

RESPONSE TO COUNCIL QUESTIONS RE: 11/30/2021 CITY COUNCIL AGENDA

Agenda Item #: 1.C

Title: Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Council Question: Please provide more information about the following payments:

- a) \$293,526.25 to Fortinet, Inc.
- b) \$199,719.57 to Ghirardelli Associates Inc
- c) \$180,324.15 to Core & Main LP

Staff Response:

- a) **Fortinet, Inc.** submitted a deposit in 2018 to study a master plan EIR using Ascent Environmental contracted by the City. The work was not done because Fortinet put the project on hold (#2017-7802). Fortinet submitted a request to the City for this deposit to be refunded and possibly re-submitted from a different Fortinet account. The \$293,526.25 represents the funds remaining in the deposit account.
- b) **Ghirardelli Associates, Inc.** provides construction management services for the Fair Oaks Avenue Overhead Bridge Repair Project (825610). The amount of \$199,719.57 represents a payment of \$108,281.42 for services in the month of July 2021 and \$91,438.15 for the month of August 2021. This contract was originally awarded in December 2014 under the City Managers Authority. Council later approved an amendment to the contract to a not-to exceed amount of \$2,382,824.70 (RTC 20-0173).
- c) **Core & Main LP** is one of three vendors that the City contracts with to provide Piping Supplies for Water and Sewer Services. A blanket purchase order was approved by Council on July 30, 2019 along with authorization for the City Manager to renew and modify (within budgeted amounts) for up to three additional one-year periods (RTC 19-0601). This particular payment was larger than average as it covered several large valve and meter purchases.

Agenda Item #: 2

Title: Approve the Java Drive Road Diet Removal of One Mixed Flow Lane in Each Direction Between Mathilda and Crossman Avenues, Select Class II-B Buffered Bike Lanes (Option 1) for Final Design and Construction and Find that this Action is Categorically Exempt from the California Environmental Quality Act (CEQA Guidelines Section 15301(c))

Council Question: The current design doesn't have barriers for the bike lane, but Mr. Ng said that Staff would look at barriers later on during the BPAC meeting. What is the timeframe to evaluate adding barriers?

Staff Response: The City has been coordinating with VTA on a countywide lessons learned workshop on protected bike facilities. This workshop is occurring in late January 2022. After this workshop, staff is planning to propose a project during the next capital budget cycle to study protected facilities and preparation of an operations and maintenance plan for protected bike facilities in the future. The proposed project will include a presentation to City Council.

Council Question: We have some streets with barriers already. Does Staff have a timeline for smaller/narrower street sweepers?

Staff Response: Currently staff is maintaining these locations by hand, which is labor intensive. City staff will be attending a lessons learned workshop on protected bike facilities hosted by VTA in late January 2022. After this workshop, staff is planning to propose a project during the next capital budget cycle to study protected facilities and preparation of an operations and maintenance plan for protected bike facilities in the future. The proposed project will include a presentation to City Council.

Council Question: Page 3 of 5 - implementation of a road diet along Java drive exacerbates the vehicular issue in traffic model during cumulative scenario analysis". "...induced by the overall congestion delays in the long-term outer years as the entire transportation network becomes oversaturated".

Traffic Analysis: Under a "no project" scenario - "most intersections are expected to perform within acceptable LOS. Under "Option 1 and Option 2 - the following intersections do not perform within acceptable LOS".

Page 4 of 5 - "...Moffett Park Specific Plan updates are currently underway that will greatly change the land uses and transportation network...". "Java Drive will be the core of the residential and retail/entertainment district...".

Other than the fact we have already acquired the Grant funding from several agencies to pay for this - why does Staff support this project? If analysis says we are going to have long-term issues and this doesn't include the impact of the current planning we are doing for Moffett Park? Why is this a benefit?

Staff Response: One clarification: in the question it states that the RTC states that "Under a "no project" scenario - "most intersections are expected to perform within acceptable LOS"". To clarify, under existing volumes and existing conditions, all intersections perform within acceptable LOS. In the future 2035 'no project scenario', some intersections are anticipated to experience unacceptable LOS: two intersections in one peak period and one intersection in both peak periods. These intersections are listed on page 3 of the BPAC RTC.

Staff supports this project as it aligns with the City's Vision Zero Plan, Active Transportation Plan, and General Plan Land Use and Transportation Element goals to provide a safer and more equitable multimodal network for all travel modes. We anticipate that as employees begin to return to the office in greater numbers in 2022, the demand for alternative modes will increase. Also, the Moffett Park Specific Plan (MPSP) analysis is considering the Java Drive (Buffered Bike Lane) build scenario as an existing condition. This will allow the MPSP improvements and network analysis to account for this project and include improvements to accommodate future vehicular and bicycle demands in the Moffett Park area. We anticipate that in the long-term future the area network will be much different due to land use and transportation network changes being proposed as part of MPSP. These changes are anticipated to occur before the LOSs become unacceptable along Java Drive in our future analysis. The public can benefit from the buffered bicycle lanes and reduced vehicular lanes for many years before changes due to MPSP. Finally, throughout the public outreach process, we have heard

considerable support for the project. Many business and resident commenters have stated that this is a much-needed project that will increase bicycling in the Moffett Park area.

Agenda Item #: 3

Title: Introduction of an Ordinance to Amend Chapter 1.04 of the Sunnyvale Municipal Code Relating to Attorney's Fees and Costs for Abatement of Public Nuisances

Council Question: How many health and safety receiverships has the City filed in the last 5 years?

Staff Response: The City has filed two receivership actions in the past five years, one involving 907 W. Cardinal Ave., and the other involving 618 Sheraton Drive.

Council Question: What is the average cost that the City has been incurring for receiverships?

Staff Response: Attorneys' fees for 907 W. Cardinal Ave. totaled \$76,981. The property was sold in October 2021 and the City received its full cost recovery (including City staff time) plus statutory interest upon closing. This case was uniquely expensive because of the involvement of the Santa Clara County Public Guardian's Office, which added significantly to the litigation costs. Attorneys' fees for 618 Sheraton Drive are currently \$38,196. The litigation is ongoing.