specifically the International Bank for Reconstruction and Development, International Finance Corporation, and Inter-American Development Bank.

**Total Rate of Return.** A measure of a portfolio’s performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

**U.S. Treasury Obligations.** Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk, and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

**Treasury Bills.** All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury bills. The Treasury currently issues three- and six-month Tbills at regular weekly auctions. It also issues “cash management” bills as needed to smooth out cash flows.

**Treasury Notes.** All securities issued with initial maturities of two to ten years are called Treasury notes, and pay interest semi-annually.

**Treasury Bonds.** All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

**Volatility.** The rate at which security prices change with changes in general economic conditions or the general level of interest rates.

**Yield to Maturity.** The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.



# City of Sunnyvale

## Agenda Item

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22-0938

Agenda Date: 9/27/2022

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### REPORT TO COUNCIL

#### SUBJECT

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

#### REPORT IN BRIEF

Staff prepared this report to Council as an update to the previous emergency procurements for polymer needed to meet compliance requirements at the Water Pollution Control Plant (WPCP). The WPCP continues to be impacted by persistent, difficult-to-treat algae/cyanobacteria. The identified cyanobacteria *Synechocystis* sp. (sin-echo-sis-tis) has established itself in the WPCP's secondary treatment system (oxidation ponds). It is dramatically impacting the WPCP's ability to meet two of its effluent limits. This potentially subjects the City to mandatory penalties, administrative orders, third-party litigation, cease and desist orders, and other consequences.

The WPCP uses a chemical compound called polymer to reduce turbidity and remove solids. The formulation of the WPCP's long-time polymer provider has become ineffective due to the algae/cyanobacteria in the oxidation ponds. Fortunately, a cationic polymer from Solenis, LLS (Solenis), has proven more effective. An increase in the dollar amount and duration for the existing emergency purchase order with Solenis will allow the City time to complete a currently ongoing competitive procurement effort that is intended to select the best chemical suite available. This will ensure that the WPCP can comply with effluent regulations moving forward.

#### EXISTING POLICY

Pursuant to Chapter 2.08 of the Sunnyvale Municipal Code, the City Manager, the Purchasing Officer, or a department head may make or authorize others to make emergency procurements, regardless of cost, if there is an urgent necessity to do so for the preservation of life, health, or property. Such emergency procurements shall be made with such competition as is practical under the circumstances and shall be limited to those goods and services necessary to satisfy the emergency need. In the event that such emergency action is necessary, and the procurement cost is greater than two hundred fifty thousand dollars in any one transaction, the City Manager shall make a full and complete report to the City Council at its next regularly scheduled meeting.

#### ENVIRONMENTAL REVIEW

Receipt of the report does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a) as it has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.



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**BACKGROUND AND DISCUSSION**

The WPCP regularly uses bulk chemicals for the treatment of wastewater at various stages to meet strict discharge requirements: Sodium Hypochlorite for disinfection, Sodium Bisulfite for dichlorination/neutralization, Caustic and Ammonium Sulfate for predation control in the Plant's Fixed Growth Reactors (FGRs), and polymers to remove Total Suspended Solids (TSS) and lower Turbidities (NTU) in the Dissolved Air Flotation and Dual Media Filter processes. These chemicals allow the WPCP to meet various compliance requirements.

The WPCP has been unable to reliably meet the effluent limits for TSS and Turbidity using the current polymer. The WPCP had used the same polymer brand for over a decade with satisfactory results. However, over the past year, the predominant algal species in the Plant's oxidation ponds have changed from multi-cell organisms to single-celled algae/cyanobacteria. Algae in the oxidation ponds are vital for wastewater treatment but must be removed at a subsequent step in the Dissolved Air Flotation tanks using polymer. The current polymer has been ineffective in removing the cyanobacteria, negatively impacting the two effluent limits outlined in the WPCP's National Pollution Discharge Elimination System (NPDES) permit.. Exceeding these limits potentially subjects the City to mandatory penalties, administrative orders, third-party litigation, and cease and desist orders. In addition, the cyanobacteria can produce a liver toxin called Microcystin, which can harm human and aquatic health if released into the Bay. While testing of the cyanobacteria to date has revealed no toxins, pond biology can change quickly.

WPCP staff recognized the issue and attempted to troubleshoot the issue with the current polymer provider. Despite many attempts, the contracted polymer provider could not determine why their product lost its effectiveness. While the current polymer provider continued to test existing and other alternatives, the WPCP team concurrently invited a half dozen polymer manufacturers to perform laboratory (benchtop) testing of the pond effluent. This testing determined that solutions from Kemira and Solenis met the required limits for TSS and turbidity. The City issued an emergency contract to Solenis for \$240,000 in April 2022 under the City Manager's authority to implement this solution immediately. In June 2022, the City also issued an emergency contract to Kemira for \$700,000 as an alternative solution (RTC No. 22-0630).

After considerable empirical testing of both products outlined in the original emergency procurement, Solenis - Zetagg 8819 has demonstrated more effectiveness in terms of water quality as well as cost over other tested chemicals. WPCP staff is also looking at new types of treatment technology, including sonic algae treatment systems in the ponds, algaecide, new types of solids removal systems such as Herron - Suspended Air Flotation (SAF), continuous backwash filter systems, etc. The evaluations of these treatment options will take time. In addition, the City is conducting a competitive procurement for a long-term treatment solution that will procure a chemical that effectively meets the required effluent limits. This will incorporate testing to validate a solution that meets ongoing effluent requirements and support to evaluate treatment methods as the chemical makeup may change over time. The current vendor, those that have been issued emergency contracts, and other vendors nationwide will be invited to participate in the solicitation. The procurement process is expected to be completed by the end of the calendar year.

This change order to the previous emergency procurement is intended to provide the City with sufficient polymer until the competitive procurement process is complete. Without an emergency procurement through the change order, the City would not be able to reliably meet the effluent limits for TSS and Turbidity. This procurement is urgent for the preservation of life, health, or property.

**FISCAL IMPACT**

The chemical usage of polymers fluctuates seasonally each year. However, polymer usage has nearly doubled over the past fiscal year due to the algae issues. In addition to increased polymer use, the cost of polymers has also increased substantially. Supply chain issues, the price of petroleum, and increased labor/transportation costs have all contributed to the cost increase for polymer and other bulk chemicals regularly used by the WPCP. The previous emergency purchase agreements are for \$700,000 to Kemira for Superfloc C-1599 and for \$240,000 to Solenis for Zetag 8819. The use of these polymers has kept the WPCP in compliance. The Solenis polymer emergency purchase agreement is requested to be augmented and used until a long-term contract is established with one or more vendors through the competitive procurement process. This request will modify the purchase agreement for Solenis to add \$1,000,000 and extend the duration until the end of this fiscal year. The amount and duration for this change order request on the purchase agreement for Solenis is based on the usage data from the existing emergency purchase agreement that has been exhausted.

The cost for these contracts can continue to be absorbed in the Wastewater Treatment operating program. A budget modification will be submitted when a new polymer and/or suite of chemicals is recommended for award as a result of the competitive solicitation process.

**PUBLIC CONTACT**

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

**RECOMMENDATION**

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

Prepared by: Tim Kirby, Director of Finance

Reviewed by: Ramana Chinnakotla, Director of Environmental Services

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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**22-0852**

**Agenda Date: 9/27/2022**

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Award of Contract to Tennyson Electric, Inc. for Street Lights Conduit Replacement 2022 and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW23-07)

#### **STAFF RECOMMENDATION**

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$388,611.50 to Tennyson Electric, Inc. of Livermore;
- Make a finding of categorical exemption from the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15302(c);
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% contingency in the amount of \$38,861.

#### **BASIS FOR RECOMMENDATION**

The Street Lights Conduit Replacement Project (No. ST-21-04) was advertised on DemandStar on July 15, 2022. Twenty-Six (26) contractors requested bid documents. Sealed bids were opened on August 3, 2022, with five (5) responsive bids received. Tennyson Electric, Inc. submitted the lowest responsive and responsible bid in the amount of \$388,611.50 (Attachment 1 - Bid Summary).

#### **ENVIRONMENTAL REVIEW**

The Project is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302(c) for the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity thereof.

#### **FISCAL IMPACT**

Budgeted funds are available in Project 825340 - Street Lights Conduit Replacement. The project budget financial summary is included as Attachment 3 to this report.

#### **PUBLIC CONTACT**

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

Prepared by: Gregory S. Card, Purchasing Officer


Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Bid Summary
2. Draft General Construction Contract
3. Budget 825340 - Street Lights Conduit Replacement

 Sunnyvale				Bear Electric Solutions, Inc.		Mike Brown Electric Co		Rays Electric, Inc.		St.Francis Electric, LLC		Tennyson Electric, Inc.	
				1252 State Street PO Box 924 Alviso, CA 95002-0924		561-A Mercantile Dr, Cotati, CA 94931		411 Pendleton Way Suite B Oakland CA 94621		975 Carden Street San Leandro CA, 94577		7275 National Dr. Suite A-2 Livermore, CA 94550	
IFB	PW23-07 Street Lights Conduit Replacement 2022			Robert Asuncion		Robert Asuncion		Greg Gruendl		Guy Smith		Michael A Tennyson	
Item	Description	QTY	UNIT	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization (Recommend Not to Exceed 5% of Total Base Bid)	1	LS		\$ 15,000.00		\$ 20,000.00		\$ 18,000.00		\$ 15,000.00		\$ 8,750.00
2	Traffic Control System	1	LS		\$ 20,000.00		\$ 50,000.00		\$ 43,000.00		\$ 44,000.00		\$ 19,500.00
3	Furnish and Install 2" Conduit	2330	LF	\$ 120.00	\$ 279,600.00	\$ 121.00	\$ 281,930.00	\$ 90.00	\$ 209,700.00	\$ 110.00	\$ 256,300.00	\$ 110.00	\$ 256,300.00
4	Furnish and Install No. 3 ½ Pull Box	11	EA	\$ 3,000.00	\$ 33,000.00	\$ 900.00	\$ 9,900.00	\$ 3,300.00	\$ 36,300.00	\$ 1,250.00	\$ 13,750.00	\$ 1,675.00	\$ 18,425.00
5	Furnish and Install Conductors and Grounding	6850	LF	\$ 1.88	\$ 12,878.00	\$ 2.00	\$ 13,700.00	\$ 5.20	\$ 35,620.00	\$ 4.00	\$ 27,400.00	\$ 3.00	\$ 20,550.00
6	Furnish and Install LED Luminaire	3	EA	\$ 1,700.00	\$ 5,100.00	\$ 1,500.00	\$ 4,500.00	\$ 1,285.00	\$ 3,855.00	\$ 950.00	\$ 2,850.00	\$ 2,375.00	\$ 7,125.00
7	Furnish and Install Luminaire Mast Arm on Existing Street Light Pole	1	EA	\$ 3,000.00	\$ 3,000.00	\$ 3,750.00	\$ 3,750.00	\$ 4,265.00	\$ 4,265.00	\$ 3,250.00	\$ 3,250.00	\$ 5,750.00	\$ 5,750.00
8	Splice Conductors	1	LS		\$ 3,500.00		\$ 8,000.00		\$ 21,425.00		\$ 4,250.00		\$ 17,500.00
9	Slurry Seal (Revocable)	9510	SF	\$ 3.45	\$ 32,809.50	\$ 2.07	\$ 19,685.70	\$ 2.40	\$ 22,824.00	\$ 3.20	\$ 30,432.00	\$ 3.65	\$ 34,711.50
	TOTAL BASE BID				\$ 404,887.50		\$ 411,465.70		\$ 394,989.00		\$ 397,232.00		\$ 388,611.50
	Surety			10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond	
	Primary License			Class A		Class A & C-10		Class A & C-10		Class A & C-10		Class A & C-10, C-7	
	Sub Contractor			Bond Black Top		Bond Black Top		Bond Black Top		Bond Black Top		Bond Black Top	
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## GENERAL CONSTRUCTION CONTRACT

THIS CONTRACT dated \_\_\_\_\_ is by and between the CITY OF SUNNYVALE, a California chartered municipal corporation of the State of California ("Owner"), and TENNYSON ELECTRIC, INC. a General Contractor ("Contractor").

### RECITALS:

The parties to this Contract have mutually covenanted and agreed, as follows:

**1. The Contract Documents.** The complete Contract consists of the following documents: Notice Inviting Bids; Instructions to Bidders; Performance Bond and Payment Bond; Guaranty; City of Sunnyvale Standard Specifications for Public Works Construction, 2006 Edition; City of Sunnyvale Standard Details for Public Works Construction, 2006 Edition; Plans and Specifications, "STREET LIGHTS CONDUIT REPLACEMENT 2022, Project No. ST-21-04, Invitation for Bids No. PW23-07", including two (2) Addenda; OSHA, and other standards and codes as outlined in the Specifications. These documents are all incorporated by reference. The documents comprising the complete contract are collectively referred to as the "Contract Documents".

Any and all obligations of the Owner and the Contractor are fully set forth and described therein.

All of the above documents are intended to work together so that any work called for in one and not mentioned in the other or vice versa is to be executed the same as if mentioned in all documents.

**2. The Work.** Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete the project in a good and workmanlike manner. The work consists of the replacement, removal, and installation of street lighting conduits, pull boxes, wiring, and modifications to street light poles and luminaires, as called for, and in the manner designated in, and in strict conformity with, the Plans and Specifications prepared by TJKM Transportation Consultants and adopted by the Owner. These Plans and Specifications are entitled respectively, STREET LIGHTS CONDUIT REPLACEMENT 2022, Project No. ST-21-04.

It is understood and agreed that the work will be performed and completed as required in the Plans and Specifications under the sole direction and control of the Contractor, and subject to inspection and approval of the Owner, or its representatives. The Owner hereby designates as its representative for the purpose of this contract the Senior Civil Engineer for Construction or an employee of the Owner who will be designated in writing by the Director of Public Works.

**3. Contract Price.** The Owner agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the sum of Three Hundred Eighty Eight Thousand Six Hundred Eleven and 50/100 Dollars (\$388,611.50) subject to final determination of the work performed and materials furnished at unit prices per "Exhibit A" attached hereto and incorporated by this reference, and subject to additions and deductions in accordance, as provided in the Documents and in accordance with Contract Documents. The sum includes base bid and accepted Additive Alternate(s) No. Number(s). All other Additive Alternate(s) are rejected by Owner and are not included in this contract.

**4. Permits; Compliance with Law.** Contractor shall, at its expense, obtain all necessary permits and licenses, easements, etc., for the construction of the project, give all necessary notices, pay all fees required by law, and comply with all laws, ordinances, rules and regulations relating to the work and to the preservation of the public health and safety.

**5. Inspection by Owner.** Contractor shall at all times maintain proper facilities and provide safe access for inspection by the Owner to all parts of the work, and to the shops wherein the work is in preparation. Where the Specifications require work to be specially tested or approved, it shall not be tested or covered up without timely notice to the Owner of its readiness for inspection and without the approval thereof or consent thereto by the latter. Should any such work be covered up without such notice, approval,

or consent, it must, if required by Owner, be uncovered for examination at the Contractor's expense.

**6. Extra or Additional Work and Changes.** Should Owner at any time during the progress of the work request any alterations, deviations, additions or omissions from the Specifications or Plans or other Contract Documents it shall be at liberty to do so, and the same shall in no way affect or make void the contract, but will be added to or deducted from the amount of the contract price, as the case may be, by a fair and reasonable valuation, agreed to in writing between the parties hereto. No extra work shall be performed, or change be made unless in pursuance of a written order from the Director of Public Works or authorized representative, stating that the extra work or change is authorized and no claim for an addition to the contract sum shall be valid unless so ordered.

**7. Time for Completion.** All work under this contract shall be completed before the expiration sixty (60) working days from the date specified in the Notice to Proceed.

If Contractor shall be delayed in the work by the acts or neglect of Owner, or its employees or those under it by contract or otherwise, or by changes ordered in the work, or by strikes, lockouts by others, fire, unusual delay in transportation, unavoidable casualties or any causes beyond the Contractor's control, or by delay authorized by the Owner, or by any cause which the Owner shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Owner may decide.

This provision does not exclude the recovery of damages for delay by either party under other provisions.

**8. Inspection and Testing of Materials.** Contractor shall notify Owner a sufficient time in advance of the manufacture or production of materials, to be supplied under this contract, in order that the Owner may arrange for mill or factory inspection and testing of same, if Owner requests such notice from Contractor.

**9. Termination.** If Contractor should file a bankruptcy petition and/or be judged bankrupt, or if Contractor should make a general assignment for the benefit of creditors, or if a receiver should be appointed on account of insolvency, or if Contractor or any subcontractors should violate any of the provisions of the Contract, Owner may serve written notice upon Contractor and its surety of Owner's intention to terminate the Contract. The notice shall contain the reasons for such intention to terminate the Contract, and, unless within ten days after serving such notice, such violation shall cease and satisfactory arrangements for correction thereof be made, upon the expiration of the ten days, the Contract shall cease and terminate. In the event of any such termination, Owner shall immediately serve written notice thereof upon the surety and the Contractor, and the surety shall have the right to take over and perform the Contract; provided, however that, if the surety within fifteen days after the serving upon it of notice of termination does not give Owner written notice of its intention to take over and perform the Contract or does not commence performance thereof within thirty days from the date of the serving of such notice, Owner may take over the work and prosecute the same to completion by contract or by any other method it may deem advisable, for the account and at the expense of Contractor, and Contractor and its surety shall be liable to Owner for any excess cost occasioned Owner thereby, and in such event Owner may without liability for so doing take possession of and utilize in completing the work, such materials, appliances, plant and other property belonging to Contractor as may be on the site of the work and necessary therefor.

**10. Owner's Right to Withhold Certain Amounts and Make Application Thereof.** In addition to the amount which Owner may retain under Paragraph 21 until the final completion and acceptance of all work covered by the Contract, Owner may withhold from payment to Contractor such amount or amounts as in its judgment may be necessary to pay just claims against Contractor or any subcontractors for labor and services rendered and materials furnished in and about the work. Owner may apply such withheld amount or amounts to the payment of such claims in its discretion. In so doing Owner shall be

deemed the agent of Contractor and any payment so made by Owner shall be considered as a payment made under the Contract by Owner to the Contractor and Owner shall not be liable to Contractor for any such payment made in good faith. Such payment may be made without prior judicial determination of the claim or claims.

**11. Notice and Service Thereof.** All notices required pursuant to this Contract shall be communicated in writing, and shall be delivered in person, by commercial courier or by first class or priority mail delivered by the United States Postal Service. Nothing in this provision shall be construed to prohibit communication by more expedient means, such as by email or fax, to accomplish timely communication. Each party may change the address by written notice in accordance with this paragraph. Notices delivered personally shall be deemed communicated as of actual receipt; mailed notices shall be deemed communicated as of three business days after mailing. All notices sent pursuant to this Contract shall be addressed as follows:

Owner: City of Sunnyvale  
Department of Public Works  
Construction Contract Administrator  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

Contractor: Tennyson Electric, Inc.  
7275 National Dr, Suite A-2  
Livermore, CA 94550

**12. Assignment of Contract.** Neither the Contract, nor any part thereof, nor moneys due or to become due thereunder may be assigned by Contractor without the prior written approval of Owner.

**13. Compliance with Specifications of Materials.** Whenever in the Specifications, any material or process is indicated or specified by patent or proprietary name, or by name of manufacturer, such Specifications must be met by Contractor, unless Owner agrees in writing to some other material, process or article offered by Contractor which is equal in all respects to the one specified.

**14. Contract Security.** Contractor shall furnish a surety bond in an amount at least equal to 100 percent of the contract price as security for the faithful performance of this Contract. Contractor shall also furnish a separate surety bond in an amount at least equal to 100 percent of the contract price as security for the payment of all persons for furnishing materials, provisions, provender, or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for performing any work or labor thereon of any kind, and for the payment of amounts due under the Unemployment Insurance Code with respect to such work or labor in connection with this Contract, and for the payment of a reasonable attorney's fee to be fixed by the court in case suit is brought upon the bond. Bonds shall be issued by an admitted surety insurer authorized to operate in the state of California.

**15. Insurance.** Contractor shall not commence work under this Contract until all insurance required under this paragraph has been obtained and such insurance has been approved by the Owner, nor shall Contractor allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor has been so obtained and approved. Contractor shall furnish the Owner with satisfactory proof of the carriage of insurance required, and there shall be a specific contractual liability endorsement extending the Contractor's coverage to include the contractual liability assumed by the Contractor pursuant to this Contract and particularly Paragraph 16 hereof. Any policy of insurance required of the Contractor under this Contract shall also contain an endorsement providing that thirty (30) days' notice must be given in writing to the Owner of any pending change in the limits of liability or of any cancellation or modification of the policy. Insurance carrier shall be California-admitted.



(a) Compensation Insurance and Employer's Liability Insurance. Contractor shall take out and maintain during the life of this Contract Workers' Compensation Insurance and Employer's Liability Insurance for all of employees employed at the site of the project and, in case any work is sublet, Contractor shall require the subcontractor similarly to provide Workers' Compensation Insurance and Employer's Liability Insurance for all of the latter's employees unless such employees are covered by the protection afforded by Contractor.

In signing this Contract, Contractor makes the following certification, required by Section 1861 of the Labor Code:

"I am aware of the provision of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

(b) General Liability Insurance. Contractor, at its own cost and expense, shall maintain personal injury liability and property damage insurance for the period covered by the Contract in the amount of two million dollars exactly (\$2,000,000.00) per occurrence and four million dollars exactly (\$4,000,000.00) annual aggregate combined single limit coverage. Such insurance shall be with insurers and under forms of policies satisfactory in all respects to the Owner and shall provide that notice must be given to Owner at least thirty (30) days prior to cancellation or material change. The following endorsements shall be attached to the policy:

Policy shall cover on an "occurrence" basis. Policy must cover personal injuries as well as bodily injuries. Exclusion of contractual liability must be eliminated from personal injury endorsement. Broad form property damage endorsement must be attached. Owner is to be named as an additional insured on any contracts of insurance under this paragraph (b). Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code. The policies of insurance shall be considered primary insurance before any policies of insurance maintained by Owner.

(c) Automobile Liability. Contractor, at its own cost and expense, shall maintain automobile insurance for the period covered by the Contract in the amount of one million dollars exactly (\$1,000,000.00) combined single limit coverage. Such coverage shall include, but shall not be limited to, protection against claims arising therefrom, and damage to property resulting from activities contemplated under this Contract, use of owned automobiles, products and completed operations.

**16. Indemnification and Hold Harmless.** Contractor agrees to defend, save, indemnify and hold harmless Owner and all its officers, employees, and agents, against any and all liability, claims, judgments, or demands, including demands arising from injuries or death of persons (Contractor's employees included) and damage to property, arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Contractor, save and except claims or litigation arising through the active negligence or willful misconduct of Owner, or of Owner's officials, agents, employees, servants, or independent contractors who are directly responsible to Owner. Contractor shall make good and reimburse Owner for any expenditures, including reasonable attorneys' fees, Owner may make by reason of such claim or litigation, and, if requested by Owner, Contractor shall defend any such suits at the sole cost and expense of Contractor.

**17. Hours of Work.** Eight hours of labor during any one calendar day and forty hours of labor during any one calendar week shall constitute the maximum hours of service upon all work done hereunder, and it is expressly stipulated that no laborer, worker, or mechanic employed at any time by the Contractor or by any subcontractor or subcontractors under this Contract, upon the work or upon any part of the work

contemplated by this Contract, shall be required or permitted to work thereon more than eight hours during any one calendar day and forty hours during any one calendar week, except, as provided by Section 1815 of the Labor Code of the State of California, work performed by employees of contractors in excess of eight hours per day and forty hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. It is further expressly stipulated that for each and every violation of Sections 1811-1815, inclusive, of the Labor Code of the State of California, all the provisions whereof are deemed to be incorporated herein, Contractor shall forfeit, as a penalty to Owner, twenty-five dollars exactly (\$25.00) for each laborer, worker, or mechanic employed in the execution of this Contract by Contractor, or by any subcontractor under this Contract, for each calendar day during which the laborer, worker, or mechanic is required or permitted to work more than eight hours in any one calendar day and forty hours in any one calendar week in violation of the provisions of the Sections of the Labor Code.

Contractor, and each subcontractor, shall, in accordance with California Labor Code Section 1776 or as the same may be later amended, keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with work under this agreement. Each payroll record shall contain or be verified by a written declaration under penalty of perjury, in accordance with Labor Code Section 1776(a). Such payroll records shall be made available at all reasonable times at the Contractor's principal office to the persons authorized to inspect such records pursuant to Labor Code Section 1776. A certified copy of all payroll records shall be made available for inspection or furnished upon request to a representative of the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the Department of Industrial Relations, as well as to the Owner's representative. In the event the Contractor or a Subcontractor fails to comply in a timely manner within ten days to a written notice requesting the records, such contractor or subcontractor shall forfeit one hundred dollars exactly (\$100.00) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated, in accordance with Labor Code Section 1776(h).

**18. Wage Rates.** Pursuant to the Labor Code of the State of California, or any applicable local law, Owner has ascertained the general prevailing rate per diem wages and rates for holidays, and overtime work in the city, for each craft, classification or type of laborer, worker, or mechanic needed to execute this Contract. Owner has adopted, by reference, the general prevailing rate of wages applicable to the work to be done under the Contract, as adopted and published by the Division of Labor Standards Enforcement and Labor Statistics and Research of the State of California, Department of Industrial Relations, to which reference is hereby made for a full and detailed description. A copy of the prevailing wage rates may be reviewed in the office of the Director of Public Works, City of Sunnyvale, 456 West Olive Avenue, Sunnyvale, California. Wage rates can also be obtained through the California Department of Industrial Relations website at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>.

Neither the notice inviting bids, nor this Contract, shall constitute a representation of fact as to the prevailing wage rates upon which the Contractor or any subcontractor may base any claim against Owner.

It shall be mandatory upon Contractor and upon any subcontractor to pay not less than the specified rates to all laborers, workers, and mechanics employed in the execution of the Contract. It is further expressly stipulated that Contractor shall, as a penalty to Owner, forfeit two hundred dollars (\$200.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic paid less than the stipulated prevailing rates for any work done under this Contract by Contractor or by any subcontractor; and Contractor agrees to comply with all provisions of Section 1775 of the Labor Code.

In case it becomes necessary for Contractor or any subcontractor to employ on the project under this Contract any person in a trade or occupation (except executives, supervisory, administrative, clerical, or other non-manual workers as such) for which no minimum wage rate is herein specified, Contractor shall immediately notify Owner who will promptly thereafter determine the prevailing rate for such additional trade or occupation and shall furnish Contractor with the minimum rate based thereon. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

**19. Accident Prevention.** Precaution shall be exercised at all times for the protection of persons (including employees) and property. The safety provisions of applicable laws, building and construction codes shall be observed. Machinery, equipment, and other hazards shall be guarded or eliminated in accordance with the safety provisions of the Construction Safety Orders issued by the Industrial Accident Commission of the State of California.

**20. Contractor's Guarantee.** Owner shall not, in any way or manner, be answerable or suffer loss, damage, expense or liability for any loss or damage that may happen to the building, work, or equipment or any part thereof, or in, on, or about the same during its construction and before acceptance. Contractor unqualifiedly guarantees the first-class quality of all workmanship and of all materials, apparatus, and equipment used or installed by Contractor or by any subcontractor or supplier in the project which is the subject of this Contract, unless a lesser quality is expressly authorized in the Plans and Specifications, in which event Contractor unqualifiedly guarantees such lesser quality; and that the work as performed by Contractor will conform with the Plans and Specifications or any written authorized deviations therefrom. In case of any defect in work, materials, apparatus or equipment, whether latent or patent, revealed to Owner within one year of the date of acceptance of completion of this Contract by Owner, Contractor will forthwith remedy such defect or defects without cost to Owner.

**21. Liquidated Damages.** Time shall be the essence of this Contract. If Contractor fails to complete, within the time fixed for such completion, the entire work mentioned and described and contracted to be done and performed, Contractor shall become liable to Owner for liquidated damages in the sum of one thousand dollars exactly (\$1,000.00), for each and every calendar day during which work shall remain uncompleted beyond such time fixed for completion or any lawful extension thereof. The amount specified as liquidated damages is presumed to be the amount of damage sustained by Owner since it would be impracticable or extremely difficult to fix the actual damage; and the amount of liquidated damages may be deducted by Owner from moneys due Contractor hereunder, or its assigns and successors at the time of completion, and Contractor, or its assigns and successors at the time of completion, and its sureties shall be liable to Owner for any excess.

**22. Governing Law, Jurisdiction and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to conflict of law or choice of law principles. Proper venue for legal actions will be exclusively vested in a state court in the County of Santa Clara. The parties agree that subject matter and personal jurisdiction are proper in state court in the County of Santa Clara and waive all venue objections.

**23. Severability Clause.** In case any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions which shall remain in full force and effect.

**24. Entire Agreement; Amendment.** This writing constitutes the entire agreement between the parties relating to the services to be performed or materials to be furnished hereunder. No modification of this Agreement shall be effective unless and until such modification is evidenced by writing signed by all parties.

**25. Execution and Counterparts.** This Agreement may be executed in multiple counterparts and/or with the signatures of the Parties set forth on different signature sheets and all such counterparts, when taken together, shall be deemed one original.

IN WITNESS WHEREOF, two identical counterparts of this contract, each of which shall for all purposed be deemed an original thereof, have been duly executed by the parties.

CITY OF SUNNYVALE  
a California chartered municipal corporation  
of the State of California, Owner

TENNYSON ELECTRIC, INC.  
Contractor

License No. 717998

By \_\_\_\_\_ /     /  
City Manager Date

By \_\_\_\_\_  
\_\_\_\_\_/     /  
Title Date

Attest:  
City Clerk

By \_\_\_\_\_  
\_\_\_\_\_/     /  
Title Date

By \_\_\_\_\_ /     /  
City Clerk Date

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_/     /  
City Attorney Date

**EXHIBIT A**

No.	Description	QTY	Unit	Unit Cost
1	Mobilization (Recommend Not to Exceed 5% of Total Base Bid)	1	LS	\$ 8,750
2	Traffic Control System	1	LS	\$ 19,500
3	Furnish and Install 2" Conduit	2330	LF	\$ 256,300
4	Furnish and Install No. 3 ½ Pull Box	11	EA	\$ 18,425
5	Furnish and Install Conductors and Grounding	6850	LF	\$ 20,550
6	Furnish and Install LED Luminaire	3	EA	\$ 7,125
7	Furnish and Install Luminaire Mast Arm on Existing Street Light Pole	1	EA	\$ 5,750
8	Splice Conductors	1	LS	\$ 17,500
9	Slurry Seal (Revocable)	9510	SF	\$ 34,711.50

## EXHIBIT B

**Utilization of Local Workforce in Construction Projects** – The Sunnyvale City Council has adopted a policy which encourages utilization of local workforces, including State-certified apprentices, as a means of supporting economic opportunities for all members of the community. Local workforce is defined as workers residing in Santa Clara County. The lowest responsive and responsible bidder must provide a projection of locally-hired workers utilized for this contract.

Contractor	Projected Number of Locally Hired Workers _____ Projected Percent of Locally Hired Workers _____ %
Subcontractor(s)	Projected Number of Locally Hired Workers _____ Projected Percent of Locally Hired Workers _____ %

# Project: 825340 - Street Lights Conduit Replacement

<b>Category:</b>	Infrastructure	<b>Project Type:</b>	Traffic and Transportation	<b>Project Manager:</b>	Austin Bondy-Villa
<b>Year Identified:</b>	2006	<b>Project Phase:</b>	Underway	<b>Project Coordinator:</b>	Jim Burch
<b>Est. Completion Year:</b>	Ongoing	<b>Department:</b>	250 - Public Works	<b>Fund - Sub-Fund:</b>	3201 - General Fund Assets

## Project Description/Scope/Purpose:

This project provides funding for replacement of damaged conduits, wiring, and other related components throughout the City on an as-needed basis as problems are identified by staff. Many of the City's streetlights have underground conduits that have been in place for many years and are showing deterioration. Failures are generally the result of tree roots, contractors damaging them, the age of the conduits, or by water intrusion creating electrical shorts. The budget is based upon using either in-house staff on overtime or contractors to repair or replace various damaged conduit in FY 2019/20.

Five segments of conduit will be replaced in FY 2021/22 with design completed in FY 2020/21. The segments include:

- The overhead lighting conduit on the two pedestrian bridges along Borregas Ave crossing HWY237 and HWY101.
- Approximately 1,000 ft of conduit along East Arques Ave between North Wolfe Rd and Santa Fe Terrance.
- Approximately 400 ft of conduit along North Fair Oaks Ave from East Arques Ave to East California Ave.
- Approximately 300 ft of conduit surrounding the intersection of Reamwood Ave and Elko Dr.

Future locations will be based upon damaged locations identified over the next three-year period, except for small spot repairs that can be corrected with the small annual budget referenced above.

## Project Evaluation and Analysis:

The alternative to this project would be to not fix broken conduits, which would result in dark streets. Hazardous situations could occur if the conduit breaks in such a way that a street light pole is energized; however, this is not a very common occurrence.

## Fiscal Impact:

This project is funded by the Gas Tax Fund.

## Funding Sources:

Gas Tax Fund

## Plans and Goals:

LT - Land Use and Transportation - LT-2: Environmentally Sustainable Land Use & Transportation Planning and Development

## Project Financial Summary

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	498,211	-	466,374	-
2020 - 21	354,560	-	354,559	-
2021 - 22	560,949	-	-	-
2022 - 23	12,799	-	-	-
2023 - 24	13,446	-	-	-
2024 - 25	282,528	-	-	-
2025 - 26	14,841	-	-	-
2026 - 27	15,592	-	-	-
2027 - 28	334,078	-	-	-
2028 - 29	16,872	-	-	-
2029 - 30	17,726	-	-	-
2030 - 31	374,432	-	-	-
2031 - 32	19,564	-	-	-
2032 - 33	20,556	-	-	-
2033 - 34	457,438	-	-	-
2034 - 35	22,689	-	-	-
2035 - 36	23,837	-	-	-
2036 - 37	517,175	-	-	-
2037 - 38	26,311	-	-	-
2038 - 39	27,643	-	-	-
2039 - 40	565,132	-	-	-
2040 - 41	29,302	-	-	-
<b>20 Year Total</b>	<b>3,352,911</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Grand Total</b>	<b>4,205,682</b>	<b>-</b>	<b>820,934</b>	<b>-</b>



# City of Sunnyvale

## Agenda Item

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22-0951

Agenda Date: 9/27/2022

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### REPORT TO COUNCIL

#### SUBJECT

Authorize the City Manager to Execute an Agreement with the California Department of Technology for the Purchase of Microsoft Online Subscription Services (F23-025)

#### REPORT IN BRIEF

Approval is requested to authorize the City Manager to execute a three year and four-month Agreement with the California Department of Technology for Microsoft online subscription services in an amount not-to-exceed \$2,034,910 and approve a 9.8% contingency in the amount of \$200,000.

#### EXISTING POLICY

Pursuant to Section 2.08.040 (d) of the Sunnyvale Municipal Code (SMC), Council approval is required for the procurement of goods and/or services greater than \$250,000 in any one transaction.

Further, SMC section 2.08.220 (b) authorizes the Purchasing Officer to participate in a cooperative agreement for the procurement of goods and/or services publicly solicited by another governmental, public or quasi-public entity.

#### 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)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### BACKGROUND AND DISCUSSION

On September 20, 2016, Council approved the implementation of Microsoft Office 365 (O365), which provided the City with traditional technology tools such as email, calendaring, collaboration, instant messaging, and video conferencing (RTC No. 16-0903). Licensing was authorized through the issuance of a purchase order for a three-year subscription for Microsoft Office O365 (RTC No. 16-0933). Subsequently, licenses were authorized through a contract for Microsoft Enterprise Agreement Licenses with SHI International Corp. (RTC No. 19-0939). The current enterprise agreement is expiring on October 31, 2022.

Staff is recommending procuring subscriptions via an Enterprise Agreement offered through the California Department of Technology (CDT). CDT solicited and negotiated an agreement to provide highly discounted rates for the G5 Microsoft Subscriptions, which is the latest version of MS Office 365 designed to meet government standards and are packaged to include the highest security offerings. The CDT contract is a five-year agreement that offers the following discounts off MSRP that locks in the pricing at a set discount level each year: 40% in year one; 30% in year two and three; 20% in year 4; and 10% in year five. The City will be joining on November 1, 2022, which is during



year two of the CDT Agreement, and is requesting to continue participation through year five. The City's participation will include licenses for the standard Microsoft Office Suite (i.e., Outlook, Word, Excel, PowerPoint) for most employees, a lite version of only Outlook, a limited number of licenses for Project and Visio, and necessary support licenses for TeamDynamics, which is the backbone of the ITSM ticketing management system. The rates for the TeamDynamics, Visio and Project licenses are 5% more than other competitively available licensing agreements but are advantageous to combine for ease of management, immediate accessibility and advantage of adding the additional security features with the G5 version. In addition, these increased costs are easily offset by the forecasted savings associated with the other components the City will be purchasing through this program. In reviewing the available contract options for Microsoft Enterprise Agreements, the participation in the CDT program will provide the greatest cost savings and best value for the G5 product security offering.

To utilize the CDT Agreement (Attachment 1 to this report), the City is required to enter into the SupportNow online program created by CDT. Entering this program would create an agreement between the City and CDT and a mechanism to provide on-demand licenses, which are supplied through Crayon Enterprises (Attachment 1 and 2 to this report). The anticipated cost to provide the minimum number of subscription licenses during the complete term of the contract is \$1,910,708.74 (See Attachment 3). Factoring in program fees and contingency to increase license counts to address staffing needs, staff is requesting a purchase agreement in the amount of \$2,234,910 (See Attachment 3).

### **FISCAL IMPACT**

To participate in the CDT program, the City will pay a 2.71% pass-through fee to the supply vendor (Crayon Enterprises) and a 3.5% fee to CDT for their administration and support of the program. Over the term of the agreement, this is expected to cost \$118,655.01. The cost to provide the minimum number of subscription licenses during the term of the contract is \$1,910,708.74. In anticipation of the need for new licenses during the term of the agreement, staff is requesting a contingency in the amount of \$200,000 for a total purchase agreement amount of \$ 2,234,910. After factoring in the cost discount for the licenses and additional fees for participation, the City still anticipates savings of approximately \$300,000 compared to continuing the current contract arrangement. Operating costs will increase commensurate to the agreement and will be in excess of typical growth planned for goods and services. These costs will be included in the operating budget each year of the agreement.

Funding for Microsoft online subscription services is available in the Information Technology Operating Budget, Technology and Communications Fund 7027.

### **PUBLIC CONTACT**

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

### **RECOMMENDATION**

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

\$200,000.

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Kathleen Boutté Foster, Chief Information Officer

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. CDT Agreement
2. Crayon Agreement with CDT
3. Crayon Pricing Quote for Term of Agreement

## CDT Service Catalog

### General Terms and Conditions

This Agreement contains the terms and conditions under which you, the Customer, agree to obtain services from the California Department of Technology (CDT). By submitting a Service Request through the CDT IT Services Portal - ServiceNow, you consent to this Agreement.

#### I. Service Information

The Department of Technology provides information technology services to state, county, federal and local government entities throughout California.

##### a. Service Catalog

The [Service Catalog](#) provides an overview of services offered by the Department of Technology.

##### b. CDT IT Services Portal - ServiceNow

The CDT IT Services Portal - [ServiceNow](#) is used by the Customer to request new services, modify existing services, or discontinue a service.

##### c. Account Lead

The Account Lead acts as the single point of contact for the Customer. The Account Lead reviews the Service Request and associated documents with the Customer to ensure the proper forms and approvals are completed. The Customer can locate their Account Lead information in the [Customer Account Lead Lookup](#) directory.

#### II. Service Rates

The rates charged for services under this Agreement are located in the [Billing Rate Schedule](#). Rates are subject to change upon 30 calendar-day prior written notice from the Department of Technology. The costs for services shall be computed in accordance with the State Administrative Manual (SAM) Section 8752 and 8752.1.

#### III. Authority to Enter into Agreement

The Customer hereby warrants and represents that it has the budget and project approvals necessary for the services covered under this Agreement. The Customer further warrants and represents that sufficient monies are available to the Customer to fund the expenditures for services covered under this Agreement. The Customer acknowledges that it is acting in an independent capacity in making this Agreement, and not as agents or employees of the Department of Technology.

#### IV. Customer Invoices

Invoices shall be available by the 10<sup>th</sup> business day of the following month. The Customer will be notified by email when monthly invoices are available for viewing on the [California Department of Technology Billing System \(CalTABS\)](#).

**V. Payment**

Upon receipt of appropriate invoices for services rendered, the Customer agrees to pay the Department of Technology for actual expenditures incurred in accordance with the rates specified in the [Billing Rate Schedule](#). The Customer further agrees to pay invoices by Direct Transfer in accordance with Government Code Section 11544(c). For Customers not required to be on the Direct Transfer program, payment is due 30 calendar days after receipt of invoice.

**VI. Proprietary Rights**

Pursuant to Executive Order S-16-04 and SAM Section 4846 et seq., the Customer acknowledges that the use of licensed products in violation of a valid licensing agreement could subject the Department of Technology to third-party lawsuits. The Customer, therefore, agrees that it will not duplicate, copy, or otherwise reproduce any proprietary software products supplied pursuant to this Agreement without the express written consent of the owner of the software. The Customer further agrees that it will use any such software products in strict compliance with the terms of any license provided by the owner of the software. The Customer further agrees that its use of any such licensed software products will not violate any applicable copyright, trademark, trade name, patent or similar legal right.

In the event the Department of Technology is sued by a third-party as a result of the Customer's misuse of any proprietary materials or products supplied under this Agreement, the Customer agrees to indemnify, defend and hold harmless the Department of Technology from any and all claims and losses regarding the Customer's violation of software licenses, copyrights, trademarks, trade names or any proprietary data, information or materials designated as confidential and supplied under this Agreement. If litigation arises as a result of the Customer's breach of these obligations, the Customer will pay all litigation expenses, including reasonable attorney and expert witness fees (as permitted by law), incurred by the Department of Technology in defense or settlement of the legal action or proceeding.

**VII. Unsupported Software**

The Department of Technology is not responsible for license, service, and/or support issues related to software in the Customer systems, unless the Department of Technology is the licensee of the software products. The Customer agrees to maintain appropriate licenses and service and support arrangements for the systems or applications owned or maintained by the Customer's department; all enterprise-wide systems, which include hardware and operating systems; application software (if applicable); security systems; and software licenses for all systems and services. The Department of Technology is neither responsible nor liable for damages resulting from the Customer's decision to use unlicensed or unsupported software.

**VIII. Examination and Audit**

In accordance with Government Code Section 8546.7, the Department of Technology and the Customer agree that the Bureau of State Audits (BSA) or other entity will have the right to review, obtain and copy all records pertaining to performance of this Agreement. The Department of Technology and the Customer agree to provide, or otherwise make available to, the BSA or other entity any relevant information requested and shall permit the BSA or other entity access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts

and other material that may be relevant to this Agreement. The Department of Technology and the Customer further agree to maintain such records for a period of three (3) years after final settlement under this Agreement.

**IX. Information Security**

Information Security Based on the specific requirements of SAM Section 5300 et seq., and pursuant to Government Code Section 11549.3, every state agency, department, and office shall comply with the information security and privacy policies, standards, and procedures issued by the California Information Security Office.

**a. Requirements on Customer**

Information security is defined as the protection of information and information systems, equipment, and people from a wide spectrum of threats and risks. To ensure the confidentiality, integrity, and availability of its managed resources, the Department of Technology agrees to provide protection of its information assets by establishing appropriate administrative, operational and technical policies, standards, and procedures. To further protect and minimize risk to the State, the Customer requesting to use the network or resources of the Department of Technology must comply with basic security requirements. By submitting a Service Request, the Customer agrees to ensure that:

1. The Customer is in compliance with statewide policies and laws regarding the use and protection of information resources and data.
2. The Customer's virus software is up-to-date and security patches and upgrades are installed on all systems on which the data may be used.
3. The Customer promptly notifies the Department of Technology Information Security Officer (ISO) of any security incidents involving information systems or data on any managed service by the Department of Technology.
4. The Customer transmitting data through resources at the Department of Technology has at least one firewall system properly situated between the network and each external entry point.
5. Physical access to network components, servers, and data storage used in conjunction with access to information resources at the Department of Technology are limited to the appropriate designated staff responsible for implementing and maintaining the components.
6. The Customer's administrative access is limited to those individuals that require access to perform duties essential to the operation and maintenance of that system.

**b. Provisions provided by the Department of Technology**

The California Department of Technology (hereinafter referred to as the "Department") "shall comply with applicable industry standards and guidelines, including but not limited to relevant security provisions of the California State Administrative Manual (SAM), California Statewide Information Management Manual (SIMM), The National Institute of Standards and Technology (NIST) 800-53 v4 and Federal Information Processing Standard (FIPS) Publication 199 which protect and minimize risk to the State. At a minimum, provision shall cover the following:

1. The Department will protect the confidentiality, integrity, and availability of the data under its custodianship. The Department shall implement and maintain appropriate

administrative, physical, technical, and procedural safeguards during the term of the Agreement to secure such data from data breach or loss, protect the data and information assets from breaches, introduction of viruses, disabling of devices, malware and other forms of malicious or inadvertent acts that can disrupt the State's access to its data or affects the integrity of that data.

2. Confidential, sensitive, or personal information shall be encrypted in accordance with SAM 5350.1 and SIMM 5305-A as directed by the Customer.
3. The Department shall comply with statewide policies and laws regarding the use and protection of information assets and data. Unauthorized use of data by the Department or third parties will not be allowed.
4. Signed Security and Confidentiality Statement for all personnel assigned during the term of the Agreement.
5. Apply security patches and upgrades and keep virus protection software up-to-date on all information assets on which data may be stored, processed, or transmitted.
6. The Department shall notify the State data owner immediately if a security incident involving the information asset occurs.
7. The State data owner shall have the right to participate in the investigation of a security incident involving its data or conduct its own independent investigation. The Department shall allow the Customer reasonable access to security logs, latency statistics, and other related security data that affects this Agreement and the State's data.
8. The Department shall be responsible for all costs incurred by the Customer due to security incident resulting from the Department's failure to perform or negligent acts of its personnel, and resulting in an unauthorized disclosure, release, access, review, destruction; loss, theft or misuse of an information asset. If the Department experiences a loss or breach of data, the Department shall immediately report the loss or breach to the Customer. If the Customer data owner determines that notice to the individuals whose data has been lost or breached is appropriate, the Department will bear any, and all costs associated with the notice or any mitigation required by law. These costs include, but are not limited to, staff time, material costs, postage, media announcements, and other identifiable costs associated with the breach or loss of data.
9. The Department shall immediately notify and work cooperatively with the State data owner to respond timely and correctly to public records act requests.
10. The Department shall dispose of records of State data as instructed by the Customer during the term of this agreement. No data shall be copied, modified, destroyed, or deleted by the Department other than for normal operation or maintenance during the Agreement period without prior written notice to and written approval by the Customer.

11. Remote access to data from outside the territorial United States, including remote access to data by authorized support staff in identified support centers, is prohibited unless approved in advance by the Customer.
12. The physical location of the Department data center where the Data is stored shall be within the territorial United States.

**X. Limitation of Liability**

The Department of Technology's liability for damages resulting from any cause shall be limited to the monthly invoice amount of the specific service impacted, except as follows:

- a. The Department of Technology shall not be liable for any activity involving the Customer's installation of the product, the Customer's use of the product, or the results obtained from such use.
- b. The Department of Technology shall not be liable for any unauthorized access to Customer data or any unauthorized disclosure of Customer data resulting from the Customer's use of any product.
- c. In no event shall the Department of Technology be liable to the Customer for consequential damages, even if notification has been given as to the possibility of such damages.

**XI. Changes to Service**

All notices relating to changes, additions, or modifications of service shall be in writing and shall be submitted by the Customer through the CDT IT Services Portal - [ServiceNow](#).

No variation of the terms of the service shall be valid unless made in writing, signed by the Department of Technology and the Customer, approved as required, and submitted through the CDT IT Services Portal - [ServiceNow](#). No verbal understanding or agreement is binding on any of the parties.

**XII. Disputes**

In the event of a dispute, the Department of Technology shall continue with the responsibilities of providing services to the Customer.

**XIII. Problem Escalation**

The Customer acknowledges and agrees that certain technical and project-related problems or issues may arise, and that such matters shall be promptly reported to the Department of Technology. The Department of Technology agrees to provide an internal escalation process to facilitate communication between the Customer and staff at the Department of Technology, as appropriate. The Account Lead will determine the problem severity level, and notify appropriate staff at the Department of Technology including, but not limited, to the following:

<b>First Level</b>	Section or Unit Manager/Service Owner
<b>Second Level</b>	Branch Chief/Service Owner
<b>Third Level</b>	Division Deputy Director

**XIV. Cancellation of Service**

The Customer must provide 45 calendar days cancellation notice for a service to be terminated. Cancellation of services is vendor-dependent and may require lead-time for processing termination documents. The Customer must submit a Service Request through the CDT IT Services Portal - [ServiceNow](#) to notify the Department of Technology of the intent to terminate services. The targeted completion date noted on the Service Request must allow for the lead-time required to cancel services. Retroactive termination of services will not be considered. For more information regarding lead-times for canceling services, please contact your Account Lead.



## CONTRACT

## CA DEPT OF TECHNOLOGY

CALIFORNIA DEPT OF TECHNOLOGY  
ADMIN WAREHOUSE  
10173 CROYDON WAY STE 4  
SACRAMENTO CA 95827  
USA

**Supplier** 0000003507  
CRAYON SOFTWARE EXPERTS, LLC  
GREG LANDRY  
12221 MERIT DR - STE 800  
DALLAS TX 75251  
USA

Dispatch via Print

<b>Contract ID</b> CON0000202 A1			<b>Page</b> 1 of 28	
<b>Contract Dates</b> 03/01/2021 to 03/31/2026		<b>Currency</b> USD	<b>Rate Type</b> CRRNT	<b>Rate Date</b> PO Date
<b>Description:</b> Microsoft Online Services			<b>Contract Maximum</b> \$300,219,584.34	
<b>Allow Open Item Reference</b>				

Tax Exempt? Y Tax Exempt ID: 0

Exhibit A: Statement of Work  
Exhibit A-1: M365 GCC E5 Licensing Structure  
Exhibit B: Payment and Invoicing  
Exhibit C: Cost Worksheet Details  
\*Exhibit C – 1: Cost Worksheet  
\*Exhibit C – 2: Supplemental Cost Worksheet  
Exhibit D: Special Terms and Conditions to Safeguard Federal Tax Information  
Exhibit E: Security and Data Protection  
Exhibit F: HIPAA Business Associate Agreement  
\*Exhibit G: State of California Terms and Conditions

pages 2-7  
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pages 10-11

pages 12-20  
page 21  
page 22-27  
page 28

\*Items with the Asterisk (\*) are hereby incorporated by reference as if attached hereto.

Please note that payment on invoices presented for the items in this Contract are not effective until subsequent Purchase Orders per tenant enrollment are issued and State Budget appropriation is approved annually to sufficiently fund the invoices. If the funds to effect payment are not authorized, Contractor understands the State may cancel this order and the Contractor agrees to take back any software and/or terminate subscriptions furnished under this contract, terminate any services supplied to the State under this contract, and relieve the State of any obligation therefore.

The State of California Department of Technology hereby issues Amendment 1 to Contract 20-0000202 for the following reasons:

- 1) To extend the expiration date to 3/31/2026 to align with the effective date.
- 2) To add Customers Affiliates and increase the Contract total by \$43,030,102.3.  
The new Contract total shall be \$300,219,584.34.
- 3) To remove all references to the Information Technology General Provisions.

Final = The price is final after adjustments  
Hard = Apply adjustments regardless of other adjustments  
Skip = Skip adjustments if any other adjustments have been applied

Authorized Signature

*Danielle Kanelos*

Danielle Kanelos (May 24, 2021 08:59 PDT)

May 24, 2021

**EXHIBIT A: STATEMENT OF WORK****1. Contract Description:**

a. **Crayon Software Experts LLC** (hereinafter referred to as the “Contractor”) agrees to provide the California Department of Technology and its customers, (hereinafter referred to as the “State,” or the “Licensee”) Microsoft Online Services Subscriptions as identified in Exhibit C of this Agreement. As part of a statewide Enterprise Agreement (EA), Contractor must:

- Provide option(s) for departments to standardize on Microsoft Security, Compliance and Communications
- Create a new enrollment with Microsoft Security, Compliance and Communications on a five (5) year term
- Ensure applicable credits are applied to Year 1 and Year 2 (If applicable) cost based on customer’s existing agreements prior to invoicing CDT
- Awarded Contractor may not mark up or mark down the credited amount to be applied to the Enrollment. The credit amount(s) will be verified prior to award.
- Following award, but prior to PO execution, Contractor shall complete a post award Supplemental Cost Worksheet with net pricing reflective of applicable discounts and credits.
- Provide a negotiated discount applied from Software Assurance (SA) base across term of the new agreement
- Provide discounts based on committed users and applied over the term of the agreement with applicable tiered discount structure at anniversary. For products not already identified on RFO, Contractor’s quoted pricing will not exceed the highest margin item on RFO.

b. Government Community Cloud availability and roadmap

1) At the outset, CA Affiliates will have access to the three main components of M365 E5 including:

- Office 365 E5 – advanced collaboration, voice and data analytics
- Enterprise Mobility and Security E5 – includes Defender for Identity and Microsoft Cloud Application Security
- Windows E5 – includes Defender for Endpoint (formerly Windows Defender Advanced Threat Protection)

2) Government Community Cloud (GCC) Roadmap

- Defender for Endpoint will be available at the inception of the agreement
- Defender for Identity (AATP) and Microsoft Cloud Application Security will initially be commercial instances but will become available in the GCC in the second quarter of the calendar year
- These new conformant offerings will fold together into a new unified “Microsoft 365 Defender” portal to view the M365 security posture in a combined view (Defender for Office 365 {O365 ATP}, Defender for Endpoint, Defender for Identity, Cloud App Security)

- c. The Microsoft Online Services Subscriptions will be provided by the manufacturer, Microsoft, under the Department of Technology Procurement Contract (**CON 20-0000202**) and subsidiary Purchase Orders issued off of the Contract.
- d. The Request for Offer (RFO) and Contractor response to RFO # 20-0038064 are hereby incorporated by reference and made a part of this Agreement as if attached hereto.
- e. Under the terms of this agreement, each State customer will be their own tenant.
- f. Terms and Conditions of Department of General Services (DGS) Software Licensing Program (SLP), which was recently amended from Software Cooperative Agreement (SCA), County of Riverside RFQ no. RIVCO-2020-RFQ-0000048 and Microsoft Master Agreement no. 8084445 shall apply to this Contract through the life of its term.
- g. Upon execution, the Contractor will be provided a Procurement Contract for the Contract total and term. Purchase Orders (PO) will subsequently be issued to Contractor for each tenant. Contractor to invoice CDT separately for each customer tenant.

## **2. Term:**

The term of the Agreement shall be for **five (5) years** (60 full calendar months) from receipt and acceptance of subscription product and support. Agreement start date is **3/01/2021** through **3/31/2026**. These dates may be changed by an amendment to the Agreement (CDT Procurement Contract or Purchase Order issued).

The Effective Date of this enrollment will be the date it is accepted and processed by Microsoft and available for use in Customer Affiliate portals. The anniversary date schedule shall be as follows:

- 1<sup>st</sup> anniversary 12 full calendar months from the effective date.
- 2<sup>nd</sup> anniversary 24 full calendar months from the effective date.
- 3<sup>rd</sup> anniversary 36 full calendar months from the effective date.
- 4<sup>th</sup> anniversary 48 full calendar months from the effective date.
- Expiration will occur 60 full calendar months from the effective date.

Any Procurement Contract or Purchase Orders issued for services that begin or extend beyond the term of the Riverside County Contract shall be subject to the terms of the Riverside County Contract.

## **3. California Department of Technology Responsibilities:**

- a. Designate a person (Program Manager) to whom all Contractor communication may be addressed and who has the authority to act on all aspects of the service. This person may review the Agreement and associated documents with the Contractor to ensure understanding of the responsibilities of both parties.
- b. Provide timely review and approval of information and documentation provided by the Contractor to perform its obligations.

**4. Licensee Site/Location:**

The “Licensee Site” shall mean the **California Department of Technology and its customers tenants** as identified in this Agreement, which Licensee represents, is operated or controlled by Licensee. Licensee may change the Licensee Site to another location located within the United States without incurring additional charges.

**5. License Type:**

Annual Software as a Service Subscription - Right-To-Use License. The State Cloud Computing-Software as a Service (SaaS) (Effective 6/7/2019) will take precedence over the software hard copy or “click to accept” terms and conditions.

**6. Installed on:**

All software and hardware installed will be located at the manufacturer’s site.

**7. True-ups:**

The State may deploy additional products and support services beyond the products and/ or support identified in the initial Microsoft Enrollments.

- a. Additional quantities of the Microsoft products/services procured in the initial Agreement may be added or decremented subject to the Subscription License Reductions section of the Enterprise Enrollment by the State during the term of this Agreement. Products are price protected (fixed prices throughout the enrollment period) and shall be priced by the Contractor at the original price identified for the Enterprise License Agreement products listed in Exhibit C – Cost Worksheet.
- b. The Contractor shall notify the State of any change in the product/service catalog that could increase the cost of services being provided to the State
- c. The Contractor shall provide the State with an annual report of licenses added and decremented during the true-up period.
- d. True-ups to add or decrement license counts will only occur once a year (prior to anniversary date).
  - 1) Contractor to provide customer affiliates with budgetary quote for annual reconciliation sixty (60) days prior to anniversary dates.
  - 2) True-downs or decrements must be fully processed by the Contractor prior to PO anniversary date.

**8. Contractor Responsibilities:**

Contractor to provide dedicated staff/dedicated teams – with clearly identified, roles and responsibilities, path of escalation, list primary and back up.

- a. The Contractor shall designate a primary and secondary contact person to whom all Contract/PO communications may be addressed and who has the authority to act on all aspects of the services.

- b. The Contractor shall provide a path of escalation for all communication and Contract/PO related matters.
- c. The Contractor shall ensure dedicated staff are available during state business hours of 7:30 AM, PT to 5:30 PM, PT.
- d. Contract must adhere to invoicing requirements listed in Exhibit B.
- e. Contractor shall provide CDT with confirmation upon receipt of PO or PO amendment.
- f. Contractor shall provide CDT with Booking Confirmation verifying order has been submitted to Microsoft.
- g. All EA Enrollment documents requiring electronic signature shall be sent to a designated CDT contact and not Customer Affiliate.
- h. Following execution of consolidated EA, Contractor will schedule a kick off meeting within 5-10 business days with CDT to discuss CDT billing and invoicing requirements and develop a plan for collaboration and streamlining of billing and invoicing procedures.
- i. Contractor and Microsoft shall not offer or discuss any new product or non-GCC Add-Ons with Customer Affiliates without approval from CDT Contract Administrator.

#### 9. Notices:

All notices required by or relating to this Agreement shall be in writing and shall be sent to the parties of this Agreement at their address as set below unless changed from time to time, in which event each party shall notify the other in writing, and all such notices shall be deemed duly given if deposited, postage prepaid, in the United States mail and directed to the following addresses below:

The technical representative during the term of this Agreement will be:

State Agency		Manufacturer	
California Department of Technology		Microsoft	
Attn:	CDT IT Program Management	Attn:	Marsha Brown
		Phone:	213-806-7493
E-mail:	<a href="mailto:ITPM@state.ca.gov">ITPM@state.ca.gov</a>	E-mail :	<a href="mailto:marshab@microsoft.com">marshab@microsoft.com</a>

Contract inquiries should be addressed to:

State Agency		Contractor	
California Department of Technology, Acquisitions & IT Program Management Branch		Crayon Software Experts LLC	
Attn:	CDT IT Program Management	Attn:	Greg Landry
Address:	PO Box 1810 Rancho Cordova, CA. 95741	Address:	12221 Merrit Drive, STE 800 Dallas, TX 75251
		Phone:	469-329-0263
E-mail:	<a href="mailto:ITPM@state.ca.gov">ITPM@state.ca.gov</a>	E-mail:	<a href="mailto:greg.landry@crayon.com">greg.landry@crayon.com</a>

#### 10. Maintenance/ Technical Support:

The Contractor shall ensure that maintenance and support are provided by Microsoft throughout the term of the Agreement.

Web Support:

<https://www.microsoft.com/licensing/servicecenter/default.aspx>

#### **11. Advertising of Data:**

The Contractor and any service providers are not authorized to use, sell, resell, package or repackage or publicly display any information or data without the express written approval of the State. This restriction includes key-word searching or data mining of state data. Advertising is not allowed in any of these services or to any of the contacts associated with these services.

#### **12. Amendments:**

Consistent with the terms and conditions of the original RFO, and upon mutual consent, the Department of Technology and the Contractor may execute amendments to this Agreement. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, and agreed upon by both parties and approved, as required. No verbal understanding or agreement not incorporated into the Agreement is binding on any of the parties.

#### **13. Problem Escalation**

- a. The parties acknowledge/agree that certain technical and project-related problems or issues may arise and that each party shall bring such matters to the immediate attention of the other party when identified. Known problems or issues shall be reported in regular weekly status reports or meetings. However, there may be instances where the severity of the problem justifies escalated reporting. To this extent, the State's Primary Contact will determine the next level of severity, and notify the appropriate State and Manufacturer personnel. The personnel notified, and the time period taken to report the problem or issue, shall be at a level commensurate with the severity of the problem or issue.
- b. The State personnel include, but are not limited to the following:

First Level: CDT Contract Administrator
Second Level: CDT Branch Chief
Third Level: CDT Deputy Director

- c. The Contractor personnel include, but are not limited to the following:

First Level: Contractor Support Specialist
Second Level: Contractor Support Manager
Third Level: Contractor Duty Manager

- d. The Manufacturer personnel include, but are not limited to the following:

First Level: Contractor Support Specialist
Second Level: Contractor Support Manager
Third Level: Contractor Duty Manager

#### **14. Termination Provisions:**

The State may exercise its option to terminate this Agreement at any time with thirty (30) calendar days' prior written notice.

**15. Change of Channel Partner**

If Contractor fails to meet the Contract, CDT and or Customer Affiliate requirements CDT may exercise right to change channel partner.

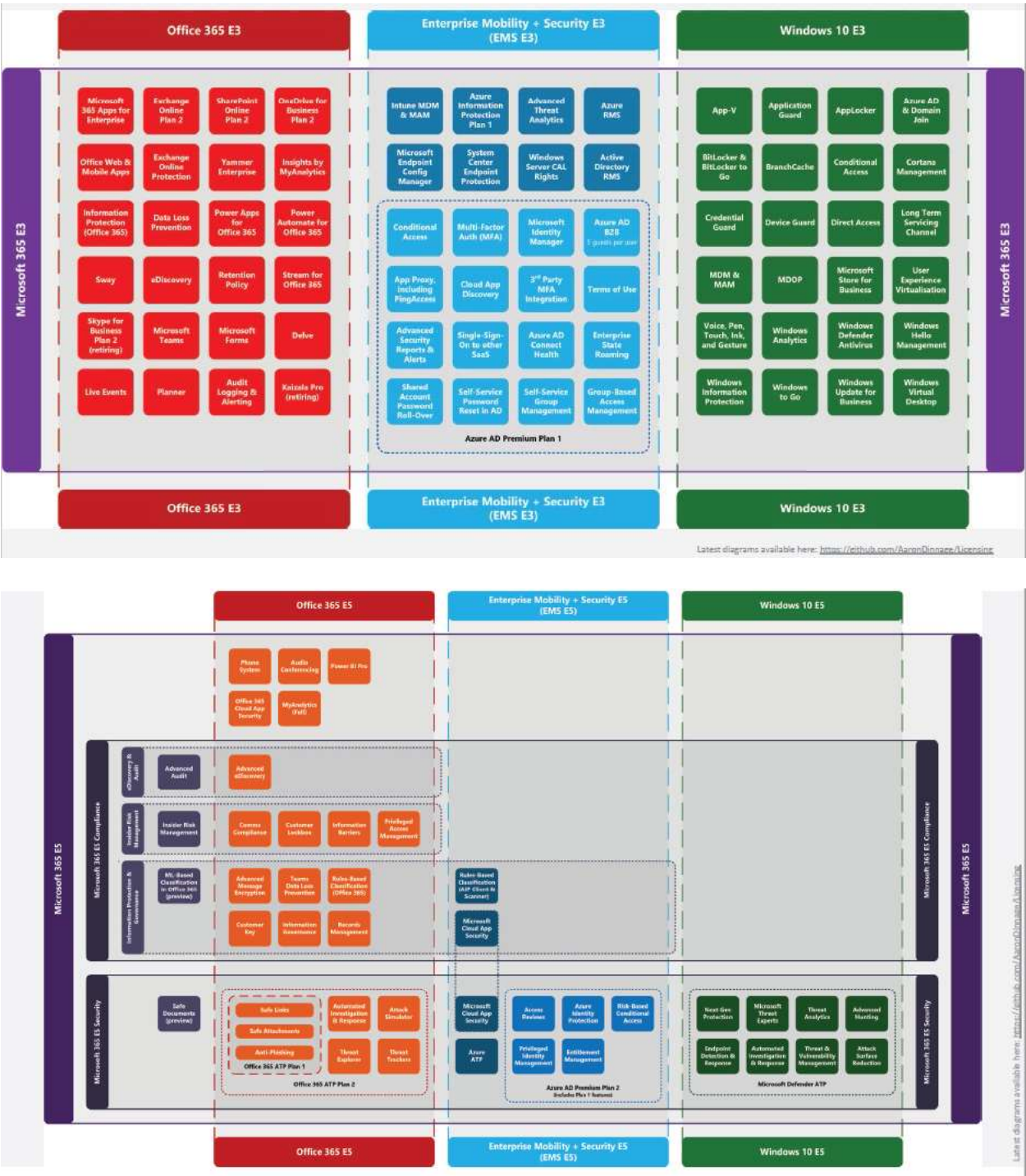
**16. Adding New State of California Affiliates to this Consolidated Enrollment:**

For a period of one (1) year after the Effective Date, Microsoft shall accommodate existing State of California Affiliate Enrollments when that Enrolled Affiliate requests to enter the consolidated enrollment and terminate their existing Enrollments. Affiliates include but are not limited to State, City, County and local affiliates. Following this period, additional State of California Affiliate Enrollments may join the consolidation at either the anniversary or expiration of their current Enrollments.



EXHIBIT A-1: M365 GCC E5 LICENSING STRUCTURE

<https://www.microsoft.com/en-us/microsoft-365/enterprise/e5>





**EXHIBIT B: PAYMENT AND INVOICING****1. Payment/Invoicing:**

- a. Payment will be made in advance for the subscription year and upon receipt of a **correct** invoice. Invoice may be submitted on or after the first day of the term referenced on the RFO and executed PO. **The invoice shall include booking confirmation of the Department of Technology order per each environment; including but not limited to, the Contract number, the individual Customer PO number, the Customer Department, the EA/Tenant ID/number, the product name, SKU number, unit cost, extended cost, code (if applicable), must reference a specific PO line item, term dates and include PO amendment number if applicable;** and shall reference the Agency Order Number and the Microsoft Enterprise License Agreement (MELA) Software Licensing Program (SLP) number **SCA-19-70-0204C** in **TRIPLICATE** to:
  - b. Submit your invoice using only **one** of the following options:
    - 1) Send via U.S. mail in **TRIPLICATE** to:  
 Department of Technology  
 Administration Division – Accounting Office  
 P. O. Box 1810  
 Rancho Cordova, CA 95741  
  
**OR**
    - 2) Submit electronically at: [APIInvoices@state.ca.gov](mailto:APIInvoices@state.ca.gov)
  - c. Contractor shall work with CDT to create a template for invoice that meets CDT requirements.
  - d. If there is a change in cost to a license or if the start date for licenses is changed so that it impacts pricing i.e., term and activation of licenses falls after the 2<sup>nd</sup> of the month, and so billing begins following month, Contractor must provide product pricing change update and quote to the Customer entity so that an amendment can be executed to the Customer's PO to reflect the correct pricing.
  - e. Ensure applicable credits are applied to Year 1 and Year 2 (If applicable) cost based on customer's existing agreements prior to invoicing CDT
  - f. Payment will be made in accordance with, and within the time specified, in Government Code Chapter 4.5 commencing with Section 927.
2. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Contract does not appropriate sufficient funds for the program, this Contract shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to the Contractor or to furnish any other considerations under this Contract and Contractor shall not be obligated to perform any provisions of this Contract.
  3. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Contract with no liability occurring to the State, or offer a contract amendment to the Contractor to reflect the reduced amount.
  4. Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927. Payment to small/micro businesses shall be made in accordance with and within the time specified in Chapter 4.5, Government Code 927 et seq.

**EXHIBIT C: COST WORKSHEET DETAILS****Company Name: Crayon Software Experts LLC**

Offerors must submit a cost quote for each item(s) listed in the attached RFO Cost Worksheet and clearly state unit and extended cost as well as include subtotals and grand totals. Offeror must adhere to:

- Pricing is guaranteed from Software Assurance (SA) for all new enrollments of M365 GCC E5
- All future new enrollments shall qualify for "From SA" pricing
- During year 1 of this Agreement, all additional M365 GCC E5 licensing shall qualify for "From SA" pricing upon year 1 reconciliation
- Incremental additional M365 GCC E5 licenses added to enrollments for participating Customer Affiliates after year 1 anniversary shall be priced at "Full USL" pricing
- Pricing shall not exceed the negotiated discounts per applicable tier
- Pricing for all Microsoft products offered under this MELA shall be price protected throughout the term
- For products ordered at signing, the January 2021 price list will be the basis to determine final pricing
- Ensure applicable credits are applied to Year 1 and Year 2 (If applicable) cost based on customer's existing agreements prior to invoicing CDT
- Awarded Contractor may not mark up or mark down the credited amount to be applied to the Enrollment. The credit amount will be verified prior to award.
- All unit pricing on the Cost Worksheet must be to two decimal points only.
- Any unit pricing that exceeds two decimal points will be rounded down to the nearest cent.

In the event the new Enrollment starts with an initial commitment of M365 GCC E5 users that is below 200,000 users then the ramped pricing applicable to that tier will apply to all users for the term of the Enrollment or until the number of users reaches a total of 200,000. The discount ramp will also apply to the M365 GCC E5 components in the future pricing table and apply to all incremental users added to the Enrollment. The first order that brings the total number of users to 200,000 will receive the second tier of discounts and for all entities who started in the first discount tier, the future pricing table for M365 GCC E5 components will be re-set to the higher tier discount ramp upon anniversary, and the higher tier discount will apply to all incremental orders placed on the Enrollment.

<b>Discount Tier 1</b>	<b>Discount Tier 2</b>
<b>115,000 – 199,999 users</b>	<b>200,000 users or more</b>

All responses must include a copy of current level D rates. These rates shall apply for the term of this Agreement. If the number of total users falls below the 115,000 threshold, pricing shall revert to level D rates.

**Microsoft PowerApps Promotional Offer**

<b>SKU</b>	<b>Item Name</b>
SES-00001	PowerAppsperAppPlanGCCShrdSvr ALNG SubsVL MVL
SEL-00001	PowerAppsPlanGCCShrdSvr ALNG SubsVL MVLPerUsr

- 66% Discount applies only to net new PowerApps licenses in year one (1) of EA
- To maintain the discount into subsequent periods, the aggregate quantity of PowerApps licenses must be at least 30,000 30 days prior to Enrollment anniversary
- The discount will remain for each period the aggregate total is 30,000 or greater
- If the total quantity falls below 30,000, pricing will revert to Level D on the next anniversary

State of California

Crayon Software Experts LLC

Department of Technology

CON 20-0000202 A1

MELA/SCA Agreement #: SCA-19-70-0204C

SB/DVBE Certification Number: N/A

Retailers' Sellers Permit Number: 102-885166

FEIN Number: 47-2237420

Signature and Date:  2/17/2021

Printed Name and Title: Ken Pharr, CFO

Company Name: Crayon Software Experts LLC

Company Address: 12221 Merit Drive, Suite 800, Dallas, TX 75251

Contact Phone: 469-329-0290

**EXHIBIT D: CALIFORNIA DEPARTMENT OF TECHNOLOGY****SPECIAL TERMS AND CONDITIONS TO SAFEGUARD FEDERAL TAX INFORMATION**

Federal statute, regulations and guidelines require that all contracts for services relating to the processing, storage, transmission, or reproduction of federal tax returns or return information, the programming, maintenance, repair, or testing of equipment or other property, or the providing of other services, for tax administration purposes include the provisions contained in this exhibit. (See 26 U.S.C. §6103(n); 26 C.F.R. §301.6103(n)-1(a)(2) and (d); Internal Revenue Service (IRS) Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies (Rev. 9-2016), Section 5.5 and Exhibit 7.)

The contractor agrees to comply with 26 U.S.C. §6103(n); 26 C.F.R. §301.6103(n)-1; IRS Publication 1075 (Rev. 9-2016); and all applicable conditions and restrictions as may be prescribed by the IRS by regulation, published rules or procedures, or written communication to the contractor. (See 26 C.F.R. §301.6103(n)-1(d); IRS Publication 1075 (Rev. 9-2016))

**I. PERFORMANCE**

In performance of this contract, the contractor agrees to comply with and assume responsibility for compliance by his or her employees with the following requirements:

- (1) All work will be done under the supervision of the contractor or the contractor's employees.
- (2) Any return or return information made available in any format shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material will be treated as confidential and will not be divulged or made known in any manner to any person except as may be necessary in the performance of this contract. Disclosure to anyone other than an officer or employee of the contractor will be prohibited.
- (3) All returns and return information will be accounted for upon receipt and properly stored before, during, and after processing. In addition, all related output will be given the same level of protection as required for the source material.
- (4) The contractor certifies that the data processed during the performance of this contract will be completely purged from all data storage components of his or her computer facility, and no output will be retained by the contractor at the time the work is completed. If immediate purging of all data storage components is not possible, the contractor certifies that any IRS data remaining in any storage component will be safeguarded to prevent unauthorized disclosures.
- (5) Any spoilage or any intermediate hard copy printout that may result during the processing of IRS data will be given to the agency or his or her designee. When this is not possible, the contractor will be responsible for the destruction of the spoilage or any intermediate hard copy printouts, and will provide the agency or his or her designee with a statement containing the date of destruction, description of material destroyed, and the method used.
- (6) All computer systems receiving, processing, storing, or transmitting Federal tax information must meet the requirements defined in IRS Publication 1075. To meet functional and assurance requirements, the security features of the environment must provide for the managerial, operational, and technical controls. All security features must be available and activated to protect against unauthorized use of and access to Federal tax information.
- (7) No work involving Federal tax information furnished under this contract will be subcontracted without prior written approval of the IRS.
- (8) The contractor will maintain a list of employees authorized access. Such list will be provided to the agency and, upon request, to the IRS reviewing office.
- (9) The agency will have the right to void the contract if the contractor fails to provide the safeguards described above.

**II. CRIMINAL/CIVIL SANCTIONS**

- (1) Each officer or employee of any person to whom returns or return information is or may be disclosed will be notified in writing by such

person that returns or return information disclosed to such officer or employee can be used only for a purpose and to the extent authorized herein, and that further disclosure of any such returns or return information for a purpose or to an extent unauthorized herein constitutes a felony punishable upon conviction by a fine of as much as \$5,000 or imprisonment for as long as 5 years, or both, together with the costs of prosecution. Such person shall also notify each such officer and employee that any such unauthorized further disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount not less than \$1,000 with respect to each instance of unauthorized disclosure. These penalties are prescribed by IRC sections 7213 and 7431 and set forth at 26 CFR 301.6103(n)-1.

- (2) Each officer or employee of any person to whom returns or return information is or may be disclosed shall be notified in writing by such person that any return or return information made available in any format shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material shall be treated as confidential and shall not be divulged or made known in any manner to any person except as may be necessary in the performance of the contract. Inspection by or disclosure to anyone without an official need to know constitutes a criminal misdemeanor punishable upon conviction by a fine of as much as \$1,000 or imprisonment for as long as 1 year, or both, together with the costs of prosecution.

Such person shall also notify each such officer and employee that any such unauthorized inspection or disclosure of returns or return information may also result in an award of civil damages against the officer or employee [United States for Federal employees] in an amount equal to the sum of the greater of \$1,000 for each act of unauthorized inspection or disclosure with respect to which such defendant is found liable or the sum of the actual damages sustained by the plaintiff as a result of such unauthorized inspection or disclosure plus in

the case of a willful inspection or disclosure which is the result of gross negligence, punitive damages, plus the costs of the action. These penalties are prescribed by IRC section 7213A and 7431.

- (3) Additionally, it is incumbent upon the contractor to inform its officers and employees of the penalties for improper disclosure imposed by the Privacy Act of 1974, 5 U.S.C. 552a. Specifically, 5 U.S.C. 552a(i)(1), which is made applicable to contractors by 5 U.S.C. 552a(m)(1), provides that any officer or employee of a contractor, who by virtue of his/her employment or official position, has possession of or access to agency records which contain individually identifiable information, the disclosure of which is prohibited by the Privacy Act or regulations established thereunder, and who knowing that disclosure of the specific material is prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.
- (4) Granting a contractor access to FTI must be preceded by certifying that each individual understands the agency's security policy and procedures for safeguarding IRS information. Contractors must maintain their authorization to access FTI through annual recertification. The initial certification and recertification must be documented and placed in the agency's files for review. As part of the certification and at least annually afterwards, contractors should be advised of the provisions of IRC Sections 7431, 7213, and 7213A (see Exhibit 6, *IRC Sec. 7431 Civil Damages for Unauthorized Disclosure of Returns and Return Information* and Exhibit 5, *IRC Sec. 7213 Unauthorized Disclosure of Information*). The training provided before the initial certification and annually thereafter must also cover the incident response policy and procedure for reporting unauthorized disclosures and data breaches. (See Section 10) For both the initial certification and the annual certification, the contractor should sign, either with ink or electronic signature, a confidentiality statement certifying their understanding of the security requirements.<sup>1</sup>

<sup>1</sup> A 30 minute disclosure awareness training video produced by the IRS can be found at

<http://www.irsvideos.gov/Governments/Safeguards/DisclosureAwarenessTrainingPub4711>

### III. INSPECTION

The IRS and the Agency shall have the right to send its officers and employees into the offices and plants of the contractor for inspection of the facilities and operations provided for the performance of any work under this contract. On the basis of such inspection, specific measures may be required in cases where the contractor is found to be noncompliant with contract safeguards.

### REFERENCES

#### 26 U.S.C. §6103(N)

Pursuant to regulations prescribed by the Secretary, returns and return information may be disclosed to any person, including any person described in section [7513 \(a\)](#), to the extent necessary in connection with the processing, storage, transmission, and reproduction of such returns and return information, the programming, maintenance, repair, testing, and procurement of equipment, and the providing of other services, for purposes of tax administration.

26 C.F.R. §301.6103(n)-1 Disclosure of returns and return information in connection with procurement of property and services for tax administration purposes.

(a) *General rule.* Pursuant to the provisions of section 6103(n) of the Internal Revenue Code and subject to the requirements of paragraphs (b), (c), and (d) of this section, officers or employees of the Treasury Department, a State tax agency, the Social Security Administration, or the Department of Justice, are authorized to disclose returns and return information (as defined in section 6103(b)) to any person (including, in the case of the Treasury Department, any person described in section 7513(a)), or to an officer or employee of such person, to the extent necessary in connection with contractual procurement of—

- (1) Equipment or other property, or
- (2) Services relating to the processing, storage, transmission, or reproduction of such returns or return information, the programming,

maintenance, repair, or testing of equipment or other property, or the providing of other services, for purposes of tax administration (as defined in section 6103(b)(4)).

No person, or officer or employee of such person, to whom a return or return information is disclosed by an officer or employee of the Treasury Department, the State tax agency, the Social Security Administration, or the Department of Justice, under the authority of this paragraph shall in turn disclose such return or return information for any purpose other than as described in this paragraph, and no such further disclosure for any such described purpose shall be made by such person, officer, or employee to anyone, other than another officer or employee of such person whose duties or responsibilities require such disclosure for a purpose described in this paragraph, without written approval by the Internal Revenue Service.

- (b) *Limitations.* For purposes of paragraph (a) of this section, disclosure of returns or return information in connection with contractual procurement of property or services described in such paragraph will be treated as necessary only if such procurement or the performance of such services cannot otherwise be reasonably, properly, or economically carried out or performed without such disclosure.

Thus, for example, disclosures of returns or return information to employees of a contractor for purposes of programming, maintaining, repairing, or testing computer equipment used by the Internal Revenue Service or a State tax agency should be made only if such services cannot be reasonably, properly, or economically performed by use of information or other data in a form which does not identify a particular taxpayer. If, however, disclosure of returns or return information is in fact necessary in order for such employees to reasonably, properly, or economically perform the computer related services, such disclosures should be restricted to returns or return information selected or appearing at random. Further, for purposes of paragraph (a), disclosure of returns or return information in connection with the contractual procurement of property or services described in such paragraph should be made only to the

extent necessary to reasonably, properly, or economically conduct such procurement activity. Thus, for example, if an activity described in paragraph (a) can be reasonably, properly, and economically conducted by disclosure of only parts or portions of a return or if deletion of taxpayer identity information (as defined in section 6103(b)(6) of the Code) reflected on a return would not seriously impair the ability of the contractor or his officers or employees to conduct the activity, then only such parts or portions of the return, or only the return with taxpayer identity information deleted, should be disclosed.

(c) *Notification requirements.* Persons to whom returns or return information is or may be disclosed as authorized by paragraph (a) of this section shall provide written notice to their officers or employees—

- (1) That returns or return information disclosed to such officer or employee can be used only for a purpose and to the extent authorized by paragraph (a) of this section;
- (2) That further inspection of any returns or return information for a purpose or to an extent unauthorized by paragraph (a) of this section constitutes a misdemeanor, punishable upon conviction by a fine of as much as \$1,000, or imprisonment for as long as 1 year, or both, together with costs of prosecution;
- (3) That further disclosure of any returns or return information for a purpose or to an extent unauthorized by paragraph (a) of this section constitutes a felony, punishable upon conviction by a fine of as much as \$5,000, or imprisonment for as long as 5 years, or both, together with the costs of prosecution;
- (4) That any such unauthorized further inspection or disclosure of returns or return information may also result in an award of civil damages against any person who is not an officer or employee of the United States in an amount not less than \$1,000 for each act of unauthorized inspection or disclosure or the sum of actual damages sustained by the plaintiff as a result of such unauthorized disclosure or

inspection as well as an award of costs and reasonable attorneys fees; and

- (5) If such person is an officer or employee of the United States, a conviction for an offense referenced in paragraph (c)(2) or (c)(3) of this section shall result in dismissal from office or discharge from employment.

(d) *Safeguards.* Any person to whom a return or return information is disclosed as authorized by paragraph (a) of this section shall comply with all applicable conditions and requirements which may be prescribed by the Internal Revenue Service for the purposes of protecting the confidentiality of returns and return information and preventing disclosures of returns or return information in a manner unauthorized by paragraph (a). The terms of any contract between the Treasury Department, a State tax agency, the Social Security Administration, or the Department of Justice, and a person pursuant to which a return or return information is or may be disclosed for a purpose described in paragraph (a) shall provide, or shall be amended to provide, that such person, and officers and employees of the person, shall comply with all such applicable conditions and restrictions as may be prescribed by the Service by regulation, published rules or procedures, or written communication to such person. If the Service determines that any person, or an officer or employee of any such person, to whom returns or return information has been disclosed as provided in paragraph (a) has failed to, or does not, satisfy such prescribed conditions or requirements, the Service may take such actions as are deemed necessary to ensure that such conditions or requirements are or will be satisfied, including—

- (1) Suspension or termination of any duty or obligation arising under a contract with the Treasury Department referred to in this paragraph or suspension of disclosures by the Treasury Department otherwise authorized by paragraph (a) of this section, or
- (2) Suspension of further disclosures of returns or return information by the

Service to the State tax agency, or to the Department of Justice, until the Service determines that such conditions and requirements have been or will be satisfied.

agencies administering benefit eligibility programs may not allow contractor access to any FTI received, their data within the consolidated data center may not be accessed by any contractor of the data center.

(e) *Definitions.* For purposes of this section—

- (1) The term *Treasury Department* includes the Internal Revenue Service and the Office of the Chief Counsel for the Internal Revenue Service;
- (2) The term *State tax agency* means an agency, body, or commission described in section 6103(d) of the Code; and
- (3) The term *Department of Justice* includes offices of the United States Attorneys.

The requirements in Exhibit 7, Contract Language for General Services, must be included in the contract in accordance with IRC Section 6103(n).

The contractor or agency-shared computer facility is also subject to IRS safeguard reviews.

**Note:** The above rules also apply to releasing electronic media to a private contractor or other agency office even if the purpose is merely to erase the old media for reuse.

#### **IRS Publication 1075 (Rev. 9-2016) Section 5.5 Control over Processing**

Processing of FTI, in an electronic media format, including removable media, microfilms, photo impressions, or other formats (including tape reformatting or reproduction or conversion to punch cards, digital images or hard copy printout) will be performed pursuant to one of the following procedures:

Agencies utilizing consolidated data centers must implement appropriate controls to ensure the protection of FTI, including a service level agreement (SLA) between the agency authorized to receive FTI and the consolidated data center. The SLA should cover the following:

##### **5.5.1 Agency Owned and Operated Facility**

Processing under this method will take place in a manner that will protect the confidentiality of the information on the electronic media. All safeguards outlined in this publication also must be followed and will be subject to IRS safeguard reviews.

1. The consolidated data center is considered to be a “contractor” of the agency receiving FTI. The agency receiving FTI – whether it is a state revenue, workforce, child support enforcement or human services agency – is responsible for ensuring the protection of all FTI received. However, as the “contractor” for the agency receiving FTI, the consolidated data center shares responsibility for safeguarding FTI as well.

##### **5.5.2 Contractor or Agency Shared Facility – Consolidated Data Centers**

Recipients of FTI are allowed to use a shared facility but only in a manner that does not allow access to FTI by employees, agents, representatives or contractors of other agencies using the shared facility.

2. Provide written notification to the consolidated data center management that they are bound by the provisions of Publication 1075, relative to protecting all federal tax information within their possession or control. The SLA should also include details concerning the consolidated data center’s responsibilities during a safeguard

**Note:** For purposes of applying sections 6103(l), (m) and (n), the term “agent” includes contractors. Access restrictions pursuant to the IRC authority by which the FTI is received continue to apply. For example, since human services



review and support required to resolve identified findings.

3. The agency will conduct an internal inspection of the consolidated data center every eighteen months (see section 6.3). Multiple agencies sharing a consolidated data center may partner together to conduct a single, comprehensive internal inspection. However, care should be taken to ensure agency representatives do not gain unauthorized access to other agency's FTI during the internal inspection.
4. The employees from the consolidated data center with access to FTI, including system administrators and programmers, must receive disclosure awareness training prior to access to FTI and annually thereafter and sign a confidentiality statement. This provision also extends to any contractors hired by the consolidated data center that has access to FTI.
5. The specific data breach incident reporting procedures for all consolidated data center employees and contractors. The required disclosure awareness training must include a review of these procedures.
6. The Exhibit 7 language must be included in the contract between the recipient agency and the consolidated data center, including all contracts involving contractors hired by the consolidated data center.
7. Identify responsibilities for coordination of the 45-day notification of the use of contractors or sub-contractors with access to FTI.

**Note:** Generally, consolidated data centers are either operated by a separate state agency (example: Department of Information Services) or by a private

contractor. If an agency is considering transitioning to either a state owned or private vendor consolidated data center, the Office of Safeguards strongly suggests the agency submit a request for discussions with Safeguards as early as possible in the decision-making or implementation planning process. The purpose of these discussions is to ensure the agency remains in compliance with safeguarding requirements during the transition to the consolidated data center.

## 26 U.S.C. §7213. UNAUTHORIZED DISCLOSURE OF INFORMATION

### (a) Returns and return information

#### (1) Federal employees and other persons

It shall be unlawful for any officer or employee of the United States or any person described in section [6103\(n\)](#) (or an officer or employee of any such person), or any former officer or employee, willfully to disclose to any person, except as authorized in this title, any return or return information (as defined in section [6103\(b\)](#)). Any violation of this paragraph shall be a felony punishable upon conviction by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution, and if such offense is committed by any officer or employee of the United States, he shall, in addition to any other punishment, be dismissed from office or discharged from employment upon conviction for such offense.

#### (2) State and other employees

It shall be unlawful for any person (not described in paragraph (1)) willfully to disclose to any person, except as authorized in this title, any return or return information (as defined in section [6103\(b\)](#)) acquired by him or another person under subsection (d), (i)(3)(B)(i) or (7)(A)(ii), (l)(6), (7), (8), (9), (10), (12), (15), (16), (19), or (20) or (m)(2), (4), (5), (6), or (7) of section [6103](#).

Any violation of this paragraph shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

**(3) Other persons**

It shall be unlawful for any person to whom any return or return information (as defined in section [6103\(b\)](#)) is disclosed in a manner unauthorized by this title thereafter willfully to print or publish in any manner not provided by law any such return or return information. Any violation of this paragraph shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

**(4) Solicitation**

It shall be unlawful for any person willfully to offer any item of material value in exchange for any return or return information (as defined in section [6103\(b\)](#)) and to receive as a result of such solicitation any such return or return information. Any violation of this paragraph shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

**(5) Shareholders**

It shall be unlawful for any person to whom a return or return information (as defined in section [6103\(b\)](#)) is disclosed pursuant to the provisions of section [6103\(e\)\(1\)\(D\)\(iii\)](#) willfully to disclose such return or return information in any manner not provided by law. Any violation of this paragraph shall be a felony punishable by a fine in any amount not to exceed \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

**(b) Disclosure of operations of manufacturer or producer**

Any officer or employee of the United States who divulges or makes known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution; and the offender shall be dismissed from office or discharged from employment.

**(c) Disclosures by certain delegates of Secretary**

All provisions of law relating to the disclosure of information, and all provisions of law relating to penalties for unauthorized disclosure of information, which are applicable in respect of any function under this title when performed by an officer or employee of the Treasury Department are likewise applicable in respect of such function when performed by any person who is a "delegate" within the meaning of section [7701\(a\)\(12\)\(B\)](#).

**(d) Disclosure of software**

Any person who willfully divulges or makes known software (as defined in section [7612\(d\)\(1\)](#)) to any person in violation of section [7612](#) shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution.

**(e) Cross references**

**(1) Penalties for disclosure of information by preparers of returns**

For penalty for disclosure or use of information by preparers of returns, see section [7216](#).

**(2) Penalties for disclosure of confidential information**

For penalties for disclosure of confidential information by any officer or employee of the United States or any department or agency thereof, see 18 U.S.C. 1905.

**26 U.S.C. §7213A. Unauthorized inspection of returns or return information****(a) Prohibitions**

**(1)** Federal employees and other persons  
It shall be unlawful for—

**(A)** any officer or employee of the United States,  
or

**(B)** any person described in subsection (l)(18) or  
(n) of section 6103 or an officer or employee of  
any such person,  
willfully to inspect, except as authorized in this  
title, any return or return information.

**(2) State and other employees**

It shall be unlawful for any person (not described  
in paragraph (1)) willfully to inspect, except as  
authorized in this title, any return or return  
information acquired by such person or another  
person under a provision of section 6103  
referred to in section 7213 (a)(2) or under  
section 6104 (c).

**(b) Penalty****(1) In general**

Any violation of subsection (a) shall be  
punishable upon conviction by a fine in any  
amount not exceeding \$1,000, or imprisonment  
of not more than 1 year, or both, together with  
the costs of prosecution.

**(2) Federal officers or employees**

An officer or employee of the United States who  
is convicted of any violation of subsection (a)  
shall, in addition to any other punishment, be  
dismissed from office or discharged from  
employment.

**(c) Definitions**

For purposes of this section, the terms “inspect”,  
“return”, and “return information” have the  
respective meanings given such terms by  
section 6103 (b).

**26 U.S.C. §7431. Civil damages for unauthorized inspection or disclosure of returns and return information****(a) In general****(1) Inspection or disclosure by employee of United States**

If any officer or employee of the United  
States knowingly, or by reason of  
negligence, inspects or discloses any  
return or return information with  
respect to a taxpayer in violation of  
any provision of section 6103, such  
taxpayer may bring a civil action for  
damages against the United States in  
a district court of the United States.

**(2) Inspection or disclosure by a person who is not an employee of United States**

If any person who is not an officer or  
employee of the United States  
knowingly, or by reason of negligence,  
inspects or discloses any return or  
return information with respect to a  
taxpayer in violation of any provision  
of section 6103, such taxpayer may  
bring a civil action for damages  
against such person in a district court  
of the United States.

**(b) Exceptions**

No liability shall arise under this section with  
respect to any inspection or disclosure -

**(1)** which results from a good faith, but  
erroneous, interpretation of section 6103,  
or

**(2)** which is requested by the taxpayer.

**(c) Damages**

In any action brought under subsection (a),  
upon a finding of liability on the part of the  
defendant, the defendant shall be liable to  
the plaintiff in an amount equal to the sum  
of -

**(1) the greater of -**

**(A)** \$1,000 for each act of  
unauthorized inspection or  
disclosure of a return or return  
information with respect to which  
such defendant is found liable, or

**(B) the sum of -**

**(i)** the actual damages  
sustained by the plaintiff as a  
result of such unauthorized  
inspection or disclosure, plus

- (ii) in the case of a willful inspection or disclosure or an inspection or disclosure which is the result of gross negligence, punitive damages, plus
- (2) the costs of the action, plus
- (3) in the case of a plaintiff which is described in section [7430\(c\)\(4\)\(A\)\(ii\)](#), reasonable attorneys fees, except that if the defendant is the United States, reasonable attorneys fees may be awarded only if the plaintiff is the prevailing party (as determined under section [7430\(c\)\(4\)](#)).
- (d) Period for bringing action
- Notwithstanding any other provision of law, an action to enforce any liability created under this section may be brought, without regard to the amount in controversy, at any time within 2 years after the date of discovery by the plaintiff of the unauthorized inspection or disclosure.
- (e) Notification of unlawful inspection and disclosure
- If any person is criminally charged by indictment or information with inspection or disclosure of a taxpayer's return or return information in violation of -
- (1) paragraph (1) or (2) of section [7213\(a\)](#),
- (2) section [7213A\(a\)](#), or
- (3) subparagraph (B) of section 1030(a)(2) of title 18, United States Code, the
- Secretary shall notify such taxpayer as soon as practicable of such inspection or disclosure.
- (f) Definitions
- For purposes of this section, the terms "inspect", "inspection", "return", and "return information" have the respective meanings given such terms by section [6103\(b\)](#).
- (g) Extension to information obtained under section [3406](#)
- For purposes of this section -
- (1) any information obtained under section [3406](#) (including information with respect to any payee certification failure under subsection (d) thereof) shall be treated as return information, and
- (2) any inspection or use of such information other than for purposes of meeting any requirement under section [3406](#) or (subject to the safeguards set forth in section [6103](#)) for purposes permitted under section [6103](#) shall be treated as a violation of section [6103](#). For purposes of subsection (b), the reference to section [6103](#) shall be treated as including a reference to section [3406](#).
- (h) Special rule for information obtained under section [6103\(k\)\(9\)](#)
- For purposes of this section, any reference to section [6103](#) shall be treated as including a reference to section 6311.

**EXHIBIT E: SECURITY AND DATA PROTECTION**

Contractor shall certify to The National Institute of Standards and Technology (NIST) 800-171 standard and the DGS Cloud Computing Services Special Provisions publication requirements. At a minimum, provision shall cover the following:

1. The Contractor assumes responsibility of the confidentiality, integrity and availability of the data under its control. The Contractor shall implement and maintain all appropriate administrative, physical, technical, and procedural safeguards at all times during the term of the Agreement to secure such data from data breach or loss, protect the data and information assets from breaches, introduction of viruses, disabling of devices, malware and other forms of malicious or inadvertent acts that can disrupt the State's access to its data or affects the integrity of that data.
2. Confidential, sensitive or personal information shall be encrypted in accordance with SAM 5350.1 and SIMM 5305-A.
3. The Contractor shall comply with statewide policies and laws regarding the use and protection of information assets and data. Unauthorized use of data by Contractor or third parties is prohibited.
4. Signed Security and Confidentiality Statement for all personnel assigned during the term of the Agreement.
5. Apply security patches and upgrades, and keep virus protection software up-to-date on all information asset on which data may be stored, processed, or transmitted.
6. The Contractor shall notify the State data owner immediately if a security incident involving the information asset occurs.
7. The State data owner shall have the right to participate in the investigation of a security incident involving its data or conduct its own independent investigation. The Contractor shall allow the State reasonable access to security logs, latency statistics, and other related security data that affects this Agreement and the State's data, at no cost to the State.
8. The Contractor shall be responsible for all costs incurred by the State due to security incident resulting from the Contractor's failure to perform or negligent acts of its personnel, and resulting in an unauthorized disclosure, release, access, review, destruction; loss, theft or misuse of an information asset. If the contractor experiences a loss or breach of data, the contractor shall immediately report the loss or breach to the State. If the State data owner determines that notice to the individuals whose data has been lost or breached is appropriate, the contractor will bear any and all costs associated with the notice or any mitigation selected by the data owner. These costs include, but are not limited to, staff time, material costs, postage, media announcements, and other identifiable costs associated with the breach or loss of data.
9. The Contractor shall immediately notify and work cooperatively with the State data owner to respond timely and correctly to public records act requests.
10. The Contractor will dispose of records of State data as instructed by the State during the term of this agreement. No data shall be copied, modified, destroyed or deleted by the Contractor other than for normal operation or maintenance during the Agreement period without prior written notice to and written approval by the State.
11. Remote access to data from outside the territorial United States, including remote access to data by authorized support staff in identified support centers, is prohibited unless approved in advance by the State.
12. The physical location of Contractor's data center where the Data is stored shall be within the territorial United States.

**EXHIBIT F: HIPAA Business Associate Agreement**

If Customer is a Covered Entity or a Business Associate and includes Protected Health Information in Customer Data or FastTrack Data, execution of a license agreement that includes the Online Services Terms ("Agreement") will incorporate the terms of this HIPAA Business Associate Agreement ("BAA") into that Agreement. If there is any conflict between a provision in this BAA and a provision in the Agreement, this BAA will control.

**1. Definitions.**

Except as otherwise defined in this BAA, capitalized terms shall have the definitions set forth in HIPAA, and if not defined by HIPAA, such terms shall have the definitions set forth in the Agreement.

"Breach Notification Rule" means the Breach Notification for Unsecured Protected Health Information Final Rule.

"Business Associate" shall have the same meaning as the term "business associate" in 45 CFR § 160.103 of HIPAA.

"Covered Entity" shall have the same meaning as the term "covered entity" in 45 CFR § 160.103 of HIPAA.

"Customer", for this BAA only, means Customer and its Affiliates.

"FastTrack Data" means all data, including all text, sound, video, or image files, and software, that are provided to Microsoft by or on behalf of Customer for Microsoft's performance of the FastTrack Services.

"FastTrack Services" means the onboarding and migration services for Office 365 Services specified as being in scope for this BAA on the FastTrack Center BAA site at <http://aka.ms/FastTrackBAA> (or successor site) that are provided to Customer by Microsoft in connection with Customer's subscription for Office 365 Services, excluding services that are performed using third-party software or software that is not hosted by Microsoft.

"HIPAA" collectively means the administrative simplification provision of the Health Insurance Portability and Accountability Act enacted by the United States Congress, and its implementing regulations, including the Privacy Rule, the Breach Notification Rule, and the Security Rule, as amended from time to time, including by the Health Information Technology for Economic and Clinical Health ("HITECH") Act and by the Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules under the Health Information Technology for Economic and Clinical Health Act and the Genetic Information Nondiscrimination Act; Other Modifications to the HIPAA Rules; Final Rule.

"Microsoft Online Services", for this BAA only, means Office 365 Services, Microsoft Azure Core Services, Microsoft Dynamics 365 Core Services, Microsoft Intune Online Services, Microsoft Power Platform Core Services, and/or Microsoft Cloud App Security, each as defined in the "Data Protection Terms" section of the Online Services Terms incorporated into the Agreement; Microsoft Healthcare Bot; and any additional Azure online services and U.S. Government online services listed as in scope for this BAA on the Microsoft Trust Center at <https://www.microsoft.com/en-us/trustcenter/Compliance/HIPAA> (or successor site); excluding Previews.

"Privacy Rule" means the Standards for Privacy of Individually Identifiable Health Information.

“Protected Health Information” shall have the same meaning as the term “protected health information” in 45 CFR § 160.103 of HIPAA, provided that it is limited to such protected health information that is received by Microsoft from, or created, received, maintained, or transmitted by Microsoft on behalf of, Customer (a) through the use of the Microsoft Online Services or (b) for Microsoft’s performance of the FastTrack Services.

“Security Rule” means the Security Standards for the Protection of Electronic Protected Health Information.

## **2. *Permitted Uses and Disclosures of Protected Health Information.***

- a. Performance of the Agreement for Microsoft Online Services.** Except as otherwise limited in this BAA, Microsoft may Use and Disclose Protected Health Information for, or on behalf of, Customer as specified in the Agreement; provided that any such Use or Disclosure would not violate HIPAA if done by Customer, unless expressly permitted under paragraph b of this Section.
- b. Management, Administration, and Legal Responsibilities.** Except as otherwise limited in this BAA, Microsoft may Use and Disclose Protected Health Information for the proper management and administration of Microsoft and/or to carry out the legal responsibilities of Microsoft, provided that any Disclosure may occur only if: (1) Required by Law; or (2) Microsoft obtains written reasonable assurances from the person to whom the Protected Health Information is Disclosed that it will be held confidentially and Used or further Disclosed only as Required by Law or for the purpose for which it was Disclosed to the person, and the person notifies Microsoft of any instances of which it becomes aware in which the confidentiality of the Protected Health Information has been breached.

## **3. *Responsibilities of the Parties with Respect to Protected Health Information.***

- a. Microsoft’s Responsibilities.** To the extent Microsoft is acting as a Business Associate, Microsoft agrees to the following:
  - (i) Limitations on Use and Disclosure.** Microsoft shall not Use and/or Disclose the Protected Health Information other than as permitted or required by the Agreement and/or this BAA or as otherwise Required by Law. Microsoft shall not disclose, capture, maintain, scan, index, transmit, share or Use Protected Health Information for any activity not authorized under the Agreement and/or this BAA. Neither Microsoft Online Services nor FastTrack Services shall use Protected Health Information for any advertising, Marketing or other commercial purpose of Microsoft or any third party. Microsoft shall not violate the HIPAA prohibition on the sale of Protected Health Information. Microsoft shall make reasonable efforts to Use, Disclose, and/or request the minimum necessary Protected Health Information to accomplish the intended purpose of such Use, Disclosure, or request.
  - (ii) Safeguards.** Microsoft shall: (1) use reasonable and appropriate safeguards to prevent inappropriate Use and Disclosure of Protected Health Information other than as provided for in this BAA; and (2) comply with the applicable requirements of 45 CFR Part 164 Subpart C of the Security Rule.



- (iii) **Reporting.** Microsoft shall report to Customer: (1) any Use and/or Disclosure of Protected Health Information that is not permitted or required by this BAA of which Microsoft becomes aware; (2) any Security Incident of which it becomes aware, provided that notice is hereby deemed given for Unsuccessful Security Incidents and no further notice of such Unsuccessful Security Incidents shall be given; and/or (3) any Breach of Customer's Unsecured Protected Health Information that Microsoft may discover (in accordance with 45 CFR § 164.410 of the Breach Notification Rule). Notification of a Breach will be made without unreasonable delay, but in no event more than five (5) business days after Microsoft's determination of a Breach. Taking into account the level of risk reasonably likely to be presented by the Use, Disclosure, Security Incident, or Breach, the timing of other reporting will be made consistent with Microsoft's and Customer's legal obligations.

For purposes of this Section, "Unsuccessful Security Incidents" mean, without limitation, pings and other broadcast attacks on Microsoft's firewall, port scans, unsuccessful log-on attempts, denial of service attacks, and any combination of the above, as long as no such incident results in unauthorized access, acquisition, Use, or Disclosure of Protected Health Information. Notification(s) under this Section, if any, will be delivered to contacts identified by Customer pursuant to Section 3b(ii) (Contact Information for Notices) of this BAA by any means Microsoft selects, including through e-mail. Microsoft's obligation to report under this Section is not and will not be construed as an acknowledgement by Microsoft of any fault or liability with respect to any Use, Disclosure, Security Incident, or Breach.

- (iv) **Subcontractors.** In accordance with 45 CFR §§ 164.502(e)(1)(ii) and 164.308(b)(2) of HIPAA, Microsoft shall require its Subcontractors who create, receive, maintain, or transmit Protected Health Information on behalf of Microsoft to agree in writing to: (1) the same or more stringent restrictions and conditions that apply to Microsoft with respect to such Protected Health Information; (2) appropriately safeguard the Protected Health Information; and (3) comply with the applicable requirements of 45 CFR Part 164 Subpart C of the Security Rule. Microsoft remains responsible for its Subcontractors' compliance with obligations in this BAA.
- (v) **Disclosure to the Secretary.** Microsoft shall make available its internal practices, records, and books relating to the Use and/or Disclosure of Protected Health Information received from Customer to the Secretary of the Department of Health and Human Services for purposes of determining Customer's compliance with HIPAA, subject to attorney-client and other applicable legal privileges. Microsoft shall respond to any such request from the Secretary in accordance with the Section titled "Disclosure of Customer Data" in the Agreement.
- (vi) **Access.** If Microsoft maintains Protected Health Information in a Designated Record Set for Customer, then Microsoft, at the request of Customer, shall within fifteen (15) days make access to such Protected Health Information available to Customer in accordance with 45 CFR § 164.524 of the Privacy Rule.
- (vii) **Amendment.** If Microsoft maintains Protected Health Information in a Designated Record Set for Customer, then Microsoft, at the request of Customer, shall within fifteen (15) days make available such Protected Health



Information to Customer for amendment and incorporate any reasonably requested amendment

in the Protected Health Information in accordance with 45 CFR § 164.526 of the Privacy Rule.

**(viii) Accounting of Disclosure.** Microsoft, at the request of Customer, shall within fifteen (15) days make available to Customer such information relating to Disclosures made by Microsoft as required for Customer to make any requested accounting of Disclosures in accordance with 45 CFR § 164.528 of the Privacy Rule.

**(viii) Performance of a Covered Entity's Obligations.** To the extent Microsoft is to carry out a Covered Entity obligation under the Privacy Rule, Microsoft shall comply with the requirements of the Privacy Rule that apply to Customer in the performance of such obligation.

**b. Customer Responsibilities.**

**(i) No Impermissible Requests.** Customer shall not request Microsoft to Use or Disclose Protected Health Information in any manner that would not be permissible under HIPAA if done by a Covered Entity (unless permitted by HIPAA for a Business Associate).

**(ii) Contact Information for Notices.** Customer hereby agrees that any reports, notification, or other notice by Microsoft pursuant to this BAA may be made electronically. Customer shall provide contact information as follows (or as Microsoft may specify from time to time): (1) the Azure Security Center for Microsoft Azure Core Services, (2) [MSO-HIPAA@microsoft.com](mailto:MSO-HIPAA@microsoft.com) for other Azure or U.S. Government online services in scope for this BAA, and (3) the Message Center in the Admin Center for other Microsoft Online Services. Contact information (a) for Microsoft Azure Core Services must include the security contact information required on the Azure Security Center, (b) for other Azure or U.S. Government online services in scope for this BAA must include name of individual(s) to be contacted, title of individual(s) to be contacted, e-mail address of individual(s) to be contacted, name of Customer organization, and, if available, Customer's contract number, subscriber identification number, and Microsoft Online Direct Routing Domain (MODRD) (e.g. "contoso.onmicrosoft.com"), and (c) for other Microsoft Online Services must include information required for the Message Center Privacy reader role in the Admin Center. Customer shall ensure that such contact information remains up to date during the term of this BAA. Failure to submit and maintain as current the aforementioned contact information may delay Microsoft's ability to provide Breach notification under this BAA.

**(iii) Safeguards and Appropriate Use of Protected Health Information.** Customer is responsible for implementing appropriate privacy and security safeguards to protect its Protected Health Information in compliance with HIPAA. Without limitation, it is Customer's obligation to:

- 1) Not include Protected Health Information in: (1) information Customer submits to technical support personnel through a technical support request or to community support forums; and (2) Customer's address book or directory information. In addition, Microsoft does not act as, or have the obligations of, a Business Associate under HIPAA with respect to Customer Data or FastTrack Data once it is sent to or from Customer outside Microsoft

Online Services or FastTrack Services over the public Internet, or if Customer fails to

follow applicable instructions regarding physical media transported by a common carrier.

- 2) Implement privacy and security safeguards in the systems, applications, and software Customer controls, configures, and uploads into the Microsoft Online Services or uses in connection with the FastTrack Services.

#### **4. *Applicability of BAA.***

This BAA is applicable to Microsoft Online Services and FastTrack Services. Microsoft may, from time to time, (a) include additional Microsoft online services on the Microsoft Trust Center and/or in the "Data Protection Terms" section of the Online Services Terms incorporated into the Agreement or additional FastTrack Services on the FastTrack Center BAA site, and (b) update the definition of Microsoft Online Services and FastTrack Services in this BAA accordingly, and such updated definitions will apply to Customer without additional action by Customer. It is Customer's obligation to not store or process in an online service, or provide to Microsoft for performance of a professional service, protected health information (as that term is defined in 45 CFR § 160.103 of HIPAA) until this BAA is effective as to the applicable service.

#### **5. *Term and Termination.***

- a. **Term.** This BAA shall continue in effect until the earlier of (1) termination by a Party for breach as set forth in Section 5b, below, or (2) expiration of Customer's Agreement.
- b. **Termination for Breach.** Upon written notice, either Party immediately may terminate the Agreement and this BAA if the other Party is in material breach or default of any obligation in this BAA. Either party may provide the other a thirty (30) calendar day period to cure a material breach or default within such written notice.
- c. **Return, Destruction, or Retention of Protected Health Information Upon Termination.** Upon expiration or termination of this BAA, Microsoft shall return or destroy all Protected Health Information in its possession, if it is feasible to do so, and as set forth in the applicable termination provisions of the Agreement. If it is not feasible to return or destroy any portions of the Protected Health Information upon termination of this BAA, then Microsoft shall extend the protections of this BAA, without limitation, to such Protected Health Information and limit any further Use or Disclosure of the Protected Health Information to those purposes that make the return or destruction infeasible for the duration of the retention of the Protected Health Information.

#### **6. *Miscellaneous.***

- a. **Interpretation.** The Parties intend that this BAA be interpreted consistently with their intent to comply with HIPAA and other applicable federal and state law. Except where this BAA conflicts with the Agreement, all other terms and conditions of the Agreement remain unchanged. Any captions or headings in this BAA are for the convenience of the Parties and shall not affect the interpretation of this BAA.

- b. **BAAs; Waiver.** This BAA may not be modified or amended except in a writing duly signed by authorized representatives of the Parties. A waiver with respect to one event shall not be construed as continuing, as a bar to, or as a waiver of any right or remedy as to subsequent events.
- c. **No Third-Party Beneficiaries.** Nothing express or implied in this BAA is intended to confer, nor shall anything in this BAA confer, **upon** any person other than the Parties, and the respective successors or assigns of the Parties, any rights, remedies, obligations, or liabilities whatsoever.
- d. **Severability.** In the event that any provision of this BAA is found to be invalid or unenforceable, the remainder of this BAA shall not be affected thereby, but rather the remainder of this BAA shall be enforced to the greatest extent permitted by law.
- e. **No Agency Relationship.** It is not intended that an agency relationship (as defined under the Federal common law of agency) be established hereby expressly or by implication between Customer and Microsoft under HIPAA or the Privacy Rule, Security Rule, or Breach Notification Rule. No terms or conditions contained in this BAA shall be construed to make or render Microsoft an agent of Customer.

**EXHIBIT G: STATE OF CALIFORINA TERMS AND CONDITIONS**

**Cloud Computing-Software as a Service (SaaS)**

(Effective 6/7/2019)

Quote Date: 09.01.2022

**Customer**  
City of Sunnyvale  
Attn: Patrick Griffin  
[PGriffin@sunnyvale.ca.gov](mailto:PGriffin@sunnyvale.ca.gov)

**Quoted by:**  
Crayon Software Experts LLC  
12221 Merit Drive, Suite 1400  
Dallas, TX 75251  
Susan McDowell  
[cdt.us@crayon.com](mailto:cdt.us@crayon.com)

**\*\*Budgetary Pricing does not include CDT Fees\*\***

**\*\*Please note a final quote will be issued once final configuration is determined and validated by Microsoft.\*\***

**\*\*FromSA pricing available on initial purchase of G5 licenses only; all reservations and adds will receive full USL pricing.\*\***

					Extended Cost with CDT addition
Pricing for Enterprise Agreement Renewal					
Part Number	Description	Qty	Annual Unit Price	Extended Amount	
	Pricing and Usage Year 2 - 11/01 start - 5 months (11/01/2022 - 03/27/2023)				
	Enterprise Products - Monthly Subscriptions				
AAL-48033	M365 E5 From SA GCC ALNG SubsVL MVL PerUsr	1010	\$ 159.25	\$ 160,842.50	\$ 171,297.26
	Profile: Lite Worker				\$ -
U4S-00002	O365GCCE1 ShrdSvr ALNG SubsVL MVL PerUsr	100	\$ 32.20	\$ 3,220.00	\$ 3,429.30
AAD-32907	EntMobandSecE3Full GCC ShrdSvr ALNG SubsVL MVL PerUsr	100	\$ 38.80	\$ 3,880.00	\$ 4,132.20
	Additional Products - Monthly Subscriptions				
NUY-00001	Dyn365ECASEMngmntGCC ShrdSvr ALNG SubsVL MVL PerUsr	160	\$ 172.40	\$ 27,584.00	\$ 29,376.96
DJW-00001	Dyn365ENonProdP1BAInstGCC ShrdSvr ALNG SubsVL MVL Srvcs	1	\$ 666.60	\$ 666.60	\$ 709.93
NUP-00009	Dyn365ECstEngPlnGCC ShrdSvr ALNG SubsVL MVL PerUsr 1-99Usrs	7	\$ 511.10	\$ 3,577.70	\$ 3,810.25
DJJ-00001	Dyn365EAddlP1BAPrtlGCC ShrdSvr ALNG SubsVL MVL QlfdOffer AddOn	2	\$ 2,222.00	\$ 4,444.00	\$ 4,732.86
7MS-00001	Project Plan3 GCC Shared All Lng Subs VL MVL Per User	24	\$ 113.30	\$ 2,719.20	\$ 2,895.95
P3U-00001	VisioPlan2GCC ShrdSvr ALNG SubsVL MVL PerUsr	47	\$ 56.65	\$ 2,662.55	\$ 2,835.62
	Year 2 Total		\$	209,596.55	\$ 223,220.33
Part Number	Description	Qty	Annual Unit Price	Extended Amount	
	Pricing and Usage Year 3 - 12 months (03/28/2023 - 03/27/2024)				
	Enterprise Products - Monthly Subscriptions				
AAL-48033	M365 E5 From SA GCC ALNG SubsVL MVL PerUsr	1010	\$ 382.20	\$ 386,022.00	\$ 411,113.43
	Profile: Lite Worker				
U4S-00002	O365GCCE1 ShrdSvr ALNG SubsVL MVL PerUsr	100	\$ 77.33	\$ 7,733.00	\$ 8,235.65
AAD-32907	EntMobandSecE3Full GCC ShrdSvr ALNG SubsVL MVL PerUsr	100	\$ 93.20	\$ 9,320.00	\$ 9,925.80
	Additional Products - Monthly Subscriptions				
NUY-00001	Dyn365ECASEMngmntGCC ShrdSvr ALNG SubsVL MVL PerUsr	160	\$ 413.78	\$ 66,204.80	\$ 70,508.11
DJW-00001	Dyn365ENonProdP1BAInstGCC ShrdSvr ALNG SubsVL MVL Srvcs	1	\$ 1,599.84	\$ 1,599.84	\$ 1,703.83
NUP-00009	Dyn365ECstEngPlnGCC ShrdSvr ALNG SubsVL MVL PerUsr 1-99Usrs	7	\$ 1,226.64	\$ 8,586.48	\$ 9,144.60
DJJ-00001	Dyn365EAddlP1BAPrtlGCC ShrdSvr ALNG SubsVL MVL QlfdOffer AddOn	2	\$ 5,332.80	\$ 10,665.60	\$ 11,358.86
7MS-00001	Project Plan3 GCC Shared All Lng Subs VL MVL Per User	24	\$ 271.97	\$ 6,527.28	\$ 6,951.55
P3U-00001	VisioPlan2GCC ShrdSvr ALNG SubsVL MVL PerUsr	47	\$ 135.99	\$ 6,391.53	\$ 6,806.98
	Year 3 Total		\$	503,050.53	\$ 535,748.81
Part Number	Description	Qty	Annual Unit Price	Extended Amount	
	Pricing and Usage Year 4 - 12 months (03/28/2024 - 03/27/2025)				
	Enterprise Products - Monthly Subscriptions				
AAL-48033	M365 E5 From SA GCC ALNG SubsVL MVL PerUsr	1010	\$ 456.44	\$ 461,004.40	\$ 490,969.69
	Profile: Lite Worker				
U4S-00002	O365GCCE1 ShrdSvr ALNG SubsVL MVL PerUsr	100	\$ 77.33	\$ 7,733.00	\$ 8,235.65
AAD-32907	EntMobandSecE3Full GCC ShrdSvr ALNG SubsVL MVL PerUsr	100	\$ 93.20	\$ 9,320.00	\$ 9,925.80
	Additional Products - Monthly Subscriptions				
NUY-00001	Dyn365ECASEMngmntGCC ShrdSvr ALNG SubsVL MVL PerUsr	160	\$ 413.78	\$ 66,204.80	\$ 70,508.11
DJW-00001	Dyn365ENonProdP1BAInstGCC ShrdSvr ALNG SubsVL MVL Srvcs	1	\$ 1,599.84	\$ 1,599.84	\$ 1,703.83
NUP-00009	Dyn365ECstEngPlnGCC ShrdSvr ALNG SubsVL MVL PerUsr 1-99Usrs	7	\$ 1,226.64	\$ 8,586.48	\$ 9,144.60
DJJ-00001	Dyn365EAddlP1BAPrtlGCC ShrdSvr ALNG SubsVL MVL QlfdOffer AddOn	2	\$ 5,332.80	\$ 10,665.60	\$ 11,358.86
7MS-00001	Project Plan3 GCC Shared All Lng Subs VL MVL Per User	24	\$ 271.97	\$ 6,527.28	\$ 6,951.55
P3U-00001	VisioPlan2GCC ShrdSvr ALNG SubsVL MVL PerUsr	47	\$ 135.99	\$ 6,391.53	\$ 6,806.98
	Year 4 Total		\$	578,032.93	\$ 615,605.07
Part Number	Description	Qty	Annual Unit Price	Extended Amount	
	Pricing and Usage Year 5 - 12 months (03/28/2025 - 03/31/2026)				
	Enterprise Products - Monthly Subscriptions				
AAL-48033	M365 E5 From SA GCC ALNG SubsVL MVL PerUsr	1010	\$ 498.02	\$ 503,000.20	\$ 535,695.21
	Profile: Lite Worker				
U4S-00002	O365GCCE1 ShrdSvr ALNG SubsVL MVL PerUsr	100	\$ 77.33	\$ 7,733.00	\$ 8,235.65
AAD-32907	EntMobandSecE3Full GCC ShrdSvr ALNG SubsVL MVL PerUsr	100	\$ 93.20	\$ 9,320.00	\$ 9,925.80
	Additional Products - Monthly Subscriptions				
NUY-00001	Dyn365ECASEMngmntGCC ShrdSvr ALNG SubsVL MVL PerUsr	160	\$ 413.78	\$ 66,204.80	\$ 70,508.11
DJW-00001	Dyn365ENonProdP1BAInstGCC ShrdSvr ALNG SubsVL MVL Srvcs	1	\$ 1,599.84	\$ 1,599.84	\$ 1,703.83
NUP-00009	Dyn365ECstEngPlnGCC ShrdSvr ALNG SubsVL MVL PerUsr 1-99Usrs	7	\$ 1,226.64	\$ 8,586.48	\$ 9,144.60
DJJ-00001	Dyn365EAddlP1BAPrtlGCC ShrdSvr ALNG SubsVL MVL QlfdOffer AddOn	2	\$ 5,332.80	\$ 10,665.60	\$ 11,358.86
7MS-00001	Project Plan3 GCC Shared All Lng Subs VL MVL Per User	24	\$ 271.97	\$ 6,527.28	\$ 6,951.55
P3U-00001	VisioPlan2GCC ShrdSvr ALNG SubsVL MVL PerUsr	47	\$ 135.99	\$ 6,391.53	\$ 6,806.98
	Year 5 Total		\$	620,028.73	\$ 660,330.60
			Total Years 2-5	\$ 1,910,708.74	\$ 2,034,904.81
Contingency amount for additional licences:			\$	200,000.00	\$ 200,000.00
			\$	2,110,708.74	\$ 2,234,904.81



# City of Sunnyvale

## Agenda Item

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22-0544

Agenda Date: 9/27/2022

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### REPORT TO COUNCIL

#### **SUBJECT**

Adopt a Resolution Acknowledging Receipt of a Report from the Department of Public Safety Regarding Annual Fire and Life Safety Inspections Pursuant to Sections 13146.2 Through 13146.4 of the California Health and Safety Code

#### **BACKGROUND**

California Senate Bill 1205 (SB 1205) provides that fire departments must report to their city council every year demonstrating compliance with the mandatory annual inspections of all public and private schools, hotels, motels, lodging houses and apartment houses. The law also provides that the City Council must acknowledge receipt of the information by resolution or another similar formal document.

#### **EXISTING POLICY**

- Council Policy Goal 4.2C: Reduce the demand for fire suppression and hazardous materials response, reduce the severity of the incents and provide protection for the lives, welfare, and environment of people within the community.
- California Health and Safety Code Section 13146.2: requires all fire departments providing fire protection services to inspect annually all hotels, motels, lodging houses and apartment houses.
- California Health and Safety Code Section 13146.3: requires all fire departments providing fire protection services to inspect every building used as a public or private school within its jurisdiction no less than once each year.
- California Health and Safety Code Section 13146.4: requires every fire department that performs annual public and private school, hotel, motel, lodging house and apartment house inspections to report annually to the city council on its compliance with such annual inspections. The annual report to the council shall be acknowledged in a resolution or other similar formal document.

#### **ENVIRONMENTAL REVIEW**

The action under consideration does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to section 15378(a) as it has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

#### **DISCUSSION**

The law requires the Department of Public Safety (DPS) to submit annually to the City Council its rate of compliance with inspections performed for public and private schools, hotels, motels, lodging houses and apartment houses. Adoption of the Resolution (Attachment 1) indicates the City Council’s

acknowledgment of receipt of the Department of Public Safety's report as set forth in California Health and Safety Code Section 13146.4.

The attached Resolution provides DPS' rate of compliance for mandatory fire inspections for public and private schools, hotels, motels, lodging houses and apartment houses.

**EDUCATIONAL GROUP E OCCUPANCIES:** Within the City of Sunnyvale, there are 32 Group E occupancies, buildings structures and/or facilities. These are generally described as public and private schools used by more than six persons at any one time for educational purposes through grade 12. During fiscal year 2021/22, DPS completed annual inspections at all 32 public and private schools, a compliance rate of 100%. DPS attributes the rate of performance to strong collaboration with Sunnyvale schools and administrators.

**RESIDENTIAL GROUP R Occupancies:** Within the City of Sunnyvale, there are 1,185 Group R-1 & R-2 occupancies, buildings, structures and/or facilities. These are generally described as hotels, motels, lodging houses and apartment houses within the jurisdictional limits of the city. During fiscal year 2021/22, DPS completed annual inspections at all 1,185 hotels, motels, lodging houses and apartment houses, a compliance rate of 100%. DPS believes its high rate of compliance is due to significant education and outreach with property owners and managers.

#### **FISCAL IMPACT**

There is no fiscal impact associated with adoption of this Resolution. The Resolution seeks to communicate and acknowledge compliance rates with inspections previously mandated by state law and not obligate DPS to any additional programs or inspections.

#### **PUBLIC CONTACT**

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

#### **RECOMMENDATION**

Adopt a Resolution acknowledging receipt of a report from the Department of Public Safety regarding annual Fire and Life Safety Inspections pursuant to Sections 13146.2 through 13146.4 of the California Health and Safety Code.

Prepared by: Stephanie Huang, Acting Fire Marshal  
Reviewed by: Phan S. Ngo, Director, Public Safety  
Reviewed by: Jaqui Guzmán, Deputy City Manager  
Approved by: Kent Steffens, City Manager

#### **ATTACHMENTS**

1. Resolution

DRAFT 8/3/2022 AMA

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE ACKNOWLEDGING RECEIPT OF  
REPORTING FROM THE DEPARTMENT OF PUBLIC  
SAFETY REGARDING ANNUAL FIRE AND LIFE SAFETY  
INSPECTIONS PURSUANT TO SECTIONS 13146.2  
THROUGH 13146.4 OF THE CALIFORNIA HEALTH AND  
SAFETY CODE**

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3 requires all fire departments that provide fire protection services to perform annual inspections in every building used as public and private schools, hotels, motels, lodging houses and apartment houses, for compliance with building standards; and

WHEREAS, California Health & Safety Code Section 13146.4, enacted in 2018 by California Senate Bill 1205 (SB 1205) requires all fire departments that provide protection services to report annually to the administering authority on its compliance with Sections 13146.2 and 13146.3; and

WHEREAS, the City Council intends this Resolution to fulfill the requirements of the California Health & Safety Code regarding acknowledgement of the Sunnyvale Department of Public Safety's compliance with California Health & Safety Code Sections 13146.2 and 13146.3.

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

1. EDUCATIONAL GROUP E OCCUPANCIES: Within the city of Sunnyvale, there are 32 Group E occupancies, buildings, structures and/or facilities. These are generally described as public and private schools used by more than six persons at any one time for educational purposes through the 12th grade. During fiscal year 2021/2022, the Sunnyvale Department of Public Safety completed 32 Group E inspections, a compliance rate of 100% for this reporting period.
2. RESIDENTIAL GROUP R OCCUPANCIES: Within the city of Sunnyvale, there are 1,185 Group R (and their associated sub-categories) occupancies, buildings, structures and/or facilities. These are generally described as hotels, motels, and apartments of three or more units. During fiscal year 2021/2022, the Sunnyvale Department of Public Safety completed 1,185 Group R inspections, a compliance rate of 100% for this reporting period.



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

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**22-0590**

**Agenda Date: 9/27/2022**

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Adopt a Resolution Amending the City of Sunnyvale Local Conflict of Interest Code

#### **BACKGROUND AND DISCUSSION**

The Political Reform Act requires that every state and local agency adopt a local conflict of interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. Those individuals in the designated positions must then disclose their financial interests as specified in the agency's conflict of interest code.

Every local government agency is required to review its Conflict of Interest Code biennially to determine if the Code is accurate or must be amended. Amendments are necessary if qualifying positions have been added or deleted from the City's classification plan and salary resolution. Amendments to revise titles of existing positions, or to revise disclosure categories are also required.

The City's Conflict of Interest Code applies to the City, as well as designated "City agencies" (i.e., the Successor Agency to the Former Redevelopment Agency of the City of Sunnyvale and the Sunnyvale Financing Authority) and their officers and employees.

The City's Conflict of Interest Code was last amended on March 30, 2021 (Resolution No. 1044-21). Consistent with requirements of the Political Reform Act, the City conducted a biennial review of its Conflict of Interest Code. Staff determined that an amendment is necessary to reflect various changes to classifications that have occurred in the last two years.

This update also includes changes to the language pertaining to consultants retained by the City to more closely align the City's Conflict of Interest Code with Fair Political Practices Commission (FPPC) Regulation 18700.3 (Consultant, Public Official Who Manages Public Investments: Definitions). Based on this FPPC rule, a consultant is a designated employee when the consultant makes governmental decisions or serves in a staff capacity and participates in making a governmental decision.

#### **EXISTING POLICY**

Council Policy 7.3.7 - Standard Conflict of Interest Code

#### **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)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

None.

**PUBLIC CONTACT**

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

**RECOMMENDATION**

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

Prepared by: David Carnahan, City Clerk

Reviewed by: Jaqui Guzmán, Deputy City Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENT**

1. Proposed Resolution and Exhibit "A"
2. Conflict of Interest Code List Updates-Redlines
3. 2022 Local Agency Notice

DRAFT 08/10/2022 MCT

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE AMENDING THE CONFLICT OF  
INTEREST CODE FOR DESIGNATED CITY OFFICERS  
AND EMPLOYEES (RESOLUTION NO. 1044-21) AS  
REQUIRED BY THE POLITICAL REFORM ACT AND  
REGULATIONS OF THE FAIR POLITICAL PRACTICES  
COMMISSION**

WHEREAS, the Political Reform Act requires certain City officials specified in section 87200 of the California Government Code, to file economic disclosure forms (“Form 700”) and abstain from making or participating in governmental decisions which have a reasonably foreseeable material effect on an economic interest; and

WHEREAS, the Political Reform Act requires the City to adopt a local conflict of interest code that enumerates specific City positions other than those specified in Government Code section 87200 which involve making or participating in making decisions which have a reasonably foreseeable material effect on an economic interest, and to designate for each position the types of investments, business positions, interests in real property and sources of income which are reportable based on the scope of the decision-making authority of the position; and

WHEREAS, on March 30, 2021, the City Council adopted a Conflict of Interest Code in compliance with the provisions of the Political Reform Act, Government Code Sections 81000, *et seq.*, through the adoption of Resolution No. 1044-21; and

WHEREAS, the City Council has reviewed and considered administratively suggested changes to the listing of designated positions of City officials and employees, along with assigned disclosure categories, in the Conflict of Interest Code.

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

1. Adoption of Conflict of Interest Code. The City of Sunnyvale Conflict of Interest Code, attached hereto as Appendix A and incorporated herein by this reference, is hereby adopted and includes the following:

- (a) The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in

the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the City of Sunnyvale, the Successor Agency to the Former Sunnyvale Redevelopment Agency, and the Oversight Board for the Successor Agency to the Former Redevelopment Agency.

Public officials and employees shall file Statements of Economic Interests (FPPC Form 700) with the City Clerk, who is designated as the Filing Officer. The City Clerk shall administer this Conflict of Interest Code at the local level and shall notify each public official and employee of his or her filing obligation. Public officials and employees are required to file an Assuming Office Statement when they assume a designated position, an Annual Statement each year and a Leaving Office Statement within thirty days of resignation or termination. Once filed the FPPC Form 700 is a public record and the City Clerk shall make all statements available for public inspection and reproduction, pursuant to Government Code Section 81008. Individuals holding designated positions shall file their statements of economic interests with the City, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the City.

- (b) As the code reviewing body for the Successor Agency to the Former Redevelopment Agency of the City of Sunnyvale and the Sunnyvale Finance Authority, the City Council has determined that the Successor Agency and Finance Authority (i) are not new agencies for the purposes of the Political Reform Act; (ii) do not require the adoption of separate conflict of interest codes; and (iii) will be covered by the City's Conflict of Interest Code as amended hereto.
- (c) Filing statements. Designated officials and employees shall file Statements of Economic Interests in compliance with the provisions of California Code of Regulations Section 18730(b)(5).

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

**Appendix A**

**CITY OF SUNNYVALE – CONFLICT OF INTEREST CODE  
DESIGNATED CITY POSITIONS REQUIRED TO FILE**

Position	Disclosure Category
Accountant	1
Administrative Analyst	1
Administrative Librarian	1
Administrative Services Manager	1
Affordable Housing Manager	1
Assistant City Attorney	1
Assistant City Engineer	1
Assistant City Manager	1
Assistant Director of Community Development	1
Assistant Director of Finance	1
Assistant Director of Public Works/City Engineer	1
Assistant to the City Manager	1
Assistant Planner	1
Associate Planner	1
Budget Analyst I/II	1
Budget Manager	1
Building Inspector I/II	1
Business Operations Manager	2
Business Systems Analyst	1
Buyer I/II	1
Chief Building Official	1
Chief Information Officer	1
City Clerk	1
City Property Administrator	1
Civil Engineer	1
Civilian Assistant Fire Marshal	1
Civilian Fire Marshal	1
Communications Officer	1
Community Resources Manager	1
Deputy Chief Public Safety	1
Deputy City Attorney	1
Deputy City Clerk	1
Deputy City Manager	1
Director of Community Development	1
Director of Environmental Services	1
Director of Human Resources	1
Director of Library and Recreation Services	1
Director of NOVA Workforce Services	1
Director of Public Safety	1
Director of Public Works	1
Economic Development Manager	1
Employment Training Manager	1
Environmental Compliance Inspector	3
Environmental Engineering Coordinator	2

Environmental Programs Manager	1
Equity, Access, and Inclusion Manager	1
Finance Manager	1
Fire Protection Engineer I/II	3
Fire Protection Inspector	3
Fleet Manager	2
Golf Operations Manager	2
Hazardous Materials Inspector	3
Housing Officer	1
Housing Programs Analyst	1
Housing Programs Technician	1
Housing Specialist	1
Human Resources Analyst	1
Human Resources Manager	1
Information Technology Coordinator	1
Information Technology Manager	1
Job Seeker Services Manager	1
Laboratory/Pretreatment Manager	1
Library Circulation Manager	1
Management Analyst	1
Neighborhood Preservation Manager	1
Operations Manager: Facilities	3
Parks Manager	2
Payroll Supervisor	1
Permit Center Coordinator	1
Permit Center Manager	1
Permit Technician	1
Plan Check Engineer	1
Plan Checker I/II	1
Planning Officer	1
Principal Accountant	1
Principal Applications Analyst/Project Manager	1
Principal Buyer	1
Principal Human Resources Analyst	1
Principal Network & Systems Engineer	1
Principal Planner	1
Principal Storekeeper	1
Principal Transportation Engineer/Planner	1
Public Safety Captain	1
Public Safety Communications Manager	1
Public Safety Records Manager	1
Public Works Construction Inspector	3
Public Works Supervisor	2
Purchasing Officer	1
Recreation Services Manager	1
Regulatory Programs Division Manager	1
Risk Manager	1
Senior Accountant	1
Senior Assistant City Attorney	1



Senior Building Inspector	1
Senior Buyer	1
Senior Construction Inspector/Coordinator	1
Senior Engineer	1
Senior Environmental Compliance Inspector	1
Senior Environmental Engineer	1
Senior Hazardous Materials Inspector	1
Senior Housing Rehabilitation Specialist	1
Senior Management Analyst	1
Senior Plan Check Engineer	1
Senior Planner	1
Senior Traffic Engineer	1
Senior Transportation Engineer	1
Senior Transportation Planner	2
Solid Waste Contract Administrator	2
Solid Waste Programs Division Manager	1
Storekeeper I/II	1
Storekeeper/Buyer	1
Street Operations Manager	1
Superintendent of Facilities Maintenance	1
Superintendent of Libraries	1
Superintendent of Parks and Golf	1
Superintendent of Public Works Operations	1
Superintendent of Recreation Services	1
Supervising Librarian	1
Transportation and Traffic Manager	1
Urban Landscape Manager	1
Utility Billing Manager	1
Wastewater Operations Manager	1
Water and Sewer Systems Division Manager	1
Water Operations Manager	1
Water Pollution Control Maintenance Manager	1
Water Pollution Control Operations Manager	1
Water Pollution Control Plant Division Manager	1
Youth and Family Resources Manager	1

Newly created positions between conflict code amendments	As applicable*
Consultants	As applicable**
Retired Annuitants	As applicable***
Casual Employees performing work similar to a designated position	As applicable***
Designated appointees:	
Member, Arts Commission	1
Member, Board of Building Code Appeals	1
Member, Heritage Preservation Commission	1
Member, Housing and Human Services Commission	1
Member, Executive Director, Successor Agency Attorney, Secretary and Treasurer to Successor Agency to the Former Sunnyvale Redevelopment Successor Agency	1

Member, Executive Director, Authority Attorney, Secretary and Treasurer to Sunnyvale Financing Authority	1
--	---

<p>State Required Filers: The following positions are <u>NOT</u> covered by the code because they must file under Government Code Section 87200 and are listed for informational purposes only:</p>	
Mayor	
Councilmember	
City Attorney	
City Manager	
Director of Finance	
Member, Planning Commission	
<p>An individual holding one of the above listed positions (State Required Filers) may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.</p>	

CITY'S CONFLICT OF INTEREST CODE  
DISCLOSURE CATEGORIES

Category 1

A designated employee in this category must report all investments, interests in real property owned in the City of Sunnyvale, sources of income including gifts, loans and travel payments, and business entities in which he or she is a director, officer, partner, trustee, employee or holds any position of management.

Category 2

A designated employee in this category must report sources of income including gifts, loans and travel payments, and business entities in which he or she has an investment or is a director, officer, partner, trustee, employee or holds any position of management, if the business entity or source of income is of the type which has done business with the City of Sunnyvale within the previous two years.

Category 3

A designated employee in this category must report sources of income including gifts, loans and travel payments, and business entities in which he or she has an investment or is a director, officer, partner, trustee, employee or holds any position of management, if the business entity or source of income is of the type which within the previous two years has provided services, equipment, lease space, materials or supplies to the City.

\* City Clerk to work with appropriate department and City Attorney to determine appropriate disclosure category for any newly created position.

\*\* Consultants who serve in a capacity that is the functional equivalent of a designated position shall disclose pursuant to the disclosure category required by this Code for the comparable designated staff position. The City Manager may determine in writing that a particular consultant, although serving in a capacity that is the functional equivalent of a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Section 81008.)

Consultants who serve in a capacity for which there is no equivalent designated position, and whose consulting position entails the making of governmental decisions that may foreseeably have a material effect on any financial interest of the consultant, shall disclose pursuant to Category 1. For purposes of this Code, "making a governmental decision" means to make a decision whether to: (a) approve a rate, rule, or regulation, (b) adopt or enforce a law, (c) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement, (d) authorize the City to enter into, modify, or renew a contract, (e) grant City approval to a contract or to the specifications for such a contract, (f) grant City approval to a plan, design, report, study, or similar item, or (g) adopt, or grant agency approval of, policies, standards, or guidelines for the City. (FPPC Regulation 18700.3.)

\*\*\* Retired annuitants and Casual employees may be included in the list of designated employees when the City Manager, or his or her designee, determines that they are performing work that is the functional equivalent of a designated position. If such a determination is made, then disclosure shall be pursuant to the disclosure category required by this Code for the comparable designated staff position.

CITY OF SUNNYVALE – CONFLICT OF INTEREST CODE  
DESIGNATED CITY POSITIONS REQUIRED TO FILE

Position	Disclosure Category
Accountant	1
Administrative Analyst	1
Administrative Librarian	1
Administrative Services Manager	1
Affordable Housing Manager	1
<del>Applications Development Manager</del>	<del>1</del>
Assistant City Attorney	1
Assistant City Engineer	1
Assistant City Manager	1
Assistant Director of Community Development	1
Assistant Director of Finance	1
Assistant Director of Public Works/City Engineer	1
<u>Assistant to the City Manager</u>	<u>1</u>
Assistant Planner	1
Associate Planner	1
Budget Analyst I/II	1
<u>Budget Manager</u>	<u>1</u>
Building Inspector I/II	1
Business Operations Manager	2
<u>Business Systems Analyst</u>	<u>1</u>
Buyer I/II	1
Chief Building Official	1
Chief Information Officer	1
City Clerk	1
City Property Administrator	1
Civil Engineer	1
Civilian Assistant Fire Marshal	1
Civilian Fire Marshal	1
Communications Officer	1
Community Resources Manager	1
Deputy Chief Public Safety	1
Deputy City Attorney	1
Deputy City Clerk	1
Deputy City Manager	1
Director of Community Development	1
Director of Environmental Services	1
Director of Human Resources	1
Director of Library and Recreation Services	1
Director of NOVA Workforce Services	1
Director of Public Safety	1
Director of Public Works	1
Economic Development Manager	1
Employment Training Manager	1
Environmental Compliance Inspector	3

Environmental Engineering Coordinator	2
Environmental Programs Manager	1
<u>Equity, Access, and Inclusion Manager</u>	<u>1</u>
Finance Manager	1
Fire Protection Engineer <u>I/II</u>	3
Fire Protection Inspector	3
Fleet Manager	2
Golf Operations Manager	2
Hazardous Materials Inspector	3
Housing Officer	1
Housing Programs Analyst	1
Housing Programs Technician	1
<u>Housing Specialist</u>	<u>1</u>
Human Resources Analyst	1
Human Resources Manager	1
Information Technology Coordinator	1
Information Technology Manager	1
Job Seeker Services Manager	1
Laboratory/Pretreatment Manager	1
Library Circulation Manager	1
Management Analyst	1
Neighborhood Preservation Manager	1
Operations Manager: Facilities	3
Parks Manager	2
Payroll Supervisor	1
Permit Center Coordinator	1
Permit Center Manager	1
Permit Technician	1
Plan Check Engineer	1
Plan Checker I/II	1
Planning Officer	1
Principal Accountant	1
Principal Applications Analyst/Project Manager	1
Principal Buyer	1
Principal Human Resources Analyst	1
Principal Network & Systems Engineer	1
Principal Planner	1
Principal Storekeeper	1
Principal Transportation Engineer/Planner	1
Public Safety Captain	1
Public Safety Communications Manager	1
Public Safety Records Manager	1
Public Works Construction Inspector	3
Public Works Supervisor	2
Purchasing Officer	1
Recreation <u>Services</u> Manager	1
Regulatory Programs Division Manager	1
Risk Manager	1
Senior Accountant	1

Senior Assistant City Attorney	1
Senior Building Inspector	1
Senior Buyer	1
Senior Construction Inspector/Coordinator	1
Senior Engineer	1
Senior Environmental Compliance Inspector	1
Senior Environmental Engineer	1
Senior Hazardous Materials Inspector	1
Senior Housing Rehabilitation Specialist	1
Senior Management Analyst	1
Senior Plan Check Engineer	1
Senior Planner	1
Senior Traffic Engineer	1
Senior Transportation Engineer	1
Senior Transportation Planner	2
<u>Street Operations Manager</u>	<u>1</u>
Solid Waste Contract Administrator	2
Solid Waste Programs Division Manager	1
Storekeeper I/II	1
Storekeeper/Buyer	1
<u>Street Operations Manager</u>	<u>1</u>
Superintendent of Facilities Maintenance	1
Superintendent of Libraries	1
Superintendent of Parks and Golf	1
Superintendent of Public Works Operations	1
Superintendent of Recreation Services	1
Supervising Librarian	1
Transportation and Traffic Manager	1
Urban Landscape Manager	1
Utility Billing Manager	1
Wastewater Operations Manager	1
Water and Sewer Systems Division Manager	1
Water Operations Manager	1
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Member, Executive Director, Successor Agency Attorney, Secretary and Treasurer to Successor Agency to the Former Sunnyvale Redevelopment	1

Successor Agency	
Member, Executive Director, Authority Attorney, Secretary and Treasurer to Sunnyvale Financing Authority	1

State Required Filers:

The following positions are NOT covered by the code because they must file under Government Code Section 87200 and are listed for informational purposes only:

<u>Mayor</u>	
Councilmembers	+
City Attorney	+
City Manager	+
Director of Finance	+
Member, Planning Commission	+

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\*City Clerk to work with appropriate department and City Attorney to determine appropriate disclosure category for any newly created position.

~~\*\*Consultants and/or Casual employees are included in the list of designated positions and shall disclose pursuant to Category 1, subject to the following limitation: Consultants who serve in a capacity that is the functional equivalent of a designated position shall disclose pursuant to the disclosure category required by this Code for the comparable designated staff position.~~ The City Manager may determine in writing that a particular consultant, although serving in a capacity that is the functional equivalent of a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Section 81008.)

Consultants who serve in a capacity for which there is no equivalent designated position, and whose consulting position entails the making of governmental decisions that may foreseeably have a material effect on any financial interest of the consultant, shall disclose pursuant to Category 1. For purposes of this Code, "making a governmental decision" means to make a decision whether to: (a) approve a rate, rule, or regulation, (b) adopt or enforce a law, (c) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement, (d) authorize the City to enter into, modify, or renew a contract, (e) grant City approval to a contract or to the specifications for such a contract, (f) grant City approval to a plan, design, report, study, or similar item, or (g) adopt, or grant agency approval of, policies, standards, or guidelines for the City. (FPPC Regulation 18700.3.)

\*\*\*Retired annuitants and Casual employees may be included in the list of designated employees when the City Manager, or his or her designee, determines that they are performing work that is the functional equivalent of a designated position. If such a determination is made, then disclosure shall be pursuant to the disclosure category required by this Code for the comparable designated staff position.

## 2022 Local Agency Biennial Notice

Name of Agency: City of Sunnyvale  
Mailing Address: 456 W. Olive Ave., Sunnyvale, CA 94086  
Contact Person: David Carnahan, City Clerk Phone No. 408-730-7483  
Email: cityclerk@sunnyvale.ca.gov Alternate Email: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☒ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☒ Include new positions
- ☒ Revise disclosure categories
- ☒ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) \_\_\_\_\_

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

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### Verification (to be completed if no amendment is required)

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**



# City of Sunnyvale

## Agenda Item

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**22-0838**

**Agenda Date: 9/27/2022**

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Adopt a Resolution Extending the City's Declaration of Local Emergency for COVID-19

#### **DISCUSSION**

On March 12, 2020, City Manager Kent Steffens declared a local health emergency pursuant to the authority granted to him as the Emergency Services Director in Sunnyvale Municipal Code Chapter 2.16 (Emergency Organization and Functions) and applicable state law. The City Council adopted a resolution ratifying that declaration (Resolution No. 979-20) on March 17, 2020, and resolutions extending the declaration on April 7, 2020 (Resolution No. 981-20), May 26, 2020 (Resolution No. 994-20), July 14, 2020 (Resolution No. 1010-20), August 25, 2020 (Resolution No. 1016-20), October 13, 2020 (Resolution No. 1025-20), December 8, 2020 (Resolution No. 1036-20), February 2, 2021 (Resolution No. 1042-21), March 30, 2021 (Resolution No. 1045-21), May 25, 2021 (Resolution No. 1057-21), July 13, 2021 (Resolution No. 1069-21), August 31, 2021 (Resolution No. 1078-21), October 26, 2021 (Resolution No. 1088-21), December 14, 2021 (Resolution No. 1099-21), February 1, 2022 (Resolution No. 1106-22), March 22, 2022 (Resolution No. 1110-22), May 3, 2022 (Resolution No. 1115-22), June 28, 2022 (Resolution No. 1130-22) and August 9, 2022 (Resolution No. 1139-22).

The state and county have lifted most health mandates. COVID-19 emergency declarations continue in effect so that public health authorities can continue to be nimble in responding to changes in cases, variants, and other issues affecting case counts and virus transmissibility. Therefore, consistent with the state and county, staff recommends that Council adopt the attached resolution extending the City's declaration of a local emergency, to be reviewed again within 60 days pursuant to Government Code section 8630 (California Emergency Services Act), or sooner if conditions and assessments from county and state public health dictate. Extending the local health emergency empowers the City to continue to effectively respond to COVID-19, including, most significantly at this point in the pandemic, remaining eligible for and pursuing potential federal and state reimbursement for costs related to response efforts.

#### **PUBLIC CONTACT**

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

#### **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 sections 15320, 15378 and 15061 (b)(3) as it is an organizational structure change and does not have the potential to result in either a

direct or reasonable foreseeable indirect physical change in the environment.

**STAFF RECOMMENDATION**

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

Prepared by: David Carnahan, City Clerk

Reviewed by: Jaqui Guzmán, Deputy City Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Draft Resolution Extending Emergency Proclamation
2. Resolution No. 1139-22

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE EXTENDING THE CITY  
MANAGER/DIRECTOR OF EMERGENCY SERVICES'  
PROCLAMATION OF EXISTENCE OF A LOCAL  
EMERGENCY (COVID-19)**

WHEREAS on March 12, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a local emergency within the City due to the novel coronavirus (COVID-19), a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, the City Council unanimously ratified and confirmed that proclamation of local emergency on March 17, 2020 by adopting Resolution 979-20; and

WHEREAS, the City Council reviewed and unanimously extended the proclamation of local emergency on April 7, 2020 (Resolution 981-20); May 26, 2020 (Resolution 994-20); July 14, 2020 (Resolution 1010-20); August 25, 2020 (Resolution 1016-20); October 13, 2020 (Resolution 1025-20); December 8, 2020 (Resolution 1036-20); February 2, 2021 (Resolution 1042-21); March 30, 2021 (Resolution 1045-21); May 25, 2021 (Resolution 1057-21); July 13, 2021 (Resolution 1069-21); August 31, 2021 (Resolution 1078-21); October 26, 2021 (Resolution 1088-21); December 14, 2021 (Resolution 1099-21); February 1, 2022 (Resolution 1106-22); March 22, 2022 (Resolution 1120-22); May 3, 2022 (Resolution 1115-22); June 28, 2022 (Resolution 1130-22), and August 9, 2022 (Resolution No. 1139-22); and

WHEREAS, the City Council has reviewed the need to continue the existence of a local emergency and finds that the conditions supporting the declaration of emergency related to COVID-19 continue to exist, for reasons including, but not limited to:

1. The state of emergency for the State of California and Santa Clara County's local emergency declaration related to COVID-19 currently remain in effect.
2. Although most health orders have been lifted, the seven-day test positivity rate COVID-19 in Santa Clara County and statewide averaged 8.2% as of September 6, 2022. Public health authorities recently announced a rollout of a new bivalent booster to target the more recent COVID variants, with the hope of mitigating case rates and severe disease if a winter surge occurs.
3. Many residents and businesses continue to suffer economic hardship that began while COVID-19 health orders and restrictions were in effect.
4. Due to COVID-19 closures and stay-at-home orders, many Sunnyvale residents experienced job loss or reduced hours, and many Sunnyvale businesses experienced reduced

revenues, and/or faced temporary or permanent closures. The recovery period for these individuals and businesses is only beginning. For example, although resources have been identified to help repay landlords for rent lost during the pandemic and to provide tenants with financial assistance to continue making rent payments, many of these resources have been slow or not yet able to distribute funds.

5. The City experienced a loss of revenue from several areas due to closures related to COVID-19.

6. The economic recovery from COVID-19 and its impacts are now estimated to be in terms of years not months.

WHEREAS, the City Council finds that the COVID-19 situation continues to create conditions of peril to the health, safety, and welfare of persons and property in the City of Sunnyvale and is still deemed to be beyond the control of normal protective services, personnel, equipment and facilities of and within the City.

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

1. The City of Sunnyvale hereby proclaims the extension of the period of the Existence of a Local Emergency for an additional 60 days or unless sooner terminated.

2. The Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Sunnyvale.

3. As required by California Government Code section 8630, the City Council shall review the need to continue the state of emergency at least every sixty (60) days until this Resolution is terminated.

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



**RESOLUTION NO. 1139-22****A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE EXTENDING THE CITY  
MANAGER/DIRECTOR OF EMERGENCY SERVICES'  
PROCLAMATION OF EXISTENCE OF A LOCAL  
EMERGENCY (COVID-19)**

WHEREAS on March 12, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a local emergency within the City due to the novel coronavirus (COVID-19), a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, the City Council unanimously ratified and confirmed that proclamation of local emergency on March 17, 2020 by adopting Resolution 979-20; and

WHEREAS, the City Council reviewed and unanimously extended the proclamation of local emergency on April 7, 2020 (Resolution 981-20); May 26, 2020 (Resolution 994-20); July 14, 2020 (Resolution 1010-20); August 25, 2020 (Resolution 1016-20); October 13, 2020 (Resolution 1025-20); December 8, 2020 (Resolution 1036-20); February 2, 2021 (Resolution 1042-21); March 30, 2021 (Resolution 1045-21); May 25, 2021 (Resolution 1057-21); July 13, 2021 (Resolution 1069-21); August 31, 2021 (Resolution 1078-21); October 26, 2021 (Resolution 1088-21); December 14, 2021 (Resolution 1099-21); February 1, 2022 (Resolution 1106-22); March 22, 2022 (Resolution 1120-22); May 3, 2022 (Resolution 1115-22); and June 28, 2022 (Resolution 1130-22); and

WHEREAS, the City Council has reviewed the need to continue the existence of a local emergency and finds that the conditions supporting the declaration of emergency related to COVID-19 continue to exist, for reasons including, but not limited to:

1. The state of emergency for the State of California and Santa Clara County's local emergency declaration related to COVID-19 currently remain in effect.
2. Although most health orders have been lifted, COVID-19 case rates continue to remain high due to a new variant, with the seven-day test positivity rate in Santa Clara County averaging 14.3% as of July 26, 2022. County Public Health has advised people to continue precautions such as indoor masking, moving gatherings outdoors, and similar measures. County and State emergency declarations related to COVID-19 remain in effect, and On July 15, 2022, the Department of Health and Human Services renewed the federal public health emergency declaration related to COVID-19 for an additional three month period.
3. Many residents and businesses continue to suffer economic hardship that began while COVID-19 health orders and restrictions were in effect.

4. Due to COVID-19 closures and stay-at-home orders, many Sunnyvale residents experienced job loss or reduced hours, and many Sunnyvale businesses experienced reduced revenues, and/or faced temporary or permanent closures. The recovery period for these individuals and businesses is only beginning. For example, although resources have been identified to help repay landlords for rent lost during the pandemic and to provide tenants with financial assistance to continue making rent payments, many of these resources have been slow or not yet able to distribute funds.

5. The City experienced a loss of revenue from several areas due to closures related to COVID-19.

6. The economic recovery from COVID-19 and its impacts are now estimated to be in terms of years not months.

WHEREAS, the City Council finds that the COVID-19 situation continues to create conditions of peril to the health, safety, and welfare of persons and property in the City of Sunnyvale and is still deemed to be beyond the control of normal protective services, personnel, equipment and facilities of and within the City.

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

1. The City of Sunnyvale hereby proclaims the extension of the period of the Existence of a Local Emergency for an additional 60 days or unless sooner terminated.

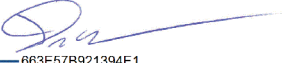
2. The Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Sunnyvale.

3. As required by California Government Code section 8630, the City Council shall review the need to continue the state of emergency at least every sixty (60) days until this Resolution is terminated.

Adopted by the City Council at a regular meeting held on August 9, 2022, by the following vote:

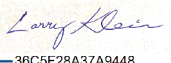
AYES: KLEIN, HENDRICKS, LARSSON, MELTON, DIN, SPITALERI  
NOES:  
ABSTAIN:  
ABSENT: CISNEROS  
RECUSAL:

ATTEST:

DocuSigned by:  
  
663E57B921394E1...

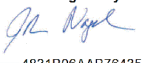
DAVID CARNAHAN  
City Clerk  
(SEAL)

APPROVED:

DocuSigned by:  
  
36C5F28A37A9448...

LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

DocuSigned by:  
  
4831B06AAB76435...

JOHN A. NAGEL  
City Attorney



# City of Sunnyvale

## Agenda Item

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**22-0913**

**Agenda Date: 9/27/2022**

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Reconsider and Affirm Resolution No. 1089-21; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the City Council and Boards, Commissions and Council Subcommittees During the COVID-19 State of Emergency

#### **BACKGROUND**

On March 17, 2020, Governor Gavin Newsom issued Executive Order No. N-29-20, which suspended portions of the Ralph M. Brown Act (California Government Code Sections 54950-54963) that limit the use of teleconferencing for public meetings; the Order was scheduled to sunset when the COVID-19 Pandemic ended. The Ralph M. Brown Act places strict requirements on local legislative bodies regarding the posting, access, and physical location of voting members during public meetings.

Beginning with the March 31, 2020, Council meeting, the City has conducted public meetings utilizing teleconferencing technology to provide for members of the public, staff, and public officials (Councilmembers and board or commission members) to participate virtually.

On August 10, 2021, Council provided direction regarding the format of future public meetings, including continuing virtual-only meetings as long as this model is allowed (RTC No. 21-0718).

On September 16, 2021, the Governor signed AB 361, which took effect immediately as an urgency statute. AB 361 allows for similar teleconferencing exemptions to continue after the September 30, 2021, sunset of Executive Order No. N-08-21, if one of the following circumstances applies:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.

AB 361 requires that a legislative body revisit the state of emergency every 30 days to reevaluate if the circumstances continue to meet one of the conditions listed above.

On September 21, 2021, Santa Clara County Public Health Officer Dr. Sara Cody issued guidance to public meeting bodies such as the Sunnyvale City Council and the City's Boards, Commissions and Council Subcommittees to continue meeting remotely (via teleconference) due to the COVID-19 emergency. Although the Public Health Officer issued a new order on September 12, 2022 rescinding

a number of orders, it did not rescind this recommendation and continues to strongly recommend that people take precautions in indoor settings and that governments require people to wear masks indoors. In addition, the County Board of Supervisors has indicated that it will likely continue to hold meetings virtually into October.

On October 6, 2021, the City Council held a Special Joint meeting with the Santa Clara Valley Water District Board of Directors; the first Sunnyvale meeting conducted under the provisions of Government Code Section 54953 (e) (AB 361). Council made the necessary findings included in Government Code Section 54953 (e) within 30 days on October 26, 2021, by adopting Resolution No. 1089-21 (Attachment 1).

On November 16 and December 14, 2021, and January 4 and 25, February 22, March 22, April 5, May 3, May 24, June 21, July 12, August 9 and August 30, 2022, the City Council reconsidered and affirmed Resolution No. 1089-21; and made findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the City Council and Boards, Commissions and Council Subcommittees during the COVID-19 State of Emergency (See Attachment 4 for draft excerpt Council meeting minutes).

### **EXISTING POLICY**

California Government Code Sections 54950-54963 (Ralph M. Brown Act)

Sunnyvale Resolution No. 1089-21 (Attachment 1)

Sunnyvale Emergency Resolution Nos. 979-20, 981-20, 994-20, 1010-20, 1016-20, 1025-20, 1036-20, 1042-21, 1045-21, 1057-21, 1069-21, 1078-21, 1088-21, 1099-21, 1106-22, 1110-22, 1115-22, 1130-22 and 1139-22 (Attachment 2)

### **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)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **DISCUSSION**

On September 12, 2022, Dr. Cody issued an updated public health order (Attachment 3). This Order, among other guidance, includes a strong recommendation to continue universal use of face coverings indoors.

On September 13, 2022, the Santa Clara County Board of Supervisors adopted Resolution No. BOS-2022-138 continuing virtual public meetings for the Board, along with all other Santa Clara County commissions and advisory bodies. The Board's Resolution incorporated Dr. Cody's September 21, 2021, recommendation for public bodies to continue meeting remotely.

On May 10, 2022, Santa Clara County Public Health issued a press release titled "With COVID-19 Cases on the Rise, County of Santa Clara Health Officials Remind the Public: The Pandemic is Not Over," that included a recommendation to avoid gathering in large groups unless in a well-ventilated space or outside. As of September 15, Santa Clara County COVID-19 test positivity rates remained high, declining from last month with the 7-day average decreasing from 10.9% on August 15 to 6.8% on September 7.

Returning to in-person public meetings for the City Council and the City's Boards, Commissions and Council Subcommittees would put members of the public, staff, and public officials at a greater risk of exposure to COVID-19.

Reaffirming Resolution No. 1089-21 and making findings consistent with Government Code Section 54953(e) would allow City Council and the City's Boards, Commissions and Council Subcommittees to continue conducting public meetings utilizing teleconferencing technology without providing for in-person participation.

Staff will return to Council within 30 days to allow Council an opportunity to reevaluate if the circumstances continue to meet one of the conditions outlined in Government Code Section 54953 (e). This reevaluation and any subsequent reevaluations would refer back to Resolution No. 1089-21 and would also apply to public meetings of the City's Boards, Commissions and Council Subcommittees.

Staff will work with the Mayor to schedule future agenda item(s) addressing the transition to hybrid in-person/virtual public meetings.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

#### **PUBLIC CONTACT**

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

#### **RECOMMENDATION**

Affirm Resolution 1089-21; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the City Council and Boards, Commissions and Council Subcommittees during the COVID-19 State of Emergency:

1. The City Council hereby finds that the state of emergency conditions related to COVID-19, as set forth in Resolution No. 1139-22 adopted on August 9, 2022 and incorporated herein by reference, are on-going;
2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

Prepared by: David Carnahan, City Clerk

Reviewed by: Jaqui Guzmán, Deputy City Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Resolution No. 1089-21
2. Resolution No. 1139-22
3. Health Officer Order - September 12, 2022
4. Draft Excerpt Council Meeting Minutes - August 30, 2022

**RESOLUTION NO. 1089-21****A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SUNNYVALE MAKING FINDINGS PURSUANT TO  
GOVERNMENT CODE SUBDIVISION 54953(E) (AB 361) TO  
CONTINUE VIRTUAL PUBLIC MEETINGS FOR THE CITY  
COUNCIL AND BOARDS, COMMISSIONS AND COUNCIL  
SUBCOMMITTEES DURING THE COVID-19 STATE OF  
EMERGENCY**

WHEREAS, the Ralph M. Brown Act (California Government Code Sections 54950, et seq., hereinafter referred to as the “Brown Act”) requires that public meeting agendas be posted at least 72 hours prior to a regular meeting and at least 24 hours prior to a special meeting; and

WHEREAS, the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met: (1) each teleconference location from which a member is participating is noticed on the agenda; (2) each teleconference location is accessible to the public; (3) members of the public must be able to address the body at each teleconference location; (4) at least one member of the legislative body must be physically present at the location specified in the meeting agenda; and (5) during teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body’s territorial jurisdiction; and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 which suspended the Brown Act teleconferencing requirements so that legislative bodies can hold public meetings solely by teleconference, or otherwise electronically, without listing the teleconference locations and without any physical location, as long as the agenda that is posted 72 hours in advance indicates that the members of the legislative body will be participating by teleconference, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which sunsets the Brown Act provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, on September 17, 2021, Governor Newsom signed urgency ordinance AB 361 which allows a local agency to use teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during a Governor-proclaimed state of emergency pursuant to California Government Code Section 8625 et seq, if the state of emergency continues to directly impact the ability of the members of its legislative bodies to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing; and



WHEREAS, the City Council has made findings, beginning on March 17, 2020 and continuing every 60 days thereafter, most recently by Resolution No. 1078-21 adopted on August 31, 2021, for the continued proclamation of local emergency based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19; and

WHEREAS, beginning with the March 31, 2020 Council meeting, the City has conducted public meetings utilizing teleconferencing technology to provide for members of the public, staff, and public officials to participate without providing for in-person participation, and on August 10, 2021, the City Council provided the direction regarding the format of future public meetings, including continuing virtual-only meetings as long as this model is allowable; and

WHEREAS, on August 2, 2021, due to the delta variant spike in case numbers and hospitalizations, eight Bay Area Health Officers, including Santa Clara County, issued Health Orders requiring face coverings indoors in public places, regardless of vaccination status, beginning August 3, 2021; and

WHEREAS, a recent surge in COVID-19 cases has been reported in the Bay Area and across California as well as the country due to the highly contagious delta variant; and

WHEREAS, federal, state and local health officials are considering the appropriateness of third booster shots for vaccinated individuals in light of waning immunity to COVID-19; and

WHEREAS, Government Code Section 54953(e)(3) requires that the City Council review the need and make findings for continuing the teleconferencing without complying with the agenda posting and public comment requirements at least once every thirty (30) days until Governor terminates the state of emergency; and

WHEREAS, the associated emergency conditions are on-going and there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency and if approved, will be in effect for 30 days and will expire on October 28, 2021 unless staff returns to City Council on or before October 28, 2021 to request to continue the need for teleconferencing; and

WHEREAS, the City Council establishes the bylaws for Council-appointed Boards and Commissions through the adoption of City Council Policy 7.2.9 (Boards and Commissions), which includes provisions related to holding public meetings in compliance with the Brown Act; and

WHEREAS, Boards and Commissions do not have authority under City Council Policy 7.2.9 (Boards and Commissions) to establish their own rules for meeting locations, schedule, or use of teleconferencing, but rather these policies are established by the City Council for all Boards and Commissions.

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

1. The City Council hereby finds that the state of emergency conditions related to COVID-19, as set forth in Resolution No. 1078-21 adopted on August 31, 2021 and incorporated herein by reference, are on-going.

2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.

3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

4. City officials continue to impose or recommend measures to promote social distancing in City facilities.

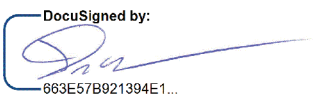
5. Members of the City Council, Council Standing Committees and City Boards and Commission are authorized to use teleconferencing, or other electronic means, to hold its public meetings without noticing the teleconferenced locations on the agenda, without making teleconferenced or physical locations accessible to the public, without posting agendas at teleconferenced locations, without requiring members of the legislative bodies to be physically present at the meeting, and without requiring a quorum of the members of the legislative body to participate from locations with the City's jurisdiction, as long as the agenda that is posted at least 72 hours in advance indicates that members of the legislative body may be participating electronically, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations, in compliance with AB 361, Government Code Section 54953(e).

6. The City Clerk is hereby directed to report to the City Council within thirty (30) days on the need to further continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.

Adopted by the City Council at a regular meeting held on October 26, 2021, by the following vote:

AYES: KLEIN, HENDRICKS, LARSSON, MELTON, FONG, CISNEROS, DIN  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE  
RECUSAL: NONE


ATTEST:

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DAVID CARNAHAN  
City Clerk

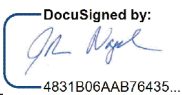
(SEAL)

APPROVED:

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LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

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JOHN A. NAGEL  
City Attorney

**RESOLUTION NO. 1139-22****A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE EXTENDING THE CITY  
MANAGER/DIRECTOR OF EMERGENCY SERVICES'  
PROCLAMATION OF EXISTENCE OF A LOCAL  
EMERGENCY (COVID-19)**

WHEREAS on March 12, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a local emergency within the City due to the novel coronavirus (COVID-19), a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, the City Council unanimously ratified and confirmed that proclamation of local emergency on March 17, 2020 by adopting Resolution 979-20; and

WHEREAS, the City Council reviewed and unanimously extended the proclamation of local emergency on April 7, 2020 (Resolution 981-20); May 26, 2020 (Resolution 994-20); July 14, 2020 (Resolution 1010-20); August 25, 2020 (Resolution 1016-20); October 13, 2020 (Resolution 1025-20); December 8, 2020 (Resolution 1036-20); February 2, 2021 (Resolution 1042-21); March 30, 2021 (Resolution 1045-21); May 25, 2021 (Resolution 1057-21); July 13, 2021 (Resolution 1069-21); August 31, 2021 (Resolution 1078-21); October 26, 2021 (Resolution 1088-21); December 14, 2021 (Resolution 1099-21); February 1, 2022 (Resolution 1106-22); March 22, 2022 (Resolution 1120-22); May 3, 2022 (Resolution 1115-22); and June 28, 2022 (Resolution 1130-22); and

WHEREAS, the City Council has reviewed the need to continue the existence of a local emergency and finds that the conditions supporting the declaration of emergency related to COVID-19 continue to exist, for reasons including, but not limited to:

1. The state of emergency for the State of California and Santa Clara County's local emergency declaration related to COVID-19 currently remain in effect.
2. Although most health orders have been lifted, COVID-19 case rates continue to remain high due to a new variant, with the seven-day test positivity rate in Santa Clara County averaging 14.3% as of July 26, 2022. County Public Health has advised people to continue precautions such as indoor masking, moving gatherings outdoors, and similar measures. County and State emergency declarations related to COVID-19 remain in effect, and On July 15, 2022, the Department of Health and Human Services renewed the federal public health emergency declaration related to COVID-19 for an additional three month period.
3. Many residents and businesses continue to suffer economic hardship that began while COVID-19 health orders and restrictions were in effect.

4. Due to COVID-19 closures and stay-at-home orders, many Sunnyvale residents experienced job loss or reduced hours, and many Sunnyvale businesses experienced reduced revenues, and/or faced temporary or permanent closures. The recovery period for these individuals and businesses is only beginning. For example, although resources have been identified to help repay landlords for rent lost during the pandemic and to provide tenants with financial assistance to continue making rent payments, many of these resources have been slow or not yet able to distribute funds.

5. The City experienced a loss of revenue from several areas due to closures related to COVID-19.

6. The economic recovery from COVID-19 and its impacts are now estimated to be in terms of years not months.

WHEREAS, the City Council finds that the COVID-19 situation continues to create conditions of peril to the health, safety, and welfare of persons and property in the City of Sunnyvale and is still deemed to be beyond the control of normal protective services, personnel, equipment and facilities of and within the City.

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

1. The City of Sunnyvale hereby proclaims the extension of the period of the Existence of a Local Emergency for an additional 60 days or unless sooner terminated.

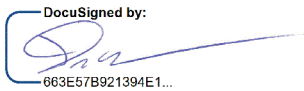
2. The Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Sunnyvale.

3. As required by California Government Code section 8630, the City Council shall review the need to continue the state of emergency at least every sixty (60) days until this Resolution is terminated.

Adopted by the City Council at a regular meeting held on August 9, 2022, by the following vote:

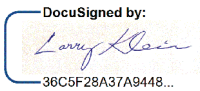
AYES: KLEIN, HENDRICKS, LARSSON, MELTON, DIN, SPITALERI  
NOES:  
ABSTAIN:  
ABSENT: CISNEROS  
RECUSAL:

ATTEST:

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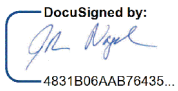
DAVID CARNAHAN  
City Clerk  
(SEAL)

APPROVED:

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LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

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JOHN A. NAGEL  
City Attorney

County of Santa Clara

## Emergency Operations Center

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# Health Order Requiring Use of Face Coverings in Higher-Risk Settings; and Rescission of Prior Health Orders

DATE OF ORDER: September 12, 2022

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND SANTA CLARA COUNTY ORDINANCE CODE SECTION A18-33, THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA (“HEALTH OFFICER”) ORDERS:

- 1. Background and Purpose.** The Health Officer makes this Order in light of the current state of the COVID-19 pandemic emergency. Specifically, at this stage and time of the pandemic, including consideration of the widespread availability of testing and vaccinations and the high level of community vaccination in Santa Clara County (the “County”), the necessity for mandatory orders related to vaccination and access to testing has diminished. However, the risk of COVID-19 in Higher-Risk Settings remains significant, and so it continues to be important for Face Coverings to be used in Higher-Risk Settings. This Order therefore rescinds prior Health Orders, as described in Section 2 below, while maintaining existing Face Covering requirements in Higher-Risk Settings, as set forth in Section 3 below. This Order also sets forth a number of important

recommendations by the Health Officer in response to the continued risks posed by COVID-19 in our community.

**2. Rescission of Prior Health Orders.** The March 7, 2022 Health Officer Order Requiring Up-To-Date COVID-19 Vaccination of Personnel in Higher-Risk Settings is hereby rescinded. The January 31, 2022 Health Officer Order Requiring Certain Healthcare Facilities Within the County to Provide COVID-19 Diagnostic Testing is hereby rescinded. The September 4, 2020 Health Officer Order Mandating that All Health Care Facilities in Santa Clara County Require Healthcare Workers Receive an Annual Influenza Vaccination is hereby rescinded. For clarity, other than the mandatory requirement to wear Face Coverings in Higher-Risk Settings as provided in this Order, all other mandatory COVID-19-related countywide Health Officer Orders that are currently still in effect are hereby rescinded.

**3. Mandatory Requirement to Wear Face Coverings in Higher-Risk Settings.**

- a. Regardless of vaccination status, all persons in Higher-Risk Settings must wear Face Coverings, except in those circumstances or for those persons exempted pursuant to the “Guidance on the Use of Face Masks” issued on April 20, 2022 by the California Department of Public Health (CDPH) and in effect as of September 12, 2022 at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>, and included in this Order as Appendix A. For clarity, this provision does not incorporate any changes to the Guidance made by the CDPH after the Effective Date of this Order.
- b. All businesses and governmental entities with Higher-Risk Settings must enforce this face covering requirement for all personnel and for all customers or members of the public entering Higher-Risk Settings, regardless of vaccination status. All such businesses and governmental entities must post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the Face Covering requirements to all persons entering the facility. In addition, those responsible for indoor public settings are strongly encouraged to provide Face Coverings at no cost to individuals who do not have one upon entry.

**4. Definitions.**



- a. “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership, or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure. For clarity, “business” also includes a for-profit, non-profit, or educational entity performing services or functions under contract with a governmental entity.
- b. “Face Covering” means a face covering that is well-fitted to an individual and covers the nose and mouth especially while talking, consistent with the guidance of the CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric or any mask that has an unfiltered one-way exhaust valve. Individuals are strongly urged to wear KN95, KF94, N95, or similarly protective face coverings.
- c. “Higher-Risk Settings” are settings that involve working indoors in shared air space or proximity to people who are at higher risk of severe illness, hospitalization, or death from COVID-19 because of age or underlying medical condition, as well as congregate settings where outbreaks are likely to occur. For the purposes of this Order, Higher-Risk Settings are those portions of the following facilities where there is shared indoor air space or proximity to patients, clients, or vulnerable populations:
  - i. skilled nursing facilities, long-term care facilities, adult day care facilities, and memory care facilities;
  - ii. healthcare delivery facilities (such as hospitals, clinics, medical offices, dialysis centers, etc.) where patient care is provided, as well as medical first responders while providing medical response;
  - iii. jails and other correctional facilities; and
  - iv. congregate shelters.
  - v. “Personnel” means any of the following individuals who perform onsite functions: employees; contractors and sub-contractors (such as those who deliver goods or perform services onsite); independent contractors; vendors;

volunteers and interns; and any other individuals who routinely are onsite at the request of the business or governmental entity.

**5. Recommendations from the Health Officer.** The Health Officer urges all businesses and governmental entities and individuals to follow the recommendations set forth below:

- a. All eligible persons are strongly urged to get vaccinated and remain up to date with the latest recommended booster against COVID-19 as soon as possible, including receiving the most recent bivalent COVID-19 booster.
- b. Businesses and governmental entities should continue to implement mandatory vaccination requirements for all personnel, subject only to the limited exemptions required by law. Business and governmental entities are encouraged to continue to set forth more stringent standards for those working in Higher-Risk Settings or similar settings that may pose a greater risk to personnel, clients, or the public.
- c. Any person, vaccinated or unvaccinated, who has any symptoms consistent with COVID-19 should get tested immediately and avoid contact with others pending test results.

**6. Strong Recommendation to Continue Universal Use of Face Coverings Indoors.** The Health Officer continues to strongly recommend that all persons continue to wear Face Coverings when in indoor settings with shared air space with persons outside their household, consistent with the provisions of the Health Officer's prior August 2, 2021 Face Covering Order. The Health Officer further recommends that all businesses and governmental entities likewise continue to require use of Face Coverings in all indoor settings with shared airspace.

**7. Applicability.** All individuals, businesses, and other entities in the County are ordered to comply with the applicable provisions of this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when they are in the County. Governmental entities must follow the requirements of this Order applicable to businesses, unless otherwise specifically directed by the Health Officer.

**8. Obligation to Follow Stricter Order.** Where a conflict exists between this Order and any order issued by the State Public Health Officer, the Governor, or a State agency (such as

the California Division of Occupational Safety and Health (Cal/OSHA)) related to the COVID-19 pandemic, the most restrictive mandatory provision controls. For clarity, all individuals and entities must comply with the State Order, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor or a State agency, or any other mandatory provision of State law to the extent it is stricter than any provision of this Order. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except if the State Health Officer issues an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. In addition, to the extent any federal guidelines are inconsistent with this Order, this Order is controlling.

9. **Obligation to Follow State Orders and Regulations.** For clarity, all individuals and entities must continue to comply with the orders of the State Health Officer, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor or a State agency (such as Cal/OSHA), or any other mandatory provision of State law.
10. **Enforcement.** Pursuant to Government Code sections 26602 and 41601, Health and Safety Code section 101029, and Santa Clara County Ordinance Code section A1-34 et seq., the Health Officer requests that the Sheriff, all chiefs of police in the County, and all enforcement officers ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. This Order is also subject to the civil enforcement authority established by Urgency Ordinance No. NS-9.291.
11. **Effective Date.** This Order is effective at 12:01 am on September 13, 2022. This Order shall continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
12. **Copies.** Copies of this Order shall promptly be: (1) made available at the County Government Center at 70 W. Hedding Street, San José, California; (2) posted on the County Public Health Department's COVID-19 website ([covid19.sccgov.org](https://covid19.sccgov.org)); and (3) provided to any member of the public requesting a copy of this Order.

13. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.



# City of Sunnyvale

## Excerpt Meeting Minutes - Draft City Council

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Tuesday, August 30, 2022

5:00 PM

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

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**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM |  
Regular Meeting - 7 PM | Regular Meeting: Sunnyvale Financing Authority - 7 PM (or  
soon thereafter)**

### **7 P.M. COUNCIL MEETING**

#### **CALL TO ORDER**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on August 9, 2022.

Mayor Klein called the meeting to order at 7:25 p.m. via teleconference.

#### **ROLL CALL**

**Present:** 5 - Mayor Larry Klein  
Vice Mayor Alysa Cisneros  
Councilmember Gustav Larsson  
Councilmember Glenn Hendricks  
Councilmember Russ Melton  
**Absent:** 2 - Councilmember Omar Din  
Councilmember Anthony (Tony) Spitaleri

Mayor Klein, Vice Mayor Cisneros and Councilmembers Larsson, Hendricks and Melton attended via teleconference.

Councilmember Spitaleri joined the meeting at 7:27 p.m.

#### **CONSENT CALENDAR**

Public Comment opened at 7:51 p.m.

Steve Scandalis requested agenda items 1.C and 1.I be pulled from the Consent Calendar.

Public Comment closed at 7:52 p.m.

MOTION: Councilmember Melton moved and Councilmember Spitaleri seconded the motion to approve agenda items 1.A, 1.B through 1.H, and 1.J.

The motion carried with the following vote:

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

**No:** 0

**Absent:** 1 - Councilmember Din

- 1.I      [22-0839](#)      Reconsider and Affirm Resolution No. 1089-21; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the City Council and Boards, Commissions and Council Subcommittees During the COVID-19 State of Emergency

Public Hearing opened at 7:59 p.m.

Steve Scandalis spoke in support of the City transitioning to hybrid in-person/virtual public meetings.

Public Hearing closed at 8:02 p.m.

MOTION: Councilmember Melton moved and Councilmember Larsson seconded the motion to affirm Resolution 1089-21; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the City Council and Boards, Commissions and Council Subcommittees during the COVID19 State of Emergency:

1. The City Council hereby finds that the state of emergency conditions related to COVID-19, as set forth in Resolution No. 1139-22 adopted on August 9, 2022 and incorporated herein by reference, are ongoing;
2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without

requiring the teleconference locations to be accessible to the public during the current Governor proclaimed COVID-19 state of emergency; and  
3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

The motion carried with the following vote:

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

**No:** 0

**Absent:** 1 - Councilmember Din

### **ADJOURNMENT**

Mayor Klein adjourned the meeting at 10:49 p.m.



# City of Sunnyvale

## Agenda Item

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**22-0954**

**Agenda Date: 9/27/2022**

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### **SUBJECT**

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

### **BACKGROUND**

The attached Ordinance was introduced at a regular meeting of the City Council held on September 13, 2022 with the following vote: 7-0

### **RECOMMENDATION**

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



**ORDINANCE NO. 3198-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE AMENDING CHAPTER 2.30  
(APPOINTMENT PROCESS TO FILL VACANCIES ON THE  
CITY COUNCIL) OF THE SUNNYVALE MUNICIPAL CODE**

WHEREAS, on November 6, 2018, City of Sunnyvale voters approved an amendment to section 604 of the City of Sunnyvale Charter, which addresses vacancies in City Council seats; and

WHEREAS, amended Charter section 606 allows the City Council to fill certain vacancies by appointment until the next general election or special municipal election consolidated with a statewide election; and

WHEREAS, pursuant to Charter section 606(e), the City Council adopted an ordinance establishing a public process for appointment, codified in Chapter 2.30 of the Sunnyvale Municipal Code; and

WHEREAS, the City Council wishes to amend Chapter 2.30 of the Sunnyvale Municipal Code to make administrative updates and change the voting process for appointing a City Council member when a vacancy occurs.

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

SECTION 1. Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**Chapter 2.30**

**APPOINTMENT PROCESS TO FILL VACANCIES  
ON THE CITY COUNCIL**

- 2.30.010. Purpose and Intent.**
- 2.30.020. Applicability.**
- 2.30.030. Public Process for City Council Appointments.**

**2.30.010. Purpose and Intent.**

The purpose of this chapter is to implement the requirement of City of Sunnyvale Charter section 606(e) by establishing a public process for appointment to fill vacancies on the City Council when appointment is authorized by the City Charter.

**2.30.020. Applicability.**

This chapter applies to appointments permitted under Charter Section 606 to fill vacancies on the City Council when the City Council has elected to fill such vacancy by appointment, and is intended to be consistent with Sunnyvale Charter Section 606. To the extent there is any conflict between the Charter and this chapter, the terms of the Charter shall govern.

**2.30.030. Public Process for City Council Appointments.**

The following process shall be used to fill a City Council vacancy by appointment:

(a) Application Period and Requirements. At the meeting at which the City Council determines to fill a vacancy by appointment, it shall establish application requirements and set an application period for receiving applications and interviewing candidates seeking appointment to the vacant seat. Applications shall require each candidate for mayor to submit signatures supporting the candidacy from at least 20 registered voters in the city and each council district candidate to submit signatures supporting the candidacy from at least 20 registered voters in the applicable district. The City Clerk shall deem any application that does not include the requisite number of qualified signatures incomplete. Candidates who fail to submit complete applications by the deadline shall be deemed ineligible for consideration.

(b) Public Notice of Application Period. The City Clerk shall post the application period and application on the City's website and may also notify the public of the vacancy by other methods in accordance with then applicable practices commonly used by the City for providing broad public notice.

(c) Public Applications. The City Clerk shall distribute the candidates' applications to the City Council and shall make the statements available to the public.

(d) Public Interviews. The City Council shall hold an open and public meeting to interview all eligible candidates. The interview process shall be structured to allow the public to ask questions or provide comment before the interviews.

(e) Public Hearing on Interviews. The City Council shall hold a public hearing to receive public comment after the interviews and prior to making the appointment.

(f) Voting on Appointment. Following the public hearing, the City Council shall vote on the appointment as follows:

- (1) The Mayor shall announce each candidate's name. City Council will vote on each candidate, and each councilmember may vote in support of more than one candidate.
- (2) The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. If no candidate receives the most votes and at least four

affirmative votes, Council may continue with subsequent motions, which may include but are not limited to completing the process described in subsection (f)(1) again, or other motions at the Council's discretion. For example, in the event of a tie between candidates receiving the most affirmative votes, a motion could be made for a vote only on the tied candidates.

(3) At any point after the first round of voting on the entire candidate pool as provided in subsection (f)(1), four or more councilmembers may vote to initiate the following impasse-breaker process:

- i. Using the most recent vote on the entire candidate pool (the "qualifying vote"), the City Clerk will prepare a drawing with the names of all candidates who received the most and second most affirmative votes. The drawing shall be proportional based on the number of affirmative votes the candidate received in the qualifying vote. For example, in the case of a qualifying vote consisting of eight candidates, if candidate A receives two votes, candidate B receives three votes, candidate C receives three votes and the remaining candidates receive zero votes, the drawing will be between candidates A, B and C, with candidate A receiving two entries in the drawing and candidates B and C each receiving three entries in the drawing.
- ii. The mayor will ask the City Attorney to pull a name from the City Clerk's drawing.
- iii. If the candidate drawn by the City Attorney received four or more votes in the qualifying vote, that person shall be declared appointed to fill the vacancy.
- iv. If the candidate drawn by the City Attorney received fewer than four votes in the qualifying vote, the Mayor shall call for a vote to confirm the candidate as the appointee. If the candidate does not receive four or more confirming votes, the candidate is not appointed. The City Attorney will then draw a new name and the process described in this section may continue until a candidate is declared appointed, all names have been drawn, or a motion to continue appointment efforts using alternate provisions of this section is made and approved by a majority of members, whichever occurs first.

(4) It is the intent of the City Council that the provisions of this Chapter be construed to allow the Council every opportunity to make an appointment up to the deadline for such action provided in Charter section 606.

(5) Any appointment requires at least four affirmative votes pursuant to Charter section 606(c).

SECTION 2. 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 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 September 13, 2022, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on September 27, 2022 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

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City Clerk  
(SEAL)

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Mayor

APPROVED AS TO FORM:

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City Attorney



# City of Sunnyvale

## Agenda Item

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**22-0955**

**Agenda Date: 9/27/2022**

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### **SUBJECT**

Adopt Ordinance No. 3199-22 to Amend Section 2.29.010 (Electronic Filing of Campaign Statements and Statements of Economic Interests) of the Sunnyvale Municipal Code Relating to Electronic Filing of Campaign Statements and Statements of Economic Interests to Correct a Typographical Error

### **BACKGROUND**

The attached Ordinance was introduced at a regular meeting of the City Council held on September 13, 2022, with the following vote: 7-0

### **RECOMMENDATION**

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

## ORDINANCE NO. 3199-22

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND SECTION 2.29.010 (ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS TO CORRECT A TYPOGRAPHICAL ERROR**

WHEREAS, the City of Sunnyvale desires to amend Section 2.29.010 of the Sunnyvale Municipal Code Chapter relating to electronic filing of campaign statements and statements of economic interests to correct a typographical error that transposed numbers.

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

SECTION 1. Section 2.29.010 AMENDED. Section 2.29.010 of (Electronic Filing of Campaign Statements and Statements of Economic Interests) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**2.29.010.      Electronic filing of campaign statements and statements of economic interests.**

(a) Any elected officer, candidate, committee or other person required to file statements, reports or other documents required by Chapter 4 (commencing with Section 84100 of the Government Code), except an elected officer, candidate, committee or other person who receives contributions totaling less than one thousand dollars (\$1,000), or makes expenditures totaling less than one thousand dollars (\$1,000), in a calendar year shall file those statements, reports or other documents online or electronically with the city clerk. This section also requires online or electronic filing of Statement of Economic Interest reports (Form 700) by any person holding a position listed in Government Code Section 87200 or designated in a local conflict of interest code adopted pursuant to Government Code section 87300.

(b)-(c) [Text unchanged]

SECTION 2. 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 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 September 13, 2022, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on September 27, 2022, 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

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**22-0914**

**Agenda Date:** 9/27/2022

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**SUBJECT**

Approve Sunnyvale Financing Authority Meeting Minutes of August 30, 2022

**RECOMMENDATION**

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



# City of Sunnyvale

## Meeting Minutes - Draft

### City Council

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Tuesday, August 30, 2022

5:00 PM

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

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**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM |  
Regular Meeting - 7 PM | Regular Meeting: Sunnyvale Financing Authority - 7 PM (or  
soon thereafter)**

#### **7 P.M. (OR SOON THEREAFTER) REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY**

##### **Call to Order**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the Financing Authority made the necessary findings by adopting Resolution No. 1105-22FA, reaffirmed on August 9, 2022.

Authority Chair Klein called the Sunnyvale Financing Authority meeting to order at 8:07 p.m. via teleconference.

##### **Roll Call**

Present: 6 - Authority Chair Larry Klein  
Authority Vice Chair Alysa Cisneros  
Authority Member Gustav Larsson  
Authority Member Glenn Hendricks  
Authority Member Russ Melton  
Authority Member Anthony (Tony) Spitaleri

Absent: 1 - Authority Member Omar Din

Authority Chair Klein, Authority Vice Chair Cisneros and Authority Members Larsson, Hendricks, Melton and Spitaleri attended via teleconference.

##### **Oral Communications**

No speakers.

##### **Consent Calendar**

Public Comment opened at 8:09 p.m.

No speakers.

Public Comment closed at 8:09 p.m.

MOTION: Authority Vice Chair Cisneros moved and Authority Member Melton seconded the motion to approve agenda items 2.A through 2.B.

The motion carried with the following vote:

Yes: 6 - Authority Chair Klein  
Authority Vice Chair Cisneros  
Authority Member Larsson  
Authority Member Hendricks  
Authority Member Melton  
Authority Member Spitaleri

Absent: 1 - Authority Member Din

**2.A**      [22-0840](#)      Approve Sunnyvale Financing Authority Meeting Minutes of August 9, 2022

Approve the Sunnyvale Financing Authority Meeting Minutes of August 9, 2022 as submitted.

**2.B**      [22-0841](#)      Reconsider and Affirm Resolution No. 1105-22FA; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the Sunnyvale Financing Authority During the COVID-19 State of Emergency

Affirm Resolution 1105-22FA; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the Financing Authority during the COVID-19 State of Emergency:

1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1139-22 adopted on August 9, 2022, and incorporated herein by reference, are ongoing;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to

directly impact the ability of members of the Financing Authority to meet safely in person.

**ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING**

Authority Chair Klein adjourned the Sunnyvale Financing Authority meeting at 8:10 p.m.



# City of Sunnyvale

## Agenda Item

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**22-0915**

**Agenda Date: 9/27/2022**

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### **REPORT TO SUNNYVALE FINANCING AUTHORITY**

#### **SUBJECT**

Reconsider and Affirm Resolution No. 1105-22FA; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the Sunnyvale Financing Authority During the COVID-19 State of Emergency

#### **BACKGROUND**

On March 17, 2020, Governor Gavin Newsom issued Executive Order No. N-29-20, which suspended portions of the Ralph M. Brown Act (California Government Code Sections 54950-54963) that limit the use of teleconferencing for public meetings; the Order was scheduled to sunset when the COVID-19 Pandemic ended. The Ralph M. Brown Act places strict requirements on local legislative bodies regarding the posting, access, and physical location of voting members during public meetings.

Beginning with the March 31, 2020, Council meeting, the City has conducted public meetings utilizing teleconferencing technology to provide for members of the public, staff, and public officials (Councilmembers and board or commission members) to participate without in-person participation. The Financing Authority conducted its first virtual public meeting on June 9, 2020.

On August 10, 2021, Council provided direction regarding the format of future public meetings, including continuing virtual-only meetings as long as this model is allowed (RTC No. 21-0718).

On September 16, 2021, the Governor signed AB 361, which took effect immediately as an urgency statute. AB 361 allows for similar teleconferencing exemptions to continue after the September 30, 2021, sunset of Executive Order No. N-08-21, if one of the following circumstances applies:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.

AB 361 requires that a legislative body revisit the state of emergency every 30 days to reevaluate if the circumstances continue to meet one of the conditions listed above.

On September 21, 2021, Santa Clara County Public Health Officer Dr. Sara Cody issued guidance to public meeting bodies such as the Sunnyvale City Council and the Financing Authority to continue meeting remotely (via teleconference) due to the COVID-19 emergency. Although the County Public

Health Officer issued a new order on September 12, 2022 rescinding a number of orders, it did not rescind this recommendation and continues to strongly recommend that people take precautions in indoor settings and that governments require people to wear masks indoors. In addition, the County Board of Supervisors has indicated that it will likely continue to hold meetings virtually into October.

On October 6, 2021, the City Council held a Special Joint meeting with the Santa Clara Valley Water District Board of Directors; the first Sunnyvale meeting conducted under the provisions of Government Code Section 54953 (e) (AB 361). Council made the necessary findings included in Government Code Section 54953 (e) within 30 days on October 26, 2021, by adopting Resolution No. 1089-21.

On January 25, 2022, the Sunnyvale Financing Authority conducted its first meeting under the provisions of Government Code Section 54953 (e) (AB 361) and made the necessary findings by adopting Resolution No. 1105-22FA (Attachment 1).

On February 22, March 22, April 5, May 3, 24, June 21, July 12, August 9, and August 30, 2022, the Financing Authority reconsidered and affirmed Resolution No. 1105-22FA; and made findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings during the COVID-19 State of Emergency (See Attachment 4 for draft excerpt Finance Authority meeting minutes).

### **EXISTING POLICY**

California Government Code Sections 54950-54963 (Ralph M. Brown Act)

Sunnyvale Resolution No. 1105-22FA (Attachment 1)

Sunnyvale Emergency Resolution Nos. 979-20, 981-20, 994-20, 1010-20, 1016-20, 1025-20, 1036-20, 1042-21, 1045-21, 1057-21, 1069-21, 1078-21, 1088-21, 1099-21, 1106-22, 1110-22, 1115-22, 1130-22 and 1139-22 (Attachment 2)

### **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)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **DISCUSSION**

On September 12, 2022, Dr. Cody issued an updated public health order (Attachment 3). This Order, among other guidance, includes a strong recommendation to continue universal use of face coverings indoors.

On September 13, 2022, the Santa Clara County Board of Supervisors adopted Resolution No. BOS-2022-138 continuing virtual public meetings for the Board, along with all other Santa Clara County commissions and advisory bodies. The Board's Resolution incorporated Dr. Cody's September 21, 2021, recommendation for public bodies to continue meeting remotely.

On May 10, 2022, Santa Clara County Public Health issued a press release titled "With COVID-19 Cases on the Rise, County of Santa Clara Health Officials Remind the Public: The Pandemic is Not

Over,” that included a recommendation to avoid gathering in large groups unless in a well-ventilated space or outside. As of September 15, Santa Clara County COVID-19 test positivity rates remained high, declining from last month with the 7-day average decreasing from 10.9% on August 15 to 6.8% on September 7.

Returning to in-person public meetings for the Financing Authority would put members of the public, staff, and public officials at a greater risk of exposure to COVID-19.

Reaffirming Resolution No. 1105-22FA and making findings consistent with Government Code Section 54953(e) would allow the Financing Authority to continue conducting public meetings utilizing teleconferencing technology without providing for in-person participation.

Staff will return to the Financing Authority Board within 30 days to allow the Financing Authority Board an opportunity to reevaluate if the circumstances continue to meet one of the conditions outlined in Government Code Section 54953(e). This reevaluation and any subsequent reevaluations would refer back to Resolution No. 1105-22FA.

Staff will work with the Finance Authority Board Chair to schedule future agenda item(s) addressing the transition to hybrid in-person/virtual public meetings.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

#### **PUBLIC CONTACT**

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

#### **RECOMMENDATION**

Affirm Resolution 1105-22FA; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the Financing Authority during the COVID-19 State of Emergency:

1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1139-22 adopted on August 9, 2022, and incorporated herein by reference, are on-going;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

Prepared by: David Carnahan, City Clerk

Reviewed by: Jaqui Guzmán, Deputy City Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



**ATTACHMENTS**

1. Resolution No. 1105-22FA
2. Resolution No. 1139-22
3. Health Officer Order - September 12, 2022
4. DRAFT Excerpt Financing Authority Meeting Minutes - August 30, 2022

**RESOLUTION NO. 1105-22 FA****A RESOLUTION OF THE CITY OF SUNNYVALE  
FINANCING AUTHORITY MAKING FINDINGS  
PURSUANT TO GOVERNMENT CODE SUBDIVISION  
54953(e) (AB 361) TO CONTINUE VIRTUAL PUBLIC  
MEETINGS DURING THE COVID-19 STATE OF  
EMERGENCY**

WHEREAS, the Ralph M. Brown Act (California Government Code Sections 54950, et seq., hereinafter referred to as the “Brown Act”) requires that public meeting agendas be posted at least 72 hours prior to a regular meeting and at least 24 hours prior to a special meeting; and

WHEREAS, the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met: (1) each teleconference location from which a member is participating is noticed on the agenda; (2) each teleconference location is accessible to the public; (3) members of the public must be able to address the body at each teleconference location; (4) at least one member of the legislative body must be physically present at the location specified in the meeting agenda; and (5) during teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body’s territorial jurisdiction; and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 which suspended the Brown Act teleconferencing requirements so that legislative bodies can hold public meetings solely by teleconference, or otherwise electronically, without listing the teleconference locations and without any physical location, as long as the agenda that is posted 72 hours in advance indicates that the members of the legislative body will be participating by teleconference, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which sunsets the Brown Act provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, on September 17, 2021, Governor Newsom signed urgency ordinance AB 361 which allows a local agency to use teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during a Governor-proclaimed state of emergency pursuant to California Government Code Section 8625 et seq, if the state of emergency continues to directly impact the ability of the members of its legislative bodies to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council made findings, beginning on March 17, 2020 and continuing every 60 days thereafter, most recently by Resolution No. 1098-21 adopted on December 14, 2021, for the continued proclamation of local emergency based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19; and

WHEREAS, beginning with the March 31, 2020 Council meeting, the City has conducted public meetings utilizing teleconferencing technology to provide for members of the public, staff, and public officials to participate without providing for in-person participation, and on August 10, 2021, the City Council provided the direction regarding the format of future public meetings, including continuing virtual-only meetings as long as this model is allowable; and

WHEREAS, due to the spike in case numbers attributable to the omicron variant, the California Department of Public Health issued an indoor mask mandate effective December 15, 2021 through February 15, 2022; and

WHEREAS, an unprecedented surge in COVID-19 cases has been reported in the Bay Area and across California, the United States and the world due to the highly contagious omicron variant; and

WHEREAS, Government Code Section 54953(e)(3) requires that the City Council review the need and make findings for continuing teleconferencing without complying with the agenda posting and public comment requirements at least once every thirty (30) days until Governor terminates the state of emergency; and

WHEREAS, the associated emergency conditions are on-going and there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of; and

WHEREAS, the City Council has made findings and approved teleconferencing for meetings of the Council and all City Boards and Commissions, but has not yet made such findings for the Financing Authority because the Authority meets infrequently.

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

1. The Financing Authority of the City of Sunnyvale hereby finds that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1098-21 adopted on December 14, 2021 and incorporated herein by reference, are on-going.
2. The Financing Authority finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring

the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.

3. The Financing Authority finds that the state of emergency continues to directly impact the ability of members of the City Council and Financing Authority to meet safely in person.

4. City officials continue to impose or recommend measures to promote social distancing in City facilities.

5. Members of the Financing Authority are authorized to use teleconferencing, or other electronic means, to hold its public meetings without noticing the teleconferenced locations on the agenda, without making teleconferenced or physical locations accessible to the public, without posting agendas at teleconferenced locations, without requiring members of the legislative bodies to be physically present at the meeting, and without requiring a quorum of the members of the legislative body to participate from locations with the City's jurisdiction, as long as the agenda that is posted at least 72 hours in advance indicates that members of the legislative body may be participating electronically, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations, in compliance with AB 361, Government Code Section 54953(e).

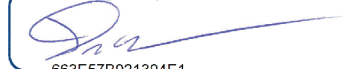
6. The City Clerk is hereby directed to report to the City Council and Financing Authority within thirty (30) days on the need to further continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency.

Adopted by the City of Sunnyvale Financing Authority at a regular meeting held on January 25, 2022, by the following vote:

AYES: KLEIN, HENDRICKS, LARSSON, MELTON, CISNEROS, DIN  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE  
RECUSAL: NONE

ATTEST:

DocuSigned by:

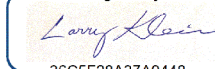


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\_\_\_\_\_  
Financing Authority Secretary  
(SEAL)

APPROVED:

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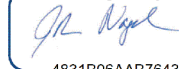


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\_\_\_\_\_  
Financing Authority Chairperson

APPROVED AS TO FORM:

DocuSigned by:



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\_\_\_\_\_  
Financing Authority Counsel

**RESOLUTION NO. 1139-22****A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE EXTENDING THE CITY  
MANAGER/DIRECTOR OF EMERGENCY SERVICES'  
PROCLAMATION OF EXISTENCE OF A LOCAL  
EMERGENCY (COVID-19)**

WHEREAS on March 12, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a local emergency within the City due to the novel coronavirus (COVID-19), a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, the City Council unanimously ratified and confirmed that proclamation of local emergency on March 17, 2020 by adopting Resolution 979-20; and

WHEREAS, the City Council reviewed and unanimously extended the proclamation of local emergency on April 7, 2020 (Resolution 981-20); May 26, 2020 (Resolution 994-20); July 14, 2020 (Resolution 1010-20); August 25, 2020 (Resolution 1016-20); October 13, 2020 (Resolution 1025-20); December 8, 2020 (Resolution 1036-20); February 2, 2021 (Resolution 1042-21); March 30, 2021 (Resolution 1045-21); May 25, 2021 (Resolution 1057-21); July 13, 2021 (Resolution 1069-21); August 31, 2021 (Resolution 1078-21); October 26, 2021 (Resolution 1088-21); December 14, 2021 (Resolution 1099-21); February 1, 2022 (Resolution 1106-22); March 22, 2022 (Resolution 1120-22); May 3, 2022 (Resolution 1115-22); and June 28, 2022 (Resolution 1130-22); and

WHEREAS, the City Council has reviewed the need to continue the existence of a local emergency and finds that the conditions supporting the declaration of emergency related to COVID-19 continue to exist, for reasons including, but not limited to:

1. The state of emergency for the State of California and Santa Clara County's local emergency declaration related to COVID-19 currently remain in effect.
2. Although most health orders have been lifted, COVID-19 case rates continue to remain high due to a new variant, with the seven-day test positivity rate in Santa Clara County averaging 14.3% as of July 26, 2022. County Public Health has advised people to continue precautions such as indoor masking, moving gatherings outdoors, and similar measures. County and State emergency declarations related to COVID-19 remain in effect, and On July 15, 2022, the Department of Health and Human Services renewed the federal public health emergency declaration related to COVID-19 for an additional three month period.
3. Many residents and businesses continue to suffer economic hardship that began while COVID-19 health orders and restrictions were in effect.

4. Due to COVID-19 closures and stay-at-home orders, many Sunnyvale residents experienced job loss or reduced hours, and many Sunnyvale businesses experienced reduced revenues, and/or faced temporary or permanent closures. The recovery period for these individuals and businesses is only beginning. For example, although resources have been identified to help repay landlords for rent lost during the pandemic and to provide tenants with financial assistance to continue making rent payments, many of these resources have been slow or not yet able to distribute funds.

5. The City experienced a loss of revenue from several areas due to closures related to COVID-19.

6. The economic recovery from COVID-19 and its impacts are now estimated to be in terms of years not months.

WHEREAS, the City Council finds that the COVID-19 situation continues to create conditions of peril to the health, safety, and welfare of persons and property in the City of Sunnyvale and is still deemed to be beyond the control of normal protective services, personnel, equipment and facilities of and within the City.

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

1. The City of Sunnyvale hereby proclaims the extension of the period of the Existence of a Local Emergency for an additional 60 days or unless sooner terminated.

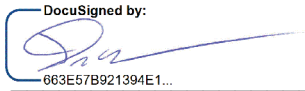
2. The Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Sunnyvale.

3. As required by California Government Code section 8630, the City Council shall review the need to continue the state of emergency at least every sixty (60) days until this Resolution is terminated.

Adopted by the City Council at a regular meeting held on August 9, 2022, by the following vote:

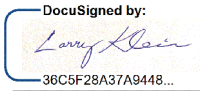
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NOES:  
ABSTAIN:  
ABSENT: CISNEROS  
RECUSAL:

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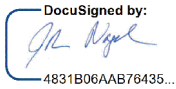
DAVID CARNAHAN  
City Clerk  
(SEAL)

APPROVED:

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LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

DocuSigned by:  
  
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JOHN A. NAGEL  
City Attorney



County of Santa Clara

## Emergency Operations Center

Search...

### Menu



[Home](#) ▶ Health Order Requiring Use of Face Coverings in Higher-Risk Settings; and Rescission of Prior Health Orders

# Health Order Requiring Use of Face Coverings in Higher-Risk Settings; and Rescission of Prior Health Orders

DATE OF ORDER: September 12, 2022

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND SANTA CLARA COUNTY ORDINANCE CODE SECTION A18-33, THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA (“HEALTH OFFICER”) ORDERS:

- 1. Background and Purpose.** The Health Officer makes this Order in light of the current state of the COVID-19 pandemic emergency. Specifically, at this stage and time of the pandemic, including consideration of the widespread availability of testing and vaccinations and the high level of community vaccination in Santa Clara County (the “County”), the necessity for mandatory orders related to vaccination and access to testing has diminished. However, the risk of COVID-19 in Higher-Risk Settings remains significant, and so it continues to be important for Face Coverings to be used in Higher-Risk Settings. This Order therefore rescinds prior Health Orders, as described in Section 2 below, while maintaining existing Face Covering requirements in Higher-Risk Settings, as set forth in Section 3 below. This Order also sets forth a number of important

recommendations by the Health Officer in response to the continued risks posed by COVID-19 in our community.

**2. Rescission of Prior Health Orders.** The March 7, 2022 Health Officer Order Requiring Up-To-Date COVID-19 Vaccination of Personnel in Higher-Risk Settings is hereby rescinded. The January 31, 2022 Health Officer Order Requiring Certain Healthcare Facilities Within the County to Provide COVID-19 Diagnostic Testing is hereby rescinded. The September 4, 2020 Health Officer Order Mandating that All Health Care Facilities in Santa Clara County Require Healthcare Workers Receive an Annual Influenza Vaccination is hereby rescinded. For clarity, other than the mandatory requirement to wear Face Coverings in Higher-Risk Settings as provided in this Order, all other mandatory COVID-19-related countywide Health Officer Orders that are currently still in effect are hereby rescinded.

**3. Mandatory Requirement to Wear Face Coverings in Higher-Risk Settings.**

- a. Regardless of vaccination status, all persons in Higher-Risk Settings must wear Face Coverings, except in those circumstances or for those persons exempted pursuant to the “Guidance on the Use of Face Masks” issued on April 20, 2022 by the California Department of Public Health (CDPH) and in effect as of September 12, 2022 at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>, and included in this Order as Appendix A. For clarity, this provision does not incorporate any changes to the Guidance made by the CDPH after the Effective Date of this Order.
- b. All businesses and governmental entities with Higher-Risk Settings must enforce this face covering requirement for all personnel and for all customers or members of the public entering Higher-Risk Settings, regardless of vaccination status. All such businesses and governmental entities must post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the Face Covering requirements to all persons entering the facility. In addition, those responsible for indoor public settings are strongly encouraged to provide Face Coverings at no cost to individuals who do not have one upon entry.

**4. Definitions.**

- a. “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership, or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure. For clarity, “business” also includes a for-profit, non-profit, or educational entity performing services or functions under contract with a governmental entity.
- b. “Face Covering” means a face covering that is well-fitted to an individual and covers the nose and mouth especially while talking, consistent with the guidance of the CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric or any mask that has an unfiltered one-way exhaust valve. Individuals are strongly urged to wear KN95, KF94, N95, or similarly protective face coverings.
- c. “Higher-Risk Settings” are settings that involve working indoors in shared air space or proximity to people who are at higher risk of severe illness, hospitalization, or death from COVID-19 because of age or underlying medical condition, as well as congregate settings where outbreaks are likely to occur. For the purposes of this Order, Higher-Risk Settings are those portions of the following facilities where there is shared indoor air space or proximity to patients, clients, or vulnerable populations:
  - i. skilled nursing facilities, long-term care facilities, adult day care facilities, and memory care facilities;
  - ii. healthcare delivery facilities (such as hospitals, clinics, medical offices, dialysis centers, etc.) where patient care is provided, as well as medical first responders while providing medical response;
  - iii. jails and other correctional facilities; and
  - iv. congregate shelters.
  - v. “Personnel” means any of the following individuals who perform onsite functions: employees; contractors and sub-contractors (such as those who deliver goods or perform services onsite); independent contractors; vendors;

volunteers and interns; and any other individuals who routinely are onsite at the request of the business or governmental entity.

**5. Recommendations from the Health Officer.** The Health Officer urges all businesses and governmental entities and individuals to follow the recommendations set forth below:

- a. All eligible persons are strongly urged to get vaccinated and remain up to date with the latest recommended booster against COVID-19 as soon as possible, including receiving the most recent bivalent COVID-19 booster.
- b. Businesses and governmental entities should continue to implement mandatory vaccination requirements for all personnel, subject only to the limited exemptions required by law. Business and governmental entities are encouraged to continue to set forth more stringent standards for those working in Higher-Risk Settings or similar settings that may pose a greater risk to personnel, clients, or the public.
- c. Any person, vaccinated or unvaccinated, who has any symptoms consistent with COVID-19 should get tested immediately and avoid contact with others pending test results.

**6. Strong Recommendation to Continue Universal Use of Face Coverings Indoors.** The Health Officer continues to strongly recommend that all persons continue to wear Face Coverings when in indoor settings with shared air space with persons outside their household, consistent with the provisions of the Health Officer's prior August 2, 2021 Face Covering Order. The Health Officer further recommends that all businesses and governmental entities likewise continue to require use of Face Coverings in all indoor settings with shared airspace.

**7. Applicability.** All individuals, businesses, and other entities in the County are ordered to comply with the applicable provisions of this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when they are in the County. Governmental entities must follow the requirements of this Order applicable to businesses, unless otherwise specifically directed by the Health Officer.

**8. Obligation to Follow Stricter Order.** Where a conflict exists between this Order and any order issued by the State Public Health Officer, the Governor, or a State agency (such as

the California Division of Occupational Safety and Health (Cal/OSHA)) related to the COVID-19 pandemic, the most restrictive mandatory provision controls. For clarity, all individuals and entities must comply with the State Order, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor or a State agency, or any other mandatory provision of State law to the extent it is stricter than any provision of this Order. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except if the State Health Officer issues an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. In addition, to the extent any federal guidelines are inconsistent with this Order, this Order is controlling.

9. **Obligation to Follow State Orders and Regulations.** For clarity, all individuals and entities must continue to comply with the orders of the State Health Officer, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor or a State agency (such as Cal/OSHA), or any other mandatory provision of State law.
10. **Enforcement.** Pursuant to Government Code sections 26602 and 41601, Health and Safety Code section 101029, and Santa Clara County Ordinance Code section A1-34 et seq., the Health Officer requests that the Sheriff, all chiefs of police in the County, and all enforcement officers ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. This Order is also subject to the civil enforcement authority established by Urgency Ordinance No. NS-9.291.
11. **Effective Date.** This Order is effective at 12:01 am on September 13, 2022. This Order shall continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
12. **Copies.** Copies of this Order shall promptly be: (1) made available at the County Government Center at 70 W. Hedding Street, San José, California; (2) posted on the County Public Health Department's COVID-19 website ([covid19.sccgov.org](https://covid19.sccgov.org)); and (3) provided to any member of the public requesting a copy of this Order.

13. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.



# City of Sunnyvale

## Excerpt Meeting Minutes - Draft City Council

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Tuesday, August 30, 2022

5:00 PM

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

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**Special Meeting: Closed Session - 5 PM | Special Meeting: Study Session - 5:30 PM |  
Regular Meeting - 7 PM | Regular Meeting: Sunnyvale Financing Authority - 7 PM (or  
soon thereafter)**

### **7 P.M. (OR SOON THEREAFTER) REGULAR MEETING OF THE SUNNYVALE FINANCING AUTHORITY**

#### **Call to Order**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the Financing Authority made the necessary findings by adopting Resolution No. 1105-22FA, reaffirmed on August 9, 2022.

Authority Chair Klein called the Sunnyvale Financing Authority meeting to order at 8:07 p.m. via teleconference.

#### **Roll Call**

Present: 6 - Authority Chair Larry Klein  
Authority Vice Chair Alysa Cisneros  
Authority Member Gustav Larsson  
Authority Member Glenn Hendricks  
Authority Member Russ Melton  
Authority Member Anthony (Tony) Spitaleri

Absent: 1 - Authority Member Omar Din

Authority Chair Klein, Authority Vice Chair Cisneros and Authority Members Larsson, Hendricks, Melton and Spitaleri attended via teleconference.

#### **Consent Calendar**

Public Comment opened at 8:09 p.m.

No speakers.

Public Comment closed at 8:09 p.m.

**MOTION:** Authority Vice Chair Cisneros moved and Authority Member Melton

seconded the motion to approve agenda items 2.A through 2.B.

The motion carried with the following vote:

Yes: 6 - Authority Chair Klein  
Authority Vice Chair Cisneros  
Authority Member Larsson  
Authority Member Hendricks  
Authority Member Melton  
Authority Member Spitaleri

Absent: 1 - Authority Member Din

**2.B**      [22-0841](#)      Reconsider and Affirm Resolution No. 1105-22FA; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the Sunnyvale Financing Authority During the COVID-19 State of Emergency

Affirm Resolution 1105-22FA; and make findings pursuant to Government Code Section 54953(e) (AB 361) to continue virtual public meetings for the Financing Authority during the COVID-19 State of Emergency:

1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1139-22 adopted on August 9, 2022, and incorporated herein by reference, are ongoing;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

#### **ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING**

Authority Chair Klein adjourned the Sunnyvale Financing Authority meeting at 8:10 p.m.





# City of Sunnyvale

## Agenda Item

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22-0907

Agenda Date: 9/27/2022

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### REPORT TO CITY COUNCIL

#### **SUBJECT**

#### **REQUEST FOR CONTINUANCE TO A DATE UNCERTAIN**

Consider a Tenant Protection and Right to Lease Ordinance (Study Issue)

#### **REPORT IN BRIEF**

Informational: Due to the complexity of the Ordinance, staff needed additional time to make further modifications to ensure clarity before bringing the item forward for formal review and consideration.

The public hearings for the Housing and Human Services Commission, Planning Commission and City Council were advertised in the *Sunnyvale Sun* for two sets of hearing dates. Once the Ordinance is ready for public review the public hearings will be re-noticed. Because the item has been publicly noticed, staff is requesting a formal action to continue it to a date uncertain.

#### **PUBLIC CONTACT**

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

The public hearings for the Housing and Human Services Commission, Planning Commission and City Council were advertised in the *Sunnyvale Sun* for two sets of hearing dates. Staff is recommending that the City Council continue this item from their meeting of September 27, 2022, to a date uncertain. A similar recommendation will be made for the City Council hearing of October 11, 2022.

#### **STAFF RECOMMENDATION**

Continue the City Council hearing to a date uncertain.

Prepared by: Ernie Defrenchi, Affordable Housing Manager  
Reviewed by: Jennifer Carloni, Housing Officer  
Reviewed by: Trudi Ryan, Director, Community Development  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

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22-0911

Agenda Date: 9/27/2022

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### REPORT TO COUNCIL

#### SUBJECT

CONTINUED FROM AUGUST 30, 2022

Selection of the Sunnyvale Avenue Underpass Tunnel Option to be Defined as the Proposed Project for the Grade Separation of Crossing of the Caltrain Railroad Tracks for the Environmental Review

#### SUMMARY OF COMMISSION ACTION

The Bicycle and Pedestrian Advisory Commission considered this item at their regular meeting on July 21, 2022.

The Bicycle and Pedestrian Advisory Commission voted to recommend to City Council the Sunnyvale Avenue Bicycle and Pedestrian Only Tunnel Underpass option with the friendly amendment that if the City Council selects the Sunnyvale Avenue Underpass Tunnel option, then a physical barrier between vehicle lanes and bicycle lanes should be included in the tunnel. The vote was 5-0, with Commissioner Beagle recused and Commissioner Bonne absent.

#### PUBLIC CONTACT

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

Additional public outreach performed is listed in Reports to Commission No. 22-0628 and No. 22-0791 and Report to Council No. 22-0041.

#### ALTERNATIVES

1. Selection of the Sunnyvale Avenue Underpass Tunnel option to be defined as the Proposed Project for the grade separation of the Sunnyvale Avenue crossing of the Caltrain railroad tracks for the Environmental Review.
2. Selection of the Sunnyvale Avenue Bicycle and Pedestrian Only Underpass Tunnel option to be defined as the Proposed Project for the grade separation of the Sunnyvale Avenue crossing of the Caltrain railroad tracks for the Environmental Review.

#### STAFF RECOMMENDATION

Alternative 1: Selection of the Sunnyvale Avenue Underpass Tunnel option to be defined as the Proposed Project for the grade separation of the Sunnyvale Avenue crossing of the Caltrain railroad tracks for the Environmental Review.

Staff recommends that the City Council select Alternative 1: the Sunnyvale Avenue Underpass Tunnel option to be defined as the Proposed Project for the grade separation of crossings of the

Caltrain railroad tracks for the environmental review. There are pros and cons for this alternative as described in the Bicycle and Pedestrian Advisory Commission (BPAC) report (RTC No. 22-0628) attachment 15, which is included within Attachment 1 to this report. Based on the review by staff the pros outweigh the cons for this recommendation. The physical separation between the bicycle facility and the vehicular lanes as recommended by the BPAC will be considered as part of the final design process as allowed by the right-of-way width.

At the Sunnyvale Avenue crossing, the Underpass Tunnel option has the following benefits:

- Improves safety by removing the railroad conflict with local traffic modes;
- Decreases noise from rail gates, bells and sounding of train horns;
- Reduces or maintains the overall average vehicular delays on the study intersections compared to both the “no build” and the Bicycle and Pedestrian Only options;
- Greatly improves vehicular travel times for Sunnyvale Avenue compared to both the “no build” and the Bicycle and Pedestrian Only options;
- Improves vehicular travel times for Mathilda Avenue compared to the Bicycle and Pedestrian Only option and maintains the vehicular travel times compared to the “no build” option;
- Greatly improves or maintains vehicular travel times for Fair Oaks Avenue compared to the Bicycle and Pedestrian Only option and generally maintains vehicular travel times compared to the “no build” option;
- Provides separate bicycle and pedestrian facility to cross the Caltrain railroad tracks with direct connections to Evelyn and Hendy avenues;
- Facilitates VTA bus service for students attending Fremont High School and to historically underserved areas with less rerouting compared to the Bicycle and Pedestrian Only option;
- Requires less severe rerouting and less travel time impacts to maintain Downtown access and Caltrain Station connectivity;
- Integrates and connects east side of Sunnyvale Avenue to historic Downtown area; and
- Could potentially increase parking in historic Downtown area parking lot, depending upon final design.

Selecting a project to be the Proposed Project for the environmental review under CEQA will move the project forward as it will allow the environmental review to be completed.

Prepared by: Angela Obeso, Principal Transportation Engineer

Reviewed by: Dennis Ng, Traffic and Transportation Manager

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

## **ATTACHMENTS**

1. Link to August 30, 2022, Report to Council 22-0041



**RTC #:** 22-0041

**Document Title:** Selection of the Mary Avenue Underpass with Jughandle Option and the Sunnyvale Avenue Underpass Tunnel Option to be Defined as the Proposed Projects for the Grade Separation of Crossings of the Caltrain Railroad Tracks for the Environmental Review

**Link:** <https://bit.ly/3el21qA>



# City of Sunnyvale

## Agenda Item

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22-0832

Agenda Date: 9/27/2022

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### REPORT TO COUNCIL

#### SUBJECT

Authorize the City Manager to Execute an Operating Agreement with Bird Rides, Inc. for a One-year Pilot Operation of a Stand-up Electric Scooter Sharing Program

#### BACKGROUND

In October 2018, the City entered a licensing agreement with Lime to operate a dockless bike share pilot program within the City. The program was officially launched on December 17, 2018 with 300 e-bikes, with a goal of eventually operating up to 1,000 e-bikes within the City. Lime bikes were located throughout the City, including popular locations such as the Civic Center, Sunnyvale Public Library, Community Center, City parks, and Sunnyvale downtown. Due to a change in their business model and focus, Lime discontinued their bike share business nationwide. Lime officially terminated the agreement with the City for the pilot program in March 2019.

Since then, staff has been coordinating with the City of Mountain View on partnering with them on a joint program, but due to resource issues and priorities in both jurisdictions, that effort was delayed. In March 2022, Bird Rides, Inc. (Bird) reached out to the City and expressed their interest in launching a pilot share program for stand-up electric scooters in Sunnyvale. Bird is currently operating in the City of Santa Clara and is also in communications with the City of Mountain View to implement a program there as well.

#### EXISTING POLICY

**General Plan, Chapter 3, *Land Use and Transportation Element*:**

- **Goal LT-2: Environmentally Sustainable Land Use and Transportation Planning and Development** - Support the sustainable vision by incorporating sustainable features into land use and transportation decisions and practices.
- **Goal LT-3: An Effective Multimodal Transportation System** - Offer the community a variety of transportation modes for local travel that are also integrated with the regional transportation system and land use pattern. Favor accommodation of alternative modes to the automobile as a means to enhance efficient transit use, bicycling, and walking and corresponding benefits to the environment, person-throughput, and qualitative improvements to the transportation system environment.

#### ENVIRONMENTAL REVIEW

The action being considered is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the pilot program will have no significant effect on the environment. Executing an operating agreement will ensure the companies' operations do not impede the use of streets and sidewalks and

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is beneficial to the citizens of Sunnyvale.

### **DISCUSSION**

The stand-up electric scooter (scooter) sharing pilot program is intended to be an alternative transportation mode for short distanced local travel, which serves as the first-mile/last-mile connection between transit stations, retail, offices and residences. This pilot program could potentially result in reduced congestion, less vehicle trips, and improved air quality as people could choose to use this alternative transportation mode in-lieu of using an automobile. The pilot program is a 12-month long program with the option to extend the pilot for a second year. At the end of the 12-month period, staff will perform an evaluation to: identify concerns, review the operations within the City, and determine long-term viability of the program. The results of the pilot program would lead either to City Council consideration of development of a permanent micro-mobility shared device program, an extension of the pilot for further study for one additional year, or dropping the program within the City.

The pilot program will deploy 300 stand-up electric scooters operated by Bird at launch, with the option to increase up to a maximum of 500 stand-up electric scooters based on usage and demand for scooters. The stand-up electric scooters will be deployed within the public rights-of-way, near businesses, shopping centers and parks, including the Sunnyvale Public Library and Community Center. The scooters will be periodically swapped out with replacement scooters and are brought to Bird's facility for charging and servicing. Users will be able to find and rent scooters using Bird's smartphone app, and will be charged a flat \$1 to start a ride and then subsequently an anticipated \$0.39 per minute of use along with any fees. At the end of each month, Bird will provide ridership data for the City's review to determine if the average number of rides per day per scooter exceeds 1.5 rides per day per scooter. If the metric is met, Bird may deploy 100 additional stand-up electric scooters, with written approval from the City up to the maximum deployment of 500 stand-up electric scooters.

All scooters will be collected at least every three (3) days and repositioned in an orderly manner at high use locations. A 24-hour customer service contact for users and residents to report safety concerns, complaints, or ask questions will be maintained by Bird. The scooters all have unique ID numbers along with a customer service number and email for customers and public concerns. Bird will respond to reports of safety issues with stand-up electric scooters that are incorrectly parked, unsafe, inoperable, and hazardous within two (2) hours of receiving notice. If Bird is unresponsive to service requests, it is anticipated that Transportation staff assisted by Street Operations staff will address the issue and recoup costs from the \$10,000 deposit for potential damages, nuisance scooter removal and storage fees.

The stand-up electric scooters will only be ridden/operated by individuals who are 18 years old and older with a valid driver's license, on public streets with a posted speed limit of 25 miles per hour (mph) or less, or where available in bike lanes and bike paths, consistent with the California Vehicle Code Section 21235.

Stand-up electric scooters are prohibited within City Parks, Caltrain Stations and Santa Clara Valley Transportation Authority (VTA) Light Rail Stations. As mentioned in the previous paragraph, the California Vehicle Code prohibits scooters from operating on streets that have a speed limit of 30 mph or greater with no bike lanes (Class 2, 2B, or 4). These locations shall be marked as "Red Zones" in addition to the locations shown in the Micro-mobility Share Red Zone Map (Attachment 2). The stand-up electric scooters will be configured such that they are not operable within the Red

Zones. The maximum speed for the stand-up electric scooters will be 15 mph.

Before the pilot program is launched, Bird will host an information booth at the Sunnyvale Farmer's Market in downtown Sunnyvale on October 1, 2022. Bird will have information regarding on the upcoming launch and show the community steps in starting a ride with a Bird scooter, including how to download the Bird app, sign a user agreement, verify age, add payment, and complete educational tutorials. Bird will also have information on how to operate a scooter, where to properly park a scooter, safety tips and Red Zone locations. In addition, Bird will answer any questions about the program.

### **FISCAL IMPACT**

The pilot program will be operated and maintained by Bird. As part of the Operating Agreement between the City and Bird (Attachment 1), Bird is required to pay an application fee of \$10,000 to cover the City's costs of processing the application and overseeing the operation of the program. An additional \$10,000 deposit is required to cover damages to public property or nuisance scooter removal and storage fees. Bird is required to respond to reports of safety issues. In the event that Bird fails to address a safety issue, the City may remedy the issue by relocating or impounding the stand-up electric scooter and impose a fee of one-hundred sixty dollars (\$160.00) against the deposit for each stand-up electric scooter addressed. If an impounded stand-up electric scooter is not retrieved by Bird from the corporation yard within one (1) business day, an additional one hundred dollars (\$100.00) per day per scooter storage fee will be imposed. The Department of Public Works Program 13100 - Transportation and Traffic Services will administer the Operating Agreement. Currently, it is anticipated that the existing program budget and staffing resources can manage the program during this pilot period. After this 12-month pilot with Bird, staff will be able to better determine any possible revenue sharing, budget or staffing resource needs associated with an on-going program.

### **PUBLIC CONTACT**

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

### **ALTERNATIVES**

1. Authorize the City Manager to Execute an Operating Agreement with Bird Rides, Inc. for a One-Year Pilot Operation of a Stand-Up Electric Scooter Sharing Program and Authorize the City Manager to exercise the option for an additional one year upon determination that it is in the best interest of the City
2. Do Not Authorize the City Manager to Execute an Operating Agreement with Bird Rides, Inc. for a One-Year Pilot Operation of a Stand-Up Electric Scooter Sharing Program
3. Provide other direction to staff as determined by Council

### **STAFF RECOMMENDATION**

Alternative 1: Authorize the City Manager to Execute an Operating Agreement with Bird Rides, Inc. for a One-Year Pilot Operation of a Stand-Up Electric Scooter Sharing Program and Authorize the

City Manager to exercise the option for an additional one year upon determination that it is in the best interest of the City

In order to provide alternative transportation mode options for short distance trips, staff recommends authorizing the City Manager to execute an operating agreement with Bird Rides, Inc. for a one-year pilot operation of a stand-up electric scooter sharing program. This alternative transportation mode serves as the first-mile/last-mile between transit stations, retail, offices and residences that will enhance efficient transit use, walking and benefits to the environment and to the citizens of Sunnyvale.

Prepared by: Joshua Llamas, Traffic Engineering Technician 2

Reviewed by: Dennis Ng, Transportation and Traffic Manager

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Stand-up Electric Scooter Pilot Operating Agreement
2. Micro-mobility Share Red Zone Map



**STAND-UP ELECTRIC SCOOTER**  
**PILOT OPERATING AGREEMENT**

This Pilot Operating Agreement (the “Agreement”) is entered into by and between BIRD RIDES, INC., located at 8605 Santa Monica Blvd., #20388 West Hollywood, CA 90069 (“Company”), and the CITY OF SUNNYVALE (the “City”) located in Santa Clara County (the “County”), on October 10, 2022 (“Effective Date”). The City and Company are referred to collectively herein as “Parties,” and individually as “Party.”

In consideration of the mutual covenants and representations set forth in this Agreement, Company and the City hereby agree to launch a pilot Stand-Up electric scooter sharing program as follows:

**1. Statement and Purpose**

The purpose of this Agreement is to authorize the establishment of a pilot operation of a Stand-up electric scooter sharing system within the City (the “Pilot”) and to establish rules, performance standards, and regulations governing the Pilot to ensure that the Pilot is consistent with the safety and well-being of bicyclists, pedestrians, and other users of the public rights-of-way, and does not create a public nuisance.

**2. Scope**

This Agreement and its terms apply to the proposed deployment of Stand-up electric scooter sharing systems within the City’s jurisdictional boundaries by Company in connection with the Pilot. Company shall not deploy a Stand-up electric scooter sharing system in the City in violation of this Agreement. This Agreement and the Pilot shall remain in effect for a period of one (1) year from the Effective Date, with an option to extend for an additional (1) year if the City Manager, in his/her sole discretion, determines that extension of the Pilot is in the best interest of the City and so notifies Company in writing of such extension.

**3. Procedures Prior to Operation/Application Fee**

Prior to commencing operations in accordance with this Agreement, Company shall:

- a. provide an affidavit of compliance with the terms and conditions of this Agreement for City’s review and approval; and
- b. obtain a business license from the City; and
- c. submit a marketing and outreach plan to the City for approval. Such plan shall include one community outreach prior to launching and two during the first three months of the pilot program. This plan will promote and inform residents and businesses about the program; and

- d. pay an application fee of ten thousand dollars (\$10,000.00) to cover the City's costs of processing the Company's application and this Agreement, as well as overseeing the operation of the Pilot; and
- e. pay a deposit of ten thousand dollars (\$10,000.00) for damage to public property or nuisance scooter removal and storage fees.

Upon the City's written approval that Company has completed the above conditions, and has implemented and is adhering to the rules and performance standards contained herein, Company may deploy Stand-up electric scooters in the City and commence operations pursuant to the Pilot.

#### **4. Operating Regulations**

- a. Company, and/or its service providers, agents or assigns, shall be responsible for operating a Stand-up electric scooter program in the City in accordance with the below requirements.
- b. Stand-up electric scooters shall mean a device weighing less than 150 pounds, that (i) has handlebars and an electric motor, (ii) is solely powered by the electric motor and/or human power, and (iii) has a maximum speed of no more than 15 mph on a paved level surface when powered solely by the electric motor.
- c. Stand-up electric scooters are to be ridden on 25 mph streets, or where available, in bike lanes and bike paths. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Exhibit A to this Agreement shows specific streets, marked as "Red Zones", where Stand-up electric scooters shall not be ridden on. Company shall configure Stand-Up electric scooters such that they are not operable in such Red Zones. All exhibits referenced in this Agreement are attached hereto and incorporated herein by reference. The City reserves the right to amend Exhibit A.
- d. Stand-up electric scooters are not allowed in City Parks, Caltrain Stations and Santa Clara Valley Transportation Authority (VTA) Light Rail Stations. Company shall configure Stand-Up electric scooters such that they are not operable in these areas. However, if a bike path exists within a City Park, then Stand-up electric scooters may be ridden only on the bike path.
- e. Users of Stand-up electric scooters shall be 18 years old or older with a valid driver's license. Individuals under the age of 18 years or who do not have a valid driver's license shall not be given an account with Company to utilize Stand-up electric scooters in the City. Users of Stand-up electric scooters who violate these provisions may be fined by the Company.
- f. Company shall provide easily visible, unique Stand-up electric scooter identifier and contact information, including a toll-free phone number and/or e-mail address maintained by Company,

on each Stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices.

- g. Hours of operation when the Company's Stand-up electric scooters will be made available to rent for residents are from 4 a.m. to 2 a.m. (Pacific Standard Time).
- h. All scooters will be collected at least every three (3) days and repositioned in an orderly manner at high use locations.
- i. Company shall provide 300 stand-up electric scooters at launch, with additional cap increases up to a maximum of 500 stand-up electric scooters to be granted upon receiving written permission by the City Manager.

## **5. Parking**

- a. Company shall ensure that users guidelines state that Stand-up electric scooters shall be parked upright in the furniture zone of the sidewalk, defined as the section of the sidewalk between the curb and the through zone in which street furniture and other amenities are provided, beside a bicycle rack or in another area specifically designated for bicycle parking, or on the street next to an unmarked curb.
- b. Company shall ensure that users guidelines state that Stand-up electric scooters shall not be parked in such a manner as to block the pedestrian clear zone area of the sidewalk, any fire hydrant, call box or other emergency facility, bus bench, or utility pole or box.
- c. Company shall ensure that users guidelines state that users shall not park Stand-up electric scooters in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.
- d. Company shall ensure that users guidelines state that users shall not park Stand-up electric scooters in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
- e. Company shall ensure that user guidelines state that users may park Stand-up electric scooters in on-street parking spaces in the following circumstances:
  - i. When marked parking spaces are officially designated stations for such devices in business districts;
  - ii. Where the furniture zone is less than three feet wide;
  - iii. Where there is no furniture zone;
  - iv. In neighborhoods with rolled curbs, or with inadequate sidewalk space; or
  - v. In marked parking spaces designated for motorcycles.

- f. Company shall ensure that users guidelines state that users may park Stand-up electric scooters on blocks without sidewalks only if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.
- g. Company shall ensure that users guidelines state that users shall not park Stand-up electric scooters in the landscape/furniture zone directly adjacent to or within the following areas, such that access is impeded:
  - i. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
  - ii. Loading zones;
  - iii. Disabled parking zones;
  - iv. Street furniture zones that require pedestrian access (e.g., benches, parking pay stations, bus shelters, transit information signs, etc.);
  - v. Curb ramps;
  - vi. Entryways; and
  - vii. Driveways.
- h. Users of Stand-up electric scooters who violate the guidelines stated in the above-referenced provisions may be fined by Company.
- i. Company may stage its Stand-up electric scooters in permitted parking areas as described in this Agreement. To the extent Company desires to stage Stand-up electric scooters in areas other than the public right-of-way, Company must first obtain the written right or approval to do so from the appropriate City department, property owner, or public agency.
- j. Company may deploy its Stand-up electric scooters at the Sunnyvale Public Library and Sunnyvale Community Center in designated scooter parking areas. The designated scooter parking areas are shown on a map attached hereto as **Exhibit B**.
- k. In the event that users of Company's Stand-up electric scooters are consistently violating the Parking requirements outlined in this Section 5, under the sole determination of the City Manager, the City Manager may terminate this Agreement in accordance with Section 11 below and Company shall immediately remove Stand-up electric scooters from the public right-of-way upon or before such termination date.

## 6. Operations

- a. Company will use best efforts to partner with a business or individual located within the City for fleet manager services associated with the Pilot. Prior to the Effective Date, Company shall

provide the contact information of the fleet manager to the City in writing. If there is a change in fleet manager, Company shall notify the City two (2) weeks prior to the change.

- b. Company shall maintain 24-hour customer service for users and citizens to report safety concerns, complaints, or to ask questions. Company shall maintain a multilingual website, call center, and/or mobile app customer interface that is available to users twenty-four hours a day, seven days a week. The aforementioned shall be compliant with the Americans with Disabilities Act.
- c. Company shall provide City with the contact information (phone and email) for the employee(s) or subcontractor(s) responsible for removing improperly parked or inoperable Stand-up electric scooters. Company is responsible for ensuring that said employee(s) or subcontractors be available during operating hours for the Stand-up electric scooters, such that City may contact the employee(s) and/or subcontractor directly to report issues with Stand-up scooters and request remediation.
- d. In the event a safety or maintenance issue is reported for a specific device, that Stand-up electric scooter shall be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.
- e. Company shall respond to reports of incorrectly parked Stand-up electric scooters, Stand-up electric scooters continuously parked in one location for more than 72 hours, Stand-up electric scooters that are left in a hazardous or improper locations, or unsafe/inoperable Stand-up electric scooters, by relocating, re-parking, or removing the Stand-up electric scooters, as appropriate, within two (2) hours of receiving notice that includes the unique Stand-up scooter identifier or location of the Stand-up electric scooter.
- f. In the event that Company fails to address a safety or maintenance issue within the aforementioned timeframe, the City may remedy the issue by moving or impounding the Stand-up electric scooter. The City shall impose a fee of one hundred sixty dollars (\$160.00) against the Company for each Stand-up electric scooter issue that the City has to address on Company's behalf ("City-Services Fee"). If the City receives a report that a Stand-up electric scooter poses an immediate threat to the health and/or safety of the public (in the sole determination of the City), the City may immediately remove or impound the Stand-up electric scooter and may impose the City-Services Fee, regardless of whether or not the two-hour response period has elapsed. If impoundment or removal of a particular Stand-up electric scooter requires extraordinary measures (e.g., a Stand-up electric scooter must be retrieved from a waterway), then the City may elect to charge Company for the actual, verifiable costs of such extraordinary removal or impoundment upon provision of documentation demonstrating the extraordinary costs. The Company shall remit all imposed fees and costs to the City within thirty (30) days of invoice.

- g. Impounded Stand-up electric scooter shall be picked-up within one (1) business day at the City's Corporation Yard located at 221 Commercial Street, Sunnyvale, California. If the Stand-up electric scooter Company fails to retrieve the impounded Stand-up electric scooter within the timeframe, the City will charge and additional fee of \$100/day for each scooter against the Company.
- h. Company shall ensure that its guidelines provide notice to all users that:
  - i. Stand-up electric scooters are to be ridden on 25 mph streets, or where available, in bike lanes and bike paths;
  - ii. Users are required to comply with all applicable vehicle code sections during operation of Stand-up electric scooters;
  - iii. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles on bike lanes and bike paths;
  - iv. Helmets are encouraged for all users;
  - v. Parking must be done in the designated areas; and
  - vi. Riding responsibly is encouraged.
- i. Stand-up electric scooter users are required to take a photo and upload the photo to the mobile app whenever they park the scooter at the end of a ride.
- j. Company shall provide written guidelines to Stand-up electric scooter users on the City's existing rules and regulations, safe and courteous riding, and proper parking.
- k. In the event Company has consistently failed to comply with the Operations requirements outlined in this Section 6, including failure to pay fees due to the City, under the sole determination of the City Manager, the City Manager may terminate this Agreement and Company shall immediately remove Stand-up electric scooters from the public right-of-way upon or before such termination date.

## **7. Data Sharing**

The City requires the Company to provide anonymized information on the entire fleet and ride activity data for all trips starting or ending within the jurisdiction of the City on any scooter of Company or of any person or company controlled by, controlling, or under common control with Company to ensure individual privacy provided that:

- a. Such data is provided via an application programming interface, subject to Company's license agreement for such interface;
- b. Is in compliance with a national data format specification, such as the Mobility Data Specification (MDS) format developed by the Los Angeles Department of Transportation;

- c. Company shall provide the following anonymized data to the City on a monthly basis:
  - i. Each trip record;
  - ii. Monthly summary trips;
  - iii. Dominant origins, destinations and routes within Sunnyvale;
  - iv. Point location in GPS coordinates;
  - v. Stand-up electric scooter identification number;
  - vi. Battery charge level;
  - vii. List of customer service request including a minimum time, date, type and geocoded location;
  - viii. Service response to the above requests including time till correction;
  - ix. Total users in the system by month;
  - x. Total number of trips by the hour, day, week, and month;
  - xi. Detailed, aggregate trip origin/destination information in GPS coordinates;
  - xii. Trip length; and
- d. Company shall keep a record of all the customer service inquiries, as well as a summary of all instances when an illegal parked scooter was reported, and Company's response time to pick up or to re-park the scooter. These records shall be sent to the City on a monthly basis; and
- e. The City is permitted to display or publish the data provided to the public.

## **8. Indemnification**

- a. Company shall hold harmless, defend, and indemnify the City and its officers, agents, officials, employees, and volunteers against all claims, losses, damages and/or expenses including attorney fees, costs of litigation and judgement, directly or indirectly arising from or claiming to arise from any injury to any person(s), damage to any property, or any economic loss, arising out of, in whole or in part, (1) by any negligent act or omission of the Company; and/or (2) the Company's performance or non-performance of its duties under this contract/agreement; and/or (3) any defect in any services provided by the Company. This duty to defend, indemnify, and hold harmless shall include the Company's responsibility for any and all foregoing claims, even if such claims are groundless, false, and/or fraudulent and any and all equitable relief, damages, costs and attorney fees except those caused by the active negligence, sole negligence, or willful misconduct of the City or County.
- b. This obligation shall be continuing in nature and extend beyond the term of this contract/agreement. The doctrine of equitable tolling extends the time within which an action for breach of this provision may be filed.

- c. Company, the City and the County as used in this section, include the employees, agents, sub-contractors, and any other person who are directly employed by or otherwise legally responsible, respectively to each party.

## **9. Insurance**

The City requires that Company shall maintain insurance requirements on the Pacific Insurance Network System (PINS). Company shall procure and maintain during the life of this Contract, policies of insurance as specified in Exhibit C attached and incorporated by reference, and shall provide all certificates and/or endorsements as specified in **Exhibit C**.

## **10. Public Nuisance Pursuant to the City of Sunnyvale Municipal Code**

The Parties agree to incorporate Section 22660 of the California Vehicle Code and Chapter 9.24 of the Sunnyvale Municipal Code hereto. Furthermore, the Parties agree that Stand-up electric scooters that are abandoned or otherwise discarded on City streets, sidewalks, or other public rights-of-way or public areas constitute a nuisance which is subject to Chapter 9.24 of the Municipal Code.

## **11. Termination**

In addition to the City Manager's authority to terminate this Agreement pursuant to Section 6 above, this Agreement may also be terminated pursuant to the following methods:

- a. Immediate Termination. This Agreement shall automatically terminate upon the bankruptcy or insolvency of either Party.
- b. Termination for Convenience. Either Party may terminate this Agreement upon one (1) month prior written notice to the other Party.

Upon termination pursuant to this Section, all scooters shall be removed from the public right-of-way upon or before the termination of this Agreement.

## **12. Assignment**

- a. This Agreement may not be assigned or transferred to any other Party. The Parties acknowledge that Company may utilize independent business logistics providers to facilitate local operations. Company's use of these logistics providers does not constitute a transfer or assignment of this Agreement, and Company remains responsible for all obligations and requirements under this Agreement.
- b. This section shall not apply to the private sale or rental of Stand-up electric scooters, provided that such scooters are not placed in the public right-of-way for shared public use.



### **13. Notices**

All notices or correspondence required or contemplated by this Agreement shall be sent to the respective parties at the following addresses:

Company: ALEX RUDOW, Bay Area General Manager  
Bird Rides, Inc.  
750 Tehama St., San Francisco, CA 94103  
Phone: (443) 791-7722 Email: alex.rudow@bird.co

City: DENNIS NG, Transportation and Traffic Manager  
City of Sunnyvale  
456 W Olive Avenue, Sunnyvale, CA 94086  
Phone: (408) 730-7591; Fax: (408) 328-0715; Email: dng@sunnyvale.ca.gov

Nothing contained herein shall be construed to prohibit the parties from communicating by the most expedient method available, whether by commercial courier, facsimile, or by electronic means. However, for purposes of providing official notification and/or documentation as required in this Agreement, the sending party assumes full responsibility and the burden of proof for the completed transmission if the documents or notification are sent by means other than certified, first-class mail through the United States Postal Service.

### **14. Non-Exclusive Right and No Promise of Future Entitlement**

Company acknowledges and agrees that this Agreement does not grant it the exclusive right to operate its Stand-up electric scooter sharing system within the City. Nothing in this Agreement shall prevent the City from authorizing another company from operating a Stand-up electric scooter sharing system or similar system within the City. Additionally, nothing in this Agreement entitles or guarantees Company's future right to operate its Stand-up electric scooter sharing system or any other business within the City beyond the termination of this Agreement.

### **15. General Provisions**

- a. Severability. If any provision contained in this Agreement, or any exhibits incorporated as a part hereof, is or becomes invalid, illegal, or unenforceable in whole or in part, such invalidity, illegality, or unenforceability shall not affect the enforceability of the remaining provisions and portions, and the invalid, illegal, or unenforceable provision shall be deemed modified so as to have the most similar result that is valid and enforceable under applicable law.
- b. Modifications. No modification of this Agreement shall be effective unless it is in writing and signed by an authorized representative of the Parties.

- c. No Agency. No agency, partnership, joint venture, employee-employer, or franchiser-franchisee relationship is intended or created by this Agreement.
- d. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of California, without regard to or application of California's conflict of law principles. Any action to enforce or interpret any provision of this Agreement shall be venued in the court of competent jurisdiction in Santa Clara County.
- e. No Waiver. The failure or delay of either party to exercise any right, power or privilege under this Agreement will not operate as a waiver thereof.
- f. Interpretation. Headings are for reference purposes only and do not limit the scope or extent of such section.
- g. Entire Agreement. This Agreement comprises the entire agreement between City and Company and supersedes all prior or contemporaneous agreements, written or oral, between the parties regarding the subject matter contained herein.

IN WITNESS THEREOF, the Parties have executed this Agreement as of the Effective Date.

City of Sunnyvale

Bird Rides, Inc.

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KENT STEFFENS  
City Manager

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AUSTIN MARSHBURN  
Director of City and University Partnerships

ATTEST:

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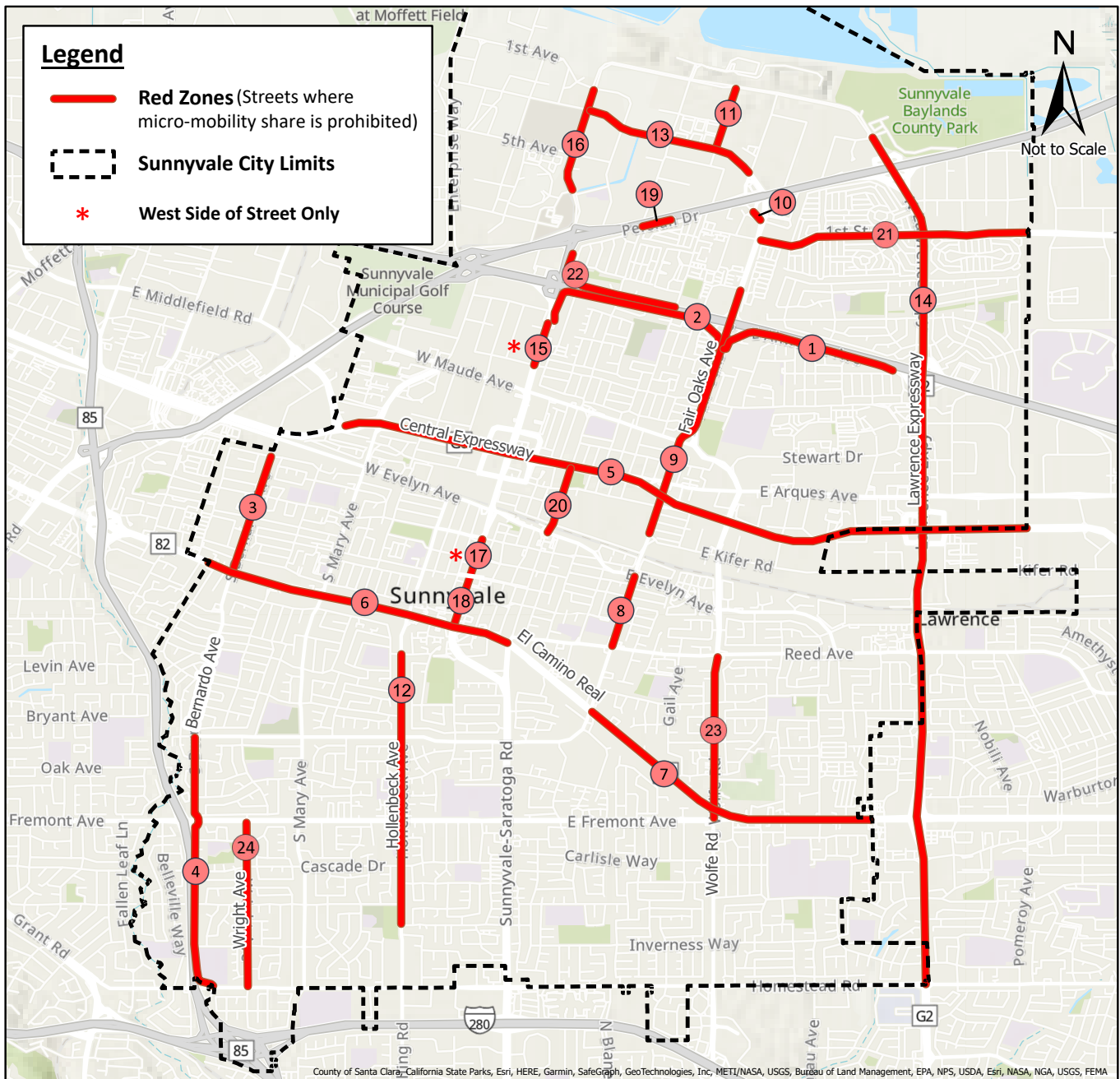
DAVID CARNAHAN  
City Clerk

APPROVED AS TO FORM:

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JOHN NAGEL  
City Attorney

## Exhibit A: Micro-mobility Share Red Zones



### Segments

- |   |   |   |
|---|---|---|
| 1 Ahwanee Ave. - Fair Oaks Ave. to San Tomas Expy.      | 9 Fair Oaks Ave. - Weddell Dr. to Kifer Rd.       | * 17 Mathilda Ave. - Washington Ave. to Iowa Ave. |
| 2 Ahwanee Ave. - Mathilda Ave. to Fair Oaks Ave.        | 10 Fair Oaks Wy. - Persian Dr. to Fair Oaks Ave.  | 18 Mathilda Ave. - Iowa Ave. to El Camino Real    |
| 3 Bernardo Ave. - Ayala Dr. to El Camino Real           | 11 Geneva Dr. - Caribbean Dr. to Java Dr.         | 19 Persian Dr. - Borregas Ave. to Midblock        |
| 4 Bernardo Ave. - Remington Dr. to Homestead Rd.        | 12 Hollenbeck Ave. - Danforth Dr. to Alberta Ave. | 20 Sunnyvale Ave. - Central Expy. to Evelyn Ave.  |
| 5 Central Expy. - Middlefield Rd. to City Limits        | 13 Java Dr. - Mathilda Ave. to Crossman Ave.      | 21 Tasman Dr. - Fair Oaks Ave. to Reamwood Ave.   |
| 6 El Camino Real - City Limits to Sunnyvale Ave.        | 14 Lawrence Expy. - Bay Trail to Homestead Rd.    | 22 Weddell Dr. - Ross Dr. to Morse Ave.           |
| 7 El Camino Real - Fair Oaks Ave. to City Limits        | * 15 Mathilda Ave. - Ahwanee Ave. to Del Rey Ave. | 23 Wolfe Rd. - Reed Ave. to Fremont Ave.          |
| 8 Fair Oaks Ave. - Evelyn Ave. to Old San Francisco Rd. | 16 Mathilda Ave. - Bordeaux Dr. to Innovation Wy. | 24 Wright Ave. - Fremont Ave. to Homestead Rd.    |



**Exhibit B: Micro-mobility Share Parking Locations at  
Sunnyvale Public Library and Sunnyvale Community Center**



EXHIBIT C  
INSURANCE REQUIREMENTS

Company shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Company, their agents, representatives, or employees.

Minimum Scope and Limits of Insurance. Company shall maintain limits not less than:

1. **Commercial General Liability:** coverage written on an occurrence basis with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury, personal injury and property damage. ISO Occurrence Form CG 0001 or equivalent is required.
2. **Automobile Liability:** coverage with a combined single limit of not less than \$1,000,000 per occurrence applying to all owned, non-owned, or hired vehicles used in conjunction with this contract for bodily injury and property damage. ISO Form CA 0001 or equivalent is required.
3. **Workers' Compensation:** Statutory Limits and **Employer's Liability:** \$1,000,000 per accident for bodily injury or disease.

Industry Specific Coverages. If checked below, the following insurance is also required:

- ☐ Liquor Liability coverage written on an occurrence basis with limits not less than \$1,000,000 per occurrence.
- ☐ Professional Liability / Errors and Omissions Liability coverage with limits not less than \$1,000,000 per occurrence or claim.
- ☐ Valuable Papers and Electronic Data Processing with limits not less than \$10,000 each.
- ☒ **Cyber Liability coverage** with limits not less than of \$1,000,000 per occurrence or claim.
- ☐ If working directly with minors, the Certificate of Insurance must include coverage for molestation and sexual abuse with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. In the event that Abuse & Molestation Liability coverage is provided via a Claims Made Policy, the coverage shall include a minimum of a five-year extended reporting clause.
- ☐ Pollution Liability Insurance with limits not less than \$1,000,000 per occurrence.
- ☐ MCS-90 Endorsement to Business Automobile insurance for transportation of hazardous materials and pollutants.
- ☐ Builder's Risk / Course of Construction: coverage written on an "all risk" basis with limits equal to the completed value of the project and no coinsurance penalty provisions. The City of Sunnyvale must

be Loss Payee on the policy with respect to any repairs or replacement of any damaged property or other amounts payable under the policy.

Deductibles, Self-Insured Retentions and Other Coverages:

Any deductibles or self-insured retentions must be declared and approved by the City of Sunnyvale, Risk Manager. The Company shall guarantee payment of any losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

The aforementioned insurance requirements can be met through any combination of self-insured, primary and excess/umbrella policies that fulfill the stipulated coverage as cited above.

Other Insurance Provisions:

1. During the term of the contract, the City of Sunnyvale, its officials, employees, agents and volunteers are to be covered as an additional insured in the Company's commercial general liability policy (and if applicable, liquor liability, valuable papers and electronic data processing, cyber liability, pollution liability, sexual abuse and molestation, crime coverage, property coverage and builder's risk policies) with respects to liability arising out of activities performed by or on behalf of the Company; products and completed operations of the Company; premises owned, occupied or used by the Company. The coverage shall contain no special limitations on the scope of protection afforded to the City of Sunnyvale, its officers, employees, agents or volunteers.
2. During the term of the contract, the Contractor's Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Sunnyvale.
3. For any claims related to this project, the Company's insurance shall be primary. Any insurance or self-insurance maintained by the City of Sunnyvale, its officers, officials, employees, agents and volunteers shall be excess of the Company's insurance and shall not contribute with it.
4. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City of Sunnyvale, its officers, officials, employees, agents or volunteers.
5. The Company's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
6. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City of Sunnyvale.
7. The policy limits of coverage shall be made available to the full limits of the policy. The minimum limits stated above shall not serve to reduce the Company's policy limits of coverage. Therefore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured, whichever is greater.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, and who are admitted and authorized to do business and in good standing in California unless otherwise acceptable to the City of Sunnyvale's Risk Manager.

Verification of Coverage:

Company shall furnish the City of Sunnyvale with original a Certificate of Insurance effecting the coverage required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates are to be received and approved by the City of Sunnyvale, Risk Manager prior to commencement of work.

The Company shall provide certificate(s) evidencing renewals of all insurance required herein prior to the expiration date of any such insurance. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

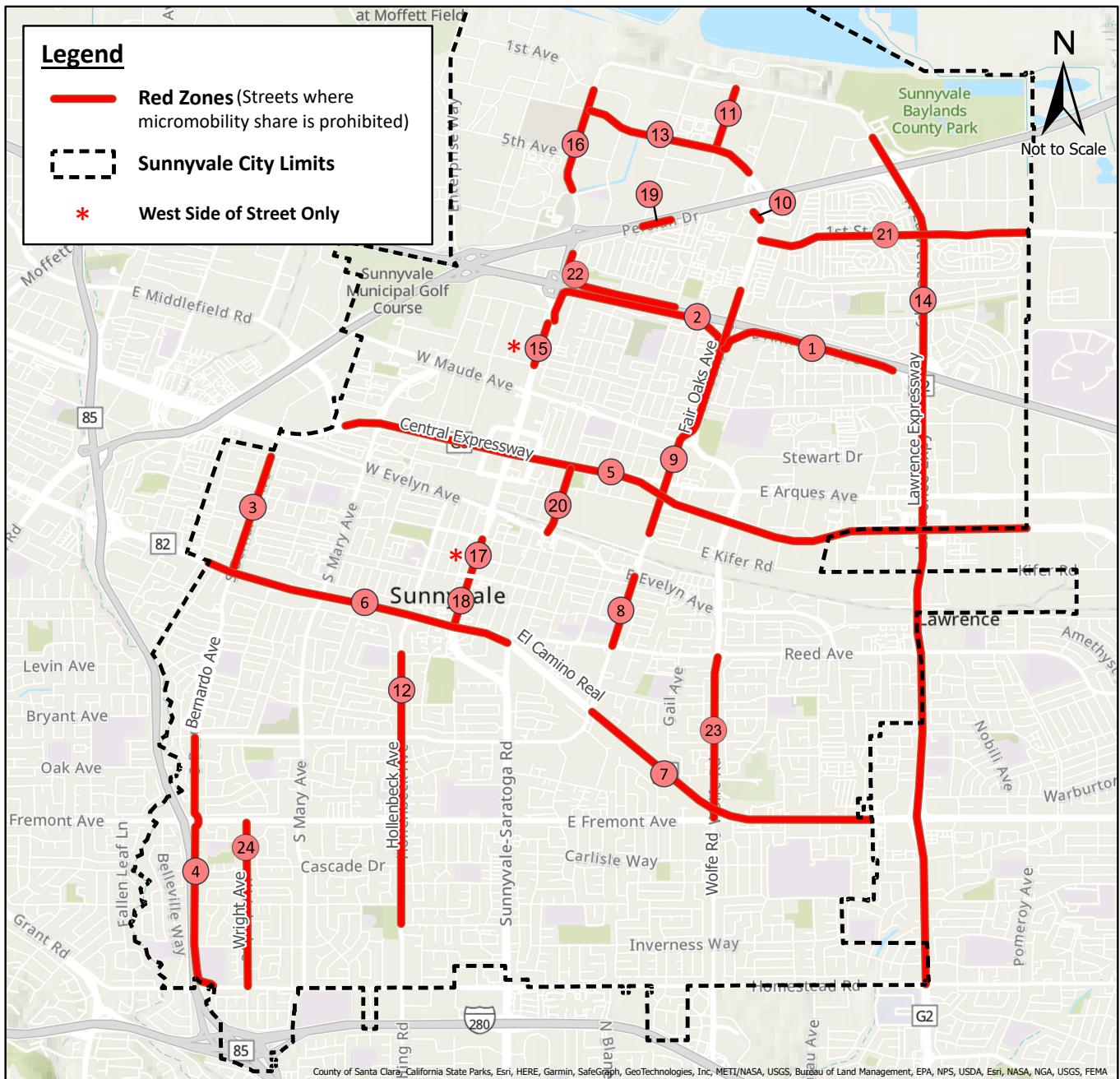
For all insurance policy renewals during the term of this Contract, Company shall submit insurance certificates reflecting the policy renewals through PINS.

Subcontractors

Company shall require all subcontractors to procure and maintain insurance policies subject to these requirements. Failure of Company to verify existence of sub-contractor's insurance shall not relieve Company from any claim arising from sub-contractors work on behalf of Company.



## Micro-mobility Share Red Zones



### Segments

- |   |   |   |
|---|---|---|
| 1 Ahwanee Ave. - Fair Oaks Ave. to San Tomas Expy.      | 9 Fair Oaks Ave. - Weddell Dr. to Kifer Rd.       | * 17 Mathilda Ave. - Washington Ave. to Iowa Ave. |
| 2 Ahwanee Ave. - Mathilda Ave. to Fair Oaks Ave.        | 10 Fair Oaks Wy. - Persian Dr. to Fair Oaks Ave.  | 18 Mathilda Ave. - Iowa Ave. to El Camino Real    |
| 3 Bernardo Ave. - Ayala Dr. to El Camino Real           | 11 Geneva Dr. - Caribbean Dr. to Java Dr.         | 19 Persian Dr. - Borregas Ave. to Midblock        |
| 4 Bernardo Ave. - Remington Dr. to Homestead Rd.        | 12 Hollenbeck Ave. - Danforth Dr. to Alberta Ave. | 20 Sunnyvale Ave. - Central Expy. to Evelyn Ave.  |
| 5 Central Expy. - Middlefield Rd. to City Limits        | 13 Java Dr. - Mathilda Ave. to Crossman Ave.      | 21 Tasman Dr. - Fair Oaks Ave. to Reamwood Ave.   |
| 6 El Camino Real - City Limits to Sunnyvale Ave.        | 14 Lawrence Expy. - Bay Trail to Homestead Rd.    | 22 Weddell Dr. - Ross Dr. to Morse Ave.           |
| 7 El Camino Real - Fair Oaks Ave. to City Limits        | * 15 Mathilda Ave. - Ahwanee Ave. to Del Rey Ave. | 23 Wolfe Rd. - Reed Ave. to Fremont Ave.          |
| 8 Fair Oaks Ave. - Evelyn Ave. to Old San Francisco Rd. | 16 Mathilda Ave. - Bordeaux Dr. to Innovation Wy. | 24 Wright Ave. - Fremont Ave. to Homestead Rd.    |



# City of Sunnyvale

## Agenda Item

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22-0831

Agenda Date: 9/27/2022

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### REPORT TO COUNCIL

#### **SUBJECT**

Introduce an Ordinance Amending Section 9.62.090 of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code

#### **SUMMARY OF COMMISSION ACTION**

The Parks and Recreation Commission considered this item on September 14, 2022.

The Parks and Recreation Commission voted to approve Alternative 1: Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code. The vote was 5-0.

#### **PUBLIC CONTACT**

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

#### **ALTERNATIVES**

1. Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code.
2. Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code, with modifications.
3. Do not Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code.

#### **STAFF RECOMMENDATION**

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

Prepared by: Jim Stark, Superintendent of Parks  
Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Report to Parks and Recreation Commission 22-0833, September 14, 2022 (without attachments)
2. Draft Ordinance

**Additional Attachments for Report to Council**

3. Excerpt of Draft Minutes of the Parks and Recreation Commission Meeting of September 14, 2022



# City of Sunnyvale

## Agenda Item

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**22-0833**

**Agenda Date: 9/14/2022**

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### **REPORT TO PARKS AND RECREATION COMMISSION**

#### **SUBJECT**

Forward a Recommendation to City Council to Introduce an Ordinance Amending Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code

#### **BACKGROUND**

In an effort to clarify an existing provision of the Sunnyvale Municipal Code, the Parks and Recreation Commission is being asked to review and recommend approval of an amendment to Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code. The proposed Ordinance would grant the Director of Public Works the authorization to set park hours for each park in Sunnyvale. In addition, the proposed Ordinance would remove the prohibition against loitering in public parks, and proposes to clarify the prohibition to prohibit remaining in a public park during park closure hours.

The City Council is scheduled to consider this item on September 27, 2022.

#### **EXISTING POLICY**

##### **General Plan**

Chapter 4, Community Character, Policy CC-1.6, Maintain City neighborhoods as safe, healthy places to live.

Chapter 6, Safety and Noise, Policy SN-4.2, Provide for assessment of changing community needs and expectations.

Chapter 6, Safety and Noise, Goal SN-1, Acceptable Levels of Risk for Natural and Human-Caused Hazards. Ensure that natural and human-caused hazards are recognized and considered in decisions affecting the community and that land uses reflect acceptable levels of risk based on identified hazards and occupancy.

#### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

#### **DISCUSSION**

22-0833

Agenda Date: 9/14/2022

Historically, Sunnyvale parks have been closed to the public from 9:00 p.m. to 6:00 a.m. of the following day. In some cases, such as sports fields and courts with lighting, many parks in Sunnyvale are now accessible and regularly used after 9:00 p.m. The proposed ordinance would grant the Director of Public Works the authorization to set park hours for each park. For example, Washington Park which has lit ballfields and a basketball court could have different hours than Las Palmas Park which currently has no lighted features. Staff would place signs in every park accordingly, providing greater clarity to park users and Public Safety officers regarding the hours of operation at Sunnyvale parks.

Additionally, language in Section 9.62.090 of the Municipal Code is proposed regarding remaining in a public park after closure, or loitering. The current language does not provide enough clarity around what is permitted or not permitted after the park is closed such that the ordinance may be subject to a legal challenge.

The Ordinance currently reads:

**9.62.090. Loitering prohibited during certain hours.**

No person shall remain, stay, or loiter in any public park, between the hours of nine p.m. and six a.m. of the following day without approval from the director. (Ord. 1542-69 § 1, 1969; prior code § 4-11.09).

The new proposed Ordinance would read:

**9.62.090. Operational hours of city parks.**

- (a) The Director has the authority to establish the hours during which any park, and park buildings, roads, grounds, or other facilities are open to the public.
- (b) Notice of hours of operation shall be conspicuously posted at the park, or park building, road, ground, or facility.
- (c) No person shall enter or remain in any park, or park facility, building, road, or grounds, during those hours of the day or night when they are closed to the public pursuant to this section, unless authorized by the Director.

**FISCAL IMPACT**

Staff anticipates that the amendment to the Sunnyvale Municipal Code will require additional signage at City parks reflecting accurate park hours, which can be absorbed by the current operating budget. Staff does not anticipate any additional costs as operations will largely remain unchanged.

**PUBLIC CONTACT**

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

**ALTERNATIVES**

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

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**22-0833**

**Agenda Date:** 9/14/2022

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2. Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code, with modifications.
3. Do not Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code.

**STAFF RECOMMENDATION**

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

Prepared by: Jim Stark, Superintendent of Parks  
Reviewed by: Chip Taylor, Director of Public Works  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Reserved for Report to Council
2. Draft Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE TO AMEND SECTION 9.62.090 OF  
CHAPTER 9.62 (PUBLIC PARKS) OF TITLE 9 (PUBLIC  
PEACE, SAFETY OR WELFARE) OF THE SUNNYVALE  
MUNICIPAL CODE**

WHEREAS, the City of Sunnyvale desires to amend certain sections of the Sunnyvale Municipal Code Chapters 9.62 (Public Parks) to clarify and correct provisions that are outdated or have been held unenforceable by caselaw.

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

SECTION 1. Section 9.62.090 AMENDED. Section 9.62.090 of Chapter 9.62 (Public Parks) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**9.62.090. ~~Loitering prohibited during certain hours~~ Operational hours of city parks.**

~~—No person shall remain, stay or loiter in any public park, between the hours of nine p.m. and six a.m. of the following day without approval from the director.~~

(a) The director has the authority to establish the hours during which any park, and park buildings, roads, grounds or other facilities are open to the public.

(b) Notice of hours of operation shall be conspicuously posted at the park, or park building, road, ground or facility.

(c) No person shall enter or remain in any park, or park facility, building, road or grounds, during those hours of the day or night when they are closed to the public pursuant to this section, unless authorized by the director.

SECTION 2. 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 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

## Excerpt Meeting Minutes - Draft Parks and Recreation Commission

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Wednesday, September 14, 2022

7:00 PM

Telepresence Meeting: City Web Stream

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### **CALL TO ORDER**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on August 30, 2022.

Chair Giri called the meeting to order at 7:00 p.m. via teleconference.

### **ROLL CALL**

**Present:** 5 - Chair Prakash Giri  
Vice Chair Gregory Dibb  
Commissioner Daniel Bremond  
Commissioner David Kesting  
Commissioner Dona Mason

Council Liaison Cisneros (absent)

### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**      [22-0833](#)      Forward a Recommendation to City Council to Introduce an Ordinance Amending Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code

Jim Stark discussed the ordinance amending Sunnyvale Municipal Code Section 9.62.090 of Chapter 9.62.

Commissioner Bremond moved and Commissioner Kesting seconded the motion to approve Alternative 1: Forward a Recommendation to City Council to Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 9.62.090 (Loitering Prohibited During Certain Hours) of Chapter 9.62 (Public Parks) of the Sunnyvale Municipal Code.

**Yes:** 5 - Chair Giri  
Vice Chair Dibb  
Commissioner Bremond  
Commissioner Kesting  
Commissioner Mason

**No:** 0

**ADJOURNMENT**

Chair Giri adjourned the meeting at 8:41 p.m.



# City of Sunnyvale

## Agenda Item

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**22-0885**

**Agenda Date:** 9/27/2022

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Tentative Council Meeting Agenda Calendar



## City of Sunnyvale

### Tentative Council Meeting Agenda Calendar

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#### **Tuesday, October 11, 2022 - City Council**

##### **Study Session**

- 22-0858**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Joint Meeting of City Council with Board and Commission Chairs and Vice  
Chairs to Review and Improve Overall Effectiveness of Commission Meetings

##### **Special Order of the Day**

- 22-0970**                      SPECIAL ORDER OF THE DAY - National Friends of the Library Week
- 22-0969**                      SPECIAL ORDER OF THE DAY - Domestic Violence Awareness Month
- 22-0968**                      SPECIAL ORDER OF THE DAY - Freedom from Workplace Bullies Week
- 22-0826**                      SPECIAL ORDER OF THE DAY - Cybersecurity Awareness Month

##### **Public Hearings/General Business**

- 22-0882**                      REQUEST FOR CONTINUANCE TO A DATE UNCERTAIN  
Consider a Tenant Protection and Right to Lease Ordinance (Study Issue)
- 22-0883**                      Consider Draft Assessment of Fair Housing
- 22-0322**                      Adopt Positions on State and Local Ballot Measures for the November 8,  
2022 Election
- 22-0923**                      Adopt a Resolution Amending and Restating the City's Salary Resolution and  
Schedule of Pay to (1) Update Confidential Premium Pay, (2) Change  
Classification Titles for Grant-Funded Positions; (3) Remove Classifications  
No Longer in Used; and (4) Implement Minor Administrative Changes

#### **Tuesday, October 18, 2022 - City Council**

##### **Workshop**

- 22-0864**                      6 P.M. SPECIAL COUNCIL MEETING (Workshop)  
Moffett Park Specific Plan Affordable Housing/Community Benefits

#### **Tuesday, October 25, 2022 - City Council**

##### **Study Session**

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**22-0023** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Corporation Yard Master Plan

**Special Order of the Day**

**22-0579** SPECIAL ORDER OF THE DAY - Department of Public Safety Special  
Awards

**Public Hearings/General Business**

**22-0661** Consider Study for a Revised Cricket Stadium Proposal at Baylands Park

**22-0485** Public Hearing and Introduction of Ordinance: 1) Amending Various Sections of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference the 2022 California Building, Residential, Mechanical, Plumbing, Electrical, Building Standards Administrative, Energy, Historical Building, Existing Building, and Green Building Standards Codes, and the International Property Maintenance Code, with Local Amendments and Related Findings; 2) Finding that the Action is Exempt from the California Environmental Quality Act

**22-0531** Public Hearing and Introduction of Ordinance Amending Chapter 16.52 of the Sunnyvale Municipal Code to Adopt by Reference the 2022 California Fire Code with Local Amendments and Related Findings and Find that the Action is Exempt from the California Environmental Quality Act

**22-0805** Adopt a Resolution Pursuant to Sunnyvale Municipal Code section 2.07.040 Amending the List of Publicly Accessible Recreation and City Services Properties (PARCS) to Add Three New Properties, known as Wiser Park (APN: 205-21-002), Muwekma Park (APN: 205-22-035) and Corn Palace (APN: 213-74-059)

**22-0973** Award Conditional Funding (Loans) for \$16 Million in Housing Mitigation Funds and Below Market Rate In-Lieu Funds for the Pre-development, Development and/or Rehabilitation of Four Affordable Housing Developments

**Tuesday, November 1, 2022 - City Council**

**Closed Session**

**22-0853** 5:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Closed Session held pursuant to California Government Code Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager and City Attorney

**Study Session**

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**22-0009** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Sunnyvale Clean Water Program Update

**Special Order of the Day**

**22-0971** SPECIAL ORDER OF THE DAY - Picture Book Month

**22-0972** SPECIAL ORDER OF THE DAY - Small Business Saturday

**Public Hearings/General Business**

**22-0116** Peery Park Specific Plan Amendment Initiation Requests  
Two applications in the Peery Park Specific Plan (PPSP) area with requests to increase the allowable office/industrial square footage and to study housing on one of the housing opportunity sites (HOS) (not currently permitted in the plan).  
File: 2020-7814  
Location: 840 W. California Avenue (APNs: 165-26-011, 165-26-009, 165-26-010, 165-26-012, 165-26-013, 165-26-014, 165-26-016, 165-26-018, and 165-26-020)  
Proposed Project: Peery Park Specific Plan Amendment Initiation  
Request to initiate a study to consider 1,027 housing units on the western 13.1 acres of the property (79 dwelling units per acre (du/acre) and a net increase of 487,000 square feet of office/industrial on the remaining 16.2 acres of the property for a total of 1,111,134 square feet (157% floor area ratio [FAR]). The site is currently known as the Sunnyvale Business Park and is developed with ten office/R&D buildings totaling 623,456 square feet (49% FAR) and the Libby Water Tower, a Sunnyvale Local Landmark. The site currently only allows for office/industrial uses up to 100% FAR.  
Applicant / Owner: Skidmore, Owings, & Merrill LLP (applicant) / Steelwave LLC (owner)

File: 2021-7022  
Location: 505 & 525 Almanor Avenue (APNs 165-44-001, 165-44,002, and 165-44-003)  
Proposed Project: Peery Park Specific Plan Amendment Initiation  
Request to initiate a study to consider merging the parcels (7.2 acres) and allowing a new 135,000 square foot office building and parking structure for a total of 311,858 square feet (99% FAR). The parcels are currently developed with a 166,300 square foot (56% FAR) office building with surface parking. The site currently allows up to 100% FAR with provisions of community benefits; however, the additional 135,000 square feet of office space requires an increase to the Development Reserve.  
Applicant / Owner: RMW Architecture & Interiors (applicant) / Invesco Advisors, Inc (owner)

Zoning (both sites): PPSP - Innovation Edge (PPSP-IE)  
Environmental Review: The decision to initiate a Specific Plan Amendment

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(SPA) study does not require environmental review under the California Environmental Quality Act (CEQA) because the initiation of a study does not constitute a project with the meaning of CEQA pursuant to CEQA Guidelines Section 15378 (a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. If initiated, the proposed SPA would be subject to the provisions of CEQA.

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

- 22-0587** Grant Funding Agreements between the City and Jay Paul for Supplemental Staff in the Community Development and the City and Google for Supplemental Staff in the Public Works Departments
- 22-0682** Introduce an Ordinance to Amend the Public Safety Military Equipment Use Policy to Include the Purchase of an Indoor UAS Drone, Pursuant to California Assembly Bill No. 481
- 22-0822** Priority and Unmet Needs for Human Services
- 22-0824** General Plan Amendment Initiation Request  
Proposed Project: To consider amending the land use designation from Commercial to Medium Density Residential.  
File: 2022-7477  
Location: 665 South Knickerbocker Drive (APN: 198-08-036)  
Applicant / Owner: Mandevilla LLC  
Project Planner: George Schroeder, (408) 730-7443, [gschroeder@sunnyvale.ca.gov](mailto:gschroeder@sunnyvale.ca.gov)

**Wednesday, November 2, 2022 - City Council**

**Study Session**

- 22-0048** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Tuesday, November 29, 2022 - City Council**

**Closed Session**

- 22-0854** 5:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)  
  
Closed Session held pursuant to California Government Code Section 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager
- 22-0855** 6:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)

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Closed Session held pursuant to California Government Code Section  
54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Attorney

**Public Hearings/General Business**

- 22-0038** Board and Commission Appointments (as needed)
- 22-0385** Review and Approve Art in Private Development Project - Hunter  
Properties/CityLine: Heads (Phase 2, Artwork 1 of 4)
- 22-0588** Prohousing Designation
- 22-0631** Approve Updates to Council Policy 7.2.19 (Boards and Commissions)  
Including: Timing of Appointments for Incumbent Members; Bicycle and  
Pedestrian Advisory Commission Categories; Sustainability Commission  
Category Two Description as Recommended by the Council Subcommittee  
on Boards and Commissions and Removal of Gender Specific Language
- 22-0818** Adopt a Resolution Establishing a Human Relations Commission
- 22-0917** Consider Amendments to the Downtown Specific Plan for Block 20 to allow  
more residential and retail commercial uses

**Tuesday, December 6, 2022 - City Council**

**Closed Session**

- 22-0856** 5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)  
Closed Session Held Pursuant to California Government Code Section  
54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Ad Hoc Committee on City Manager  
Compensation Members xx
- Unrepresented employee: City Manager

**Study Session**

- 22-0534** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Discussion of Upcoming Selection of Vice Mayor
- 22-0515** Discussion of 2023 Council Intergovernmental Assignments

**Special Order of the Day**

- 22-0098** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and  
Commission Members (as needed)



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**Public Hearings/General Business**

- 22-0035** Review the Council Policy 7.3.19 (Council Meetings) Process for City Council Colleague Memorandums to Propose new Agenda Items and Consider Amendments to the Process and/or an Extension of the Process Beyond January 1, 2023

**Tuesday, December 13, 2022 - City Council**

**Public Hearings/General Business**

- 22-0589** 2023-2031 Housing Element Adoption
- 22-0746** Receive and File the FY 2021/22 Budgetary Year-End Financial Report, Annual Comprehensive Financial Report (ACFR), the Sunnyvale Financing Authority Financial Report, Agreed Upon Procedure Reports, and the Report to the City Council Issued by the Independent Auditors
- 22-0857** Consider Amending the Employment Agreement between the City of Sunnyvale and City Manager Kent Steffens to Modify the City Manager Salary and/or Benefits
- 22-0918** Consider Request(s) to Forgive CDBG Loans
- 22-0922** Consider Allowing Expansions/Modifications for Existing Legal Non-Conforming Single-Family Uses in Non-Residential Zoning Districts (Study Issue)

**Tuesday, January 3, 2023 - City Council**

**Special Order of the Day**

- 23-0002** SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor and Councilmembers
- 23-0009** SPECIAL ORDER OF THE DAY - Recognition of Elected Councilmembers
- 23-0001** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Council-Elect

**Public Hearings/General Business**

- 23-0010** Certification of November 8, 2022 Election Results - City Council Districts 1, 3 and 5
- 23-0003** Selection of Vice Mayor for a One-Year Term Effective January 3, 2023
- 23-0008** Adopt a Resolution Approving the City Council Regular Meeting Calendar for

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2023 through February 2024

**23-0004** Determine the 2023 Seating Arrangements for City Council

**22-0361** Appoint Councilmembers to Intergovernmental Assignments; Ratify Appointments of Councilmembers made by Outside Agencies; Take Action to Modify, Create, or Terminate Council Subcommittees

**Tuesday, January 10, 2023 - City Council**

**Special Order of the Day**

**23-0006** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Vice Mayor

**Public Hearings/General Business**

**22-0718** Council Subcommittee on Boards and Commissions Recommendation to Dissolve the Board of Building Code Appeals and Have City Council Serve as the Local Appeals Board as set Forth in the California Building Code Section 1.8.8.1

**Tuesday, January 24, 2023 - City Council**

**Public Hearings/General Business**

**22-0045** Commercial Mitigation Fee Nexus Study

**22-0399** Annual Public Hearing-Discussion of Potential Council Study Issues and Budget Proposals for Calendar Year 2023

**22-0400** Approve the Proposed 2023 Priority Advocacy Issues and Review Long-term Legislative Advocacy Positions (LAPs)

**Thursday, January 26, 2023 - City Council**

**Workshop**

**23-0005** 8:30 A.M. SPECIAL COUNCIL MEETING  
Strategic Planning Workshop

**Tuesday, February 7, 2023 - City Council**

**Public Hearings/General Business**

**22-0118** Fourth Quarter General Plan Amendment Initiation Requests

**Tuesday, February 14, 2023 - City Council**

**Public Hearings/General Business**

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**22-0094** Agenda Items Pending - to be scheduled

**Thursday, February 16, 2023 - City Council**

**Workshop**

**23-0007** 8:30 A.M. SPECIAL COUNCIL MEETING  
Study Issues/Budget Proposals Workshop

**Tuesday, February 28, 2023 - City Council**

**Study Session**

**23-0011** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Date to be Determined - City Council**

**Public Hearings/General Business**

**22-0496** Adopt a Resolution Confirming the Report and Assessment List for Unpaid Administrative Citations to be Placed on the FY 2022/23 County of Santa Clara Property Tax Roll, and Find That This Action is Exempt From the California Environmental Quality Act



# City of Sunnyvale

## Agenda Item

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**22-0886**

**Agenda Date: 9/27/2022**

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Board/Commission Meeting Minutes



# City of Sunnyvale

## Meeting Minutes - Draft

### Planning Commission

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Monday, July 25, 2022

7:00 PM

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

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**Special Meeting: Study Session - Canceled | Public Hearing - 7:00 PM**

#### **STUDY SESSION CANCELED**

#### **7 P.M. PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on July 12, 2022.

Chair Pyne called the meeting to order at 7:00 PM.

#### **ROLL CALL**

**Present:** 7 - Chair Martin Pyne  
Vice Chair Nathan Iglesias  
Commissioner Daniel Howard  
Commissioner John Howe  
Commissioner Michael Serrone  
Commissioner Neela Shukla  
Commissioner Carol Weiss

#### **ORAL COMMUNICATIONS**

None.

#### **CONSENT CALENDAR**

MOTION: Commissioner Howe moved and Commissioner Weiss seconded the motion to approve the Consent Calendar with the following revision to the minutes:

1.) Note that the second paragraph on page eight pertaining to Agenda Item 3 should read as follows: "As directed by the Planning Commission, the approved second floor frosted windows shall remain on the east and west side elevations. Proposed modifications to the windows with respect to enlargement, new windows,

or removal of frosted glazing shall be subject to an additional planning permit with review at a Zoning Administrator hearing, Planning Commission meeting, or City Council meeting. Additionally, any future proposals for second floor balcony(ies) and/or patio(s) shall be subject to an additional planning permit with review at a Zoning Administrator hearing, Planning Commission meeting, or City Council meeting. [Planning Commission]"

The motion carried by the following vote:

**Yes: 7 -** Chair Pyne  
Vice Chair Iglesias  
Commissioner Howard  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No: 0**

1. [22-0763](#) Approve Planning Commission Meeting Minutes of July 11, 2022

#### **PUBLIC HEARINGS/GENERAL BUSINESS**

2. [22-0701](#) **Proposed Project:**  
**APPEAL** of a decision by the Director of Community Development denying a **DESIGN REVIEW** for a 494-square-foot first-floor addition to an existing one-story single-family residence, resulting in 2,103 square feet gross floor area (1,524-square-foot living area, 287-square-foot garage, 204-square-foot covered patio and 88-square-foot shed) and 36.7% Floor Area Ratio (FAR).  
**Location:** 416 Wilson Avenue (APN: 209-21-050)  
**File #:** 2022-7025  
**Zoning:** R-0  
**Applicant / Appellant / Owner:** W.H. Yang (applicant/appellant) / Bohan Zheng and Shuai Wang (owner)  
**Environmental Review:** Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.  
**Project Planner:** Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Senior Planner Aastha Vashist presented the staff report with a slide presentation.

Commissioner Howe confirmed with Senior Planner Vashist that the proposed

project would be approved by staff if the plate height is reduced to nine feet.

Vice Chair Iglesias discussed City guidelines for eave heights with Senior Planner Vashist. Senior Planner Vashist explained that a lower height along the roof edges allows the roof to maintain comparability with neighboring homes.

Vice Chair Iglesias and Senior Planner Vashist discussed the goal of minimizing visual bulk with regard to different roof styles. Vice Chair Iglesias stated that, in his opinion, a flat roof is more consistent with the neighboring roof styles.

At Commissioner Howard's request, Senior Planner Vashist defined what is meant by the term plate height.

Chair Pyne opened the Public Hearing.

Bohan Zheng and Shuai Wang (applicants and homeowners of the property at 416 Wilson Avenue) presented the project including additional images and information.

Commissioner Weiss noted that the proposed project's floor plans indicate the inclusion of two dining rooms. Mr. Zheng and Ms. Wang explained that they would like to create a formal dining room since, currently, their home only has a small dining area.

Commissioner Weiss confirmed with the applicants that they plan to install solar panels on their roof at a later date.

Commissioner Weiss confirmed with the applicants that a cost analysis was done between their preferred roof design and a shed roof. Results from this analysis revealed that their preferred roof design is more cost effective.

Vice Chair Iglesias confirmed that the applicants did not complete an actual measurement of the roof height of the property to the left of theirs. Instead, this measurement was a visual estimation.

Vice Chair Iglesias confirmed with the applicants that the photos of homes under construction which were included in their presentation were photos of neighboring homes taken the week prior to the Planning Commission meeting. The applicants informed Vice Chair Iglesias that the addresses of those homes are 445 Wilson Avenue and 436 Wilson Avenue.

At Commissioner Howard's request, Principal Planner George Schroeder explained guidelines for plate heights and the reasoning behind them.

Commissioner Shukla confirmed with Principal Planner Schroeder that a difference in plate heights between adjacent homes is generally visually noticeable.

Commissioner Howe reflected on objective guidelines in the 2003 Single Family Home Design Techniques.

Stephen Meir, Sunnyvale resident, commented that the proposed project design is beautiful and urged the Planning Commissioners to approve the proposed project. He also asked that the Planning Commissioners remain consistent in their decisions as he referenced a previous project that was appealed and later approved by the Planning Commission.

Mr. Zheng, Ms. Wang, and WeiHong Yang (the applicants' architect) presented the project including additional images and information.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Weiss moved and Vice Chair Iglesias seconded the motion to approve Alternative 2 - Grant the appeal and approve the Design Review with the recommended conditions in Attachment 4.

Commissioner Weiss complimented the proposed project's modern design and stated that it is not significantly different from other homes within the surrounding neighborhood. She also commented that a flat roof will allow for easier installation of solar panels at a later date.

Vice Chair Iglesias voiced his support of the motion and provided his reasons why.

Commissioner Howard stated that he is not in support of the motion and explained his concerns with the Single Family Home Design Techniques.

Commissioner Howe revealed that he is in support of a nine-foot plate height, but not a ten-foot plate height.

Commissioner Serrone expressed that he is in support of the motion since the



proposed project's design is consistent with the existing design.

Commissioner Shukla advised that, in following the Single Family Design Techniques, she is not in support of the motion.

Chair Pyne, like Commissioner Shukla, advised that the existing Single Family Design Techniques does not allow for a ten-foot plate height, so he is unable to support the motion. He shared his hope that the updated Single Family Home Design Techniques will allow for more flexibility.

Commissioner Howard noted that, according to the Eichler Design Guidelines, low-roof plate heights are characteristic of Eichler homes.

The motion failed by the following vote:

**Yes: 3 -** Vice Chair Iglesias  
Commissioner Serrone  
Commissioner Weiss

**No: 4 -** Chair Pyne  
Commissioner Howard  
Commissioner Howe  
Commissioner Shukla

MOTION: Commissioner Howe moved and Commissioner Howard seconded the motion to approve Alternative 3 - Grant the appeal and approve the Design Review with a modified condition.

1.) Note that Recommended Condition of Approval PS-1 must be added and should read as follows:

**"PS-1. REQUIRED REVISIONS TO PROJECT PLANS:**

The plans shall be revised to address comments from the Planning Commission including the following:

a) Reduce the plate height for the proposed addition to nine feet."

Commissioner Howard thanked Commissioner Howe for creating the motion he intended to make.

Commissioner Serrone confirmed with Chair Pyne that the motion involves a nine-foot flat roof for the proposed project.

The motion carried by the following vote:

**Yes:** 5 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howard  
Commissioner Howe  
Commissioner Shukla  
**No:** 2 - Commissioner Serrone  
Commissioner Weiss

This decision is final.

3. [22-0614](#) **Proposed Project:** Related applications on a 1.25-acre site:  
**DEVELOPMENT AGREEMENT (DA):** Introduction of an Ordinance Approving and Adopting of a DA between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.  
**SPECIAL DEVELOPMENT PERMIT (SDP):** to demolish the existing buildings and construct a new 125,128 square foot four (4) story office building with two (2) levels of underground parking.  
**Location:** 480 & 490 S. Mathilda Avenue and 355 W. Olive Avenue (APNs:209-28-008 & 052)  
**File #:** 2021-7281 (DA) & 2021-7280 (SDP)  
**Zoning:** DSP Block 13  
**Applicant:** Daniel Minkoff, Minkoff Group  
**Owners:** Gary Thon-Lon Hon and Nichole Ying Lin Hon, as Trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.  
**Environmental Review:** A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City CEQA Guidelines.  
**Project Planner:** Shaunn Mendrin, (408) 730-7431, smendrin@sunnyvale.ca.gov

Planning Officer Shaunn Mendrin presented the staff report with a slide presentation.

At Commissioner Howard's request, Planning Officer Mendrin provided an explanation on Article 4.2.2 of the Draft Ordinance and Development Agreement (DA).

Commissioner Howe asked about the line of sight from the rooftop terrace on the proposed project's fourth floor to the residential buildings. Planning Officer Mendrin responded that the line of sight should be minimal due to the proposed project's setback from the east property line, and he added that the applicant's presentation may provide additional information on this topic.

Commissioner Weiss discussed with Planning Officer Mendrin why more trees will not be planted to replace the trees that will be removed from the proposed project site. Commissioner Weiss emphasized the importance of including more trees on the ground level of the proposed project site to provide adequate shading and prevent urban hotspots. Planning Officer Mendrin advised that the Planning Commission may include a condition of approval which will involve City staff's collaboration with the applicant to explore the addition of more trees on the proposed project site.

At Commissioner Weiss' request, Community Development Department (CDD) Director Trudi Ryan explained the Community Benefit Fund contribution described in the DA and how these funds might be allocated.

Commissioner Serrone disclosed that he met with the developer of the proposed project prior this meeting.

Commissioner Serrone, like Commissioner Howe, shared his concerns regarding the line of sight from the proposed project's fourth-floor rooftop terrace. He proposed the inclusion of greenery to serve as a privacy screen for neighboring residential buildings.

Commissioner Serrone confirmed with Planning Officer Mendrin that no olive trees will be planted on the proposed project site. Instead, variations of oak trees will be planted to replace the trees removed from the proposed project site.

Commissioner Serrone commented that the improvements made to the bicycle lanes on Mathilda Avenue should be extended down to Washington Avenue.

Commissioner Serrone confirmed with Planning Officer Mendrin that, on the building side of Olive Avenue, street parking will not be permitted. Robert Eckols, City traffic consultant, added that the reduction of driveways on Olive Avenue will ensure the safety of pedestrians and bicyclists.

Commissioner Serrone confirmed with CDD Director Ryan that the City does not offer specific incentives for the proposed project's use of mass timber. CDD Director Ryan added that there are specific benefits to using mass timber, including a reduced carbon footprint, and stated that the applicant is aiming to achieve WELL certification.

Vice Chair Iglesias also disclosed that he met with the developer of the proposed project prior to this meeting.

Vice Chair Iglesias suggested that the City consider requiring the use of story poles to better inform residents of upcoming proposed projects. CDD Director Ryan explained why story poles are not required by the City and advised that applicants are instead encouraged to produce renderings of the proposed project from various angles or provide drone views from various locations on the proposed project site.

Commissioner Shukla stated that, in her opinion, it would be great if a portion of the Community Benefit Fund contribution could be allocated to residents impacted by the proposed project. She also suggested that the public be granted access to the proposed project's fourth-floor rooftop terrace after business hours.

Chair Pyne confirmed with CDD Director Ryan that, to her knowledge, story poles have not been in use within the City.

Chair Pyne asked about the length of time it would take for the greenery along the east property line to grow to provide adequate landscape screening. Planning Officer Mendrin answered that the applicant or his landscape architect might be better able to address this question.

Chair Pyne inquired about whether a protected left turn on Olive Avenue has ever been considered. Planning Officer Mendrin and Mr. Eckols explained considerations that have been made for this left turn lane and other potential traffic impacts.

Chair Pyne opened the Public Hearing.

Daniel Minkoff, President of The Minkoff Group, responded to comments and questions posed by the Planning Commissioners. He also presented the project including additional images and information.

Commissioner Weiss expressed concerns about pedestrian safety from vehicular traffic at the Olive Avenue garage. She asked whether any kind of warning system will be implemented to alert pedestrians of oncoming vehicles. Mr. Minkoff assured her that the reduction of driveways on Olive Avenue will increase pedestrian safety. Planning Officer Mendrin advised Commissioner Weiss that the Planning Commission may include a condition of approval which will involve the proposed project's inclusion of safety elements that will address pedestrian safety at the garage in question.

Commissioner Weiss asked whether it is possible to schedule trash pickup at the proposed project site to prevent disturbance of neighboring residents. Mr. Minkoff provided examples of efforts being made to achieve this goal.

David Snow, Sunnyvale resident, expressed his concerns with the proposed project. These included City staff's approach to the California Environmental Quality Act (CEQA) and the proposed project's lack of transportation impact studies, mitigation measures for disturbance to neighboring residents by trash collection, and information on its landscape architecture plans.

Ari Feinsmith, team leader of Bike Sunnyvale, shared his gratitude that the developer considered his team's feedback regarding the proposed project. He spoke in support of the proposed project and provided his reasons why.

Apurva, Sunnyvale resident, raised concerns about the proposed project's impact on traffic from Mathilda Avenue to Olive Avenue. In particular, he questioned the safety of bicyclists in light of increased vehicles on these streets.

Olaf Hirsch, Sunnyvale resident, stressed that the proposed project will negatively impact adjacent neighbors and the value of their property. He also commented that a decrease in the proposed project's size will allow for the addition of more trees on the proposed project site.

Andy Maloney shared his concerns with the DA, including its potential to set a precedent for increased allowable square footage. In particular, he questioned how this increase was permitted by the City. Mr. Maloney also expressed the negative impact that the proposed project will have upon residents and the amount of available parking on Taaffe Street, Frances Street, and Murphy Avenue.

Greg and Kristi Chiocco, Sunnyvale residents, voiced their opposition to the

proposed project. Mr. Chiocco called attention to the two petitions signed by nearly three hundred individuals in opposition to the proposed project. He stated that the Special Development Permit (SDP) does not meet certain requirements and stressed that the proposed project site is intended for smaller-scale developments. Mr. Chiocco added that the proposed project will negatively affect adjacent neighbors' quality of life and traffic on Olive Avenue. Regarding the latter, he questioned whether a traffic study was conducted. In his opinion, he commented that the privacy screening offered by the landscape plan is insufficient to adequately safeguard neighboring residents' privacy. Lastly, Mr. Chiocco referred to the Community Benefit Fund contribution as somewhat of a bribe, and Ms. Chiocco commented that the proposed project's design is not aesthetically pleasing.

Sharlene Liu, Sunnyvale resident and member of Bike Sunnyvale, spoke in favor of the proposed project. Specifically, she commended its inclusion of secure bicycle parking spaces and showers for those who bike to work. She commented that the proposed project will decrease vehicular traffic and promote improved mental health for those who bike to work.

Eddie Leone, current owner of Eddie's Quilting Bee, discussed the positive impact that the reduction of driveways on Olive Avenue will have upon traffic and stated that the proposed project will benefit both the City and the community. He acknowledged that the proposed project site is intended for commercial use and that the proposed project will generate more job opportunities. For these reasons, and the fact that the proposed project meets the goals of the City's Downtown Specific Plan (DSP) and possesses an aesthetically pleasing design, Mr. Leone spoke in favor of the proposed project.

Dawn Maher, speaking on behalf of the Sunnyvale Chamber of Commerce, spoke in support of the proposed project's DA and SDP. Her comments centered on the proposed project's ability to enhance the community as it meets the City's sustainability and Climate Action Plan goals.

Paul King, Sunnyvale resident, voiced his concerns regarding the proposed project. He called into question the discussion on the proposed project's stepdown on the east side and its height, and he shared his hopes that community feedback would be taken into greater account.

Heather Nielsen acknowledged that the proposed project will result in increased traffic on Olive Avenue and stressed the consideration of placing the garage

entrance at an alternate location. If not, she suggested that the setback for the garage be extended to accommodate a line of vehicles entering the garage. Lastly, she questioned the number of parking spaces offered by the proposed project and whether it will be sufficient to support the number of individuals who will work from its offices.

Bill Weaver, Sunnyvale resident, called attention to the large size of the proposed project and the increased traffic that will result on Olive Avenue and Mathilda Avenue if the proposed project is approved. He proposed an increase in privacy screening offered by the proposed project and suggested that the setbacks of the proposed project be increased as well. He also stated that he liked the architecture of the building.

Chuck Fraleigh encouraged the Planning Commissioners to approve the proposed project. He stated that, in his opinion, it will be a great addition to the City's downtown area, and he recognized the benefits it will offer to cyclists (i.e., secure bicycle parking and elevator access). Lastly, he noted that the proposed project's sustainable elements, such as its implementation of mass timber and electric vehicle (EV) charging, should be encouraged among all City developments.

Victor Kasik, owner of property across from the proposed project site, shared his concerns regarding the proposed project. These included the garage on Olive Avenue facing his property and violation of his tenants' privacy. Mr. Kasik stated that the developer has agreed to assist with costs for mitigating these concerns.

Ranjith Jayaram, Sunnyvale resident, urged the Planning Commission to consider a traffic and parking impact study to address the potential increase in traffic and decrease in available street parking that may result because of the proposed project's approval. He also noted that the proposed project's architecture is not consistent with the architecture of surrounding homes in the Heritage District.

Charlie Strouss spoke in favor of the proposed project and highlighted its architecture, sustainable elements, and the developer's pursuit of WELL certification. He also stressed the importance of an on-site office environment to prevent a decrease in available street parking.

Laurel, Sunnyvale resident, emphasized the importance of the proposed project's inclusion of adequate pedestrian-safe sidewalks, ideally surrounded by trees on both sides. She stated that such trees would provide ample screening and a nice

view. Lastly, she urged staff to consider safety guidelines to protect pedestrians from oncoming vehicles entering or exiting the garage on Olive Avenue.

Sonal Gupta, Sunnyvale resident, made known her concerns regarding increased traffic on Olive Avenue due to the proposed project's approval. She advised that a traffic study should be conducted and suggested that the garage and trash collection entrance to the proposed project should not be placed on Olive Avenue for this reason. Lastly, she echoed comments made by a previous member of the public regarding the Community Benefit Fund contribution appearing as somewhat of a bribe.

Art Kennedy commented on the proposed project's transparent windows, sustainable elements, forward-looking design, and rooftop amenities. He also disagreed with comments made regarding increased traffic since work shifts are generally staggered, and people arrive to and leave work at varying times.

Melinda Hamilton, former Sunnyvale mayor and councilmember, applauded the proposed project's design and acknowledged its positive qualities. At the same time, she sympathized with concerns raised by surrounding neighbors of the proposed project. She added that the Community Benefit Fund contribution should directly benefit the neighborhood and stated that, in her opinion, the proposed project should not move forward at the proposed project site due to the permitted density on that site.

Ray Johnson made the following statement to the Planning Commission: "To me, one of the main functions of a Planning Commission is to see that each development complies with the City regulations and standards. It would also make sense for the Commission to add conditions for approval, such as insisting story poles be installed prior to further consideration of this application, so everyone can view the enormous detrimental effect this overbuilding mistake will have in this location before we have to endure it for the next forty to a hundred years. So, I hereby ask the Commission to make the installation of story polls a condition of approval. The project before you fails to meet the DSP guidelines in many ways. Therefore, I would also like to take the opportunity to point out that the City's attempted use of a DA in this instance to avoid compliance with the Zoning Ordinance coupled with a phantom community benefit is nothing more than an attempt to buy approval of this project, which otherwise could not be approved upon any legitimate basis. In addition, the use of a DA in this manner was not the intent the legislature had in mind when they adopted Government Code Section 65865,



and its current use for the Minkoff Project leaves the City open to legal challenges in the court. I would also suggest you review my February 25, 2022 letter to the Commission to refresh my concerns about this egregious overbuild. In that letter, I pointed out how their structure exceeds the maximum number of square feet allowed by over 160% and the allowable height limit by over 35%. Therefore, why is that excess being deemed acceptable? Why is this project being allowed to skirt the General or Specific Plan Amendment process? Why is the City ignoring guidelines in the recently revised DSP with respect to the Minkoff project? Therefore, with that in mind, as you deliberate on this application tonight, it's not the night to leave your conscience, common sense, and your sense of responsibility to the residents of Sunnyvale at the door. They should be kept by your side to help you conclude that this developer's request, along with the Negative Declaration, should be denied until this proposal is within the limits set forth in the DSP."

Rick Logsdon, Sunnyvale resident, recognized the pros and cons of the proposed project. While it is a green project that offers transit benefits, it is also too big and will negatively impact parking and traffic in the surrounding area. In his opinion, until those cons are addressed, the proposed project should not be approved. Lastly, Mr. Logsdon also summarized comments made by speakers before him.

Kristian Hayward expressed his support of the proposed project and stated that developments like this are creating opportunities for people to live and work in the same area without having to commute. He also recognized that the proposed project is in alignment with City's plan for the proposed project site and that the applicant took community feedback into consideration.

Martin Kasik, a member of the public who indicated a desire to speak, was unable to do so due to technical difficulties on their end.

Mr. Minkoff presented the project including additional images and information.

Chair Pyne closed the Public Hearing.

Commissioner Howe and Planning Officer Mendrin discussed the traffic analysis completed for the proposed project, considering the site's current use and its projected use. Mr. Eckols explained that Vehicle Miles Traveled (VMT) was assessed, but the proposed project received an exemption due to its proximity to transit such as the Caltrain station. He added that results from the assessment revealed that the proposed project will not generate sufficient additional VMT to be

considered an issue. Mr. Eckols elaborated that other pieces of the CEQA analysis were studied, including safety emergency access.

At Commissioner Howe's request, Mr. Eckols provided examples of safety features that could be implemented at the Olive Avenue garage to protect pedestrians from oncoming vehicles. Planning Officer Mendrin added that a mechanical arm at the garage entrance and exit will assist with traffic regulation as well. While there is no existing condition of approval that addresses this topic, Planning Officer Mendrin advised that the Planning Commission may create one.

Commissioner Howard commented that the discussion regarding the safety features to be implemented at the garage driveway on Olive Avenue allowed him to better understand the driveway's safety overall.

Commissioner Howe offered conditions of approval to be included in the motion for Public Hearing Agenda Item 3.

Chair Pyne confirmed with CDD Director Ryan that the Planning Commission may make recommendations to the City Council regarding uses of the Community Benefit Fund contribution.

MOTION: Commissioner Howard moved and Commissioner Howe seconded the motion to approve Alternative 2 - Approve the DA and the Special Development Permit with Modifications

- a) Make the findings required by Resolution No. 371-81 (Attachment 3 to the Report).
- b) Recommend that the City Council Introduce of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC (Attachment 2 to the Report) with modifications.
- c) Make the required Findings to adopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program in accordance with CEQA, and approve the Special Development Permit based on Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5 subject to modified Conditions of Approval with modifications.

The modified conditions are stated below:

- 1.) Note that The Minkoff Group must work with the City's Traffic and Transportation Division staff to ensure pedestrian safety at the proposed project's garage on Olive Avenue.
- 2.) Note that The Minkoff Group must work with City staff to add additional trees on the proposed project site.
- 3.) Add a new General Condition of Approval which will read as follows: "Downtown Transportation Management Agency (TMA): The project applicant and future tenants shall participate in the TMA for Downtown when it is formed. [Planning and Public Works]."
- 4.) Add a new Prior to Final Condition of Approval which will read as follows: "Transportation Demand Management (TDM) Program: The project applicant shall submit a final TDM for review and approval prior to occupancy of the new building. [Planning and Public Works]"

Commissioner Howard commented on the placement of the proposed project relative to transit and the proposed project's impacts on the surrounding residents. He also recognized the proposed project's design and the applicant's efforts to consider community feedback. Commissioner Howard shared his views that, overall, the proposed project will positively contribute to the community.

Commissioner Howe acknowledged the proposed project's ability to safeguard the privacy of neighboring residents. He also noted that the proposed project is compliant with the DSP.

Commissioner Serrone stated that he is in support of the motion due to the proposed project's environmental sustainability aspects and distinctive architectural design. He also addressed some concerns raised by the public, including concerns about the proposed project's height and traffic impacts and the Community Benefit Fund contribution.

Commissioner Weiss voiced that Sunnyvale needs to be viewed as a city and that the proposed project should be viewed in this context. She praised the materials used by the proposed project, the proposed project's design, and the developer's consideration of community concerns regarding privacy and setback. Lastly, she voiced her support of the motion.

Commissioner Shukla commented on the growing vibrancy of the City's downtown area due to retail and restaurants. She stated that the approval of the proposed project will lend to this vibrancy, and she proposed suggestions for improving the

pedestrian experience at the proposed project site. Lastly, she spoke in support of the motion.

Chair Pyne thanked those who attended the Planning Commission meeting and those who provided comments on the proposed project. He revealed that he is sensitive to concerns regarding increased traffic, and he is grateful for staff's traffic analysis and the applicant's efforts to consider community feedback. Additionally, he noted that the proposed project site is designated for commercial use, and this is something the proposed project achieves. He commented on the importance of the City Council allocating a portion of the Community Benefit Fund contribution for the surrounding neighborhood. Lastly, although he stated his support of the motion, he recognized the importance of taking residents' concerns into consideration.

The motion carried by the following vote:

**Yes:** 7 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howard  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No:** 0

This recommendation will be forwarded to the City Council for consideration at the August 16, 2022 meeting.

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Commissioner Howard advised Chair Pyne that he is doing a wonderful job as Chair of the Planning Commission.

**-Staff Comments**

Planning Officer Mendrin announced that on July 26, 2022, the City Council will continue the discussion on The Minkoff Group project to the City Council meeting

on Tuesday, August 16, 2022.

Planning Officer Mendrin reminded the Planning Commissioners that they are invited to attend the Muwékma Park grand opening on Wednesday, July 27, from 6 p.m. to 7 p.m.

Planning Officer Mendrin informed the Planning Commissioners that a training for the Chairs and Vice Chairs of the City's Boards and Commissions is scheduled to take place on Thursday, July 28, 2022 at 5:30 p.m.

Planning Officer Mendrin assured the Planning Commission that more information will be provided later regarding the dedicated left turn lane on Olive Avenue.

Chair Pyne confirmed with CDD Director Ryan that the appealed Fremont Corners project is scheduled to be reviewed at the City Council meeting on Tuesday, August 9, 2022.

#### **ADJOURNMENT**

Chair Pyne adjourned the meeting at 10:52 PM.



# City of Sunnyvale

## Meeting Minutes - Draft

### Parks and Recreation Commission

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Wednesday, August 10, 2022

7:00 PM

Telepresence Meeting: City Web Stream

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#### **CALL TO ORDER**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on August 9, 2022.

Chair Giri called the meeting to order at 7:00 p.m. via teleconference.

#### **ROLL CALL**

**Present:** 4 - Chair Prakash Giri  
Vice Chair Gregory Dibb  
Commissioner Daniel Bremond  
Commissioner Dona Mason  
**Absent:** 1 - Commissioner David Kesting

Commissioner Kesting (excused absence)

Council Liaison Cisneros (absent)

#### **PRESENTATION**

**A**      [22-0793](#)      Youth and Teen Overview

Recreation Services Manager, Jesus Raygoza, provided a presentation on Youth and Teens Report. Highlights included: summer camp comparison, program report, teen program, recruitment and trainings, and fee waiver program.

Commissioners inquired and staff responded:

How does Sunnyvale's programming and registration totals compare to neighboring cities? Staff benchmark neighboring cities efforts at the end of the summer season. Staff will follow up with Commission once complete.

Does the City collect customer feedback for programming? Yes, staff send out an

overall survey annually to all participants. Additionally, staff will send specific program surveys throughout the year.

**B**      [22-0795](#)      Parks and Park Buildings Update

Superintendent of Parks and Golf, Jim Stark, provided a presentation on mini parks. Highlights included: list of mini parks, definition of mini park, minimum resources, possible additions, and images of Victory Village Park.

**C**      [22-0794](#)      Study Issues Update (Citywide)

Administrative Aide, Ricky Le, provided a presentation on city-wide study issues. Council funded three study issues, deferred two study issues to 2023, and completed two study issues.

**ORAL COMMUNICATIONS**

None.

**CONSENT CALENDAR**

Commissioner Bremond moved and Commissioner Mason seconded the motion to approve the Parks and Recreation Commission Minutes of July 13, 2022 as submitted.

**Yes:** 4 -    Chair Giri  
                 Vice Chair Dibb  
                 Commissioner Bremond  
                 Commissioner Mason

**No:** 0

**Absent:** 1 -    Commissioner Kesting

**1**      [22-0796](#)      Approve the Parks and Recreation Commission Meeting  
                                 Minutes of July 13, 2022

Approve the Parks and Recreation Commission Minutes of July 13, 2022 as submitted.

**PUBLIC HEARINGS/GENERAL BUSINESS**

None.

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

## **NON-AGENDA ITEMS & COMMENTS**

### **-Commissioner Comments**

None.

### **-Staff Comments**

Superintendent of Recreation Services, Damon Sparacino, provided an update on recreation programming. Highlights included: fall activity brochure guide, Council approving recreation scholarship changes, Sunset Movie Series, Senior Center open house event, State of the City, and resuming COVID-19 testing at the Community Center.

Chair Giri asked if the Sunset Movie Series could be expanded to different parks. Damon replied yes, next year staff will work to show the movies at different parks across Sunnyvale.

## **INFORMATION ONLY REPORTS/ITEMS**

- 2      [22-0797](#)      Parks and Recreation Commission Proposed Study Issues,  
Calendar Year: 2023

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

## **ADJOURNMENT**

Chair Giri adjourned the meeting at 8:04 p.m.





# City of Sunnyvale

## Meeting Minutes - Draft Arts Commission

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Wednesday, August 17, 2022

7:00 PM

Telepresence Meeting: City Web Stream

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### **CALL TO ORDER**

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on August 9, 2022.

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

### **ROLL CALL**

**Present:** 4 - Chair Dawna Eskridge  
Vice Chair Winnie Lam  
Commissioner Kathryn Filley  
Commissioner Agnes Veith

Council Liaison Hendricks (present)

### **ORAL COMMUNICATIONS**

None.

### **CONSENT CALENDAR**

Motion: Commissioner Veith moved and Commissioner Filley seconded, approval of the consent calendar as presented. The motion carried by the following vote:

**Yes:** 4 - Chair Eskridge  
Vice Chair Lam  
Commissioner Filley  
Commissioner Veith

**No:** 0

1      [22-0800](#)      Approve the Arts Commission Meeting Minutes of July 20, 2022

Approve the Arts Commission Minutes of July 20, 2022 as submitted.

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**PUBLIC HEARINGS/GENERAL BUSINESS**

**2      [22-0706](#)      Review and Recommendation of Public Art for Civic Center  
Lobbies**

Kristin Dance, Recreation Services Coordinator, introduced each of the ten artists who then presented their artwork proposals for City Hall. The Arts Commission ranked the artists as follows:

1. Hickok, Liz
2. Hua, Phillip
3. Wegner, Peter
4. Sowell, Vickie Jo
5. Endicott & Brook
6. Lederer, Carrie
7. Arteclettica
8. Phipps, Ben
9. Prasad, Ragini
10. Middlebrook, David

Motion: Vice Chair Lam moved and Commissioner Veith seconded, recommendation of Public Art for Civic Center Lobbies to Council as shown. The motion carried by the following vote:

**Yes: 4 -**    Chair Eskridge  
                 Vice Chair Lam  
                 Commissioner Filley  
                 Commissioner Veith

**No: 0**

**3      [22-0657](#)      Recommend that Council Approve the Deaccession of the  
Untitled Ceramic Mural by Artists Danny Sheu and Jeff  
Bordona (1998) from the City's Permanent Art Collection**

Motion: Vice Chair Lam moved and Commissioner Filley seconded, to defer this item to the September 21 meeting. The motion carried by the following vote:

**Yes: 4 -**    Chair Eskridge  
                 Vice Chair Lam  
                 Commissioner Filley  
                 Commissioner Veith

**No: 0**

**4**      [22-0798](#)      National Arts and Humanities Month (Final Project and Plans)

Commissioners discussed potential art projects that the Arts Commission can lead for National Arts and Humanities Month. Suggestions included various yarn projects and rock painting.

Motion: Commissioner Filley moved and Vice Chair Lam seconded, approval for Commissioner Veith to serve as the project liaison for this project. The motion carried by the following vote:

**Yes:** 4 -    Chair Eskridge  
                 Vice Chair Lam  
                 Commissioner Filley  
                 Commissioner Veith

**No:** 0

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

**NON-AGENDA ITEMS & COMMENTS**

**-Commissioner Comments**

None.

**-Staff Comments**

Trenton Hill, Recreation Services Manager, spoke about the open house at the Senior Center this Friday, August 19.

**INFORMATION ONLY REPORTS/ITEMS**

**5**      [22-0802](#)      Arts Commission Proposed Study Issues, Calendar Year: 2023

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

**ADJOURNMENT**

Chair Eskridge adjourned the meeting at 10:21 p.m.



# City of Sunnyvale

## Agenda Item

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**22-0887**

**Agenda Date: 9/27/2022**

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Information/Action Items

Date Requested	Directive/Action Required	Dept	Due Date	Completed
9/14/21	Provide copy of final encroachment permit for Intuitive Surgical to Council.	DPW	Dec 2022	
1/27/22	Of our fleet, how many are eligible to become eV? What is the replacement cycle? Please provide a summary of the current fleet by vehicle e.g., sedan, light truck, patrol car, utility truck, heavy truck, fire apparatus (or something similar) and which vehicle types are currently available as EVs.	DPW	Sept 2022	
4/5/22	Review no right on red at the intersection of Bernardo and Fremont Ave.	DPW	Sep 2022	
4/28/22	Notify property owners in Moffett Park with an update on the new timeline for MPSP adoption.	CDD	Sept 2022	
4/28/22	Provide a comparison on building heights with pros and cons identified at MPSP.	CDD	Sept 2022	
5/3/22	Provide a breakdown of what the various fees are for comparable cities and for an average project what percentage of the total fees of those projects fall into each of those categories. Also, would like to get a sense of how time factors into it.	CDD	Sept 2022	
6/7/22	Work with the Mayor to prepare advocacy letters in support of the efforts of the Amah Mutsun Tribal Band to preserve Sargent Ranch/Juristac as open space.	CDD	Oct 2022	
6/21/22	Report back to the City Council either through a memorandum or study session the comments received from the California Department of Housing and Community Development (HCD).	CDD	Oct 2022	
8/30/22	Poll Commissioners on returning to in-person Board/Commission meetings.	OCM		

# New Study Issues and Budget Proposals Sponsored by Council

Date Requested	RTC #	Study Issue/Budget Proposal 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>



# City of Sunnyvale

## Agenda Item

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22-0961

Agenda Date: 9/27/2022

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### 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.

Linda Sell, who was appointed to a second term on the Housing and Human Services Commission on July 1, 2022 and scheduled to serve a term to expire June 30, 2026, has submitted a letter of resignation from the Commission, effective September 19, 2022.

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 Housing and Human Services Commission vacancy will be promoted with the current recruitment process for November 2022 appointments. The application deadline for this recruitment is October 20 at 4:00 p.m., with interviews tentatively scheduled for November 2, and appointments on November 29.

With this resignation, the recruitment includes the following vacancies:

- Board of Building Code Appeals\* (two vacancies)
- Housing and Human Services Commission (one vacancy)
- Heritage Preservation Commission (two vacancies)

\*On August 30, 2022, the City Council postponed appointments to the Board of Building Code Appeals until the City Council considers the Council Subcommittee on Boards and Commission's recommendation to disband the Board of Building Code Appeals. City Council is tentatively scheduled to consider this recommendation at their January 10, 2023 meeting.

#### **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, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and report are available at 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