



# City of Sunnyvale

## Notice and Agenda City Council

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Tuesday, May 2, 2023

5:30 PM

Online and Bay Conference Room  
(Room 145), City Hall,  
456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meeting: Closed 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.*
- *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, 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](mailto:cityclerk@sunnyvale.ca.gov) (28*

*CFR 35.160 (b) (1)).*

### **5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

#### **Call to Order**

*Call to Order in the Bay Conference Room - Room 145 (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**     [23-0548](#)           Closed Session held pursuant to Paragraph (1) of subdivision (d) of California Government Code Section 54956.9:  
CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Name of case: John Doe v. City of Sunnyvale et al., United States District Court, Northern District of California, Case No. 5:22-cv-08685.
- B**     [23-0230](#)           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)

#### **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 Bay Conference Room (Room 145)

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

- C     [23-0370](#)         Affordable Housing Month
- D     [23-0373](#)         Public Service Recognition Week
- E     [23-0374](#)         Public Works Week
- F     [23-0372](#)         Municipal Clerks Week

**PRESENTATION**

- G     [23-0494](#)         Update Regarding Valley Water (VW) Proposed Rate Increases by VW Director Richard Santos

**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   [23-0268](#)         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** [23-0441](#) Award of Contract to Pavement Coatings Co. for Slurry Seal 2023-B, Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15301(c)

**Recommendation:** Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,376,491.10 to Pavement Coatings Co.;
- Approve a 10% construction contingency in the amount of \$137,649.00;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c).

- 1.C** [23-0326](#) Accept Google LLC's Donation of Voluntary Midblock Crosswalk Improvements on Borregas Avenue with an Estimated Construction Cost of \$126,000 and Finding of an Exemption from the California Environmental Quality Act

**Recommendation:** Accept Google LLC's Donation of Voluntary Midblock Crosswalk Improvements on Borregas Avenue with an Estimated Construction Cost of \$126,000 and Finding of an Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(c).

## **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** [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 2023/24

**Recommendation:** Alternative 1: Adopt the Resolution to Confirm the Annual Report and Levy and Collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District for Fiscal Year 2023/24.

- 3      [23-0552](#)      Consider Approval of Draft 2023 Housing and Urban Development (HUD) Action Plan
- Recommendation:** Alternative 1: Approve the 2023 HUD Action Plan as shown in Attachment 2 to the staff report.
- 4      [23-0438](#)      Public Safety Military Equipment Use Annual Report Pursuant to California Assembly Bill No. 481
- Recommendation:** Alternative 1: Adopt a Resolution Regarding the Presentation of the Annual Public Safety Military Equipment Use Report and Renewing the Military Equipment Use Policy Pursuant to California Assembly Bill No. 481 and Finding the Uses Conformed to Policy and Find that the Action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).
- 5      [23-0478](#)      Introduce an Ordinance to Repeal and Re-Adopt Sunnyvale Municipal Code Chapter 12.60 (Stormwater Management) and Find That the Action is Categorically Exempt From the California Environmental Quality Act (CEQA) Pursuant to Section 15308 of the CEQA Guidelines
- Recommendation:** Alternative 1: Introduce the Ordinance in Attachment 1 to repeal and re-adopt Chapter 12.60 (Stormwater Management) of Title 12 (Waters and Sewers) of the Sunnyvale Municipal Code and find that this action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines.

### **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.

[23-0051](#)      Tentative Council Meeting Agenda Calendar

[23-0052](#) Board/Commission Meeting Minutes

[23-0235](#) 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](http://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 Bay Conference Room (Room 145) 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.*