



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, February 7, 2023

7:00 PM

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

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**Regular Meeting - 7 PM | Regular Meeting: Sunnyvale Financing Authority - 7 PM (or soon thereafter)**

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

### Special Teleconference Notice

*Because of the COVID-19 emergency, Councilmembers may participate in this meeting of the Sunnyvale City Council by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed January 10, 2023).*

### Public Participation

- *In-person participation: You may provide public comment by filling out a speaker card (optional) and giving it to the City Clerk.*
- *Online participation: You may provide audio public comment by connecting to the meeting online or by telephone. Use the Raise Hand feature to request to speak (\*9 on a telephone):*

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

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

- *Watch the City Council meeting at <http://youtube.com/SunnyvaleMeetings> or on television over Comcast Channel 15, AT&T Channel 99*
- *Submit written comments to the City Council no later than 4 hours prior to the meeting start to [council@sunnyvale.ca.gov](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)).*

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

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

### **CALL TO ORDER**

*Call to Order via teleconference and in the Council Chambers.*

### **SALUTE TO THE FLAG**

### **ROLL CALL**

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

A     [23-0286](#)     African American History Month

### **ORAL COMMUNICATIONS**

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

**CONSENT CALENDAR**

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

- 1.A**    [23-0019](#)            Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

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

**Recommendation:** Take the following actions:

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

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

**Recommendation:** Take the following actions

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

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

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

- 1.E [23-0205](#) Reconsider and Affirm Resolution No. 1089-21; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the City Council and Boards, Commissions and Council Subcommittees During the COVID-19 State of Emergency

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

1. The City Council hereby finds that the state of emergency conditions related to COVID-19, as set forth in Resolution No. 1162-22 adopted on December 13, 2022 and incorporated herein by reference, are on-going;
2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

- 1.F [23-0094](#) Adopt a Resolution Extending the City's Declaration of Local Emergency for COVID-19

**Recommendation:** Adopt a Resolution Extending the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency (COVID-19) and Terminating the Local Emergency on February 28, 2023, if the State COVID-19 Emergency Declaration Ends

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



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

*Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Financing Authority will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1105-22FA (reaffirmed January 10, 2023).*

**Call to Order**

*Call to Order via teleconference and in the Council Chambers.*

**Roll Call****Oral Communications**

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

**Consent Calendar**

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

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

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

- 2.B**    [23-0207](#)            Reconsider and Affirm Resolution No. 1105-22FA; and Make Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Virtual Public Meetings for the Sunnyvale

## Financing Authority During the COVID-19 State of Emergency

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

1. The Financing Authority Board has found and determined that the state of emergency conditions related to COVID-19, as set forth in City of Sunnyvale Resolution No. 1162-22 adopted on December 13, 2022, and incorporated herein by reference, are on-going;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

**ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING****RECONVENE TO CITY COUNCIL MEETING****PUBLIC HEARINGS/GENERAL BUSINESS**

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

- 3      [23-0144](#)      Consider Permanent Closure of the 100 Block of South Murphy Avenue (Study Issue), Adopt a Resolution of Intent to Establish a Pedestrian Mall, Adopt a Resolution Directing the City Manager to Temporarily Close the 100 Block of South Murphy Avenue until December 31, 2023, through the Issuance of a Special Event Permit, and Update Council Policy 1.1.10 (Use of the Public Sidewalk and Street of the 100 Block of South Murphy Avenue)

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

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

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

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

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

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS****NON-AGENDA ITEMS & COMMENTS**

-Council

-City Manager

**INFORMATION ONLY REPORTS/ITEMS**

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

<a href="#">23-0077</a>	Tentative Council Meeting Agenda Calendar
<a href="#">23-0025</a>	Board/Commission Meeting Minutes
<a href="#">23-0078</a>	Information/Action Items
<a href="#">23-0285</a>	Notice of Public Works Director's Decision on Final Maps (Information Only)

**ADJOURNMENT****NOTICE TO THE PUBLIC**

*The agenda reports to council (RTCs) may be viewed on the City's website at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) after 7 p.m. on Thursdays or in the Office of the City Clerk located at 603 All America Way, prior to Tuesday City Council meetings. Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, during normal business hours and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at 408-730-7483 to access City Hall to view these materials and for specific questions regarding the agenda.*

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

*writing to the Office of the City Clerk at or before the public hearing.*

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

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

*To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" available at <http://Sunnyvale.ca.gov/PublicComments>*

**Planning to provide materials to Council?**

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

**Upcoming Meetings**

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



# City of Sunnyvale

## Agenda Item

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**23-0286**

**Agenda Date:** 2/7/2023

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African American History Month



# City of Sunnyvale

## Agenda Item

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**23-0019**

**Agenda Date: 2/7/2023**

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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>
163	01-08-23 through 01-14-23	\$7,256,136.31
164	01-15-23 through 01-21-23	\$5,245,940.86

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 # 163**

**List of All Claims and Bills Approved for Payment  
For Payments Dated 01/08/2023 through 01/14/2023**

**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	XXXXX6211	01/10/2023	Chandler Asset Management Inc	815.88	2212SUNNY VAL	SFA Civic Center 2020 Lease Revenue Bonds Mgmt Fees Dec 22	815.88	0.00	\$815.88
	XXXXX6212	01/10/2023	Public Risk Innovation, Solutions and Management	13,245.54	23400864	EAP Jan-Mar 2023	13,245.54	0.00	\$13,245.54
	XXXXX6213	01/10/2023	State Water Resources Control Board	600.00	SW-0242563	Index 494694 7/1/22-6/30/23	600.00	0.00	\$600.00
	XXXXX6214	01/10/2023	Sunnyvale Public Safety Officers Assn	19,890.00	PR202252	PR202252 Assoc dues	19,890.00	0.00	\$19,890.00
	XXXXX6215	01/10/2023	State Water Resources Control Board	3,274.00	WD-0213221	Index 507448 7/1/22-6/30/23	3,274.00	0.00	\$3,274.00
	XXXXX6216	01/10/2023	State Water Resources Control Board	1,068.00	SW-0250617	Index 514905 10/1/22-9/30/23	1,068.00	0.00	\$1,068.00
	XXXXX6217	01/10/2023	State Water Resources Control Board	1,930.75	SC-134396	P#2247 A#2020263 7/1-9/30	1,930.75	0.00	\$1,930.75
	XXXXX6218	01/10/2023	U.S. Bank	2,150.00	6737224	Lease Rev Bonds 11/22-10/23	2,150.00	0.00	\$2,150.00
	XXXXX6219	01/10/2023	Al Bresani	61.00	661389	Refund: Cancelled sessions	61.00	0.00	\$61.00
	XXXXX6220	01/10/2023	Karl Lichtenberger	47.00	661387	Refund: Cancelled	47.00	0.00	\$47.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						sessions			
	XXXXX6221	01/10/2023	Devcon Construction	53,970.00	Proj. 2017-9548	Refund Maint. Deposit - 760 N Mary Ave	53,970.00	0.00	\$53,970.00
	XXXXX6222	01/10/2023	Pfu America Inc.	1,079.25	061954	Refund of overpayment	1,079.25	0.00	\$1,079.25
	XXXXX6223	01/10/2023	3M Traffic Safety Systems Division	1,034.09	9419790188	Supplies	1,034.09	0.00	\$1,034.09
	XXXXX6224	01/10/2023	Agilent Technologies Inc	630.74	124855593	Chemical	630.74	0.00	\$630.74
	XXXXX6225	01/10/2023	AgreeYa Solutions Inc	1,896.00	231085	Application Analyst	1,896.00	0.00	\$1,896.00
	XXXXX6226	01/10/2023	Airgas, Inc.	572.77	9992663990	Cylinder Rental	572.77	0.00	\$1,145.54
				572.77	9994097267	Cylinder Rental	572.77	0.00	
	XXXXX6227	01/10/2023	Alhambra	33.80	19768402 010123 FIN	Water	33.80	0.00	\$133.80
				100.00	19768402 010123 PAS	Water	100.00	0.00	
	XXXXX6228	01/10/2023	Alpine Awards Inc	1,122.54	6101095	T-Shirt	1,122.54	0.00	\$1,122.54
	XXXXX6229	01/10/2023	Amazon Capital Services Inc	53.88	11XW-6M77-NLFH	Rebecca Elizondo	53.88	0.00	\$813.01
				366.32	1FF4-GTNY-1GPG	Michael Herrera	366.32	0.00	
				-73.00	1FF7-TPFX-CN3R	Against Inv#144T-3W9D-PFHR	-73.00	0.00	
				227.62	1FNP-TKN1-1VYK	Michael Herrera	227.62	0.00	
				17.41	1HJQ-QYCY-DTPF	Julia Erdman	17.41	0.00	
				220.78	1YWC-VGXQ-FFTQ	Jaime Hernandez	220.78	0.00	
	XXXXX6230	01/10/2023	American Red Cross	41.00	22505984	Lifeguarding	41.00	0.00	\$41.00

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6231	01/10/2023	American Textile & Supply Inc	570.20	118485	RagBOX	575.96	5.76	\$570.20
	XXXXX6232	01/10/2023	Apex Systems, LLC	1,833.75	0007098304	Temp staff services	1,833.75	0.00	\$9,421.88
				1,828.13	0007152802	Consulting Wknd 11/19/22	1,828.13	0.00	
				1,080.00	0007152803	Consulting Wknd 11/26/22	1,080.00	0.00	
				1,800.00	0007173086	Consulting Wknd 12/03/22	1,800.00	0.00	
				1,080.00	0007173087	Consulting Wknd 12/10/22	1,080.00	0.00	
				1,800.00	7191700	Consulting Wknd 12/17/22	1,800.00	0.00	
	XXXXX6233	01/10/2023	Applied Industrial Technologies	92.77	7025817145	Parts	92.77	0.00	\$414.81
				202.38	7025858334	Parts	202.38	0.00	
				119.66	7025858422	Parts	119.66	0.00	
	XXXXX6234	01/10/2023	Bay Area Water Supply & Conservation Agy	67,852.50	7477	FY 22-23 Q3 Assessment	67,852.50	0.00	\$67,852.50
	XXXXX6235	01/10/2023	Bellecci & Assoc Inc	9,231.00	220071.00 - 0000005	Poplar Avenue Sidewalk Study	9,231.00	0.00	\$9,231.00
	XXXXX6236	01/10/2023	Buckles-Smith Electric Co	244.14	3299789-01	Parts	244.14	0.00	\$3,106.19
				1,283.28	3301380-00	Parts	1,283.28	0.00	
				281.05	3301380-01	Parts	283.65	2.60	
				1,297.72	3302677-00	Parts	1,309.49	11.77	
	XXXXX6237	01/10/2023	Caltest Analytical Laboratory	294.50	703641	Analysis	294.50	0.00	\$551.00
				256.50	703716	Analysis	256.50	0.00	
	XXXXX6238	01/10/2023	Can-Am Technologies Inc	40,726.00	2022-165	Teller SAAS	40,726.00	0.00	\$47,524.00
				6,798.00	2022-166	Teller SAAS	6,798.00	0.00	
	XXXXX6239	01/10/2023	Chang Tai Do Karate & Fitness	7,825.44	CTD2022JND	Karate Classes Nov/Dec	7,825.44	0.00	\$7,825.44
	XXXXX6240	01/10/2023	Charles Street	1,150.00	2022NBRGR	Neighborhood Grant	1,150.00	0.00	\$1,150.00

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Gardens		ANTCharlesS tree	Reimb			
	XXXXX6241	01/10/2023	Cherryhill Neighborhood Assn	1,084.87	2022NBRGR ANTCherryHil l	Neighborhood Grant Reimb	1,084.87	0.00	\$1,084.87
	XXXXX6243	01/10/2023	Cintas Loc #38K	22.34	4133515780	Uniform	22.34	0.00	\$5,255.04
				146.61	4133515962	Uniform	146.61	0.00	
				172.35	4133515990	Uniform	172.35	0.00	
				331.98	4133516245	Uniform	331.98	0.00	
				22.34	4134204336	Uniform	22.34	0.00	
				172.35	4134204491	Uniform	172.35	0.00	
				146.61	4134204493	Uniform	146.61	0.00	
				313.41	4134204767	Uniform	313.41	0.00	
				22.34	4134887942	Uniform	22.34	0.00	
				146.61	4134888054	Uniform	146.61	0.00	
				313.41	4134888231	Uniform	313.41	0.00	
				172.35	4134888346	Uniform	172.35	0.00	
				24.48	4135599137	Uniform	24.48	0.00	
				146.61	4135599178	Uniform	146.61	0.00	
				172.35	4135599228	Uniform	172.35	0.00	
				313.41	4135599443	Uniform	313.41	0.00	
				22.95	4136282182	Uniform	22.95	0.00	
				146.61	4136282326	Uniform	146.61	0.00	
				172.35	4136282378	Uniform	172.35	0.00	
				313.41	4136282664	Uniform	313.41	0.00	
				20.50	4136978041	Uniform	20.50	0.00	
				172.35	4136978249	Uniform	172.35	0.00	
				146.61	4136978299	Uniform	146.61	0.00	
				313.41	4136978624	Uniform	313.41	0.00	
				20.50	4137737846	Uniform	20.50	0.00	
				146.61	4137737958	Uniform	146.61	0.00	
				172.35	4137738058	Uniform	172.35	0.00	
				313.41	4137738273	Uniform	313.41	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				22.95	4138550137	Uniform	22.95	0.00	
				146.61	4138550225	Uniform	146.61	0.00	
				172.35	4138550257	Uniform	172.35	0.00	
				312.52	4138550447	Uniform	312.52	0.00	
	XXXXX6244	01/10/2023	Clean Vent, Inc.	795.00	45495	Exhaust Cleaning	795.00	0.00	\$795.00
	XXXXX6245	01/10/2023	Cosco Fire Protection Inc	375.00	1000594885	Sprinkler Inspection	375.00	0.00	\$375.00
	XXXXX6246	01/10/2023	Creditron Corp	9,087.75	MN00002561	Sftwr Maint 01/01-12/31/23	9,087.75	0.00	\$10,235.19
				1,147.44	MN00002638	CAR/LAR licens	1,147.44	0.00	
	XXXXX6247	01/10/2023	Earth Share of California	49.00	PR202252	PR202252	49.00	0.00	\$49.00
	XXXXX6248	01/10/2023	FedEx	6.62	7-907-73519	Mail	6.62	0.00	\$6.62
	XXXXX6249	01/10/2023	Fisher Scientific Co LLC	87.99	8178216	Parts	87.99	0.00	\$1,171.60
				1,083.61	8218941	Parts	1,083.61	0.00	
	XXXXX6250	01/10/2023	Global Access Inc	236.00	18544	Online Fax bundle	236.00	0.00	\$236.00
	XXXXX6251	01/10/2023	Hetnet Wireless LLC	1,750.00	4639	Test & Inspection	1,750.00	0.00	\$3,000.00
				500.00	4640	Plan check	500.00	0.00	
				750.00	4641	Annual Testing	750.00	0.00	
	XXXXX6252	01/10/2023	International Code Council Inc	35.00	1001578425	Books	35.00	0.00	\$35.00
	XXXXX6253	01/10/2023	Intex Auto Parts	1,136.72	2-20032-16	Parts	1,136.72	0.00	\$1,136.72
	XXXXX6254	01/10/2023	Javelco Equipment Service Inc	163.69	60092	Parts	163.69	0.00	\$163.69
	XXXXX6255	01/10/2023	Kappe Architects	9,580.00	1972	Corp Yard Nov 2022	9,580.00	0.00	\$9,580.00
	XXXXX6256	01/10/2023	Kelly Moore Paint Co Inc	136.71	820-00000471895	Supplies	136.71	0.00	\$136.71
	XXXXX6257	01/10/2023	Kimley Horn & Assoc	507.72	097318038-	Maude&SV SRTS	507.72	0.00	\$507.72

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Inc		1122	Thru Nov 22			
	XXXXX6258	01/10/2023	Lux Bus America	1,750.40	69335	12/14/2022 Svc	1,750.40	0.00	\$1,750.40
	XXXXX6259	01/10/2023	Mallory Safety & Supply LLC	526.37	5521585	Stores Inventory	526.37	0.00	\$526.37
	XXXXX6260	01/10/2023	Mark Thomas & Company, Inc.	13,627.26	45915	Stevens Ck Trail Thru 11/27/22	13,627.26	0.00	\$13,627.26
	XXXXX6261	01/10/2023	Mission Linen Service	102.81	518314797	Linen Svc	102.81	0.00	\$2,494.72
				102.19	518314798	Linen Svc	102.19	0.00	
				147.45	518314799	Linen Svc	147.45	0.00	
				102.81	518314800	Linen Svc	102.81	0.00	
				84.21	518314801	Linen Svc	84.21	0.00	
				84.21	518314802	Linen Svc	84.21	0.00	
				102.81	518358200	Linen Svc	102.81	0.00	
				102.19	518358201	Linen Svc	102.19	0.00	
				147.45	518358202	Linen Svc	147.45	0.00	
				102.81	518358203	Linen Svc	102.81	0.00	
				84.21	518358204	Linen Svc	84.21	0.00	
				84.21	518358205	Linen Svc	84.21	0.00	
				102.81	518393186	Linen Svc	102.81	0.00	
				102.19	518393187	Linen Svc	102.19	0.00	
				147.45	518393188	Linen Svc	147.45	0.00	
				102.81	518393189	Linen Svc	102.81	0.00	
				84.21	518393190	Linen Svc	84.21	0.00	
				84.21	518393191	Linen Svc	84.21	0.00	
				102.81	518435380	Linen Svc	102.81	0.00	
				102.19	518435381	Linen Svc	102.19	0.00	
				147.45	518435382	Linen Svc	147.45	0.00	
				102.81	518435383	Linen Svc	102.81	0.00	
				84.21	518435384	Linen Svc	84.21	0.00	
				84.21	518435385	Linen Svc	84.21	0.00	
	XXXXX6262	01/10/2023	MNS Engineers	682.50	81558	Design for Sanitary Sewer Main	682.50	0.00	\$682.50



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6263	01/10/2023	National CineMedia LLC	35.00	INV-216397	Theatre Advertising Dec14-31	35.00	0.00	\$35.00
	XXXXX6264	01/10/2023	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	152.23	284378662001	Patricia Pickett 1/5/2023	152.23	0.00	\$449.55
				139.76	284912332001	Frances Moralez 1/3/2023	139.76	0.00	
				16.64	286020191001	Lorena Rodriguez 1/5/2023	16.64	0.00	
				52.13	286818923001	Terri Furton 1/5/2023	52.13	0.00	
				69.16	286821058001	Terri Furton 1/4/2023	69.16	0.00	
				19.63	286825000001	Terri Furton 1/4/2023	19.63	0.00	
	XXXXX6265	01/10/2023	Pacific Eco-Risk	3,348.00	18656	NPDES Toxicity Testing	3,348.00	0.00	\$3,348.00
	XXXXX6266	01/10/2023	Pacific Gas & Electric Co	146,326.50	1105922118-1 1122	City Buildings	146,326.50	0.00	\$229,239.37
				25,573.44	6022590556-5 1122	H2O Supply	25,573.44	0.00	
				57,339.43	8100862765-5 1122	City Owned St & Hwy Lighting	57,339.43	0.00	
	XXXXX6267	01/10/2023	Pacific West Security, Inc	211.00	67871	CNC Jan 2023	211.00	0.00	\$211.00
	XXXXX6268	01/10/2023	Peterson Power Systems Inc	8,578.97	R3224463	Generator Rental 11/21-12/20	8,578.97	0.00	\$8,578.97
	XXXXX6269	01/10/2023	Progress Software Corporation	5,804.50	20043025	WhatsUp & Network Traffic	5,804.50	0.00	\$5,804.50
	XXXXX6270	01/10/2023	Quality Assurance Solutions LLC	763.75	CA-2023-008	Support Svc 8/10-10/28/22	763.75	0.00	\$763.75
	XXXXX6271	01/10/2023	Peter W. Richards	162.16	34188	Stores Inventory	162.16	0.00	\$399.88
				237.72	34194	Stores Inventory	237.72	0.00	
	XXXXX6272	01/10/2023	Safety-Kleen	315.00	90688633	Oil Service	315.00	0.00	\$315.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Systems, Inc.						
	XXXXX6273	01/10/2023	San Francisco Bay Bird Observatory	1,729.80	2568	Monitoring Svc Dec 2022	1,729.80	0.00	\$1,729.80
	XXXXX6274	01/10/2023	SHI International Corp	12.09	B16294768	Acrobat Pro DC	12.09	0.00	\$30.22
				12.09	B16294783	Acrobat Pro DC	12.09	0.00	
				6.04	B16294924	Acrobat Pro DC	6.04	0.00	
	XXXXX6275	01/10/2023	Stericycle Inc	148.99	8002965873	C#1000431167 Shredding Svc	148.99	0.00	\$148.99
	XXXXX6276	01/10/2023	California Newspapers Partnership	279.00	0006718159	Ad	279.00	0.00	\$1,988.10
				1,709.10	0006719865	Ads	1,709.10	0.00	
	XXXXX6277	01/10/2023	Staples Inc	3.47	3525570995	Bill 8068600158 T Nguyen	3.47	0.00	\$20.65
				11.46	3525571001	Bill 8068600158 T Nguyen	11.46	0.00	
				5.72	3525571003	Bill 8068600158 T Nguyen	5.72	0.00	
	XXXXX6278	01/10/2023	United Parcel Service	228.80	00009666084 02	966608 W/E 9/10-10/1/22	228.80	0.00	\$228.80
	XXXXX6279	01/10/2023	United Site Services of California, Inc.	420.84	INV-01311799	Sinks & Rest 12/9/22-1/5/23	420.84	0.00	\$420.84
	XXXXX6280	01/10/2023	Univar Solutions USA Inc	7,180.26	50792500	Chemicals	7,180.26	0.00	\$7,180.26
	XXXXX6281	01/10/2023	VWR International LLC	403.27	8811422714	Supplies	403.27	0.00	\$1,093.05
				689.78	8811688911	Supplies	689.78	0.00	
	XXXXX6282	01/10/2023	Gregg Crawford Construction Inc	394.00	14066	Labor and Material	394.00	0.00	\$645.50
				251.50	14068	Labor and Material	251.50	0.00	
	XXXXX6283	01/10/2023	Weck Laboratories Inc	212.22	W2L2527	Lab Svc	212.22	0.00	\$594.30
				382.08	W3A0093	Lab Svc	382.08	0.00	
	XXXXX6284	01/10/2023	West Valley Engineering, Inc	1,578.96	323313	Netto, Margaret W/E 12/25/22	1,578.96	0.00	\$1,578.96
	XXXXX6285	01/10/2023	County of Santa Clara	78,856.36	FY22	HHW 2022 Recon invoice	78,856.36	0.00	\$78,856.36
	XXXXX6286	01/10/2023	Siteimprove Inc	1,075.67	US-10495	Subscription12/1/22-	1,075.67	0.00	\$1,075.67

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						6/30/23			
	XXXXX6287	01/10/2023	The Sourcing Group LLC	3,265.80	516783	Village Ctr Mailing	3,265.80	0.00	\$18,251.75
				14,985.95	516784	Annual ESD Mailing	14,985.95	0.00	
	XXXXX6288	01/10/2023	BAE Urban Economics	1,860.00	2625-Dec22	Presentation for HHSC meeting	1,860.00	0.00	\$6,510.00
				4,650.00	2625-Nov22	Nov 22	4,650.00	0.00	
	XXXXX6289	01/10/2023	Baker & Taylor, LLC	1,797.34	5017977783	Books	1,797.34	0.00	\$10,869.65
				879.26	5017977806	Books	879.26	0.00	
				2,046.25	5017993107	Books	2,046.25	0.00	
				135.00	5018002818	Books	135.00	0.00	
				1,572.44	5018002922	Books	1,572.44	0.00	
				36.34	5018007616	Books	36.34	0.00	
				64.68	5018007622	Books	64.68	0.00	
				46.16	5018007624	Books	46.16	0.00	
				1,841.56	5018013589	Books	1,841.56	0.00	
				34.60	5018016386	Books	34.60	0.00	
				62.07	5018016388	Books	62.07	0.00	
				139.66	5018016390	Books	139.66	0.00	
				21.14	5018020081	Books	21.14	0.00	
				12.84	5018020083	Books	12.84	0.00	
				8.34	5018020085	Books	8.34	0.00	
				30.77	5018020087	Books	30.77	0.00	
				80.32	5018020089	Books	80.32	0.00	
				36.56	5018020091	Books	36.56	0.00	
				674.61	5018026825	Books	674.61	0.00	
				1,299.97	5018034207	Books	1,299.97	0.00	
				24.37	5018064740	Books	24.37	0.00	
				8.34	5018064742	Books	8.34	0.00	
				17.03	H62960490	Books	17.03	0.00	
	XXXXX6290	01/10/2023	Grainger	127.83	7107144045	Supplies	127.83	0.00	\$1,471.89
				639.91	7107144060	Supplies	639.91	0.00	
				501.00	9500158895	Supplies	501.00	0.00	
				203.15	9561637019	Supplies	203.15	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6291	01/10/2023	Linda Brunner	77,000.00	2022-SV-01	Sculpture for Cvc Ctr 1st instal.	77,000.00	0.00	\$77,000.00
	XXXXX6292	01/10/2023	Kaseya US LLC	32,851.00	INV2464545200932	VSA 11/30/22-11/29/23	32,851.00	0.00	\$32,851.00
	XXXXX6293	01/10/2023	Anderson Brule Architects Inc	27,457.25	20.0401.0-28	Lakewood lib & learning ctr	27,457.25	0.00	\$27,457.25
	XXXXX6294	01/10/2023	United Way of the Bay Area	60.00	PR2022502	PR202252 Contributions	60.00	0.00	\$60.00
	XXXXX6295	01/10/2023	Northwood Design Partners, Inc.	150,724.55	815652P	Furniture Deposit	150,724.55	0.00	\$150,724.55
	XXXXX6296	01/10/2023	ICOM Mechanical, Inc.	6,300.50	530597	Parts and Labor	6,300.50	0.00	\$6,300.50
	XXXXX6297	01/10/2023	International Contact Inc	1,139.94	I-08423	Translation Services	1,139.94	0.00	\$1,139.94
	XXXXX6298	01/10/2023	Interstate Auto Sales	61,213.02	VINIFD8X3E61MED62243	FORD F250 XL	61,213.02	0.00	\$61,213.02
	XXXXX6299	01/10/2023	Vizocom ICT LLC	2,357.10	VZ-CV-#7763	FPO#FY23-09 4 Antigen Kits	2,357.10	0.00	\$2,357.10
	XXXXX6300	01/10/2023	Stewardship Action Foundation	1,000.00	SAF FY23-020	Donation	1,000.00	0.00	\$1,000.00
	XXXXX6301	01/10/2023	Heritage District Neighborhood Association	1,250.00	2022NBRGR ANTHeritage	Neighborhood grant Reimb	1,250.00	0.00	\$1,250.00
	XXXXX6302	01/10/2023	City of Morgan Hill	2,600.00	2002-116	SCC Leadership Academy	2,600.00	0.00	\$2,600.00
	XXXXX6303	01/10/2023	Murphy District Association	750.00	2022NBRGR ANTMurphyDistrict	Nborhood Grant Dec 2022	750.00	0.00	\$750.00
	XXXXX6304	01/10/2023	SewerAI Corporation	9,600.00	19170-1	Pioneer Subscription	9,600.00	0.00	\$9,600.00
	XXXXX6305	01/10/2023	Santa Clara Valley Transportation Authority	314,527.00	1800032625	CMP Mbr Agency Fee	314,527.00	0.00	\$314,527.00
	XXXXX6306	01/10/2023	State Water	92,211.95	LW-1040526	Sys 4310014 7/1/22-	92,211.95	0.00	\$92,211.95

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Resources Control Board			6/30/23			
	XXXXX6307	01/10/2023	Sunnyvale Public Safety Officers Assn	4,875.50	Disability0123	LTD Reimb Jan 2023	4,875.50	0.00	\$4,875.50
	XXXXX6308	01/10/2023	Sunnyvale Public Safety Officers Assn	39,060.00	Dental0123	Jan 2023 Dental Reimb	39,060.00	0.00	\$39,060.00
	XXXXX6309	01/12/2023	National Auto Fleet Group	68,813.83	WF3943	Ford#1FDRF3E69NE E50630	68,813.83	0.00	\$68,813.83
	XXXXX6310	01/12/2023	Studio Em Graphic Design	491.06	18747	Utility Bill Stuffers	491.06	0.00	\$491.06
	XXXXX6311	01/12/2023	State Water Resources Control Board	25.00	MSD3R-05182022B	Ck#100010995 Rtn Ck Fee	25.00	0.00	\$25.00
	XXXXX6312	01/12/2023	State Water Resources Control Board	225.00	JWashington_G3 WWT	Jon Washington G3 Cert Appl	225.00	0.00	\$225.00
	XXXXX6313	01/12/2023	WateReuse Assn	7,192.50	D47447	2023 Assoc Dues	7,192.50	0.00	\$7,192.50
	XXXXX6314	01/12/2023	Silicon Valley Electric Motor Corp.	1,425.71	RI8783	Parts & Labor	1,425.71	0.00	\$1,425.71
	XXXXX6315	01/12/2023	Vivek Ramamoorthy	196.25	191607-34604	Refund 833 Maria Ln	196.25	0.00	\$196.25
	XXXXX6316	01/12/2023	Granite Construction, Inc.	4,318.01	211315-52252	Refund Sunnyvale location hydnt	4,318.01	0.00	\$4,318.01
	XXXXX6317	01/12/2023	Melvin Hirata	188.73	130611-19626	Refund 1319 Warner Ave	188.73	0.00	\$188.73
	XXXXX6318	01/12/2023	American Liver Foundation	1,000.00	665878	Deposit refund Baylands Park rental	1,000.00	0.00	\$1,000.00
	XXXXX6319	01/12/2023	Bravelane LLC	6,258.33	190241-49552	Refund 520 Almanor Av	6,258.33	0.00	\$6,258.33
	XXXXX6320	01/12/2023	AgreeYa Solutions Inc	10,744.00	231315	Application Analyst Dec 22	10,744.00	0.00	\$17,744.00
				2,520.00	231351	Sr. Network Engineer Dec 22	2,520.00	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				4,480.00	231377	Network Engineer Dec 22	4,480.00	0.00	
	XXXXX6321	01/12/2023	Alhambra	2.99	19768402 010123 DPW SOC	Water	2.99	0.00	\$2.99
	XXXXX6322	01/12/2023	Amazon Capital Services Inc	49.08	13L3-Q7WF- YDF6	Nan Choi	49.08	0.00	\$3,189.45
				1,766.52	13PN-JV7G- 41FP	Tracey Gott	1,766.52	0.00	
				35.78	14D4-MKQ6- 7P7N	Jaime Hernandez	35.78	0.00	
				65.46	16WH-RMJN- 74P9	Michelle Chuck	65.46	0.00	
				39.68	17CX-WK3F- 9CDJ	Devin Diazoni	39.68	0.00	
				119.22	17KX-7F1M- N69T	Janelle Resuello	119.22	0.00	
				47.99	1CQ4-6DLH- V9GJ	Walter Buczeke	47.99	0.00	
				180.99	1CXY-9M39- LDRP	Gina Newbold	180.99	0.00	
				327.32	1QLC-PGL7- D99P	Linda Lovett	327.32	0.00	
				399.14	1QP1-1TN1- 11YW	Laura Bryan	399.14	0.00	
				49.05	1RCC-G7XK- 7CC6	Terri Furton	49.05	0.00	
				96.90	1RMR- 3PWH-PVY7	Rodney Wilson	96.90	0.00	
				12.32	1YHG-RK96- 9CMG	Grace Lo	12.32	0.00	
	XXXXX6323	01/12/2023	American Society of Composers, Authors and Publishers	1,685.04	ASCAP2023	Music licensing fee for 2023	1,685.04	0.00	\$1,685.04

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6324	01/12/2023	Bibliotheca LLC	792.75	INV-US61358	Books	792.75	0.00	\$792.75
	XXXXX6325	01/12/2023	Callander Associates Landscape Architec	1,096.70	22017-7	Serra Park Play Area	1,096.70	0.00	\$1,096.70
	XXXXX6326	01/12/2023	Century Graphics	1,011.29	56972	Polo	1,011.29	0.00	\$3,059.38
				2,048.09	57510	Polo	2,048.09	0.00	
	XXXXX6327	01/12/2023	Dahlin Group	12,837.50	2212-023	Update to SFH design	12,837.50	0.00	\$12,837.50
	XXXXX6328	01/12/2023	DTN Engineers Inc	400.50	474.06	On-Call Electrical Services	400.50	0.00	\$400.50
	XXXXX6329	01/12/2023	Foothill-De Anza Foundation	3,500.00	FY23-04a	Online Classes	3,500.00	0.00	\$3,500.00
	XXXXX6330	01/12/2023	Hybrid Commercial Printing, Inc.	158.23	27586	Business Card	158.23	0.00	\$3,474.53
				867.54	27590	Sewer Door Hanger	867.54	0.00	
				1,854.03	27591	MPSP	1,854.03	0.00	
				594.73	27595	Business Card set up	594.73	0.00	
	XXXXX6331	01/12/2023	Irvine & Jachens Inc.	183.12	4132	Badge	183.12	0.00	\$183.12
	XXXXX6332	01/12/2023	Javelco Equipment Service Inc	71.94	59909	Parts	71.94	0.00	\$2,666.23
				1,018.30	60077	Parts	1,018.30	0.00	
				1,575.99	60082	Parts	1,575.99	0.00	
	XXXXX6333	01/12/2023	Judicial Council of California	1,751.39	February2023	Facility No. 43-F1 License Fee	1,751.39	0.00	\$1,751.39
	XXXXX6334	01/12/2023	LC Action Police Supply	2,016.84	445300	Ammo	2,016.84	0.00	\$2,016.84
	XXXXX6335	01/12/2023	Lynx Technologies Inc	900.00	9744	GIS Svc Oct & Sept 2022	900.00	0.00	\$3,000.00
				900.00	9766	GIS Services Nov 2022	900.00	0.00	
				1,200.00	9786	GIS Services Dec 2022	1,200.00	0.00	
	XXXXX6336	01/12/2023	McMaster Carr Supply Co	2,232.29	90404311	Supplies	2,274.96	42.67	\$2,232.29



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6337	01/12/2023	Midwest Tape LLC	10.80	503037086	MARC Processing Fee	10.80	0.00	\$116.95
				106.15	503037096	Processing Svc	106.15	0.00	
	XXXXX6338	01/12/2023	National League of Cities	10,731.00	181047	Mbr#0000005250 2023 Dues	10,731.00	0.00	\$10,731.00
	XXXXX6339	01/12/2023	NBS	675.00	202301-1032	Public Facilities Impact Fee	675.00	0.00	\$675.00
	XXXXX6340	01/12/2023	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	371.01	28187253400 1	Nick Bochniarz 12/6/2022	371.01	0.00	\$1,452.01
				383.67	28254526400 1	Rebecca Montalvo 1/9/2023	383.67	0.00	
				40.16	28446493600 1	Glenda Moncada 1/9/2023	40.16	0.00	
				103.40	28568070500 1	Reiko Yoshidome 1/7/2023	103.40	0.00	
				281.51	28568073200 1	Reiko Yoshidome 1/7/2023	281.51	0.00	
				272.26	28590111500 1	Anjelene Manzanares 1/9/03	272.26	0.00	
	XXXXX6341	01/12/2023	OverDrive Inc	65.00	13449DA224 55692	Audiobook	65.00	0.00	\$199.49
				36.99	13449DA224 57620	Book & Audiobook	36.99	0.00	
				97.50	13449DA230 02055	Ebooks	97.50	0.00	
	XXXXX6342	01/12/2023	P&R Paper Supply Co., Inc.	6,348.51	60082360-00	Stores CM 60082590-00 Appl	6,348.51	0.00	\$6,348.51
	XXXXX6343	01/12/2023	Pacific Gas & Electric Co	7,861.91	0008149886-7 1022	1444 Borregas Ave/WPCP Departing Load	7,861.91	0.00	\$15,284.84
				5,992.32	0008156664-8 1122	1444 Borregas Ave/WPCP Departing Load	5,992.32	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				1,328.17	0069706286-7 1222	725 Kifer Rd/SCS Property	1,328.17	0.00	
				102.44	9129031168-6 1222	1382 Kifer Rd/Kifer Lift Station	102.44	0.00	
	XXXXX6344	01/12/2023	Pan Asian Publications Inc	2,984.81	U-17367	Library Materials	2,984.81	0.00	\$5,543.03
				2,558.22	U-17375	Library Materials	2,558.22	0.00	
	XXXXX6345	01/12/2023	San Jose Conservation Corps	13,905.32	7816	Glass Collection Dec 2022	13,905.32	0.00	\$13,905.32
	XXXXX6346	01/12/2023	California Newspapers Partnership	92.00	0006710371	Ad	92.00	0.00	\$941.00
				99.00	0006710376	Ad	99.00	0.00	
				92.00	0006712050	Ad	92.00	0.00	
				95.00	0006712052	Ad	95.00	0.00	
				106.00	0006712054	Ad	106.00	0.00	
				99.00	0006719698	Ad	99.00	0.00	
				82.00	0006721156	Ad	82.00	0.00	
				95.00	0006722201	Ad	95.00	0.00	
				89.00	0006722246	Ad	89.00	0.00	
				92.00	0006722254	Ad	92.00	0.00	
	XXXXX6347	01/12/2023	Staples Inc	25.12	3525570996	Bill 8068600158 P Luckey	25.12	0.00	\$136.81
				111.69	3525570997	Bill 8068600158 P Luckey	111.69	0.00	
	XXXXX6348	01/12/2023	TJKM	7,256.25	0053506	TS Hardware & Wiring Nov 22	7,256.25	0.00	\$7,256.25
	XXXXX6349	01/12/2023	Traffic Data Service	4,320.00	22127	Traffic Counts	4,320.00	0.00	\$4,320.00
	XXXXX6350	01/12/2023	Turf & Industrial Equipment Co	282.51	IV45055	Stores Inventory	282.51	0.00	\$282.51
	XXXXX6351	01/12/2023	Unity Courier Service Inc	1,011.56	485999	C30508 Dec 2022	1,011.56	0.00	\$1,011.56
	XXXXX6352	01/12/2023	Zalco Laboratories	375.00	2212255	Gas Analysis	375.00	0.00	\$375.00
	XXXXX6353	01/12/2023	HomeFirst Services of	29,948.11	HF-November	Sunnyvale Outreach	29,948.11	0.00	\$29,948.11

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Santa Clara County		2022-cc5035	and Shelter			
	XXXXX6354	01/12/2023	Anne Marie Bonneau	150.00	1080	Speaking Engagement	150.00	0.00	\$150.00
	XXXXX6355	01/12/2023	Cleansmart Solutions Inc.	619.92	23325	Supplies	619.92	0.00	\$619.92
	XXXXX6356	01/12/2023	Baker & Taylor, LLC	9,150.04	41516812202 2V	VAS Charges	9,150.04	0.00	\$20,985.83
				2,531.30	5018010995	Books	2,531.30	0.00	
				2,793.82	5018026158	Books	2,793.82	0.00	
				3,239.77	5018026196	Books	3,239.77	0.00	
				253.40	5018027870	Books	253.40	0.00	
				219.54	5018028435	Books	219.54	0.00	
				20.21	5018028437	Books	20.21	0.00	
				256.79	5018028439	Books	256.79	0.00	
				19.22	5018032625	Books	19.22	0.00	
				212.69	5018032627	Books	212.69	0.00	
				182.31	5018032629	Books	182.31	0.00	
				1,253.89	5018049194	Books	1,253.89	0.00	
				181.64	5018078589	Books	181.64	0.00	
				305.87	H62917990	Books	305.87	0.00	
				135.43	H62918000	Books	135.43	0.00	
				30.94	H62930020	Books	30.94	0.00	
				27.10	H62930030	Books	27.10	0.00	
				171.87	PCG010323S VAVP	CLS Cataloging & Processing	171.87	0.00	
	XXXXX6357	01/12/2023	T3CHCOMP Incorporated	18,360.00	2110-027 SVT 2212 FINAL R1	Technical Consultant Svc	18,360.00	0.00	\$18,360.00
	XXXXX6358	01/12/2023	Sunnyvale Towing Inc	437.50	323459	Towing Svc	437.50	0.00	\$587.50
				150.00	324454	Towing Svc	150.00	0.00	
	XXXXX6359	01/12/2023	BSA Environmental Services Inc	4,600.00	COS 22-15	Chemical Analysis	4,600.00	0.00	\$4,600.00
	XXXXX6360	01/12/2023	Schaaf & Wheeler	2,430.00	36858	Trash Capture Thru	2,430.00	0.00	\$2,430.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Consulting Civil			11/30/22			
	XXXXX6361	01/12/2023	Kanopy Inc	1,130.00	330297-PPU	Videos	1,130.00	0.00	\$1,130.00
	XXXXX6362	01/12/2023	Dish DBS Corporation	168.09	December	AC#8255 1010 1511 5976	168.09	0.00	\$168.09
	XXXXX6363	01/12/2023	Thatcher Company of California Inc	6,728.02	20222501075 96	Chemicals	6,728.02	0.00	\$21,701.80
				6,787.59	20222501076 22	Chemicals	6,787.59	0.00	
				8,186.19	20222501076 51	Chemicals	8,186.19	0.00	
	XXXXX6364	01/12/2023	Interstate Auto Sales	55,222.71	VIN #1FTBF2AT2 NEE10918	FORD F250 XL	55,222.71	0.00	\$55,222.71
	XXXXX6365	01/12/2023	Grace Grace Trout	450.00	4044	Music Performance 12/13/22	450.00	0.00	\$450.00
	XXXXX6366	01/12/2023	Garden to Table Silicon Valley	250.00	ESD2022	Svl Speaker Series	250.00	0.00	\$250.00
	XXXXX6367	01/12/2023	BC Group International Inc.	3,013.00	D7724-1	FPO%ESD110722	3,013.00	0.00	\$3,013.00
WIRE	XXXXX9712	01/10/2023	Carl Warren & Company	38,092.04	Prefund Laurent	Pre-fund Liability Trust Fund for Laurent WR 1/5/2023	38,092.04	0.00	\$38,092.04
	XXXXX9713	01/10/2023	Keenan & Associates	124,303.38	120122-123122	Trust Reimb 12/1-31/22 Wire Date 1/4/23	124,303.38	0.00	\$124,303.38
	XXXXX9714	01/10/2023	Public Employees Retirement System	1,886,356.82	10000001703 0388	Medical Premium WR Date 1/6/23	1,886,356.82	0.00	\$1,886,356.82
	XXXXX9715	01/10/2023	U.S. Bank	2,500,000.00	FY2023 Additional	Pension Trust WR Date 1/6/23	2,500,000.00	0.00	\$2,500,000.00
	XXXXX9775	01/12/2023	Carl Warren & Company	45,658.51	1/10/23 replenishment	Liability Trust Fund Replenishment WR date 1/10/2023	45,658.51	0.00	\$45,658.51

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX9776	01/12/2023	U.S. Bank	771,500.00	03312023	OPEB Trust Wire Date 1/9/23	771,500.00	0.00	\$771,500.00
Grand Total				7,256,136.31			7,256,199.11	62.80	\$7,256,136.31

City of Sunnyvale

**LIST # 164**

**List of All Claims and Bills Approved for Payment  
For Payments Dated 01/15/2023 through 01/21/2023**

**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	XXXXX6368	01/17/2023	Bay Area Air Quality Management District	17,436.00	4NB79	Annual Permit Ren Plant 5905	17,436.00	0.00	\$17,436.00
	XXXXX6369	01/17/2023	California Building Standards Commission	23,703.30	2022 Q4	Special Revolving Fund Q4	23,703.30	0.00	\$23,703.30
	XXXXX6370	01/17/2023	Self Insured Services Company	46,877.31	12096	an 2023 life insurance and long term disability (non PSOA)	46,877.31	0.00	\$46,877.31
	XXXXX6371	01/17/2023	NOVAworks Foundation	95.00	PR202302	PR202302 NOVA Dues	95.00	0.00	\$95.00
	XXXXX6372	01/17/2023	Sunnyvale Public Safety Officers Assn	19,620.00	PR202302	PR202302 Association Dues	19,620.00	0.00	\$19,620.00
	XXXXX6373	01/17/2023	United States Postal Service	1,580.00	3714-2223	POB#3714 Annual Renewal	1,580.00	0.00	\$1,580.00
	XXXXX6374	01/17/2023	Kirby Canyon Recycling and Disposal Facility	510,485.40	Dec2022	Dec 2022 Landfill Disposal	510,485.40	0.00	\$510,485.40
	XXXXX6375	01/17/2023	Chemsearchfe	2,989.97	8072026	Chemicals	2,989.97	0.00	\$2,989.97
	XXXXX6376	01/17/2023	City of San Jose	20,034.04	0008-2064	#002-2064-22_Nov2022_0008-2064	20,034.04	0.00	\$20,034.04
	XXXXX6377	01/17/2023	Coast Counties Peterbilt	143.52	01171687P	Parts	143.52	0.00	\$327.46
				2.08	01171709P	Parts	2.08	0.00	
				84.07	01172675P	Parts	84.07	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				20.32	01172751P	Parts	20.32	0.00	
				33.40	01172752P	Parts	33.40	0.00	
				44.07	01172766P	Parts	44.07	0.00	
	XXXXX6378	01/17/2023	Occupational Health Centers of California	449.00	77028379	10/13-18/2022 Svc	449.00	0.00	\$1,662.50
				627.00	77632741	12/8-13/2022 Svc	627.00	0.00	
				332.00	77712470	12/20/2022 Svc	332.00	0.00	
				134.00	77773944	12/22-27/2022 Svc	134.00	0.00	
				120.50	77775134	DOT Recert	120.50	0.00	
	XXXXX6379	01/17/2023	Earth Share of California	158.50	PR202302	PR202302	158.50	0.00	\$158.50
	XXXXX6380	01/17/2023	EOA Inc	8,400.66	SU58-1122	Consulting Services	8,400.66	0.00	\$16,813.97
				2,955.09	SUN002-1022	Monthly MS4 Monitoring	2,955.09	0.00	
				5,458.22	SUN002-1122	Field Preparation	5,458.22	0.00	
	XXXXX6381	01/17/2023	FedEx	12.49	7-994-15062	Mail	12.49	0.00	\$12.49
	XXXXX6382	01/17/2023	Ferguson US Holdings Inc	4,031.94	1763681	Parts	4,031.94	0.00	\$4,031.94
	XXXXX6383	01/17/2023	Fluid Components International LLC	1,548.82	1149667	Flowmeter repair	1,548.82	0.00	\$1,548.82
	XXXXX6384	01/17/2023	GCS Environmental Equipment Services Inc	567.23	26183	Parts	567.23	0.00	\$567.23
	XXXXX6385	01/17/2023	Golden Gate Truck Center	8,902.70	R005103916: 01	Parts & Labor	8,902.70	0.00	\$8,902.70
	XXXXX6386	01/17/2023	The Goodyear Tire & Rubber Co	1,845.20	189-1109576	Tires	1,845.20	0.00	\$6,862.52
				264.28	189-1109596	Tires	264.28	0.00	
				465.97	189-1109608	Tires & Labor	465.97	0.00	
				342.24	189-1109614	Parts & Labor	342.24	0.00	
				437.97	189-1109620	Tires	437.97	0.00	
				163.62	189-1109651	Tires	163.62	0.00	
				216.19	189-1109652	Parts & Labor	216.19	0.00	
				1,564.18	189-1109671	Tires	1,564.18	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				574.74	189-1109680	Tires	574.74	0.00	
				988.13	189-1109683	Tires & Labor	988.13	0.00	
	XXXXX6387	01/17/2023	Graniterock Co	4,591.88	2068909	Supplies	4,591.88	0.00	\$14,081.39
				9,489.51	2069929	Aggregate and Asphalt	9,489.51	0.00	
	XXXXX6388	01/17/2023	Hi Tech Emergency Vehicle Service Inc	733.27	174895	Parts	733.27	0.00	\$733.27
	XXXXX6389	01/17/2023	Hi-Tech Optical Inc	125.00	911843	Lens	125.00	0.00	\$855.00
				125.00	911849	Lens	125.00	0.00	
				125.00	911851	Lens	125.00	0.00	
				120.00	913142	Lens	120.00	0.00	
				125.00	913149	Lens	125.00	0.00	
				125.00	913150	Lens	125.00	0.00	
				110.00	914304	On-Site Disp	110.00	0.00	
	XXXXX6390	01/17/2023	Humane Society Silicon Valley	16,385.14	INV340	Contract Services Dec 22	16,385.14	0.00	\$16,385.14
	XXXXX6391	01/17/2023	HydroScience Engineers Inc	1,998.75	262001130	Water Quality Support	1,998.75	0.00	\$1,998.75
	XXXXX6392	01/17/2023	Iconix Waterworks (US) Inc.	221.44	U2216059246	Parts	221.44	0.00	\$221.44
	XXXXX6393	01/17/2023	Interstate Battery System of San Jose Inc.	548.98	10306048	Battery	548.98	0.00	\$548.98
	XXXXX6394	01/17/2023	Intex Auto Parts	130.95	2-15307-16	Parts	130.95	0.00	\$1,248.75
				54.56	2-17706-19	Parts	54.56	0.00	
				82.32	2-19228-8	Parts	82.32	0.00	
				142.95	2-19868-12	Parts	142.95	0.00	
				128.77	2-19948-12	Parts	128.77	0.00	
				17.46	2-20184-14	Parts	17.46	0.00	
				20.19	2-21299-17	Parts	20.19	0.00	
				622.44	2-22056-12	Parts	622.44	0.00	
				49.11	2-22386-17	Parts	49.11	0.00	
	XXXXX6395	01/17/2023	Keenan & Associates	36,764.50	281903	2022 WC Claim Instl	36,764.50	0.00	\$79,631.91

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						12 of 12			
				42,867.41	283520	2023 WC Claim Instl 1 of 12	42,867.41	0.00	
	XXXXX6396	01/17/2023	Kovatch Mobile Equipment Corp.	2,814.21	ca 559468	Parts	2,814.21	0.00	\$2,814.21
	XXXXX6397	01/17/2023	LexisNexis Risk Data Management Inc	130.00	1409790-20221231	Dec 2022	130.00	0.00	\$130.00
	XXXXX6398	01/17/2023	Live Oak Adult Day Services	11,240.00	101-2022-1	Ag#2223-819720 Jul-Dec	11,240.00	0.00	\$11,240.00
	XXXXX6399	01/17/2023	Lozano Sunnyvale Car Wash	875.00	34	Carwash Nov 2022	875.00	0.00	\$875.00
	XXXXX6400	01/17/2023	Mallory Safety & Supply LLC	75.43	5519819	Stores Inventory	75.43	0.00	\$1,982.94
				1,907.51	5525091	Stores Inventory	1,907.51	0.00	
	XXXXX6401	01/17/2023	MSI Fuel Management, Inc.	875.00	5578	UST Site Inspection Jan 2023	875.00	0.00	\$1,055.00
				180.00	5580	Svc Call	180.00	0.00	
	XXXXX6402	01/17/2023	Municipal Maintenance Equipment Inc	2,120.44	004119	Parts	2,120.44	0.00	\$2,285.54
				165.10	004582	Parts	165.10	0.00	
	XXXXX6403	01/17/2023	Municipal Resource Group LLC	1,350.00	03-22-635	City Mgr & Attorney Eval 2022	1,350.00	0.00	\$16,537.50
				3,712.50	03-22-710	Consulting Oct 2022	3,712.50	0.00	
				4,162.50	03-22-720	City Mgr & Attorney Eval 2022	4,162.50	0.00	
				7,312.50	03-22-799	Consulting Nov 2022	7,312.50	0.00	
	XXXXX6404	01/17/2023	Myers Tire Supply Co	185.66	21417774	Parts	185.66	0.00	\$185.66
	XXXXX6405	01/17/2023	NAPA Auto Parts	129.77	5983-810526	Parts	129.77	0.00	\$2,099.77
				312.20	5983-810585	Parts	312.20	0.00	
				58.93	5983-810586	Parts	58.93	0.00	
				73.65	5983-811837	Parts	73.65	0.00	
				30.53	5983-812127	Parts	30.53	0.00	
				53.09	5983-812367	Parts	53.09	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				239.54	5983-813423	Parts \$4.89 Disct By 2/10	244.43	4.89	
				199.61	5983-813457	Parts \$4.07 Disct By 2/10	203.68	4.07	
				239.54	5983-813497	Parts \$4.89 Disct By 2/10	244.43	4.89	
				38.26	5983-813631	Parts \$0.78 Disct By 2/10	39.04	0.78	
				8.43	5983-813768	Parts \$0.17 Disct By 2/10	8.60	0.17	
				35.84	5983-813781	Parts #0.73 Disct By 2/10	36.57	0.73	
				11.18	5983-813800	Parts \$0.23 Disct By 2/10	11.41	0.23	
				91.97	5983-813983	Parts \$1.88 Disct By 2/10	93.85	1.88	
				128.92	5983-814014	Parts \$2.63 Disct By 2/10	131.55	2.63	
				19.25	5983-814015	Parts \$0.39 Disct By 2/10	19.64	0.39	
				106.57	5983-814066	Parts \$2.18 Disct By 2/10	108.75	2.18	
				189.08	5983-814150	Parts \$3.86 Disct By 2/10	192.94	3.86	
				6.77	5983-814537	Parts \$0.14 Disct By 2/10	6.91	0.14	
				119.63	5983-814577	Parts \$0.24 Disct By 2/10	119.87	0.24	
				7.01	5983-814885	Parts \$0.02 Disct By 2/10	7.03	0.02	
	XXXXX6406	01/17/2023	National CineMedia LLC	3,080.00	INV-216444	Theatre Advertising 12/16-29	3,080.00	0.00	\$3,080.00
	XXXXX6407	01/17/2023	Nielsen Merksamer	5,282.00	252107	Svc Thru 12/31/2022	5,282.00	0.00	\$5,282.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Parrinello Gross &						
	XXXXX6408	01/17/2023	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	17.67	285642330001	Anjelene Manzanares 1/12/23	17.67	0.00	\$527.92
				97.10	286502289001	Rebecca Montalvo 1/10/2023	97.10	0.00	
				105.39	287330425001	Terri Furton 1/13/2023	105.39	0.00	
				59.11	287330430001	Terri Furton 1/13/2023	59.11	0.00	
				248.65	288020677001	Anjelene Manzanares 1/12/23	248.65	0.00	
	XXXXX6409	01/17/2023	Orlandi Trailer Inc	228.64	213108	Parts	228.64	0.00	\$228.64
	XXXXX6410	01/17/2023	Pacific Gas & Electric Co	1,170.64	0008159734-6 0123	COO for Sp Fac@1444 Borregas WPCP Pwr Gen Facilities	1,170.64	0.00	\$1,170.64
	XXXXX6411	01/17/2023	Pine Cone Lumber Co Inc	229.15	175064	Supplies	231.26	2.11	\$229.15
	XXXXX6412	01/17/2023	PlaceWorks Inc	2,896.80	80706	Housing Dvpt Objective Dec22	2,896.80	0.00	\$2,896.80
	XXXXX6413	01/17/2023	Polydyne Inc	8,910.00	1691838	FLOFOAM D 625	8,910.00	0.00	\$49,075.00
				43,960.00	1702640	CLARIFLOC WE-2391	43,960.00	0.00	
				-3,795.00	1705283	Inv 1699391	-3,795.00	0.00	
	XXXXX6414	01/17/2023	Power Plan - OIB	617.47	14128752	Parts	617.47	0.00	\$617.47
	XXXXX6415	01/17/2023	Priority 1 Public Safety Equipment	3,224.71	9076	Auto Parts & Labor	3,224.71	0.00	\$3,224.71
	XXXXX6416	01/17/2023	Royal Brass Inc	502.99	A00762-001	Parts	502.99	0.00	\$1,096.10
				474.03	A00762-002	Parts	474.03	0.00	
				36.00	A00763-001	Parts	36.00	0.00	
				83.08	A01075-001	Parts	83.08	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6417	01/17/2023	Safety-Kleen Systems, Inc.	33.75	90723106	Hazmat Disposal	33.75	0.00	\$33.75
	XXXXX6418	01/17/2023	County of Santa Clara	9,547.93	1800083980	Aerial Imagery & LiDAR Data Acqui	9,547.93	0.00	\$9,547.93
	XXXXX6419	01/17/2023	SASE Co Inc	537.98	INV305810	Parts	537.98	0.00	\$537.98
	XXXXX6420	01/17/2023	SFO Reprographics	294.64	76843	Color Posters	294.64	0.00	\$431.05
				136.41	76897	PVC Boards	136.41	0.00	
	XXXXX6421	01/17/2023	Stericycle Inc	926.80	8002844407	C#1000200560 11/16/22	926.80	0.00	\$1,060.43
				133.63	8003040303	C#1000199088 12/5/22 Svc	133.63	0.00	
	XXXXX6422	01/17/2023	California Newspapers Partnership	358.00	0006712117 DEC	Ad	358.00	0.00	\$3,542.00
				504.00	0006712117.	Ad	504.00	0.00	
				449.00	0006715989	Ad	449.00	0.00	
				451.00	0006716937	Ad	451.00	0.00	
				451.00	0006716937.	Ad	451.00	0.00	
				451.00	0006716938	Ad	451.00	0.00	
				283.00	0006721092	Ad	283.00	0.00	
				398.00	0006721159	Ad	398.00	0.00	
				197.00	0006722192	Ad	197.00	0.00	
	XXXXX6423	01/17/2023	Silicon Valley Ergonomics LLC	250.00	SVL1035	Ergonomic Consultation	250.00	0.00	\$250.00
	XXXXX6424	01/17/2023	Silver & Wright LLP	33.80	29959	618 Sheraton Dr	33.80	0.00	\$4,281.47
				115.00	30280	Legal Svc 618 Sheraton	115.00	0.00	
				4,132.67	30281	Legal Svc 1447 Navarro Dr	4,132.67	0.00	
	XXXXX6425	01/17/2023	Staples Inc	18.32	3525570992	Bill 8068600158 T Nguyen	18.32	0.00	\$54.82
				-18.32	3525570993	Bill 8068600158	-18.32	0.00	
				18.32	3525570994	Bill 8068600158 T	18.32	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						Nguyen			
				36.50	3528026508	Bill 8068936971 J Resuello	36.50	0.00	
	XXXXX6426	01/17/2023	Stevens Creek Chevrolet	615.04	164758	Parts	615.04	0.00	\$1,194.26
				157.11	166399	Keys	157.11	0.00	
				157.11	167111	Keys	157.11	0.00	
				265.00	606805	Auto Labor	265.00	0.00	
	XXXXX6427	01/17/2023	Sunnyvale Ford	55.10	198887 FOW	Parts	55.10	0.00	\$2,738.72
				168.22	213548 FOW	Parts	168.22	0.00	
				754.59	213699 FOW	Parts	754.59	0.00	
				37.58	213804 FOW	Parts	37.58	0.00	
				436.71	213860 FOW	Parts	436.71	0.00	
				52.18	213891 FOW	Parts	52.18	0.00	
				272.75	213963 FOW	Parts	272.75	0.00	
				40.68	214028 FOW	Parts	40.68	0.00	
				144.32	214161 FOW	Parts	144.32	0.00	
				20.96	214210 FOW	Parts	20.96	0.00	
				3.55	214328 FOW	Parts	3.55	0.00	
				50.50	214403 FOW	Parts	50.50	0.00	
				149.24	214424 FOW	Parts	149.24	0.00	
				111.18	214543 FOW	Parts	111.18	0.00	
				108.69	214552 FOW	Parts	108.69	0.00	
				99.95	FOCS852350	Labor	99.95	0.00	
				232.52	FOCS853466	Parts & Labor	232.52	0.00	
	XXXXX6428	01/17/2023	TEC Accutite	1,822.60	206785	Parts & Labor	1,822.60	0.00	\$2,772.60
				475.00	207230	Source Test	475.00	0.00	
				475.00	207231	Source Test	475.00	0.00	
	XXXXX6429	01/17/2023	West Publishing Corporation	2,033.85	847578572	Westlaw Proflex Dec 2022	2,033.85	0.00	\$2,166.99
				133.14	847689283	Subscription Product Charges	133.14	0.00	
	XXXXX6430	01/17/2023	Turf & Industrial Equipment Co	833.47	IV44804	Parts	833.47	0.00	\$1,176.16
				178.64	IV44884	Parts	178.64	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				164.05	IV45023	Parts	164.05	0.00	
	XXXXX6431	01/17/2023	Turf Star Inc	33.08	7259116-01	Parts	33.08	0.00	\$1,504.60
				133.03	7259746-00	Parts	133.03	0.00	
				641.87	7260373-00	Parts	641.87	0.00	
				481.07	7260389-00	Parts	481.07	0.00	
				215.55	7260390-00	Parts	215.55	0.00	
	XXXXX6432	01/17/2023	United Parcel Service	194.79	0000966608492	W/E 11/12-12/03/23	194.79	0.00	\$194.79
	XXXXX6433	01/17/2023	United Rentals (North America), Inc.	1,642.33	165469049-053	Equip Rental 12/22/22-1/19/23	1,642.33	0.00	\$8,962.87
				3,305.40	172295268-045	Dump Truck 12/19/22-1/16/23	3,305.40	0.00	
				3,410.16	213579897-001	Equip Rental	3,410.16	0.00	
				604.98	214670141-001	Equip Rental	604.98	0.00	
	XXXXX6434	01/17/2023	Univar Solutions USA Inc	6,753.20	50814828	SOD BISULFITE 25% BULK	6,753.20	0.00	\$6,753.20
	XXXXX6435	01/17/2023	West Valley Engineering, Inc	2,368.44	324106	Netto, Margaret W/E 1/8/23	2,368.44	0.00	\$2,368.44
	XXXXX6436	01/17/2023	Western Truck Fabrication	152.27	24921	Parts	152.27	0.00	\$152.27
	XXXXX6437	01/17/2023	Winsupply of Silicon Valley	1,890.90	038841 00	Supplies	1,890.90	0.00	\$2,475.56
				576.18	039068 00	Supplies	576.18	0.00	
				8.48	039269 03	Supplies	8.48	0.00	
	XXXXX6438	01/17/2023	Asian Americans for Community Involvement of Santa Clara County, Inc	2,500.00	F08-FY23.Q1	Evidence Based Training	2,500.00	0.00	\$7,598.00
				4,500.00	F08-FY23.Q2	Evidence Based Training	4,500.00	0.00	
				598.00	F08-FY23.X1	Evidence Based Training	598.00	0.00	
	XXXXX6439	01/17/2023	Park Consulting Group, Inc.	2,328.75	COS2022096	GIS Setup Svc Sept 2022	2,328.75	0.00	\$2,328.75

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6440	01/17/2023	Core & Main LP	3,322.85	S143348	Parts	3,322.85	0.00	\$10,774.34
				986.92	S148394	Parts	986.92	0.00	
				6,464.57	S150249	Parts	6,464.57	0.00	
	XXXXX6441	01/17/2023	Baker & Taylor, LLC	1,119.69	5017993333	Books	1,119.69	0.00	\$8,257.05
				265.77	5018024721	Books	265.77	0.00	
				104.29	5018024723	Books	104.29	0.00	
				1,543.21	5018024725	Books	1,543.21	0.00	
				1,169.66	5018024727	Books	1,169.66	0.00	
				2,413.34	5018025741	Books	2,413.34	0.00	
				1,127.16	5018036084	Books	1,127.16	0.00	
				189.45	5018037564	Books	189.45	0.00	
				149.94	5018064707	Books	149.94	0.00	
				163.57	5018064709	Books	163.57	0.00	
				10.97	5018075978	Books	10.97	0.00	
	XXXXX6442	01/17/2023	Grainger	889.39	9543891932	Supplies	889.39	0.00	\$4,028.61
				1,359.30	9551212708	Supplies	1,359.30	0.00	
				145.42	9559808283	Supplies	145.42	0.00	
				329.89	9559808291	Supplies	329.89	0.00	
				65.46	9560209646	Supplies	65.46	0.00	
				209.83	9560668643	Supplies	209.83	0.00	
				172.70	9560668650	Supplies	172.70	0.00	
				659.78	9566199437	Supplies	659.78	0.00	
	XXXXX6443	01/17/2023	Valley Oil Co	196.84	9568146311	Supplies	196.84	0.00	\$1,098.53
				1,098.53	596981	Motor Oil	1,098.53	0.00	
	XXXXX6444	01/17/2023	Kurt Nunn	582.43	28239	Chair	582.43	0.00	\$582.43
	XXXXX6445	01/17/2023	Kuykendall's Auto Body & Frame Inc	129.26	6060	Auto Service	129.26	0.00	\$129.26
	XXXXX6446	01/17/2023	Sunnyvale Towing Inc	675.00	314006	Towing Svc	675.00	0.00	\$3,975.00
				300.00	320291	Towing Svc	300.00	0.00	
				675.00	320292	Towing Svc	675.00	0.00	
				40.00	323391	Towing Svc	40.00	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				40.00	323413	Towing Svc	40.00	0.00	
				40.00	323415	Towing Svc	40.00	0.00	
				100.00	323449	Towing Svc	100.00	0.00	
				45.00	323451	Towing Svc	45.00	0.00	
				125.00	324439	Towing Svc	125.00	0.00	
				150.00	324453	Towing Svc	150.00	0.00	
				1,650.00	324458	Towing Svc	1,650.00	0.00	
				90.00	325453	Towing Svc	90.00	0.00	
				45.00	75616	Towing Svc	45.00	0.00	
	XXXXX6447	01/17/2023	Hexagon Transportation Consultants Inc	4,666.25	16219	Bike Lane Study	4,666.25	0.00	\$4,666.25
	XXXXX6448	01/17/2023	FleetPride Inc	144.19	104469943	Parts	144.19	0.00	\$960.60
				405.09	104587581	Parts	405.09	0.00	
				411.32	104614902	Parts	411.32	0.00	
	XXXXX6449	01/17/2023	Mountain View Community Television	6,245.39	7841	Govt/Community TV Nov 22	6,245.39	0.00	\$12,490.78
				6,245.39	7845	Govt/Community TV Dec 2022	6,245.39	0.00	
	XXXXX6450	01/17/2023	United Way of the Bay Area	195.00	PR202302	PR202302 Contributions	195.00	0.00	\$195.00
	XXXXX6451	01/17/2023	Peterson Trucks Inc	10.41	335918S	Parts	10.41	0.00	\$10.41
	XXXXX6452	01/17/2023	Norlab, Inc.	534.00	86671	Tracing Dye	534.00	0.00	\$534.00
	XXXXX6453	01/17/2023	Mission Valley Ford Truck Sales Inc	536.36	773395	Parts	536.36	0.00	\$536.36
	XXXXX6454	01/17/2023	CaliCaracas LLC	2,099.00	000029	Meal Kits	2,099.00	0.00	\$2,099.00
	XXXXX6455	01/17/2023	Bayview Hydraulics	57.10	2066	Parts	57.10	0.00	\$447.33
				291.97	2099	Parts	291.97	0.00	
				98.26	2126	Parts	98.26	0.00	
	XXXXX6456	01/17/2023	Lori Pagel	119.00	23-037	Reimbursement:	119.00	0.00	\$119.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
						NCCT Exam			
	XXXXX6457	01/17/2023	Eliana Silva	315.06	23-038	Reimbursement: textbook	315.06	0.00	\$315.06
	XXXXX6458	01/17/2023	AAA Speedy Smog Test Only Station	60.00	035159	Smog Test	60.00	0.00	\$300.00
				60.00	035162	Smog Test	60.00	0.00	
				60.00	035164	Smog Test	60.00	0.00	
				60.00	035168	Smog Test	60.00	0.00	
				60.00	035174	SmogTest	60.00	0.00	
	XXXXX6459	01/17/2023	Able Septic Tank Service	3,043.00	AFJ-22-134.	Repairs	3,043.00	0.00	\$110,704.49
				31,978.74	TM-22-0924	Emergency Repair	31,978.74	0.00	
				44,627.08	TM-22-0930	Emerg Repair 701 Remington	44,627.08	0.00	
				31,055.67	TM-22-1207	Emergency Repair	31,055.67	0.00	
	XXXXX6460	01/17/2023	Alhambra	39.83	19768402 010123 DPS PREV	Water	39.83	0.00	\$200.98
				91.15	19768402 010123 FIRE	Water	91.15	0.00	
				70.00	19768402 010123 HR	Water	70.00	0.00	
	XXXXX6461	01/17/2023	Amazon Capital Services Inc	65.46	13HK-CLRM-LQXR	Jenny Shain	65.46	0.00	\$1,716.99
				38.18	1CRV-C49V-P6X7	Rafael Bayani	38.18	0.00	
				369.72	1GHD-HN7K-3G3P	Veronica Torrez	369.72	0.00	
				29.40	1GNJ-HNQY-6K37	Rodney Wilson	29.40	0.00	
				37.08	1HYH-W99P-V39Y	Nan Choi	37.08	0.00	
				108.02	1J3Y-W6FN-GLX6	Parts	108.02	0.00	
				54.51	1NNN-197R-	Michael Herrera	54.51	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					TLRJ				
				287.76	1P39-N47Y-64QM	Priscilla Luckey	287.76	0.00	
				-24.98	1PFV-1WJM-4CDJ	Against Inv#1VJR-FGYF-N9WW	-24.98	0.00	
				238.97	1RLD-KCG4-46QY	Rafael Bayani	238.97	0.00	
				-9.28	1T46-H4TF-9CCW	Against INV#1VJR-FGYF-N9WW	-9.28	0.00	
				365.88	1V6Y-VX4H-Q7FJ	Michael Herrera	365.88	0.00	
				98.73	1VJR-FGYF-N9WW	Nan Choi	98.73	0.00	
				72.81	1VXK-VKLD-P7D3	Dustin Clark	72.81	0.00	
				-15.27	1YD4-LWV6-43WL	Against Inv#1HYH-W99P-V39Y	-15.27	0.00	
	XXXXX6462	01/17/2023	AppleOne Employment Services	1,549.59	01-6512604	CDD Wknd 12/17/22	1,549.59	0.00	\$11,582.27
				859.60	01-6512605	Fleet Wknd 12/21/22	859.60	0.00	
				760.60	01-6512606	IT Wknd 12/17/22	760.60	0.00	
				1,140.90	01-6512607	Parks 12/17/22	1,140.90	0.00	
				1,216.96	01-6518315	CDD Wknd 12/24/22	1,216.96	0.00	
				859.60	01-6518316	Fleet Wknd 12/24/22	859.60	0.00	
				760.60	01-6518317	IT Wknd 12/24/22	760.60	0.00	
				1,064.84	01-6518318	Parks Wknd 12/24/22	1,064.84	0.00	
				912.72	01-6525573	CDD Wknd 12/31/22	912.72	0.00	
				859.60	01-6525574	Fleet Wknd 12/31/22	859.60	0.00	
				912.72	01-6525575	IT Wknd 12/31/22	912.72	0.00	
				684.54	01-6525576	Parks Wknd 12/31/22	684.54	0.00	
	XXXXX6463	01/17/2023	Bay Area Trenchless	3,800.00	1323	Labor & Material	3,800.00	0.00	\$3,800.00
	XXXXX6464	01/17/2023	Prime Actuarial Consulting LLC dba:	6,800.00	29606	Actuarial Services	6,800.00	0.00	\$6,800.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
			Bickmore Actuarial						
	XXXXX6465	01/17/2023	BSI Services and Solutions (West) Inc	1,713.00	79785	EHS Support Services	1,713.00	0.00	\$27,746.00
				10,500.00	79786	EHS Support Services	10,500.00	0.00	
				1,334.25	79841	EHS Support Services	1,334.25	0.00	
				3,500.00	80438	EHS Support Services	3,500.00	0.00	
				3,500.00	80619	EHS Support Services	3,500.00	0.00	
				2,448.75	80794	EHS Support Services	2,448.75	0.00	
				4,750.00	80795	EHS Support Services	4,750.00	0.00	
	XXXXX6466	01/17/2023	Buckles-Smith Electric Co	3,396.71	3298258-00	Parts	3,396.71	0.00	\$3,544.55
				147.84	3302680-00	Disc \$1.14 by 01/19/23	148.98	1.14	
	XXXXX6467	01/17/2023	Burtons Fire, Inc.	112.15	S59067	Parts	112.15	0.00	\$112.15
	XXXXX6468	01/17/2023	California Department of Justice	1,064.00	614244	DOJ Livescan	1,064.00	0.00	\$1,064.00
	XXXXX6469	01/17/2023	California Dept of General Services	24,087.30	1424178	Gas Service Nov 22	24,087.30	0.00	\$24,087.30
	XXXXX6470	01/17/2023	Carl Warren & Company	8,788.00	CWC-2027290	Prof. Services Nov 2022	8,788.00	0.00	\$8,788.00
	XXXXX6471	01/17/2023	CDM Smith	178,086.82	90167271	WPCP Prog. Mgmt	178,086.82	0.00	\$178,086.82
	XXXXX6472	01/17/2023	CentralSquare Technologies, LLC	144,275.74	366610	CommandCAD Annual Maint. Fee 1/1-12/31/23	144,275.74	0.00	\$144,275.74
	XXXXX6473	01/17/2023	Century Graphics	519.40	57712	Apparel	519.40	0.00	\$519.40

Payment Type	Payment #	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6474	01/19/2023	Division of the State Architect	1,626.80	DSA22-04	State CASp Fee Oct-Dec 22	1,626.80	0.00	\$1,626.80
	XXXXX6475	01/19/2023	Stearns, Conrad and Schmidt Consulting Engineers Inc	4,500.00	0455488	LF & SStn Compliance Dec 22	4,500.00	0.00	\$4,500.00
	XXXXX6476	01/19/2023	Nancy Gutierrez	350.00	661069	Deposit refund-Ponderosa Park Bldg.	350.00	0.00	\$350.00
	XXXXX6477	01/19/2023	SFO Reprographics	857.72	76842	Color Prints	857.72	0.00	\$857.72
	XXXXX6478	01/19/2023	Stericycle Inc	69.44	8003079904	C#3000150336 12/6/22	69.44	0.00	\$69.44
	XXXXX6479	01/19/2023	Sierra Pacific Turf Supply Inc	196.73	0627994-IN	Supplies	196.73	0.00	\$1,005.57
				808.84	0633765-IN	Supplies	808.84	0.00	
	XXXXX6480	01/19/2023	Silver & Wright LLP	14,268.03	29260	Yok Law v SV Feb 2022	14,268.03	0.00	\$14,268.03
	XXXXX6481	01/19/2023	SSA Landscape Architects Inc	1,860.25	7545	Playground Repl 11/26-12/25	1,860.25	0.00	\$1,860.25
	XXXXX6482	01/19/2023	Steven C Dolezal PhD	4,025.00	July 22	Psychological Services	4,025.00	0.00	\$10,485.00
				3,420.00	Nov 22	Psychological Services	3,420.00	0.00	
				3,040.00	Oct 22	Psychological Services	3,040.00	0.00	
	XXXXX6486	01/19/2023	Summit Uniforms	300.78	82743	Uniforms	300.78	0.00	\$29,828.83
				300.78	82744	Uniforms	300.78	0.00	
				148.75	82745	Uniforms	148.75	0.00	
				300.78	82746	Uniforms	300.78	0.00	
				955.94	82805	Uniforms	955.94	0.00	
				792.97	82806	Uniforms	792.97	0.00	
				183.75	82831	Uniforms	183.75	0.00	
				488.91	82833	Uniforms	488.91	0.00	
				298.59	82851	Uniforms	298.59	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				488.91	82854	Uniforms	488.91	0.00	
				488.91	82855	Uniforms	488.91	0.00	
				488.91	82856	Uniforms	488.91	0.00	
				38.28	82859	Uniforms	38.28	0.00	
				38.28	82860	Uniforms	38.28	0.00	
				488.91	82870	Uniforms	488.91	0.00	
				53.59	82895	Uniforms	53.59	0.00	
				398.13	82949	Uniforms	398.13	0.00	
				406.88	82950	Uniforms	406.88	0.00	
				195.78	82951	Uniforms	195.78	0.00	
				80.94	82992	Uniforms	80.94	0.00	
				739.38	83017	Uniforms	739.38	0.00	
				1,035.78	83118	Unifiroms	1,035.78	0.00	
				607.03	83137	Uniforms	607.03	0.00	
				1,053.28	83146	Uniforms	1,053.28	0.00	
				238.44	83172	Uniforms	238.44	0.00	
				458.28	83288	Uniforms	458.28	0.00	
				420.00	83289	Uniforms	420.00	0.00	
				694.53	83297	Uniforms	694.53	0.00	
				833.44	83301	Uniforms	833.44	0.00	
				325.94	83342	Uniforms	325.94	0.00	
				150.94	83371	Uniforms	150.94	0.00	
				129.06	83378	Uniforms	129.06	0.00	
				173.91	83380	Uniforms	173.91	0.00	
				226.41	83381	Uniforms	226.41	0.00	
				150.94	83382	Uniforms	150.94	0.00	
				669.38	83414	Uniforms	669.38	0.00	
				32.81	83417	Uniforms	32.81	0.00	
				162.97	83435	Uniforms	162.97	0.00	
				162.97	83436	Uniforms	162.97	0.00	
				162.97	83438	Uniforms	162.97	0.00	
				162.97	83439	Uniforms	162.97	0.00	
				162.97	83440	Uniforms	162.97	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				140.00	83456	Uniforms	140.00	0.00	
				140.00	83457	Uniforms	140.00	0.00	
				210.00	83462	Uniforms	210.00	0.00	
				140.00	83463	Uniforms	140.00	0.00	
				235.16	83475	Uniforms	235.16	0.00	
				140.00	83487	Uniforms	140.00	0.00	
				32.81	83511	Uniforms	32.81	0.00	
				608.13	83512	Uniforms	608.13	0.00	
				238.44	83525	Uniforms	238.44	0.00	
				510.78	83528	Uniforms	510.78	0.00	
				140.00	83573	Uniforms	140.00	0.00	
				425.47	83610	Uniforms	425.47	0.00	
				210.00	83615	Uniforms	210.00	0.00	
				210.00	83616	Uniforms	210.00	0.00	
				140.00	83644	Uniforms	140.00	0.00	
				140.00	83645	Uniforms	140.00	0.00	
				565.47	83740	Uniforms	565.47	0.00	
				608.13	83812	Uniforms	608.13	0.00	
				70.00	83841	Uniforms	70.00	0.00	
				162.97	83919	Uniforms	162.97	0.00	
				65.63	83928	Uniforms	65.63	0.00	
				425.47	83929	Uniforms	425.47	0.00	
				140.00	83930	Uniforms	140.00	0.00	
				131.25	83932	Uniforms	131.25	0.00	
				425.47	83960	Uniforms	425.47	0.00	
				425.47	83979	Uniforms	425.47	0.00	
				140.00	84006	Uniforms	140.00	0.00	
				64.53	84020	Uhiforms	64.53	0.00	
				140.00	84021	Uniforms	140.00	0.00	
				162.97	84025	Uniforms	162.97	0.00	
				140.00	84033	Uniforms	140.00	0.00	
				528.28	84051	Uniforms	528.28	0.00	
				19.69	84066	Uniforms	19.69	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				19.69	84067	Uniforms	19.69	0.00	
				127.97	84084	Uniforms	127.97	0.00	
				195.78	84154	Uniforms	195.78	0.00	
				38.28	84164	Uniforms	38.28	0.00	
				108.28	84165	Uniforms	108.28	0.00	
				768.91	84183	Uniforms	768.91	0.00	
				162.97	84205	Uniforms	162.97	0.00	
				280.00	84206	Uniforms	280.00	0.00	
				238.44	84213	Uniforms	238.44	0.00	
				248.28	84331	Uniforms	248.28	0.00	
				70.00	84345	Uniforms	70.00	0.00	
				514.06	84346	Uniforms	514.06	0.00	
				445.16	84347	Uniforms	445.16	0.00	
				304.06	84348	Uniforms	304.06	0.00	
				1,449.22	84349	Uniforms	1,449.22	0.00	
				630.00	84418	Uniforms	630.00	0.00	
				658.44	84423	Uniforms	658.44	0.00	
	XXXXX6487	01/19/2023	Sustainable Turf Science Inc	3,923.04	6991	Supplies	3,923.04	0.00	\$9,990.39
				1,353.15	7073	Supplies	1,353.15	0.00	
				4,714.20	7074	Supplies	4,714.20	0.00	
	XXXXX6488	01/19/2023	Talon Ecological Research Group	400.00	SU0007	Habitat Monitoring Dec 22	400.00	0.00	\$400.00
	XXXXX6489	01/19/2023	TaylorMade Golf Co Inc	170.40	36337516	Resale Merchandise	170.40	0.00	\$723.66
				284.84	36338165	Resale Merchandise	284.84	0.00	
				137.76	36338752	Resale Merchandise	137.76	0.00	
				130.66	36340036	Resale Merchandise	130.66	0.00	
	XXXXX6490	01/19/2023	Home Depot USA Inc d/b/a The Home Depot Pro	2,542.95	726848641	Supplies	2,542.95	0.00	\$2,542.95
	XXXXX6491	01/19/2023	The Window Washer	5,684.00	23024	11/15/2022 Svc	5,684.00	0.00	\$5,684.00
	XXXXX6492	01/19/2023	Gloria Martinez	115.00	662342	Refund - cancelled activity	115.00	0.00	\$115.00



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6493	01/19/2023	Alhambra	326.99	19768402 010123 ESD/WPCP	Water	326.99	0.00	\$360.61
				33.62	19768402 120122 PARKS	Water	33.62	0.00	
	XXXXX6494	01/19/2023	All City Management Services Inc	34,503.89	80928	School Crossing Guard 10/16-10/29/22	34,503.89	0.00	\$134,291.64
				34,437.98	81285	School Crossing Guard 10/30-11/12/22	34,437.98	0.00	
				24,716.25	81638	School Crossing Guard 11/13/11/26/22	24,716.25	0.00	
				40,633.52	81981	School Crossing Guard 11/27-12/10/22	40,633.52	0.00	
	XXXXX6495	01/19/2023	Amazon Capital Services Inc	34.83	11MJ-RR1G-DQGN	Lorena Rodriguez	34.83	0.00	\$325.50
				14.08	14PV-VLHH-L3PP	Dustyn Bindel	14.08	0.00	
				24.98	16JW-QTF6-LXKY	Nan Choi	24.98	0.00	
				199.18	1DLR-HQ9V-36NL	Aaron Migliaccio	199.18	0.00	
				8.04	1HDJ-P6W4-KWJF	Dustyn Bindel	8.04	0.00	
				32.29	1J3Y-W6FN-TNX7	Priscilla Luckey	32.29	0.00	
				12.10	1K9W-N3L1-VKQ4	Lisa Mason	12.10	0.00	
	XXXXX6496	01/19/2023	Aquatic Design Group, Inc.	5,705.00	31199	Columbia Middle School Pool	5,705.00	0.00	\$5,705.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6497	01/19/2023	Ascent Environmental	3,543.05	20220090.01-2	Kifer Rd apt project	3,543.05	0.00	\$3,543.05
	XXXXX6498	01/19/2023	Bellecci & Assoc Inc	24,023.88	210086.00 - 0000007	Peery Park Area Imp.	24,023.88	0.00	\$24,023.88
	XXXXX6499	01/19/2023	Bruce Barton Pump Service, Inc	727.67	0110827-IN	Repair	727.67	0.00	\$727.67
	XXXXX6500	01/19/2023	Buckles-Smith Electric Co	1,078.93	3288214-02	Disc.\$9.89 by 1/23/23	1,078.93	0.00	\$2,742.10
				1,663.17	3302888-00	Disc \$15.38 by 01/21/23	1,678.55	15.38	
	XXXXX6501	01/19/2023	Burke Williams & Sorensen LLP	354.00	295751	Housing & CEQA	354.00	0.00	\$354.00
	XXXXX6502	01/19/2023	Cal-Vet Services Inc	629.00	15346	Equipment Rental	629.00	0.00	\$629.00
	XXXXX6503	01/19/2023	Empire Safety & Supply	269.05	0118502-IN	Supplies	269.05	0.00	\$269.05
	XXXXX6504	01/19/2023	Tiger Martial Arts Academy Inc	1,270.50	TMA2022ND	IA1OWA&IB3OWA Oct-Dec 22	1,270.50	0.00	\$2,541.00
				1,270.50	TMA2022SO	IA1OWA&IB3OWA Sep-Oct22	1,270.50	0.00	
	XXXXX6505	01/19/2023	Traffic Data Service	2,810.00	23001	Traffic Counts	2,810.00	0.00	\$2,810.00
	XXXXX6506	01/19/2023	Ulrick & Assoc	1,935.00	1234	Wells Proj 8/22-11/15/22	1,935.00	0.00	\$1,935.00
	XXXXX6507	01/19/2023	United Site Services of California, Inc.	348.20	114-13458364	238 Garner 12/6/22-1/2/23	348.20	0.00	\$348.20
	XXXXX6508	01/19/2023	VWR International LLC	725.16	8811674570	Supplies	725.16	0.00	\$1,614.76
				129.85	8811680835	Supplies	129.85	0.00	
				384.99	8811686115	Supplies	384.99	0.00	
				333.84	8811686116	Supplies	333.84	0.00	
				40.92	8811712908	Supplies	40.92	0.00	
	XXXXX6509	01/19/2023	Sunnyvale Downtown Association	6,839.52	BID20230117	BID Sep-Dec 2022	6,839.52	0.00	\$6,839.52

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
	XXXXX6510	01/19/2023	Park Consulting Group, Inc.	16,000.00	COSUN2022 122	EnerGov Production Support	16,000.00	0.00	\$55,500.00
				39,500.00	COSUN2022 125	EnerGov Post GoLive Support	39,500.00	0.00	
	XXXXX6511	01/19/2023	Ace Fire Equipment & Service Co Inc	1,135.80	12465089	Parts	1,135.80	0.00	\$1,135.80
	XXXXX6512	01/19/2023	Pacific Coast Flag	157.75	29113	Stores Inventory	157.75	0.00	\$157.75
	XXXXX6513	01/19/2023	Cleansmart Solutions Inc.	54.27	23280	Mop	54.27	0.00	\$54.27
	XXXXX6514	01/19/2023	Grainger	850.21	9575955571	Supplies	850.21	0.00	\$850.21
	XXXXX6515	01/19/2023	California Sports Center	12,752.00	CSC1222WB C	Gymnastics Nov/Dec	12,752.00	0.00	\$12,752.00
	XXXXX6516	01/19/2023	Esbro	5,357.24	96307	Chemicals	5,357.24	0.00	\$8,892.94
				3,535.70	97029	Chemicals	3,535.70	0.00	
	XXXXX6517	01/19/2023	Ferguson US Holdings Inc	3,992.35	1749573	Parts	3,992.35	0.00	\$4,608.03
				615.68	1765299	Parts	615.68	0.00	
	XXXXX6518	01/19/2023	Fire & Risk Alliance LLC	1,375.63	132-001-77	Staff Engineer/Exp	1,375.63	0.00	\$1,375.63
	XXXXX6519	01/19/2023	All West Equipment Company	3,475.38	250500	Parts	3,475.38	0.00	\$3,475.38
	XXXXX6520	01/19/2023	Imperial Maintenance Services Inc	73,105.04	55	Janitorial Dec 22	73,105.04	0.00	\$73,105.04
	XXXXX6521	01/19/2023	Jones Hall APLC	7,250.00	DEC292022	Legal Services	7,250.00	0.00	\$7,250.00
	XXXXX6522	01/19/2023	L N Curtis & Sons Inc	13,837.05	INV658873	Supplies	13,837.05	0.00	\$22,034.53
				6,193.94	INV661146	Supplies	6,193.94	0.00	
				2,003.54	INV663815	Supplies	2,003.54	0.00	
	XXXXX6523	01/19/2023	Lawson Products Inc	9.28	9310163364	Supplies	9.28	0.00	\$9.28
	XXXXX6524	01/19/2023	Mallory Safety & Supply LLC	564.92	5528217	Stores Inventory	564.92	0.00	\$564.92

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	XXXXX6525	01/19/2023	McMaster Carr Supply Co	589.53	89198408	Supplies	589.53	0.00	\$1,385.97
				796.44	90747743	Supplies \$15.77 Disc By 1/20	812.21	15.77	
	XXXXX6526	01/19/2023	Midwest Tape LLC	-1.20	1400730144	Inv 502899792	-1.20	0.00	\$5,028.59
				-8.40	14007301441	Inv 502472325	-8.40	0.00	
				5,038.19	503174488	Digital Materials M/E 12/31/22	5,038.19	0.00	
	XXXXX6527	01/19/2023	National CineMedia LLC	2,136.16	INV-216502	Theatre Advertising 12/18-31	2,136.16	0.00	\$2,136.16
	XXXXX6528	01/19/2023	Creative Security Company Inc	988.00	74103	Patrol Oct 22	988.00	0.00	\$2,964.00
				988.00	74475	Patrol Nov 22	988.00	0.00	
				988.00	75032	Patrol Dec 22	988.00	0.00	
	XXXXX6529	01/19/2023	A Tool Shed Inc	1,638.56	1570788G-4	Forklift Rental	1,638.56	0.00	\$1,638.56
	XXXXX6530	01/19/2023	FleetPride Inc	320.31	104008125	Parts	320.31	0.00	\$320.31
	XXXXX6531	01/19/2023	Rincon Consultants, Inc.	3,596.25	45117	Play Book Update Dec 2022	3,596.25	0.00	\$3,596.25
	XXXXX6532	01/19/2023	Peach Park, LLC	4,987.50	1573	Video Prod Booking Fee 50%	4,987.50	0.00	\$4,987.50
	XXXXX6533	01/19/2023	Interstate Auto Sales	58,612.21	54254	Ford F 250	58,612.21	0.00	\$119,628.80
				61,016.59	54256	Chevrolet 2500 Double Cab	61,016.59	0.00	
	XXXXX6534	01/19/2023	All Safe Industries, Inc.	744.55	INV-06994	FPO#FY23-095	744.55	0.00	\$744.55
	XXXXX6535	01/19/2023	NI Government Services Inc	82.17	22122908851	Traffic Period Dec 2022	82.17	0.00	\$82.17
	XXXXX6536	01/19/2023	ODP Business Solutions, LLC (f/k/a Office Depot Business Solutions, LLC)	51.37	28612602500 1	Reiko Yoshidome 1/17/2023	51.37	0.00	\$284.98
				45.52	28731883300 1	Thao Thanh Nguyen 1/11/23	45.52	0.00	
				34.03	28748801000 1	Tracey Gott 1/12/2023	34.03	0.00	

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				154.06	288384919001	/Lorena Rodriguez 1/17/2023	154.06	0.00	
	XXXXX6537	01/19/2023	Olympus And Associates Inc	38,400.00	OLY2021-213	Digester#4 Coating & Repair	38,400.00	0.00	\$38,400.00
	XXXXX6538	01/19/2023	Pacific Gas & Electric Co	659.42	0114206254-4 1222	301 Carl Road/Smart Station	659.42	0.00	\$42,892.18
				4,662.36	0395847945-7 1222	121 W Evelyn Ave-Multimodal	4,662.36	0.00	
				27,275.21	3272592818-1 1122	Parks & Fields	27,275.21	0.00	
				10,295.19	9147590356-2 1122	Golf Courses	10,295.19	0.00	
	XXXXX6539	01/19/2023	Pacific West Security, Inc	211.00	66606	CNC Nov 2022	211.00	0.00	\$211.00
	XXXXX6540	01/19/2023	Peterson Power Systems Inc	410.04	PC240038799	Parts	410.04	0.00	\$2,952.54
				2,542.50	SW240186787	Parts & Labor	2,542.50	0.00	
	XXXXX6541	01/19/2023	Planet Futsal	1,323.00	FK2022ND	IB3OSA 11/7-12/19/2022	1,323.00	0.00	\$1,323.00
	XXXXX6542	01/19/2023	Proxy Networks Inc	7,518.78	IN2301026	Proxy Pro 1/1/23-12/31/24	7,518.78	0.00	\$7,518.78
	XXXXX6543	01/19/2023	PTV America Inc	5,636.96	10712404	PTV Vision 2/1/23-1/31/24	5,636.96	0.00	\$5,636.96
	XXXXX6544	01/19/2023	Reeds Indoor Range	96.00	758243	Dec 2022 Lane Rentals	96.00	0.00	\$96.00
	XXXXX6545	01/19/2023	Royal Brass Inc	139.74	995635-001	Parts	139.74	0.00	\$139.74
	XXXXX6546	01/19/2023	Security Alert Systems of California Inc	750.00	178034	Alarm Monitoring Dec 2022	750.00	0.00	\$750.00
WIRE	XXXXX9883	01/17/2023	Wells Fargo	60.00	1069024-	Paid on behalf of	60.00	0.00	\$105,889.00

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					2023-01-17	Andrade, Joseph			
				2,175.52	1069025-2023-01-17	Paid on behalf of Johnson, Tisha	2,175.52	0.00	
				3,423.50	1069026-2023-01-17	Paid on behalf of Lopez, Nelia	3,423.50	0.00	
				412.66	1069027-2023-01-17	Paid on behalf of Berdeen, Bryan	412.66	0.00	
				861.01	1069028-2023-01-17	Paid on behalf of Huerta, Rene	861.01	0.00	
				491.71	1069029-2023-01-17	Paid on behalf of Wilson, Rodney	491.71	0.00	
				840.42	1069030-2023-01-17	Paid on behalf of Hill, Trenton	840.42	0.00	
				433.33	1069031-2023-01-17	Paid on behalf of Medina, Roberto	433.33	0.00	
				698.00	1069032-2023-01-17	Paid on behalf of Diaz, Aracely	698.00	0.00	
				10.35	1069033-2023-01-17	Paid on behalf of Orozco, Raymond	10.35	0.00	
				178.04	1069034-2023-01-17	Paid on behalf of Gamez, Alberto	178.04	0.00	
				1,867.04	1069035-2023-01-17	Paid on behalf of Masamori, Mark	1,867.04	0.00	
				4,612.23	1069036-2023-01-17	Paid on behalf of Bokla, Sonia	4,612.23	0.00	
				985.94	1069037-2023-01-17	Paid on behalf of Knight, Robert	985.94	0.00	
				4,106.76	1069038-2023-01-17	Paid on behalf of Jensen, Julie	4,106.76	0.00	
				207.65	1069039-2023-01-17	Paid on behalf of Rodriguez, Pedro	207.65	0.00	
				145.75	1069040-2023-01-17	Paid on behalf of Mckinley, Joseph	145.75	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				619.33	1069041-2023-01-17	Paid on behalf of Nguyen, Thao Thanh	619.33	0.00	
				195.48	1069042-2023-01-17	Paid on behalf of Young, George	195.48	0.00	
				574.05	1069043-2023-01-17	Paid on behalf of Bracamonte, Markus	574.05	0.00	
				109.58	1069044-2023-01-17	Paid on behalf of Plonka, Marie	109.58	0.00	
				43.54	1069045-2023-01-17	Paid on behalf of Locke, Ron	43.54	0.00	
				797.34	1069046-2023-01-17	Paid on behalf of Choi, Yong Nan	797.34	0.00	
				97.13	1069047-2023-01-17	Paid on behalf of Cotter, Rick	97.13	0.00	
				461.30	1069048-2023-01-17	Paid on behalf of Nguyen, Alex	461.30	0.00	
				1,477.75	1069049-2023-01-17	Paid on behalf of Rodriguez, Maria	1,477.75	0.00	
				775.30	1069050-2023-01-17	Paid on behalf of Gutierrez, Randy	775.30	0.00	
				601.36	1069051-2023-01-17	Paid on behalf of Serfoss, Charles	601.36	0.00	
				121.86	1069052-2023-01-17	Paid on behalf of Jacquemet, Paul	121.86	0.00	
				13.53	1069053-2023-01-17	Paid on behalf of Belanger, Richard	13.53	0.00	
				1,044.57	1069054-2023-01-17	Paid on behalf of Contreras, Audel	1,044.57	0.00	
				330.84	1069055-2023-01-17	Paid on behalf of Mcelroy, Scott	330.84	0.00	
				210.08	1069056-2023-01-17	Paid on behalf of Van Dyne, Susan	210.08	0.00	
				80.08	1069057-	Paid on behalf of	80.08	0.00	

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					2023-01-17	Collins, William			
				1,637.25	1069058-2023-01-17	Paid on behalf of Charles, Rodolfo	1,637.25	0.00	
				824.90	1069059-2023-01-17	Paid on behalf of Medina, Gerardo	824.90	0.00	
				1,410.58	1069060-2023-01-17	Paid on behalf of Kashitani, Timothy	1,410.58	0.00	
				262.99	1069061-2023-01-17	Paid on behalf of Barajas, Jerardo	262.99	0.00	
				971.06	1069062-2023-01-17	Paid on behalf of Barajas, Sandra	971.06	0.00	
				859.68	1069063-2023-01-17	Paid on behalf of Barajas, Emiliano	859.68	0.00	
				839.40	1069064-2023-01-17	Paid on behalf of Ragsdale, Michele Bridget	839.40	0.00	
				3,603.80	1069065-2023-01-17	Paid on behalf of Luckey, Priscilla	3,603.80	0.00	
				449.00	1069066-2023-01-17	Paid on behalf of LoFranco, Delanie	449.00	0.00	
				103.69	1069067-2023-01-17	Paid on behalf of Callaghan, Julie	103.69	0.00	
				2,112.69	1069069-2023-01-17	Paid on behalf of Buczeke, Walter	2,112.69	0.00	
				154.18	1069070-2023-01-17	Paid on behalf of Martinez Melena, Gabriela	154.18	0.00	
				2,658.95	1069071-2023-01-17	Paid on behalf of Griffith, Jonathan	2,658.95	0.00	
				737.14	1069072-2023-01-17	Paid on behalf of Bayani, Rafael	737.14	0.00	
				530.91	1069073-2023-01-17	Paid on behalf of Thompson, Kori	530.91	0.00	



Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				150.16	1069074-2023-01-17	Paid on behalf of Hernandez, John	150.16	0.00	
				705.45	1069075-2023-01-17	Paid on behalf of Gott, Tracey	705.45	0.00	
				848.95	1069076-2023-01-17	Paid on behalf of Hernandez, Jaime	848.95	0.00	
				1,294.53	1069077-2023-01-17	Paid on behalf of Elizondo, Mary	1,294.53	0.00	
				169.01	1069078-2023-01-17	Paid on behalf of Carrasco, Christopher	169.01	0.00	
				519.33	1069079-2023-01-17	Paid on behalf of Sanchez, Richard	519.33	0.00	
				70.51	1069080-2023-01-17	Paid on behalf of Dunklee, Chaunacey	70.51	0.00	
				243.65	1069081-2023-01-17	Paid on behalf of Velasco, Leanora	243.65	0.00	
				162.78	1069082-2023-01-17	Paid on behalf of Smith, Robin	162.78	0.00	
				505.00	1069083-2023-01-17	Paid on behalf of De La Cerda, Melanie	505.00	0.00	
				373.50	1069084-2023-01-17	Paid on behalf of Willett, Madeline	373.50	0.00	
				568.21	1069085-2023-01-17	Paid on behalf of Wan, Xianliang	568.21	0.00	
				115.95	1069086-2023-01-17	Paid on behalf of Sharma, Guia Marie	115.95	0.00	
				310.00	1069087-2023-01-17	Paid on behalf of Manzanares, Anjelene	310.00	0.00	
				333.75	1069088-2023-01-17	Paid on behalf of Raby, Christina	333.75	0.00	
				689.93	1069089-2023-01-17	Paid on behalf of Smith, Sean	689.93	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				645.00	1069090-2023-01-17	Paid on behalf of Jaw, Dennis	645.00	0.00	
				412.84	1069091-2023-01-17	Paid on behalf of Hill, Pauline	412.84	0.00	
				9,192.17	1069092-2023-01-17	Paid on behalf of Le, Kien Ricky	9,192.17	0.00	
				692.21	1069093-2023-01-17	Paid on behalf of Raygoza, Jesus	692.21	0.00	
				514.82	1069094-2023-01-17	Paid on behalf of Christian, Kelsey	514.82	0.00	
				808.20	1069095-2023-01-17	Paid on behalf of Villegas, Carmen	808.20	0.00	
				688.40	1069096-2023-01-17	Paid on behalf of Rich, Elizabeth	688.40	0.00	
				2,695.00	1069097-2023-01-17	Paid on behalf of Goel, Swati	2,695.00	0.00	
				60.00	1069098-2023-01-17	Paid on behalf of Gomez, Martin	60.00	0.00	
				1,103.00	1069099-2023-01-17	Paid on behalf of Calixto, Irma	1,103.00	0.00	
				2,838.63	1069100-2023-01-17	Paid on behalf of Martinez, Mark	2,838.63	0.00	
				441.26	1069101-2023-01-17	Paid on behalf of Avila, Joel	441.26	0.00	
				11,475.25	1069102-2023-01-17	Paid on behalf of Espinoza, Leonard	11,475.25	0.00	
				354.35	1069103-2023-01-17	Paid on behalf of Lima, Jeromy	354.35	0.00	
				24.60	1069104-2023-01-17	Paid on behalf of Brusco, Robert	24.60	0.00	
				205.41	1069105-2023-01-17	Paid on behalf of Velez, Fernando	205.41	0.00	
				1,555.31	1069106-	Paid on behalf of	1,555.31	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
					2023-01-17	Yoshidome, Reiko			
				130.69	1069107-2023-01-17	Paid on behalf of Filipovic, Bonnie	130.69	0.00	
				837.60	1069108-2023-01-17	Paid on behalf of Bruce, Allan	837.60	0.00	
				55.98	1069109-2023-01-17	Paid on behalf of Hernandez, Manuel	55.98	0.00	
				70.00	1069110-2023-01-17	Paid on behalf of Christiansen, Ingrid	70.00	0.00	
				1,291.55	1069111-2023-01-17	Paid on behalf of Welling, Heath	1,291.55	0.00	
				-35.00	1069112-2023-01-17	Paid on behalf of Ketell, Victoria	-35.00	0.00	
				423.84	1069113-2023-01-17	Paid on behalf of Badiei, Jody	423.84	0.00	
				2,601.20	1069114-2023-01-17	Paid on behalf of Ketell, Victoria	2,601.20	0.00	
				334.20	1069115-2023-01-17	Paid on behalf of Witt, Mark	334.20	0.00	
				306.35	1069116-2023-01-17	Paid on behalf of Westlund, Ryan	306.35	0.00	
				152.57	1069117-2023-01-17	Paid on behalf of Bindel, Herbert	152.57	0.00	
				607.83	1069118-2023-01-17	Paid on behalf of Vergara, Giovanni	607.83	0.00	
				562.00	1069119-2023-01-17	Paid on behalf of Resuello, Janelle	562.00	0.00	
				3,168.21	1069120-2023-01-17	Paid on behalf of Mason, Lisa	3,168.21	0.00	
				5,625.52	1069121-2023-01-17	Paid on behalf of Moncada, Glenda	5,625.52	0.00	
				1,634.05	1069122-2023-01-17	Paid on behalf of Lo, Grace	1,634.05	0.00	

Payment Type	Payment #.	Payment Date	Vendor Name	Amount Paid	Invoice No.	Description	Invoice Amount	Discount Taken	Payment Total
				241.00	1069123-2023-01-17	Paid on behalf of Chuck, Michelle	241.00	0.00	
				895.00	1069124-2023-01-17	Paid on behalf of Rodriguez, Lorena	895.00	0.00	
	XXXXX9954	01/19/2023	Bay Counties SMaRT	1,273,790.23	Bay Counties Nov 2022	Nov 2022 Invoice WR date 1/17/2023	1,273,790.23	0.00	\$1,273,790.23
	XXXXX9955	01/19/2023	Keenan & Associates	69,193.88	010123-011523	Trust Reimb 1/1-15/23 Wire Date 1/18/23	69,193.88	0.00	\$69,193.88
	XXXXX9956	01/19/2023	Public Employees Retirement System	128,382.34	100000017034304	2023 Repl Benefit Chges WR Date 1/18/23	128,382.34	0.00	\$128,382.34
	XXXXX9957	01/19/2023	San Francisco Public Utilities Commission	1,418,111.80	12022022-01032023	Purchased Water Dec 2022 WR date 1/18/23	1,418,111.80	0.00	\$1,418,111.80
<b>Grand Total</b>				5,245,940.86			5,246,002.36	61.50	\$5,245,940.86



# City of Sunnyvale

## Agenda Item

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**23-0151**

**Agenda Date: 2/7/2023**

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Award of Consultant Services Agreement to MNS Engineers, Inc. for the Rehabilitation of the City's Sanitary Sewer Collection System (F23-037)

#### **STAFF RECOMMENDATION**

Take the following actions:

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

#### **BASIS FOR RECOMMENDATION**

A request for proposals (RFP) was advertised on DemandStar on October 19, 2022 and distributed to multiple California firms. Five (5) proposals were received on November 16, 2022. MNS Engineers, Inc. was selected as the highest-ranked proposer. A detailed scope of work is included in Attachment 1.

#### **ENVIRONMENTAL REVIEW**

During the design of the project, staff will determine the appropriate level of environmental review and will present the appropriate California Environmental Quality Act (CEQA) analysis and findings at time of construction award. Staff anticipates that the project will be exempt from CEQA pursuant to CEQA Guidelines 15302(c), replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity."

#### **FISCAL IMPACT**

Funding for this contract is available in Project 825331 - Replacement / Repair / Rehabilitation of Sanitary Sewer System. A project budget financial summary is included as Attachment 2 to this report. If the Council later decides to move forward with the award of the construction contract, then funding is also available in Project 825331.

#### **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. Draft Consultant Services Agreement
2. Budget Summary Sheet - 825331 - Replacement / Repair / Rehabilitation of Sanitary Sewer System

**CONSULTANT SERVICES AGREEMENT BETWEEN CITY OF SUNNYVALE AND  
MNS ENGINEERS, INC. FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES  
FOR REPLACEMENT / REPAIR / REHABILITATION  
OF SANITARY SEWER SYSTEM**

THIS AGREEMENT, dated \_\_\_\_\_, is by and between the CITY OF SUNNYVALE, a California chartered municipal corporation ("CITY"), and MNS ENGINEERS, Inc. a California Corporation ("CONSULTANT").

WHEREAS, CITY advertised a Request for Proposals (RFP) on October 19, 2022; and

WHEREAS, CITY accepted CONSULTANT's proposal submitted on November 16, 2022; and

WHEREAS, CITY desires to secure professional services necessary for investigation, analysis, design, preparation of construction drawings and contract specifications, consultation, services during construction and other services for a project known as Replacement / Repair / Rehabilitation of Sanitary Sewer System; and

WHEREAS, CONSULTANT represents that it, and its sub-consultants, if any, possess the professional qualifications and expertise to provide the required services and are licensed by the State of California to practice engineering in the required disciplines;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AGREEMENT.

1. Services by CONSULTANT

CONSULTANT shall provide services in accordance with Exhibit "A" entitled "Scope of Work." All exhibits referenced in this Agreement are attached hereto and are incorporated herein by reference. To accomplish that end, CONSULTANT agrees to assign Nick Boswell to this project, to act in the capacity of Project Manager and personally direct the professional services to be provided by CONSULTANT.

All exhibits, including all associated attachments, are attached hereto and incorporated herein by reference.

Except as specified in this Agreement, CONSULTANT shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise to perform all operations necessary and required to satisfactorily complete the services required in this Agreement.

2. Notice to Proceed/Completion of Services

(a) CONSULTANT shall commence services upon receipt of a Notice to Proceed from CITY. Notice shall be deemed to have occurred three (3) calendar days after deposit in the regular course of the United States mail.

(b) When CITY determines that CONSULTANT has satisfactorily completed the

services defined in Exhibit "A," CITY shall give CONSULTANT written Notice of Final Acceptance, and CONSULTANT shall not incur any further costs hereunder. CONSULTANT may request this determination of completion when, in its opinion, it has satisfactorily completed the Scope of Work (Exhibit "A"), and if so requested, CITY shall make this determination within fourteen (14) days of such request.

3. Project Schedule

The Project Schedule is set forth in the attached Exhibit "A-1."

4. Payment of Fees and Expenses

Payments shall be made to CONSULTANT on a monthly basis as set forth in the attached Exhibit "B" entitled "Compensation Schedule." All compensation will be based on monthly billings as provided in Exhibit "B." Compensation will not be due until said detailed billing is submitted to CITY within a reasonable time before payment is expected to allow for normal CITY processing. An estimate of the percent of total completion associated with the various categories of the services shall be furnished by CONSULTANT with said billing. When applicable, copies of pertinent financial records will be included with the submission of billing(s) for all direct reimbursables. Compensation shall not exceed the amounts set forth in Exhibit "B" for each phase. In no event shall the total amount of compensation payable under this agreement exceed the sum of Six Hundred Nineteen Thousand Three Hundred Four and 00/100 dollars. Dollars. \$619,304.00. All invoices, including detailed backup, shall be sent to City of Sunnyvale, attention Accounts Payable, P.O. Box 3707, Sunnyvale, CA 94088-3707.

CONSULTANT will be reimbursed as promptly as fiscal procedures will permit upon receipt by the CITY of itemized invoices in triplicate. Invoices shall be submitted no later than 45 calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated in the Compensation Schedule and shall reference the project title. The final invoice must contain the final cost and all credits due CITY. The final invoice should be submitted within 60 calendar days after completion of CONSULTANT's work.

5. No Assignment of Agreement

CONSULTANT bind themselves, their partners, successors, assigns, executors, and administrators to all covenants of this Agreement. Except as otherwise set forth in this Agreement, no interest in this Agreement or any of the work provided for under this Agreement shall be assigned or transferred, either voluntarily or by operation of law, without the prior written approval of CITY. However, claims for money due to or to become due to CONSULTANT from CITY under this Agreement may be assigned to a bank, trust company or other financial institutions, or to a trustee in bankruptcy, provided that written notice of any such assignment or transfer shall be first furnished to CITY. In case of the death of one or more members of CONSULTANT's firm, the surviving member or members shall complete the services covered by this Agreement. Any such assignment shall not relieve CONSULTANT from any liability under the terms of this



Agreement.

6. Consultant is an Independent Contractor

CONSULTANT is not an agent or employee of CITY but is an independent contractor with full rights to manage its employees subject to the requirements of the law. All persons employed by CONSULTANT in connection with this Agreement will be employees of CONSULTANT and not employees of CITY in any respect. CONSULTANT is responsible for obtaining statutory Workers' Compensation coverage for its employees.

7. Consultant's Services to be Approved by a Registered Professional

All reports, costs estimates, plans and other documents which may be submitted or furnished by CONSULTANT shall be approved and signed by a qualified registered professional in the State of California. The title sheet for calculations, specifications and reports, and each sheet of plans, shall bear the professional seal, certificate number, registration classification, expiration date of certificate and signature of the professional responsible for their preparation.

8. Standard of Workmanship

CONSULTANT represents and maintains that it is skilled in the professional calling necessary to perform the services and its duties and obligations, expressed and implied, contained herein, and CITY expressly relies upon CONSULTANT's representations regarding its skills and knowledge. CONSULTANT shall perform such services and duties in conformance to and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations reports and other documents furnished under the Scope of Work (Exhibit "A") shall be of a quality acceptable to CITY. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well-organized, technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by CITY for similar projects.

9. Responsibility of CONSULTANT

CONSULTANT shall be responsible for the professional quality, technical accuracy and the coordination of the services furnished by it under this Agreement. Neither CITY's review, acceptance nor payment for any of the services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and CONSULTANT shall be and remain liable to CITY in accordance with applicable law for all damages to CITY caused by CONSULTANT's negligent performance of any of the services furnished under this Agreement.

Any acceptance by CITY of plans, specifications, calculations, construction contract documents, reports, diagrams, maps and other material prepared by CONSULTANT shall not, in any respect, absolve CONSULTANT for the responsibility CONSULTANT has in accordance with customary standards of good engineering practice in compliance with applicable Federal, State, County and/or municipal laws, ordinances, regulations, rules and orders.

10. Right of CITY to Inspect Records of CONSULTANT

CITY, through its authorized employees, representatives, or agents, shall have the right, at any and all reasonable times, to audit the books and records including, but not limited to, invoices, vouchers, canceled checks, time cards of CONSULTANT for the purpose of verifying any and all charges made by CONSULTANT in connection with this Agreement. CONSULTANT shall maintain for a minimum period of three (3) years from the date of final payment to CONSULTANT or for any longer period required by law, sufficient books and records in accordance with generally accepted accounting practices to establish the correctness of all charges submitted to CITY by CONSULTANT. Any expenses not so recorded shall be disallowed by CITY.

11. Confidentiality of Material

All ideas, memoranda, specifications, plans, calculations, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for CONSULTANT and all other written information submitted to CONSULTANT in connection with the performance of this Agreement shall be held confidential by CONSULTANT and shall not, without the prior written consent of CITY be used for any purposes other than the performance of the Project services, nor be disclosed to an entity not connected with the performance of the Project services. Nothing furnished to CONSULTANT which is otherwise known to CONSULTANT or is or becomes generally known to the related industry shall be deemed confidential. CONSULTANT shall not use CITY's name, insignia or distribute exploitative publicity pertaining to the services rendered under this Agreement in any magazine, trade paper, newspaper or other medium without the express written consent of CITY.

12. No Pledging of CITY's Credit

Under no circumstances shall CONSULTANT have the authority or power to pledge the credit of CITY or incur any obligation in the name of CITY.

13. Ownership of Material

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared, under this Agreement shall be the property of CITY, but CONSULTANT may retain and use copies thereof.

CITY shall not be limited, in any way, in its use of said material, at any time, for

work associated with Project. However, CONSULTANT shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to the release of this material to third parties for work other than on Project.

14. Hold Harmless/Indemnification

To the extent permitted by law (including, without limitation, California Civil Code section 2782.8), CONSULTANT agrees to indemnify, defend and hold harmless CITY, its officers and employees from any and all claims, demands, actions, causes of action, losses, damages, liabilities, known or unknown, and all costs and expenses, including reasonable attorneys' fees in connection with any injury or damage to persons or property to the extent arising out of any negligence, recklessness or willful misconduct of CONSULTANT, its officers, employees, agents, contractor, subcontractors or any officer, agent or employee thereof in relation to CONSULTANT's performance under this Agreement. In no event shall the cost to defend charged to the the design professional exceed the design professional's proportionate percentage of fault. However, notwithstanding the previous sentence, in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, the design professional shall meet and confer with other parties regarding unpaid defense costs. Such defense and indemnification shall not apply in any instance of and to the extent caused by the sole negligence, or willful misconduct of CITY, its officers, employees, agents or representatives.

15. Insurance Requirements

The City requires that CONSULTANT maintain insurance requirements on the Pacific Insurance Network System (PINS). CONSULTANT shall take out and maintain during the life of this Agreement 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" through PINS for approval by the City Risk Manager prior to CONSULTANT (or subcontractor) commencing any work under this Agreement.

16. No Third Party Beneficiary

This Agreement shall not be construed or deemed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action hereunder for any cause whatsoever.

17. Notices

All notices required by this Agreement, other than invoices for payment which shall be sent directly to Accounts Payable, shall be in writing, and sent by first class with postage prepaid, or sent by commercial courier, to address below.

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.

To CITY: Jennifer Ng  
Department of Public Works  
CITY OF SUNNYVALE  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

To CONSULTANT: MNS ENGINEERS, Inc.  
Shawn Knowalewski  
111 N. Market Street, Suite 440  
San Jose ,CA0 95113

18. Waiver

CONSULTANT agrees that waiver by CITY of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

19. Amendments

No alterations or changes to the terms of this Agreement shall be valid unless made in writing and signed by both parties.

20. Integrated Agreement

This Agreement embodies the agreement between CITY and CONSULTANT and its terms and conditions. No verbal agreements or conversation with any officer, agent or employee of CITY prior to execution of this Agreement shall affect or modify any of the terms or obligations contained in any documents comprising this Agreement. Any such verbal agreement shall be considered as unofficial information and in no way binding upon CITY.

21. Conflict of Interest

CONSULTANT shall avoid all conflicts of interest, or appearance of conflict, in performing the services and agrees to immediately notify CITY of any facts that may give rise to a conflict of interest. CONSULTANT is aware of the prohibition that no officer of CITY shall have any interest, direct or indirect, in this Agreement or in the proceeds thereof. During the term of this Agreement CONSULTANT shall not accept employment or an obligation which is inconsistent or incompatible with CONSULTANT'S obligations under this Agreement.

22. Governing Law, Jurisdiction and Venue

This Agreement shall be governed by and construed in accordance with the laws of the State of California, excluding its conflict 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. Records, Reports and Documentation

CONSULTANT shall maintain complete and accurate records of its operation, including any and all additional records required by CITY in writing. CONSULTANT shall submit to CITY any and all reports concerning its performance under this Agreement that may be requested by CITY in writing. CONSULTANT agrees to assist CITY in meeting CITY's reporting requirements to the state and other agencies with respect to CONSULTANT's work hereunder. All records, reports and documentation relating to the work performed under this Agreement shall be made available to City during the term of this Agreement.

24. Termination of Agreement

- A. If CONSULTANT defaults in the performance of this Agreement, or materially breaches any of its provisions, CITY at its option may terminate this Agreement by giving written notice to CONSULTANT. In the event of such termination, CONSULTANT shall be compensated in proportion to the percentage of satisfactory services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate. CONSULTANT shall present CITY with any work product completed at that point in time.
- B. Without limitation to such rights or remedies as CITY shall otherwise have by law, CITY also shall have the right to terminate this Agreement for any reason upon ten (10) days' written notice to CONSULTANT. In the event of such termination, CONSULTANT shall be compensated in proportion to the percentage of services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate. CONSULTANT shall present CITY with any work product completed at that point in time.
- C. If CITY fails to pay CONSULTANT, CONSULTANT at its option may terminate this Agreement if the failure is not remedied by CITY within (30) days after written notification of failure to pay.

25. Subcontracting

None of the services covered by this Agreement shall be subcontracted without the prior written consent of CITY. Such consent may be issued with notice to proceed if subcontract consultants are listed in the project work plan.

26. Fair Employment

CONSULTANT shall not discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex,

gender, gender identity, gender expression, age, sexual orientation, or veteran or military status, or any other protected characteristic in violation of federal or state law.

27. Changes

CITY or CONSULTANT may, from time to time, request changes in the terms and conditions of this Agreement. Such changes, which are mutually agreed upon by CITY and CONSULTANT, shall be incorporated in amendments to this Agreement.

28. Other Agreements

This Agreement shall not prevent either Party from entering into similar agreements with others.

29. 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.

30. Captions

The captions of the various sections, paragraphs and subparagraphs, of the contract are for convenience only and shall not be considered nor referred to for resolving questions of interpretation.

31. 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 (wet or electronic signature) by all parties.

32. Miscellaneous

Time shall be of the essence in this Agreement. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or any other provision.

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST: CITY OF SUNNYVALE ("CITY")

By \_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
City Manager

MNS ENGINEERS, INC.  
("CONSULTANT")

APPROVED AS TO FORM:

By \_\_\_\_\_

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
City Attorney

By \_\_\_\_\_

\_\_\_\_\_  
Name/Title

**SCOPE OF WORK FOR  
REPLACEMENT / REPAIR /  
REHABILITATION OF SANITARY SEWER  
SYSTEM  
PROJECT NUMBER UY-21-01**

**I. Consultant Scope of Services**

The consultant will perform all engineering and project management-related work necessary to prepare plans and specifications suitable for Public Works bidding.

Consultant services shall include, but are not limited to: project management, preliminary design, design development, bid documents, jurisdictional permitting, bidding support, and construction support services, as further detailed below.

**A. *Project Management***

The consultant will be the primary responsible party for managing the project's schedule and consultant contract budget. In addition, the consultant is expected to attend and prepare minutes for up to four (4) project meeting and prepare action item logs for subsequent follow-up. The consultant is expected to maintain frequent and timely communication with City staff throughout the duration of the project.

All project schedules shall be prepared in Gantt chart format, utilizing Microsoft Project software. Three weeks for each City review shall be included. Schedule updates shall be provided at all progress meetings.

Consultant's own team should have provisions for quality assurance/quality control over work product prepared for the City. A statement of peer review will be required for overall constructability, coordination, and reasonable reduction in errors and omissions.

The total project budget, including design, construction and contingencies is \$4,650,000. The Consultant is expected to design a project that can be constructed within the available construction amount, after design fees and a 10% construction contingency have been accounted for. Consultant is expected to communicate often and early with respect to the schedule and budget.

The City utilizes e-Builder project management software, and the Consultant is expected to work within the e-Builder system for this project. One e-Builder software license will be provided to the Consultant for the duration of the project. e-Builder software shall be utilized for all project management documentation and correspondence. Consultant shall coordinate with City staff for training materials and e-Builder introduction.

**B. *Preliminary Design***

Preliminary design phase shall include surveys of sanitary sewer manholes, base mapping, conceptual design and provision of options, preliminary cost estimate, and other tasks as recommended by the proposer. The City will perform any necessary cleaning and CCTV inspection of Project sewers and laterals. CCTV inspection of sewers and laterals shall be excluded from consultant proposal. The City will provide CCTV of all sewers to the selected consultant and will obtain newer CCTV of any sites during design, if needed.



Since the Project sewers are to be rehabilitated or replaced in their existing alignments, survey work is expected to be limited to sewer manhole dips where needed, and only capturing other ground surface features that may affect construction. Full topographic surveys of streets and surrounding areas to capture curbs, fire hydrants, etc. shall be excluded from the consultant proposal. Because sewer work is between known manhole locations, it is acceptable that pipe lengths be shown and called out as approximate in the plans, with lengths based on record drawings, Google Earth, and other acceptable sources. The Contractor will be instructed to verify lengths in the field (at their option) during the bid period. It is expected that plan views be superimposed onto aerial photos. Where sewers are to be rehabilitated without trenching (CIPP or pipe bursting), likely only a plan view is needed (i.e., no profile), however, provide a profile and detail for areas of spot repair, as needed.

As an optional task, the Consultant shall decide whether a geotechnical investigation addressing requirements for shoring, dewatering, hazardous soils, etc. is warranted at any site, to potentially reduce uncertainty and therefore costs in Contractor bids.

C. *Design Development*

Consultants shall be the Engineer of Record and responsible for design and preparation of complete plans and technical specifications for the project. The consultant must perform an adequate field investigation to confirm existing conditions.

All work is to comply with all applicable rules, regulations, code, law, and good practice for public facilities. When possible, the Consultant shall incorporate “green” building/construction practices, sustainability, energy efficiency, and low operations and maintenance costs into recommendations and subsequent design. The Design Standards for Sanitary Sewer Systems is posted on the City’s website:

<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1602/637820851905730000>

Use of contractors, and all applicable subcontractors which are required to pay prevailing wages, requires registration with the State of California, Department of Industrial Relations (DIR) through the Public Works Contractor Registration Program (PWC Registration) before bidding, being awarded, or performing work on public works projects in California. This includes those performing surveying work, material testing, inspection, trucking, boring, potholing, concrete deliveries and temporary service companies who provide workers to prevailing wage contractors. **For complete details, please refer to Attachment 1: Labor Compliance.**

Plans and specifications shall provide sufficient detail to result in a good quality product while allowing competitive pricing where possible and appropriate and provide options to the contractor where appropriate to obtain the same good level of quality for the best bid price. Plans and specifications shall not specify proprietary products or services. Specifications shall be prepared in CSI 2020 format.

Coordination and preparation of documentation to facilitate permits and outreach with utility companies, regulatory agencies, and other stakeholders including the City of Cupertino will also be consultant responsibility.

The existing main at location 17 is in the side yards of residences with no known public easements. As part of the base service, the Consultant shall design the sewer rehabilitation at this location. As an optional task, the Consultant shall obtain preliminary title reports (up to 12). As a second optional task, the Consultant shall provide notification and outreach to these residents and assist the City in preparing and executing sanitary sewer easements including plats and legals.

Consultant shall include an optional task in their proposal for preparation of a second bid package for locations that may be delayed during design. The optional task shall include bid and construction support services for the second bid package. Consultant shall include an optional task to perform a maximum of 17 potholes for utility locating.

All submittals shall include hardcopies (number specified below) and digital copies (PDF and native format) of all documents.

1. 30% Submittal: Submit PDF digital copy. An optional service to provide one (1) hardcopy set of 24" x 36" and one (1) set of 11" x 17" shall be included in the cost proposal.
  - a. 30% plans: Cover sheet and plan sheet with base mapping and preliminary details.
  - b. Cut sheets for equipment/appurtenances.
  - c. Project schedule update.
  - d. 30% construction cost estimate, including slurry seal restoration.
  - e. Brief memorandum of determination if the project's construction activities are within the NPDES Construction General Permit. Include project type and risk level.
  - f. Email documentation if this project will trigger stormwater requirements under the MRP 3.0 (takes effect July 1, 2023). If yes, provide a strategy to move forward with the optional task for two construction projects.
  - g. Table of Contents list for technical specifications.
  - h. Title Reports for properties at Location 17 (if optional task is authorized).
  - i. If no formal easement exists for Location 17, provide evidence that the residents at location 17 have been contacted and drafts of sanitary sewer easement plats and legals (if optional task is authorized).
2. 75% Submittal: All major issues have been resolved prior to this stage. The intent of this submittal is to provide plans and project documents in sufficient detail to allow for thorough and complete review. Application for Encroachment Permit with the City of Cupertino must be underway. Submit PDF digital copy of project documents. An optional service to provide one (1) hardcopy set of 24" x 36" and one (1) set of 11" x 17" shall be included in the cost proposal:
  - a. 75% Plans: All subcontracted work shall be accounted for in this submittal. All project details have been accounted for.
  - b. 75% specifications:
    - Technical specifications,
    - Special Provisions, with recommended changes in track changes format. The Special Provisions shall also include the following:
      - Bid item descriptions and measurement and payment provisions
      - A list of minimum required submittals during construction
      - List of information available to Bidders, with disclaimer
      - A table listing all inspections (including any special inspections and materials testing) and associated responsibility
      - A table list of materials requiring warranties, and associated warranty periods
  - c. Project schedule update.
  - d. 75% construction cost estimate in the form of the bid schedule.
  - e. Utility conflicts have been resolved or a timeline for resolution of issues has been determined.
  - f. CEQA Exemption documentation, suitable for filing at the County Recorder's Office.
  - g. Responses to the City's review comments on the 30% submittal, along with return of mark-ups.

- h. Other supporting documentation as necessary. {SWPPP, documentation of starting permits necessary for the contractor, list of information available to Bidders, etc.}
  - i. Location 17 plats and legals are complete and ready for execution by residents.
- 3. 100% Submittal: All issues, prior comments, and concerns must be addressed in this submittal. Submit PDF digital copy of project documents. An optional service to provide one (1) hardcopy set of 24" x 36" and one (1) set of 11" x 17" shall be included in the cost proposal:
  - a. 100% plans
    - Peer review shall have been accomplished by this stage, with the statement and signature on the cover sheet. The professional shall sign, date and seal the following Certification of Peer Review on a letterhead document with the transmittal of the final plans and specifications:

"The undersigned hereby certifies that a professional peer review of these plans and the required designs was conducted by me, a professional engineer with expertise and experience in the appropriate fields of engineering equal to or greater than the Engineer of Record, and that appropriate corrections have been made."
  - b. 100% specifications
    - Reviewed bid instructions
    - Finalized technical specifications
    - Finalized Special Provisions
  - c. Project schedule update.
  - d. 100% construction cost estimate.
  - e. Responses to the City's review comments on the 75% submittal, along with return of mark-ups.
  - f. Other supporting documentation as necessary.

*D. Bid Package*

The bid package shall be finalized upon incorporation of the City's final comments from the 100% submittal.

Submit hard copies and digital format (PDF and native format) of each of the documents listed below:

1. One hard copy of full sized plans (24" x 36"), stamped and signed on each sheet by the Engineer of Record and by discipline.
2. One digital copy of the specifications.
  - a. Technical specifications, with cover sheet stamped and signed by all necessary disciplines.
3. Final project schedule update.
4. Final construction cost estimate.

*E. Bidding Services*

Consultant will respond to all bidder's requests for information (RFIs) and support the City's coordination efforts to inform plan-holders of significant responses to RFIs and prepare addenda as necessary. During bidding, all proposers' communications will be directed through the City's Purchasing Officer.

*F. Construction Support Services*

The City's construction management team will have primary responsibility for construction management and inspection. The consultant's point of contact will be the City's construction manager, not the contractor.

The following is a minimum list of services and submittals required.

1. Attend and prepare information for an internal handoff meeting from the design team to the construction management team. Consultant shall be prepared to address: possible construction pitfalls, items for the construction management team to be aware of (special working hours, shortened timelines for submittal reviews, etc.).
2. Attend the pre-construction meeting.
3. Attend up to two (2) periodic construction progress meetings, as needed.
4. Participate in the final inspection and development of punch lists.
5. Respond to RFIs, which includes clarifying or providing revisions or additional detail where necessary on the plans and specifications. Response to RFIs shall be timely in order to avoid construction delays and claims.
6. Review and respond to all submittals within the period allocated in the contract documents and as necessary to avoid construction delays and claims.
7. Review proposed substitutions, if any, for conformance to plans and technical specifications.
8. Review and make recommendations on proposed changes to the contract (Request for Quotations and Contract Change Orders).
9. Prepare Record Drawings based upon red-lines provided by the contractor and field reviews. The Record Drawings shall be prepared digitally, using AutoCAD. Final Record Drawings shall be submitted electronically, in PDF and CAD format.
10. Participate in the "Lessons Learned Meeting" with all parties at the end of the project.

## II. Available Documents

The list below is available for information only.

- Record drawings are available for the following sites. The City does not guarantee the accuracy or completeness of record drawings. Consultant shall verify all information to their professional satisfaction.

Tract 1231  
Tract 1343  
Tract 1377  
Tract 1627  
Tract 5532  
Tract 6033  
DP-77-25  
DP-95-01  
SD-93-02  
Sunset

- Utility block maps for City sanitary sewer and storm drain are available on the City's website. City staff will provide water facilities block maps as necessary.  
<https://www.sunnyvale.ca.gov/city-services/online-services/maps-and-gis/utility-maps>
- Tract maps and parcel maps
- Benchmarks for vertical control are listed on the City's website:  
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1590/637997914061089168>
- City standard details and specifications are available on the City's website:  
[Details:  
https://www.sunnyvale.ca.gov/home/showpublisheddocument/1604/637938362123730000](https://www.sunnyvale.ca.gov/home/showpublisheddocument/1604/637938362123730000)  
[Specifications:  
https://www.sunnyvale.ca.gov/home/showpublisheddocument/1606/637820851912670000](https://www.sunnyvale.ca.gov/home/showpublisheddocument/1606/637820851912670000)

The below information will be provided during design to the consultant:

- GIS data for property lines, street center lines, and one (1) foot contours
- Aerial photographs from 2015 (ArcGIS format)
- City standard plan cover sheet

### **III. Reimbursable Expenses and Markups**

For preparation of the cost proposal template and invoicing during the project, no markups shall be allowed on reimbursable expenses and the maximum markup on each subconsultant shall be 5%.

Optional services, if any, may be included as separate line items in the cost proposal.

The cost proposal shall be submitted as a separate, sealed item. The cost proposal shall include hour and fee breakdown by the tasks detailed in Section I, Consultant Scope of Services, and per the attached pricing template.

### **IV. Attachments**

1. Labor Compliance
2. Summary of Sites Exhibit

## Attachment 1 - Labor Compliance

**Contractor Registration with the State of California** – Contractors, and all applicable subcontractors which are required to pay prevailing wages, must be registered with the State of California, Department of Industrial Relations (DIR) through the Public Works Contractor Registration Program (PWC Registration) before bidding, being awarded, or performing work on public works projects in California. This includes those performing surveying work, material testing, inspection, trucking, boring, pot holing, concrete deliveries and temporary service companies who provide workers to prevailing wage contractors. Registration must remain current throughout the project entirety. It is the contractor's responsibility to not allow their PWC Registration to lapse during the project and to ensure all Subcontractor's registrations remain current. The Labor Commissioner can assess penalties to public works contractors of up to \$10,000, in addition to the registration fee, for failure to register. Awarding agencies are also subject to penalties of \$100 a day, up to a maximum of \$10,000, for having an unregistered contractor perform work on a public works project. If any penalties are issued to the City for unregistered subcontractors or for a lapse in a contractor/subcontractor's PWC Registration, these penalties will be passed onto the contractor. **A contractor that allows an unregistered subcontractor to work on the project is also subject to penalties of \$100 a day up to \$10,000.** Contractors shall list all applicable PWC registration numbers on the Bid Form.

**Hours of Work** – Pursuant to Labor Code, Section 1810, 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 the City, twenty-five dollars (\$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. Such forfeiture amounts may be deducted from the contract sum.

Contractor and each Subcontractor shall keep, or cause to be kept, an accurate record showing the actual hours worked each calendar day and each calendar week by each worker employed on the project, which record shall be kept open at all reasonable hours to the inspection of the City, its officers and agents, and to the inspection of the appropriate enforcement agency of the State of California.

**Wage Rates** – Pursuant to Sections 1770, 1771 and 1774 of the Labor Code of the State of California, or any applicable local law, contractors shall not pay less than the prevailing rate of per diem wages as determined by the Director of the Department of Industrial Relations. The City 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. The City 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 the City.

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 the City 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.

**Prevailing Wage** – As identified in the Notice to Bidders, the work contemplated by this agreement is a public work subject to prevailing wages under California Labor Code, Sections 1720 et. seq. The State of California Department of Industrial Relations has ascertained the general prevailing per diem wage rates in the locality in which the work is to be performed for each craft, classification, or type of worker required to perform the work. A schedule of the most recent general prevailing per diem wage rates made available to the City will be on file at the City's principal facility office and will be made available to any interested party upon request. This prevailing wage rate schedule is provided by the City for Bidder's information only and is not guaranteed by the City to be current. Contractor is obligated to verify all appropriate prevailing wage rates and pay those rates as required. By this reference the verified current schedule of prevailing wage rates is made part of the Contract Documents. Contractor shall pay not less than the prevailing per diem wage rates, as specified in the schedule and any amendments thereto, to all workers employed by contractor in the execution of the work. Contractor shall cause all subcontracts to include the provision that all subcontractors shall pay not less than the specified prevailing per diem wage rates to all workers employed by such subcontractors in the execution of the work.

Contractor shall forfeit to the City, as a penalty, no more than two hundred dollars (\$200.00) for each calendar day or portion thereof for each worker that is paid less than the specified prevailing per diem wage rates for the work or craft in which the worker is employed for any portion of the work done by contractor or any subcontractor in violation of the provisions of the Labor Code, and in particular Sections 1770 to 1781 thereof, inclusive. Such forfeiture amounts may be deducted from the contract sum. Contractor shall also pay to any worker who was paid less than the specified prevailing per diem wage rate for the work or craft for which the worker was employed for any portion of the work, for each calendar day, or portion thereof, for which the worker was paid less than the specified prevailing per diem wage rate, an amount equal to the difference between the specified prevailing per diem wage rate and the amount which was paid to the worker.

The City will not recognize any claim for additional compensation because of the payment by the Contractor for any wage rate in excess of prevailing wage rates set forth in the Agreement, including payment in excess of the prevailing wage for extra work paid by force account. The possibility of wage increases is one of the elements to be considered by the Contractor in determining the contractor's bid and will not, under any circumstances be considered as the basis of a claim against the City under the Agreement.

**Certified Payroll Records** – Pursuant to Labor Code, Sections 1776 et. Seq., contractor and all subcontractors shall keep an accurate payroll record, showing the name, address, social security number, job 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 in connection with the work. All payroll records shall be certified as being true and correct by contractor or subcontractors keeping such records; and the payroll records shall be provided to the City no later than three weeks after closing of payroll for City-funded projects, and no later than one week for federal aid projects. The contractor or subcontractor has 10 days in which to comply subsequent to receipt of a written notice requesting the records enumerated in Labor Code section 1776 (a). In the event that the contractor or subcontractor fails to comply within the 10-day period, he or she shall, as a penalty to the state or political subdivision on whose behalf the contract is made or awarded, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Certified payroll records shall be made available at reasonable hours at the contractor's principal office to the persons authorized to inspect such records pursuant to Labor Code section 1776. Certified payroll shall also be made available for inspection upon request by the State of California Division of Labor Standards Enforcement, or the Division of Apprenticeship Standards of the State of California Division of Industrial Relations.

Each contractor and every lower-tier subcontractor will be required to submit certified payrolls and labor compliance documentations electronically via the software LCPTracker. Contractor shall cause all subcontracts to include the provision that all subcontractors submit certified payrolls and labor compliance documentation electronically via LCPTracker. Electronic submission will be a web-based system, accessed on the World Wide Web by a web browser. Each contractor user will be given a Log-On identification and password to access the City's reporting system. Access will be coordinated by a City representative.

**Apprentice Program** – Attention is directed to State of California Labor Code, Sections 3095, 1777.5, 1777.6, and 1777.7 and Title 8, California Code of Regulations, Section 200, and the applicable Sections that follow. Responsibility for compliance with these requirements lies with the contractor. To ensure compliance and complete understanding of the law requiring apprentices, and specifically the required ratio thereunder, contractor or subcontractors should, where some question exists, contact the Division of Apprenticeship Standards, 525 Golden Gate Avenue, San Francisco, California, or one of its branch offices prior to commencement of the work. In the event contractor willfully fails to comply with this section, it will be considered in violation of the requirements of the Contract.

Contractor and all of its subcontractors shall abide by the provisions of California Labor Code Section 1777.6 prohibiting discrimination in the acceptance of otherwise qualified apprentices; and California Labor Code Section 3095 which declares the unlawful discrimination in any recruitment or apprenticeship program on stated grounds. City shall be entitled to retain and withhold all penalties as authorized pursuant to California Labor code, Division 2, Part 7, Chapter 1, commencing with Section 1720 and following, in accordance with the provisions of that Chapter, and the regulations established by the Director of Industrial Relations pursuant to the statutory authority of such chapter.



**ATTACHMENT 2—SUMMARY OF SITES EXHIBIT**  
**CITY OF SUNNYVALE—REPLACEMENT/REPAIR/REHABILITATION**  
**OF SANITARY SEWER SYSTEM**  
**REVISION DATE: 7-19-22**

**1. Morse Avenue**

- Approx. 655 LF of 8" concrete
- U/S MH 391-209 at intersection of E. Arques and Morse Avenue
- D/S MH 410-212 at intersection of E. Taylor and Morse Avenue
- Likely rehab method: Pipe bursting or open trench

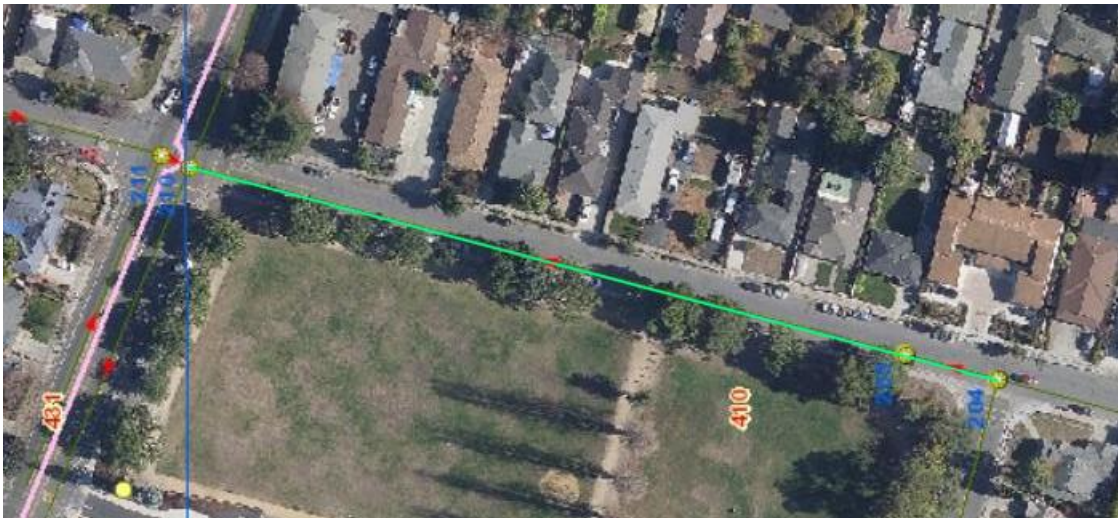
Pipe is very old and deteriorating concrete pipe. Unknown whether the concrete has rebar, welded wire mesh, or is unreinforced.



## **2. N. Bayview Avenue**

- Approx. 650 LF of 8" concrete
- U/S MH 410-204 at intersection of Hazelton and Bayview Avenue
- D/S MH 410-210 at intersection of E. Maude and Bayview Avenue
- Likely rehab method: Pipe bursting or open trench

Pipe is very old and deteriorating concrete pipe. Unknown whether the concrete has rebar, welded wire mesh, or is unreinforced.

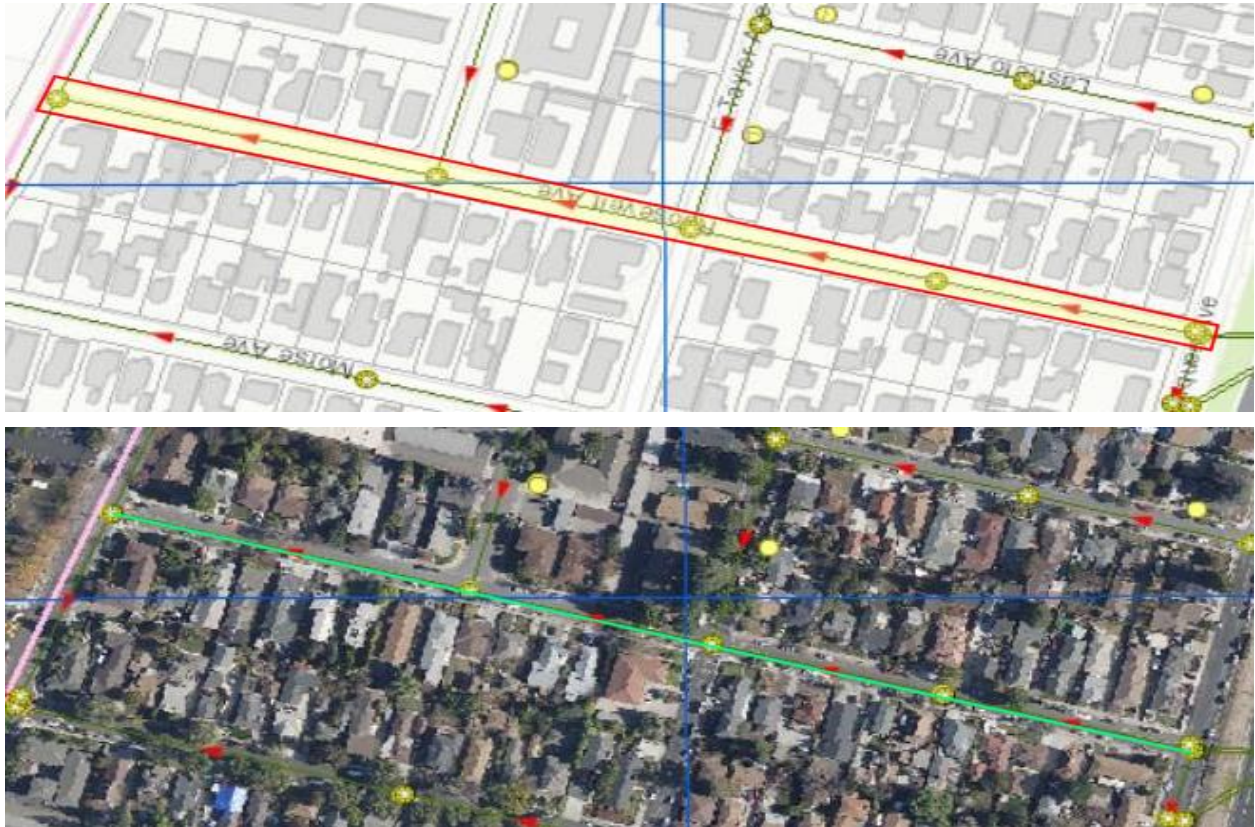




### **3. Roosevelt Avenue**

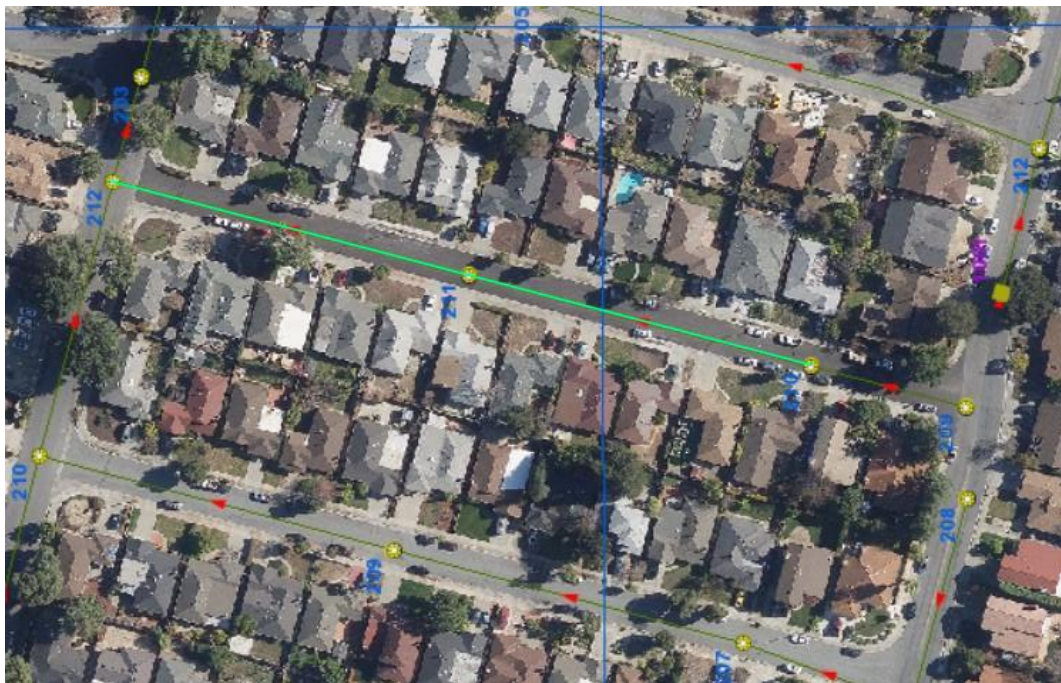
- Approx. 1,460 LF of 8" concrete
- U/S MH 391-213 at intersection of E. Arques and Roosevelt Avenue
- D/S MH 411-201 at intersection of E. Maude and Roosevelt Avenue
- Likely rehab method: Pipe bursting or open trench

Pipe is very old and deteriorating concrete pipe. Unknown whether the concrete has rebar, welded wire mesh, or is unreinforced.



#### **4. Ositos Avenue**

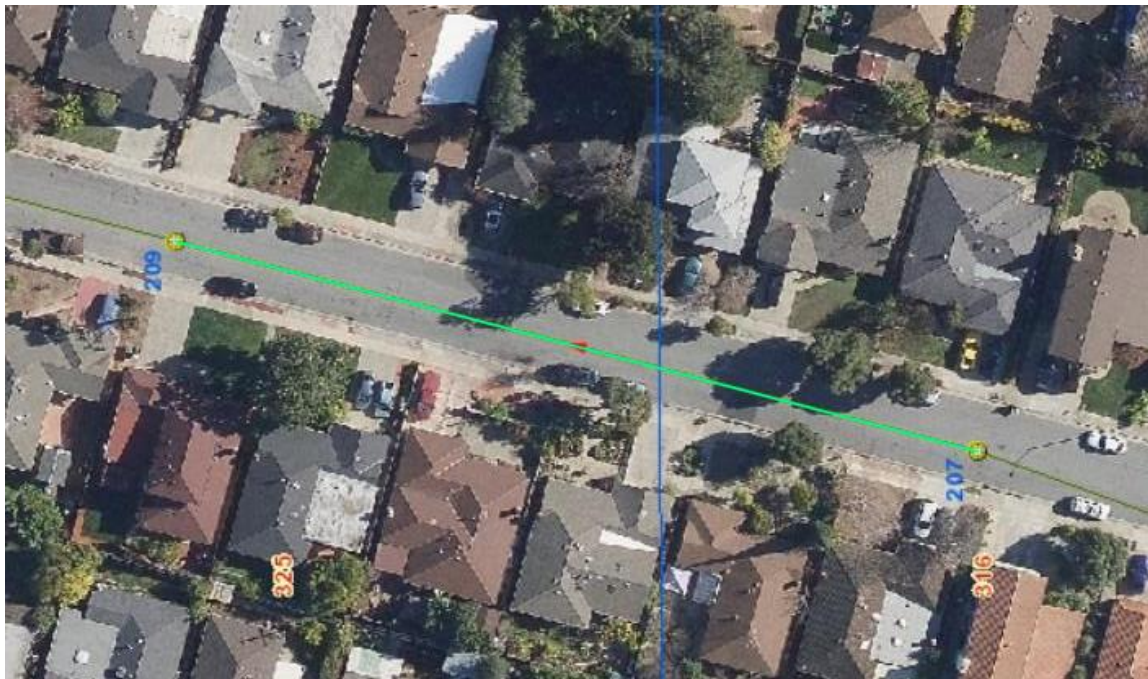
- Approx. 630 LF of 6" VCP
- U/S MH 316-210 485 Ositos Avenue
- D/S MH 325-212 at intersection of Ositos and Sutter Ave
- Likely rehab method: Pipe bursting or open trench
- Record drawings available (1231, 6033)





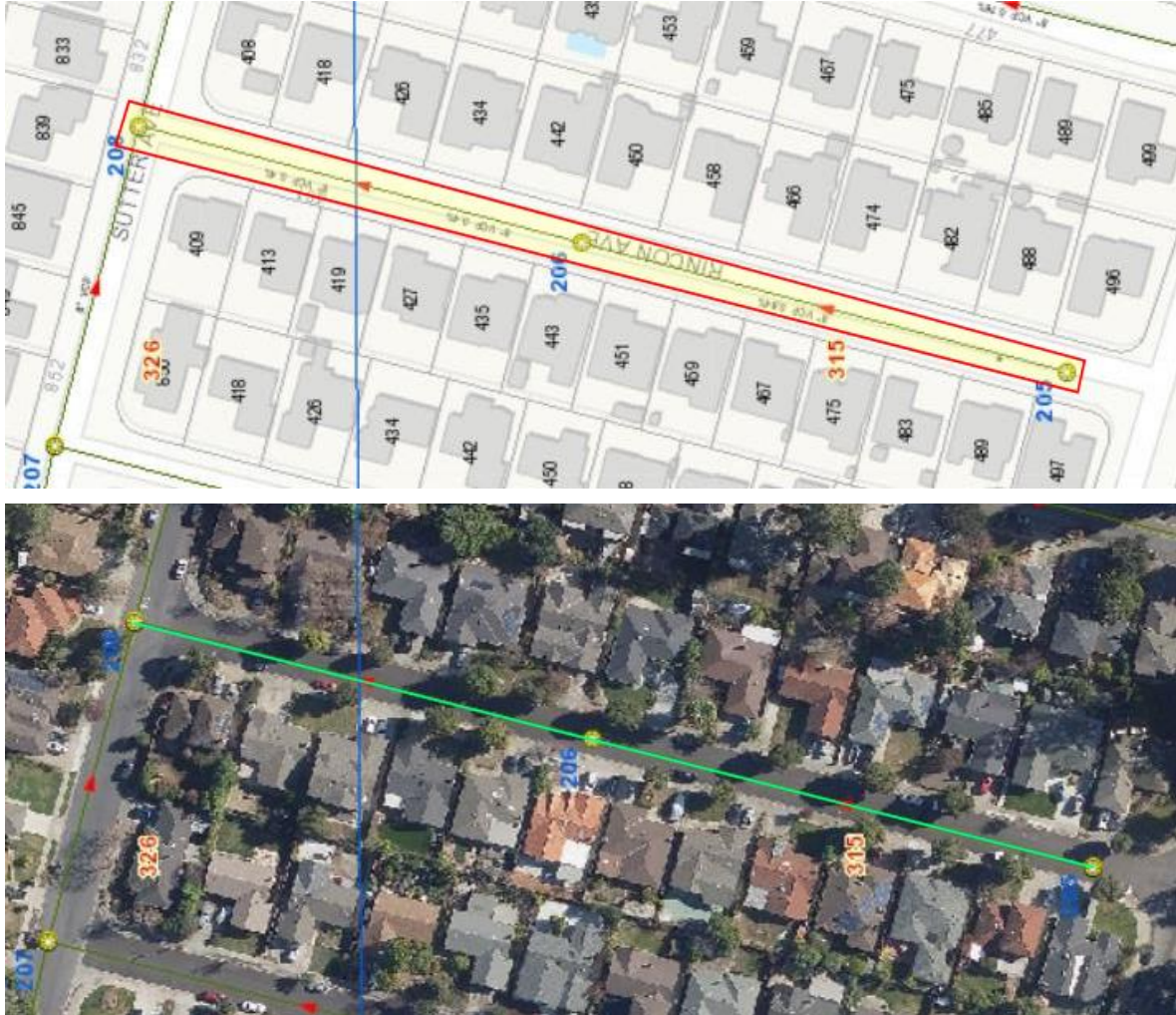
### 5. Nuestra Avenue

- Approx. 315 LF 6" VCP
- U/S MH 316-207 485 Nuestra Avenue
- D/S MH 325-209 439 Nuestra Avenue
- Likely rehab method: Pipe bursting or open trench
- Record drawings available (1231, 6033)



## 6. Rincon Avenue

- Approx. 750 LF of 8" VCP
- U/S MH 315-205 Rincon Avenue
- D/S MH 326-208 at intersection of Sutter and Rincon Avenue
- Likely rehab method: Pipe bursting or open trench
- Record drawings available (1627)





### **7. W. Iowa Avenue at Sunset Avenue**

- Approx. 410 LF of 8" VCP
- U/S MH 326-202 at intersection of Sunset and W. Iowa Avenue
- D/S MH 326-214 at 861 W. Iowa Avenue
- Likely rehab method: Pipe bursting or open trench
- Record drawings available (8587)



### **8. W. Iowa Avenue at S. Pastoria Avenue**

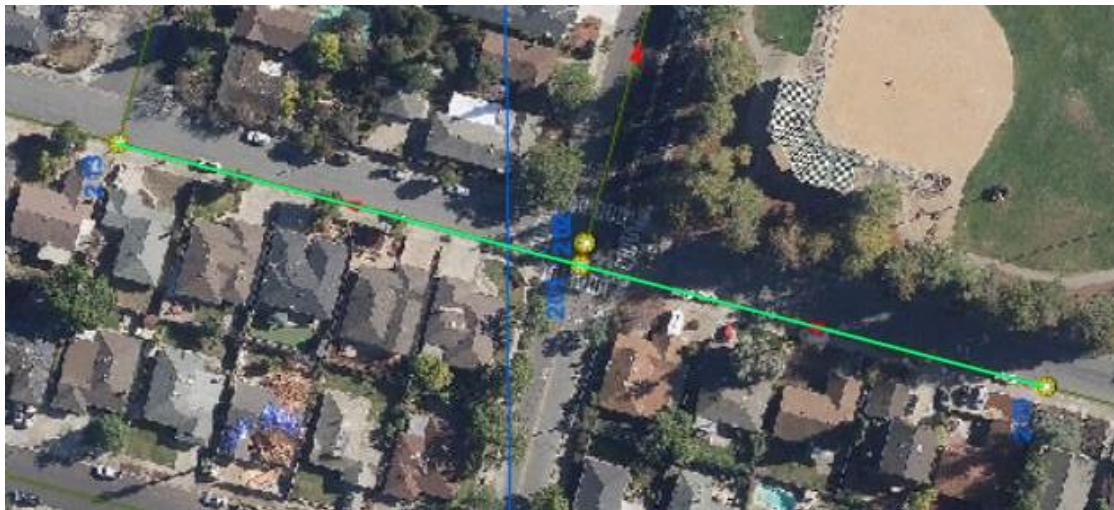
- Approx. 370 LF of 8" VCP
- U/S MH 326-213 at 830 W. Iowa Avenue
- D/S MH 326-216 at intersection of S. Pastoria and W. Iowa Avenue
- Likely rehab method: Pipe bursting or open trench





## **9. Sunset Avenue**

- Approx. 675 LF of 8" VCP
- U/S MH 355-203 225 Sunset Avenue
- D/S MH 366-213 at intersection of Lewis and Sunset Avenue
- Likely rehab method: Pipe bursting or open trench
- Record drawing available and (1231, 5532, 8587)



## 10. Muender Avenue

- Approx. 890 LF of 6" concrete
- U/S MH 366-216 at intersection of Muender and Sunset Avenue
- D/S MH 367-218 823 Muender Avenue
- Likely rehab method: Pipe bursting or open trench

Pipe is very old and deteriorating concrete pipe. Unknown whether the concrete has rebar, welded wire mesh, or is unreinforced.

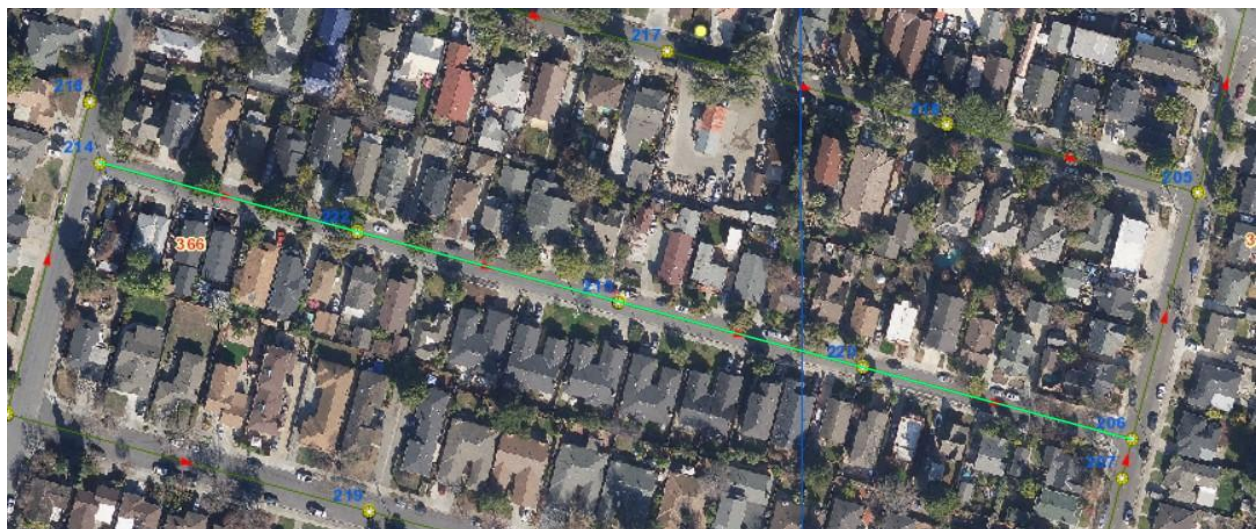




### 11. Coolidge Avenue

- Approx. 1,150 LF of 6" concrete
- U/S MH 366-214 at intersection of Coolidge and Sunset Avenue
- D/S MH 367-206 at intersection of Coolidge and S. Pastoria Avenue
- Likely rehab method: Pipe bursting or open trench
- Record drawings available (DP-77-25) and (5532)

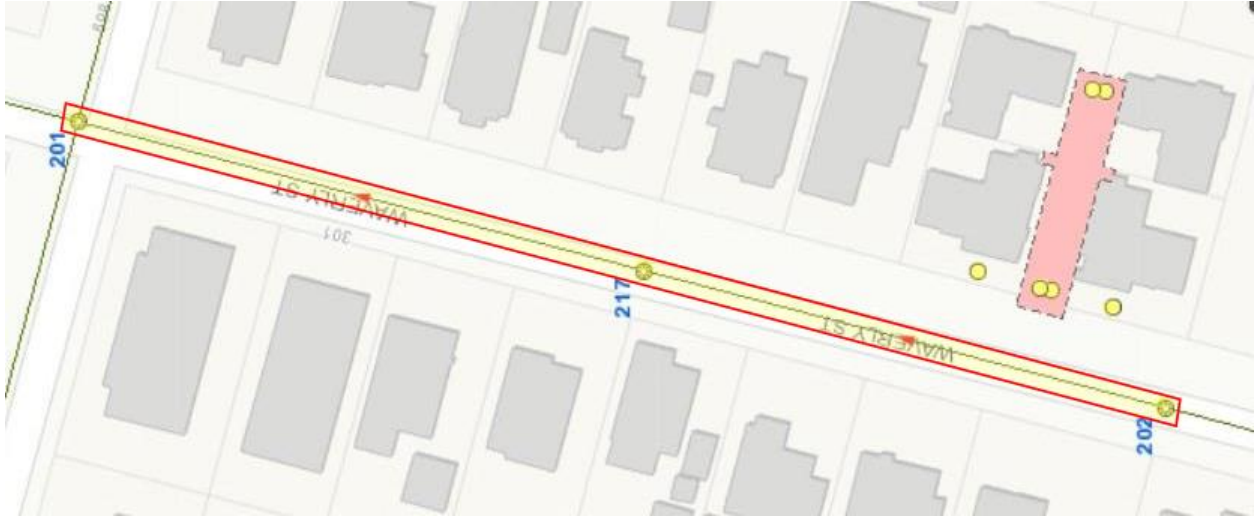
Pipe is very old and deteriorating concrete pipe. Unknown whether the concrete has rebar, welded wire mesh, or is unreinforced.



## 12. Waverly Street

- Approx. 465 LF of 6" concrete
- U/S MH 327-202 397 Waverly Street
- D/S MH 327-201 at intersection W. McKinley and Waverly Street
- Likely rehab method: Pipe bursting or open trench
- Record drawing available (DP-95-01)

Pipe is very old and deteriorating concrete pipe. Unknown whether the concrete has rebar, welded wire mesh, or is unreinforced.





### 13. Bishop Avenue

- Approx. 290 LF of 6" VCP
- U/S MH 288-215 at intersection of Carroll Street and Bishop Avenue
- D/S MH 289-203 at 354 Bishop Avenue
- Likely rehab method: Pipe bursting or open trench



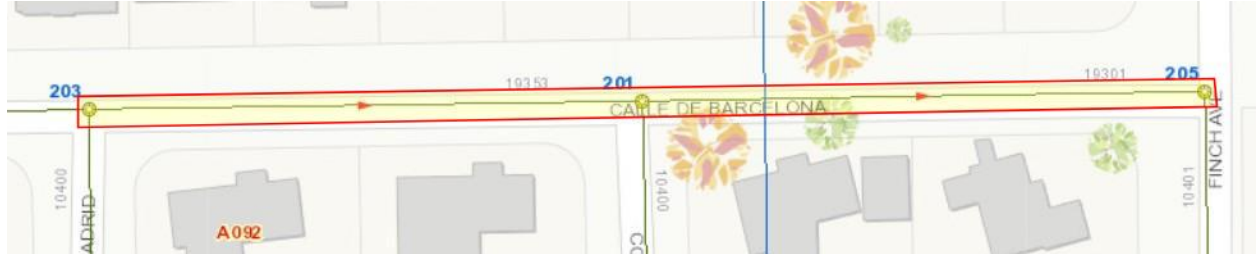
#### **14. San Diego Avenue**

- Approx. 165 LF of 6" VCP
- U/S MH 450-227 622 San Diego Avenue
- D/S MH 450-226 at intersection of Eureka Court and San Diego Avenue
- Likely rehab method: Pipe bursting or open trench
- Record drawings available (1377)



**15. Calle de Barcelona (City of Cupertino)**

- Approx. 550 LF of 6" cast iron
- U/S MH A092-203 at intersection of Calle de Barcelona and Corte de Madrid
- D/S MH A093-205 at intersection of Calle de Barcelona and Finch Avenue
- Likely rehab method: Pipe bursting or open trench
- Record drawings available (1343)



**16. Corte de Seville (City of Cupertino)**

- Approx. 210 LF of 6" cast iron
- U/S MH A092-202 at intersection of Calle de Barcelona
- D/S MH A092-201 end of Court
- Likely rehab method: Pipe bursting or open trench
- Record drawings available (1343)





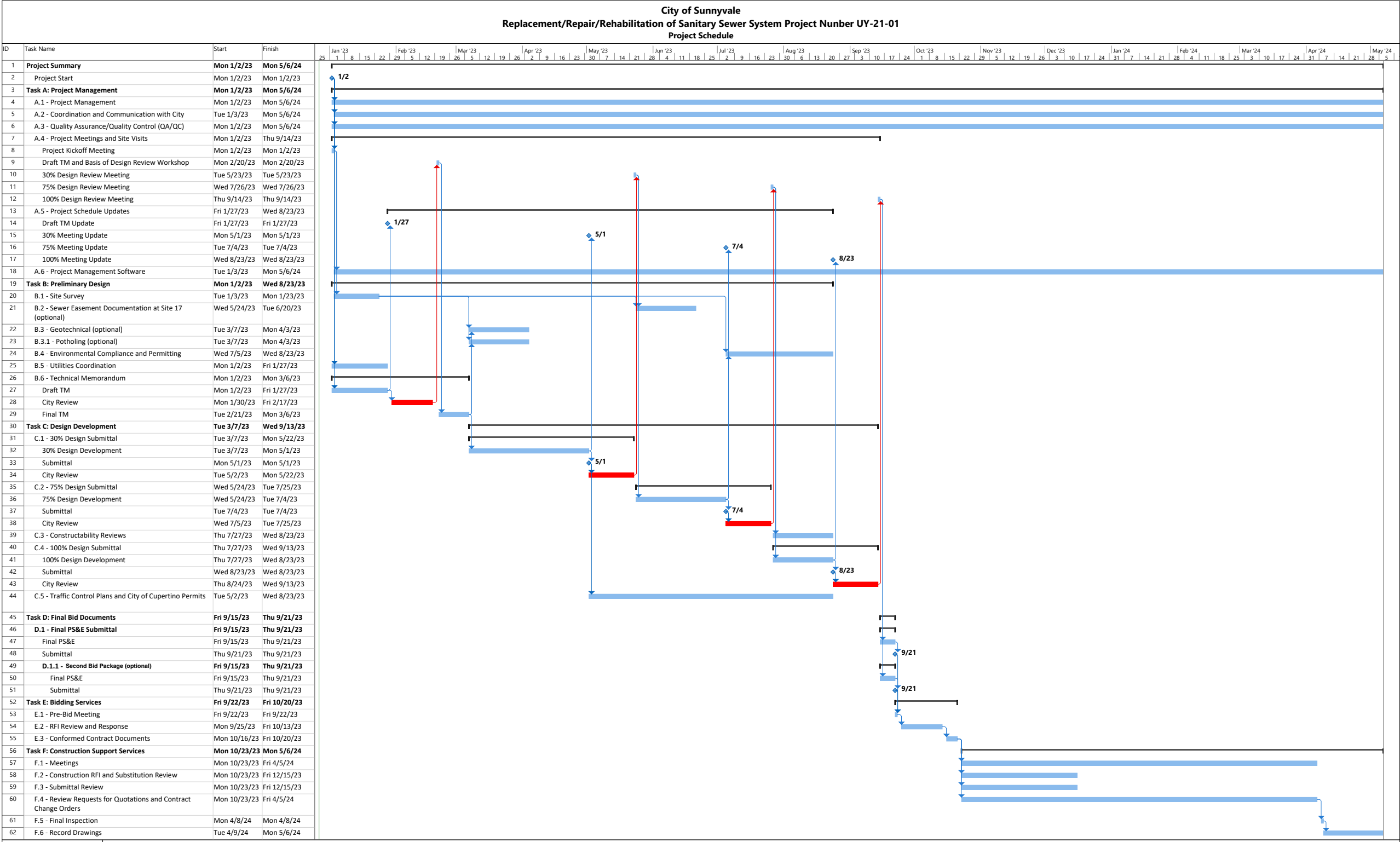
### **17. Waverly Street to S. Mathilda Avenue**

- Approx. 875 LF of 6" concrete
- U/S MH 354-209 162 Waverly Street
- D/S MH 353-201 163 S. Mathilda Avenue
- Likely rehab method: CIPP lining

Pipe is very old and deteriorating concrete pipe. Unknown whether the concrete has rebar, welded wire mesh, or is unreinforced. Pipe is not within a recorded easement and on private property. Unknown residential structures may be above pipe and access to pipe on private property is extremely difficult.



7  
Section 7. REVISED Project Schedule



Tasks		Labor															Subconsultants							Total		
Task ID	Task Description	Project Manager	Principal Traffic Engineer	Senior Traffic Engineer	Lead Engineer	Lead Engineer	Project Engineer	Associate Engineer	Principal Surveyor	Principal Surveyor	Associate Project Surveyor	Party Chief	Chainperson	Principal Construction Manager	CADD Manager	Senior CADD Technician	Total Hours	Total Labor Costs	Geotechnical	Environmental	Land / Easement Acquisition	Potholing	Other Direct Costs	Subtotal Subs	Subs Mark Up 5%	Total Fee
		Nick Boswell	Martha Dadala	Andy Chan	Nick Panofsky	Tyler Hunt	Jordyn Doyle	Andrew Pedroni	Fred Tice	Shane Shobeski	Richard Sleeman	Hector Perez	Jake Yost	Willy Nowotny	Chris Askins	Oscar Hernandez			CE&G (1)	Redtail	HJ&A (2)	EXARO (3)				
		\$220	\$280	\$220	\$245	\$245	\$200	\$180	\$260	\$260	\$160	\$170	\$150	\$305	\$195	\$155			LS Based on (Fee/Hr)	LS Based on (Fee/Hr)	LS Based on (Fee/Hr)	LS Based on (Fee/Hr)				
A	Task A: Project Management																									
A.1	Project Management	40															40	\$ 8,800					\$ -	\$ -	\$ -	8,800
A.2	Coordination and Communication with City	40															40	\$ 8,800					\$ -	\$ -	\$ -	8,800
A.3	Quality Assurance/Quality Control (QA/QC)					30											30	\$ 7,350					\$ -	\$ -	\$ -	7,350
A.4	Project Meetings and Site Visits (Five meetings)	20			14		20										54	\$ 11,830					\$ -	\$ -	\$ -	11,830
A.5	Project Schedule	8						8									16	\$ 3,200					\$ -	\$ -	\$ -	3,200
A.6	Project Management Software	16						4									20	\$ 4,240					\$ -	\$ -	\$ -	4,240
	Task A Subtotal	124	0	0	14	30	20	12	0	0	0	0	0	0	0	0	200	44,220	0	0	0	0	\$ -	\$ -	\$ -	44,220
B	Task B: Preliminary Design																									
B.1	Site Survey	8			8		12		4	12	8	50	50		16		168	\$ 30,680					\$3,000	\$ -	\$ -	33,680
B.4	Environmental Compliance and Permitting	16			4		30										50	\$ 10,500		\$13,084			\$0	\$ 13,084	\$ 654	24,238
B.5	Utility Coordination	8			4		40										52	\$ 10,740					\$0	\$ -	\$ -	10,740
B.6	Technical Memorandum	8			32		40	60									140	\$ 28,400					\$0	\$ -	\$ -	28,400
	Task B Subtotal	40	0	0	48	0	122	60	4	12	8	50	50	0	16	0	410	80,320	0	13,084	0	0	\$ 3,000	\$ 13,084	\$ 654	97,058
C	Task C: Design Development																									
C.1	30% Submittal	8			70		120								4	40	242	\$ 49,890					\$250	\$ -	\$ -	50,140
C.2	75% Submittal	8			70		100								4	40	222	\$ 45,890					\$250	\$ -	\$ -	46,140
C.3	Constructibility Review	2			4		4							12			22	\$ 5,880					\$0	\$ -	\$ -	5,880
C.4	100% Submittal	8			40		80								4	20	152	\$ 31,440					\$250	\$ -	\$ -	31,690
C.5	Traffic Control Plans & City of Cupertino Encroachment Permits	8	8	24	16											60	116	\$ 22,500					\$0	\$ -	\$ -	22,500
	Task C Subtotal	34	8	24	200	0	304	0	0	0	0	0	0	12	12	160	754	155,600	0	0	0	0	\$ 750	\$ -	\$ -	156,350
D	Task D: Bid Package																									
D.1	Final Bid Documents	8			16		32	24									80	\$ 16,400					250	\$ -	\$ -	16,650
	Task D Subtotal	8	0	0	16	0	32	24	0	0	0	0	0	0	0	0	80	16,400	0	0	0	0	\$ 250	\$ -	\$ -	16,650
E	Task E: Bidding Services																									
E.1	Pre-Bid Meeting	4					4										8	\$ 1,680					0	\$ -	\$ -	1,680
E.2	Bid Phase RFI Review and Response (four RFIs)	4			8		16										28	\$ 6,040					0	\$ -	\$ -	6,040
E.3	Conformed Contract Documents	4			2		8									4	18	\$ 3,590					250	\$ -	\$ -	3,840
	Task E Subtotal	12	0	0	10	0	28	0	0	0	0	0	0	0	0	4	54	11,310	0	0	0	0	\$ 250	\$ -	\$ -	11,560
F	Task F: Construction Support Services																									
F.1	Meetings (five meetings)	10			4		10										24	\$ 5,180					0	\$ -	\$ -	5,180
F.2	Construction RFIs and Substitution Review (four RFIs and two Substitutions)	8			8		8										24	\$ 5,320					0	\$ -	\$ -	5,320
F.3	Submittal Review (twenty submittals and ten resubmittals)	8			16		40										64	\$ 13,680					0	\$ -	\$ -	13,680
F.4	Review Requests for Quotations and Contract Change Orders (two RFQs and CCOs)	4			8		4										16	\$ 3,640					0	\$ -	\$ -	3,640
F.5	Final Inspection	2			8		8										18	\$ 4,000					0	\$ -	\$ -	4,000
F.6	Record Drawings	8			8		32										48	\$ 10,120					0	\$ -	\$ -	10,120
	Task F Subtotal	40	0	0	52	0	102	0	0	0	0	0	0	0	0	0	194	41,940	0	0	0	0	\$ -	\$ -	\$ -	41,940
	Proposal Subtotal	\$ 56,760	\$ 2,240	\$ 5,280	\$ 83,300	\$ 7,350	\$ 121,600	\$ 17,280	\$ 1,040	\$ 3,120	\$ 1,280	\$ 8,500	\$ 7,500	\$ 3,660	\$ 5,460	\$ 25,420	1,692	\$ 349,790	\$ -	\$ 13,084	\$ -	\$ -	\$ 4,250	\$ 13,084	\$ 654	\$ 367,778
	Optional Services																									
1 (B.3)	Geotechnical Investigation	2			2		8										12	\$ 2,530	84,000					\$ 84,000	\$ 4,200	90,730
2 (B.2)	Location 17 - Obtain Preliminary Title Reports	2							4								6	\$ 1,480					15,000	\$ -	\$ -	16,480
3 (B.2)	Location 17 - Provide Resident Notification and Outreach and Assist City w/ Plats and Legals	24			8				2	16	8	12	12		16		98	\$ 20,160			\$45,500			\$ 45,500	\$ 2,275	67,935
4 (D.1.1)	Preparation of 2nd Bid Package Including Bid and Construction Support	50			60		70										180	\$ 39,700						\$ -	\$ -	39,700
5 (B.3.1)	Potholing - Maximum 17 Potholes	2			2		2										6	\$ 1,330				\$33,667		\$ 33,667	\$ 1,683	36,680
	Total Optional Services	\$17,600	\$0	\$0	\$17,640	\$0	\$16,000	\$0	\$1,560	\$4,160	\$1,280	\$2,040	\$1,800	\$0	\$3,120	\$0	302	\$ 65,200	\$84,000	\$0	\$45,500	\$33,667	\$15,000	\$ 163,167	\$ 8,158	251,525
	Total Including Optional Services	\$ 74,360	\$ 2,240	\$ 5,280	\$ 100,940	\$ 7,350	\$ 137,600	\$ 17,280	\$ 2,600	\$ 7,280	\$ 2,560	\$ 10,540	\$ 9,300	\$ 3,660	\$ 8,580	\$ 25,420	1,994	\$ 414,990	\$ 84,000	\$ 13,084	\$ 45,500	\$ 33,667	\$ 19,250	\$ 176,251	\$ 8,813	\$ 619,304
	Notes:																									
( 1 )	Desktop Study=\$11,500. Drilling 1 Day=\$34,800. Drilling 2 Days=\$53,100. Drilling 3 Days=\$72,500.																									
( 2 )	Property Owner Outreach=\$20,500. Valuation and Acquisition Services=\$22,500. Other Direct Costs = \$2,500. Total = \$45,500.																									
( 3 )	Options Services. Potholing, Max 17 Potholes. EXARO Technologies Corporation. Including ROW Permits as Required from the City of Sunnyvale and City of Cupertino.																									

## Exhibit C

### INSURANCE REQUIREMENTS

Consultant 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 Consultant, their agents, representatives, or employees.

Minimum Scope and Limits of Insurance. Consultant 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 shall be at least as broad as CG 0001.
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 shall be at least as broad as CA 0001.
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:

☒ **Professional Liability / Errors and Omissions Liability** coverage with limits not less than \$2,000,000 per occurrence or claim.

☒ **Valuable Papers and Electronic Data Processing** with limits not less than \$10,000 each

☐ **Pollution Liability coverage** with limits not less than \$2,000,000 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.

☐ **Installation Floater coverage** written on an "all risk" basis with limits equal to the completed value of the project and no coinsurance penalty provisions.

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 Consultant 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 officers, officials, employees, agents, and volunteers are to be covered as an additional insured in the Consultant's commercial general liability policy (and if applicable valuable papers and electronic data processing policies) with respects to liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to the City of Sunnyvale, its officers, officials, employees, agents, or volunteers.
2. During the term of the contract, the Consultant's Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Sunnyvale.
3. For all Architects, Engineers and Design Professionals – If Industry Specific Coverage box is check above and if the Consultant's Professional Liability/Errors and Omissions coverage is written on a claims made basis:
  - a. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
  - b. Insurance must be maintained and evidence of insurance must be provided *for at least three (3) years after completion of the contract of work.*
  - c. If coverage is canceled or non-renewed, and not *replaced with another claims-made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of *three (3) years after completion of contract work*
4. For any claims related to this project, the Consultant'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 Consultant's insurance and shall not contribute with it and shall be at least as broad as ISO CG 20 01 04 13.
5. 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.
6. The Consultant'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.
7. 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.

8. Any umbrella or excess Insurance Liability policies shall be true "following form" of the underlying policy coverage, terms, conditions, and provisions and shall meet all of the insurance requirements stated in this document, including the additional insured, SIR, and primary and non-contributory insurance requirements for the benefit of City (if agreed to in a written contract or agreement) until all coverage carried by or available to the Contractor's primary and excess liability policies are exhausted and before the City's own Insurance or self-insurance shall be called upon to contribute to a loss.
9. 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 Consultant'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:

Consultant shall furnish the City of Sunnyvale with an original 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 Consultant 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, Consultant shall submit insurance certificates reflecting the policy renewals through PINS.

Subcontractors

Consultant shall require all subcontractors to procure and maintain insurance policies subject to these requirements. Failure of Consultant to verify existence of sub-contractor's insurance shall not relieve Consultant from any claim arising from sub-contractors work on behalf of Consultant.



# Project: 825331 - Replacement/Repair/Rehabilitation of Sanitary Sewer System

<b>Category:</b>	Infrastructure	<b>Project Type:</b>	Wastewater	<b>Project Manager:</b>	Bennett Chun
<b>Year Identified:</b>	2006	<b>Project Phase:</b>	Underway	<b>Project Coordinator:</b>	Mansour Nasser
<b>Est. Completion Year:</b>	Ongoing	<b>Department:</b>	270 - Environmental Services	<b>Fund - Sub-Fund:</b>	6085 - Wastewater Infrastructure Subfund

## Project Description/Scope/Purpose:

This project is for repair, replacement, and rehabilitation of sewer pipes and associated appurtenances, including but not limited to, manholes, lateral piping, and surface restoration. The goal of this project is to reduce sanitary sewer overflows as well as reduce inflow and infiltration which results in higher treatment costs. Alternative technologies are evaluated to select the best, most cost-effective rehabilitation method for each location. These methods include traditional open-trench replacement as well as "trenchless" methods including pipe-bursting/replacement, or Cured-in-Place pipe lining.

The City has over 310 miles of sewer lines, ranging from 6 inches to 48 inches in diameter, and valued at over \$330 million. Many of the sewer lines are over 50 years old and have reached the end of their useful life. Pipe failures have been increasing. Recent video inspection has revealed significant deficiencies at multiple locations that require rehabilitation to prevent failure.

Specific projects will be identified based on need from CCTV findings and as identified in the Wastewater Master Plan. The projects will be constructed in a three-year cycle, with the first two years for planning and design and the third year for construction. Projects will be built to fall within allocated budget, therefore linear footage of pipelines to be replaced/repared/rehabilitated will vary.

## Project Evaluation and Analysis:

This project is necessary to comply with regulatory standards which require agencies to rehabilitate and/or replace sanitary sewer system piping and associated components. The alternative to replacement of sewer pipes in poor condition would be to repair them segment by segment on an emergency basis. Public health and the environment could be threatened, and fines could be levied against the City, should overflows occur as a result of a structural failure. Further, repairing or replacing segments of pipeline on an emergency basis would be significantly costlier than scheduled replacements.

## Fiscal Impact:

This project is funded by Wastewater Management Fund revenues. The projects will be constructed in a three-year cycle, with the first two years for design including permitting and the third year for construction. Projects will be built to fall within allocated budget, therefore linear footage of pipelines to be replaced/repared/rehabilitated will vary.

## Funding Sources:

Wastewater Management Fund

## Plans and Goals:

EM - Environmental Management - EM-6: Effective Wastewater Collection System

## Project Financial Summary

	Project Costs	Revenues	Transfers In	Operating Costs
Prior Actual	11,025,659	-	-	-
2021 - 22	4,942,718	-	-	-
2022 - 23	1,700,485	-	-	-
2023 - 24	1,263,781	-	-	-
2024 - 25	506,189	-	-	-
2025 - 26	-	-	-	-
2026 - 27	3,163,298	-	-	-
2027 - 28	569,394	-	-	-
2028 - 29	-	-	-	-
2029 - 30	3,558,279	-	-	-
2030 - 31	640,490	-	-	-
2031 - 32	-	-	-	-
2032 - 33	4,002,580	-	-	-
2033 - 34	720,464	-	-	-
2034 - 35	-	-	-	-
2035 - 36	4,502,358	-	-	-
2036 - 37	810,424	-	-	-
2037 - 38	-	-	-	-
2038 - 39	5,064,541	-	-	-
2039 - 40	911,618	-	-	-
2040 - 41	-	-	-	-
2041 - 42	-	-	-	-
<b>20 Year Total</b>	<b>27,413,903</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Grand Total</b>	<b>43,382,281</b>	<b>-</b>	<b>-</b>	<b>-</b>



# City of Sunnyvale

## Agenda Item

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23-0089

Agenda Date: 2/7/2023

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### REPORT TO COUNCIL

#### **SUBJECT**

Award of Contract to Van Dyk Recycling Solutions for SMaRT Station® Source Separated Organics Handling and Processing System Upgrade (F22-156)

#### **REPORT IN BRIEF**

Approval is requested to award a Services Agreement in an amount not to exceed \$2,574,588 to Van Dyk Recycling Solutions of Norwalk, CT, for the purchase and installation of a Source Separated Organics Handling and Processing System at the Sunnyvale Materials Recovery and Transfer (SMaRT) Station. Approval is also requested for a 4% contingency in an amount not-to-exceed \$102,983.

#### **EXISTING POLICY**

Pursuant to Section 2.08.040 of the Sunnyvale Municipal Code (SMC), City Council approval is required for contracts exceeding \$250,000.

Pursuant to SMC Section 2.08.110 (c), formal competitive bids or proposals received after the deadline for receipt of bids shall not be accepted and shall be returned to the bidder unopened unless necessary for identification purposes.

#### **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302(c) for replacement or reconstruction of an existing utility system and/or facilities involving negligible or no expansion of capacity.

#### **BACKGROUND AND DISCUSSION**

The SMaRT Station Source Separated Organics Handling and Processing System Upgrade is a component of the SMaRT Station NextGen Upgrade Project. It will replace the existing Source Separated Organics (SSO) processing system. This is a separate processing line at the SMaRT Station that is dedicated to processing food scraps collected from residents and businesses. The system will include an Infeed Module, Primary De-packaging Module, and a Secondary Processing Module. A grant from Cal Recycle ORG5 Grant for this project was accepted by Council on May 24, 2022 (RTC No. 22-0356) to cover the costs for this project.

On August 19, 2022, a request for proposal for the Source Separated Organics Handling and Processing System Upgrade was advertised on the City's DemandStar public procurement network. It was also provided directly to multiple SSO processing companies. Thirty-five (35) contractors requested bid documents and eight submitted proposals on September 30. The City also received



two proposals after the proposal deadline and returned these to the proposers unopened in accordance with the Sunnyvale Municipal Code. On October 25, the evaluation team shortlisted three vendors to move forward with the interview evaluation. At the conclusion of the interview, Van Dyk Recycling Solutions (Van Dyk) was selected as the highest-ranked proposer based on the firm's qualifications, schedule, technical proposal, and product support. Staff conducted negotiations with Van Dyk to address the specifications of their proposal as well as associated costs. Additional negotiations included the addition of a walking floor to provide adequate unloading capacity and filter out contaminants in the processing of organic material. Negotiations with Van Dyk concluded in January 2023.

The five main objectives of this project include:

1. Replacing the existing food scraps processing equipment that is reaching the end of its useful life.
2. Increasing SSO processing capacity to 75 tons per day.
3. Maximizing the amount of organic material that can be liberated and separated from the packaging and inorganic contaminants. Currently, less than 40% of the inbound organic material is being captured.
4. Maximizing the amount of clean organic material that can be sent to our current primary market (Sustainable Organic Solutions) which requires that the material be able to pass through a 1/8" screen.
5. Reducing the time needed to unload material. Currently, it takes 30 minutes to unload a single commercial truck (12 tons of food) due to the infeed hopper and feeder design. The next truck cannot unload until the first truck's material has been processed through the system. We need to be able to accept three commercial truckloads (36 tons) without having to wait for the processing machine. Each truck needs to be able to unload in ten minutes or less.

The proposed equipment from Van Dyk can achieve all project objectives. Staff understands that the equipment proposed by Van Dyk will satisfy the anticipated future increased capacity demand for clean organic material. However, to account for future decisions in product selection and variations in taxes, shipping, and potential duty charges, which may impact the total cost, a contingency in the amount of \$102,983 is requested.

### **FISCAL IMPACT**

The total cost for the project, \$2,809,519 includes estimated taxes, freight and duty charges for cargo shipment from the overseas factory. The additional amount for contingency, \$102,983 will allow for fluctuations in the total cost based on necessary component selection to build the SSO unit, and potential changes in taxes, fees or shipping and duty costs determined at the time of shipping. Funding for this project is available in Project 836000 - Anaerobic Digestion and Composting Improvements. A project budget financial summary is included as Attachment 2 to this report. Funding source of this project is a Cal Recycle ORG5 Grant..

**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**

Take the following actions

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

Prepared by: Gregory S Card, Purchasing Officer

Reviewed 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

**ATTACHMENTS**

1. Draft Consultant Services Agreement
2. Budget Summary Sheet - 836000 - Anaerobic Digestion and Composting Improvements

**SERVICES AGREEMENT BETWEEN THE CITY OF SUNNYVALE AND VAN DYK  
RECYCLING SOLUTIONS {CONTRACTOR} FOR SOURCE-SEPARATED  
ORGANICS HANDLING AND PROCESSING SYSTEM UPGRADE**

THIS AGREEMENT dated           ("Effective Date")           is by and between the CITY OF SUNNYVALE, a California chartered municipal corporation ("CITY"), and LUBO USA, LLC dba VAN DYK RECYCLING SOLUTIONS, a Connecticut recycling solutions provider ("CONTRACTOR").

WHEREAS, CITY advertised a Request for Proposals (RFP) on August 19, 2022; and

WHEREAS, CITY accepted CONTRACTOR proposal submitted on September 30, 2022, and

WHEREAS, CONTRACTOR represents that it, and its sub-contractors, if any, possess the professional qualifications and expertise to provide the required services and are licensed by the State of California in the required disciplines;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AGREEMENT.

1. Services by CONTRACTOR

CONTRACTOR shall provide services in accordance with Exhibit "A" entitled "Scope of Work." All exhibits referenced in this Agreement are attached hereto and are incorporated herein as fully part of the Agreement. To accomplish that end, CONTRACTOR agrees to assign one of its Project Managers ("PM") to this project, to act in the capacity of Project Manager and personally direct the services to be provided by CONTRACTOR.

Except as specified in this Agreement, CONTRACTOR shall furnish all technical services, including labor, material, equipment, transportation, supervision and expertise to perform all operations necessary and required to satisfactorily complete the services required in this Agreement.

2. Contract Term

The term of this Agreement shall be from the date of execution through June 30, 2024, unless otherwise terminated, however the Standard Acknowledgement section of this Agreement will survive termination.

3. Payment of Fees and Expenses

CITY agrees to pay CONTRACTOR Two Million Five Hundred Seventy-Four Thousand Five Hundred Eighty-Eight Dollars (\$2,574,588.00). Total compensation shall not exceed Two Million Five Hundred Seventy-Four Thousand Five Hundred Eighty-Eight Dollars (\$2,574,588.00), unless upon written modification to this Agreement signed by both parties, or as otherwise stated in this Agreement. CONTRACTOR shall submit progress payment invoices to CITY no more frequently than monthly to be paid in accordance with the procedures set forth in Exhibit "B" attached and incorporated by reference.

All invoices, including detailed backup, shall be sent to City of Sunnyvale, attention Accounts Payable, P.O. Box 3707, Sunnyvale, CA 94088-3707. Payment shall be made within thirty (30) days upon receipt of an accurate, invoice by CITY's Accounts Payable Unit.

4. No Assignment of Agreement

CONTRACTOR shall bind themselves, their partners, successors, assigns, executors, and administrators to all covenants of this Agreement. Except as otherwise set forth in this Agreement, no interest in this Agreement or any of the work provided for under this Agreement shall be assigned or transferred, either voluntarily or by operation of law, without the prior written approval of CITY. However, claims for money due to or to become due to CONTRACTOR from CITY under this Agreement may be assigned to a bank, trust company or other financial institutions, or to a trustee in bankruptcy, provided that written notice of any such assignment or transfer shall be first furnished to CITY. In case of the death of one or more members of CONTRACTOR's firm, the surviving member or members shall complete the services covered by this Agreement. Any such assignment shall not relieve CONTRACTOR from any liability under the terms of this Agreement.

5. Independent Contractor

CONTRACTOR is not an agent or employee of CITY but is an independent contractor with full rights to manage its employees subject to the requirements of the law. All persons employed by CONTRACTOR in connection with this Agreement will be employees of CONTRACTOR and not employees of CITY in any respect. CONTRACTOR is responsible for obtaining statutory Workers' Compensation coverage for its employees.

6. Standard of Workmanship

CONTRACTOR represents and maintains that it is skilled and licensed in the professional calling necessary to perform the services and its duties and obligations, expressed and implied, contained herein, and CITY expressly relies upon CONTRACTOR's representations regarding its skills, licensure and knowledge. CONTRACTOR shall perform such services and duties in conformance to and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California.

7. Responsibility of CONTRACTOR

CONTRACTOR shall be responsible for the professional quality, technical accuracy and the coordination of the services furnished by it under this Agreement. Neither CITY's review, acceptance nor payment for any of the services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and CONTRACTOR shall be and remain liable to CITY in accordance with applicable law for all damages to CITY caused by CONTRACTOR's negligent performance of any of the services furnished under this Agreement.

8. No Pledging of CITY's Credit

Under no circumstances shall CONTRACTOR have the authority or power to pledge the credit of CITY or incur any obligation in the name of CITY.

9. Ownership of Material

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared, under this Agreement shall be the property of CONTRACTOR, but CITY may retain and use copies thereof solely for the purpose of maintaining the equipment; no materials will in any way be shared with competitors of CONTRACTOR if they are marked as "confidential". The CITY retention of "confidential"

information will follow and adhere to CITY responsibility under the California Public Records Act. Notwithstanding the foregoing, both Parties acknowledge that drawings will need to be provided to applicable reviewing agencies, for permitting and approval purposes.

CITY shall not be limited, in any way, in its use of said material, at any time, for work associated with Project. However, CONTRACTOR shall not be responsible for damages resulting from the use of said material for work other than Project.

#### 10. Indemnity

Except as provided in Section 18 CONTRACTOR shall indemnify and hold harmless CITY and its officers, officials, employees and volunteers against any and all suits, claims, damages, liabilities, costs and expenses, including attorney fees, arising out of the performance of the work described herein, caused by or related to the negligence, recklessness, or willful misconduct of CONTRACTOR, its employees subcontractors, or agents in the performance (or non-performance) of services under this Agreement. Contractor/Subcontractor's responsibility for such defense and indemnity obligations shall survive the termination or completion of this agreement.

Except as otherwise noted herein, in no event shall CONTRACTOR or CITY, or their respective Subcontractors or Suppliers be liable for any special, indirect, incidental or consequential damages such as, but not limited to, loss of anticipated profits or revenue, tipping fees or other costs of refuse disposal, non-operation or increased expense of operation of other equipment, or costs of capital. CONTRACTOR, or their respective Subcontractors or Suppliers, may be responsible for special, indirect, incidental or consequential damages related to defects in manufacturing or known product recalls.

#### 11. Insurance Requirements

The City requires that CONTRACTOR maintain insurance requirements on the Pacific Insurance Network System (PINS). CONTRACTOR shall procure and maintain, at its own expense during the life of this Agreement, 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" through PINS for approval by the City Risk Manager prior to CONTRACTOR (or subcontractor) commencing any work under this Agreement.

#### 12. 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 for any work on this project.

13. Conflict of Interest

CONTRACTOR shall avoid all conflicts of interest, or appearance of conflict, in performing the services and agrees to immediately notify CITY of any facts that may give rise to a conflict of interest. CONTRACTOR is aware of the prohibition that no officer of CITY shall have any interest, direct or indirect, in this Agreement or in the proceeds thereof. During the term of this Agreement CONTRACTOR shall not accept employment or an obligation which is inconsistent or incompatible with CONTRACTOR'S obligations under this Agreement.

14. 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.

15. Records, Reports and Documentation

CONTRACTOR shall maintain complete and accurate records of its operation, including any and all additional records reasonably required by CITY in writing. CONTRACTOR shall submit to CITY any and all reports concerning its performance under this Agreement that may be reasonably requested by CITY in writing. CONTRACTOR agrees to assist CITY in meeting CITY's reporting requirements to the state and other agencies with respect to CONTRACTOR's work hereunder. All records, reports and documentation relating to the work performed under this Agreement that CONTRACTOR would normally share with its customers shall be made available to City during the term of this Agreement.

16. Termination of Agreement

- A. If CONTRACTOR defaults in the material performance of this Agreement, or materially breaches any of its provisions, CITY at its option may terminate this Agreement by giving written notice to CONTRACTOR but only after allowing a cure period of thirty (30) days for any such defaults that can be cured within 30 days or in case the cure itself takes longer than thirty (30) days, a cure period to start the cure within thirty (30) days, both counting after CONTRACTOR has received such written notice. In the event of such termination, CONTRACTOR shall be compensated in proportion to the percentage of satisfactory services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate. CONTRACTOR shall present CITY with any work product completed at

that point in time.

- B. Without limitation to such rights or remedies as CITY shall otherwise have by law, CITY also shall have the right to terminate this Agreement for any reason upon ten (10) days' written notice to CONTRACTOR. In the event of such termination, CONTRACTOR shall be compensated in for all services that CONTRACTOR has performed. If CITY terminates this Agreement after CONTRACTOR has started fabricating the requested equipment, but before such equipment has been completed, CONTRACTOR shall be compensated based upon the percentage of completion of the fabrication, plus applicable termination charges on behalf of its suppliers.
- C. If CITY fails to pay CONTRACTOR, CONTRACTOR at its option may terminate this Agreement if the failure is not remedied by CITY within (30) days after written notification of failure to pay.

17. Subcontracting

None of the services covered by this Agreement shall be subcontracted without the prior written consent of CITY, except as listed in Exhibit E.

18. Standard Acknowledgement

18.1 CONTRACTOR shall be permitted to tour potential clients through the facility of CITY in order to demonstrate operation of the system, provided that all safety rules at the facility are complied with and advance notice of at least 3 business days is provided. CITY has the right to refuse access to visitors in line with facility and city policy or guidance. Approval will not be unreasonably withheld. A representative of the City or of the City's contracted facility operator shall be present for all such tours.

18.2 CITY acknowledges that no addition, deletion, alteration or change of any safety device or of any component part thereto on the system will ever be made without the written consent of CONTRACTOR. Any addition, deletion, alteration or change of any safety device or of any component part thereto on the system can be extremely hazardous and can cause serious injury or death.

18.3 In the event that CITY or any agent, servant, operator or employee thereof modifies, changes or alters any safety device in any way without the written consent of CONTRACTOR, or operates the Equipment knowing that one or more of the safety devices has/have been removed and/or is/are not working properly or is/are damaged, then to the extent such actions are the direct or indirect cause of injury or damage to a person or to property, said CITY hereby agrees to hold harmless and indemnify CONTRACTOR and/or Van Dyk Recycling Solutions, Van Dyk Baler Corp., Lubo USA, LLC, Bollegraaf Recycling Machinery, Lubo Systems, Tomra Sorting Solutions AS, Smicon International B.V. and any other manufacturer that supplied Equipment as part of this Agreement for any and all judgments entered against it for any claims sounding in negligence and/or product liability and further agrees to defend CONTRACTOR and/or Van Dyk Recycling Solutions, Van Dyk Baler Corp., Lubo USA, LLC, Bollegraaf Recycling Machinery, Lubo Systems, Tomra Sorting Solutions AS, Smicon International B.V. and any other manufacturer that supplied Equipment as part of this Agreement and pay all reasonable counsel fees and expenses in connection with any such litigation.

18.4 CITY acknowledges that no person will be allowed on (any of) the conveyor(s) nor on (any of) the starscreen(s) without following the proper safety procedures.



18.5 CITY acknowledges that the system will be turned off and padlocked before any person enters the needle pit or (any of) the conveyor pit (s).

18.6 CITY acknowledges that the system will be turned off and padlocked before any maintenance (including cleaning) will be performed.

18.7 CITY acknowledges that the system will not be operated if one or more of the safety devices is/are not working properly or has/have been removed. This creates a safety hazard, which can cause serious injury or even death to one of your employees.

18.8 CITY acknowledges that all persons within twenty feet (20') of the system will wear safety gear including: helmet, eye protection, ear protection and hand protection, if this would be prudent.

18.9 CITY acknowledges that commingled materials such as glass and metals can cause serious injury to any person if safety gear is not worn.

18.10 CITY agrees that all employees, current and future, and any other persons for whom this safety information would be relevant, will be made aware of all safety procedures for operating or maintaining the Equipment.

19. Title, Risk of Loss and Damage

The CONTRACTOR shall retain title to and risk of loss and damage on all items to be delivered hereunder until the Equipment has been delivered to CITY's facility. Once Equipment is delivered at CITY's facility, risk of loss shall pass to CITY. Title to the Work shall not pass from CONTRACTOR to CITY until final payment for such Work has been received by CONTRACTOR. CITY shall not be entitled to pledge these goods with third parties or to transfer the ownership thereof, until final payment has been made. In the event CITY should not fulfill its payment obligations to CONTRACTOR under this Agreement, CONTRACTOR shall be entitled to its remedies available under law. Both CITY and CONTRACTOR shall be required to notify the other Party in writing in the event that any third parties assert any rights to goods being produced pursuant to this Agreement.

20. Compliance with Laws

(a) CONTRACTOR shall not discriminate against, or engage in the harassment of, any City employee or volunteer or any employee of CONTRACTOR or applicant for employment because of an individual's age, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status, or any other protected characteristic in violation of federal and state law. This prohibition shall apply to all of CONTRACTOR's employment practices and to all of CONTRACTOR's activities as a provider of services to the City.

(b) CONTRACTOR and CITY shall comply with all federal, state and city laws, statutes, ordinances, rules and regulations and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of the Agreement.

21. Changes



CITY or CONTRACTOR may, from time to time, request changes in the terms and conditions of this Agreement. Such changes, which are mutually agreed upon by CITY and CONTRACTOR, shall be incorporated in amendments to this Agreement.

22. CITY's Responsibility's

22.1 Bringing electricity to the switchboxes (480 Volts, 3 Phase plus Neutral), including the e-stop control box. Bringing 110 Volt power for tools to the jobsite. Note: wire lugs to connect to Equipment main switches are not included by CONTRACTOR.

22.2 Provide level floors of appropriate quality. Provide adequate lighting in the building during the installation, start-up and training period.

22.3 Provide CONTRACTOR access to drinking water, proper bathrooms etc.

22.4 Provide internet access to the Equipment where required.

22.5 Provide Poly tanks and all related work.

22.6 Removal of existing equipment if applicable

23. Other Agreements

This Agreement shall not prevent either Party from entering into similar agreements with others.

24. 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.

25. Captions

The captions of the various sections, paragraphs and subparagraphs, of the contract are for convenience only and shall not be considered nor referred to for resolving questions of interpretation.

26. Entire Agreement; Amendment

This writing constitutes the sole and entire agreement between the parties relating to the services to be performed or materials to be furnished hereunder and supersedes all prior and contemporaneous agreements and understandings, express or implied, oral or written, regarding the subject matter of this Agreement and the Work to be performed. No modification of this Agreement shall be effective unless and until such modification is evidenced by writing signed by all parties (wet or electronic signature).

27. Notice and Correspondence

All notices and correspondence shall be sent by either Party to the other, in all matters dealing with this Agreement, to the following addresses:

To CITY: Ramana Chinnakotla, ESD Director

Department of Environmental Services  
CITY OF SUNNYVALE  
P. O. Box 3707  
Sunnyvale, CA 94088-3707

To CONTRACTOR:      Lubo USA, LLC dba Van Dyk Recycling Solutions  
Erik H. Eenkema van Dijk  
360 Dr. Martin Luther King Jr. Drive  
Norwalk, CT 06854

Other addresses can be utilized if prior written notice is given to the other Party. Nothing in this provision shall be construed to prohibit communication by more expedient means, such as by email, to accomplish timely communication. Notices shall be effective when received either by documented personal delivery, receipted facsimile, documented overnight courier delivery, or by U.S. mail, certified and return receipt requested, provided that any notice sent by certified mail must also be sent simultaneously by receipted facsimile to be effective. Otherwise, mailed notices shall be deemed communicated as of three business days after mailing.

28.    Severability

Every provision in this Agreement is intended to be severable such that if any term or provision hereof is illegal or invalid for any reason whatsoever, such provision shall be severed from this Agreement and shall not affect the validity of the remainder of this Agreement; provided, however, that in such event the Parties will negotiate in good faith an amendment to this Agreement which will as nearly as legally permissible achieve the result intended by the Parties in the term or provision which was determined to be illegal or invalid.

29.    Testing/Permits/Engineering stamps/Seismic

29.1    Special testing (such as UL approval, etc.), are not included and are the responsibility of CITY.

30.    Miscellaneous

Time shall be of the essence in this Agreement. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or any other provision.

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:

CITY OF SUNNYVALE ("CITY")

By \_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

VAN DYK RECYCLING SOLUTIONS  
("CONTRACTOR")

By \_\_\_\_\_

Erik H. Eenkema van Dijk  
Executive Vice President & COO

**Exhibit A (to the contract)**  
**SCOPE OF WORK**

<b>Detailed Preliminary Schedule</b> (subject to change)	
<b># of weeks from Effective Date</b>	<b>Description</b>
Week 1 - 4	Detailed design
Week 5	Order long lead items
Week 6 - 31	Production
Week 32 - 34	Assembly and testing
Week 35 - 36	Disassembly and packaging
Week 37 - 38	Loading - shipping
Week 38 - 46	In transit
Week 44 - 53	Installation/Commissioning & Training
Week 54	Final acceptance

**Technical Description (Reference 20220502 – 01):**

Scope of Work for a SMIMO120 90kW de-packaging machine stainless steel version and SMIMO15 55kW grinder stainless steel installation for your customer City of Sunnyvale. The offered installation is able to process different type of packed and unpacked organic material and food waste returns from restaurants and (super)markets. These returns can be collected mixed in the offered bunker. The mixed returns will leave this bunker and be transported by three single screw conveyors to the walking floor system. The screw conveyors after the walking floor feed the SMIMO120 De-packer. After separating the organic product from the packaging, it can be transported by pipes using the offered discharge pump. The organic mash will be processed to the SMIMO15 grinder so that almost all the particles in the mash will be <1/8". In addition, the separated packing material can be moved with the transport screw conveyors.

***Important to point out that almost all the particles in the mash will be smaller than 1/8" due to the SMIMO15 grinder with screen filter square 5mm holes and 3000rpm drive.***

**This offer is based on the following:**

- The organic product to be processed must arrive unpacked or in normal size food packaging for consumers. Products other than these can adversely affect the process.
- The customer will load the supermarket waste by truck in the offered bunker
- The location is indoor with sufficient height and a stable clean level floor free of obstacles
- This offer is based on a minimum capacity of 10 tons an hour however, the capacity achieved is always dependent on the composition of the product and probably will be more.

**This offer contains the following components:**

- A01 Storage bunker 27m<sup>3</sup>
- A09.1 Screw conveyor
- A09.1a Dewatering pump
- A09.2 Screw conveyor
- A09.3 Screw conveyor
- A10.1 Screw conveyor
- A10.2 Screw conveyor

- B01 De-packer SMIMO120
- B03 Discharge pump
- B04 Grinder SMIMO15
- B05 Discharge pump
- B07 Acoustic cover
- E01.1 Screw conveyor
- E01.2 Screw conveyor
- E0-Div Frames and connecting piece
- Optional: Pump storage tank to transport truck
- T01 Electrical control unit
- KEITH Walking Floor
- X01 Loading and packing at Smicon
- X02 Project Engineering
- X03 Project Management
- X04 Supervision installation on-site
- X05 Commissioning on-site

**IMPORTANT!**

- *In this offer is no collision protection(barriers) are included (in connection with unloading trucks)*
- *CONTRACTOR is not responsible for the product distribution from the screw conveyor on the Walking Floor.*
- *In the detailed engineering phase we can possibly improve the outfeed process from bunker to walking floor. By using 1 screw conveyor instead of 3 we can reduce the risk of clogging.*

**A01 Storage Bunker 27m³ stainless steel**

- Main dimensions approx. 8500x3270x2000mm L x W x H incl. frame
- 4x steel shaftless bottom screw Ø460mm
- Drive 3x 3.0kW 480V/60Hz UL/CSA
- 1x steel shaftless discharge screw Ø460mm
- Drive 1x 5,5kW 480V/60Hz UL/CSA

**Description**

- Shaft sealing: stuffing box with stainless steel housing and gland
- Trough executed with hard steel wear plates 8 mm
- Bunker equipped with drain valve for cleaning
- Outside of the bunker is reinforced with stainless steel strips
- Steel frame under bunker, fixed with anchor bolts
- Visible welds will be stained
- Equipped with a stainless steel splashing plates on 3 sides 800mm high
- All UL components according to

**A09.1 Screw conveyor Ø460 L=2000mm**

- Type: steel shaftless screw
- Diameter: Ø460mm
- Length: approx. 2000mm
- Inclination: approx. 24° (maximum 25°)
- Filling degree: 30% at 25m³/h
- Drive 3,0kW 480V/60Hz UL/CSA
- Shaft sealing: stuffing box with stainless steel housing and gland
- Drain valve for cleaning: included
- Trough plate: stainless steel
- Trough with bolted cover plate: stainless steel
- Trough wearing plates: hard steel
- Visible welds: stained
- Dewatering filter: included
- Frame material: stainless steel
- Frame feet: adjustable fixed with anchor bolts
- Frame conveyor seismic: zone 3a

- Directive: UL components

#### **A09.1a Dewatering pump for screw A09.1**

- Type LMND055.1A
- Capacity approx. ca 4,0m³/h
- Drive 2,2 kW 170 rpm
- Piping excluded (TBD where CITY wants the wastewater to go)

#### **A09.2 Screw conveyor Ø460 L=4000mm**

- Type: steel shaftless screw

##### **Description**

- Diameter: Ø460mm
- Length: approx. 4000mm
- Inclination: approx. 25° (maximum 25°)
- Filling degree: 30% at 25m³/h
- Drive 5,5kW 480V/60Hz UL/CSA
- Shaft sealing: stuffing box with stainless steel housing and gland
- Drain valve for cleaning: included
- Trough plate: stainless steel
- Trough with bolted cover plate: stainless steel
- Trough wearing plates: hard steel
- Visible welds: stained
- Frame material: stainless steel
- Frame feet: adjustable fixed with anchor bolts
- Frame conveyor seismic: zone 3a
- Directive: UL components

#### **A09.3 Screw conveyor Ø460 L=2500mm**

- Type: steel shaftless screw
- Diameter: Ø460mm
- Length: approx. 2500mm
- Inclination: approx. 5° (maximum 25°)
- Filling degree: 30% at 25m³/h
- Drive 4,0kW 480V/60Hz UL/CSA
- Shaft sealing: stuffing box with stainless steel housing and gland
- Drain valve for cleaning: included
- Trough plate: stainless steel
- Trough with bolted cover plate: stainless steel
- Trough wearing plates: hard steel
- Visible welds: stained
- Frame material: stainless steel
- Frame feet: adjustable fixed with anchor bolts
- Frame conveyor seismic: zone 3a
- Directive: UL components

#### **A10.1 Screw conveyor Ø460 L=4765mm**

##### **Description**

- Type: steel shaftless screw
- Diameter: Ø460mm
- Length: approx. 4765mm
- Inclination: approx. 0° (maximum 25°)
- Filling degree: 30% at 25m³/h

- Drive 7,5kW 480V/60Hz UL/CSA
- Shaft sealing: stuffing box with stainless steel housing and gland
- Drain valve for cleaning: included
- Trough plate: stainless steel
- Trough with bolted cover plate: stainless steel
- Trough wearing plates: hard steel
- Visible welds: stained
- Frame material: stainless steel
- Frame feet: adjustable fixed with anchor bolts
- Frame conveyor seismic: zone 3a
- Directive: UL components

#### **A10.2 Screw conveyor Ø460 L=8500mm**

- Type: steel shaftless screw
- Diameter: Ø460mm
- Length: approx. 8500mm
- Inclination: approx. 22° (maximum 25°)
- Filling degree: 30% at 25m³/h
- Drive 11,0kW 480V/60Hz UL/CSA
- Shaft sealing: stuffing box with stainless steel housing and gland
- Drain valve for cleaning: included
- Trough plate: stainless steel
- Trough with bolted cover plate: stainless steel
- Trough wearing plates: hard steel
- Visible welds: stained
- Frame material: stainless steel
- Frame feet: adjustable fixed with anchor bolts
- Frame conveyor seismic: zone 3a
- Directive: UL components

#### **B01 SMIMO120 depackaging machine**

##### **Description**

stainless steel version 90kW

This machine is suitable as a separator for unpacking large capacities of packaged organic products. As a grinder, it is suitable for reducing the size of organic products.

- dimensions approx. 3990x2430x1540mm L x W x H
- weight approx. 6950kg

##### **Drives:**

- main drive shaft 90kW 480V/60Hz
- drive drum screen elements 1,1kW 480V/60Hz
- drive by means of V-belts
- shaft seal by means of stuffing box with stainless steel housing and gland

##### **Materials:**

- material machine: stainless steel 304
- protection material: stainless steel 304
- hammer knives: tempered steel
- screen elements: stainless steel 304

##### **Screen elements:**

Screen elements with different mesh sizes can be determined and assembled at your own discretion. We assemble the machine according to your capacity and for processing Dutch supermarket mix. If necessary during start-up, depending on the product to be processed, the installed screens can be adjusted accordingly to the respective product, so different variations can be chosen for each machine. The standard screens can vary from Ø8mm up to Ø50mm.

##### **Adding liquid/cleaning:**



If necessary, liquids or steam can be added through the rotor shaft. For many products this is not needed. This inlet can also be used for a pre-cleaning function of the machine after production. The offer does not include any necessary piping.

**Advantages SMIMO120:**

- separates packaging from the organic material
- feeding large products is possible
- unique large filter surface
- unique rotating filter drum
- screen elements can be easily replaced
- adding liquid is possible
- able to work without adding liquid
- high dry matter content of the organic flow
- almost dry and clean packaging

**Description**

- packaging remains large
- also available in a steel version
- low rotating speed of the main drive shaft creates less wear
- easy access through hydraulic maintenance hatch

**Comments:**

Capacities and results are highly dependent on the product to be processed and the installed screens. For safe repair and maintenance of wearing parts on the SMIMO120 a lifting device is required (to be provided by the customer). This lifting device must be a locally approved device, suitable for a load of 500 kg. This device must be ready for use at the start of commissioning the SMIMO120.

**B03 Discharge Pump LMND120.1AH**

- pump type LMND120.1AH with internal screw
- drive 4,0 kW 147 rpm capacity approx. 15m³/h

**B04 Grinder SMIMO15 55kW Stainless**

Steel

The SMIMO15 is a grinding installation for processing different kinds of unpacked (supermarket or restaurant) food waste products or is used to grind all kind of organic materials to a fine and homogeneous mash that can be pumped. The SMIMO15 is entirely made of stainless steel 304 quality steel. The inner sections are also entirely made of stainless steel. These inner sections consist of separate components that are interchangeable.

- Capacity up to approx. 15ton/h (depending on processed products)
- Drive 55kW 480V/60hZ IP66, 3000rpm
- Screens: various options
- Sorting bin for heavier pollution included
- Finishing by ceramic pearl blasting
- All UL components

**B07 Acoustic cover for the SMIMO15**

Acoustic cover for the SMIMO15

- the sound is reducing appr. 15 dB
- dimensions appr. 2400x1000x1150mm L x W x H
- outside stainless steel
- for finishing visible welding will be stained
- inside executed with anti-vibrating plate

**Description**

- also executed with sound absorbing material
- cover can be opened for maintenance purposes at the SMIMO15
- opening and closing manually by means of a hydraulic manual pump

- the cover has been executed with 2 stainless steel hydraulic cylinders

#### **B05 Discharge Pump LMND120.1A**

Pump type LMND120.1A

-drive 4,0kW 98rpm capacity approx. 10m³/h

#### **E01.1 Screw conveyor Ø460 L=7200mm**

- Type: steel shaftless screw
- Diameter: Ø460mm
- Length: approx. 7200mm
- Inclination: approx. 15° (maximum 25°)
- Filling degree: 30% at 25m³/h
- Drive 11,0kW 480V/60Hz UL/CSA
- Shaft sealing: stuffing box with stainless steel housing and gland
- Drain valve for cleaning: included
- Trough plate: stainless steel
- Trough with bolted cover plate: stainless steel
- Trough wearing plates: hardened steel
- Visible welds: stained
- Frame material: stainless steel
- Frame feet: adjustable fixed with anchor bolts
- Frame conveyor seismic: zone 3a
- Directive: UL components

#### **E01.2 Screw conveyor Ø460 L=5100mm**

- Type: steel shaftless screw
- Diameter: Ø460mm
- Length: approx. 5100mm
- Inclination: approx. 0° (maximum 25°)
- Filling degree: 30% at 25m³/h
- Drive 7,5kW 480V/60Hz UL/CSA
- Shaft sealing: stuffing box with stainless steel housing and gland

#### **Description**

- Drain valve for cleaning: included
- Trough plate: stainless steel
- Trough with bolted cover plate: stainless steel
- Trough wearing plates: hard steel
- Visible welds: stained
- Frame material: stainless steel
- Frame feet: adjustable fixed with anchor bolts
- Frame conveyor seismic: zone 3a
- Directive: UL components

#### **E0-Div Frames and connecting piece and funnels**

Steel frames for supporting the weight of the SMIMO120 unpacking machine:

- dimensions approx. 3250x1650x2020mm LxWxH
- weight approx. 1500kg
- steel plate 15mm
- frame, platform and stairs surrounding the SMIMO120
- galvanized steel
- fixed with anchor bolts

Connecting piece and funnels in stainless steel:

- Infeed funnel SMIMO120
- Discharge funnel plastics under SMIMO120

- Discharge funnel organics SMIMO120
- Discharge funnel with support frame under SMIMO15
- Several connection pieces between conveyors and machines

Piping between SMIMO120-SMIMO15-Storage tanks:

- Pipe from tank pump under SMIMO120 to SMIMO15 incl. hose with clamps and couplings (DN100).
- Pipe from pump after SMIMO15 to 3 tanks. With air-operated shut-off valves DN100. After both pumps there will be manual shut-off valves DN100 due to stator.
- Valves GG25 with holes for proximity switch. Sensors not included.
- Stainless Steel 304 prefabricated, welded piping with various supports.
- Pipes welded with backing gas. Not by certified welder.
- Pipes equipped with socket for pressure sensor.
- Connection between hopper under SMIMO120 to pump and between tank under SMIMO15 to pump are at hopper and tank under SMIMO15/120.
- Connection to storage tanks DN100 are provided (customer) . Bottom of tank.

### **Description**

- Total 18 mtr pipe DN100. More /less mtr will be calculated. Platform walking floor one-sided
- Supports according to seismic zone 3a

Optional: Pump LMND250.1A from storage tank to truck

- Pump type LMND250.1A
- Drive 22kW 194rpm capacity approx. 80 m³/h

### **T01 Electrical control cabinet SMIMO120 de-packaging line**

**Electrical control unit for controlling the:**

- Storage bunker
- Screw conveyor
- SMIMO120
- Discharge pump
- SMIMO15
- Discharge pump
- Screw conveyor for packing material
- Including big 15"HMI panel
- Ingoing and outgoing signals - walking floor

The control unit has been executed with 9 frequency inverters, to ensure an optimal supply to the SMIMO120 and for an optimal disposal after the SMIMO120:

- drive 3x 3,0kW 480V/60Hz for bottom screws bunker
- drive 1x 5,5kW 480V/60Hz for output screw bunker
- drive 1x 3,0kW 480V/60Hz for screw conveyor A09.1
- drive 1x 5,5kW 480V/60Hz for screw conveyor A09.2
- drive 1x 4,0kW 480V/60Hz for screw conveyor A09.3
- drive 1x 7,5kW 480V/60Hz for screw conveyor A10.1
- drive 1x 11,0kW 480V/60Hz for screw conveyor A10.2
- drive 1x 4,0kW 480V/60Hz for discharge pump after SMIMO120
- drive 1x 4,0kW 480V/60Hz for discharge pump after SMIMO15
- drive 1x 11,0kW 480V/60Hz for screw conveyor E01.1
- drive 1x 7,5kW 480V/60Hz for screw conveyor E01.2
- main drive shaft SMIMO120 has a constant rotating speed (no inverter)
- drive drum SMIMO120 has a constant rotating speed (no inverter)
- drive 1x 55,0kW 480V/60Hz for SMIMO15
- equipped with "Closed loop" control
- including components and sensors
- prepared for remote access point, internet connection prepared by customer
- according to P&ID and instrumentation list
- UL components
- remote panel with 15" panel

MCC must be placed within 5 meters from main processing unit (SMIMO120)

### **KEITH® WALKING FLOOR® Food Waste Storage and Conveying System**

#### **Customer Specifications**

Material Description: Organic Waste  
 Material Density: 18.73 – 37.46 Lbs. per cubic foot  
 Bin Dimensions: (1) 20' long x 10' wide x 4' deep  
 Capacity: 30-Ton maximum load  
 Floor Speed: 1/4 to 4 FPM  
 Floor Discharge Rate: 16 tons/ HR @ 1 FPM with 18.73 Lbs./cubic feet 1800 ft<sup>3</sup>/HR 3' pile Height  
 67 tons/HR @ 4 FPM with 18.73 Lbs./ cubic feet 7200 ft<sup>3</sup>/HR 3' pile Height

QTY	EQUIPMENT LIST Per Floor	ESTIMATED WEIGHT
1	KEITH WALKING FLOOR® module	14,000 Lbs.
1	Simplex Hydraulic Power Unit	3,000 Lbs.
1	Lot Controls	Included
1	Lot Walls and Supports	12,174 Lbs.
1	Lot Ancillary Equipment	NA.
	<b>TOTAL</b>	<b>27,6740 Lbs.</b>

#### **Equipment Description Floor # 1**

##### **Walking Floor**

Drive: (1) Model KRFII 3.0-3-12 Inverted Bi-directional drive unit with (3) 3.0" double piston hydraulic cylinders. Keith Drives are patented and include several unique features. The cylinder pistons and heads are double sealed, protected by Orcott wear rings and operate within a wide temperature range from -50° to +150°F. Cylinders are each independently mounted by their barrels. Note that bottom mount drives require 3' minimum maintenance access.

Hydraulic Control: Patented Switching Valve controls cycling of the cylinders. Patented control valve changes direction of discharge.

Floor Slat: 6" wide, 304 Stainless Steel Channel flooring

Substructure: Welded structural steel with 4 lifting eyes per modular shipping section.

Pan: 3/16 " 304 S.S. steel plate welded on steel frame to create leak proof pan.

##### **Walls and Supports**

Sides: (2) Each 20' long x 4' high x 3/16 304 SS" steel lined

End: (1) Each 10' long x 4' high x 3/16" 304 S.S. steel Lined

Supports: (10) 3' steel supports

Plate: Plate to cover the inverted drive steel

Access Door: (1) Access Door located on side wall towards discharge end Height TBD to fit above pan and top of wall x 36" wide

##### **Note:**

**Walls will be made with Carbon steel with S.S Wall Lined on the interior. All interior metal in the Product zone will be S.S.**

### Simplex Hydraulic Power Unit

Motor:	(1)	20-hp Baldor or Toshiba, high efficiency, TEFC, 1.15 service factor, 460V, 3 phase, 60Hz.
Pump:	(1)	21-gpm size 45 Rexroth variable volume, pressure compensated load sensing.
Speed Control:	(1)	Proportional valve, 24VDC.
Pressure Gauge:	(1)	Stauff 3000 PSI glycerin filled.
Filters:	(1)	Pressure filter 3 micron, (1) Return filter, (1) Breather filter.
Oil Cooler:	(1)	Emmegi Heat Exchanger, oil to air.
Oil Heater:	(1)	Watlow, 1.5Kw.
Switches:	(1)	Barksdale dual point high temp, (1) Square-D low level float switch.
Reservoir:	(1)	50-gallon, protective interior coating, flooded pump design, skid mounted with spill containment lip and test ports.

### Controls

Enclosure: #1	(1)	NEMA 4 mounted on the Hydraulic Power Unit
Mounted Components:	(1)	E-Stop Switch
	(1)	Terminal block Controls by others
	(1)	Bin Level sensors (shipped loose)
		Motor starters for KEITH Supplied Equipment included
	(1)	<b>Set of Hydraulic hoses 15' long to connect HPU to floor</b>

### Notes

- Remote mounted electrical enclosures are shipped loose.
- Standard component brands include Hoffman, Allen Bradley, GE, ABB and Square-D. Alternates, if feasible, are supplied at an extra cost.
- Paint is oxide primer and gray enamel finish coat, each 1.5 mils dry film thickness. Alternate systems and colors are supplied at an extra cost.
- Specifications subject to change based on drawing approvals.
- UL 508A / CSA approved for non-classified locations.
- Owner's Manuals available in electronic form. Bound copies are available at an additional cost.

**Relevant text of Sunnyvale's RFP (as modified by CONTRACTOR):**

**Infeed Module Specifications**

1. Infeed Module must be able to accept SSO material directly from a truck.
2. Infeed Module must be designed specifically for front and side load trucks unloading material. Note that the Commercial trucks can hold up to 12 tons and they can unload in 10 minutes, and residential (split-body) trucks can hold up to 2.5 tons and they can unload in less than 10 minutes. (See CAD files for trucks in CAD engineering section below).
3. There is an existing Truck ramp that can be used.
4. The total maximum tonnage is estimated to be 75 tons per 8-hour day.
5. The hopper system must be able to accept 36 tons in 30 minutes and correctly operate.
- 6.
7. Infeed hopper to collect and meter material to a material conveying system.
8. The material conveying system will feed and meter material to a depackager for processing.
9. The entire hopper infeed and conveyance must have the control feed rate range between 10 tons/hr. and 20 tons/hr. SSO material is not allowed to be tipped on the floor.
10. System Electrical Control
  - a. Central PLC system electrical control system to be provided with Infeed Module.
  - b. Central electrical control system has the ability to communicate with other modules.
  - c. Central electrical control system to meet Electrical Specifications listed below.
11. City highly encourages proposers to provide options other than a below-grade pit for this project (\*above ground infeed hopper supplied).

**Primary Depackaging Module Specifications**

1. The total maximum tonnage per 8-hour day is 75 tons.
2. The processing capability must exceed 75 tons per day.
3. To meet 75 tons per day minim rate is 10 tons/hour but higher throughput availability is encouraged.
4. Depackaging machine must have its own control system for operation.
5. Depackaging control system must be able to communicate with other modules (Ethernet).
6. Suppliers are welcome to view, sample, or test the SMaRT station's SSO input.
7. Evaluation of the depackager shall be based on supplier's estimated separation of residue and organics (organics recovery and recovered material purity). Performance acceptance test limits will be based on these figures.
8. Residue must be transported to a bin provided by the SMaRT Station.

**Secondary Processing Module Specifications**

1. Secondary Processing Module must accept all organic output from depackager.
2. Secondary Processing Module must reduce as much of the clean depackaged organics as possible to <1/8" "mash."

3. 5. All motors, pumps, grinders, valves and/or other equipment items needed for this operation to be included and controlled by a PLC-based electrical control panel that can communicate with other modules, sensors and other controllers.

## **Standard Construction Engineering Items**

1. Proposers are encouraged to consider the corrosive nature of the SSO material in the final design
2. All equipment items must be designed to be permanently mounted/anchored to the site.  
All equipment must be compliant with applicable UL, OSHA, and Cal/OSHA safety standards. It shall also be in compliance with local, State and International Building Codes. All equipment must have the necessary signs, guards, and e-stops, facilitate lock-out-tag-out, prevent slips/falls into the infeed hopper, and be generally designed to protect the health and safety of our drivers, mechanics, and operators. Each and every electrical panel shall have a nameplate indicating equipment name. (\*equipment is designed according to UL specifications but UL certification is to be done by CITY).

## **Standard Electrical Specifications**

This section is a basic entry-level electrical control specification for components, practices, and compliance. The proposed standard controls package must be compliant with the current State and National Electrical Codes. If Proposer's standard controls package does not meet or varies from these specifications, Proposer must list each one per line item in the proposal. Third-party verification and inspection of the electrical system will be used after installation (By CITY at CITY's cost). Seismic calculations by registered engineer are required for any equipment equal or heavier than 250 lbs. Clearances around electrical equipment shall conform to NEC Article 110- Requirements for Electrical Installation.

### **1 Control Enclosures and Motor Control Centers**

1. NEMA / UL type 12 or IP52 minimum indoors, NEMA / UL type 4 or IP66 outdoors. (
2. Manufactured by Hoffman, Rittal, or equivalent for control enclosure.
3. Incoming main fused disconnect or molded-case breaker with lockable handle.
4. High & low voltage separated or sequestered in compliance with OSHA arc flash labeling.
5. Standard "top hat" IEC/EN 60715 DIN rail for light components.
6. PVC slotted wire way with narrow fingers manufactured by Panduit or equivalent. Barriers shall be provided to isolate AC and DC circuits.
7. Control power shall be separated from motor circuits if not physically isolated (\*CONTRACTOR uses isolated cable).
8. Cooling and ventilation specified by ambient conditions and air quality
9. Approved inspection by one of the following: UL, TUV, or NRTL to be done and paid for by CITY.
10. Components will follow manufacturer spacing guidelines with 20% spare space.
11. VFD driven motors shall be inverter duty type with 1.15 service factor.
12. See AC VFD specs for additional, specific requirements.



- Control devices shall be 30mm type, and shall conform to NFPA 79 – Electrical Standards for Industrial Machinery regarding push button and lense colors.

## **2 Overcurrent, short circuit and surge protection**

- Short circuit current rating (SCCR) shall be 65ka at 480V or greater.
- Fuses for VFDs are fast-acting only following manufacturer specifications.
- Circuit breakers for low voltage or control circuits.
- Motor starters/overloads manufactured by Allen-Bradley, ABB, or equivalent.
- Fuse & breaker chart inside panel door with spares as standard.
- Fixed speed motors 100HP or larger shall have soft starters as required by PG&E.
- Incoming section of the power distribution section shall have fused surge protection system for withstanding 100,000 amp per phase surges.
- Equipment bussing shall be tin plated copper. (Aluminum bussing is not acceptable.)
- Arc flash warning label be provided for all electrical equipment.
- Voltage drop from power source to equipment shall not exceed 3%.

## **3 AC Variable Frequency Drive (VFD) specifications**

- Manufactured by Allen Bradley, ABB, or equivalent.
- Horsepower or kilowatt rating always oversized for heavy-duty applications.
- Ethernet I/P network communication port. Minimal control wiring.
- Safe torque off (STO) or otherwise SIL3/PLd compliant safety.
- Parameters exported and documented.
- Must have Harmonics filters for the VFDs for compliance with IEEE 519 Standards and PG&E Requirements.

## **4 PLC (programmable logic controller) specifications**

- Allen-Bradley 5000 platform (Compactlogix or Controllogix), or equivalent.
- Provide Control Strategy section to describe how the motorized equipment work in Auto Mode.
- Complete documentation including O&M manuals.

## **5 Safety Function Controls**

- Hardwired safety systems will always match electrical control schematics.
- Programmable safety controllers will be validated with signature.
- Programmed safety will be password protected upon validation.
- Programmed safety passwords will be documented in validation paperwork.

## **6 Electrical Instrumentation**

- IO Link masters shall be used for non-discrete sensors with process values.
- IO Link masters shall be placed in close proximity to sensors.

3. Analog instruments are discouraged.

## Exhibit B Compensation Schedule

Cost Component	Module			Total
	Infeed	Primary Depackaging	Secondary Processing	
Project Management	Included	Included	Included	\$94,267.09
Engineering	Included	Included	Included	\$30,737.30
Equipment*	Included	Included	Included	\$1,538,482.35
System Electrical Control	Included	Included	Included	\$350,781.49
Shipping	Included	Included	Included	\$120,971.97
Mechanical Installation*	Included	Included	Included	\$289,546.57
Electrical Installation*	Included	Included	Included	\$73,032.76
Commission & Train*	Included	Included	Included	\$76,768.79
<b>Total</b>				<b>\$2,574,588.31</b>

\*Note: in this offer no collision protection (barriers) to prevent trucks from hitting the system are included (in connection with unloading trucks on the ramp).

### 1. Payment Terms

1.1. CITY shall pay CONTRACTOR as follows:

- a. 10% on the Effective Date. Billed at Effective Date, payment net 30.
- b. 30% 1 month from the Effective Date. Billed 1 month from Effective Date, payment net 30.
- c. 20% after 2 months from the Effective Date. Billed 2 months from Effective Date, payment net 30.
- d. 10% upon notification of ready to start shipment in 30 days of first container. Payment net 30 (which would mean actual payment upon the shipment date (needed to release shipment)).  
CONTRACTOR will provide a few progress photos.
- e. 15% upon notice that shipment of last container will happen in 30 days. Payment net 30.  
CONTRACTOR will provide a few progress photos.
- f. 5% upon delivery of all equipment. Payment net 30.
- g. 5% upon substantial completion. Payment net 30.
- h. 5% upon final acceptance. Payment net 30.

From time to time, CONTRACTOR's PM will update CITY on the progress of the project.

1.2 If shipment, start of installation, substantial completion or final acceptance is delayed due to no fault of CONTRACTOR, a discussion to rectify delay shall occur. Payments for these items will be discussed and negotiated to determine appropriate or modified due date.

1.3 If delays are caused by the fault or action of CONTRACTOR for any of the items identified in Table 1 and/or Scope of Work (Exhibit A), these items will be discussed and negotiated to determine appropriate discount or modified acceptance of adjustment in schedule.

If CITY is unable to accept delivery or requests a delay in the schedule, CITY may be responsible for costs associated with such delay, if any, including, but not limited to, rescheduling costs, revised pricing and changes in manufacturing costs, additional production and overhead costs, storage costs, loading, unloading, transportation, repainting and additional project management costs, increases in cost such as

import duties and installation costs, etc. If there are applicable costs, a discussion to rectify delay shall occur. Payments for these items will be discussed and negotiated to determine appropriate and acceptable charges.

**2. Late Payment**

There shall be no extension or change in the time for payment due to delays not caused by CONTRACTOR, such as delays in installation, commissioning or start-up not caused by CONTRACTOR, and/or delays in operation of the Equipment caused by damage, warranty service (if applicable) or warranty replacement of parts. Payments in such case would take place at the time each milestone would have reasonably been reached if such delay did not occur.

**3. Pricing/Delivery time**

CONTRACTOR has the right to adjust the Agreement Price and/or the delivery time if this signed Agreement has not been received by CONTRACTOR within one week from the date this Agreement was e-mailed, quoted, offered or signed by CONTRACTOR, and payment of item 1.1. a. (Exhibit B) has not been received by CONTRACTOR within 30 days of CONTRACTOR signing this Agreement or any other payment has not been made as scheduled.

## EXHIBIT C INSURANCE REQUIREMENTS

Contractor 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 Contractor, their agents, representatives, or employees.

Minimum Scope and Limits of Insurance. Contractor shall maintain limits not less than:

1. **Commercial General Liability:** coverage written on an occurrence basis with limits not less than \$2,000,000 per occurrence and \$4,000,000 aggregate for bodily injury, personal injury and property damage. ISO Occurrence Form shall be at least as broad as CG 0001.
2. **Automobile Liability:** coverage with a combined single limit of not less than \$2,000,000 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 shall be at least as broad as CA 0001.
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:

☒ **Professional Liability / Errors and Omissions Liability coverage** with limits not less than \$2,000,000 per occurrence or claim.

☒ **Installation Floater coverage** written on an "all risk" basis with limits equal to the completed value of the project and no coinsurance penalty provisions.

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 Contractor 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 officers, officials, employees, agents, and volunteers are to be covered as an additional insured in the Contractor's commercial general liability policy (and if applicable valuable papers and electronic data processing, pollution liability, builder's risk, and installation floater policies) with respects to liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Sunnyvale, its officers, officials, employees, agents, or volunteers.

Additional Insured Endorsement for ongoing operations at least as broad as ISO CG 20 10 Scheduled, or automatic CV 20 38 and completed operations shall be at least as broad as ISO CG 2037 scheduled or automatic ISO CG 2040.

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 all Architects, Engineers and Design Professionals - If Industry Specific Coverage box is checked above **and** if the Contractor's Professional Liability/Errors and Omissions coverage is written on a claims-made basis:
  - a. The Retroactive Date must be shown and must be before the date of the contractor the beginning of contract work.
  - b. Insurance must be maintained, and evidence of insurance must be provided *for at least three (3) years after completion of the contract of work.*
  - c. If coverage is canceled or non-renewed, and not *replaced with another claims- made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of *three (3) years after completion of contract work.*
4. If Industry Specific Coverage box is checked above, during the term of the contract, the Contractor's Builder's Risk / Course of Construction or Installation Floater policy shall provide coverage for any building, structures, machinery or equipment that is damaged, impaired, broken or destroyed during the performance of the Work, including during transit, installation and testing. The policy shall name the City of Sunnyvale as a Loss Payee with respect to any repairs or replacement of any damaged property or other amounts payable under the policy.
5. For any claims related to this project, the Contractor'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 Contractor's insurance and shall not contribute with it and shall be at least as broad as ISO CG 20 01 04 13.
6. 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.
7. The Contractor'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.
8. 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 limitsexcept after thirty (30) days' prior written notice by certified mail, return receipt requested,has been given to the City of Sunnyvale.

9. Any umbrella or excess Insurance Liability policies shall be true "following form" of the underlying policy coverage, terms, conditions, and provisions and shall meet all of the insurance requirements stated in this document, including the additional insured, SIR, and primary and non-contributory insurance requirements for the benefit of City (if agreed to in a written contract or agreement) until all coverage carried by or available to the Contractor's primary and excess liability policies are exhausted and before the City's own Insurance or self-insurance shall be called upon to contribute to a loss.
10. 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 Contractor'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 maximumlimits 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, andwho 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:

Contractor shall furnish the City of Sunnyvale with an original Certificate of Insurance effecting the coverage required. The certificates are to be signed by a person authorized by that insurer tobind 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 Contractor 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, Contractor shall submit insurance certificates reflecting the policy renewals through PINS.

Subcontractors

Contractor shall require all subcontractors to procure and maintain insurance policies subject to these requirements. Failure of Contractor to verify existence of sub-contractor's insurance shall not relieve Contractor from any claim arising from sub-contractors work on behalf of Contractor.



**Exhibit D**  
**Contractor's Equipment**  
**Terms of Sale and**  
**Warranty**

**1. Changes**

1.1 CITY may, at any time, and from time to time, request reasonable changes within the general scope of the Agreement, including but not limited to changes:

- (A) in the specifications, including drawings and designs;
- (B) in the method of shipping and packing; and
- (C) in the time and/or place of delivery.

1.2 Any changes shall be in accordance with Section 21 of this Services Agreement.

**2. Confidential Relationship**

See Section 9 of this Agreement.

**3. Force Majeure; Excusable Delays**

Neither Party shall be liable for damages, including liquidated damages, if any, for delays in delivery or failures to perform due to causes beyond the reasonable control and without the fault or negligence of that Party. Such causes include but are not limited to, acts of God, acts of the public enemy, acts of the United States Government, fires, floods, epidemics, quarantine restrictions, strikes, extreme elements or embargoes.

In case of Force Majeure CONTRACTOR will use all commercially reasonable efforts to meet the delivery date(s) but shall not be liable for any loss, damage, expense or charge resulting from a delay in the project completion that result from such Force Majeure. Costs that are proposed to be borne by either Party in these events will be proposed for negotiation by the other Party.

**4. Modification of Items**

CONTRACTOR is authorized to make minor changes or substitution of equal or superior components in the items; provided such changes or substitutions shall not affect the item's functional characteristics, performance, configuration, maintenance, including interchangeability and availability of spare parts, or cause an increase in the Agreement Price or affect the delivery schedule.

**5. Taxes**

CITY shall be responsible for all Federal, State and Local taxes, and such are not included in the Agreement Price set forth in this Agreement. CITY agrees to pay such taxes when they have been billed by CONTRACTOR.

**6. Warranty**

All Equipment is sold under a two (2) year warranty on parts, to be provided or arranged by

## CONTRACTOR.

The warranty period begins from the date of start-up or 60 days from delivery, whichever occurs first. Parts claimed to be defective and for which repair or replacement is desired shall, if requested by CONTRACTOR, be returned to CONTRACTOR's head office for inspection, at CITY's expense.

This warranty is in lieu of all warranties, express or implied, including but not limited to warranties of merchantability and fitness for any particular purpose, and the obligation and liability of CONTRACTOR under this warranty shall include transportation (additional cost for expedited shipment shall be at CITY's expense), but not other charges such as the cost of installation or any liability for direct, indirect or consequential damages or delay resulting from the defect. Notwithstanding the foregoing, CONTRACTOR agrees that it shall respond to and address all warranty claims in as expeditious a manner as possible and will use commercially reasonable efforts to minimize the disruption to CITY's operations.

Any operation beyond rated capacity or the improper use or application of product or the substitution upon it of parts not approved by manufacturer or CONTRACTOR or any alteration or repair by others in such manner as to affect the product materially and adversely shall void this warranty other than for the express warranty of title, but only to the extent that such improper use or application causes or directly relates to the problem at issue. No representative of manufacturer or CONTRACTOR is authorized to change this warranty in any way except in writing signed by the Parties, and no attempt, effort or promise to repair products of manufacturer either by manufacturer or by any representative of manufacturer at any time shall change or extend this warranty in any way. This warranty covers all products, Equipment, and Work generated under this Agreement.

### 7. Limitation of Liability

Moved to section 10 of this Services Agreement.

### 8. Installation

Installation and training is included. Installation is based on regular working hours during normal business days, unless specifically mentioned otherwise. Installation is based on non-union workers, but on prevailing wage rates.

### 9. Equipment Delivery

The Equipment to be delivered under this Agreement shall be shipped F.O.B. CITY's designated location, as identified in Article 1 Schedule. Import duties are included in the Agreement Price, with the understanding that any import duties are priced at the time of order and any possible increase in such duties between time of order and delivery will be charged and CITY agrees to pay for any additional duties. CITY reserves the right to change the designated delivery location, at its discretion; such change will be documented as an amendment in accordance with Section 21. Deliver Address: 301 Car Rd. Sunnyvale CA 94088.

### 10. Schedule

10.1 Time is of the essence with respect to all duties and obligations of this Agreement. CONTRACTOR agrees to meet the project schedule milestones set forth below:

Delivery time:	Shipping in approximately 8 ½ months
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10.2 CONTRACTOR has the right not to start production of the Equipment until CONTRACTOR has received a fully executed original of this Agreement and the initial down payment from CITY, as set forth in Article 2.

10.3 The delivery time starts after receipt by CONTRACTOR of a fully executed original of this Agreement, the initial down payment from CITY and after receipt by CONTRACTOR of signed approval drawing(s).

10.4 CITY's failure to make any other scheduled payment on time, in accordance with Section II, shall entitle CONTRACTOR to a reasonably justifiable adjustment to the delivery schedule.

10.5. If, for any reason, CITY is unable to accept delivery or requests a delay in the schedule, CITY will be responsible for all cost associated with such delay, including but not limited to, rescheduling costs, revised pricing and changes in manufacturing costs, additional production and overhead costs, storage costs, loading, unloading, transportation, repainting and additional project management costs, increases in cost such as import duties and installation costs, etc. CITY agrees to pay such costs immediately when invoiced by CONTRACTOR.

**Exhibit E**  
**Subcontractors**

1. Smicon
2. Keith Walking Floors
3. Installations subcontractors to be provided at least 30 days prior to start of installation.
4. Subcontractor for engineering stamps to be determined at a later date.

# Project Title: 836000 - Anaerobic Digestion and Composting Improvements

<b>Project Category:</b>	Capital	<b>Project Approved Status:</b>	Funded
<b>Project Type:</b>	Solid Waste	<b>Oracle Program Parent 1:</b>	C95 - Environmental Services
<b>Project Phase:</b>	Design	<b>Project Manager:</b>	David Krueger
<b>Year Identified:</b>	2021	<b>Project Origin:</b>	Council
<b>Estimated Comp. Yr:</b>	2024	<b>Council District:</b>	
<b>Report to Council Number:</b>	22-0356	<b>Interdependencies:</b>	

<b>No Carryover</b>	<input type="checkbox"/>	<b>Prevent Inflation</b>	<input type="checkbox"/>	<b>Meets Capitalization Threshold</b>	<input type="checkbox"/>
<b>Technology Component</b>	<input type="checkbox"/>	<b>Park Dedication Eligible</b>	<input type="checkbox"/>	<b>Art in Public Places Eligible</b>	<input type="checkbox"/>
<b>IT Steering Committee</b>	<input type="checkbox"/>	<b>Project Administration</b>	<input type="checkbox"/>	<b>Art in Private Development Required</b>	<input type="checkbox"/>

## Project Description/Scope/Purpose:

This project will reduce the amount of organic waste sent to landfill from the Sunnyvale SMaRT Station. It will increase the amount of organic waste recovered from 1) Source separated food scraps and 2) Mixed solid waste. The project will replace the existing equipment used to process source separated food scraps and will add new equipment to the mixed waste processing line to recover compostable paper.

Processed food scraps will initially be sent to Sustainable Organic Solutions (SOS) in Santa Clara to be further processed into animal feed and an additive to fertilizer. Ultimately, the City plans to send processed food scraps for co-digestion at the Water Pollution Control Plant (WPCP) once it can start accepting this material. The recovered compostable paper will be sent to the Z-Best Composting Facility. The project includes the purchase and installation of the new organics processing equipment. It does not include any on-going public education, collection, processing, maintenance, composting, or anaerobic digestion costs.

## Project Evaluation and Analysis:

The existing food scraps processing equipment at the SMaRT Station has reached the end of its useful life. The existing equipment loses some food scraps when separating food scraps from plastic bags and requires up to 30 minutes to unload a food scraps collection vehicle. The new equipment will more efficiently separate food scraps from plastic bags, decrease collection vehicle unloading times, and increase overall food scraps processing capacity.

Up to 10% (9,300 tons per year) of the material currently sent to landfill from the SMaRT Station is compostable paper such as paper towels, cups, and plates. State law (SB 1383) requires the City to divert compostable paper from landfill. The City's strategy is to recover compostable paper through mixed waste processing instead of source separation. Recovery of compostable paper also supports the City's Zero Waste Strategic Plan.

## Fiscal Impact:

Funding for the purchase and installation of the new organics processing equipment is provided by FY 2021/22 CalRecycle Organic Grant Funds in the amount of \$3,000,000. Required matching funds towards professional/engineering services, and grant administration will be covered through SMaRT NextGen project – 828260 and the Solid Waste program operating budget. On-going operating and maintenance costs will be covered through the SMaRT operating budget. New on-going costs for the food recovery equipment are estimated to be lower than the current operating costs since the new equipment will be more efficient and requires less labor to operate. Sunnyvale pays for 100% of the total operating costs of food scrap recovery. Compostable paper recovery equipment is expected to increase operating costs by approximately \$5,000 per year. These operating costs will be shared between the cities of Mountain View and Sunnyvale.

## Funding Sources:

Funding is provided by a State (CalRecycle) grant of \$3,000,000.

## Explanation of Change:

[FY 2021/22 Notes] The project was created due to the award of a \$3,000,000 State (CalRecycle) grant.

## Plans and Goals:

EM - Environmental Management - EM-14: Recycling and Source Reduction Programs

EM - Environmental Management - EM-15: Environmentally-Sound Disposal

Actuals

836000 - Anaerobic Digestion and Composting Improvements

	Expenditures	Revenues	Transfers		Expenditures	Revenues	Transfers
Actuals to 2021-22	-	-	-	Actuals to 2021-22	-	-	-
Actual 2022-23	-	-	-	Actual 2022-23	-	-	-
Project Life Budget to 2023-24	3,000,000	3,000,000	-	Project Life Budget to 2023-24	3,000,000	3,000,000	-
<b>Total Available Budget 2023-24</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ -</b>	<b>Total Available Budget 2023-24</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>	<b>\$ -</b>

Budget/Forecast

Funding Source: Department of Resources Recycling and Recovery (CalRecycle)

Award: G220356 - 2021-22 Organics Grant Program

2024			2025			Proposed Change	
Budget Year	Expenditures	Revenues	Budget Year	Expenditures	Revenues	Expenditures	Revenues
2023-24	-	-	2023-24	-	-	-	-
2024-25	-	-	2024-25	-	-	-	-
2025-26	-	-	2025-26	-	-	-	-
2026-27	-	-	2026-27	-	-	-	-
2027-28	-	-	2027-28	-	-	-	-
2028-29	-	-	2028-29	-	-	-	-
2029-30	-	-	2029-30	-	-	-	-
2030-31	-	-	2030-31	-	-	-	-
2031-32	-	-	2031-32	-	-	-	-
2032-33	-	-	2032-33	-	-	-	-
2033-34	-	-	2033-34	-	-	-	-
2034-35	-	-	2034-35	-	-	-	-
2035-36	-	-	2035-36	-	-	-	-
2036-37	-	-	2036-37	-	-	-	-
2037-38	-	-	2037-38	-	-	-	-
2038-39	-	-	2038-39	-	-	-	-
2039-40	-	-	2039-40	-	-	-	-
2040-41	-	-	2040-41	-	-	-	-
2041-42	-	-	2041-42	-	-	-	-
2042-43	-	-	2042-43	-	-	-	-
<b>Fund Total</b>	-	-		-	-	-	-



# City of Sunnyvale

## Agenda Item

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23-0163

Agenda Date: 2/7/2023

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### REPORT TO COUNCIL

#### **SUBJECT**

Reject All Bids Received for the Community Center Renovations for the Department of Public Safety (PW23-09)

#### **REPORT IN BRIEF**

Approval is requested to reject all bids received in response to Invitation for Bids PW23-09 for Community Center Renovations for the Department of Public Safety due to budgetary constraints. The City will not readvertise a bid for this project.

#### **EXISTING POLICY**

Pursuant to Section 2.09.140(b) of the Sunnyvale Municipal Code, the City Council may reject bids or proposals received in response to formal competitive bid solicitations. This Code section also provides that if all bids are rejected, the City has the discretion to re-advertise.

#### **ENVIRONMENTAL REVIEW**

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

#### **BACKGROUND AND DISCUSSION**

As a result of the Civic Center Modernization Project, the Department of Public Safety Internal Affairs (IA) office will be displaced from its current location in the Sunnyvale Office Complex (SOC). Since the SOC will be demolished, a new location is needed for the IA office. Due to the sensitive nature of their work, it is imperative that the new location is secure. Staff proposed creating a secure room within the Arts and Crafts building of the Community Center. Renovations were proposed for this room along with improvements to the surrounding spaces that are impacted and displaced by the renovations. On September 16, 2021, Advance Design Consultants (ADC) was contracted to develop the design documents and generate a construction cost estimate. Proposed improvements incorporated feedback from IA and Library and Recreation Services (LRS) staff. Construction documents were created with an engineer's estimate of \$244,000.00 for the work.

An Invitation for Bids for the Construction for the Community Center Renovations for Department of Public Safety (Project No. PR19-06) was advertised on the City's DemandStar public procurement network, distributed to local Bay Area Builder's Exchanges, and published on the City's website on October 28, 2022. Thirty-three (33) contractors requested bid documents. Sealed bids were opened on December 8, 2022, with three (3) responsive bids and one (1) non-responsive bid received.

SAE Consulting Engineering, Inc. submitted the lowest responsive and responsible bid in the amount



of \$269,000.00 (Attachment 1 - Bid Summary). All responsive bids received exceeded the available budget and it was determined that additional funding for the cost of the project scope as defined is not available. Staff is currently planning to relocate the IA office to City facilities located on Kifer Road.

Therefore, staff is recommending that the City Council reject all bids. Further, staff does not intend to readvertise a bid for this project as it is currently scoped.

**FISCAL IMPACT**

No fiscal impact results from rejecting the bids.

**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**

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

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Tim Kirby, Director of Finance


Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Bid Summary

				BEAM Construction Inc.		RK & Associates, Inc. DBA Escon Builders		SAE Consulting Engineering Inc.		W.G. Fritz Construction ,Inc	
				2127 25th Ave San Francisco, 94549		29516 N Union City Blvd; Union City, CA 94587		1346 The Alameda Ste. 7-203 San Jose, CA 95126		345 Industrial Way Benicia, CA 94570	
IFB	PW23-12 Community Center Renovations for Public Safety			Michelle Dolan		Reza Khorami		Rossetta Ghanem		William G. Fritz	
Item	Description	QTY	UNIT	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Tenant Improvements		LS		\$ 148,850.00		\$ 220,000.00		\$ 159,000.00		\$ 242,676.40
2	ADA Site Improvements		LS		\$ 150,000.00		\$ 170,000.00		\$ 100,000.00		\$ 227,180.20
3	Unforeseen Conditions Allowance		Allowance		\$ 10,000.00		\$ 10,000.00		\$ 10,000.00		\$ 10,000.00
	<b>TOTAL BASE BID</b>				<b>\$ 308,850.00</b>		<b>\$ 400,000.00</b>		<b>\$ 269,000.00</b>		<b>\$ 479,856.60</b>
	Surety			Yes		Yes		Yes		Yes	
	Primary License			Class A		Class B		Class A,B C20 HAZ		Class B	
	Sub Contractor			Kevin Reilly Electric		None		None		Nathans Roof West LLC	
				Arrow Asphalt and Concrete		Cal West Acoustics				Patrick J Ruane Inc.	
				Q4 Mechanical Corporation		Q4 Mechanical Corporation				San Francisco Interiors, INC	
						Souto Brothers Landscaping & Concrete Inc.				Cunningham Electric	
										Moreno & Associates Inc.	
										Battaliaon One Fire Protection	
										Paz Demo , Inc.	
										Porter Wood Products Inc.	
										Statewide Safety Systems Inc.	
										Martinco & Sons Inc.	
										Bressani Construction	



# City of Sunnyvale

## Agenda Item

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**23-0205**

**Agenda Date: 2/7/2023**

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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. Dr. Cody rescinded this recommendation, effective December 29, 2022.

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 October 17, 2022, Governor Gavin Newsom issued a press release announcing that the COVID-19 State of Emergency at the state level will end on February 28, 2023 (Attachment 4).

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, August 30, September 27, October 25, November 1, November 29 and December 13, 2022 and January 10, 2023, 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 5 for draft excerpt Council meeting minutes).

On October 25, 2022, the City Council also discussed the transition back to in-person meetings. They considered hybrid meetings where some Councilmembers participate in-person while others could participate remotely. The discussion included the idea that Boards, Commissions and Council Subcommittees remain remote until any training and technology concerns have been resolved.

### **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, 1139-22, 1147-22, 1154-22 and 1162-22 (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 December 13, 2022, the Santa Clara County Board of Supervisors adopted Resolution No. BOS-2022-177 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 January 9, 2023, the Board of Supervisors and its subordinate meeting bodies returned to in-person public meetings.

As of January 10, Santa Clara County COVID-19 test positivity rates remained high and increased

from last month with the 7-day average up to 12.6% on January 2 from 11.8% on December 10.

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.

If the COVID-19 State of Emergency at the state level ends on February 28, 2023 as previously announced by the Governor, the City Council's findings made in Resolution 1089-21 will concurrently expire on February 28, 2023. City Council and the City's Boards, Commissions and Council Subcommittees would return to in-person public meetings. Members of the public would continue to have the option to participate in-person or remotely.

If the COVID-19 State of Emergency at the state level continues beyond February 28, 2023, 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 worked with the Mayor to begin the transition to hybrid in-person/virtual public meetings. At the December 6, 2022 City Council meeting, Councilmembers and members of the public were able to participate in-person or remotely.

#### **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. 1162-22 adopted on December 13, 2022 and incorporated herein by reference, are on-going;
2. The City Council finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency; and
3. The City Council finds that the state of emergency continues to directly impact the ability of members of the City Council, Council Standing Committees, and City Boards and Commissions to meet safely in person.

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. 1162-22
3. Health Officer Order - September 12, 2022
4. Governor Press Release - October 17, 2022
5. Draft Excerpt Council Meeting Minutes - January 10, 2023

**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.

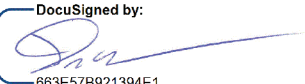
5. Members of the City Council, Council Standing Committees and City Boards and Commission are authorized to use teleconferencing, or other electronic means, to hold its public meetings without noticing the teleconferenced locations on the agenda, without making teleconferenced or physical locations 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:

DocuSigned by:  
  
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DAVID CARNAHAN  
City Clerk

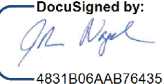
(SEAL)

APPROVED:

DocuSigned by:  
  
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LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

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JOHN A. NAGEL  
City Attorney

**RESOLUTION NO. 1162-22****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); June 28, 2022 (Resolution 1130-22), August 9, 2022 (Resolution 1139-22); September 27, 2022 (Resolution 1147-22), and November 1, 2022 (Resolution 1154-22); 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, state, county, and federal emergency declarations remain in effect so that public health authorities can continue to be nimble in responding to changes in the virus impacting public health.
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 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.

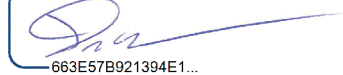
3. As required by California Government Code section 8630, the City Council shall review the need to continue the state of emergency at least every sixty (60) days until this Resolution is terminated.

Adopted by the City Council at a regular meeting held on December 13, 2022, by the following vote:

AYES: KLEIN, HENDRICKS, LARSSON, MELTON, CISNEROS, DIN, SPITALERI  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE  
RECUSAL: NONE

ATTEST:

DocuSigned by:



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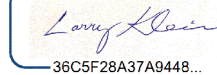
DAVID CARNAHAN

City Clerk

(SEAL)

APPROVED:

DocuSigned by:



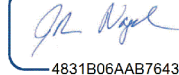
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LARRY KLEIN

Mayor

APPROVED AS TO FORM:

DocuSigned by:



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JOHN A. NAGEL

City Attorney

County of Santa Clara

## Emergency Operations Center

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[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.

# Governor Newsom to End the COVID-19 State of Emergency

Published: Oct 17, 2022

*California's pandemic response saved tens of thousands of lives, protected the economy, distributed nation-leading financial assistance and built up an unprecedented public health infrastructure*

The SMARTER Plan will maintain California's operational preparedness to support communities and quickly respond to outbreaks

SACRAMENTO – Today, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023, charting the path to phasing out one of the most effective and necessary tools that California has used to combat COVID-19. This timeline gives the health care system needed flexibility to handle any potential surge that may occur after the holidays in January and February, in addition to providing state and local partners the time needed to prepare for this phaseout and set themselves up for success afterwards.

With hospitalizations and deaths dramatically reduced due to the state's vaccination and public health efforts, California has the tools needed to continue fighting COVID-19 when the State of Emergency terminates at the end of February, including vaccines and boosters, testing, treatments and other mitigation measures like masking and indoor ventilation. As the State of Emergency is phased out, the SMARTER Plan continues to guide California's strategy to best protect people from COVID-19.

## [SMARTER Plan progress update](#)

"Throughout the pandemic, we've been guided by the science and data – moving quickly and strategically to save lives. The State of Emergency was an effective and necessary tool that we utilized to protect our state, and we wouldn't have gotten to this point without it," said Governor Newsom. "With the operational preparedness that we've built up and the measures that we'll continue to employ moving forward, California is ready to phase out this tool."

To maintain California's COVID-19 laboratory testing and therapeutics treatment capacity, the Newsom Administration will be seeking two statutory changes immediately upon the Legislature's return: 1) The continued ability of nurses to dispense COVID-19 therapeutics; and 2) The continued ability of laboratory workers to solely process COVID-19 tests.

"California's response to the COVID-19 pandemic has prepared us for whatever comes next. As we move into this next phase, the infrastructure and processes we've invested in and built up will provide us the tools to manage any ups and downs in the future," said Secretary of the California Health & Human Services Agency, Dr. Mark Ghaly. "While the threat of this virus is still real, our preparedness and collective work have helped turn this once crisis emergency into a manageable situation."

Throughout the pandemic, Governor Newsom, the Legislature and state agencies have been guided by the science and data to best protect Californians and save lives – with a focus on those facing the greatest social and health inequities – remaining nimble to adapt mitigation efforts along the way as we learned more about COVID-19. The state's efforts to support Californians resulted in:

- Administration of 81 million vaccinations, distribution of a billion units of PPE throughout the state and processing of 186 million tests.
- Allocation of billions of dollars to support hospitals, community organizations, frontline workers, schools and more throughout the pandemic.
- The nation's largest stimulus programs to support people hardest hit by the pandemic – \$18.5 billion for direct payments to Californians, \$8 billion for rent relief, \$10 billion for small business grants and tax relief, \$2.8 billion to help with overdue utility bills, and more.

California's pandemic response efforts have saved tens of thousands of lives, kept people out of the hospital and protected the economy:

- California's [death rate](#) is the lowest amongst large states. If California had Texas' death rate, 27,000 more people would have died here. If California had Florida's rate, that figure jumps to approximately 56,000 more deaths.
- In only the first ten months of vaccines being available, a study showed that California's efforts [saved 20,000 lives](#), kept 73,000 people out of the hospital and prevented 1.5 million infections.
- California's actions during the pandemic protected the economy and the state continues to lead the nation in creating jobs and new business starts:
  - "[‘Lockdown’ states like California did better economically than ‘looser’ states like Florida, new COVID data shows](#),” with **California's economy having contracted less** than such states – economic output shrank 3.5% on average for the U.S., compared with 2.8% for California.
  - Since February 2021, **California has created 1,628,300 new jobs** – over 16% of the nation's jobs, by far more than any other state. By comparison, Texas created 1,133,200 jobs (11.3% of the nation's) and Florida created 787,600 jobs (7.9% of the nation's) in that same timeframe.
  - Since the beginning of 2019, data from the [Bureau of Labor Statistics](#) shows that **over 569,000 businesses started in California**, by far more than any other state.

###





# City of Sunnyvale

## Excerpt Meeting Minutes - Draft City Council

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Tuesday, January 10, 2023

7:00 PM

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

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**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), Councilmembers had the opportunity to participate in the meeting telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on December 13, 2022.

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

#### **SALUTE TO THE FLAG**

Mayor Klein led the salute to the United States flag.

#### **ROLL CALL**

**Present:** 7 - Mayor Larry Klein  
Vice Mayor Omar Din  
Councilmember Russ Melton  
Councilmember Alysa Cisneros  
Councilmember Richard Mehlinger  
Councilmember Murali Srinivasan  
Councilmember Linda Sell

Councilmember Melton attended via teleconference.

Councilmember Melton joined the meeting in the Council Chambers at 7:11 p.m.

#### **CONSENT CALENDAR**

Public Comment opened at 7:27 p.m.

No speakers.

Public Comment closed at 7:27 p.m.

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

The motion carried with the following vote:

**Yes:** 7 - Mayor Klein  
Vice Mayor Din  
Councilmember Melton  
Councilmember Cisneros  
Councilmember Mehlinger  
Councilmember Srinivasan  
Councilmember Sell

**No:** 0

**1.H**      [23-0091](#)      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

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 COVID19, as set forth in Resolution No. 116222 adopted on December 13, 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.

### **ADJOURNMENT**

Mayor Klein adjourned the meeting at 10:41 p.m.



# City of Sunnyvale

## Agenda Item

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**23-0094**

**Agenda Date: 2/7/2023**

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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), August 9, 2022 (Resolution No. 1139-22), September 27, 2022 (Resolution No. 1147-22), November 1, 2022 (Resolution No. 1154-22) and December 13, 2022 (Resolution No. 1162-22).

The state and county have lifted most health mandates and orders. However, 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.

On October 17, 2022, Governor Gavin Newsom issued a press release announcing that the COVID-19 State of Emergency at the state level will end on February 28, 2023 (Attachment 3).

Consistent with the state and county, staff recommends that Council adopt the attached resolution extending the City's declaration of a local emergency. Given the projected end to the statewide emergency on February 28, the draft resolution provides that the City state of emergency will also end on February 28, or if the state extends the emergency beyond February 28, the City's declaration will continue and be reviewed again within 60 days pursuant to Government Code section 8630 (California Emergency Services Act). 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) and Terminating the Local Emergency on February 28, 2023, if the State COVID-19 Emergency Declaration Ends

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. 1162-22
3. Governor Press Release - October 17, 2022

## 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) AND TERMINATING THE  
LOCAL EMERGENCY ON FEBRUARY 28, 2023, IF THE  
STATE COVID-19 EMERGENCY DECLARATION ENDS**

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), August 9, 2022 (Resolution 1139-22); September 27, 2022 (Resolution 1147-22), November 1, 2022 (Resolution 1154-22), and December 13, 2022 (Resolution 1162-22); and

WHEREAS, in October 2022, the Governor of the State of California announced that the statewide COVID-19 emergency would end on February 28, 2023; 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, state, county, and federal emergency declarations remain in effect so that public health authorities can continue to be nimble in responding to changes in the virus impacting public health.

**DRAFT 1/12/2023 \_\_\_\_\_**

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, 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. If the State of California COVID-19 emergency declaration ends on February 28, 2023, this Resolution and the City's Local Emergency shall be deemed terminated concurrently. If the State of California COVID-19 emergency declaration is extended beyond February 28, 2023, this Resolution and the Local Emergency shall continue in effect and the City Council shall review the need to continue the state of emergency at least every sixty (60) as required by California Government Code section 8630, 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. 1162-22****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); June 28, 2022 (Resolution 1130-22), August 9, 2022 (Resolution 1139-22); September 27, 2022 (Resolution 1147-22), and November 1, 2022 (Resolution 1154-22); 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, state, county, and federal emergency declarations remain in effect so that public health authorities can continue to be nimble in responding to changes in the virus impacting public health.
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 additional 60 days or unless sooner terminated.

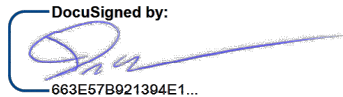
2. The Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Sunnyvale.

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 December 13, 2022, by the following vote:

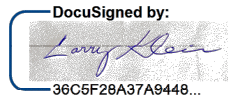
AYES: KLEIN, HENDRICKS, LARSSON, MELTON, CISNEROS, DIN, SPITALERI  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE  
RECUSAL: NONE

ATTEST:

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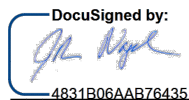
DAVID CARNAHAN  
City Clerk  
(SEAL)

APPROVED:

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LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

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JOHN A. NAGEL  
City Attorney

# Governor Newsom to End the COVID-19 State of Emergency

Published: Oct 17, 2022

*California's pandemic response saved tens of thousands of lives, protected the economy, distributed nation-leading financial assistance and built up an unprecedented public health infrastructure*

The SMARTER Plan will maintain California's operational preparedness to support communities and quickly respond to outbreaks

SACRAMENTO – Today, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023, charting the path to phasing out one of the most effective and necessary tools that California has used to combat COVID-19. This timeline gives the health care system needed flexibility to handle any potential surge that may occur after the holidays in January and February, in addition to providing state and local partners the time needed to prepare for this phaseout and set themselves up for success afterwards.

With hospitalizations and deaths dramatically reduced due to the state's vaccination and public health efforts, California has the tools needed to continue fighting COVID-19 when the State of Emergency terminates at the end of February, including vaccines and boosters, testing, treatments and other mitigation measures like masking and indoor ventilation. As the State of Emergency is phased out, the SMARTER Plan continues to guide California's strategy to best protect people from COVID-19.

## [SMARTER Plan progress update](#)

"Throughout the pandemic, we've been guided by the science and data – moving quickly and strategically to save lives. The State of Emergency was an effective and necessary tool that we utilized to protect our state, and we wouldn't have gotten to this point without it," said Governor Newsom. "With the operational preparedness that we've built up and the measures that we'll continue to employ moving forward, California is ready to phase out this tool."

To maintain California's COVID-19 laboratory testing and therapeutics treatment capacity, the Newsom Administration will be seeking two statutory changes immediately upon the Legislature's return: 1) The continued ability of nurses to dispense COVID-19 therapeutics; and 2) The continued ability of laboratory workers to solely process COVID-19 tests.

"California's response to the COVID-19 pandemic has prepared us for whatever comes next. As we move into this next phase, the infrastructure and processes we've invested in and built up will provide us the tools to manage any ups and downs in the future," said Secretary of the California Health & Human Services Agency, Dr. Mark Ghaly. "While the threat of this virus is still real, our preparedness and collective work have helped turn this once crisis emergency into a manageable situation."

Throughout the pandemic, Governor Newsom, the Legislature and state agencies have been guided by the science and data to best protect Californians and save lives – with a focus on those facing the greatest social and health inequities – remaining nimble to adapt mitigation efforts along the way as we learned more about COVID-19. The state's efforts to support Californians resulted in:

- Administration of 81 million vaccinations, distribution of a billion units of PPE throughout the state and processing of 186 million tests.
- Allocation of billions of dollars to support hospitals, community organizations, frontline workers, schools and more throughout the pandemic.
- The nation's largest stimulus programs to support people hardest hit by the pandemic – \$18.5 billion for direct payments to Californians, \$8 billion for rent relief, \$10 billion for small business grants and tax relief, \$2.8 billion to help with overdue utility bills, and more.

California's pandemic response efforts have saved tens of thousands of lives, kept people out of the hospital and protected the economy:

- California's [death rate](#) is the lowest amongst large states. If California had Texas' death rate, 27,000 more people would have died here. If California had Florida's rate, that figure jumps to approximately 56,000 more deaths.
- In only the first ten months of vaccines being available, a study showed that California's efforts [saved 20,000 lives](#), kept 73,000 people out of the hospital and prevented 1.5 million infections.
- California's actions during the pandemic protected the economy and the state continues to lead the nation in creating jobs and new business starts:
  - "[‘Lockdown’ states like California did better economically than ‘looser’ states like Florida, new COVID data shows](#),” with **California's economy having contracted less** than such states – economic output shrank 3.5% on average for the U.S., compared with 2.8% for California.
  - Since February 2021, **California has created 1,628,300 new jobs** – over 16% of the nation's jobs, by far more than any other state. By comparison, Texas created 1,133,200 jobs (11.3% of the nation's) and Florida created 787,600 jobs (7.9% of the nation's) in that same timeframe.
  - Since the beginning of 2019, data from the [Bureau of Labor Statistics](#) shows that **over 569,000 businesses started in California**, by far more than any other state.

###



# City of Sunnyvale

## Agenda Item

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**23-0206**

**Agenda Date:** 2/7/2023

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**SUBJECT**

Approve Sunnyvale Financing Authority Meeting Minutes of January 10, 2023

**RECOMMENDATION**

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



# City of Sunnyvale

## Excerpt Meeting Minutes - Draft City Council

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Tuesday, January 10, 2023

7:00 PM

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

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**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), Authority Members had the opportunity to participate in the meeting telephonically; pursuant to state law, the Sunnyvale Financing Authority made the necessary findings by adopting Resolution No. 1105-22FA, reaffirmed on December 13, 2022.

Authority Klein called the Sunnyvale Financing Authority meeting to order at 7:30 p.m.

#### **Roll Call**

Present: 7 - Authority Chair / Mayor Larry Klein  
Authority Vice Chair / Vice Mayor Omar Din  
Authority Member / Councilmember Russ Melton  
Authority Member / Councilmember Alysa Cisneros  
Authority Member / Councilmember Richard Mehlinger  
Authority Member / Councilmember Murali Srinivasan  
Authority Member / Councilmember Linda Sell

#### **Oral Communications**

No speakers.

#### **Consent Calendar**

Public Comment opened at 7:33 p.m.

No speakers.

Public Comment closed at 7:33 p.m.

**MOTION: Authority Vice Chair Din moved and Authority Member Cisneros seconded**

the motion to approve agenda item 2.A through 2.B.

The motion carried with the following vote:

Yes: 7 - Authority Chair Klein  
Authority Vice Chair Din  
Authority Member Melton  
Authority Member Cisneros  
Authority Member Mehlinger  
Authority Member Srinivasan  
Authority Member Sell

No: 0

**2.A**      [23-0090](#)      Approve Sunnyvale Financing Authority Meeting Minutes of December 13, 2022

Approve the Sunnyvale Financing Authority Meeting Minutes of December 13, 2022 as submitted.

**2.B**      [23-0093](#)      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. 1162-22 adopted on December 13, 2022, and incorporated herein by reference, are on going;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

**ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING**



Chair Klein adjourned the meeting at 7:34 p.m.



# City of Sunnyvale

## Agenda Item

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**23-0207**

**Agenda Date: 2/7/2023**

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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. Dr. Cody rescinded this recommendation, effective December 29, 2022.

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 October 17, 2022, Governor Gavin Newsom issued a press release announcing that the COVID-19 State of Emergency at the state level will end on February 28, 2023 (Attachment 4).

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, August 30, September 27, October 25, November 1, November 29 and December 13, 2022 and January 10, 2023, 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 5 for draft excerpt Finance Authority meeting minutes).

On October 25, 2022, the City Council and Financing Authority also discussed the transition back to in-person meetings. They considered hybrid meetings where some Councilmembers participate in-person while others participate remotely. The discussion included the idea that Boards, Commissions and Council Subcommittees remain remote until any training and technology concerns have been resolved.

### **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, 1139-22, 1147-22, 1154-22 and 1162-22 (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 December 13, 2022, the Santa Clara County Board of Supervisors adopted Resolution No. BOS-2022-177 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 January 9, 2023, the Board of Supervisors and its subordinate meeting bodies returned to in-person public meetings.

As of January 10, Santa Clara County COVID-19 test positivity rates remained high and increased from last month with the 7-day average up to 12.6% on January 2 from 11.8% on December 10.

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.

If the COVID-19 State of Emergency at the state level ends on February 28, 2023 as previously announced by the Governor, the Financing Authority Board's findings made in Resolution 1105-22FA will concurrently expire on February 28, 2023. The Financing Authority Board would return to in-person public meetings. Members of the public would continue to have the option to participate in-person or remotely.

If the COVID-19 State of Emergency at the state level continues beyond February 28, 2023, 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 worked with the Finance Authority Board Chair to begin the transition to hybrid in-person/virtual public meetings. At the December 13, 2022 Financing Authority Board meeting Board Members and members of the public were able to participate in-person or remotely

### **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. 1162-22 adopted on December 13, 2022, and incorporated herein by reference, are on-going;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-

- proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

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. 1162-22
3. Health Officer Order - September 12, 2022
4. Governor Press Release - October 17, 2022
5. DRAFT Excerpt Financing Authority Meeting Minutes - January 10, 2023

**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.



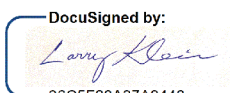
Adopted by the City of Sunnyvale Financing Authority at a regular meeting held on January 25, 2022, by the following vote:

AYES: KLEIN, HENDRICKS, LARSSON, MELTON, CISNEROS, DIN  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE  
RECUSAL: NONE

ATTEST:

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Financing Authority Secretary  
(SEAL)

APPROVED:

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Financing Authority Chairperson

APPROVED AS TO FORM:

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Financing Authority Counsel

**RESOLUTION NO. 1162-22****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); June 28, 2022 (Resolution 1130-22), August 9, 2022 (Resolution 1139-22); September 27, 2022 (Resolution 1147-22), and November 1, 2022 (Resolution 1154-22); 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, state, county, and federal emergency declarations remain in effect so that public health authorities can continue to be nimble in responding to changes in the virus impacting public health.
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 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.

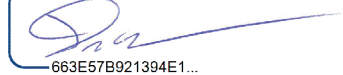
3. As required by California Government Code section 8630, the City Council shall review the need to continue the state of emergency at least every sixty (60) days until this Resolution is terminated.

Adopted by the City Council at a regular meeting held on December 13, 2022, by the following vote:

AYES: KLEIN, HENDRICKS, LARSSON, MELTON, CISNEROS, DIN, SPITALERI  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE  
RECUSAL: NONE

ATTEST:

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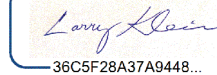
DAVID CARNAHAN

City Clerk

(SEAL)

APPROVED:

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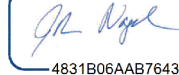
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LARRY KLEIN

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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[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.

# Governor Newsom to End the COVID-19 State of Emergency

Published: Oct 17, 2022

*California's pandemic response saved tens of thousands of lives, protected the economy, distributed nation-leading financial assistance and built up an unprecedented public health infrastructure*

The SMARTER Plan will maintain California's operational preparedness to support communities and quickly respond to outbreaks

SACRAMENTO – Today, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023, charting the path to phasing out one of the most effective and necessary tools that California has used to combat COVID-19. This timeline gives the health care system needed flexibility to handle any potential surge that may occur after the holidays in January and February, in addition to providing state and local partners the time needed to prepare for this phaseout and set themselves up for success afterwards.

With hospitalizations and deaths dramatically reduced due to the state's vaccination and public health efforts, California has the tools needed to continue fighting COVID-19 when the State of Emergency terminates at the end of February, including vaccines and boosters, testing, treatments and other mitigation measures like masking and indoor ventilation. As the State of Emergency is phased out, the SMARTER Plan continues to guide California's strategy to best protect people from COVID-19.

## [SMARTER Plan progress update](#)

"Throughout the pandemic, we've been guided by the science and data – moving quickly and strategically to save lives. The State of Emergency was an effective and necessary tool that we utilized to protect our state, and we wouldn't have gotten to this point without it," said Governor Newsom. "With the operational preparedness that we've built up and the measures that we'll continue to employ moving forward, California is ready to phase out this tool."

To maintain California's COVID-19 laboratory testing and therapeutics treatment capacity, the Newsom Administration will be seeking two statutory changes immediately upon the Legislature's return: 1) The continued ability of nurses to dispense COVID-19 therapeutics; and 2) The continued ability of laboratory workers to solely process COVID-19 tests.

"California's response to the COVID-19 pandemic has prepared us for whatever comes next. As we move into this next phase, the infrastructure and processes we've invested in and built up will provide us the tools to manage any ups and downs in the future," said Secretary of the California Health & Human Services Agency, Dr. Mark Ghaly. "While the threat of this virus is still real, our preparedness and collective work have helped turn this once crisis emergency into a manageable situation."

Throughout the pandemic, Governor Newsom, the Legislature and state agencies have been guided by the science and data to best protect Californians and save lives – with a focus on those facing the greatest social and health inequities – remaining nimble to adapt mitigation efforts along the way as we learned more about COVID-19. The state's efforts to support Californians resulted in:

- Administration of 81 million vaccinations, distribution of a billion units of PPE throughout the state and processing of 186 million tests.
- Allocation of billions of dollars to support hospitals, community organizations, frontline workers, schools and more throughout the pandemic.
- The nation's largest stimulus programs to support people hardest hit by the pandemic – \$18.5 billion for direct payments to Californians, \$8 billion for rent relief, \$10 billion for small business grants and tax relief, \$2.8 billion to help with overdue utility bills, and more.

California's pandemic response efforts have saved tens of thousands of lives, kept people out of the hospital and protected the economy:

- California's [death rate](#) is the lowest amongst large states. If California had Texas' death rate, 27,000 more people would have died here. If California had Florida's rate, that figure jumps to approximately 56,000 more deaths.
- In only the first ten months of vaccines being available, a study showed that California's efforts [saved 20,000 lives](#), kept 73,000 people out of the hospital and prevented 1.5 million infections.
- California's actions during the pandemic protected the economy and the state continues to lead the nation in creating jobs and new business starts:
  - "[‘Lockdown’ states like California did better economically than ‘looser’ states like Florida, new COVID data shows](#),” with **California's economy having contracted less** than such states – economic output shrank 3.5% on average for the U.S., compared with 2.8% for California.
  - Since February 2021, **California has created 1,628,300 new jobs** – over 16% of the nation's jobs, by far more than any other state. By comparison, Texas created 1,133,200 jobs (11.3% of the nation's) and Florida created 787,600 jobs (7.9% of the nation's) in that same timeframe.
  - Since the beginning of 2019, data from the [Bureau of Labor Statistics](#) shows that **over 569,000 businesses started in California**, by far more than any other state.

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# City of Sunnyvale

## Excerpt Meeting Minutes - Draft City Council

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Tuesday, January 10, 2023

7:00 PM

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

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**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), Authority Members had the opportunity to participate in the meeting telephonically; pursuant to state law, the Sunnyvale Financing Authority made the necessary findings by adopting Resolution No. 1105-22FA, reaffirmed on December 13, 2022.

Authority Klein called the Sunnyvale Financing Authority meeting to order at 7:30 p.m.

#### **Roll Call**

Present: 7 - Authority Chair / Mayor Larry Klein  
Authority Vice Chair / Vice Mayor Omar Din  
Authority Member / Councilmember Russ Melton  
Authority Member / Councilmember Alysa Cisneros  
Authority Member / Councilmember Richard Mehlinger  
Authority Member / Councilmember Murali Srinivasan  
Authority Member / Councilmember Linda Sell

#### **Oral Communications**

No speakers.

#### **Consent Calendar**

Public Comment opened at 7:33 p.m.

No speakers.

Public Comment closed at 7:33 p.m.

**MOTION: Authority Vice Chair Din moved and Authority Member Cisneros seconded**

the motion to approve agenda item 2.A through 2.B.

The motion carried with the following vote:

Yes: 7 - Authority Chair Klein  
Authority Vice Chair Din  
Authority Member Melton  
Authority Member Cisneros  
Authority Member Mehlinger  
Authority Member Srinivasan  
Authority Member Sell

No: 0

**2.B**      [23-0093](#)      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. 1162-22 adopted on December 13, 2022, and incorporated herein by reference, are on going;
2. The Financing Authority Board finds that there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor proclaimed COVID-19 state of emergency; and
3. The Financing Authority Board finds that the state of emergency continues to directly impact the ability of members of the Financing Authority to meet safely in person.

**ADJOURN SUNNYVALE FINANCING AUTHORITY MEETING**

Chair Klein adjourned the meeting at 7:34 p.m.



# City of Sunnyvale

## Agenda Item

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23-0144

Agenda Date: 2/7/2023

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### REPORT TO COUNCIL

#### **SUBJECT**

Consider Permanent Closure of the 100 Block of South Murphy Avenue (Study Issue), Adopt a Resolution of Intent to Establish a Pedestrian Mall, Adopt a Resolution Directing the City Manager to Temporarily Close the 100 Block of South Murphy Avenue until December 31, 2023, through the Issuance of a Special Event Permit, and Update Council Policy 1.1.10 (Use of the Public Sidewalk and Street of the 100 Block of South Murphy Avenue)

#### **BACKGROUND**

In June 2020, the City temporarily closed the 100 Block of South Murphy Avenue (Murphy Avenue) to vehicles by issuing a Special Event Permit (Permit) to itself, and, allowed restaurants to use the street for outdoor dining. The issuance of the Permit was based on the City's authority under the Sunnyvale Municipal Code and the general enabling authority pursuant to California Vehicle Code Section 21101(e). The temporary closure was in response to the Countywide COVID restrictions on indoor dining.

Study Issue OCM 22-01-Permanently Close the 100 Block of South Murphy Avenue to Vehicular Traffic (Study Issue) (Attachment 1), was ranked number one by the City Council at the 2022 Study Issues Workshop. Staff presented the Study Issue findings and asked for direction at a May 24, 2022 City Council Study Session. Council supported moving forward with permanently closing the 100 Block of South Murphy Avenue (Murphy Avenue) and extending the temporary closure through June 30, 2023. Council also asked staff to return with a process to permanently close Murphy Avenue.

On August 9, 2022, Council amended Resolution No. 1075-21, directing the City Manager to continue allowing outdoor dining on private property and closing Murphy Avenue through the earlier of either June 30, 2023, or when COVID's Emergency Proclamation is lifted.

#### **EXISTING POLICY**

##### **General Plan Chapter 3: Land Use and Transportation**

**GOAL LT-11 SUPPORTIVE ECONOMIC DEVELOPMENT ENVIRONMENT** - Facilitate an economic development environment that supports a wide variety of businesses and promotes a strong economy within existing environmental, social, fiscal, and land use constraints.

**GOAL LT-12 A BALANCED ECONOMIC BASE** - Develop a balanced economic base that can resist downturns of any one industry and provides revenue for City services.

**Policy LT-12.6** Create a strong, identifiable Downtown that offers regional and citywide shopping opportunities and entertainment.

##### **Council Policy 1.1.10 - Use of the Public Sidewalk on the 100 Block of South Murphy Avenue**

#### **ENVIRONMENTAL REVIEW**

On August 11, 2020, as part of its adoption of the amended Downtown Specific Plan (DSP), the City Council certified a Draft and Final Environmental Impact Report (collectively "EIR") (State Clearinghouse #2018052020) pursuant to the California Environmental Quality Act (CEQA). The EIR provided a program-

level review of the environmental impacts of the DSP amendments as well as a project-level review of six specific development proposals within the DSP. Certification of the EIR included adoption of a Mitigation Monitoring and Reporting Program (MMRP) and adoption of a Statement of Overriding Considerations for significant unavoidable impacts to cultural and historic resources, noise, utilities, and traffic. The EIR and the DSP identify South Murphy Avenue as part of the roadway network for vehicle traffic (see page 221 of the Draft EIR and page 7-17 of the DSP).

In 2022, as part of the Study Issue process, the Transportation and Traffic Division conducted on-site observations and counts to determine transportation trip generation and whether additional transportation studies were necessary. Before COVID pandemic, restaurants were permitted to the sidewalk for outdoor dining. Based on data collected over a period of a week, there were about 286 seats deployed in the sidewalk area of Murphy Avenue. Using the Institute of Transportation Engineers (ITE) Trip Generation Manual 11<sup>th</sup> Edition, Traffic staff determined that a total of 582 seats could be allowed to be deployed by restaurants along Murphy Avenue without triggering a need for further transportation studies. The increase of 299 seats would generate approximately 70 new AM Peak trips and 98 new PM Peak trips, assuming that all restaurants are open in the mornings and evenings. This is below the threshold where the Congestion Management Program would require further transportation studies.

Ample parking spaces will be available in the existing public parking structures and surface parking lots. The downtown area is also directly served by public transit options such as Caltrain and Valley Transportation Authority Bus Lines 20, 21, 53, 55 and 523. The vehicular traffic using Murphy Avenue that would be diverted due to the closure of Murphy Avenue can be accommodated on Sunnyvale Avenue and Frances Street as the two streets also directly connect Evelyn Avenue and Washington Avenue east and west of Murphy Avenue.

Furthermore, staff intends to present to City Council an addendum to the EIR if City Council considers the adoption of a Resolution of Intent to permanently close Murphy Avenue. California Environmental Quality Act (CEQA) Guidelines Section 15164 provides that an agency shall prepare an addendum to a previously-certified EIR (i.e., DSP EIR) so long none of the conditions described in Section 15162 have occurred. Under Section 15162, a subsequent Environmental Impact Report (EIR) is required when there are substantial changes to the project or circumstances that require major revisions to the previous EIR due to the involvement of new significant environment effects or substantially more severe impacts than were discussed in the EIR, which is not the case in this particular action. Here, none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR have occurred with respect to the permanent closure of Murphy Avenue.

## **DISCUSSION**

Throughout 2021, staff received numerous emails from the community and businesses asking the City to permanently close Murphy Avenue to vehicular traffic. Staff proposed this Study Issue and Council ranked it number one at the 2022 Study Issues Workshop. While most businesses supported the Study Issue, some businesses preferred that the street remain open to cars as some customers with mobility issues need to be dropped off in front of a business. Also, some businesses felt that the City was subsidizing restaurants located on Murphy Avenue by providing rent-free street patios.

Staff recommended that the Study Issue include extensive outreach to identify potential impacts the closure of Murphy Avenue would have on businesses and residents. To keep the new peak hour trips to less than 100 net new trips, staff also recommended that restaurants not be allowed to have more than 299 seats on Murphy Avenue. The Study scope also included an evaluation of maintenance costs as well as one-time costs needed to ensure the street complied with accessibility codes.

Staff began working on the Study Issue in March 2022 and conducted several engagement opportunities to seek feedback from the public and businesses regarding their support of the Murphy Avenue closure. Staff created an Open City Hall survey (Attachment 3), visited businesses, posted Study Issue information on



social media, and presented several times at Sunnyvale Downtown Association (SDA) meetings. Feedback from the public and businesses showed strong support for permanently closing Murphy Avenue to vehicles to create a permanent pedestrian mall, and no major impacts were identified. Staff also verified the number of combined seats on the street did not exceed 299 and confirmed no additional traffic analysis was needed.

Staff presented the Study Issue findings at a May 24, 2022 Council Study Session (Attachment 4). Over 90% of survey respondents and almost 90% of downtown businesses support the permanent closure of Murphy Avenue. Most respondents did not support the City charging the businesses for maintenance costs of cleaning sidewalks nor the street. Other forms of feedback (business visits, SDA meetings, social media posts) also support the permanent closure of Murphy Avenue. The major challenge staff discovered is that accessibility improvements are needed to permanently close and use Murphy Avenue as a pedestrian mall.

Staff hired an accessibility consultant to evaluate existing conditions on Murphy Avenue to recommend any modifications for the operation of the street dining program to conform with applicable state and federal regulations concerning accessibility. The consultant observed necessary improvements regarding equitable access from the sidewalks to the street table seating areas and recommended that (1) wheelchair accessible seating should be provided in the street dining areas for each restaurant and (2) accessible routes should be provided to such areas.

In response, staff has explored three high-level concept alternatives to comply with the accessibility requirements:

1. Construct ramps at each restaurant currently using street for dining
2. Raise the street to remove curbs between street and sidewalk
3. Regrade the existing parking bays to remove curb between street and sidewalk

The three concepts listed above vary in estimated costs, design, and construction time.

Concept 1 would break up the look of the street as the ramps need to be strategically placed near restaurants that have outdoor dining and may not follow a consistent pattern. The estimated cost for 17 ramps would be about \$400,000 (including design, construction, and contingency). The number of ramps may be reduced depending on the number of restaurants that apply for street dining permits. Design and construction of the ramps would take about 12 months.

Concept 2 would raise areas of the street that are lower and leaving other areas which are already flush in place. This option is estimated to cost about \$2 million. This option would be aesthetically attractive as raising of the street would have a consistent look. However, this option would take about 2 years to design and construction and would be the most disruptive to the businesses fronting Murphy Avenue.

Concept 3, recommended by SDA members at an outreach meeting, would raise the existing parking bays to curb height. The estimated cost for this option is between \$530,000 and \$590,000. The difference between the estimated cost depends on whether existing pavers are reset or another material such as colored concrete is used. This concept would provide a cohesive look to the street.

To permanently close Murphy Avenue, the City needs to comply with the Pedestrian Mall Law of 1960, California Streets and Highways Code section 11000 et seq., which requires that a pedestrian mall is to be used exclusively or primarily for pedestrian travel, and a local agency has the power to:

- Establish a pedestrian mall by prohibiting in whole or in part vehicular traffic on a street;
- Use City funds or levy assessments on lands benefitting from the establishing of the pedestrian mall, to pay claims from damages, if any, to a property owner or tenant due to the establishment of a pedestrian mall;
- Identify and construct improvement on City streets which have been, or will be, established as a

- pedestrian mall; and
- Use City funds or assessment levied on lands benefitting from the pedestrian mall improvements to pay for the improvements.

The key steps to comply with the Pedestrian Mall Law of 1960 include:

- Council adoption of a Resolution of Intent to establish a pedestrian mall;
- A public hearing not less than 90 days after adopting the Resolution of Intent;
- Council adoption of a resolution determining whether to abandon the proceedings or establish the pedestrian mall; and
- Council adoption of an ordinance after all claims for damages submitted are resolved.

The City currently spends about \$50,000 annually cleaning the sidewalks and streets. This cost increased in the past two years. Prior to temporarily closing Murphy Avenue, staff cleaned the sidewalks, but did not clean the street. Additionally, cleaning waste from the crows requires additional staff time and resources to keep the sidewalks and street clean. Currently, the sidewalks are cleaned weekly on Wednesdays, and the street is cleaned weekly on Fridays.

The closure of Murphy Avenue has allowed businesses and the public the opportunity to experience Murphy Avenue as a car-free street. The Study Issue results show that businesses and the community support a permanent closure of Murphy Avenue to vehicles. Staff provided Murphy Avenue businesses the estimated costs for the accessibility improvements and annual maintenance for the sidewalks and the street. The SDA, on behalf of the businesses, stated that they support the permanent closure, but are unable to pay the accessibility costs nor the maintenance costs (Attachment 7). The SDA is asking that the City fund the accessibility improvements as well as continue to fund the maintenance costs.

Council Policy 1.1.10 - Use of the Public Sidewalk on the 100 Block of South Murphy Avenue (Attachment 5), currently only allows outdoor dining on the sidewalks, not the street. The policy needs to be updated if restaurants are going to be allowed to permanently use the street for public dining. Updates to the existing sidewalk use policy are required to provide guidelines for the use of the public street and will include the following amendments (Attachment 6):

- Include "Street" in the language to extend outdoor dining on public street
- Annual outdoor dining permits
- Require a 6' clearance/pedestrian path in the center of Murphy Avenue
- Require enclosed dining areas with retractable belt barriers, metal post stanchions, and/or ropes
- Prohibit televisions, radios, speakers, or other electronics within outdoor dining areas.
- No private banners, posters, signs of any kind may be installed or painted on any street furnishing used for outdoor dining.

The COVID's Emergency Proclamation will expire on February 28, 2023 and based on the results of the Study Issue, staff recommends Council take the following actions:

- Adopt the Resolution of Intent to establish a pedestrian mall (Attachment 2) and set a public hearing for May 16 2023.
- Update Council Policy 1.1.10-Use of the Public Sidewalk and Street of the 100 Block of South Murphy Avenue to include the use of the street for public dining.
- Direct staff to move forward with a project to construct Option 3 (regrade parking bays) and return to Council with budget, timeline, and drawings.
- Direct staff to use funds from the City's Community Benefits Fund for the project.
- Adopt a Resolution to direct the City Manager to issue a new event permit to keep Murphy Avenue closed to vehicular traffic until the start of construction.

Staff recommends paying for the accessibility improvements from the Community Benefits Fund since making Murphy Avenue accessible to all visitors is statutorily required and a benefit to the community. Staff also recommends the City continue maintaining the street until construction begins on the accessibility improvements and staff can use the construction time to develop a long-term maintenance plan with the SDA and downtown businesses.

Staff is recommending that Murphy Avenue remain closed until December 31, 2023 via a new Special Event Permit issued to the City while the staff designs the accessibility improvements and brings the project to Council for approval. In June 2020, the City previously issued a Special Event Permit to temporarily close Murphy Avenue to vehicles based on the City's authority under Sunnyvale Municipal Code Chapter 9.45 and the general enabling authority pursuant to Vehicle Code Section 21101(e). The permit term was extended as warranted by the COVID-19 pandemic restrictions and updates. The issuance of a new Special Event Permit will allow the City to facilitate a consistent outdoor dining program on Murphy Avenue prior to the establishment of a pedestrian mall, and after June 30, 2023 or when the COVID's Emergency Proclamation is lifted, whichever is earlier.

### **FISCAL IMPACT**

The fiscal impacts depend on Council direction and which option is chosen to comply with accessibility requirements. The additional year of the increased annual maintenance will be absorbed in the Public Works Department. After the necessary improvements are constructed and the maintenance scope is determined for permanent closure, staff will include any increases in maintenance cost in the following Recommended Budget and potential permit fees. These ongoing costs will be budgeted in the General Fund. Some of the City's costs may be offset by the increase in sales tax revenue restaurants generate with the additional outdoor dining areas. However, the exact revenue increase will be difficult to track.

### **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. Staff notified the SDA and all downtown businesses of the Council meeting.

### **ALTERNATIVES**

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

### **STAFF RECOMMENDATION**

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

Murphy Avenue has been closed to cars since June 2020 in response to the COVID-19 pandemic and to support the restaurants by facilitating outdoor dining on the street. There have been no major impacts on the businesses or community. The Council, community, and businesses have indicated support for permanently closing Murphy Avenue.

Prepared by: Connie Verceles, Deputy City Manager  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Study Issue Paper
2. Resolution of Intent
3. Survey Results Summary
4. May 24, 2022 Study Session Presentation
5. Murphy Avenue Sidewalk Use Policy
6. Proposed Updated Council Policy 1.1.10 (Use of the Public Sidewalk and Street of the 100 Block of South Murphy Avenue).
7. SDA Letter
8. Resolution Directing the City Manager to Extend the Closure of Murphy Avenue until December 31, 2023, through the Issuance of a Special Event Permit in accordance with Sunnyvale Municipal Code Chapter 9.45 and Vehicle Code Section 21101(e).



# City of Sunnyvale

## Agenda Item

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22-0078

Agenda Date: 2/17/2022

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### 2022 COUNCIL STUDY ISSUE

#### **NUMBER**

OCM 22-01

**TITLE** Permanently Close the 100 Block of Murphy Avenue to Vehicular Traffic

#### **BACKGROUND**

**Lead Department:** Office of the City Manager

**Support Departments:** Public Works  
Community Development  
Office of the City Attorney

**Sponsor(s):** City Manager

**History:** 1 year ago: N/A  
2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What precipitated this Study?**

In June 2020, the City temporarily closed the 100 block of South Murphy Avenue to vehicles by issuing a Special Event Permit, with the City as the applicant based on its authority under Sunnyvale Municipal Code Chapter 9.45 and the general enabling authority pursuant to Vehicle Code Section 21101 (e). The Permit's expiration date was set for June 30, 2021; however, the City reserved the right to extend the permit term as warranted by the COVID-19 pandemic restrictions and updates. On July 27, 2021, City Council adopted a resolution authorizing the City Manager to extend the temporary closure of Murphy Avenue until December 31, 2021. During the July 27, 2021 City Council meeting, staff reported that a staff-sponsored study issue would be prepared for Council consideration and action at the 2022 Council Study Issue Workshop.

Staff has received numerous emails asking the City to permanently close the 100 block of South Murphy Avenue to vehicular traffic. Some businesses have asked that the street remain open to vehicular traffic as customers need vehicular access to their location for a quick pick up or drop off for customers unable to walk long distances from the parking lots. Some businesses, located inside and outside the downtown area, have also raised an equity issue as they feel that the street closure unfairly benefits Murphy Avenue restaurants by providing free outdoor dining space.

##### **What are the key elements of the Study?**

The Study would review the impacts of permanently closing the 100 Block of South Murphy Avenue to vehicular traffic. This Study would require extensive outreach to property owners, business owners, the Sunnyvale community, the Sunnyvale Downtown Association, and the Sunnyvale Chamber of Commerce. The City should understand the needs of both businesses and residents and the impacts the street closure may have on the community.

**22-0078**

**Agenda Date: 2/17/2022**

The number of new seats for dining will be capped at 284 as part of this Study to keep the new peak hour trips to less than 100 net new trips, otherwise an extensive traffic analysis would be necessary to evaluate the additional seats. The Study will evaluate the potential cost impact of the need for additional cleaning of the sidewalk and roadway area. Also, the cost to install and maintain the devices used to close the roadway would be included in the Study. The study would also address the compensation businesses would have to pay for the use of the outdoor area for dining or other uses. The use of the street, if closed, would need to be reviewed by staff from Community Development, Public Works, and the Department of Public Safety to ensure pedestrian accessibility and accessibility for emergency services.

**Estimated years to complete Study: 0.5 years**

**FISCAL IMPACT**

**Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$0
Funding Source:	N/A

**Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs, including capital and operating, as well as revenue/savings.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: No

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2022 Study Issues Workshop.

The Study will assist the City in determining the potential impacts of permanently closing the 100 Block of South Murphy Avenue. Community outreach with the Sunnyvale Downtown Association, Sunnyvale Chamber of Commerce, property owners, and the Sunnyvale community would provide input on whether to permanently close this portion of Murphy Avenue to vehicular traffic.

Prepared by: Maria Rodriguez, Administrative Analyst  
Reviewed by: Connie Verceles, Assistant to the City Manager  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

DRAFT 2/1/23

*sqj*

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF INTENT OF THE CITY COUNCIL OF  
THE CITY OF SUNNYVALE TO ESTABLISH A  
PEDESTRIAN MALL ON OF THE 100 BLOCK OF SOUTH  
MURPHY AVENUE**

WHEREAS, the City of Sunnyvale temporarily closed the 100 block of South Murphy Avenue to facilitate outdoor dining and pedestrian zones; and

WHEREAS, a majority of the surveyed users and participating businesses support continuation of the street closure to enhance downtown vitality; and

WHEREAS, the City wishes to retain these outdoor dining and pedestrian zones beyond the end of the COVID-19 pandemic; and

WHEREAS, the City declares its intention to establish a pedestrian mall on one segment of South Murphy Avenue, between West Evelyn Avenue and East Washington Avenue, i.e., the 100 Block of South Murphy Avenue; and

WHEREAS, the Pedestrian Mall Law of 1960 (Streets and Highways Code Section 11000 et seq.) authorizes municipalities to close streets to vehicular traffic and to establish pedestrian malls; and

WHEREAS, the City wishes to prohibit vehicular traffic on the proposed pedestrian malls except for emergency and utility maintenance vehicles, which shall be allowed access at all hours; and

WHEREAS, the City will make improvements that support the success of the proposed pedestrian malls that include, but are not limited to, curb cuts, bollards, planters, or other traffic-control devices, which will be financed by the City; and

WHEREAS, the City does not intend to form an assessment district at this time to pay for the proposed improvements, but may consider the formation of such an assessment district in the future to pay for additional improvements that may be contemplated at a later date; and

WHEREAS, the City will hold a duly noticed public hearing on May 16, 2023, at 7 p.m., or as soon thereafter as the matter can be heard, to hear protests and objections to the establishment of the proposed pedestrian mall and to review any claims of damages from those having any legal or equitable interest in any real property which might suffer legal damage by reason of establishment of the proposed pedestrian malls

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

1. Pursuant to the Pedestrian Mall Act of 1960 (California Streets and Highways Code Section 11000 et seq.), the City Council declares its intention to establish a pedestrian mall on South Murphy Avenue between West Evelyn Avenue and East Washington Avenue, as shown on Exhibit A. There are no intersecting streets in this portion of South Murphy Avenue.

2. The City Council determines that the public interest and convenience require the establishment of pedestrian malls and that vehicular traffic will not be unduly inconvenienced.

3. The City intends to adopt an ordinance prohibiting vehicular traffic on the proposed pedestrian mall, with the exception of emergency and utility maintenance vehicles, which shall be allowed access at all hours. In addition, private maintenance vehicles, including grease trap cleaners and other maintenance vehicles for large equipment drop-offs, will be allowed by appointment only.

4. The City intends to make improvements to the proposed pedestrian malls that include, but are not limited to, curb cuts, bollards, planters, or other traffic-control devices and will be responsible for financing those improvements. The City's General Fund will be the source of moneys to be used to pay for such improvements.

5. The City's General Fund will be the source of moneys to be used to pay damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall.

6. The City will hold a public hearing on May 16, 2023, at 7 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers, located at 456 West Olive Avenue, Sunnyvale, California, 94086, and via a remote public meeting by video conference, the details of which will be published on the May 16, 2023 agenda posted no later than Friday, May 12, 2023, at [sunnyvale.legistar.com](http://sunnyvale.legistar.com), where the City Council will hear protests and objections to the establishment of the proposed pedestrian mall. Any and all persons having any objections to the establishment of the proposed pedestrian mall may file a written protest with the City Clerk of the City of Sunnyvale, P.O. Box 3707, Sunnyvale, CA 94088, or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov), at any time not later than 7 p.m., or as soon thereafter as the matter can be heard, on May 16, 2023.

7. Notice is hereby given that any person owning or having any legal or equitable interest in any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian malls may file a written claim for damages with the City Clerk of the City of Sunnyvale, P.O. Box 3707, Sunnyvale, CA 94088, or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov), at any time not later than 7 p.m., or as soon thereafter as the matter can be heard, on May 16, 2023.

Such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state the amount of the damages claimed. Failure to file such a written claim within the time provided shall be deemed a waiver of any claim for damages or compensation and shall operate as a bar to any subsequent action seeking to prevent establishment of the proposed pedestrian mall or to recover damages on account of such establishment. Furthermore, the filing of such a claim shall operate as a bar in any subsequent action to the recovery of any damages or compensation in excess of the amount stated in such claim.



Adopted by the City Council at a regular meeting held on February 7, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

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DAVID CARNAHAN  
City Clerk  
(SEAL)

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LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

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JOHN A. NAGEL  
City Attorney

**Permanently Close the 100 Block of South Murphy Ave to Vehicular Traffic**

Should the City close the 100 block of South Murphy Ave to vehicular traffic?

## Summary Of Responses

**As of April 21, 2022, 11:00 AM, this forum had:**

Attendees: 3063  
 Responses: 2796  
 Hours of Public Comment: 139.8

**Topic Start**

April 5, 2022, 5:03 PM

**QUESTION 1****Which of the following applies to you?**

		<b>%</b>	<b>Count</b>
I live in Sunnyvale		69.1%	1931
I work in Sunnyvale		4.5%	125
I live and work in Sunnyvale		22.0%	615
None of the above		4.5%	125

**QUESTION 2****When you visit downtown Sunnyvale, where do you typically park? Select all that apply.**

		<b>%</b>	<b>Count</b>
Street parking		23.9%	667
Parking garage		50.6%	1416
Parking lot		70.4%	1969
I don't drive		22.5%	630

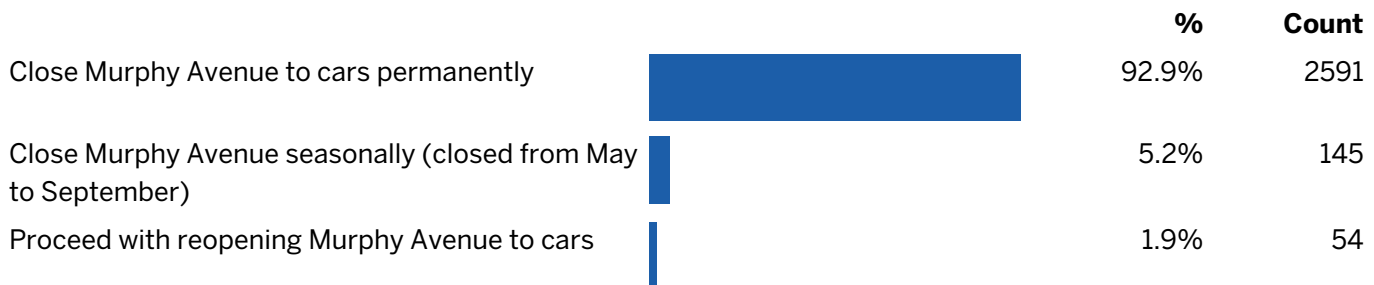
**Permanently Close the 100 Block of South Murphy Ave to Vehicular Traffic**

Should the City close the 100 block of South Murphy Ave to vehicular traffic?

## QUESTION 3

**If the City were to close Murphy Avenue to cars, how often would you visit downtown?**

## QUESTION 4

**Should the City?:**

## QUESTION 5

**Comments:**



Answered	653
Skipped	2,143

## QUESTION 6

**If Murphy Avenue is permanently closed, should businesses be allowed to continue using the street for outdoor dining?**

## Permanently Close the 100 Block of South Murphy Ave to Vehicular Traffic

Should the City close the 100 block of South Murphy Ave to vehicular traffic?

		%	Count
Yes, but businesses should not have to pay extra to use the public street		76.3%	2118
No. Dining on the public street should not be allowed		1.2%	34





### QUESTION 7

#### Comments:

Answered	487
Skipped	2,309

### QUESTION 8

What concerns do you have, if any, with closing Murphy Avenue? Select all that apply.

		%	Count
Loss of on-street parking		2.9%	80
Short-term and accessible parking will be further away from businesses		13.1%	367
Other businesses don't have access to public streets/sidewalks to expand outdoor dining		12.4%	346
I have no concerns		78.6%	2197

### QUESTION 9

Do you have any additional comments?

Answered	582
Skipped	2,214



Sunnyvale

# Study Issue OCM-22-01— Permanently Close the 100 Block of S. Murphy Ave to Vehicular Traffic

Connie Verceles,  
Assistant to the City Manager/Economic  
Development

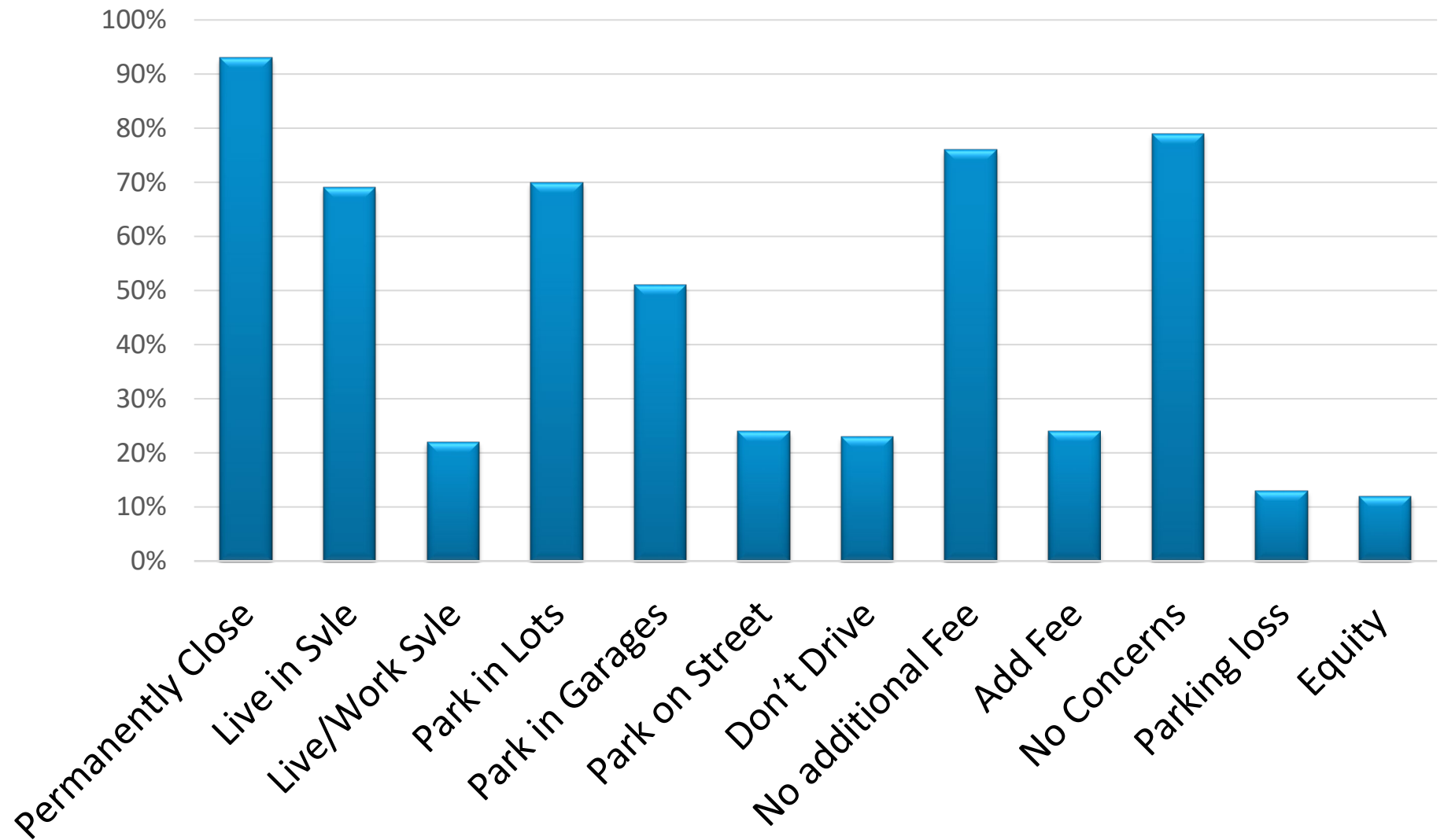


# OCM-22-01—Permanently Close the 100 Block of Murphy Avenue to Vehicular Traffic

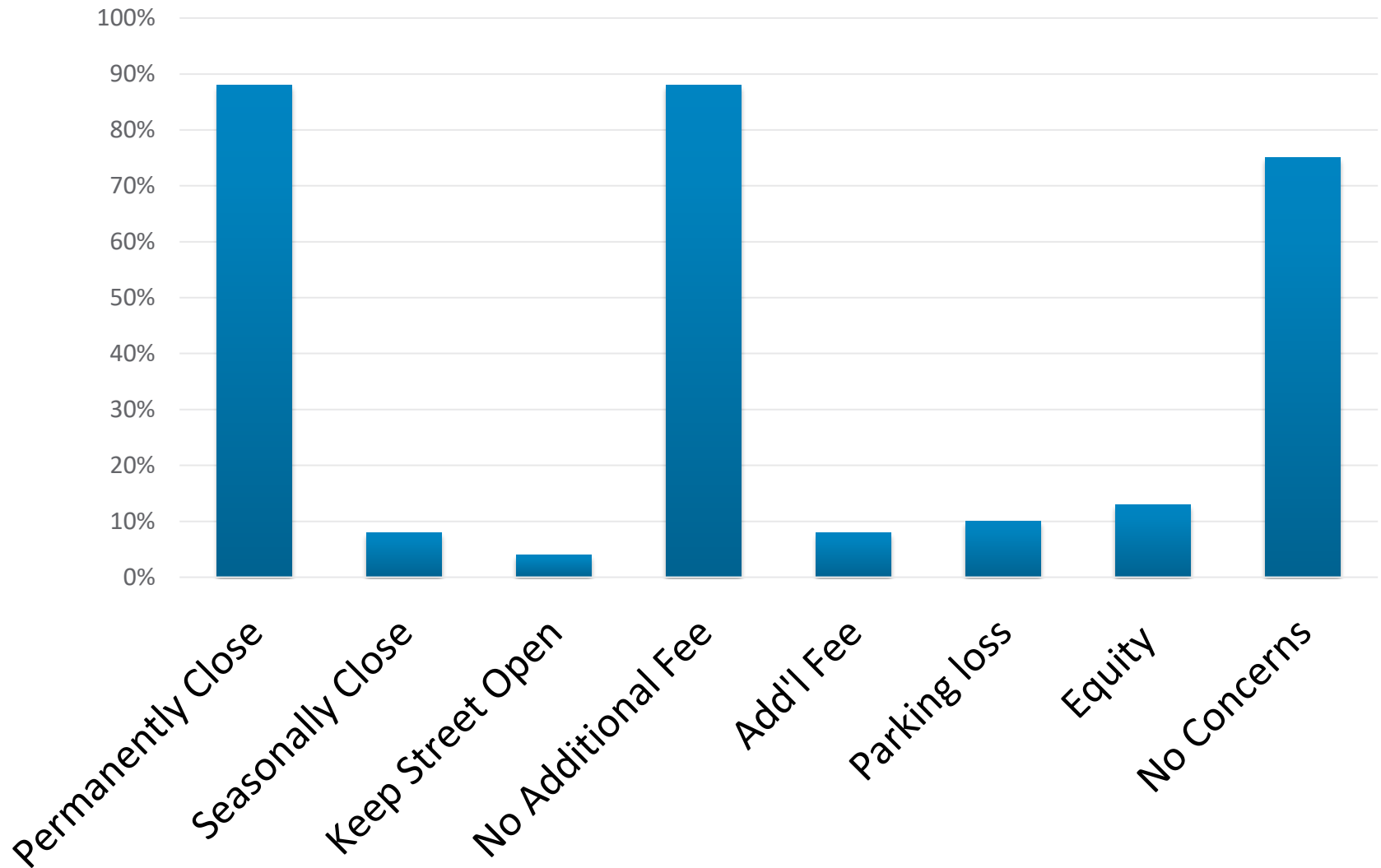
- Issue proposed by Staff to:
  - ◆ Conduct extensive outreach
    - Determine Support for Closure
  - ◆ Consider and evaluate impacts
  - ◆ Review operational and one-time improvements



# Community Outreach



# Downtown Businesses Outreach

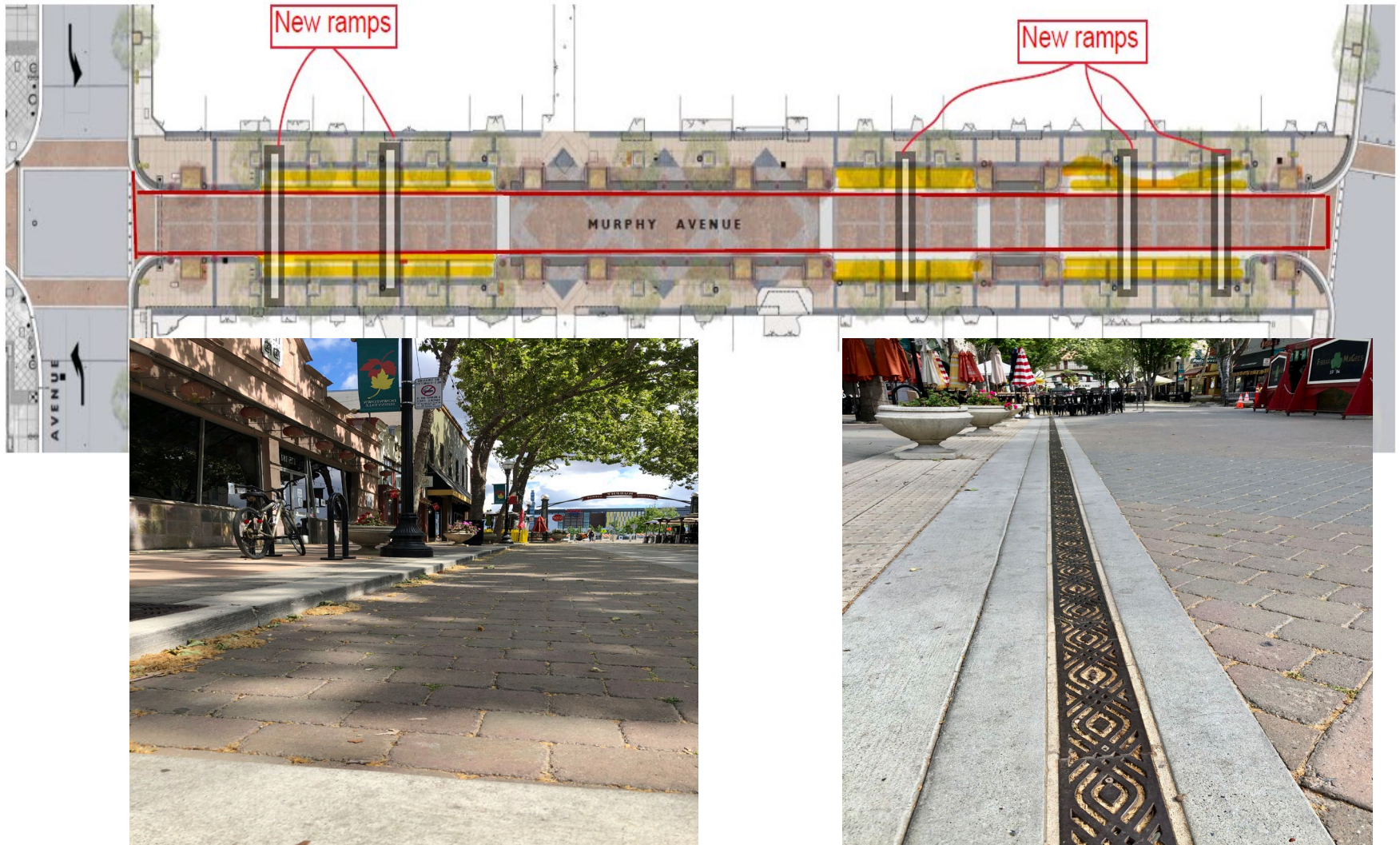




# Permit/Operational Costs

	Current Fee	Proposed Fee (annual)
Sidewalk Permit Fee	\$214	\$214
Street Permit Fee	\$0	\$453
Sidewalk Maintenance	\$0	\$1210
Street Maintenance (+storm drains)	\$0	\$1400
Fire Prevention Permit	\$942	\$942
Total	\$1,156	\$4,219

# Accessibility Improvements



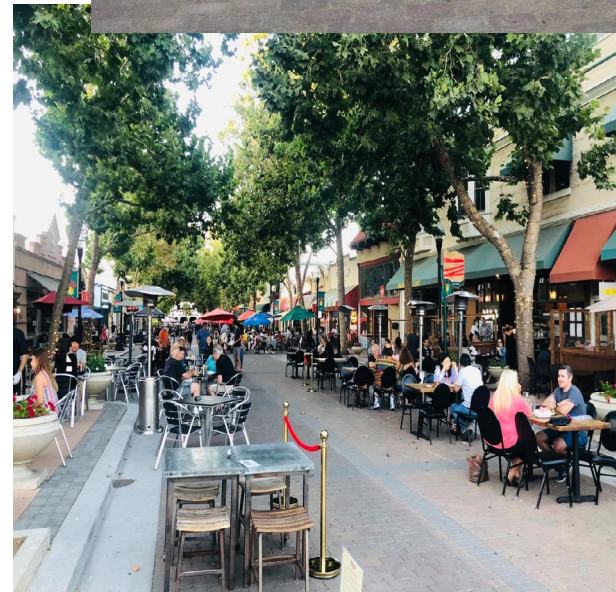
## Proposed Accessibility Improvement Costs

	One-time Costs
Storm Drain Covers (need 9)	\$18,000
Accessibility Improvements	\$92,000
Total	\$120,000
Per Business (based on 20)	\$6,000



# SDA Feedback

- Support Permanent Closure
- Mixed Support for Maintenance Cost Recovery
- Mixed Support—Accessibility Improvements Costs
- Want Consistency (furniture, Umbrellas, etc.)



# Preliminary Findings

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- Strong Support for Permanent Street Closure
- Accessibility Improvements Needed
- Address Equity
  - ◆ Maintenance Costs
- Businesses want current closure until 6/30/2023
- Consistency in Street's Look/Feel/Operation

# Next Steps

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Return to Council with following recommendations:

- ◆ Permanently Close Street
- ◆ Extend current closure until June 30, 2023
- ◆ Update Council Policy 1.1.10—Use of the Public Sidewalk on the 100 Block of South Murphy Avenue
  - Include Street Permit Process, Furniture Consistency, Annual Review
- ◆ Proposed Maintenance Cost Recovery Amount
- ◆ Proposed Accessibility Improvement Cost Recovery Amount

# Council Feedback/Input

- Move Forward with Closure
- Extend current closure until 6/30/2023
- Maintenance Cost Recovery
- Accessibility Improvements Cost Recovery





## Policy 1.1.10 Use of the Public Sidewalk on the 100 Block of South Murphy Avenue

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### **POLICY PURPOSE:**

The City is committed to the preservation and enhancement of the 100 Block of Historic South Murphy Avenue as Sunnyvale's "Main" Street. This policy is intended to promote the attractive commercial and historic environment of Murphy Avenue by allowing private use of the public sidewalk, while ensuring a successful streetscape and protection of the general public.

### **DEFINITIONS:**

For the purpose of this document, the following terms are defined as follows:

1. **Frontage Zone:** The 'frontage zone' portion of the sidewalk is defined generally as the space on the public sidewalk closest to the building facades measuring approximately 2-feet from the right-of way line. This linear strip extends along both sides of Murphy Avenue from Evelyn Avenue to Washington Avenue.
2. **Pedestrian Zone:** The 'pedestrian zone' is the area between the 'frontage zone' and the 'furnishings zone' that is available for pedestrian circulation. The width of the pedestrian zone shall be at least 5 feet at any given point.
3. **Furnishings Zone:** The 'furnishings zone' of the sidewalk is defined as the space between the 'pedestrian zone' and the two feet behind the face of curb where the City owned 'public features' (light posts, benches, planters etc.) are placed. The width of the furnishings zone varies throughout Murphy Avenue depending on the presence of adjacent on-street parking and other streetscape furniture items.
4. **MPP (Miscellaneous Plan Permit):** A miscellaneous plan permit is an administrative process to allow the determination of the dimensions, colors, materials, architectural elevations, design and placement of the physical characteristics of a project.

The purpose of the Murphy Sidewalk Policy is:

- a. To establish standards for the use of the "frontage zone" portion of the public sidewalk by business owners/operators for outdoor merchandise display, seating and/or signage.
- b. To allow for the use of the "furnishings zone" and "frontage zone" of the public sidewalk for outdoor dining under specified conditions.





- c. To maintain accessible pedestrian access at all times, both along the sidewalk and into businesses.
- d. To establish procedures for relocating public street furniture under limited circumstances.

These guidelines have been developed specifically for, and are unique to the sidewalk portion of the public right-of-way on the 100 block of South Murphy Avenue. The policy does not apply to furniture on private property, to the street portion of the public right-of-way on the 100 block of South Murphy Avenue or to the public right-of-way located elsewhere in the City.

**POLICY STATEMENT:**

**A. USE OF THE CITY SIDEWALK RIGHT-OF-WAY**

**A.1. Frontage zone:**

1. The frontage zone of the public sidewalk along the 100 Block of South Murphy Avenue may be used for the display of signage, merchandise or other items relating to the legal business operation of the adjacent business, and deployed daily during business hours by business owners or operators. Use of the frontage zone requires maintaining private features and the furnishings zone in a neat and safe condition.

2. All signage and merchandise in the frontage zone shall comply with the requirements outlined in Section B.

3. Outdoor dining in the frontage zone requires prior approval of an MPP (refer to Section C).

**A.2. Pedestrian zone:** The pedestrian zone shall remain clear without any obstructions to allow for the movement of pedestrians.

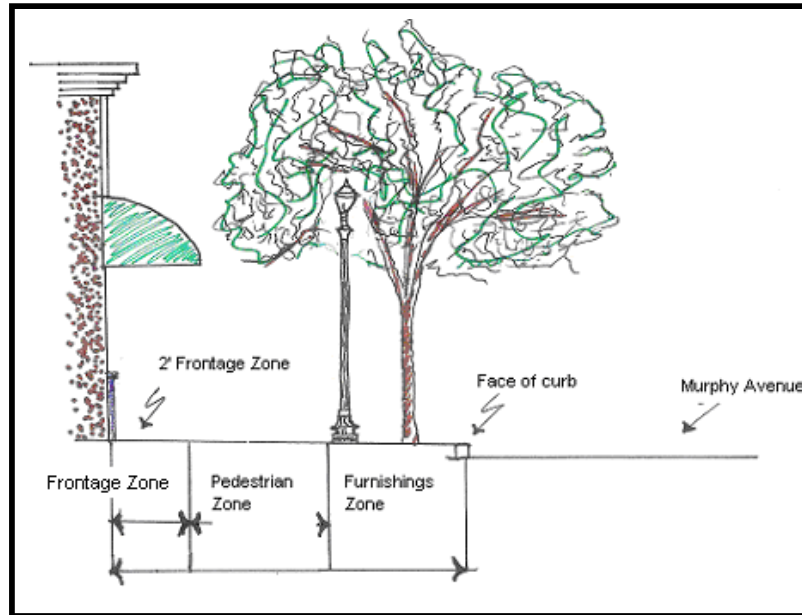
**A.3. Furnishings zone:**

1. Public Features: This policy applies to the following types of public street furniture/furnishings:

- benches, trash receptacles, street lights, trees, tree grates, planter urns, or other furnishings managed by the City, and
- planters, signs, or other items required as a condition of approval, or other permanent features.
- newsracks which are regulated by the Special Newsrack District policy

2. Outdoor seating for dining or other business use in the furnishings zone requires approval of an MPP (refer to Section C). Use of the furnishings zone for outdoor dining requires maintaining tables, chairs and the dining area in a neat and safe condition.

3. Removal and/or relocation of public street furnishings requires approval of an MPP and payment of associated costs (refer to Section D).



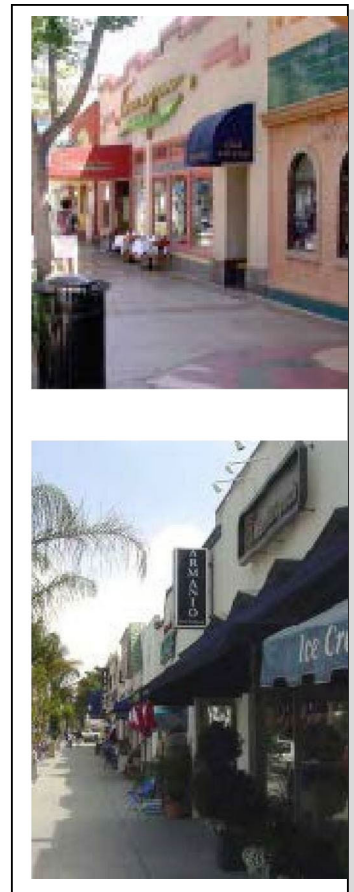
**Murphy Avenue Sidewalk Area**

## **B. FRONTAGE ZONE OF THE PUBLIC SIDEWALK**

**B.1. Private Features:** This policy applies to the following types of private street furnishings: planters, outdoor seats, tables, freestanding signs (A-Frame, sandwich boards, etc.), merchandise holders/displays, or any other items placed by business owners or operators.

### **B.2. Allowed Uses**

1. The frontage zone of the sidewalk can be used for the following street furnishings, depending on the business type: un-fixed outdoor seating or dining, free-standing signs, sandwich board signs, outdoor display of merchandise (e.g. racks, tables), planters or landscape boxes.
2. All private street furnishings may be placed and kept within the frontage zone of the public sidewalk (identified by the charcoal band pavers) closest to the building facades. Outdoor seating for dining in the frontage zone requires approval of an MPP (refer to Section D).
3. All other types of street furnishings not specifically described above shall be prohibited unless it is determined by the Community Development Director that they are similar and appropriate to the allowed furnishings.



4. Business owners may use only the frontage zone of the sidewalk directly adjoining their business frontages. No items are allowed within entry or exit areas of any business or building.
5. Only business owners or operators that have frontage on the 100 Block of South Murphy Avenue may utilize the frontage zone of the sidewalk.

### **B.3. Required Permits**

1. No permits are required to place allowed street furnishings during business hours (listed above) in the frontage zone of the sidewalk area.
2. All private street furnishings must meet the design criteria listed in the Design Criteria sections of this policy.

### **B.4. Design Criteria for Freestanding Signs**

1. Freestanding signs, such as A-Frames or sandwich boards or menu boards, shall be limited to one (1) per business.
2. Freestanding signs shall be limited to a maximum of four (4) feet high and two (2) feet wide in any direction.
3. Freestanding signs shall not lean against the building or any other structure, but must be self supportive.
4. Freestanding signs shall have an open base, with cut-outs or legs.
5. Freestanding signs shall not be moving, animated, or have changeable copy (reader board), with the exception of a grease board feature on the sign face.
6. Freestanding signs materials should be either wood or metal (not flat sheet siding). Materials such as plastic, foam, paper, cardboard, laminated paper, or vinyl are discouraged. PVC pipe frames are prohibited. Recycled products may be considered provided they have a similar design affect as wood or metal.
7. Freestanding signs shall be made to be secure and shall not blow or move in the wind. Balloons of any type are prohibited.
8. Freestanding signs shall not be permanently affixed to the ground or chained to anything.
9. Freestanding signs shall be moved inside the business when the business is closed.
10. No sign shall detract from the historic character of Murphy Avenue or otherwise be a visual/physical nuisance.

**B.5. Design Criteria for Merchandise Displays**

1. Outdoor merchandise displays, such as clothes racks, tables, shelves, etc. shall be limited to one (1) per business.
2. Displays shall not exceed five (5) feet high and two (2) feet deep. The length of merchandise displays are limited to the length of the business frontage.
3. The total square footage of merchandise displays and window signage shall not exceed more than 50% of store front windows.
4. Displays shall not be permanently affixed to the ground, and shall be moved inside the business when the business is closed.
5. Displays shall be made to be secure and shall not blow or move in the wind.

**B.6. Design Criteria for Private Planters**

1. Private planters shall be a maximum of three (3) feet high and (2) feet wide in any direction.
2. Planters shall not be permanently affixed to the sidewalk but may remain on the sidewalk after business hours. Planters must be planted and maintained in a neat manner. Planters with dead plants or poorly maintained must be removed. Placement of planters must comply with applicable accessibility and safety standards.
3. The applicant is responsible for any and all damages to the public right-of-way resulting from private planters.

**B.7. Design Criteria for Other Private Street Furnishings**

1. Other street furnishings not specifically described by this policy shall be prohibited unless specifically approved by the Community Development Director, using similar design criteria.

**C. OUTDOOR DINING IN THE PUBLIC SIDEWALK**

The purpose of this policy is to regulate the type, location and appearance of outdoor dining uses on South Murphy Avenue where the sidewalk is to be utilized.

Outdoor dining shall be allowed to occur during business hours around the existing street furniture in the “furnishings zone” and in the “frontage zone” of the public right-of-way subject to approval of a Miscellaneous Plan Permit (MPP) from the Director of Community Development. The permit may be revoked for non-compliance with permit conditions.

MPP applications must be accompanied by a letter of authorization from the Sunnyvale Downtown Association, or the equivalent association at that time, prior to staff action on the permit. These policy guidelines establish criteria for the review of each application by the Director of Community Development. The policy is intended to (1) ensure pedestrian and fire lane access, (2) prevent a cluttered appearance; and (3) promote an attractive commercial environment.

### **C.1. Uses**

1. Proposed outdoor dining uses shall be directly related to the main commercial use, and operated by the same personnel. Each use is subject to MPP approval at staff level.
2. The MPP granted to an establishment shall be reviewed at the beginning of each year to ensure continued compliance with the requirements of this policy. Any violation of the requirements of this policy could result in revocation of the MPP by the Director of Community Development.
3. The MPP, once activated through compliance with conditions imposed by the Director of Community Development, shall become null and void if the property is not used for such purpose for a period of three months or more.

### **C.2. Location**

1. The outdoor dining use shall be adjacent to the building the business occupies along Murphy Avenue, and is not allowed in any parking lot, landscaped area, loading or fire zone, or pedestrian crosswalk or breezeway. The use shall not encroach upon the frontage of neighboring businesses, except when the street is closed to vehicular traffic for outdoor public events (such as the summer Wednesday Night Music and Market, the Saturday Farmers Market, and the Art and Wine festival) or when written approval has been granted by the adjoining business for the use of their frontage. The business must obtain both written approval from those neighboring businesses and provide liability insurance to cover the outdoor dining in front of those neighboring businesses.
2. The outdoor dining use shall not obstruct pedestrian movement or access from any doorway, as determined by the Building Safety Division and Fire Prevention Unit. At least five (5) feet of pedestrian clearance shall be provided around the use. The five (5) feet may include adjacent available public sidewalks.
3. The outdoor dining use shall not block access points to pedestrian crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant. The 40-foot clear corner sight triangle shall be kept free of all obstructions.
4. A single permit may be issued for any eating establishment which occupies more than one adjacent parcel, or for two separate eating establishments on adjacent parcels that wish to operate a single outdoor dining facility.

### **C.3. Appearance**

#### **Furniture**

1. Tables with individual chairs are required for outdoor dining (no bench seating). Each table shall be setup to accommodate no more than four (4) persons in the furnishings zone. Each table shall be setup to accommodate no more than two (2) persons in the frontage zone. Configurations of tables and chairs shall be approved by the Building Safety Division and Fire Prevention Unit for compliance with related codes regarding (i.e. occupant loads, disabled access, and egress).
2. Tables and chairs shall be of either metal or wood construction. Recycled products may be considered provided they have a similar design affect as wood or metal. Tables and

chairs shall not have legs or braces which protrude, creating a hazard for passers by, or that damage the pavement.

3. Tables and chairs shall be moved inside the business when the business is closed on Tuesday nights (Wednesday nights during event season).
4. All outdoor furnishings must be secured at close of business. Items may be secured with chains, locks or anything that prevents anyone from being able to lift and move the furniture. Items may not be secured to trees, lights posts, benches or any other public fixture on Murphy Avenue.
5. Umbrellas which are free-standing or used as part of the table assembly, must be open on all sides with no unprotected protrusions around the perimeter. The top portion of the umbrella (i.e. the cover) may extend into the pedestrian zone provided it is taller than seven feet to prevent obstruction to the movement of pedestrians. The diameter of the umbrella shall generally be 7 ft. or less in width.
6. Freestanding umbrellas shall be made to be safely weighted down (not be permanently secured) to the public sidewalk, so they will not become a safety hazard to the public, or damage the pavement.
7. Freestanding umbrella bases shall be made to be aesthetically compatible with the historic nature of Murphy Avenue.
8. Outdoor heaters in the furnishings zone require approval of the Fire Prevention Unit and shall be considered on a case-by-case basis. Gas operated outdoor heaters shall not be allowed in the frontage zone. Electric heaters built into the building façade require approval of a Landmark Alteration Permit (LAP).
9. The permittee holds the responsibility to maintain the outdoor furnishings in a safe and attractive condition. Dining tables and the area must be bussed and kept free of food wastes that would attract nuisances. Feeding of wildlife is prohibited. Business shall immediately remove any material from the pavement in or near the outdoor dining areas to avoid slip hazards, and vectors.

#### Other Physical Accessories

1. Lighting fixtures, area delineation accessories, planters or any other furnishings used in conjunction with outdoor dining shall be subject to the review process prior to issuance of the MPP.

#### Table Service Ware

Service ware (i.e. plates, cups, utensils) shall not be disposable type, i.e. no single-use service ware allowed.

### Aesthetic

A standard on aesthetics is appropriate and desirable to assure that sidewalk encroachments complement, rather than detract from, the Murphy Avenue streetscape. The applicant must submit detailed design plans for staff review and comment. General guidelines to be used in the review include:

1. The outdoor dining furniture shall be reasonably compatible in scale, design and color with the character of the building facade and adjacent structures.
  - a. The dining area should have a coordinated color scheme, preferably consisting of no more than two colors.
  - b. Canvas is the preferred material for umbrellas. Stationary metal shades are unacceptable. Any graphics on sun shades should be incidental to the design. Type styles and logos should relate to the existing architectural style of Murphy Avenue.

### Structural Upgrading

To further the City's efforts to revitalize Murphy Avenue, certain structural standards relating to the facade of the eating establishment must be met before outdoor dining will be allowed on the public right-of-way. These guidelines are consistent with those found in the Murphy Avenue Design Guidelines adopted in 1994 and represent the minimal conditions expected.

1. Paint: Harmonious color and appropriate to the streetscape.
2. Storefront Windows: Large window areas to illuminate the interior, and to allow views of the street.
3. Signage: Appropriate size and material, reflective of the general character of Murphy Avenue in design and color.

If appropriate, other improvements may be required to rooflines, tile work, doors, awnings, or other architectural details to ensure their compatibility and acceptable condition.

## **C.4. Other Regulatory Considerations**

### Smoking

1. Business must comply with local and state regulations regarding smoking.
2. Smoking is prohibited on the 100 block of South Murphy Avenue.

### Trash

1. Trash generated from outdoor dining service shall be deposited with the regular restaurant trash, not in Murphy Avenue streetscape City trash receptacles.



2. Businesses must keep outdoor dining areas clean and free of food wastes and debris, and clean the pavement daily at the end of the outdoor use.

#### Food Service

The following are regulations set forth by the Santa Clara Health Department. With regard to outdoor dining, non-conformance to these standards will result in the revocation of the City's MPP.

1. Food preparation must take place inside the eating establishment only.
2. No outside food displays are allowed.
3. Condiments must be kept in closed containers (ketchup bottles, squeeze bottle, individual packets).

#### Serving of Alcoholic Beverages

Restaurants must comply with Alcoholic Beverage Control (ABC) requirements for serving alcohol in outdoor eating, areas. Failure to comply with all applicable ABC standards will result in the revocation of the MPP. At a minimum, these requirements include:

1. Alcoholic beverages may only be served in outdoor areas which are contiguous to the eating establishment (i.e. the area must not be separated from the restaurant by a public sidewalk) or in accordance with current ABC requirements.
2. The restaurant operator must provide a visual barrier or delineation to distinguish the outdoor serving area from the public walkway.
3. Alcoholic drinks may not be prepared (mixed) in the outdoor area.
4. Physical conditions must allow visual monitoring of alcohol consumption from within the establishment, or the establishment must provide regular waiter/waitress service to the outdoor area.

ABC requires that the licensee obtain approval for premise expansion. The licensee must show evidence that the City has issued the MPP. Issuance of an MPP to an establishment intending to serve alcoholic beverages in the encroachment area will include a condition that the permittee provides a copy of the ABC approval to the Planning Division within 45 days after service begins.

#### Insurance

Permittee is required to maintain a policy of commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Sunnyvale. The City of Sunnyvale, its officers, employees, agents and volunteers must be named as additional insured and provided with a signed endorsement to the policy. A certificate of insurance alone will not suffice. The preferred endorsement form is CG20101185, but others can be issued with the approval of the City's Risk Manager.

#### Indemnification

Except as to the sole negligence or willful misconduct of the City, the permittee shall defend, indemnify and hold the City, and its officers, employees, agents and volunteers harmless from any and all loss, damage, claim for damage, liability, expense, or cost, including attorneys' fees, which arise out of the permitted outdoor dining in the public right-of-way.

### **D. PUBLIC FEATURES RELOCATION: PERMIT REQUIREMENTS**

#### **D.1. Applicable Parties**

Only business owners, operators or property owners on South Murphy Avenue may request to relocate the public street furniture/furnishings to a suitable new location on South Murphy Avenue.

#### **D.2. Permits**

The Miscellaneous Plan Permit (MPP) process will regulate the operation of street furniture/furnishings movement in the public right-of-way. MPP applications must be endorsed by the Sunnyvale Downtown Association (SDA), or the equivalent association at that time, prior to staff action on the permit. The policy guidelines establish criteria for the review of each application by the Director of Community Development and the City Engineer.

#### **D.3. Location**

1. Applicants can request to relocate certain street furniture (Bench, trash receptacle, ash receptacle) to a suitable new location on South Murphy Avenue. The applicant is responsible to pay all costs associated with the relocation.
2. The applicant must obtain written approval from the business(es) adjacent to the location where the furniture is to be moved.
3. The new location shall not obstruct pedestrian movement or access from any doorway, as determined by the Building Safety Division and Fire Prevention Unit. At least five (5) feet of pedestrian clearance shall be provided on the public sidewalks.
4. The new location shall not block access points to pedestrian crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant.
5. The new location shall be consistent with the approved 2005 Streetscape Revitalization Plan for Murphy Avenue.

#### **D.4. Removing Furniture**

Applicants can request that certain street furniture be removed (bench, trash receptacle, ash receptacle) from the streetscape entirely if a suitable new location cannot be found, subject to the determination that there is no longer a need for the specific item of furniture. The applicant is responsible to pay all costs associated with the relocation. Removal should be

consistent with 2005 Streetscape Revitalization Plan for Murphy Avenue and is subject to review and approval by the Director of Community Development and the City Engineer.

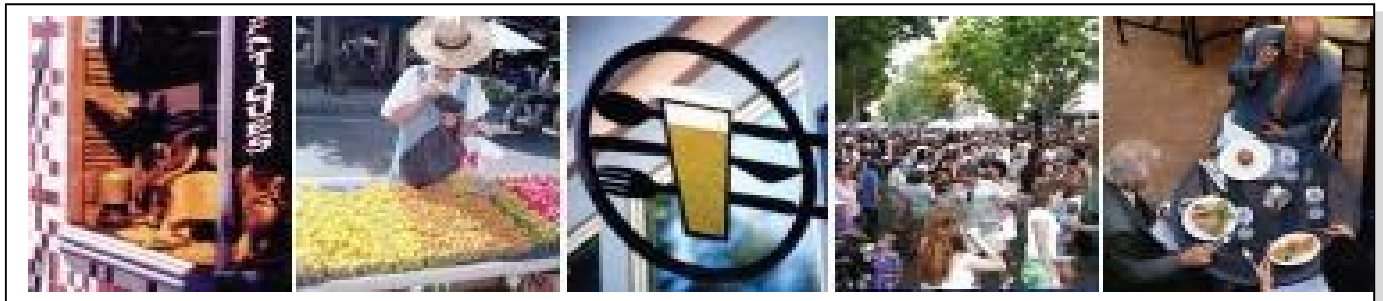
### **Options**

#### Public

1. When applicants request street furniture to be moved or removed it shall be done by City forces. the applicant will bear all the costs and must reimburse the City for all related expenses.
2. A deposit for the estimated cost of the action will be required prior to any approval or action by City forces.

#### Private

1. Applicants have the ability under this policy to contract with a private party to move the furniture at their own costs, if such relocation or removal is approved by the City. This will require issuance of an Encroachment Permit in addition to the MPP permit required for relocation. The applicant shall pay the costs of the encroachment permit. The Director of Public Works shall have review authority over all Encroachment Permits.



(Adopted: RTC 87-199 (4/14/87); Amended: RTC 05-124 (4/26/05); Amended: RTC 10-121 (5/25/10); Amended: RTC 19-0454 (5-7-19))

Lead Department: Community Development

## Policy 1.1.10 Use of the Public Street and Sidewalk on the 100 Block of South Murphy Avenue



### **POLICY PURPOSE:**

The City is committed to the preservation and enhancement of the 100 Block of Historic South Murphy Avenue as Sunnyvale's "Main" Street. This policy is intended to promote the attractive commercial and historic environment of Murphy Avenue by allowing private use of the public street and sidewalk, while ensuring a successful streetscape and protection of the general public.

### **DEFINITIONS:**

For the purpose of this document, the following terms are defined as follows:

1. **Frontage Zone:** The 'frontage zone' portion of the sidewalk is defined generally as the space on the public sidewalk closest to the building facades measuring approximately 2-feet from the right-of way line. This linear strip extends along both sides of Murphy Avenue from Evelyn Avenue to Washington Avenue.

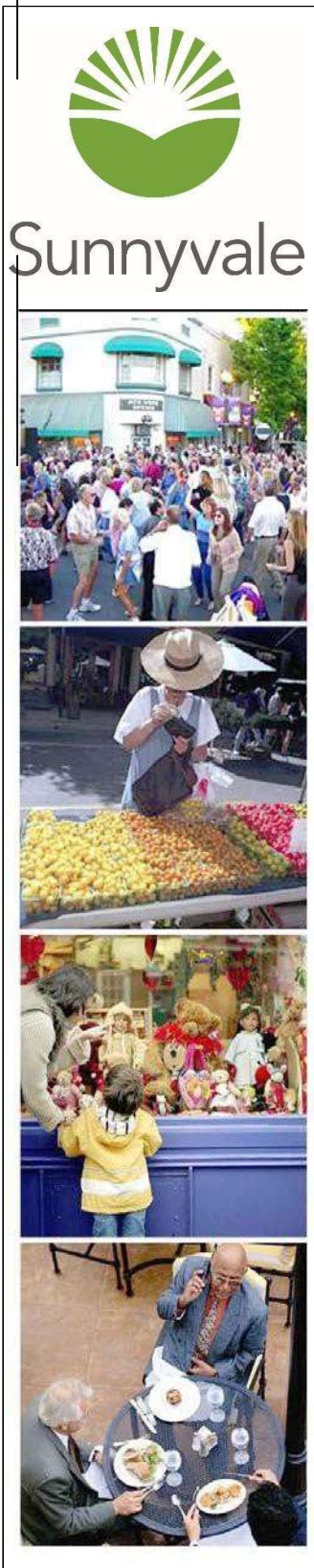
2. **Pedestrian Zone:** The 'pedestrian zone' is the area between the 'frontage zone' and the 'furnishings zone', and-the center portion of the street that is available for pedestrian circulation. The width of the pedestrian zone on the sidewalk shall be at least 5 (five) feet and at least 56 (six) feet in the center portion of the street at any given point.

3. **Furnishings Zone:** The 'furnishings zone' of the sidewalk is defined as the space between the 'pedestrian zone' and the two feet behind the face of curb where the City owned 'public features' (light posts, benches, planters etc.) are placed. The width of the furnishings zone varies throughout Murphy Avenue depending on the presence of adjacent on-street parking and other streetscape furniture items.

4. **MPP (Miscellaneous Plan Permit):** A miscellaneous plan permit is an administrative process to allow-the-determination determine of the dimensions, colors, materials, architectural elevations, design and placement of the physical characteristics of a project.

The purpose of the Murphy Avenue Street and Sidewalk Policy isis:

- a. To establish standards for the use of the "frontage zone" portion of the public sidewalk by business owners/operators for outdoor merchandise display, seating and/or signage.
- b. To allow for the use of the "furnishings zone" and-and "frontage zone" of the sidewalk, and a section of the public street of the public sidewalk for outdoor dining under specified conditions.



- c. To maintain accessible pedestrian access at all times, ~~both~~ along the sidewalk, street and into businesses.
- d. To establish procedures for relocating public street furniture under limited circumstances.

These guidelines have been developed specifically for, and are unique to the sidewalk and ~~portion~~ the street portion of the public right-of-way on the 100 block of South Murphy Avenue. The policy does not apply to furniture on private property; adjoining streets including Washington Avenue, Evelyn Avenue, South Sunnyvale Avenue and South Frances Street, ~~to the street portion of the public right-of-way on the 100 block of South Murphy Avenue~~ or to the public right-of-way located elsewhere in the City.

**POLICY STATEMENT:**

**A. USE OF THE CITY STREET AND SIDEWALK RIGHT-OF-WAY**

**A.1. Frontage zone:**

1. The frontage zone of the public sidewalk along the 100 Block of South Murphy Avenue may be used for the display of signage, merchandise or other items relating to the legal business operation of the adjacent business, and deployed daily during permitted business hours by business owners or operators. Use of the frontage zone requires maintaining private features and the furnishings zone in a neat and safe condition.

2. All signage and merchandise in the frontage zone shall comply with the requirements outlined in Section B.

3. Outdoor dining in the frontage zone requires prior approval of an MPP (refer to Section C).

**A.2. Pedestrian zone:** The pedestrian zone shall remain clear without any obstructions to allow for the movement of pedestrians.

**A.3. Furnishings zone:**

1. Public Features: This policy applies to the following types of public street furniture/furnishings:

- benches, trash receptacles, street lights, trees, tree grates, planter urns, bicycle parking, or other furnishings managed by the City, and
- planters, signs, fences/barriers, or other items required as a condition of approval, or other permanent features.
- newsracks which are regulated by the Special Newsrack District policy Chapter 9.42 of the Sunnyvale Municipal Code (SMC)

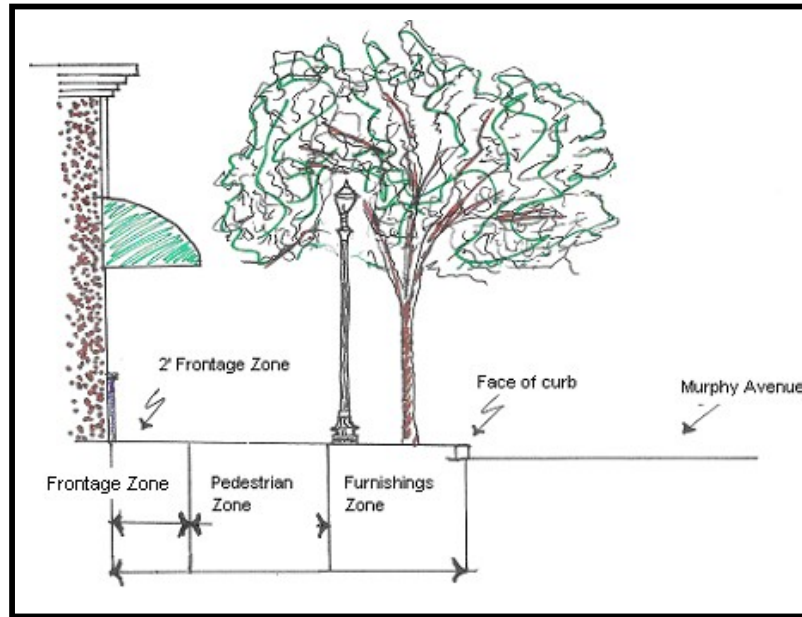
2. Outdoor seating for dining or other business use in the furnishings zone requires approval of an MPP (refer to Section C). Use of the furnishings zone for outdoor dining requires maintaining tables, chairs and the dining area in a neat and safe condition.

3. Removal and/or relocation of public street furnishings requires approval of an MPP and payment of associated costs (refer to Section D).

**A.4. Public street:**

4. Outdoor seating for dining or other business use in the public street requires approval of an MPP (refer to Section C). Use of the public street for outdoor dining requires maintaining tables, chairs, flooring/decking, and the dining area in a neat and safe condition.





**Murphy Avenue Sidewalk Area**

## **B. FRONTAGE ZONE OF THE PUBLIC SIDEWALK**

**B.1. Private Features:** This policy applies to the following types of private street furnishings: planters, outdoor seats, tables, freestanding signs (e.g. A-Frame, sandwich boards, etc.-other portable signs), merchandise holders/displays, or any other items placed by business owners or operators.

### **B.2. Allowed Uses**

1. The frontage zone of the sidewalk can be used for the following street furnishings, depending on the business type: un-fixed outdoor seating or dining, portable free-standing signs, sandwich board signs, outdoor display of merchandise (e.g. racks, tables), planters or landscape boxes.
2. All private street furnishings may be placed and kept within the frontage zone of the public sidewalk (identified by the charcoal band pavers) closest to the building facades. Outdoor seating for dining in the frontage zone requires approval of an MPP (refer to Section CD).
3. All other types of street furnishings not specifically described above shall be prohibited unless it is determined by the Community Development Director that they are similar and appropriate to the allowed furnishings.



4. Business owners may use only the frontage zone of the sidewalk directly adjoining their business frontages. No items are allowed within entry or exit areas of any business or building.
5. Only business owners or operators that have frontage on the 100 Block of South Murphy Avenue may utilize the frontage zone of the sidewalk.

### **B.3. Required Permits**

1. ~~No permits are required to place allowed street furnishings during business hours (listed above) in the frontage zone of the sidewalk area.~~ An annual permit will be required for all outdoor dining layouts.
2. All private street furnishings must meet the design criteria listed in the Design Criteria sections of this policy.

### **B.4. Design Criteria for Portable Freestanding Signs**

1. Freestanding signs, such as A-Frames or sandwich boards or menu boards, shall be limited to one (1) per business.
2. Freestanding signs shall be limited to a maximum of four (4) feet high (as measured from the top of street curb elevation) and two (2) feet wide in any direction.
3. Freestanding signs shall not lean against the building or any other structure, but must be self supportive.
4. Freestanding signs shall have an open base, with cut-outs or legs.
5. Freestanding signs shall not be moving, bending, animated, internally illuminated, or have changeable copy (electronic message reader board), with the exception of a grease board feature on the sign face.
6. Freestanding signs materials ~~should~~shall be either wood or metal (not flat sheet siding). Materials such as plastic, foam, paper, cardboard, laminated paper, or vinyl are discouraged. PVC pipe frames are prohibited. Recycled products may be considered provided they have a similar design affect as wood or metal.
7. Freestanding signs shall be made to be secure and shall not blow or move in the wind. Balloons of any type are prohibited.
8. Freestanding signs shall not be permanently affixed to the ground or chained to anything, including City light posts, trees, tree grates or any other City-owned furnishings.
9. Freestanding signs shall be moved inside the business when the business is closed.
10. No sign shall detract from the historic character of Murphy Avenue or otherwise be a visual/physical nuisance.



### **B.5. Design Criteria for Merchandise Displays**

1. Outdoor merchandise displays, such as clothes racks, tables, shelves, etc. shall be limited to one (1) per business.
2. Displays shall not exceed five (5) feet high and two (2) feet deep. The length of merchandise displays are limited to the length of the business frontage.  
Merchandise displays shall not encroach onto neighboring business frontages.
3. ~~The total square footage of m~~Merchandise displays ~~and window signage~~ shall not exceed more than 50% of the square footage of the store front windows bay behind the displays.
4. Displays shall not be permanently affixed to the ground, and shall be moved inside the business when the business is closed.
5. Displays shall be made to be secure and shall not blow or move in the wind.

### **B.6. Design Criteria for Private Planters**

1. Private planters shall be a maximum of three (3) feet high (as measured from the top of the street curb) and (2) feet wide in any direction.
2. Planters shall not be permanently affixed to the sidewalk but may remain on the sidewalk after business hours. Planters must be planted and maintained in a neat manner. Planters with dead plants or poorly maintained plants must be removed. Placement of planters must comply with applicable accessibility and safety standards.
3. The applicant is responsible for any and all damages to the public right-of-way resulting from private planters.

### **B.7. Design Criteria for Other Private Street Furnishings**

1. Other street furnishings not specifically described by this policy shall be prohibited unless specifically approved by the Community Development Director through an MPP, using similar design criteria.

## **C. OUTDOOR DINING IN THE PUBLIC STREET AND SIDEWALK**

The purpose of this policy is to regulate the type, location and appearance of outdoor dining uses on South Murphy Avenue where the public street and sidewalk isare to be utilized.

Outdoor dining shall be allowed to occur during permitted business hours around the existing street furniture in the “furnishings zone” and in the “frontage zone” of the public right-of-way, and on a section of the public street subject to approval of an annual Miscellaneous Plan Permit (MPP) from the Director of Community Development. The permit may be revoked by the City Council for non-compliance with permit conditions. Any notice of non-compliance of permit conditions will be kept on file for review during the annual renewal process.

Once a permit is issued, an active business license must be maintained at all times. These

policy guidelines establish criteria for the review of each application by the Director of Community or their designee. The policy is intended to (1) ensure pedestrian and fire lane access, (2) prevent a cluttered appearance, and (3) promote an attractive, vibrant commercial environment.

MPP applications must include, at a minimum, the following materials: ~~be accompanied by a letter of authorization from the Sunnyvale Downtown Association, or the equivalent association at that time, prior to staff action on the permit. These policy guidelines establish criteria for the review of each application by the Director of Community Development. The policy is intended to (1) ensure pedestrian and fire lane access, (2) prevent a cluttered appearance; and (3) promote an attractive commercial environment.~~

- City application forms signed by the property owner and the business owner (as applicant)
- Letter of authorization from the Sunnyvale Downtown Association, or the equivalent association at that time
- Proof of commercial general liability
- Dimensioned site plan showing the limits of the business frontage and location of the dining layout (tables, chairs, umbrellas) with clearances (in feet and inches) noted for pedestrian and fire access, as well as clearances to other fixed fixtures such as fire hydrants, light poles, benches, tree wells, bicycle racks, and curb ramps. The site plan must include the length and width dimensions of any proposed temporary shade structures in the street, including clearances around the structure.
  - Any proposed relocation of public street furniture, such as planters, bicycle racks, and trash receptables, shall be noted on the site plan.
- Pictures of proposed furnishings (e.g. seats, tables, umbrellas, heaters, and other portable furnishings)

Each business must apply for an MPP annually and will be required to submit the materials noted above. Additional fees may be required for Fire Services inspections, flammable gas (e.g. propane) heater permits and other miscellaneous maintenance costs.

### C.1. Uses

1. Proposed outdoor dining uses shall be directly related to the main commercial use, and operated by the same personnel. Each use is subject to staff review as part of the MPP process. ~~approval at staff level.~~
2. The MPP granted to an establishment shall be renewed annually. ~~reviewed at the beginning of each year.~~ The permit requirements will be reviewed throughout the year to ensure continued compliance with the requirements of this policy. An active City of Sunnyvale business license must be maintained at all times in order for the permit to remain active throughout the year. Any violation of the requirements of this policy and conditions of approval for the permit could result in revocation of the MPP by the Director of Community Development ~~City Council.~~
3. The MPP, once activated through compliance with conditions imposed by the Director of Community Development, shall become null and void if the property outdoor dining is not used for such purpose for a period of ~~three months~~ one year or more.

### C.2. Location

- ~~1. The outdoor dining use shall be adjacent to the building frontage the business occupies along Murphy Avenue, and is not allowed in any parking lot, landscaped area, tree well or grate, loading or fire zone, or pedestrian crosswalk or breezeway. The use shall not encroach upon the building frontage of neighboring businesses, except when the street is closed to vehicular traffic for outdoor public events (such as the summer Wednesday Night Music and Market, the Saturday Farmers Market, and the Art and Wine festival) or when written approval has been granted by the adjoining business for the use of their frontage. The business must obtain both written approval from those neighboring businesses and provide liability insurance to cover the outdoor dining in front of those neighboring businesses.~~
1.  
2. The outdoor dining use shall not obstruct pedestrian movement or access from any doorway, as determined by the Building Safety Division and Fire Prevention Unit. At least 5 (five) five (5) feet of pedestrian clearance shall be provided around sidewalk set up the use. The 5 (five) five (5) feet may include adjacent available public sidewalks. At least 6 (six) feet of pedestrian clearance shall be provided at the center of Murphy Avenue.
3. The outdoor dining use shall not block access points to pedestrian ramps and -crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant. The 40-foot clear corner sight-vision triangles at the intersections of Murphy Avenue and Washington Avenue, and Murphy Avenue and Evelyn Avenue shall be kept free of all obstructions.
4. A single permit may be issued for any eating establishment which occupies more than one adjacent parcel, or for two separate eating establishments on adjacent parcels that wish to operate a single outdoor dining facility.

### C.3. Appearance

#### Furniture

1. Tables with individual chairs are required for outdoor dining (no bench seating). Each table shall be setup to accommodate no more than 4 (four)~~(4)~~ persons in the furnishings zone. ~~Each table shall be setup to accommodate no more than 2 (two)~~~~(2)~~ persons in the frontage zone, and no more than 8 (eight) persons in the public street. Configurations of tables and chairs shall be approved by the Building Safety Division and Fire Prevention Unit for compliance with related codes ~~regarding~~ (i.e. occupant loads, disabled access, and egress) during the MPP review process.
- ~~2—~~Tables and chairs shall be of either metal or wood construction. Recycled products may be considered provided they have a similar design affect as wood or metal. Tables and chairs shall not have legs or braces which protrude, creating a hazard for passers by, or that damage the pavement.
- ~~2~~ Tables and chairs shall be moved inside the business when the business is closed on Tuesday nights (and Wednesday nights during summer event season).
- ~~3.~~ All outdoor furnishings must be secured at close of business. Items may be secured with chains, locks or anything that prevents anyone from being able to lift and move the furniture. Items may not be secured to trees, tree grates, planters, trash receptacles, light posts, benches or any other public fixture on Murphy Avenue, and shall not block access to the fire hydrant or pedestrian access routes. Use of City-owned electrical outlets is prohibited.
- ~~4.~~ Umbrellas which are free-standing or used as part of the table assembly, must be open on all sides with no unprotected protrusions around the perimeter. The top portion of the umbrella (i.e. the cover) may extend into the pedestrian zone provided it is taller than seven feet to prevent obstruction to the movement of pedestrians. The diameter of the umbrella shall generally be 7 ft. or less in width.

~~chairs shall not have legs or braces which protrude, creating a hazard for passers by, or that damage the pavement.~~

- ~~3—~~Tables and chairs shall be moved inside the business when the business is closed on Tuesday nights (Wednesday nights during event season).
- ~~4—~~All outdoor furnishings must be secured at close of business. Items may be secured with chains, locks or anything that prevents anyone from being able to lift and move the furniture. Items may not be secured to trees, lights posts, benches or any other public fixture on Murphy Avenue.

~~5. Umbrellas which are free standing or used as part of the table assembly, must be open on all sides with no unprotected protrusions around the perimeter. The top portion of the umbrella (i.e. the cover) may extend into the pedestrian zone provided it is taller than seven feet to prevent obstruction to the movement of pedestrians. The diameter of the umbrella shall generally be 7 ft. or less in width.~~

~~6.5.~~ Freestanding umbrellas shall be made to be safely weighted down (not be permanently secured) to the public sidewalk or street, so they will not become a safety hazard to the public, or damage the pavement. Umbrellas shall not be placed in pedestrian zones or obstruct any pedestrian walkways.

~~6.~~ Freestanding umbrella bases shall be made to be aesthetically compatible with the historic nature of Murphy Avenue.

~~7. Retractable belt barriers and metal post stanchions and ropes must be used to enclose the sidewalk and street layout. Metal, wood, or plastic barricades (such as crowd control barriers, safety barriers, and traffic barricades) are prohibited.~~

~~7.~~

8. Outdoor heaters in the furnishings zone require approval of the Fire Prevention Unit and shall be considered on a case-by-case basis. Gas operated outdoor heaters shall not be allowed in the frontage and pedestrian zone. Electric heaters built into the building façade require approval of a Landmark Alteration Permit (LAP).

9. The permittee holds the responsibility to maintain the outdoor furnishings in a safe and attractive condition. Dining tables and the area must be bussed and kept free of food wastes that would attract nuisances. Feeding of wildlife is prohibited. Business shall immediately remove any material from the pavement in or near the outdoor dining areas to avoid slip hazards, and vectors.

#### Other Physical Accessories

~~1.~~ ~~1.~~ Lighting fixtures, area delineation accessories, planters or any other furnishings used in conjunction with outdoor dining shall be subject to the review process prior to issuance of the MPP.

~~2. Televisions, radios, speakers or other electronics are prohibited within the outdoor dining areas.~~

#### Table Service Ware

Service ware (i.e. plates, cups, utensils) shall not be of the disposable type, i.e. no single-use service ware is allowed.

#### Aesthetic

A standard on aesthetics is appropriate and desirable to assure that street and sidewalk encroachments complement, rather than detract from, the Murphy Avenue streetscape. The applicant must submit detailed design plans for staff review and comment. General guidelines to be used in the review include:

1. The outdoor dining furniture shall be reasonably compatible in scale, design and color with the character of the building facade and adjacent structures.
  - a. The dining area should have a coordinated color scheme, preferably consisting of no more than two colors.
  - b. Canvas is the preferred material for umbrellas. Stationary metal shades are unacceptable. ~~Any graphics on sun shades are prohibited, should be incidental to the design. Type styles and logos should relate to the existing architectural style of Murphy Avenue.~~
  - b.c. No banners, posters, signs of any kind may be installed or painted on any street furnishing used for outdoor dining.

#### Structural Upgrading

To further the City's efforts to revitalize Murphy Avenue, certain structural standards relating to the ~~façade appearance~~ facade of the eating establishment must be met before outdoor dining will be allowed on the public right-of-way. These guidelines are consistent with those found in the Design Guidelines for the Murphy Avenue Station Heritage Landmark District ~~Design Guidelines~~ adopted in ~~1994~~ 2019 and represent the minimal conditions expected.

1. Paint: Harmonious color and appropriate to the streetscape.
2. Storefront Windows: Large window areas to illuminate the interior, and to allow views of the street.
3. Signage: Appropriate size and material, reflective of the general character of Murphy Avenue in design and color.

~~If appropriate, other~~ priority improvements identified in the design guidelines may be required by the Director of Community Development for ~~to~~ rooflines, tile work, doors, awnings, exposed utility equipment, or other architectural details to ensure their compatibility and acceptable condition.

#### **C.4. Other Regulatory Considerations**

##### Smoking

- ~~1. Business must comply with local and state regulations regarding smoking.~~
- 2.1. Smoking is prohibited on the 100 block of South Murphy Avenue.

##### Trash

1. Trash generated from outdoor dining service shall be deposited within the regular restaurant trash receptacles, not in Murphy Avenue streetscape City trash receptacles.

2. Businesses must keep outdoor dining areas clean and free of food wastes and debris at all times, and clean the street and sidewalk pavement daily at the end of the outdoor use.

#### Food Service

The following are regulations set forth by the County of Santa Clara Health Department of Environmental Health. With regard to outdoor dining, non-conformance ~~to~~with –these standards ~~may~~will result in the revocation of the City's MPP.

1. Food preparation must take place inside the eating establishment only.
2. No outside food displays are allowed.
3. Condiments must be kept in closed containers (ketchup bottles, squeeze bottle, individual packets).

#### Serving of Alcoholic Beverages

Restaurants must comply with Alcoholic Beverage Control (ABC) requirements for serving alcohol in outdoor eating, areas. Failure to comply with all applicable ABC standards ~~will~~may result in the revocation of the MPP. At a minimum, these requirements include:

1. Alcoholic beverages may only be served in outdoor areas ~~which are contiguous to the eating establishment (i.e. the area must not be separated from the restaurant by a public sidewalk) or~~ in accordance with current ABC requirements.
2. The restaurant operator must provide a visual barrier or delineation to distinguish the outdoor serving area from the public ~~sidewalk~~walkway. Retractable belt barriers, metal post stanchions and ropes may be used.
3. Alcoholic drinks may not be prepared (mixed) in the outdoor area.
4. Physical conditions must allow visual monitoring of alcohol consumption from within the establishment, or the establishment must provide regular ~~waiter/waitress~~ service to the outdoor area.

ABC requires that the licensee obtain approval for premise expansion. The licensee must show evidence that the City has issued the MPP. Issuance of an MPP to an establishment intending to serve alcoholic beverages in the encroachment area will include a condition that the permittee provides a copy of the ABC approval to the Planning Division within 45 days after service begins.



### Insurance

~~Permittee is required to maintain a policy of commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Sunnyvale. The City of Sunnyvale, its officers, employees, agents and volunteers must be named as additional insured and provided with a signed endorsement to the policy. A certificate of insurance alone will not suffice. The preferred endorsement form is CG20101185, but others can be issued with the approval of the City's Risk Manager.~~

The City requires that Permittee shall maintain insurance requirements on the Pacific Insurance Network System (PINS). Permittee shall procure and maintain policies of insurance at its own expense during the life of the permit. The insurance coverage and limits shall be determined by the City's Risk Manager.

### Indemnification

~~Except as to the sole negligence or willful misconduct of the City, the permittee shall defend, indemnify and hold the City, and its officers, employees, agents and volunteers harmless from any and all loss, damage, claim for damage, liability, expense, or cost, including attorneys' fees, which arise out of the permitted outdoor dining in the public right-of-way.~~

- A. Permittee 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 judgment, 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 Permittee; and/or (2) by the Permittee's performance or on-performance of its duties under this Agreement; and/or (3) by the permitted outdoor dining public right-of-way or City street; and/or (4) any defect in any services provided by the Permittee. This duty to defend, indemnify, and hold harmless shall include the Permittee'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 sole negligence, or willful misconduct of the City.
- B. This obligation shall be continuing in nature and extend beyond the term of this Agreement. The doctrine of equitable tolling extends the time within which an action for breach of this provision may be filed.
- C. Permittee and City 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.



## D. PUBLIC FEATURES RELOCATION: PERMIT REQUIREMENTS

### D.1. Applicable Parties

Only business owners, Sunnyvale Downtown Association (SDA), operators or property owners on the 100 block of South Murphy Avenue may request to relocate the public street furniture/furnishings to a suitable new location on South Murphy Avenue.

### D.2. Permits

The Miscellaneous Plan Permit (MPP) process will regulate the operation of street furniture/furnishings movement in the public right-of-way. MPP applications must be endorsed by the Sunnyvale Downtown Association (SDA), or the equivalent association at that time, prior to staff action on the permit. The policy guidelines establish criteria for the review of each application by the Director of Community Development ~~and the City Engineer.~~

### D.3. Location

1. Applicants can request to relocate certain street furniture (Bench, trash receptacle, ~~planters, ash receptacle~~) to a suitable new location on South Murphy Avenue. The applicant is responsible to pay all costs associated with the relocation, including upgrading/repairing the sidewalk portion from where the item is removed to match current design.
2. The applicant must obtain written approval from the business(es) adjacent to the location where the furniture is to be moved.
3. ~~The new location shall not obstruct pedestrian movement or access from any doorway, as determined by the Building Safety Division and Fire Prevention Unit. At least five (5) feet of pedestrian clearance shall be provide on the public sidewalks and six (6) feet of pedestrian clearance in the center of the street.~~  
~~(5) feet of pedestrian clearance shall be provided on the public sidewalks.~~
4. ~~The new location shall not block access points to pedestrian crosswalks, walkways and shall belocated at least fifteen (15) feet from any driveway or fire hydrant.~~
5. ~~The new location shall be consistent with the approved 2005 Streetscape Revitalization Plan for Murphy Avenue.~~

### D.4. Removing Furniture

Applicants can request that certain street furniture be removed (bench, trash receptacle, ~~planter ash receptacle~~) from the streetscape entirely if a suitable new location cannot be found, subject to the determination that there is no longer a need for the specific item of furniture. The applicant is responsible to pay all costs associated with the relocation. Removal should be consistent with 2005 Streetscape Revitalization Plan for Murphy Avenue and is subject to review and approval by the Director of Community Development and the City Engineer.

## Options

### Public

1. When applicants request street furniture to be moved or removed it shall be done by City forces. the applicant will bear all the costs and must reimburse the City for all related expenses.
2. A deposit for the estimated cost of the action will be required prior to any approval or action by City forces.

### Private

1. Applicants have the ability under this policy to contract with a private party to move the furniture at their own costs, if such relocation or removal is approved by the City. This will require issuance of an Encroachment Permit in addition to the MPP permit required for relocation. The applicant shall pay the costs of the encroachment permit. The Director of Public Works shall have review authority over all Encroachment Permits.



(Adopted: RTC 87-199 (4/14/87); Amended: RTC 05-124 (4/26/05); Amended: RTC 10-121 (5/25/10); Amended: RTC 19-0454 (5-7-19); Amended: RTC \_\_\_\_\_ (date))

Lead Department: Community Development



01/11/22

To: Connie Verceles, Deputy City Manager  
Maria Rodriguez, Economic Development

Since reviewing the proposal from the city regarding the permanent street closure, the Sunnyvale Downtown Association (SDA) Business Improvement District (BID) members have expressed concerns about the new street ADA Accessibility changes and additional increased maintenance fees. With the California emergency health mandate lifting on February 28<sup>th</sup> and Murphy Avenue poised to reopen, these members still need to prepare for varying increased costs during the transition. In addition, below are a few of the challenges these businesses are experiencing that will impact their ongoing sustainability, along with some concerns that will arise with the street reopening:

- \$20,900 per business for public improvements.
- Amount of time and money lost for the installation of public improvements; cost vs. value justified with the installation of city improvements.
- \$4,800 per business annually for new maintenance and street cleaning fees.
- Businesses will also need to find and pay for storage of all the outdoor equipment (tables, chairs, tents, canopies, propane heaters, and other miscellaneous items).
- Increasing costs for foods and beverages.
- Increasing operational costs for gas, electricity, supplies, and transportation.
- Reduction in sales due to a declining economy.
- Massive layoffs in the Tech industry are causing local consumers to manage their expenses differently.

The SDA and BID members all support closing Historic Murphy Avenue. However, we request that the city finance all public improvements that have been identified and cover the annual maintenance fees for the next several years until businesses and the economy start recovering. We also request that the public improvements be completed on an expedited schedule since street construction would impact businesses' ability to utilize outdoor dining during the process. Construction will also impact events held on Murphy Ave.

After reviewing the Resolution of Intent (ROI) for the BID, the SDA understands that a new maintenance zone would need to be created to collect maintenance funds from a specific group of businesses. Creating a new assessment zone at this time would be a difficult process since we would be asking businesses to vote to increase their annual BID fees. Plus, adding a new zone would complicate the BID Reauthorization process and affect all businesses within the district.



The Sunnyvale Downtown District is considered the jewel of the city. However, with all the upcoming changes and improvements in our district, we must protect the businesses that have served this community for decades.

If the City of Sunnyvale can provide the financial support to complete the required public improvements with an expedited schedule and continue to manage and finance the sidewalk and street maintenance, Murphy Avenue businesses support a permanent closure of the street. If the City is unable to provide financial support, Murphy Avenue businesses can't afford to support a permanent closure.

If you have any questions, please call me at (408) 480-5437 or email me at [Michael@sunnyvaledowntown.com](mailto:Michael@sunnyvaledowntown.com)

Thank you,

*Michael Johnson*

Executive Director

Sunnyvale Downtown Association

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE DIRECTING THE CITY MANAGER TO  
EXTEND THE CLOSURE OF THE 100 BLOCK OF SOUTH  
MURPHY AVENUE UNTIL DECEMBER 31, 2023**

WHEREAS, on March 12, 2020, pursuant to Chapter 2.16 of the Sunnyvale Municipal Code (“SMC”), the City Manager as the Director of Emergency Services declared the existence of a local emergency and the City Council ratified the same on March 17, 2020, by adopting Resolution No. 979-20 and extended the Director of Emergency Services’ proclamation approximately every 60 days in accordance with Government Code section 8630 (Emergency Services Act); and

WHEREAS, on July 13, 2021, the City Council again extended the Director of Emergency Services’ declaration of a local emergency in Resolution No. 1069-21; and

WHEREAS, on October 26, 2021, the City Council again extended the Director of Emergency Services’ declaration of a local emergency in Resolution No. 1088-21; and

WHEREAS, in the case of restaurants during the local emergency, indoor dining had a direct effect on the safety of restaurant employees and members of the public, while outdoor dining programs allowed business activities in outdoor areas and provided critical assistance to allow businesses to reopen, remain open, and expand outdoor operations to help facilitate economic recovery during the local emergency; and

WHEREAS, on June 10, 2020, the Director of Emergency Services also adopted a Local Emergency Order and Regulations for Temporary Outdoor Dining on Private Property that suspended provisions in the Sunnyvale Municipal Code including but not limited to SMC Chapters 19.61, which provides additional permit requirements for outdoor dining, including but not limited to the provisions relating to miscellaneous plan permits; SMC Chapter 19.46.110, which provides regulations related to parking requirements for restaurants with outdoor seating; and SMC Chapter 9.66.010 which relates to consumption of alcohol from private property viewable from the public right of way; and

WHEREAS, on June 1, 2020, City staff issued Special Events Permit No. 2020-06-01 to allow the closure of the 100 Block of South Murphy Avenue in accordance with SMC Chapter 9.45 and Vehicle Code section 21101(e), that allowed restaurants to expand their outdoor dining footprint into the right-of-way with the issuance of a Miscellaneous Plan Permit issued by the Planning Division; and

WHEREAS, when the State retired the Blueprint for a Safer Economy on June 15, 2021, Governor Newsom encouraged cities to continue with outdoor dining programs through the end of the State’s Emergency Order; and

WHEREAS, on June 23, 2021, staff temporarily extended the Special Events Permit to allow the closure of the 100 Block of South Murphy Avenue until July 31, 2021, or until otherwise extended by the City Council; and

WHEREAS, on July 27, 2021, the City Council adopted Resolution No. 1075-21 directing the City Manager to temporarily allow outdoor dining on private property and close the 100 Block of South Murphy Avenue until December 31, 2021; and

WHEREAS, on December 7, 2021, the City Council amended Resolution No. 1075-21 directing the City Manager to allow outdoor dining on private property and temporarily close the 100 Block of South Murphy Avenue until September 30, 2022; and

WHEREAS, on August 9, 2022, the City Council amended Resolution No. 1075-21 directing the City Manager to allow outdoor dining on private property and temporarily close the 100 Block of South Murphy Avenue through the earlier of either June 30, 2023, or until the City's emergency proclamation is lifted; and

WHEREAS, new variants of COVID-19 continue to arise quickly, and the consequences they pose to the public health are unknown; and

WHEREAS, there is a continued demand for outdoor dining activity on the 100 Block of South Murphy Avenue, as people have expressed that they feel more comfortable eating outdoors as various strains of COVID-19 continue to circulate within the community; and

WHEREAS, many Sunnyvale restaurants have participated in both the self-certification program to allow temporary outdoor dining on private property as well as the expanded outdoor dining program on the 100 Block of South Murphy Avenue; and

WHEREAS, many businesses have requested that the City's outdoor dining program on the 100 Block of Murphy Avenue be made permanent and the City Council intends to adopt a Resolution of Intent to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue; and

WHEREAS, the process to complete the permanent closure of the 100 Block of South Murphy Avenue likely may not be completed until December 31, 2023, under the Pedestrian Mall Act of 1960.

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

1. The City Council hereby directs the City Manager to extend the closure of Murphy Avenue until December 31, 2023, through the issuance of a Special Events Permit in accordance with Sunnyvale Municipal Code Chapter 9.45 and Vehicle Code section 21101(e).

2. This Resolution shall take effect immediately upon adoption.

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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23-0001

Agenda Date: 2/7/2023

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### REPORT TO COUNCIL

#### SUBJECT

Update on the Temporary Eastbound Tasman Lane Closure and Consideration to Extend the Closure Duration

#### BACKGROUND

Tasman Drive between Fair Oaks Avenue and Lawrence Expressway is a four-lane commercial/industrial collector, with the Santa Clara Valley Transportation Authority (VTA) light rail line running in the center of the roadway between the eastbound and westbound directions of traffic. Sidewalks are present on the south side of the roadway; however, a gap in sidewalk approximately 1,600 feet in length exists between about 800 feet east of Tasman Court (opposite the west entrance to Casa De Amigos) and Vienna Drive. There is currently no existing bicycle facility on Tasman Drive. The VTA operates the Orange Light Rail Line along the Tasman Drive corridor that connects Mountain View, Sunnyvale, Santa Clara, San Jose, and Milpitas.

When the Orange Light Rail Line was extended into Sunnyvale to its current terminus in Mountain View in the late 1990's, there was insufficient width along the Tasman corridor to install complete sidewalks and bicycle lanes without purchasing and demolishing existing mobile homes that back onto Tasman Drive, and removing all mature trees for long segments. Today's roadway configuration reflects the compromise, with gaps in the sidewalk along both sides of Tasman Drive and lack of bicycle facilities.

On June 30, 2020, City Council approved a temporary eastbound Tasman Drive lane closure during the COVID-19 pandemic (RTC No. 20-0633), but with a stipulation not to exceed ten (10) months, in order to create a temporary pathway for the public to perform outdoor activities and to walk to and from the nearby grocery store. Staff was directed to monitor traffic conditions to ensure that the temporary lane closure did not negatively impact traffic along the segment of Tasman Drive between Fair Oaks Avenue and Vienna Drive and at the signalized intersection of Fair Oaks Avenue and Tasman Drive.

On August 31, 2021, City Council approved a 12-month extension of the temporary eastbound Tasman Drive lane closure with a peak hour trigger of meeting 720 vehicles per hour (RTC No. 21-0072) needed to restore the eastbound vehicular lane. At the end of the initial 10-month period, staff noted that traffic volumes were still well below the pre-pandemic levels, there was no congestion, queues or delays associated with the temporary lane closure.

#### EXISTING POLICY

General Plan, Chapter 3, Land Use and Transportation Element



Policy LT-3.6 Promote Modes of travel and actions that provide safe access to city streets and reduce single-occupant vehicle trips and trip lengths locally and regionally.

Policy LT-3.24 Ensure effective and safe traffic flows for all modes of transport through physical and operational transportation improvements.

**General Plan, Chapter 4, Community Character:**

Policy CC-1.6 Maintain City neighborhoods as safe, healthy places to live.

Policy CC-1.7 Encourage Neighborhood Patterns that Encourage Social Interaction and Avoid Isolation.

Goal CC-12 Maximum access to recreation services, facilities and amenities.

**Resolution No. 793-16 Complete Streets Policy** and **Resolution No. 896-18** (amending Resolution No. 793-16): The City wishes to improve its commitment to Complete Streets and desires that its streets form a comprehensive and integrated transportation network promoting safe, equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards.

**ENVIRONMENTAL REVIEW**

The temporary removal of one eastbound travel lane and the creation of a temporary pathway is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15301(c), for minor alterations of existing highways and streets that do not create additional automobile lanes and involving negligible or no expansion of existing or former use.

**DISCUSSION**

Pursuant to the Mayor's request in January 2023, staff is bringing this item back to City Council for an update and further discussion on a possible extension of the temporary lane closure on Tasman Drive.

During this past 12+ months, staff has continued to monitor traffic conditions on Tasman Drive in the vicinity of the temporary eastbound lane closure. While traffic volumes continue to increase, as of December 2022, the average daily eastbound traffic volume was at 4,307 per day which is about 55% of the 2015 pre-pandemic threshold. Traffic volumes from 2015 was used as that was the latest pre-pandemic traffic count available. The peak hour volume during December 2022 was 452 vehicles per hour, about 63% of the 720 vehicles per hour threshold established by City Council at the August 31, 2021 meeting. Staff has continued to conduct regular observations at the Fair Oaks Avenue/Tasman Drive and Tasman Drive/Vienna Avenue traffic signals to see if there are any observable queuing, delays, congestion or safety issues related to the temporary lane closure and have observed no detrimental impacts.

Staff has received requests from residents of the mobile home park along Tasman Drive, requesting that the temporary lane closure be removed to facilitate vehicular traffic and emergency vehicle response. In consultation with the Director of Public Safety, the Department of Public Safety currently does not have any negative concerns with emergency response or access as a result of the

temporary lane closure, but conditions may change as traffic volumes increase.

Based on staff's experience during this period of overseeing the maintenance of the temporary closure, changes to the maintenance intervals were implemented which resulted in needing fewer funds to maintain the traffic control devices. As a result, the funds remaining in Project 835260 - Tasman Drive Temporary Lane Closure are sufficient to last until June 2023.

Study Issue DPW 21-03, Pedestrian and Bicycle Facility Installation on Tasman Drive from Fair Oaks Avenue to Lawrence Expressway, is under way. This Study Issue will study if permanent pedestrian and bicycle facilities can be installed along Tasman Drive and conduct the necessary public outreach and analysis for the County and Valley Transportation Authority. Staff is in the process of reviewing proposals from consultants and working with Finance on the contract award process. This study issue is anticipated to be completed in December 2024.

### **FISCAL IMPACT**

There is currently no fiscal impact with maintaining the temporary eastbound lane closure on Tasman up to June 2023 or to remove the temporary lane closure as there is \$18,073 of carryover funds available in Project 835260 - Tasman Drive Temporary Lane Closure that is sufficient for the FY 2022/23 fiscal year. If the City Council desires to extend the temporary lane closure to a date certain beyond June 2023, funding would need to be included in the FY 2023/24 Recommended Budget. Estimated costs are approximately \$1,300 per month.

### **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. Extend the duration of the existing temporary eastbound Tasman Avenue lane closure until June 30, 2023 subject to previously identified traffic volume, congestion and safety triggers.
2. Extend the duration of the temporary eastbound Tasman Avenue lane closure until a City Council determined date certain and direct staff to include \$1,300 per month of that duration in the FY 2023/24 Recommended Budget while still subject to the previously identified traffic volume, congestion and safety triggers.
3. Remove the temporary eastbound Tasman Avenue lane closure.
4. Other action as directed by Council.

### **STAFF RECOMMENDATION**

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

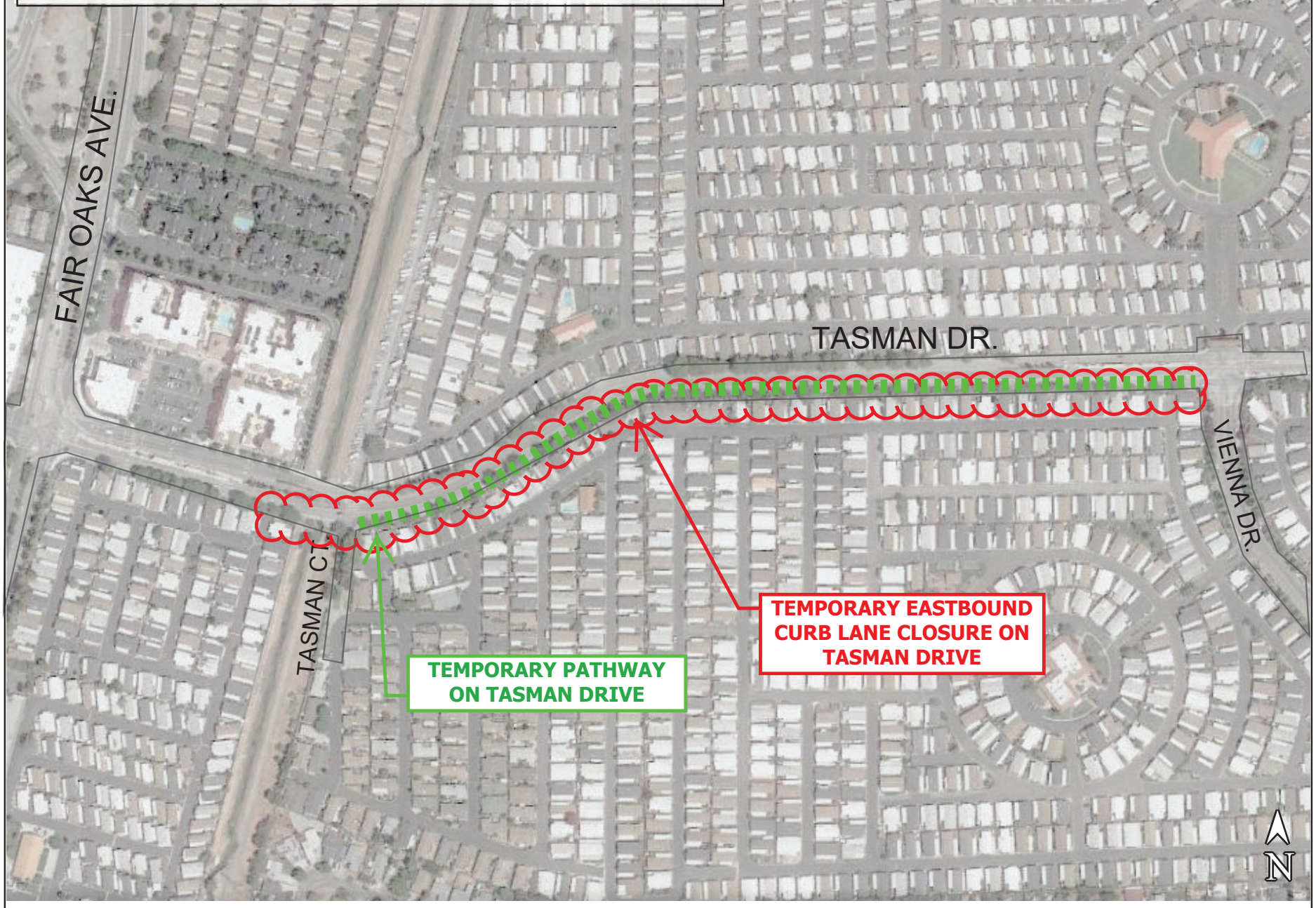
Prepared by: Dennis Ng, Transportation and Traffic Manager  
Reviewed by: Chip Taylor, Director, Department of Public Works  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

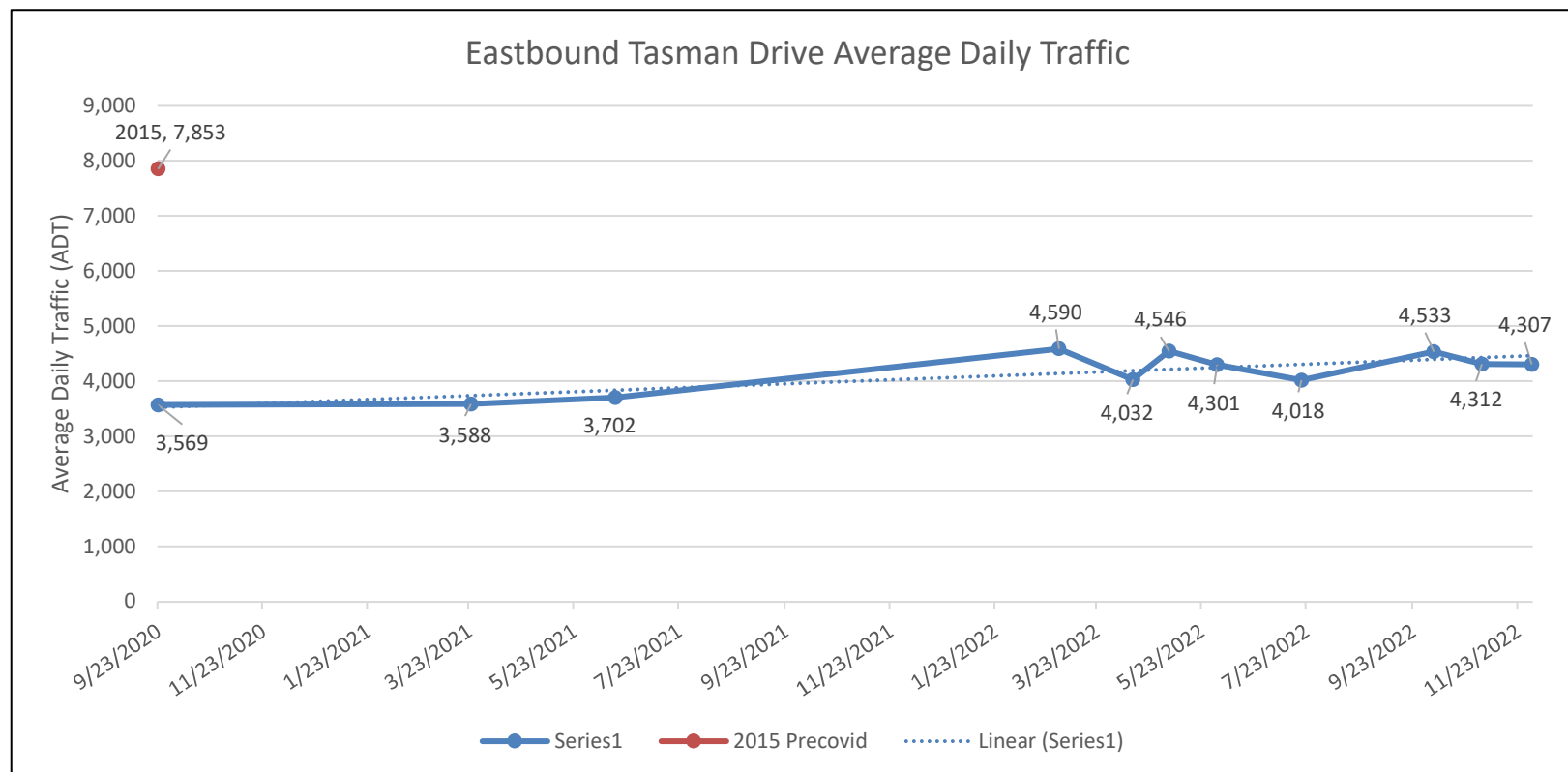
### **ATTACHMENTS**

1. Map of Temporary Lane Closure During COVID-19
2. Temporary Eastbound Tasman Lane Closure Average Daily Traffic Volume Graph
3. Temporary Eastbound Tasman Lane Closure Peak Hour Traffic Volume Graph

## Temporary Lane Closure During COVID-19

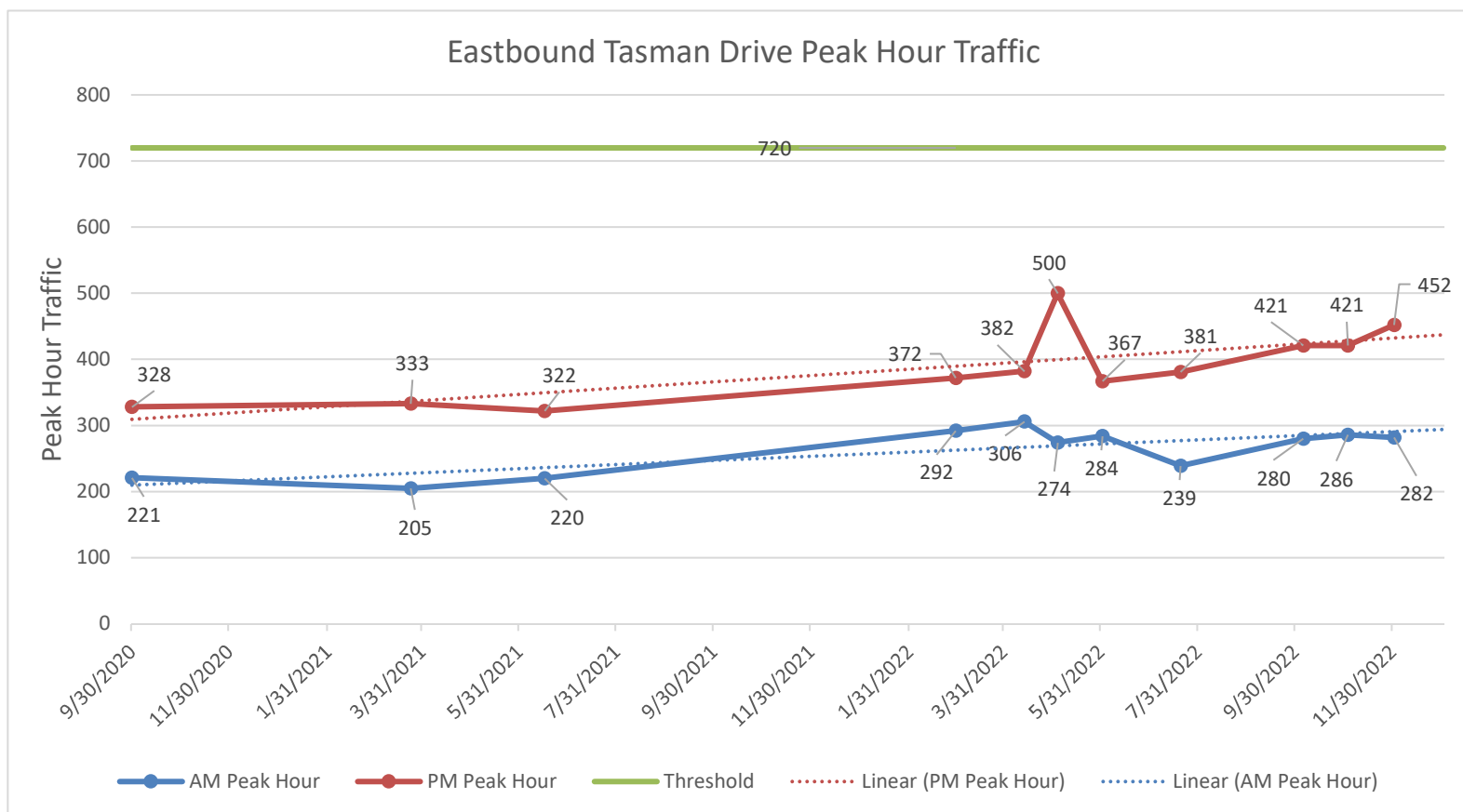
Eastbound Lane Closure on Tasman Drive from Tasman Court to Vienna Drive





**ADT Percentage Rate 1.17**





**AM Peak Hour Monthly Percentage Increase Rate is 0.72 %**  
**PM Peak Hour Monthly Percentage Increase Rate is 1.42 %**



# City of Sunnyvale

## Agenda Item

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23-0259

Agenda Date: 2/7/2023

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### REPORT TO COUNCIL

#### **SUBJECT**

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

#### **SUMMARY OF COMMISSION ACTION**

The Planning Commission considered this item on January 23, 2023.

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

The vote was 6-0, with one commissioner 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. The agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website. In addition, the notice of public hearing was published in the *Sun* newspaper.

#### **ALTERNATIVES**

1. Introduce an Ordinance (Attachment 2 to the report) to Amend Chapter 19.36 of Title 19 of the Sunnyvale Municipal Code to Modify Table 19.36.060B Permitted, Conditionally Permitted, and Prohibited Uses in ECRSP Districts to conditionally permit Auto sales or rental in ECR-MU zoning districts and find that this action is within the scope of the program EIR for the El Camino Real Specific Plan pursuant to California Environmental Quality Act Guidelines Section 15168.
2. Do not introduce the Ordinance.

#### **STAFF RECOMMENDATION**

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

Specific Plan pursuant to California Environmental Quality Act Guidelines Section 15168.

Upon the adoption of this Ordinance an error will be corrected on the permitted land use tables for El Camino Real Specific Plan Mixed Use (ECR-MU) zoning districts.

Prepared by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Report to Planning Commission [23-0084, January 23, 2023] (without attachments)
2. Draft Ordinance
3. Links to El Camino Real Specific Plan EIR and Other Documents

**Additional Attachments for Report to Council**

4. Excerpt of Draft Minutes of the Planning Commission Meeting of January 23, 2023





# City of Sunnyvale

## Agenda Item

23-0084

Agenda Date: 1/23/2023

### REPORT TO PLANNING COMMISSION

#### SUBJECT

Forward a Recommendation to the City Council to Adopt an Ordinance to Amend Chapter 19.36 of Title 19 of the Sunnyvale Municipal Code to Modify Table 19.36.060B Permitted, Conditionally Permitted, and Prohibited Uses in El Camino Real Specific Plan (ECRSP) zoning districts to conditionally permit Auto sales or rental in ECR-MU zoning districts and find that this action is within the scope of the program EIR for the El Camino Real Specific Plan pursuant to CEQA Guidelines Section 15168 (*Planning File #2022-7790*)

#### BACKGROUND

El Camino Real has been the primary retail corridor in Sunnyvale for over five decades. This centrally located corridor provides access to a range of goods and services to community members and the region. Automobile dealerships on El Camino Real have played an important role as they are conveniently located for residents and regional guests to purchase, lease or rent vehicles as well as providing fiscal benefits to the City.

Over the years, housing has been introduced along the corridor as both stand-alone sites zoned primarily for residential development and as mixed-use (residential and commercial) sites. In 2017 the Council adopted the Land Use and Transportation Element (LUTE) of the General Plan which increased the potential for residential development from 1,600 housing units (existing) to allow an additional 4,200 housing units. Later in 2017, the City Council gave direction to further consider an increase to the allowable residential development by another 2,700 units, and to continue to plan for the provision of commercial retail and service opportunities, including automobile sales and rentals.

On June 28, 2022, the City Council adopted the El Camino Real Specific Plan (ECRSP) and related Zoning Code amendments with the goal of preserving (or slightly increasing) the amount of commercial use while accommodating residential buildout of 8,500 housing units. The Zoning Code use tables, as adopted, indicate that Auto sales and rentals may be considered with a Special Development Permit (SDP) in the El Camino Real Commercial zoning district (ECR-C) and are not permitted in the Mixed Use (ECR-MU), Office (ECR-O) or Public Facilities (ECR-PF) zoning districts.

The City Council is scheduled to consider this item on February 7, 2023.

#### EXISTING POLICY

##### **GENERAL PLAN: LAND USE AND TRANSPORTATION**

**GOAL LT-12 A BALANCED ECONOMIC BASE** - Develop a balanced economic base that can resist downturns of any one industry and provides revenue for City services.

**Policy LT-12.9** Consider the importance of tax generation (retail, hotel, auto, and business-to-

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business uses) to support the fiscal health of the community and to fund municipal services.

## **EL CAMINO REAL SPECIFIC PLAN**

**VISION STATEMENT:** The El Camino Real Specific Plan (ECRSP) will support and enhance community-serving retail and provide significant new residential options while advancing sustainability and improving transportation safety and mobility choices.

**El Camino Real Mixed-Use (ECR-MU):** ECR-MU provides for regional, community, or employment-serving retail uses in conjunction with higher-density residential uses. Commercial uses are a crucial component of future development in the ECRSP Area. Based on the pedestrian-oriented, mixed-use concept being implemented by the ECRSP, development in these sub-areas on El Camino Real is required to provide a ground-floor commercial use. As defined in this chapter and in Chapter 19.36 of the SMC, residential densities in the ECR-MU range from 24 to 54 units per acre and are designated by the zoning district. It may be possible to exceed the maximum density on a corridor mixed-use property through the ECRSP or other local incentive program and/ or through State density bonuses, when allowed.

**General Land Use Policies LU-P1** Stimulate reuse and intensification of some properties in the ECRSP Area with a mixed-use, transit-oriented development focus while recognizing the importance of retaining commercial uses and commercial square footage along El Camino Real.

**Mixed-Use and Retail Policies LU-P15** Ensure continued opportunities for a diverse range of retail and service uses in the ECRSP Area, even as the character, mix of land uses, and transit opportunities along El Camino Real change over time. LU-P16 Target no net loss of commercial square footage when parcels are redeveloped with new buildings and uses.

**Site Frontage Policies LU-P17** When mixed-use developments are proposed, El Camino Real frontages should be “vertical” mixed-use to frame a vibrant pedestrian environment.

## **DISCUSSION**

Before the adoption of the ECRSP several Preliminary Review requests and formal applications for mixed-use development proposals were submitted to the City. One of the applications (an SDP) included the novel integration of automobile sales and residential use. In this application, the area allocated for auto sales could also be used for other retail and retail service uses. This application demonstrated to staff that it is possible for automobile sales and residential development to exist on the same site, particularly as vertically mixed uses.

As part of the preparation of the Zoning Code allowable land use tables for the ECRSP staff inadvertently designated automobile sales and rentals as a use not permitted in ECR-MU (mixed-use) zoning districts. To correct this error, a zoning code amendment is recommended to change the use from not permitted to conditionally permitted (requires approval of a Special Development Permit - SDP), as demonstrated in the table below.

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**Table 19.36.060B**  
**Permitted, Conditionally Permitted, and Prohibited Uses in ECRSP Districts**

USE	ECR-C	ECR- MU <sup>[1]</sup>	ECR-O	ECR-PF
<b>5. AUTOMOTIVE</b>				
A. Automobile service station <sup>[4]</sup>	SDP	N	N	N
B. Auto sales or rental	SDP	<del>N</del> SDP	N	N
C. Auto broker for 3 or fewer vehicles on site	MPP	N	N	N
D. Sale or rental of utility trailers, heavy equipment, or machinery	N	N	N	N
E. Automobile/vehicle service and repair	SDP	N	N	N
F. Car wash facility	N	N	N	N

[1] ECR-MU sites that have not introduced residential uses are subject to the ECR-C use standards.

[4] Automobile service stations with sale of groceries, beer and wine, or both, require findings as set forth in Section 19.98.020(i), as applicable.

## **ENVIRONMENTAL REVIEW**

On June 28, 2022 (RTC No. 22-0694), the City Council certified a program-level Environmental Impact Report (EIR) (SCH #2017102082), adopted a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the ECRSP (see links in Attachment 3). In conjunction with the adoption of the ECRSP, the City Council approved an Ordinance adopting Chapter 19.36 of the Sunnyvale Municipal Code to implement the goals and policies of the ECRSP. Due to an inadvertent drafting error, Table 19.36.060B included a “N” (Not Permitted) for “Auto sales or rental” in the ECR-MU, instead of “SDP” to indicate that such uses may be approved through a Specific Development Permit.

The proposed amendment to authorize auto sales or rentals in the ECR-MU zoning district with a Special Development Permit is within the scope of the program EIR and is therefore exempt from additional environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15168, which provides that an agency may rely on a program EIR for later activities that do not require subsequent environmental review under the criteria outlined in Section 15162.

Auto uses within the ECR corridor are expressly contemplated and encouraged by the ECRSP:

- Ch. 2, p.21, Vision: “New and long-established businesses and auto dealerships will coexist and continue to thrive in updated and prominent storefronts.”
- Ch. 2, p.23, Guiding Principle 4: “Auto-dealerships and other regional drawing businesses will be supported alongside small businesses and residences.”
- Ch. 3, p.34, Urban Design Framework. “Auto dealerships and services will continue to be supported and encouraged in the West Segment (as well as elsewhere along El Camino Real).”
- Ch. 4, Section 2.1, Land Use Classifications, ECR-MU: “ECR-MU provides for regional, community, or employment-serving retail uses in conjunction with higher-density residential

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uses. Commercial uses are a crucial component of future development in the ECRSP Area.”

The EIR incorporated the vision and objectives stated in the ECRSP, including references to auto uses. See ES-1.2.3, Project Vision; ES-1.2.4, Project Objectives; 2.4.1, Specific Plan Vision; and 2.4.2, Project Objectives.

As a result, the City Council may exercise its independent judgment and analysis to find that amending the use table in the Sunnyvale Municipal Code to allow auto sales and rentals with the ECR-MU zoning districts falls within the environmental parameters analyzed in the program EIR, will not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the program EIR, and no new mitigation will be required.

### **FISCAL IMPACT**

There is no direct fiscal impact associated with this Zoning Code change. Providing more opportunities for automobile sales and rental within the ECRSP supports the fiscal health of the community by increasing the retail sales tax revenues that help fund municipal services.

### **PUBLIC CONTACT**

As of the date of staff report preparation, staff has received no comments on the item.

### **Notice of Public Hearing, Staff Report and Agenda:**

- Published in the *Sun* newspaper
- Posted on the City of Sunnyvale's Web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library
- Agenda posted on the City's official notice bulletin board

### **ALTERNATIVES**

#### **Recommend to City Council:**

1. Adopt an Ordinance (Attachment 2 to the report) to Amend Chapter 19.36 of Title 19 of the Sunnyvale Municipal Code to Modify Table 19.36.060B Permitted, Conditionally Permitted, and Prohibited Uses in ECRSP Districts to conditionally permit Auto sales or rental in ECR-MU zoning districts and find that this action is within the scope of the program EIR for the El Camino Real Specific Plan pursuant to California Environmental Quality Act Guidelines Section 15168.
2. Do not introduce the Ordinance.

### **STAFF RECOMMENDATION**

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

Adoption of this Ordinance will correct an error on the permitted land use tables for El Camino Real Specific Plan Mixed Use (ECR-MU) zoning districts.

**23-0084**

**Agenda Date:** 1/23/2023

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Prepared by: Trudi Ryan, Director of Community Development  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Reserved for Report to Council
2. Draft Ordinance
3. Links to El Camino Real Specific Plan EIR and Other Documents

ORDINANCE NO. \_\_\_\_-23

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE AMENDING TABLE 19.36.060B OF CHAPTER 19.36  
(EL CAMINO REAL SPECIFIC PLAN DISTRICT) OF TITLE 19  
(ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATED  
TO AUTO SALES OR RENTAL IN ECR-MU ZONING DISTRICTS.**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. TABLE 19.36.060B AMENDED. Table 19.36.060B (Permitted, Conditionally Permitted, and Prohibited Uses in ECRSP Districts) of Chapter 19.36 (El Camino Real Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**Table 19.36.060B  
Permitted, Conditionally Permitted, and Prohibited Uses in ECRSP Districts**

USE	ECR-C	ECR- MU <sup>[1]</sup>	ECR-O	ECR-PF
1. – 4. [Text unchanged]	[Text unchanged]			
5. AUTOMOTIVE				
A. Automobile service station <sup>[4]</sup>	SDP	N	N	N
B. Auto sales or rental	SDP	<del>N</del> SDP	N	N
C. Auto broker for 3 or fewer vehicles on site	MPP	N	N	N
D. Sale or rental of utility trailers, heavy equipment, or machinery	N	N	N	N
E. Automobile/vehicle service and repair	SDP	N	N	N
6. – 10. [Text unchanged]	[Text unchanged]			

[1] – [10] [Text unchanged]

SECTION 2. CEQA. The City Council finds that adoption of this ordinance is within the scope of the program EIR for the El Camino Real Specific Plan (SCH# 2017102082) and is therefore exempt from additional CEQA review per CEQA Guidelines Section 15168.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after adoption.

SECTION 4. 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 newspaper for 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 \_\_\_\_\_, 2023, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
DAVID CARNAHAN  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
LARRY KLIEN  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
JOHN A. NAGEL  
City Attorney



Sunnyvale

RTC #: 23-0259

**1. Document Title:** Draft Environmental Impact Report**Link:** [ECR Specific Plan Draft EIR\\_030922.pdf | Powered by Box](#)**a. Document Title:** Appendix A – Notice of Preparation and Comment Letters Received**Link:** [AppendixA-Notice of Preparation and Comment Letters Received.pdf | Powered by Box](#)**b. Document Title:** Appendix B – Air Quality, Greenhouse Gas Emissions, Energy Data**Link:** [AppendixB-Air Quality-Greenhouse Gas Emissions-Energy Data.pdf | Powered by Box](#)**c. Document Title:** Appendix C – Noise Data**Link:** [AppendixC-Noise Data.pdf | Powered by Box](#)**d. Document Title:** Appendix D – Transportation Impact Analysis**Link:** [Appendix D - Transportation Impact Analysis 2020\\_01\\_27.pdf | Powered by Box](#)**e. Document Title:** Appendix D – Transportation Impact Analysis and Errata**Link:** [Appendix D - Transportation Impact Analysis 2022\\_01\\_20 + Errata.pdf | Powered by Box](#)**f. Document Title:** Appendix E – Water Supply Assessment**Link:** [AppendixE-Water Supply Assessment.pdf | Powered by Box](#)**g. Document Title:** Notice of Availability**Link:** [ECR DEIR Notice of Availability.pdf | Powered by Box](#)**2. Document Title:** Final Environmental Impact Report**Link:** [ECRSP Final EIR.pdf | Powered by Box](#)**a. Document Title:** Attachment 1 – Transportation Impact Analysis**Link:** [Attachment 1 - Transportation Impact Analysis.pdf | Powered by Box](#)**b. Document Title:** Attachment 2 – Water Supply Assessment**Link:** [Attachment 2 - Water Supply Assessment.pdf | Powered by Box](#)**3. Webpage Title:** El Camino Real Specific Plan Project Webpage (Hosted by Consultant M-Group)**Link:** [Sunnyvale El Camino Real Corridor Specific Plan \(m-group.us\)](#)





# City of Sunnyvale

## Excerpt Meeting Minutes - Draft

### Planning Commission

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Monday, January 23, 2023

7:00 PM

Online 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**

#### **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 December 13, 2022.

Chair Pyne called the meeting to order at 7:00 PM.

#### **ROLL CALL**

**Present:** 6 - Chair Martin Pyne  
Vice Chair Nathan Iglesias  
Commissioner John Howe  
Commissioner Michael Serrone  
Commissioner Neela Shukla  
Commissioner Carol Weiss  
**Absent:** 1 - Commissioner Daniel Howard

Commissioner Howard's absence is excused.

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

2.      [23-0084](#)      Forward a Recommendation to the City Council to Adopt an Ordinance to Amend Chapter 19.36 of Title 19 of the Sunnyvale Municipal Code to Modify Table 19.36.060B Permitted, Conditionally Permitted, and Prohibited Uses in El Camino Real Specific Plan (ECRSP) zoning districts to conditionally permit Auto sales or rental in ECR-MU zoning districts and find that this action is within the scope of the program EIR for the El Camino Real Specific Plan pursuant to CEQA Guidelines Section 15168 (*Planning File #2022-7790*)

Senior Planner Jeffrey Cucinotta presented the staff report with a slide presentation.

Commissioner Howe confirmed with Senior Planner Cucinotta that this amendment will have no impact on existing auto dealerships along El Camino Real or their ability to sell or service vehicles.

At Vice Chair Iglesias' request, Senior Planner Cucinotta provided an explanation about what predicated staff's discovery of the error in table 19.36.060B found in Chapter 19.36 of Title 19 of the Sunnyvale Municipal Code (SMC).

Vice Chair Iglesias and Senior Planner Cucinotta discussed the ways in which this amendment will impact mixed-use developments along El Camino Real. While it will not result in changes for commercially zoned properties along El Camino Real, it will allow proposed mixed-use developments to include auto sales or rental uses on the ground floor.

Commissioner Shukla stated that, in her opinion, it is innovative to allow auto sales or rental uses on the ground floor of mixed-use developments.

Commissioner Shukla confirmed with Senior Planner Cucinotta that this amendment will continue to allow bicycle sales or bicycle repair facilities in mixed-use zoning districts. He added that the El Camino Real Specific Plan (ECRSP) considered opportunities to provide bicycle parking and bicycle and pedestrian connections where appropriate.

Commissioner Shukla confirmed with Senior Planner Cucinotta that vehicle repair facilities within auto dealerships are not permitted in mixed-use zoning districts and that this operation is considered under a different land use classification.

Chair Pyne asked about whether adverse findings regarding health and safety would be sufficient to deny an application for mixed-use developments – including ones that would supply sufficient housing units while meeting affordability requirements. Senior Planner Cucinotta advised that applications for mixed-use developments are required to meet City policies and that a California Environmental Quality Act (CEQA) checklist would need to be prepared to ensure that such developments are within the scope of the ECRSP's Environmental Impact Report (EIR).

Chair Pyne opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Pyne closed the Public Hearing.

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

Commissioner Howe commented that auto dealerships are of great economic value to the City and that they have proved to be good neighbors to adjacent residents. He urged his fellow Commissioners to support the motion as well.

Chair Pyne spoke in favor of the motion and noted his confidence in the CEQA process as a means of safeguarding City residents from any hazards due to approved developments. He also echoed comments made by Commissioner Howe regarding the economic value that auto dealerships offer the City.

The motion carried by the following vote:

**Yes:** 6 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Howard

This recommendation will be forwarded to the City Council for consideration at the February 7, 2023 meeting.



# City of Sunnyvale

## Agenda Item

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**23-0077**

**Agenda Date:** 2/7/2023

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Tentative Council Meeting Agenda Calendar



## City of Sunnyvale Tentative Council Meeting Agenda Calendar

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### **Tuesday, February 14, 2023 - City Council**

#### **Study Session**

**23-0322**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Human Relations Commission 2023 Annual Work Plan

#### **Public Hearings/General Business**

**23-0258**                      Proposed Project: Adopt a Resolution for a:  
SPECIFIC PLAN AMENDMENT to modify Block 20 of the Downtown  
Specific Plan to allow additional residential units and office square footage,  
and associated modifications to design guidelines and development  
standards; and  
GENERAL PLAN AMENDMENT to reflect increases in Projected Build-out in  
the Land Use and Transportation Element (LUTE).  
Location: 510 and 528 S. Mathilda Avenue (APNs:209-29-060 and 061), and  
562 and 568 S. Mathilda Avenue (APNs:209-29-057 and 067)  
File #: 2018-7585  
Zoning: DSP (Block 20)  
Applicant / Owner: Shawn Karimi, Karimi Shahriar Trustee, (applicant and  
owner 510 and 528 S. Mathilda Avenue, and Shawn Taheri, Sam Cloud Barn  
LLC (applicant and owner 562 and 568 S. Mathilda Avenue)  
Environmental Review: Addendum to the Downtown Specific Plan  
Amendments Final Environmental Impact Report for the Block 20 Area  
Project.  
Project Planner: Margaret Netto, (408) 730-1221, [mnetto@sunnyvale.ca.gov](mailto:mnetto@sunnyvale.ca.gov)

**23-0172**                      Adopt a Resolution Amending the City's Salary Resolution and the Schedule  
of Pay to Increase the Salary Range for the Director of NOVA Workforce  
Services

### **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**

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**23-0011**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Tuesday, March 14, 2023 - City Council**

**Closed Session**

**23-0219**                      5 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: Tina Murphy, Director of Human  
Resources  
Employee organization: Sunnyvale Managers Association (SMA)

**Study Session**

**23-0147**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Housing Element

**Public Hearings/General Business**

**23-0036**                      Board and Commission Appointments

**23-0240**                      Proposed Project:      Forward Recommendations to the City Council for:  
PERRY PARK PLAN REVIEW to allow a modification to the Community  
Benefits Program for an approved office development (Planning File No.  
2015-8110).  
Location: 675 Almanor Avenue (APN:165-44-006 and 165-44-012)  
File #: 2022-7673  
Zoning: PPSP-IEAC (Peery Park Specific Plan / Innovation Edge-Activity  
Center Overlay)  
Applicant / Owner: Dollinger Properties (applicant) / Almanor Ventures LLC  
(owner)  
Environmental Review: The project is exempt from additional California  
Environmental Quality Act (CEQA) review per CEQA guidelines section  
15168 (c)(2) and (4) and Public Resources Code Section 21094(c). The  
project is within the scope of the Peery Park Specific Plan Program  
Environmental Impact Report (EIR) as no new environmental impacts are  
anticipated and no new mitigation measures are required.  
Project Planner: Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

**Tuesday, March 21, 2023 - City Council**

**Closed Session**

**23-0229**                      6 P.M. SPECIAL COUNCIL MEETING (Closed Session)  
Closed Session Held Pursuant to California Government Code Section  
54957.6:

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CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Tina Murphy, Director of Human Resources

Employee organization: Sunnyvale Managers' Association (SMA)

**Special Order of the Day**

**23-0073** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

**Public Hearings/General Business**

**23-0095** Housing Element 2022 Annual Progress Report

**23-0029** Selection of the Preferred Alignment of the Stevens Creek Trail, Remington Drive to Fremont Avenue, Project to be Defined as the Proposed Project for the Project for Environmental Review

**23-0167** Adopt a Resolution to Abolish the Board of Building Code Appeals; Introduce an Ordinance to Amend Sunnyvale Municipal Code 19.39 (Green Building Regulations) and Various Sections of Title 16 (Buildings and Construction) Related to the Board of Building Code Appeals; Approve Related Changes to Council Policy 7.2.19 (Boards and Commissions); and Find that These Actions are Exempt from the California Environmental Quality Act (CEQA) Under CEQA Guidelines Section 15378(b)(5)

**23-0224** Approve Substantial Amendment to the 2021 HUD Action Plan (HOME APR Allocation Plan)

**Tuesday, April 4, 2023 - City Council**

**Study Session**

**23-0313** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Oppose Federal Government Programs that Direct Libraries to Provide Filtering for Internet Access

**Public Hearings/General Business**

**23-0223** Consider a Tenant Protections and Right to Lease Ordinance

**Tuesday, April 25, 2023 - City Council**

**Public Hearings/General Business**

**23-0031** Selection of the Preferred Alignment of the Bernardo Avenue Undercrossing Project to be Defined as the Proposed Project for the Project for Environmental Review

**Tuesday, May 2, 2023 - City Council**

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**Closed Session**

**23-0230**                    6 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: Tina Murphy, Director of Human  
Resources  
Employee organization: Sunnyvale Managers Association (SMA)

**Public Hearings/General Business**

**23-0225**                    Approve the FY 2023/24 HUD Annual Action Plan

**23-0241**                    First Quarter General Plan Initiation Requests

**Monday, May 8, 2023 - City Council**

**Study Session**

**23-0045**                    6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Tuesday, May 9, 2023 - City Council**

**Study Session**

**23-0046**                    6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Tuesday, May 16, 2023 - City Council**

**Public Hearings/General Business**

**23-0047**                    Board and Commission Appointments

**Thursday, May 18, 2023 - City Council**

**Workshop**

**23-0048**                    8:30 A.M. SPECIAL COUNCIL MEETING  
Budget Workshop

**Tuesday, June 6, 2023 - City Council**

**Closed Session**

**23-0231**                    6 P.M. SPECIAL COUNCIL MEETING (Closed Session)  
Closed Session Held Pursuant to California Government Code Section



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54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Tina Murphy, Director of Human  
Resources  
Employee organization: Sunnyvale Managers Association (SMA)

**Special Order of the Day**

**23-0074** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and  
Commission Members

**Public Hearings/General Business**

**23-0049** Agenda Items Pending - to be scheduled

**Tuesday, June 20, 2023 - City Council**

**Closed Session**

**23-0232** 6 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: Tina Murphy, Director of Human  
Resources  
Employee organization: Sunnyvale Managers Association (SMA)

**Public Hearings/General Business**

**23-0050** Agenda Items Pending - to be scheduled

**Tuesday, June 27, 2023 - City Council**

**Public Hearings/General Business**

**23-0051** Agenda Items Pending - to be scheduled

**Tuesday, July 11, 2023 - City Council**

**Public Hearings/General Business**

**23-0052** Agenda Items Pending - to be scheduled

**Tuesday, July 25, 2023 - City Council**

**Public Hearings/General Business**

**23-0053** Agenda Items Pending - to be scheduled

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**Tuesday, August 8, 2023 - City Council**

**Public Hearings/General Business**

**23-0242**                      Second Quarter General Plan Initiation Requests

**Tuesday, August 15, 2023 - City Council**

**Study Session**

**23-0055**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Tuesday, August 29, 2023 - City Council**

**Public Hearings/General Business**

**23-0056**                      Board and Commission Appointments

**Tuesday, September 12, 2023 - City Council**

**Special Order of the Day**

**23-0075**                      SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and  
Commission Members

**Public Hearings/General Business**

**23-0057**                      Agenda Items Pending - to be scheduled

**Tuesday, September 26, 2023 - City Council**

**Public Hearings/General Business**

**23-0058**                      Agenda Items Pending - to be scheduled

**Tuesday, October 10, 2023 - City Council**

**Public Hearings/General Business**

**23-0059**                      Agenda Items Pending - to be scheduled

**Tuesday, October 24, 2023 - City Council**

**Public Hearings/General Business**

**23-0060**                      Agenda Items Pending - to be scheduled

**Monday, November 6, 2023 - City Council**

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**Study Session**

**23-0061**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Tuesday, November 14, 2023 - City Council**

**Study Session**

**23-0066**                      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

**Public Hearings/General Business**

**23-0062**                      Board and Commission Appointments

**23-0243**                      Third Quarter General Plan Initiation Requests

**Tuesday, November 28, 2023 - City Council**

**Special Order of the Day**

**23-0076**                      SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and  
Commission Members

**Public Hearings/General Business**

**23-0063**                      Agenda Items Pending - to be scheduled

**Tuesday, December 5, 2023 - City Council**

**Study Session**

**23-0173**                      6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Discussion of Upcoming Selection of Vice Mayor

**23-0174**                      Discussion of 2024 Council Intergovernmental Assignments

**Public Hearings/General Business**

**23-0064**                      Agenda Items Pending - to be scheduled

**Tuesday, December 12, 2023 - City Council**

**Public Hearings/General Business**

**23-0065**                      Agenda Items Pending - to be scheduled

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**Tuesday, January 9, 2024 - City Council**

**Public Hearings/General Business**

- 23-0175** Selection of Vice Mayor for a One-Year Term Effective January 9, 2024
- 23-0176** Appoint Councilmembers to Intergovernmental Assignments; Ratify Appointments of Councilmembers made by Outside Agencies; Take Action to Modify, Create, or Terminate Council Subcommittees
- 23-0178** Determine the 2024 Seating Arrangements for City Council

**Tuesday, January 23, 2024 - City Council**

**Special Order of the Day**

- 23-0179** SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor
- 23-0180** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Vice Mayor

**Public Hearings/General Business**

- 23-0318** Annual Public Hearing-Discussion of Potential Council Study Issues and Budget Proposals for Calendar Year 2024
- 23-0319** Approve the Proposed 2024 Priority Advocacy Issues and Review Long-term Legislative Advocacy Positions (LAPs)

**Thursday, January 25, 2024 - City Council**

**Workshop**

- 23-0068** 8:30 A.M. SPECIAL COUNCIL MEETING  
Strategic Planning Workshop

**Tuesday, February 6, 2024 - City Council**

**Public Hearings/General Business**

- 23-0244** Fourth Quarter General Plan Initiation Requests

**Tuesday, February 13, 2024 - City Council**

**Study Session**

- 23-0070** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)  
Board and Commission Interviews (as needed)

**Thursday, February 15, 2024 - City Council**

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**Workshop**

**23-0071**                      8:30 A.M. SPECIAL COUNCIL MEETING  
Study Issues/Budget Proposals Workshop

**Tuesday, February 27, 2024 - City Council**

**Public Hearings/General Business**

**23-0072**                      Board and Commission Appointments

**Date to be Determined - City Council**

**Public Hearings/General Business**

**23-0081**                      Accept Google Inc.'s Donation of Voluntary Deployment of an Innovative Pilot Traffic Signal Management System with an Estimated Construction Cost of \$3,388,214.00 and Finding of Exemption from the California Environmental Quality Act

**23-0159**                      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

**23-0160**                      Approval of Grant Funding Agreements between: 1) the City and Jay Paul for Supplemental Staff in the Community Development; and, 2) the City and Google for Supplemental Staff in the Public Works Department and authorize the City Manager to execute the agreements

**23-0169**                      Public Hearing to Adopt a Resolution Confirming the Annual Report to Levy and Collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District (BID) for Fiscal Year 2022/23



# City of Sunnyvale

## Agenda Item

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**23-0025**

**Agenda Date:** 2/7/2023

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Board/Commission Meeting Minutes



# City of Sunnyvale

## Meeting Minutes

### Planning Commission

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Monday, January 9, 2023

5:30 PM

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

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**Special Meeting: Study Session - 5:30 PM | Public Hearing - 7:00 PM**

#### **5:30 P.M. STUDY SESSION**

##### **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 December 13, 2022.

Vice Chair Iglesias called the meeting to order at 5:30 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

##### **Study Session**

- A.**      [23-0135](#)      **Proposed Project:**    Related applications on a 6.13-acre site:  
                                 **USE PERMIT:** to demolish existing medical office buildings and  
                                 construct a mixed-use development project including 110  
                                 condominium units and 35,393 square feet of office space.  
                                 **TENTATIVE PARCEL MAP:** to create 110 condominiums.  
**Location:** 877 West Fremont Avenue (APN: 202-23-007)  
**File #:** 2021-7922  
**Zoning:** O (Office)  
**Applicant/Owner:** Silver Lake Foothill LLC (applicant and owner)  
**Environmental Review:** No additional review required as per CEQA  
Guidelines 15168(c)(2) and (4) - environmental impacts of the project  
are addressed in the Land Use and Transportation Element (LUTE)  
Environmental Impact Report (EIR).

**Project Planner:** Aastha Vashist, (408) 730-7458,  
avashist@sunnyvale.ca.gov

**B.**      [23-0131](#)

**Proposed Project:**      Related applications on a 5.82-acre combined site:

**SPECIAL DEVELOPMENT PERMIT:** to demolish an existing surface parking lot at the rear of two existing office buildings and construct 225 apartment units at a density of 112 dwelling units per acre in an eight-story building inclusive of three levels of above-ground parking.

**TENTATIVE PARCEL MAP:** to relocate the existing lot line between the two office building lots, resulting in a 3.82-acre lot for the office buildings and a 2-acre lot for the apartment development.

**Location:** 1150-1170 Kifer Road (APNs: 205-50-034 and 205-50-035)

**File #:** 2022-7168

**Zoning:** MXD-I

**Applicant/Owner:** Prometheus Real Estate Group (applicant) /1150 Kifer LP (owner)

**Environmental Review:** No additional review required as per CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Lawrence Station Area Plan (LSAP) Subsequent Environmental Impact Report (SEIR)

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

## **Adjourn Study Session**

### **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 December 13, 2022.

Chair Pyne called the meeting to order at 7:30 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**

Jaime Vasquez, field representative for Carpenters Local 405, spoke of labor standards, such as livable wages and medical and retirement benefits, that will enable constructions workers and their families to live in the communities where they work. He urged the City to rely upon the local workforce for developments to reduce commutes for workers and allow them to spend more time with their families after work. Mr. Vasquez also suggested that the City's establishment of an accredited apprenticeship program will produce an experienced workforce with the ability to complete high quality projects safely and in a timely manner. Lastly, he requested that the Planning Commission adopt area labor standards in all projects being built throughout the City.

### **CONSENT CALENDAR**

There were no public speakers for this agenda item.

MOTION: Commissioner Howe moved and Commissioner Howard seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes:** 6 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howard  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla

**No:** 0

**Abstained:** 1 - Commissioner Weiss

1. [23-0132](#) Approve Planning Commission Meeting Minutes of December 12, 2022

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

2. [23-0130](#) Forward Recommendation to City Council to Approve the Non-Residential Housing Mitigation Fee Nexus Study and Adopt a Resolution Amending the Housing Impact Fee for Non-Residential Development (Study Issue) and Find the Actions are Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b)(4)

Housing Specialist Ryan Dyson and Stephanie Hagar, Principal at BAE Urban Economics, presented the staff report with a slide presentation.

Commissioner Weiss confirmed with Housing Specialist Dyson that the City Council already has the ability to approve alternative compliance options for mixed-use developments that incorporate affordable units in the project.

Commissioner Serrone questioned to what extent space per worker was considered, how current the data used for the study is, and to what extent remote work was incorporated into the study. Ms. Hagar answered that a variety of resources were used to examine employee density and noted that they were conservative when estimating the impact of new development when considering the fee amount to ensure that the maximum fee amount is legally justifiable.

Commissioner Serrone questioned the reason for two tiers for the mitigation fees. Housing Specialist Dyson responded that the lower tier fee is targeted for smaller developments.

Commissioner Serrone noted the high percentage of above-moderate-income employees in the Industrial/Warehouse land use category. Ms. Hagar explained that warehouses and industrial spaces are used for a wide variety of purposes and business types including tech start-ups. They considered the types of employees within each building type in the context of which industries occupy those spaces.

Commissioner Serrone proposed the idea of eliminating the housing mitigation fee for developments that serve as a strong source of revenue for the City. He added that doing so might encourage more of those development types within the City.

Commissioner Serrone inquired about whether it is concerning that retail, hotel, and industrial developments face feasibility challenges under the current fee structure and do not support a fee increase at this time. Housing Specialist Dyson and Ms. Hagar discussed other external economic and development factors that are posing challenges for retail, hotel, and industrial developments. These include increased

land value and construction costs as well as uncertainty of the future due to the pandemic.

Commissioner Howe confirmed with Housing Specialist Dyson that fees for all land use categories are adjusted annually for inflation.

At Vice Chair Iglesias' request, Ms. Hagar explained income distribution across all land use categories and the impact this would have upon affordable housing need and the fee rate.

Vice Chair Iglesias confirmed with Housing Specialist Dyson that the mitigation fee rate does not intend to target a certain percentage of the affordable housing need. Instead, the aim is to offset the affordable housing need.

Chair Pyne commented that only three developers participated in the developer focus group session described in page 13 of Attachment 3. Housing Specialist Dyson stated that a low response rate is fairly typical, but discussions with those developers allowed great insight into the budgets associated with non-residential development.

Chair Pyne opened the Public Hearing.

Mason Fong, author of the study issue, advised that more time is needed to effectively address the study issue and advocated for lower fees for retail, hotel, and industrial developments.

Commissioner Howard asked whether Mr. Fong has a call to action for the Planning Commission at this time. Mr. Fong advised the Planning Commission to defer the study issue to allow more time to address Commissioner questions and thoroughly educate the Commission on all aspects of the study issue.

Chair Pyne closed the Public Hearing.

Commissioner Shukla agreed that a more comprehensive study of developmental impacts may be needed before considering increasing the fee.

Vice Chair Iglesias also shared that he would like more time to review the information that has been provided since he has questions about the impacts that the fee rates may have.

Commissioner Serrone noted that the city of Santa Clara does not impose a fee on retail developments below five thousand square feet and that the city of San Jose does not impose fees on retail developments altogether. He also asked whether there is an urgency to complete the study issue and proposed the consideration of differentiating fees based upon City location or project type. Housing Officer Jenny Carloni responded by providing an overview of the nexus study, explaining why one is needed, and stated that this study includes the information and analysis required for a standard nexus study. Ms. Carloni noted that, historically, fees imposed by neighboring cities fall within a very comparable margin. She added that the urgency to adopt fees stems from the adoption of the Moffett Park Specific Plan in the near future.

Commissioner Howard spoke in overall support of recommending the staff recommendation to the City Council and explained why.

Chair Pyne stated that he is prepared to advocate for the recommendation that the Planning Commission approves when he attends the City Council meeting that is scheduled to review this study issue.

Commissioner Shukla voiced her support of staff's recommendations.

MOTION: Commissioner Shukla moved and Commissioner Weiss seconded the motion to recommend to City Council Alternatives 1 and 3: 1) Approve the Non-Residential Housing Mitigation Fee Nexus Study; 3) Adopt a Resolution Amending the Housing Impact Fee for Non-Residential Development for Office/R&D Development to Increase the Fee to \$11 per Square Foot for the First 25,000 Square Feet and \$22 per Square Foot for All Remaining Square Feet, Adjusted Annually for Inflation, with No Changes to the Fee Schedule for Retail, Lodging, and Industrial.

Commissioner Weiss spoke in support of the motion and urged her fellow Planning Commissioners to do the same.

Commissioner Howard expressed his support of the motion and shared his hope that the Planning Commissioners would arrive at a consensus.

Chair Pyne stated that he is in overall support of the motion.

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 January 24, 2023 meeting.

3. [23-0134](#) **Proposed Project:** Related applications on a 0.93-acre site:  
**USE PERMIT** for a new six-story hotel with 152 rooms, and  
**VARIANCE** to allow 14.5% parking lot shading where a minimum of 50% is required.  
**Location:** 1220 Oakmead Parkway (APN: 216-44-048)  
**File #:** 2022-7080  
**Zoning:** Industrial and Service (M-S)  
**Applicant / Owner:** Arris Studio Architects (applicant) / BPR Properties UCSC LLC (owner)  
**Environmental Review:** The project is consistent with the Land Use and Transportation Element (LUTE) of the City's General Plan and no additional environmental review is required pursuant to CEQA Guidelines Section 15183 and Public Resources Code Section 21083.3.  
**Project Planner:** Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Associate Planner Kelly Cha presented the staff report with a slide presentation.

Commissioner Serrone confirmed with Associate Planner Cha that the project is exempt from public art requirements based on the size of the lot.

Commissioner Serrone commented that the proposed project's parking lot will largely be covered in shade due to the proposed building.

Commissioner Serrone received clarification from Associate Planner Cha that the proposed project's checklist is reflective of Leadership in Energy and Environmental Design (LEED) Gold Level.

Commissioner Serrone stated that he has additional questions regarding the proposed project's gas lines that he will follow up on later in the meeting.

Chair Pyne requested clarification on page A1.3 of Attachment 7 concerning the calculation for LEED level. Associate Planner Cha assured him that this clarification will be provided by the applicant.

Chair Pyne questioned whether updated Audible Pedestrian Systems (APS) will be included on the street opposite of the proposed project. Associate Planner Cha answered that the requirement improvement is limited to the project frontage.

Chair Pyne opened the Public Hearing.

Perry Patel (owner of Radiate Hospitality) and Adriana Cook (Architect at Arris Studio Architects) presented information about the proposed project.

Commissioner Weiss confirmed with Ms. Cook that the proposed project's meeting room accommodates approximately 113 individuals.

Commissioner Weiss questioned whether the proposed project has the capacity to supply enough parking to accommodate conference or meeting attendees. Ms. Cook assured Commissioner Weiss that the proposed project offers more parking spaces than the estimated demand and that other modes of transportation (i.e., ride share and public transportation) will be encouraged. Mr. Patel added that, in his experience, meeting and conference attendees are generally already hotel guests. He also mentioned that meetings are conducted during daytime hours when a greater amount of parking spaces is available.

Commissioner Weiss noted that page E-1 of Attachment 7 features bollard lights that do not appear to offer downlighting. Associate Planner Cha responded that, due to Recommended Condition of Approval PS-3, the proposed project's light fixtures must all be fully shielded to prevent unwanted glare or light spillage.

Commissioner Weiss proposed that a mosaic design be implemented for the blank white wall located on the proposed project's west elevation since such a design will offer long-lasting visual interest that will not experience wear over time.

Commissioner Howard shared his concerns about covering the blank white wall on the proposed project's west elevation with artificial plants. He suggested that a

decorative metal panel or a mosaic design might be more suitable.

Commissioner Shukla commended improvements made to the proposed project since it was last reviewed at a Planning Commission study session. She also spoke in support of the artificial plants that are being considered for the blank white wall located on the proposed project's west elevation.

Rani Fischer, Sunnyvale resident, expressed her gratitude for the proposed project's LEED Gold Level, the avian collision risk assessment that was conducted, and the proposed project's inclusion of glazed windows. She also voiced her opposition to the use of artificial plants for the blank white wall located on the proposed project's west elevation.

Ms. Cook presented additional information about the proposed project.

Chair Pyne closed the Public Hearing.

Commissioner Howard confirmed with Associate Planner Cha that Recommended Condition of Approval EP-29 has been corrected and may be found in Attachment 13 of the staff report.

MOTION: Commissioner Weiss moved and Commissioner Howard seconded the motion to Alternative 1 – Make the findings required to approve the CEQA determination that the project is consistent with the City's General Plan and no additional environmental review is required as noted in the checklist in Attachment 5, and approve the Use Permit and Variance based on the Recommended Findings in Attachment 3, and Recommended Conditions of Approval in corrected Attachment 4 (Attachment 13 of the staff report).

Recommended Condition of Approval EP-29 of Attachment 4 has been corrected in Attachment 13 and reads as follows: "TRAFFIC SIGNAL – Developer shall install two (2) new Audible Pedestrian System (APS) push buttons with touchless feature at the southwest corner of the intersection of Oakmead Parkway and Lakeside Drive, including the required control unit in the traffic signal cabinet. Modifications requested at the intersection of Oakmead Parkway and Lakeside Drive that are signalized may require traffic signal improvements which shall be designed and constructed in accordance with current City design guidelines. [COA] [PUBLIC WORKS]"

Commissioner Weiss recognized the proposed project for being carefully thought out and incorporating such technology as CoolSeal for its parking lot. She also acknowledged the applicant's amenability to suggestions and stated that she looks forward to the seeing the proposed project's progress.

Commissioner Howard spoke in overall support of the proposed project and anticipates seeing the art that will be showcased on the blank white wall located on the proposed project's west elevation.

Chair Pyne expressed his support of the proposed project. He also called attention to his ability to make the variance findings and the applicant's efforts to mitigate the proposed project's heat island effect.

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 decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, January 24, 2023.

**4.**      [23-0133](#)      Selection and Ranking of Potential 2023 Study Issues

Principal Planner Amber Blizinski presented a brief overview on the study issue process and the procedures for dropping or deferring study issues before ranking them.

Commissioner Serrone asked if all of the Community Development Department's (CDD) study issues were on the list. Principal Planner Blizinski answered that only the CDD study issues that fall under the Planning Commission's purview are on the list, but that some CDD study issues that were sponsored by the Heritage Preservation Commission do not come to the Planning Commission for ranking.



Commissioner Shukla, regarding study issue CDD 23-03, inquired whether the City imposes an in-lieu fee for rental housing. Principal Planner Blizinski explained that this study issue would study an increase to the existing in-lieu fee for rental housing.

At Commissioner Howard's request, Principal Planner Blizinski provided details on study issue CDD 22-05.

Vice Chair Iglesias confirmed with Principal Planner Blizinski that the link to the study issue papers were included in the staff report and that the Planning Commissioners are required to verbally vote on each study issue.

At Commissioner Serrone's request, Principal Planner Blizinski explained what is meant by the asterisked sentence in Attachment 1 of the staff report.

Chair Pyne opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Pyne closed the Public Hearing.

Commissioner Serrone shared that he is surprised that staff is not in support of study issue CDD 22-04 even though he would rank that study issue higher than others. He added that he thought that previous action to address study issue CDD 23-02 was taken by the Planning Commission. Principal Planner Blizinski explained that this is essentially a second Phase of an older study issue to rezone the properties.

Chair Pyne advocated for and spoke in support of study issue CDD 23-02 and offered his reasons why.

Together, the Planning Commissioners accepted the ranking of the Study Issues as follows:

- 1.) CDD 23-02: Consider General Plan Land Use Designation Amendments and Rezoning for 22 Legal Non-Conforming Single- and Two-Family Dwellings
- 2.) CDD 23-01: Consider Increasing Inclusionary Housing Requirements to 20% in New Residential Development
- 3.) CDD 22-04: Adopt Personal Electric Vehicle (PEV) Parking Standards
- 4.) CDD 23-03: Review and Potentially Update the Housing In-Lieu Fees for Rental

and Ownership Housing

5.) CDD 22-05: Consider Modifications to the Sunnyvale Municipal Code Related to Underground Utilities

6.) CDD 23-04: Explore Expanding Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Include a Public Art Requirement for High Density Residential Developments (Including Affordable Housing)

This recommendation will be forwarded to the City Council for consideration at the Study Issues and Budget Proposals Workshop on February 16, 2023.

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Commissioner Howard revealed that he is prepared to return to in-person Planning Commission meetings.

Commissioner Serrone mentioned a quote from the Land Use and Transportation Element (LUTE) regarding the City's lack of designated scenic vistas and shared that, in his opinion, this was a very sad thing.

**-Staff Comments**

Planning Officer Shaunn Mendrin announced that a virtual community on the draft plan and Environmental Impact Report (EIR) of the Moffett Park Specific Plan (MPSP) will be held on January 17, 2023. He added that this item will be reviewed by the Planning Commission on January 23, 2023.

Planning Officer Mendrin informed the Commissioners that at the City Council meeting of January 31, 2023, the City Council will conduct a community benefits prioritization workshop on the MPSP.

Planning Officer Mendrin stated that the City Council will consider the introduction of an ordinance to amend Chapter 19.36 of Title 19 of the Sunnyvale Municipal Code (SMC) on February 7, 2023. He explained that this item is also scheduled to be reviewed at the Planning Commission meeting of January 23, 2023.

Chair Pyne confirmed with Planning Officer Mendrin that the City Council will consider amendments to the Downtown Specific Plan for Block 20 on January 10, 2023.

**ADJOURNMENT**

Chair Pyne adjourned the meeting at 9:56 PM.



# City of Sunnyvale

## Agenda Item

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**23-0078**

**Agenda Date:** 2/7/2023

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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	May 2023	
4/5/22	Review no right on red at the intersection of Bernardo and Fremont Ave.	DPW	Feb 2023	
4/28/22	Provide a comparison on building heights with pros and cons identified at MPSP.	CDD	Feb 2023	
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	Feb 2023	
6/7/22	Work with the Mayor to preapre advocacy letters in support of the efforts of the Amah Mutsun Tribal Band to preserve Sargent Ranch/Juristac as open space.	CDD	Feb 2023	
10/25/22	Analyze legislation and determine if audio and visual is required for councilmembers during the Council meeting.	OCA	Feb 2023	2/1/23
12/13/22	Provide UUT audit findings with the Annual Budget Report/Workshop.	FIN	May 2023	
12/13/22	Identify and review the "unfunded" list with Council during the Budget Workshop.	FIN	May 2023	
1/10/23	Provide information on noticing requirements for General Plan Amendments.	CDD	Jan 2023	1/31/23
1/10/23	Provide information on metering at the Community Center and identify if there is a way to separate water usage per facility at this location.	DPW	Jun 2023	
1/10/23	Incorporate and address Council comments when the final Community Center grounds renovation project design is presented to Council for adoption.	DPW	Nov 2023	
1/24/23	Schedule a study session to discuss the long-term advocacy position for removal of actively monitoring and opposing mandates that restrict open access to information and the opposition of federal government programs that direct libraries to provide filtering for internet access.	LRS	Jan 2023	1/31/23

# New Study Issues and Budget Proposals Sponsored by Council

Date Requested	RTC #	Study Issue/Budget Proposal Topic	Requested By	Dept	Approved by City Manager
1/10/23	23-0237	Budget proposal: Increase tree trimming and resolve the two-year backlog over the next two fiscal years.	<b>Klein</b> , Din, Mehlinger, Cisneros, Sell, Melton, Srinivasan	DPW	
1/24/23	23-0323	Study Issue: Evaluate existing and potential emergency housing and shelter opportunities for families with minor children experiencing homelessness in order to provide safe, private lodging for families year-round.	<b>Cisneros</b> , Mehlinger, Sell, Klein, Din	CDD	
1/24/23	23-0316	Budget Proposal: Increase service levels for neighborhood preservation to enforce Sunnyvale's short-term rental ordinance and as per budget supplement 2 from last year's budget process it would include a moderate increase in service levels by neighborhood preservation and a larger increase in service levels by neighborhood preservation.	<b>Melton</b> , Cisneros, Mehlinger, Sell, Klein, Srinivasan, Din	DPS	
1/24/23	23-0309	Study Issue: Evaluate range of options for shuttle service or alternative transportation options for high school students going to Fremont and Homestead High Schools. Mainly for students living in northern Sunnyvale. Look at ride share funding options and other programs.	<b>Mehlinger</b> , Sell, Cisneros, Klein, Melton, Din	DPW	
1/24/23	23-0315	Study Issue: Evaluate the feasibility of an ordinance to ban the use of gas powered leaf blowers and other small two stroke motors within the City limits in the City of Sunnyvale.	<b>Mehlinger</b> , Sell, Klein, Din, Srinivasan	DPW	

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>

# New Study Issues and Budget Proposals Sponsored by Council

Date Requested	RTC #	Study Issue/Budget Proposal Topic	Requested By	Dept	Approved by City Manager
1/24/23	23-0311	Study Issue: Measuring progress on the City's plans to promote bicycling and walking is important in achieving safety goals, so progress needs to be measured, well defined and quantifiable metrics. This proposed study issue would define these metrics which would then provide feedback on how well our actions are working towards the City's safety goals outlined in Vision Zero Action Plan, the Active Transportation Plan and Safe Routes to School. Titled Bicycle and Walking Safety Metrics.	<b>Sell</b> , Klein, Mehlinger, Melton, Cisneros, Srinivasan, Din	DPW	
1/24/23	23-0310	Budget Proposal: Allocate \$60K to the Department of Public Works to contract with an outside engineering firm to conduct investigations into the next 3 collisions in Sunnyvale involving a motor vehicle in which a cyclist or pedestrian is seriously injured or killed. There would be discretion to the City Manager as to which 3, if there is a particularly obvious case that he does not feel an investigation would be worthwhile. Each investigation would produce a report, identifying engineering factors contributing to the collision, would focus on engineer design, as well as potential mitigation options. Each report will be released publicly on the transportation and traffic safety section of the City's website upon completion. Upon completion of the pilot staff would present the results to the BPAC and City Council for review.	<b>Mehlinger</b> , Klein, Cisneros, Sell, Srinivasan, Din.	DPW	
1/24/23	23-0200	Study Issue: Evaluate a single mobile application to replace the City's current three separate applications that is a framework on all functionality for all residents to use to communicate, track, and transact with the City.	<b>Srinivasan</b> , Klein, Mehlinger, Melton, Cisneros, Din, Sell	ITD	

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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23-0285

Agenda Date: 2/7/2023

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### REPORT TO COUNCIL

#### SUBJECT

Notice of Public Works Director's Decision on Final Maps (Information Only)

#### BACKGROUND

In accordance with Sunnyvale Municipal Code Section 18.20.270, this is notice of the Public Works Director's pending approval on the following Final Map(s):

<b>Tract</b>	10590
<b>Location</b>	166 E. Fremont Avenue
<b>Developer</b>	Sunnyvale Fremont Corners, LLC, a California Limited Liability Company
<b>Lots/Units</b>	6 (5 developable, 1 common lot) / 50 condominium units

#### ENVIRONMENTAL REVIEW

Approval of final subdivision map is a ministerial action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15268(b)(3).

#### 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: Vu Tran, Engineering Assistant II

Reviewed by: Jennifer Ng, Assistant Director of Public Works

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Kent Steffens, City Manager