



City of Sunnyvale

Notice and Agenda City Council

Tuesday, May 16, 2023

5:30 PM

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

**Special Meeting: Study Session - 5:30 PM | Special Meeting: Special Order of the Day -
6:30 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 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)).

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

Call to Order

Call to Order in the Bay Conference Room (Room 145)

Roll Call

- A [23-0313](#) Review Federal Government Programs that Direct Libraries to Provide Filtering for Internet Access

Adjourn Special Meeting

6:30 P.M. SPECIAL COUNCIL MEETING (Special Order of the Day)

Call to Order

Call to Order in the Bay Conference Room (Room 145)

Roll Call

Special Order of the Day

- B [23-0375](#) Department of Public Safety Special Awards

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****SPECIAL ORDER OF THE DAY**

- C [23-0376](#) Lesbian, Gay, Bisexual, Transgender and Queer Pride Month
- D [23-0434](#) Jewish Heritage 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 [23-0298](#) Approve City Council Meeting Minutes of April 4, 2023
- Recommendation:** Approve the City Council Meeting Minutes of April 4, 2023 as submitted.
- 1.B [23-0269](#) 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.C [23-0498](#) Award of Contract to Graham Contractors for Annual Slurry Seal 2023 and Make a Finding of California Environmental Quality Act (CEQA) Categorical Exemption Pursuant to CEQA Guidelines Section 15301 (c) (PW23-02)

Recommendation: Take the following actions:

- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$1,269,106.75 to Graham Contractors;
- Approve a 10% construction contingency in the amount of \$126,911;
- 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.D [23-0053](#) Accept Addendum 5 to the Program Environmental Impact Report (PEIR) for the Sunnyvale Water Pollution Control Plan (WPCP) Master Plan and Approve the Plan for the Secondary Effluent Pipeline Replacement Project in Accordance with the California Environmental Quality Act (CEQA)

Recommendation: Accept Addendum 5 to the Water Pollution Control Plant Master Plan Program Environmental Impact Report (Attachment 1 to the report) and Approve the Plan for the Secondary Effluent Pipeline Replacement Project.

- 1.E [23-0480](#) Authorize the City Manager to Execute a Revised 2023 Amended and Restated Joint Use Agreement Between the City of Sunnyvale and Santa Clara Valley Water District for the Sunnyvale West Channel and Sunnyvale East Channel Project

Recommendation: Authorize the City Manager to execute a Revised 2023 Amended and Restated Joint Use Agreement between the City of Sunnyvale and Santa Clara Valley Water District for the Sunnyvale West Channel and Sunnyvale East Channel Project.

- 1.F [23-0549](#) Approve Local Area Subsequent Designation and Local Board Recertification Application for Program Year 2023-25 for NOVA Workforce Development Area

Recommendation: Approve Local Area Subsequent Designation and Local Board Recertification application for Program Year 2023-25 for the NOVA Workforce Development Area.

- 1.G** [23-0518](#) Approve Amendments to Council Policy 7.3.19 (Council Meetings) Adding a Pilot Process for City Council Colleague Memorandums to Propose new Agenda Items

Recommendation: Approve amendments to Council Policy 7.3.19 (Council Meetings) adding a pilot process for City Council Colleague Memorandums to propose new agenda items, with a January 31, 2024 sunset.

- 1.H** [23-0587](#) Adopt Ordinance No. 3213-23 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: Adopt Ordinance No. 3213-23 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

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** [23-0586](#) REQUEST FOR CONTINUANCE TO JULY 11, 2023

Proposed Project:

A. Adopt a Resolution to:

1. Certify the Environmental Impact Report (EIR);
2. Make the findings required by California Environmental Quality Act (CEQA);
3. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
4. Adopt the Water Supply Assessment;
5. Adopt the Amended Moffett Park Specific Plan (with Staff recommended modifications to the draft MPSP);
6. Amend the General Plan text and update the General Plan Map; and

7. Update the Green Building Program Table.

B. Adopt a Resolution to:

1. Amend the Fiscal Year 2022/23 Master Fee Schedule to adjust the MPSP Planning Application Fees, including the addition of the MPSP Maintenance Fee, the MPSP Infrastructure Fee and the MPSP Transportation Impact Fee (TIF).

C. Introduce An Ordinance to:

1. Repeal and Re-Adopt Sunnyvale Municipal Code (SMC) Chapter 19.29 (Moffett Park Specific Plan) and make other amendments to Title 19 (Zoning) to implement the MPSP;

2. Add SMC Chapter: 3.56 (MPSP Transportation Impact Fee) to Title 3 (Revenue and Finance); and

3. Amend the Zoning Plan District Map and re-zone parcels currently within the new MPSP district.

Location: Moffett Park Specific Plan Area

Existing Plan: Moffett Park Specific Plan

File number: 2018-7715 (Moffett Park Specific Plan)

General Plan Designation:

Existing: Moffett Park Specific Plan

Proposed: Moffett Park Specific Plan

Zoning:

Existing Zoning:

MP-I: Industrial

MP-TOD: Transit Oriented Development

MP-C: Commercial

Proposed MPSP Zoning Districts:

MP-AC: Activity Center

MP-R: Residential

MP-MU: Mixed Use

MP-O1: Office 1

MP-O2: Office 2

MP-E1: Mixed Employment 1

MP-E2: Mixed Employment 2

MP-E3: Mixed Employment 3

MP-H: Hospitality

MP-PF: Public Facilities

Proposed Combining District
ECD: Ecological Combining District

Applicant: City of Sunnyvale
Environmental Review: Environmental Impact Report (SCH #
20210880338)
Project Planner: Michelle King, 408-730-7463,
mking@sunnyvale.ca.gov

Recommendation: Continue the City Council public hearing date to the City Council meeting of July 11, 2023.

- 3 [23-0359](#) Adopt a Resolution Pursuant to California Streets and Highways Code Section 11311 to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue, Accept the Second Addendum to the 2020 Downtown Specific Plan Environmental Impact Report for the Historic Murphy Avenue Pedestrian Mall Project in Accordance with the California Environmental Quality Act, Introduce an Ordinance Adding Chapter 10.66 (Pedestrian Mall on South Murphy Avenue) to Title 10 of the Sunnyvale Municipal Code and Amend Various Sections of Chapter 10.56 (Bicycles) of the Sunnyvale Municipal Code Related to Bicycles on Pedestrian Malls and Approve Budget Modification No. 20 in the Amount of \$800,000

Recommendation: Alternatives: 1, 2, 3, and 4: 1.) Adopt a Resolution Pursuant to California Streets and Highways Code Section 11311 to Establish a Pedestrian Mall on the 100 Block of South Murphy Avenue; 2.) Accept an Addendum to the 2020 Downtown Specific Plan Environmental Impact Report for the Historic Murphy Avenue Pedestrian Mall Project in Accordance with the California Environmental Quality Act; 3.) Introduce an Ordinance Adding Chapter 10.66 (Pedestrian Mall on South Murphy Avenue) to Title 10 of the Sunnyvale Municipal Code and Amend Various Sections of Chapter 10.56 (Bicycles) of the Sunnyvale Municipal Code Related to Bicycles on Pedestrian Malls; and 4.) Approve Budget Modification No. 20 in the amount of \$800,000.

- 4 [23-0581](#) Approve 16 Design Proposals for The Great Box Cover-Up! (Utility Box Art Project-Phase 2) and Authorize the Arts Commission to Approve the Selected Designs for Phase 3 of

The Great Box Cover-Up!

Recommendation: Alternatives 1 and 3: Review and Approve 16 Design Proposals for The Great Box Cover-Up! (Utility Box Art Project-Phase 2) and Authorize the Arts Commission to Approve the Selected Designs for Phase 3 of The Great Box Cover-Up!

- 5 [23-0582](#) Select Final Icon and Approve Locations for the Sunnyvale Icon Sculpture Project and Authorize the Arts Commission to Approve the Final Icon Design and Select Artists

Recommendation: Alternatives 1 and 2: Select the Final Icon and Approve Locations for the Sunnyvale Icon Sculpture Project; and Authorize the Arts Commission to Approve the Final Icon Design and Select Artists

- 6 [23-0047](#) Appoint Applicants to the Arts Commission, Bicycle and Pedestrian Advisory Commission, Board of Library Trustees, Heritage Preservation Commission, Human Relations Commission, Parks and Recreation Commission, Personnel Board, Planning Commission and Sustainability Commission

Recommendation: Staff makes no recommendation.

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.

- [23-0423](#) Information/Action Items
- [23-0421](#) Board/Commission Meeting Minutes
- [23-0420](#) Tentative Council Meeting Agenda Calendar

[23-0573](#) Board/Commission Resignation (Information Only)

[23-0489](#) 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 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.