



City of Sunnyvale

Notice and Agenda

City Council

Tuesday, July 26, 2022

6:00 PM

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

Special Meeting: Closed Session - 6 PM | Regular Meeting - 7 PM

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

Special Teleconference Notice

Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale City Council will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed July 12, 2022)

Public Participation

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

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

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

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

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

- *Submit written comments to the City Council no later than 4 hours prior to the meeting start to council@sunnyvale.ca.gov or by mail to: City Clerk, 603 All America Way, Sunnyvale, CA 94086*

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

Accessibility/Americans with Disabilities Act (ADA) Notice

Pursuant to the Americans with Disabilities Act (ADA), if you need special

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

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

Call to Order

Call to Order via teleconference.

Roll Call

Public Comment

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

Convene to Closed Session

- A** [22-0769](#) CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION Closed Session held pursuant to California Government Code Section 54956.9(d)(1). Name of case: Jane Doe v. The City of Sunnyvale, The City of Sunnyvale Department of Public Safety, Joel Lockwood, Santa Clara County Superior Court, Case No. 22CV399041.

Adjourn Special Meeting

7 P.M. COUNCIL MEETING

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

CALL TO ORDER

Call to Order via teleconference.

ROLL CALL

CLOSED SESSION REPORT**ORAL COMMUNICATIONS**

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

CONSENT CALENDAR

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

1.A [22-0576](#) Approve City Council Meeting Minutes of June 21, 2022

Recommendation: Approve the City Council Meeting Minutes of June 21, 2022 as submitted.

1.B [22-0369](#) Approve City Council Meeting Minutes of June 28, 2022

Recommendation: Approve the City Council Meeting Minutes of June 28, 2022 as submitted.

1.C [22-0183](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

1.D [22-0699](#) Award of Contract to FBD Vanguard Construction, Inc. in the Amount of \$293,276.25 for Lawrence Station Area Sidewalks and Bicycle Facilities and Finding of California Environmental Quality Act (CEQA) Categorical Exemption (PW22-10)

- Recommendation:** - Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$293,276.25 to FBD Vanguard Construction, Inc. of Livermore;
- Make a finding of categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);
 - Authorize the City Manager to execute the contract when all necessary conditions have been met, and
 - Approve a 10% contingency in the amount of \$29,328.

- 1.E** [22-0731](#) Award of Contract to Brannon Corporation for Rehabilitation of Storm Drain Outfall at Remington Court (PW22-01)

- Recommendation:** - Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$313,600 to Brannon Corporation of Morgan Hill;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
 - Approve a 10% contingency in the amount of \$31,360.

- 1.F** [22-0641](#) Award and Authorize the City Manager to Execute a Contract with Linda Brunner for Public Art at the Civic Center Amphitheater in the Total Amount not to Exceed \$321,000.

- Recommendation:** Award and Authorize the City Manager to Execute a Contract with Linda Brunner for Public Art at the Civic Center Amphitheater in the total amount not to exceed \$321,000.

- 1.G** [22-0219](#) Appoint a City of Sunnyvale Community Member Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee

- Recommendation:** Appoint Alex Bonne as Sunnyvale's community member representative for the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee for a two-year term, which begins retroactively on July 1, 2022 and ends on June 30, 2024.

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 [22-0738](#) CHANGE OF HEARING DATE TO AUGUST 16, 2022.

Proposed Project: Related applications on a 1.25-acre site:
DEVELOPMENT AGREEMENT (DA): Introduction of an Ordinance Approving and Adopting of a DA between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.

SPECIAL DEVELOPMENT PERMIT (SDP): to demolish the existing buildings and construct a new 125,128 square foot four (4) story office building with two (2) levels of underground parking.

Location: 480 & 490 S. Mathilda Avenue and 355 W. Olive Avenue (APNs:209-28-008 & 052)

File #: 2021-7281 (DA) & 2021-7280 (SDP)

Zoning: DSP Block 13

Applicant: Daniel Minkoff, Minkoff Group

Owners: Gary Thon-Lon Hon and Nichole Ying Lin Hon, as Trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.

Environmental Review: A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City CEQA Guidelines.

Project Planner: Shaunn Mendrin, (408) 730-7431, smendrin@sunnyvale.ca.gov

Recommendation: Continue the hearing to the City Council meeting of August 16, 2022.

3 [22-0773](#) Adopt a Resolution Calling for a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2022, for the Purpose of Submitting to City Voters a Measure to Enact a Real Property Transfer Tax; Requesting Consolidation with the Statewide General Election and Election Services from Santa Clara County; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Ballot Arguments.

Recommendation: Alternative 1: Adopt a resolution calling for a General Municipal Election to be held in the City of Sunnyvale on Tuesday, November 8, 2022, for the purpose of submitting to City voters a measure to enact a Real Property Transfer Tax of .75% on transfers \$4,000,000 or greater; requesting consolidation with the Statewide General Election and election services from Santa Clara County; directing the City Attorney to prepare an impartial analysis; and setting priorities for ballot arguments.

- 4 [22-0412](#) Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Assessment, and Levy and Collect an Annual Assessment for The Downtown Parking Maintenance District for Fiscal Year 2022/23

Recommendation: Alternative 1: Adopt the Resolution to approve the final Engineer's Report, to confirm the assessment, and levy and collect an annual assessment for the Downtown Parking Maintenance District for FY 2022/23.

- 5 [22-0704](#) Approve the Proposed Amendments to City Council Policy 7.4.3 Council Activity Calendar and Meeting Schedule

Recommendation: Alternative 1: Approve proposed changes to Council Policy 7.4.3 (Council Activity Calendar and Meeting Schedule).

- 6 [22-0010](#) Consider Options and Provide Direction to: (1) Amend Sunnyvale Municipal Code Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) to Remove Ranked Choice Voting Provisions and add Impasse Language; and (2) Council Policy 7.3.15 (Appointment of Interim Councilmembers) to Remove Ranked Choice Voting Provisions

Recommendation: Alternative 1: Direct Staff to return to Council with: (1) An Ordinance updating Sunnyvale Municipal Code Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) reflecting the options selected by Council; and (2) Similar updates to Council Policy 7.3.15 (Appointment of Interim Councilmembers).

- 7 [22-0726](#) Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase the Salary Ranges for Pay

Plan Category F (Unclassified Department Directors)

Recommendation: Alternative 1: Adopt a Resolution Amending the City's Salary Resolution and Schedule of Pay to Increase the Salary Ranges for Unclassified Department Director Positions (Pay Plan Category F) effective July 24, 2022.

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.

[22-0715](#) Tentative Council Meeting Agenda Calendar

[22-0716](#) Board/Commission Meeting Minutes

[22-0717](#) Information/Action Items

ADJOURNMENT

NOTICE TO THE PUBLIC

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

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

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

Planning a presentation for a City Council meeting?

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

Planning to provide materials to Council?

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

Upcoming Meetings

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