



City of Sunnyvale

Notice and Agenda City Council

Tuesday, January 9, 2024

5:00 PM

Online and Council Chambers, City Hall,
456 W. Olive Ave., Sunnyvale, CA 94086

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

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

Public Participation

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

As a courtesy, and technology permitting, members of the public may also attend online. However, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

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

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

Meeting call-in telephone number: 833-548-0276 | Meeting ID: 961 1158 0540

*(*9 to request to speak | *6 to unmute/mute)*

• *Watch the City Council meeting at <http://youtube.com/SunnyvaleMeetings> or on television over Comcast Channel 15, AT&T Channel 99*

• *Submit written comments to the City Council no later than 4 hours prior to the meeting start to council@sunnyvale.ca.gov or by mail to:
City Clerk, 456 W. Olive Ave., Sunnyvale, CA 94086*

• *Review recordings of this meeting and past meetings at <https://sunnyvaleca.legistar.com/calendar.aspx> or*

<http://youtube.com/SunnyvaleMeetings>

Accessibility/Americans with Disabilities Act (ADA) Notice

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

5 P.M. SPECIAL COUNCIL MEETING Closed Session)

Call to Order

Call to Order in the Council Chambers (Open to the Public).

Roll Call

Public Comment

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

Convene to Closed Session

Convene to Closed Session in the Council Conference Room (Closed to the Public).

- A** [24-0166](#) Closed Session Held Pursuant to California Government Code Section 54957:
PUBLIC EMPLOYEE APPOINTMENT
Title: City Attorney

Adjourn Special Meeting

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

Call to Order

Call to Order in the Council Chambers

Roll Call

Study Session

The public may provide comments regarding the Study Session item(s). If you wish to address the Council, please refer to the notice at the beginning of this agenda.

B [24-0091](#) Sunnyvale Public Library Outreach Results

Adjourn Special Meeting**7 P.M. COUNCIL MEETING**

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

CALL TO ORDER

Call to Order in the Council Chambers

SALUTE TO THE FLAG**ROLL CALL****CLOSED SESSION REPORT****SPECIAL ORDER OF THE DAY**

C [24-0084](#) Recognition of Outgoing City Attorney

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 [24-0193](#) Approve City Council Meeting Minutes of November 28, 2023

Recommendation: Approve the City Council Meeting Minutes of November 28, 2023 as submitted.

1.B [24-0195](#) Approve City Council Meeting Minutes of December 5, 2023

Recommendation: Approve the City Council Meeting Minutes of December 5, 2023 as submitted.

1.C [24-0012](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

1.D [24-0189](#) Adopt a Resolution Enabling the City of Sunnyvale to Amend a Financing Agreement with the State of California for up to \$322,060,000 in Clean Water State Revolving Funds to Fund the City of Sunnyvale Secondary Treatment and Dewatering Facilities Project

Recommendation: Adopt a Resolution enabling the City of Sunnyvale to amend a Financing Agreement with the State of California for the new amount of \$322,060,000 in Clean Water State Revolving Funds to fund the Secondary Treatment and Dewatering Facilities Project.

1.E [24-0159](#) Award of Consultant Service Agreement with a Contract Amount Not-to-Exceed \$1,200,000 to V & A Consulting Engineers, Inc. for WPCP Yard Piping Condition Assessment (F24-001) and Find the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378(a)

Recommendation: Take the following actions:

- Award a Consultant Service Agreement in substantially the same form as Attachment 1 to the report in an amount not-to-exceed \$1,200,000 to V & A Consulting Engineers, Inc. of Oakland;
- Approve an 8.3% contingency in the amount of \$100,000;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).

1.F [24-0098](#)

Award of Consultant Services Agreement with a Contract Amount Not-to-Exceed \$831,398 to BKF Engineers for Evelyn Avenue Multi-Use Trail Project (F23-173) and Find the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378 (a)

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 \$831,398 to BKF Engineers of San Jose;
- Approve a 10% contingency in the amount of \$83,140;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Find the Project exempt from CEQA pursuant to CEQA Guidelines Section 15378 (a).

1.G [24-0096](#)

Award of Contract to Balch Petroleum Contractors and Builders, Inc. in the Amount of \$997,850 for Upgrading of Fuel Tanks at Corporation Yard Project; Finding of California Environmental Quality Act (CEQA) Exemption Pursuant to CEQA Guidelines Section 15301(c); and Approval of Budget Modification No. 9 in the amount of \$285,000 (PW23-22)

Recommendation: Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$997,850 to Balch Petroleum Contractors and Builders, Inc.;
- Approve a 10% construction contingency in the amount of \$97,785;
- Authorize the City Manager to execute the contract when all necessary conditions have been met;
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c); and
- Approve Budget Modification No. 9 in the amount of \$285,000.

- 1.H [24-0095](#) Adopt a Resolution to Summarily Vacate an Unimproved Portion of a Street Easement (9224 O.R. 225) Located Adjacent to 1225 Vienna Drive

Recommendation: Adopt the Resolution to summarily vacate an unimproved portion of the 66-foot wide street easement (9224 O.R.) located adjacent to 1225 Vienna Drive; and authorize and direct the City Clerk to record a certified copy of the Resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

PUBLIC HEARINGS/GENERAL BUSINESS

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

- 2 [24-0092](#) Selection of Vice Mayor for a One-Year Term Effective January 9, 2024

Recommendation: Select a member of the Council to serve as Vice Mayor for a one-year term effective January 9, 2024, expiring on the first regular meeting in January 2025.

- 3 [24-0093](#) Appoint Councilmembers to Intergovernmental Assignments; Ratify Appointments of Councilmembers Made by Outside Agencies; Take Action to Modify, Create, or Terminate Council Subcommittees; Approve Amendments to Council Policy 7.2.19

(Boards and Commissions)

Recommendation: Alternatives 1 through 7: 1) Ratify Community Member Appointments; 2) Reaffirm Board and Commission Liaison Assignments; 3) Take Action to Modify, Create, or Terminate Council Subcommittees; 4) Appoint Councilmembers to Remaining Council Subcommittees and Standing Committees; 5) Appoint Councilmembers to serve on External IGR Agencies; 6) Ratify Appointments made by Outside Agencies including Pre-ratification of appointments that are still pending; 7) Approve Amendments to Council Policy 7.2.19 (Boards and Commissions)

- 4 [24-0097](#) Approve Calendar Year 2024 Community Events and Neighborhood Grant Program Applications

Recommendation: Alternative 1: Approve Option 1 funding levels for Community Events with the reduction of \$587 from the Holi event and approve Option 2 funding levels for Neighborhood Grants.

- 5 [24-0201](#) Amend the Code of Ethics and Conduct for Elected and Appointed Officials Related to Remote Public Comment During Oral Communications

Recommendation: Staff makes no recommendation. This report is being presented to City Council to facilitate discussion at the public hearing and for Council to consider the proposed amendments to the Code of Ethics and Conduct for Elected and Appointed Officials.

- 6 [24-0001](#) Review the Council Policy 7.3.19 (Council Meetings) Process for City Council Colleague Memorandums to Propose new Agenda Items and Consider Amendments to the Process and/or an Extension of the Process Beyond January 31, 2024

Recommendation: Staff makes no recommendation. This report is being presented to City Council to facilitate discussion at the public hearing and for Council to consider various options that relate to the pilot Council Colleague Memorandums process.

- 7 [24-0157](#) Appointment of Interim City Attorney and Approval of Employment Agreement

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

8 [24-0094](#) Determine the 2024 Seating Arrangements for City Council

Recommendation: Determine the seating arrangements for 2024 in accordance with Council Policy 7.3.11.

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.

24-0072	Tentative Council Meeting Agenda Calendar
24-0073	Board/Commission Meeting Minutes
24-0074	Information/Action Items
24-0191	Comparison of Sunnyvale Development Fees and Processing Times to Comparable Cities (Residential Development)
24-0085	Council Advocacy Letters

ADJOURNMENT

NOTICE TO THE PUBLIC

The agenda reports to council (RTCs) may be viewed on the City's website at sunnyvale.ca.gov after 7 p.m. on Thursdays or at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue, during normal business hours, 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 on the fourth floor of City Hall at 456 W. Olive Avenue, 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 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.