



# City of Sunnyvale

## Notice and Agenda - Revised City Council

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Tuesday, July 11, 2023

7:00 PM

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

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### 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)).*

### **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.*

### **TELECONFERENCE NOTICE**

*Pursuant to Government Code Section 54953(b), this regular City Council meeting will include teleconference participation by Vice Mayor Omar Din from: 1700 Harvard Street, Apt. 702, NW Washington, DC 20009. This Notice and Agenda will be posted at the teleconference location. Public comment from this address shall be allowed pursuant to Government Code Section 54954.3.*

### **CALL TO ORDER**

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

### **SALUTE TO THE FLAG**

### **ROLL CALL**

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

A     [23-0475](#)           Disability Pride 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**    [23-0628](#)            Approve City Council Meeting Minutes of June 20, 2023

**Recommendation:** Approve the City Council Meeting Minutes of June 20, 2023 as submitted.

**1.B**    [23-0081](#)            Approve City Council Meeting Minutes of June 27, 2023

**Recommendation:** Approve the City Council Meeting Minutes of June 27, 2023 as submitted.

**1.C**    [23-0273](#)            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**    [23-0636](#)            Authorize the Issuance of Purchase Agreement to Hasa, Inc. for Purchase of Sodium Hypochlorite at the Water Pollution Control Plant (F23-159)

**Recommendation:** Take the following actions:  
- Authorize the issuance of a purchase agreement to Hasa, Inc., in the not-to-exceed amount of \$300,000 for the purchase of sodium hypochlorite;  
- Authorize the City Manager to amend the not-to-exceed amount of the annual purchase order within operating budgeted appropriation limits if additional quantities are needed for wastewater treatment processes; and

**1.E**    [23-0303](#)            Approve the Proposed Sunnyvale Middle School Master Plan to Accommodate New Facilities, Authorize the City Manager to Execute the First Amendment to the Agreement Between the City and the Sunnyvale School District Regarding the Master Plan and Find the Action is Exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15302 and 15061

**Recommendation:** Approve the Proposed Master Plan for Sunnyvale Middle School open space to include the new permanent classrooms (Attachment 4 to the report) and to authorize the City Manager to execute the First Amendment to the Agreement between the City and the Sunnyvale School District Pertaining to the Use, Maintenance and Improvement for Public Recreational Purposes of Various Buildings and Open Space at School Sites owned by the Sunnyvale School District (Attachment 3 to the Report) and Find the Action is Exempt From the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15302 and 15061.

**1.F**    [23-0727](#)    Adopt Ordinance No. 3216-23 to Amend Section 19.37.020 (Applicability) of Chapter 19.37 (Landscaping, Irrigation and Useable Open Space) of Title 19 (Zoning) of the Sunnyvale Municipal Code

**Recommendation:** Adopt Ordinance No. 3216-23 to Amend Section 19.37.020 (Applicability) of Chapter 19.37 (Landscaping, Irrigation and Useable Open Space) of Title 19 (Zoning) of the Sunnyvale Municipal Code

**1.G**    [23-0728](#)    Adopt Ordinance No. 3217-23 to Amend Section 2.09.040 (Project Responsibilities) of Chapter 2.09 (Public Works Contracting) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to Public Works Contracting

**Recommendation:** Adopt Ordinance No. 3217-23 to Amend Section 2.09.040 (Project Responsibilities) of Chapter 2.09 (Public Works Contracting) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to Public Works Contracting

## **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**        [23-0676](#)        CONTINUED FROM MAY 16, 2023  
Proposed Project:

Actions for consideration related to the Moffett Park Specific Plan (MPSP) to:

- A. Adopt a Resolution (Attachments 5 and 7) 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 detailed in Attachment 9);
    - 6. Amend the General Plan text and update the General Plan Map; and
    - 7. Update the Green Building Program Table.
  - B. Adopt a Resolution (Attachment 6) 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 a Draft Ordinance (Attachment 8) 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: 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:** Alternative 1: Approve related actions associated with adoption of the MPSP: Adopt two resolutions and introduce an Ordinance (Attachments 6, 7, and 8 to this report)
- A. Adopt a Resolution (Attachment 7) to
1. Certify the EIR;
  2. Make the findings required by CEQA;
  3. Adopt the Statement of Overriding Considerations;
  4. Mitigation Monitoring and Reporting Program (in Attachment 5);
  5. Adopt the Water Supply Assessment;
  6. Adopt the amended Moffett Park Specific Plan (with Staff recommended modifications to the draft MPSP detailed in Attachment 9);
  7. Amend the General Plan text and update the General Plan Map; and
  8. Update the Green Building Program Table.
- B. Adopt a Resolution (Attachment 6) 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 (Attachments 8) to:
1. Repeal and Re-Adopt 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.

- 3      [23-0507](#)      Provide Direction Regarding Amending the Employment Agreement Between the City of Sunnyvale and City Attorney John A. Nagel to Increase the City Attorney Salary and Allow Additional Paid Time Off Cashout

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

- 4      [23-0721](#)      Approve a Memorandum of Understanding Between the City of

Sunnyvale and the Sunnyvale Managers' Association; and Adopt a Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase Salaries for Pay Plan Category E (Employees Represented by the Sunnyvale Managers' Association)

**Recommendation:** Alternative 1: Authorize the City Manager to Execute the Memorandum of Understanding between the City of Sunnyvale and the Sunnyvale Managers' Association; and Adopt Resolution Amending the City's Salary Resolution and the Schedule of Pay to Increase Salaries for Pay Plan Category E (Employees Represented by the Sunnyvale Managers' Association).

- 5      [23-0677](#)      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 23, 2023.

## **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.

[23-0532](#)      Tentative Council Meeting Agenda Calendar

[23-0556](#)      Board/Commission Meeting Minutes

[23-0678](#)      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.*

