



City of Sunnyvale

Notice and Agenda

City Council

Tuesday, September 16, 2014

5:45 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting-Board and Commission Interviews-5:45 PM | Regular Meeting-7 PM

5:45 P.M. SPECIAL COUNCIL MEETING (Study Session)

1 Call to Order in the West Conference Room (Open to the Public)

2 Roll Call

3 Study Session

[14-0795](#)

SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews

4 Public Comment

5 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 Council Chambers (Open to the Public)

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY

[14-0766](#)

SPECIAL ORDER OF THE DAY - National Falls Prevention Awareness Day

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

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 submit a speaker card to the City Clerk prior to the start of the meeting or before approval of the consent calendar.

1.A [14-0783](#) Approve City Council Meeting Minutes of August 26, 2014

Recommendation: Approve the City Council Meeting Minutes of August 26, 2014 as submitted.

Attachments: [Draft Minutes of 8/26/2014](#)

1.B [14-0857](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

Attachments: [Lists of Claims and Bills](#)

1.C [14-0748](#) Renewal of Contract with Bill Wilson Center to Provide Youth Workforce Development Services

Recommendation: Approve the renewal of the contract with Bill Wilson Center in an amount not to exceed \$500,000 to provide youth workforce development services from October 1, 2014 through September 30, 2015.

Attachments: [Bill Wilson Center Draft Contract](#)

- 1.D [14-0750](#) Approve Budget Modification No. 11 to Appropriate \$32,250 for the Schools Goin' Green Project which is receiving Santa Clara Valley Water District 2014 Safe, Clean Water Priority B Grant Funds.

Recommendation: Approve Budget Modification No. 11 to appropriate a total of \$32,250 for staffing resources, supplies, and equipment to a new project, Schools Goin' Green Project, which will be receiving 2014 Safe Clean Water Priority B Grant funds.

- 1.E [14-0803](#) Award a Contract to Prepare a Two-Phase Feasibility Study of Structural Stormwater Best Management Practices for the SMaRT Station® and the Concrete Recycling Facility (F14-103) and Approval of Budget Modification No. 14

Recommendation: 1) Award a contract, in substantially the same form as the attached draft and in an amount not-to-exceed \$166,887 to Geosyntec Consultants for the subject project and authorize the City Manager to execute the contract when all the necessary conditions are met; 2) Approve a 10% contract contingency in the amount of \$16,689; and 3) Approve Budget Modification No. 14.

Attachments: [Draft Consultant Services Agreement](#)

- 1.F [14-0825](#) Approve Budget Modification No. 13 to Appropriate \$99,816 of Department of Homeland Security Grant Funds for Participation in 2014 Urban Shield and California Emergency Managers Association Training Conference

Recommendation: Approve Budget Modification No. 13 to appropriate Department of Homeland Security Grant Funds for Participation in 2014 Urban Shield and California Emergency Managers Association Training Conference to two new projects: New Project #1 - 2014 Urban Shield and New Project #2 - 2014 CESA Training Conference.

- 1.G [14-0810](#) Adopt the Revised Council Policy 1.1.9 Sustainable Development and Green Building

Recommendation: Adopt the revised Council Policy 1.1.9 Sustainable Development and Green Buildings (Attachment 1).

Attachments: [Revised Council Policy 1.1.9 Sustainable Development and Green Buildings](#)

- 1.H [14-0848](#) Adoption of Ordinance No. 3043-14 Amending Various Sections of Sunnyvale Municipal Code Title 19 (Zoning)

Recommendation: Adopt Ordinance No. 3043-14.

Attachments: [Ordinance No. 3043-14](#)

PUBLIC COMMENTS

This category 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 three minutes per speaker. If your subject is not on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the City Clerk. You will be recognized at the time the item is being considered by Council. 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 [14-0425](#) Board and Commission Appointments

Recommendation: Staff makes no recommendation.

- 3 [14-0396](#) Approval of the Urban Forest Management Plan

Recommendation: Alternative 1: Approve adoption of the Urban Forest Management Plan (UFMP).

Attachments: [Urban Forest Management Plan](#)
[Excerpt of the 8-13-14 Draft Minutes of the PRC](#)
[Excerpt of the 8-18-14 Draft Minutes of the SC](#)

- 4 [14-0399](#) Approval of a Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District

Recommendation: Alternative 1: Approve the Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District as presented in Attachment 1.

Attachments: [Agreement](#)
[Excerpt of the 8/13/14 Draft Minutes of the PRC](#)

- 5 [14-0722](#) Introduce an Ordinance Amending Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code

Recommendation: Alternative 1: Introduce the Ordinance, presented at Attachment 1, Amending Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code.

Attachments: [Ordinance Amending Chapter 16.52 \(Fire Code\) of Title 16](#)

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

- [14-0785](#) Tentative Council Meeting Agenda Calendar

Attachments: [TCMAC](#)

- [14-0645](#) Information/Action Items

Attachments: [Information/Action Items](#)

[14-0780](#) Update on In-Lieu Fee Option for Art in Private Development
(Information Only)

Attachments: [Report to Council 12-187](#)

[Art Projects Table](#)

[14-0875](#) Study Session Summary of August 21, 2014 - City Council
Strategic Planning Meeting

[14-0541](#) Board/Commission Meeting Minutes

Attachments: [Heritage Preservation Commission Minutes of August 6, 2014](#)

[Sustainability Commission Minutes of August 18, 2014](#)

[Arts Commission Minutes of August 20, 2014](#)

ADJOURNMENT

NOTICE TO THE PUBLIC

The agenda reports to council (RTCs) may be viewed on the City's Web site at sunnyvale.ca.gov after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays 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, Sunnyvale, California 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 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.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.106 ADA Title II).

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" document available at Presentations.inSunnyvale.com.

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 City Clerk (located to the left of the Council dais). The City Clerk will distribute your items to the Council.

Upcoming Meetings

Visit CouncilMeetings.inSunnyvale.com for upcoming Council meeting information.

Visit BoardsandCommissions.inSunnyvale.com for upcoming board and commission meeting information.

For a complete schedule of KSUN-15 Council meeting broadcasts, visit KSUN.insunnyvale.com.



City of Sunnyvale

Agenda Item

14-0795

Agenda Date: 9/16/2014

SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews



City of Sunnyvale

Agenda Item

14-0766

Agenda Date: 9/16/2014

SPECIAL ORDER OF THE DAY - National Falls Prevention Awareness Day



City of Sunnyvale

Agenda Item

14-0783

Agenda Date: 9/16/2014

SUBJECT

Approve City Council Meeting Minutes of August 26, 2014

RECOMMENDATION

Approve the City Council Meeting Minutes of August 26, 2014 as submitted.



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, August 26, 2014

5:30 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting-Board and Commission Interviews-5:30 PM | Regular Meeting-7PM

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Griffith called the meeting to order in Council Chambers.

SALUTE TO THE FLAG

Mayor Griffith led the salute to the flag.

ROLL CALL

Present: 7 - Mayor Jim Griffith
Vice Mayor Jim Davis
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Glenn Hendricks
Councilmember Gustav Larsson

SPECIAL ORDERS OF THE DAY

14-0802 SPECIAL ORDER OF THE DAY - Presentation of Donation
Drive Check from Goodwill Silicon Valley to Lakewood
Neighborhood Association

Ryan Gleason, Director of Operations, Goodwill Silicon Valley, presented a donation drive check to Fred Fowler, President, Lakewood Neighborhood Association.

14-0812 SPECIAL ORDER OF THE DAY - Recognition of American
Youth Soccer Organization's 50th Nationwide, and 40th
Sunnyvale, Anniversaries

Mayor Griffith presented a certificate of congratulations to the AYSO Region 44 Board.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

Councilmember Meyering requested to pull Items 1.A, 1.B and 1.F.

MOTION: Vice Mayor Davis moved and Councilmember Hendricks seconded the motion to approve the Consent Calendar with the exception of 1.A, 1.B and 1.F.

The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 0

1.A 14-0782 Approve City Council Meeting Minutes of August 12, 2014

MOTION: Councilmember Meyering moved to amend the minutes to include the two sentence explanation about each dissenting vote.

Motion died due to lack of a second.

Public Hearing opened at 11:40 p.m.

No speakers.

Public Hearing closed at 11:40 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of August 12, 2014 as submitted. The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.B 14-0774 Approve the List(s) of Claims and Bills Approved for Payment

by the City Manager

Public Hearing opened at 11:41 p.m.

No speakers.

Public Hearing closed at 11:41 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve the list(s) of claims and bills. The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.C 14-0662 Approval of Budget Modification Number 3 for Hendy Avenue Complete Streets Project: Appropriate \$400,000 in Santa Clara Valley Transportation Authority Vehicle Registration Fee Grant Funds; Increase Federal Transportation Program Grant Funds by \$25,975; and Increase the Construction Contract Contingency by up to \$400,000

Approve Budget Modification Number 3 to appropriate the Santa Clara Valley Transportation Authority Vehicle Registration Fee grant funds in the amount of \$400,000 and increase Federal Transportation Program grant funds by \$25,975 for the Hendy Avenue Complete Streets project, and increase the Hendy Avenue Complete Street Improvements Project construction contract contingency by up to \$400,000.

1.D 14-0704 Approve a Resolution Establishing a 40 MPH Speed Limit along Fair Oaks Avenue and Java Drive between Highway 101 and Mathilda Avenue

Approve the attached resolution establishing a 40 mile per hour speed limit on Fair Oaks Avenue and Java Drive between Highway 101 and Mathilda Avenue.

1.E 14-0731 Appropriation of \$87,846 of CalRecycle Household Hazardous Waste Discretionary Grant Funds and Approval of Budget Modification No. 10

Approve Budget Modification No. 10 to appropriate CalRecycle Household Hazardous Waste Discretionary Grant Funds in the amount of \$87,846 to a new

project, Gas Cylinder Reuse and Refilling Education and Outreach.

- 1.F 14-0770** Award of Bid No. PW14-08 for Traffic Signal Reconstruction - Homestead at Hollenbeck Avenue/Stelling Road, Arques Avenue at Oakmead Parkway, Hollenbeck Avenue at Alberta Avenue, and Make a Finding of CEQA Categorical Exemption

Public Hearing opened at 11:42 p.m.

No speakers.

Public Hearing closed at 11:42 p.m.

MOTION: Councilmember Meyering moved and Vice Mayor Davis seconded the motion to: 1) Award a contract, in substantially the same format as Attachment 2 and in the amount of \$1,127,911, to Columbia Electric, Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met, 2) Approve a 10% construction contingency in the amount of \$112,791; and 3) Make a finding of CEQA categorical exemption Section 15301(a), rehabilitation of existing facilities, for the project. The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 0

- 1.G 14-0773** Award of Contract to Purchase Chemicals for the Water Pollution Control Plant (F15-11)

1) Award a ten-month contract to Univar USA, Inc. in the amount of \$130,000; 2) Delegate authority to the City Manager to renew the contract annually for a period not-to-exceed five years, provided budgeted funding is available and pricing/service remain acceptable, subject to the City participation in the Bay Area Chemical Consortium cooperative purchasing program; and 3) Delegate authority to the City Manager to increase the annual contracts within operating program appropriation limits if additional quantities are needed for wastewater treatment processes.

PUBLIC COMMENTS

Michael Goldman provided a PowerPoint presentation regarding global warming.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 14-0193 2014 Quarterly Consideration of General Plan Amendment
Initiation Requests - Continued from August 12, 2014**
- FILE #: 2014-7357
Location: 539 E. Weddell Drive (APN: 110-14-158)
Proposed Project: GENERAL PLAN AMENDMENT INITIATION
Request to study a General Plan designation change from
Industrial to Public Facility or other designation that would
accommodate a child care center use (pre-school). Study may
include other properties in the vicinity and evaluate other
General Plan designations.
Applicant / Owner: New Hope International Church
- FILE #: 2014-7364
Location: 210 W. Ahwanee Avenue (APN: 204-03-003)
Proposed Project: GENERAL PLAN AMENDMENT
INITIATION Request to study a General Plan designation
change from Industrial to Medium Density Residential (14-27
d.u. per acre). Study may include other properties in the
vicinity and evaluate a range of General Plan residential
designations.
Applicant / Owner: Saeed Erfan
- FILE #: 2014-7304
Location: 1024, 1026, 1028-1030, 1034-1038, 1042, 1058
and 1052-1078 W. Evelyn Avenue (161-35-008,-007,-006,-
005, -004, 003, and -002)
Proposed Project: GENERAL PLAN AMENDMENT
INITIATION Request to study a General Plan designation
change from Industrial to Medium Density Residential (14-27
d.u. per acre). Study may include other properties in the
vicinity and evaluate a range of General Plan residential
designations.
Applicant / Owner: Alto View Properties/John Travis

GPI "A"

FILE #: 2014 7357

Location: 539 E. Weddell Drive (APN: 110 14 158)

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 7:24 p.m.

Applicant Pastor Jorge Marsal, New Hope International Church, provided information regarding the proposed project.

Maria Pan requested clarification on the recommended alternatives.

Public Hearing closed at 7:28 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to approve Alternative 1: GPI "A" 539 E. Weddell Drive: Initiate the General Plan Amendment study for the expanded study area including an analysis of CC Civic Center and CNS Commercial Neighborhood Shopping.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to open it up to the adjacent parcels.
Councilmember Whittum declined to accept the friendly amendment.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to look at the zoning of the park parcel.
Councilmember Whittum indicated that was part of the staff recommendation and the motion.
Mayor Griffith withdrew the friendly amendment.

The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 0

GPI "B"

FILE #: 2014 7364

Location: 210 W. Ahwanee Avenue (APN: 204 03 003)

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 7:42 p.m.

Applicant/Owner Saeed Erfan and his representative provided information

regarding the proposed project.

Public Hearing closed at 7:48 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Davis seconded the motion to approve Alternative 2. GPI "B" 210 W. Ahwanee Ave.: Initiate the General Plan Amendment study for the expanded study area for the whole block including an analysis of CNS Commercial Neighborhood Shopping, Residential Low Medium Density (RLM 7-14 dwelling units per acre), Residential Medium Density (RMED 14-27 dwelling units per acre) and Residential High Density (RHI 27-45 dwelling units per acre). The motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

GPI "C"

FILE #: 2014 7304

Location: 1024, 1026, 1028 1030, 1034 1038, 1042, 1058 and 1052 1078 W. Evelyn Avenue (161 35 008, 007, 006, 005, 004, 003, and 002)

Director of Community Development Hanson Hom presented the staff report.

Public Hearing opened at 8:14 p.m.

Applicant / Owner of Alto View Properties John Travis provided information regarding the proposed request.

James Bond, owner of Zuccato's Auto Care and tenant of one of the properties, spoke in opposition to the rezoning of the properties.

Tom and Betsy Trago, owners of Anchor Auto Body, spoke in opposition to the study.

David and Marie Hamilton, owners of Maaco, spoke in opposition to rezoning the properties.

Ron Gates, owner of one of the properties on Evelyn Avenue, spoke regarding an alleged conflict of interest in the potential future purchase of the properties.

Nick Travis, representing the Applicant, provided additional information regarding the request.

Public Hearing closed at 8:41 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Whittum seconded the motion to deny the application for General Plan amendment and maintain the current zoning along Evelyn Avenue. The motion failed by the following vote:

Yes: 3 - Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering

No: 4 - Mayor Griffith
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve GPI "C" 1024 1078 W. Evelyn Ave.: Initiate the General Plan Amendment study for Bernardo to Mary including an analysis of Residential Low Medium Density (RLM 7-14 dwelling units per acre), including Residential Medium Density (RMED 14-27 dwelling units per acre) to Residential High Density (RHI 27-45 dwelling units per acre) and appropriate commercial uses. The study would include an analysis of the opportunity for affordable housing as well as a preliminary opportunities and constraints analysis regarding streetscape improvements and opportunities for open space or park in lieu fees. The study would also look at the broader community to determine if adequate space is available for the uses that would be displaced.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to remove Residential High Density from the motion.
Councilmember Hendricks declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to remove Residential High Density from the motion. The motion carried by the following vote:

Yes: 4 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering

No: 3 - Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

AMENDMENT: Councilmember Whittum moved an amendment and Councilmember Meyering seconded to include as part of the study that the City should at least scope what right-of-way it may need for the Bernardo bike undercrossing and for a potential future Mary Avenue grade separation.
AMENDMENT WITHDRAWN: Following discussion, Councilmember Whittum withdrew the amendment.

The main motion as amended carried by the following vote:

Yes: 5 - Mayor Griffith
Vice Mayor Davis
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 2 - Councilmember Whittum
Councilmember Meyering

MOTION: Councilmember Whittum moved to place on a future agenda an item to understand the footprint potentially needed for the Bernardo bike undercrossing and Mary Avenue grade separation.
Motion died due to lack of a second.

3 14-0282 Recreational Hunting and Safe Access to Open Space (Study Issue)

Deputy Chief of Public Safety Dave Pitts presented the staff report.

Public Hearing opened at 9:38 p.m.

Kira Od provided information and recommendations on how to make the area safer using color coded trail markers, and submitted written materials.

Shani Kleinhaus, Santa Clara Valley Audubon Society, provided information and recommended a full time Sunnyvale Ranger during hunting season and preparation of a petition to the California Fish and Game Commission to banish hunting in Sunnyvale.

Public Hearing closed at 9:47 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Martin-Milius

seconded the motion to approve Alternative 1: Acknowledge staff's operational approach to this issue by increasing and improving signage in the area, in combination with coordinated enforcement efforts with CDFW and the City of San Jose during hunting season, and take a look at what could be done from an enforcement perspective to improve communication and materials to help people to be more aware of what's appropriate or not in that area.

FRIENDLY AMENDMENT: Vice Mayor Davis offered a friendly amendment to include the markers that Ms. Od suggested.

Councilmember Hendricks stated he agreed with the concept but didn't want to dictate the form of signage from the dais.

FRIENDLY AMENDMENT: Mayor Griffith offered a friendly amendment to direct staff to consult with stakeholders prior to adopting any specific plan for markers.

RESTATED MOTION: Councilmember Hendricks clarified and restated the motion as previously stated, to add a fourth bullet so that signage, enforcement, communication and markers be determined by the appropriate people.

AMENDMENT: Councilmember Whittum moved to amend and Councilmember Meyering seconded the motion to include that Council is interested to hear about financial mechanisms for supporting a greater public safety presence in that area, such as fines or agreements with San Jose or CDFW that allow the City to provide an enforcement presence in return for their support providing a public safety presence.

The motion to amend failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

No: 5 - Mayor Griffith
Vice Mayor Davis
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

AMENDMENT: Councilmember Meyering moved to amend and Councilmember Whittum seconded the motion to direct that the item be brought back to Council in four weeks. The motion failed by the following vote:

Yes: 2 - Councilmember Whittum
Councilmember Meyering

No: 5 - Mayor Griffith
Vice Mayor Davis
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

The main motion as restated by the maker of the motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

Council recessed at 10:10 p.m.

Council reconvened at 10:21 p.m. with all Councilmembers present.

- 4 14-0283** Introduce an Ordinance to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to General Procedures and noticing requirements; Adopt a Council Policy to Increase Public Awareness of Development Proposals (Study Issue, 2014-7261); and make a Finding that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline 15061(b)(3) (Study Issue, Planning File number: 2014-7261)

Senior Planner Amber El-Hajj presented the staff report. Director of Community Development Hanson Hom provided additional information.

Public Hearing opened at 10:54 p.m.

Jim Quaderer provided recommendations regarding noticing distances, reported loss of television reception due to height of LinkedIn buildings, and recommended notifying people what can go wrong such as loss of television reception, the need for realistic renderings of buildings, and stated the importance of interactive maps.

Public Hearing closed at 11:04 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Davis seconded the motion to approve Alternatives 1, 2, 3 and 5: Introduce an Ordinance to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to General Procedures

and noticing requirement; Adopt a Council Policy to Increase Public Awareness of Development Proposal; Find that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline 15061(b)(3); and Adopt a policy of 2,000 foot noticing radius for six story buildings, leave the noticing radius at 300 feet for one and two story buildings, and 1,000 feet for three to five story buildings.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to direct that the mailed notice should include some indication of issues that may be studied or discussed, with the language to be determined by staff.
Councilmember Hendricks accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Meyering offered a friendly amendment to amend the category of up to 30 feet to include the greater distance of 300 feet or 15 homes away from a project.
Councilmember Hendricks declined to accept the friendly amendment.

AMENDMENT: Councilmember Meyering moved to amend the motion to amend the category of up to 30 feet to include the greater distance of 300 feet or 15 homes away from a project.
Motion to amend died due to lack of a second.

The main motion as amended by friendly amendment carried by the following vote:

Yes: 5 - Vice Mayor Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 2 - Mayor Griffith
Councilmember Meyering

**5 14-0430 City Position on Proposed League of California Cities' 2014
Annual Resolution**

Senior Management Analyst Yvette Blackford presented the staff report.

Public Hearing opened at 11:17 p.m.
No speakers.
Public Hearing closed at 11:17 p.m.

MOTION: Vice Mayor Davis moved and Councilmember Larsson seconded the motion to approve Alternative 1: Approve a SUPPORT position for proposed

Resolution #1, Illegal Marijuana Grow Site. The motion carried by the following vote:

Yes: 7 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 0

6 14-0477 League of California Cities Peninsula Division 2015 Election of Officers

Senior Management Analyst Yvette Blackford presented the staff report.

Public Hearing opened at 11:19 p.m.

No speakers.

Public Hearing closed at 11:19 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Take action to vote for one candidate in each position:

President: Kirsten Keith, Council Member, Menlo Park

Vice President: Nancy Shepherd, Mayor, Palo Alto

Secretary-Treasurer: Alicia Aguirre, Council Member, Redwood City

At-Large - One Candidate in Each County:

San Mateo County: Art Kiesel, Vice Mayor, Foster City

Santa Clara County: Jim Davis, Vice Mayor, Sunnyvale

Yes: 7 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 0

7 14-0751 Adopt a Resolution Implementing Stage 1 Water Use Prohibitions as Outlined in the City of Sunnyvale Water Shortage Contingency Plan

Director of Environmental Services Department John Stufflebean presented the staff report. Water and Sewer Systems Division Manager Nasser Monsour provided additional information.

Public Hearing opened at 11:24 p.m.

No speakers.

Public Hearing closed at 11:24 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt a Resolution, presented as Attachment 1, Implementing Stage 1 Water Use Prohibitions as outlined in the City of Sunnyvale Water Shortage Contingency Plan and add a sunset date of April 30, 2015.

Yes: 7 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 0

- 8 14-0793 Amend the Salary Resolution and Salary Tables and the Resolutions for Paying and Reporting the Value of Employer Paid Member Contributions for Unrepresented Management and Department Directors**

City Manager Deanna Santana presented the staff report.

Public Hearing opened at 11:31 p.m.

No speakers.

Public Hearing closed at 11:31 p.m.

MOTION: Councilmember Whittum moved and Vice Mayor Davis seconded the motion to approve Alternative 1: Approve amendments to the Salary Resolution and the Salary Tables presented as Attachment 1, the Resolution for Paying and Reporting the Value of Employer Paid Member Contributions presented as Attachment 2 for Unrepresented Classified Management employees, Unrepresented Unclassified Management employees, and Department Directors, and the Resolution for Paying and reporting the Value of Employer Paid Member Contributions for the Director of Public Safety presented as Attachment 3. The

motion carried by the following vote:

Yes: 6 - Mayor Griffith
Vice Mayor Davis
Councilmember Whittum
Councilmember Martin-Milius
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Vice Mayor Davis reported his attendance at a Valley Transportation Authority Policy Advisory Committee meeting and a meeting of the County Expressway Commission.

NON-AGENDA ITEMS & COMMENTS

-Council

Councilmember Whittum announced an upcoming VTA public meeting regarding the North Central County Bus Improvement Plan.

Councilmember Whittum expressed appreciation for the strategic planning workshop and the consent calendar item regarding lowering of the speed limit on Fair Oaks north of 101.

Councilmember Whittum announced those interested in free AYSO referee training could contact him by email.

Councilmember Whittum inquired about allowing child care in places of assembly zoning with a use permit.

MOTION: Councilmember Whittum moved to request information from staff to understand the footprint involved in the Bernardo bike undercrossing and potential Mary Avenue grade separation.
Motion died due to lack of second.

-City Manager

City Manager Santana announced the materials for the September 2 Strategic Planning Session would be available on Thursday.

INFORMATION ONLY REPORTS/ITEMS

- 14-0784** Tentative Council Meeting Agenda Calendar
- 14-0642** Information/Action Items
- 14-0705** Municipal Code Modification for Sidewalk Standards
(Information Only)
- 14-0246** Board/Commission Meeting Minutes

ADJOURNMENT

Vice Mayor Jim Davis closed the meeting in honor of the memory of Elaine Schwartz.

Mayor Griffith adjourned the meeting at 11:52 p.m.



City of Sunnyvale

Agenda Item

14-0857

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

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

BACKGROUND

Pursuant to Sunnyvale Charter Section 802(6), the City Manager has approved for payment claims and bills on the following list(s); and checks have been issued.

List No.	Date	Total Disbursements
726	08/17/14 through 08/23/14	\$2,827,905.27
727	08/24/14 through 08/30/14	\$2,363,254.66
728	08/31/14 through 09/06/14	\$894,584.52

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Approve the list(s) of claims and bills.

Prepared by: Pete Gonda, Purchasing Officer
Reviewed by: Grace K. Leung, Director of Finance
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. List(s) of Claims and Bills Approved for Payment

List of All Claims and Bills Approved for Payment

For Checks Dated 08/17/14 through 08/23/14

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount	Taken	Amount Paid	Payment Total
100260595	8/20/14	ACCESS HARDWARE	5565551-IN	Bldg Maint Matls & Supplies	234.39		0.00	234.39	\$234.39
100260596	8/20/14	ADVANCED CHEMICAL TRANSPORT INC	53487	HazMat Disposal - Hazardous Waste Disposal	2,420.00		0.00	2,420.00	\$4,935.00
			56500	HazMat Disposal - Hazardous Waste Disposal	2,515.00		0.00	2,515.00	
100260598	8/20/14	AMERICAN LEAK DETECTION	63906	Misc Equip Maint & Repair - Labor	345.00		0.00	345.00	\$345.00
100260599	8/20/14	AMERICAN WATER WORKS ASSN	7000852857	Membership Fees	5,295.00		0.00	5,295.00	\$5,295.00
100260600	8/20/14	ARROWHEAD MOUNTAIN SPRING WATER	14H5715636006	General Supplies	70.26		0.00	70.26	\$207.43
			14H5740146005	Miscellaneous Services	137.17		0.00	137.17	
100260601	8/20/14	AUTOSCRIBE CORP	131245	Financial Services	1,038.92		0.00	1,038.92	\$2,070.58
			132287	Financial Services	1,031.66		0.00	1,031.66	
100260602	8/20/14	AVAYA INC	2733185783	Comm Equip Maintain & Repair - Labor 1	6,332.99		0.00	6,332.99	\$6,332.99
100260603	8/20/14	BADGER METER INC	1008720	Inventory Purchase	10,219.20		0.00	10,219.20	\$10,219.20
100260604	8/20/14	BAKER & TAYLOR	4010003521	Library Acquisitions, Books	265.04		0.00	265.04	\$320.90
			4010003521	Library Materials Preprocessing	8.07		0.00	8.07	
			4010948187	Library Acquisitions, Books	46.06		0.00	46.06	
			4010948187	Library Materials Preprocessing	1.73		0.00	1.73	
100260605	8/20/14	BEE FRIENDLY	4622	Miscellaneous Services	350.00		0.00	350.00	\$350.00
100260606	8/20/14	BERT S ESPINOSA	BLJULY2014	Medical Services	3,945.00		0.00	3,945.00	\$3,945.00
100260607	8/20/14	BIG VALLEY FORD	T4578	Vehicles & Motorized Equip	70,678.80		0.00	70,678.80	\$70,678.80
100260608	8/20/14	BOUND TREE MEDICAL LLC	81497891	Supplies, First Aid	45.01		0.00	45.01	\$45.01
100260609	8/20/14	BRODART CO	362906	General Supplies	1,116.95		0.00	1,116.95	\$1,116.95
100260610	8/20/14	BROWNING FERRIS INDUSTRIES OF CA INC	0000000237	Recycling Services	6,070.50		0.00	6,070.50	\$6,070.50
100260611	8/20/14	CALIFORNIA COOKING INC	3793	Equipment Rental/Lease	216.41		0.00	216.41	\$216.41
100260612	8/20/14	CALTEST ANALYTICAL LABORATORY	526925	Water Lab Services	235.80		0.00	235.80	\$235.80
100260613	8/20/14	CENTURY GRAPHICS	39778	Clothing, Uniforms & Access	42.28		0.00	42.28	\$42.28
100260614	8/20/14	CINTAS DOCUMENT MANAGEMENT	DG38272965	Records Related Services	45.00		0.00	45.00	\$45.00
100260615	8/20/14	CLEANSOURCE INC	1501140-01	Inventory Purchase	200.45		0.00	200.45	\$200.45
100260616	8/20/14	CREDITRON CORP	I10159	Computer Hardware	8,850.00		0.00	8,850.00	\$8,850.00
100260617	8/20/14	DANCE FORCE LLC	1058	Rec Instructors/Officials	736.20		0.00	736.20	\$3,067.20
			1060	Rec Instructors/Officials	623.40		0.00	623.40	
			1062	Rec Instructors/Officials	1,707.60		0.00	1,707.60	
100260618	8/20/14	EP 21	0055719-IN	General Supplies	25.51		0.00	25.51	\$25.51
100260619	8/20/14	ECONOMIC & PLANNING SYSTEMS INC	131119-7	Professional Services	3,425.00		0.00	3,425.00	\$3,425.00
100260620	8/20/14	ECONOMIC DRIVING SCHOOL	72873114-RE	Rec Instructors/Officials	1,520.48		0.00	1,520.48	\$1,520.48
100260621	8/20/14	EMPIRE SAFETY & SUPPLY	0063713-IN	Inventory Purchase	921.05		0.00	921.05	\$921.05
100260622	8/20/14	ENVIRONMENTAL PRODUCTS & SERVICES	214361	Miscellaneous Equipment	1,977.52		0.00	1,977.52	\$1,977.52
100260623	8/20/14	EQUIFAX INFORMATION SERVICES LLC	8649655	Investigation Expense	97.61		0.00	97.61	\$97.61
100260624	8/20/14	EVENTS OF EXCELLENCE CATERING	29091	Employee Recognition Expenses	4,281.78		0.00	4,281.78	\$4,281.78
100260625	8/20/14	FOSTER BROS SECURITY SYSTEMS INC	261163	Bldg Maint Matls & Supplies	183.14		0.00	183.14	\$183.14
100260626	8/20/14	GALE ASSOC INC	1407170	Consultants	5,750.00		0.00	5,750.00	\$5,750.00
100260627	8/20/14	GARYS SMALL ENGINE REPAIR	13871	Misc Equip Maint & Repair - Labor	75.87		0.00	75.87	\$215.25
			13871	Misc Equip Maint & Repair - Materials	10.00		0.00	10.00	
			13872	Misc Equip Maint & Repair - Labor	79.38		0.00	79.38	
			13872	Misc Equip Maint & Repair - Materials	50.00		0.00	50.00	
100260628	8/20/14	GLOBAL ACCESS INC	12935	Software Licensing & Support	236.38		0.00	236.38	\$236.38
100260629	8/20/14	GRAINGER	9502521595	General Supplies	130.90		0.00	130.90	\$223.16
			9512731325	Inventory Purchase	92.26		0.00	92.26	
100260630	8/20/14	GRANITEROCK CO	839350	Materials - Land Improve	10,033.36		0.00	10,033.36	\$10,033.36
100260631	8/20/14	GRAYBAR ELECTRIC CO INC	973953550	Comm Equip Maintain & Repair -	21.09		0.00	21.09	\$21.09

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100260632	8/20/14	HACH CO INC	8931515	Materials 2	442.66		0.00	442.66	\$712.04
			8933892	General Supplies	168.57		0.00	168.57	
			8933893	General Supplies	100.81		0.00	100.81	
100260633	8/20/14	IN & OUT PLUMBING & CONSTRUCTION	18300	Construction Services	9,850.00		0.00	9,850.00	\$9,850.00
100260634	8/20/14	INFORMATION SERVICES DEPT	ISD-35628	Software As a Service	1,783.20		0.00	1,783.20	\$1,783.20
100260635	8/20/14	INNOVYZE INC	05522AM	Software Licensing & Support	3,750.00		0.00	3,750.00	\$3,750.00
100260636	8/20/14	INSERV CO INC	51370	Facilities Maint & Repair - Labor	1,436.59		0.00	1,436.59	\$1,436.59
100260637	8/20/14	INTERNATIONAL PAPER CO	P0080150-	Recycling Services	41.44		0.00	41.44	\$165.72
			P0080281-01	Recycling Services	124.28		0.00	124.28	
100260638	8/20/14	KELLY MOORE PAINT CO INC	820-237950	Materials - Land Improve	49.25		0.00	49.25	\$49.25
100260639	8/20/14	KIDZ LOVE SOCCER	2014SV-2262	Professional Services	487.46		0.00	487.46	\$12,465.08
			2014SV-2262	Rec Instructors/Officials	1,977.54		0.00	1,977.54	
			2014SV-315	Professional Services	1,977.54		0.00	1,977.54	
			2014SV-315	Rec Instructors/Officials	8,022.54		0.00	8,022.54	
100260641	8/20/14	MIDWEST TAPE	92055668	Library Acquis, Audio/Visual	558.33		0.00	558.33	\$2,540.84
			92062294	Library Acquis, Audio/Visual	1,860.32		0.00	1,860.32	
			92070147	Library Acquis, Audio/Visual	122.19		0.00	122.19	
100260642	8/20/14	MIKE ALLEN SPORTS LLC	100237	Rec Instructors/Officials	5,206.08		0.00	5,206.08	\$5,206.08
100260643	8/20/14	NET TRANSCRIPTS INC	071814-77	Investigation Expense	75.60		0.00	75.60	\$75.60
100260644	8/20/14	NIXLE LLC	1794	Software As a Service	7,425.00		0.00	7,425.00	\$7,425.00
100260645	8/20/14	OVERDRIVE INC	0910-192156007	Library Periodicals/Databases	2,524.38		0.00	2,524.38	\$2,643.90
			0910-192252823	Library Periodicals/Databases	119.52		0.00	119.52	
100260646	8/20/14	P&R PAPER SUPPLY CO INC	30001019-00	Inventory Purchase	25.67		0.00	25.67	\$4,065.63
			30001021-00	Inventory Purchase	11.65		0.00	11.65	
			30001913-00	Inventory Purchase	347.71		0.00	347.71	
			3004567-00	Inventory Purchase	3,680.60		0.00	3,680.60	
100260647	8/20/14	PAN ASIAN PUBLICATIONS INC	U-14165	Library Acquisitions, Books	362.64		0.00	362.64	\$1,530.13
			U-14166	Library Acquisitions, Books	1,167.49		0.00	1,167.49	
100260648	8/20/14	PETER KOEHLER	003	Rec Instructors/Officials	1,223.20		0.00	1,223.20	\$2,972.20
			004	Rec Instructors/Officials	1,749.00		0.00	1,749.00	
100260649	8/20/14	PINE CONE LUMBER CO INC	551588	Services Maintain Land Improv	162.73		0.00	162.73	\$162.73
100260650	8/20/14	PLANET FUTSAL	MD-2014-728	Rec Instructors/Officials	1,890.00		0.00	1,890.00	\$1,890.00
100260651	8/20/14	PLAY-WELL TEKNOLOGIES	DB5447	Rec Instructors/Officials	9,960.00		0.00	9,960.00	\$9,960.00
100260652	8/20/14	POLYDYNE INC	901394	Chemicals	36,930.40		0.00	36,930.40	\$36,930.40
100260653	8/20/14	PRAXAIR DISTRIBUTION INC	50119655	Miscellaneous Equipment Parts & Supplies	118.27		0.00	118.27	\$118.27
100260654	8/20/14	PUBLIC SAFETY DATA SYSTEMS LLC	458	Professional Services	6,000.00		0.00	6,000.00	\$6,000.00
100260655	8/20/14	R & R REFRIGERATION & AIR CONDITIONING	54359	Bldg Maint Matls & Supplies	595.68		0.00	595.68	\$595.68
100260656	8/20/14	R WILLIAM MATHIS PHD	16660	Consultants	632.00		0.00	632.00	\$632.00
100260657	8/20/14	RAYVERN LIGHTING SUPPLY CO INC	28553-0	Inventory Purchase	1,213.32		0.00	1,213.32	\$1,407.77
			28554-0	Inventory Purchase	194.45		0.00	194.45	
100260658	8/20/14	SADA SYSTEMS INC	115272	Software Licensing & Support	85,596.00		0.00	85,596.00	\$85,596.00
100260659	8/20/14	SCUSD TRANSPORTATION	14-24	Travel Related Services	850.23		0.00	850.23	\$2,346.46
			14-27	Travel Related Services	197.74		0.00	197.74	
			14-32	Travel Related Services	887.48		0.00	887.48	
			14-34	Travel Related Services	411.01		0.00	411.01	
100260661	8/20/14	SAFEWAY INC	722406-073114	Food Products	7.98		0.00	7.98	\$7.98
100260662	8/20/14	SANTA CLARA VALLEY WATER DISTRICT	GN012684	Construction Services	90,465.02		0.00	90,465.02	\$90,465.02
100260663	8/20/14	SCIENSATIONAL WORKSHOPS FOR KIDS INC	12194	Rec Instructors/Officials	5,992.00		0.00	5,992.00	\$8,232.00

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			12215	Rec Instructors/Officials	2,240.00		0.00	2,240.00	
100260664	8/20/14	SIGN WIZ	11388	Special Events	583.19		0.00	583.19	\$583.19
100260665	8/20/14	SMART & FINAL INC	102096-081314	Food Products	45.53		0.00	45.53	\$152.97
			102096-081314	General Supplies	2.13		0.00	2.13	
			103424-081514	Food Products	100.61		0.00	100.61	
			103424-081514	General Supplies	4.70		0.00	4.70	
100260666	8/20/14	SOCIETY RIDESHOP LLC	1054	Rec Instructors/Officials	6,121.50		0.00	6,121.50	\$6,121.50
100260667	8/20/14	SPENCON CONSTRUCTION INC	CRBGTRS2014#01	Construction Services	112,230.62		0.00	112,230.62	\$112,230.62
100260668	8/20/14	STATCOMM INC	95916	Facilities Maint & Repair - Labor	174.00		0.00	174.00	\$174.00
100260669	8/20/14	SUNNYVALE WINDUSTRIAL CO INC	629108 00	Bldg Maint Matls & Supplies	17.43		0.00	17.43	\$88.42
			629358 00	Electrical Parts & Supplies	70.99		0.00	70.99	
100260670	8/20/14	TJKM	0043626	Engineering Services	2,015.00		0.00	2,015.00	\$2,015.00
100260671	8/20/14	THE HONEY LADIES INC	1535	Professional Services	450.00		0.00	450.00	\$450.00
100260672	8/20/14	TRICOR AMERICA INC	M610368	Contracts/Service Agreements	660.00		0.00	660.00	\$1,522.50
			M610563	General Supplies	202.50		0.00	202.50	
			M611141	General Supplies	0.00		0.00	0.00	
			M611141	Contracts/Service Agreements	660.00		0.00	660.00	
100260673	8/20/14	USA BLUEBOOK	376841	Supplies, Safety	184.52		0.00	184.52	\$184.52
100260674	8/20/14	UNIQUE MANAGEMENT SERVICES INC	259720	Financial Services	465.40		0.00	465.40	\$465.40
100260675	8/20/14	UNITED SITE SERVICES INC	114-2213888	Equipment Rental/Lease	159.25		0.00	159.25	\$159.25
100260676	8/20/14	WHCI PLUMBING SUPPLY	S1955081.001	Bldg Maint Matls & Supplies	669.21		0.00	669.21	\$669.21
100260677	8/20/14	WATER SOLUTIONS INC	1680	Training and Conferences	3,416.78		0.00	3,416.78	\$3,416.78
100260678	8/20/14	YAMAHA MOTOR CORP USA	528135	Equipment Rental/Lease	5,444.83		0.00	5,444.83	\$5,444.83
100260679	8/20/14	WAITER.COM INC	E0812616984	Food Products	92.84		0.00	92.84	\$92.84
100260680	8/20/14	BLACKHAWK NETWORK INC	SO-1173084	Benefits and Incentives - Service Awards	2,115.00		0.00	2,115.00	\$2,115.00
100260681	8/20/14	CYNTHIA EDEN	FY2013-2014	Benefits and Incentives - Service Awards	150.00		0.00	150.00	\$150.00
100260682	8/20/14	DIANA NACZKOWSKI	2013-14 AWARD	Benefits and Incentives - Service Awards	200.00		0.00	200.00	\$200.00
100260683	8/20/14	FIRST AMERICAN TITLE GUARANTY CO	4312-4682376	Customer Loans Disbursed	31,353.00		0.00	31,353.00	\$31,353.00
100260684	8/20/14	LOWES COMPANIES	2013-14 AWARD	Benefits and Incentives - Service Awards	1,550.00		0.00	1,550.00	\$1,550.00
100260685	8/20/14	MARK LEWY	2013-14 AWARD	Benefits and Incentives - Service Awards	200.00		0.00	200.00	\$200.00
100260686	8/20/14	PACIFIC GAS & ELECTRIC CO	05225890200714	Utilities - Gas	298.20		0.00	298.20	\$138,311.38
			05225892760714	Utilities - Electric	4,124.37		0.00	4,124.37	
			06075133000714	Utilities - Electric	11.29		0.00	11.29	
			11059228290714	Utilities - Electric	74.55		0.00	74.55	
			11059229930714	Utilities - Electric	73.59		0.00	73.59	
			12847684120714	Utilities - Electric	10.78		0.00	10.78	
			14823837850714	Utilities - Electric	48.00		0.00	48.00	
			18068041900714	Utilities - Electric	96.97		0.00	96.97	
			19867842520714	Utilities - Electric	43.94		0.00	43.94	
			22868920920714	Utilities - Electric	108.93		0.00	108.93	
			35642590100714	Utilities - Electric	62.48		0.00	62.48	
			35642590150714	Utilities - Electric	53.41		0.00	53.41	
			35642590200714	Utilities - Electric	36.88		0.00	36.88	
			35642590250714	Utilities - Electric	84.72		0.00	84.72	
			35642590300714	Utilities - Electric	74.99		0.00	74.99	
			35642590350714	Utilities - Electric	79.97		0.00	79.97	
			35642590400714	Utilities - Electric	75.79		0.00	75.79	
			35642590450714	Utilities - Electric	71.55		0.00	71.55	
			35642590500714	Utilities - Electric	61.21		0.00	61.21	
			35642590650714	Utilities - Electric	64.55		0.00	64.55	

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			35642590700714	Utilities - Electric	46.36		0.00	46.36	
			35642590750714	Utilities - Electric	69.25		0.00	69.25	
			35642590800714	Utilities - Electric	86.49		0.00	86.49	
			35642590850714	Utilities - Electric	53.59		0.00	53.59	
			35642590950714	Utilities - Electric	18.78		0.00	18.78	
			35642591000714	Utilities - Electric	109.06		0.00	109.06	
			35642591050714	Utilities - Electric	49.70		0.00	49.70	
			35642591100714	Utilities - Electric	52.30		0.00	52.30	
			35642591150714	Utilities - Electric	62.16		0.00	62.16	
			35642591250714	Utilities - Electric	60.49		0.00	60.49	
			35642591300714	Utilities - Electric	50.39		0.00	50.39	
			35642591350714	Utilities - Electric	100.47		0.00	100.47	
			35642591400714	Utilities - Electric	65.97		0.00	65.97	
			35642591450714	Utilities - Electric	55.16		0.00	55.16	
			35642591500714	Utilities - Electric	43.40		0.00	43.40	
			35642591550714	Utilities - Electric	48.96		0.00	48.96	
			35642591600714	Utilities - Electric	42.35		0.00	42.35	
			35642591650714	Utilities - Electric	81.07		0.00	81.07	
			35642591700714	Utilities - Electric	66.28		0.00	66.28	
			35642591750714	Utilities - Electric	69.78		0.00	69.78	
			35642591800714	Utilities - Electric	51.03		0.00	51.03	
			35642591850714	Utilities - Electric	52.14		0.00	52.14	
			35642591900714	Utilities - Electric	50.71		0.00	50.71	
			35642591950714	Utilities - Electric	71.92		0.00	71.92	
			35642592000714	Utilities - Electric	49.34		0.00	49.34	
			35642592050714	Utilities - Electric	70.26		0.00	70.26	
			35642592100714	Utilities - Electric	45.04		0.00	45.04	
			35642592150714	Utilities - Electric	48.39		0.00	48.39	
			35642592200714	Utilities - Electric	65.97		0.00	65.97	
			35642592250714	Utilities - Electric	68.52		0.00	68.52	
			35642592300714	Utilities - Electric	32.28		0.00	32.28	
			35642592350714	Utilities - Electric	5.26		0.00	5.26	
			35642592400714	Utilities - Electric	46.75		0.00	46.75	
			35642592450714	Utilities - Electric	26.72		0.00	26.72	
			35642592500714	Utilities - Electric	55.95		0.00	55.95	
			35642592550714	Utilities - Electric	70.89		0.00	70.89	
			35642592600714	Utilities - Electric	67.07		0.00	67.07	
			35642592650714	Utilities - Electric	79.16		0.00	79.16	
			35642592700714	Utilities - Electric	64.69		0.00	64.69	
			35642592750714	Utilities - Electric	53.88		0.00	53.88	
			35642592800714	Utilities - Electric	97.12		0.00	97.12	
			35642592850714	Utilities - Electric	62.47		0.00	62.47	
			35642592900714	Utilities - Electric	56.43		0.00	56.43	
			35642592950714	Utilities - Electric	30.21		0.00	30.21	
			35642593000714	Utilities - Electric	61.83		0.00	61.83	
			35642593050714	Utilities - Electric	89.01		0.00	89.01	
			35642593100714	Utilities - Electric	70.10		0.00	70.10	
			35642593200714	Utilities - Electric	68.67		0.00	68.67	
			35642593250714	Utilities - Electric	5.41		0.00	5.41	
			35642593300714	Utilities - Electric	40.07		0.00	40.07	

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			35642593350714	Utilities - Electric	69.78		0.00	69.78	
			35642593400714	Utilities - Electric	75.98		0.00	75.98	
			35642593450714	Utilities - Electric	39.30		0.00	39.30	
			35642593500714	Utilities - Electric	73.59		0.00	73.59	
			35642593550714	Utilities - Electric	59.62		0.00	59.62	
			35642593600714	Utilities - Electric	84.56		0.00	84.56	
			35642593650714	Utilities - Electric	87.59		0.00	87.59	
			35642593700714	Utilities - Electric	75.19		0.00	75.19	
			35642593750714	Utilities - Electric	51.04		0.00	51.04	
			35642593800714	Utilities - Electric	58.83		0.00	58.83	
			35642593850714	Utilities - Electric	10.51		0.00	10.51	
			35642593900714	Utilities - Electric	56.76		0.00	56.76	
			35642593950714	Utilities - Electric	54.54		0.00	54.54	
			35642594000714	Utilities - Electric	71.55		0.00	71.55	
			35642594050714	Utilities - Electric	42.46		0.00	42.46	
			35642594100714	Utilities - Electric	42.78		0.00	42.78	
			35642594150714	Utilities - Electric	64.71		0.00	64.71	
			35642594250714	Utilities - Electric	86.81		0.00	86.81	
			35642594300714	Utilities - Electric	57.08		0.00	57.08	
			35642594350714	Utilities - Electric	60.26		0.00	60.26	
			35642594400714	Utilities - Electric	50.09		0.00	50.09	
			35642594450714	Utilities - Electric	64.07		0.00	64.07	
			35642594500714	Utilities - Electric	45.64		0.00	45.64	
			35642594550714	Utilities - Electric	79.66		0.00	79.66	
			35642594600714	Utilities - Electric	76.80		0.00	76.80	
			35642594650714	Utilities - Electric	81.87		0.00	81.87	
			35642594700714	Utilities - Electric	91.73		0.00	91.73	
			35642594750714	Utilities - Electric	55.65		0.00	55.65	
			35642594800714	Utilities - Electric	75.35		0.00	75.35	
			35642594850714	Utilities - Electric	54.97		0.00	54.97	
			35642594900714	Utilities - Electric	58.32		0.00	58.32	
			35642594950714	Utilities - Electric	67.22		0.00	67.22	
			35642595000714	Utilities - Electric	67.38		0.00	67.38	
			35642595050714	Utilities - Electric	65.15		0.00	65.15	
			35642595100714	Utilities - Electric	61.02		0.00	61.02	
			35642595150714	Utilities - Electric	55.93		0.00	55.93	
			35642595200714	Utilities - Electric	67.70		0.00	67.70	
			35642595250714	Utilities - Electric	26.40		0.00	26.40	
			35642595300714	Utilities - Electric	30.22		0.00	30.22	
			35642595350714	Utilities - Electric	53.73		0.00	53.73	
			35642595400714	Utilities - Electric	62.46		0.00	62.46	
			35642595450714	Utilities - Electric	103.80		0.00	103.80	
			35642595500714	Utilities - Electric	44.68		0.00	44.68	
			35642595550714	Utilities - Electric	30.01		0.00	30.01	
			35642595600714	Utilities - Electric	46.26		0.00	46.26	
			35642595650714	Utilities - Electric	51.63		0.00	51.63	
			35642595700714	Utilities - Electric	56.90		0.00	56.90	
			35642595750714	Utilities - Electric	72.00		0.00	72.00	
			35642595800714	Utilities - Electric	53.25		0.00	53.25	
			35642595850714	Utilities - Electric	75.03		0.00	75.03	

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			35642595900714	Utilities - Electric	53.73		0.00	53.73	
			35642595950714	Utilities - Electric	39.06		0.00	39.06	
			35642596000714	Utilities - Electric	86.34		0.00	86.34	
			35642596050714	Utilities - Electric	76.95		0.00	76.95	
			35642596100714	Utilities - Electric	71.22		0.00	71.22	
			35642596150714	Utilities - Electric	54.86		0.00	54.86	
			35642596200714	Utilities - Electric	27.16		0.00	27.16	
			35642596250714	Utilities - Electric	53.27		0.00	53.27	
			35642596300714	Utilities - Electric	59.94		0.00	59.94	
			35642596350714	Utilities - Electric	48.01		0.00	48.01	
			35642596400714	Utilities - Electric	21.26		0.00	21.26	
			35642596450714	Utilities - Electric	98.25		0.00	98.25	
			35642596500714	Utilities - Electric	47.37		0.00	47.37	
			35642598240714	Utilities - Electric	10.52		0.00	10.52	
			38257235830714	Utilities - Electric	10.72		0.00	10.72	
			48131400740714	Utilities - Electric	9.86		0.00	9.86	
			52896844240714	Utilities - Gas	10.21		0.00	10.21	
			52896848690714	Utilities - Electric	409.11		0.00	409.11	
			56892570120714	Utilities - Electric	15.74		0.00	15.74	
			56892570470714	Utilities - Electric	12.83		0.00	12.83	
			56892570610714	Utilities - Electric	14.92		0.00	14.92	
			56892572230714	Utilities - Electric	10.52		0.00	10.52	
			56892573210714	Utilities - Electric	13.28		0.00	13.28	
			56892573280714	Utilities - Electric	10.52		0.00	10.52	
			56892573340714	Utilities - Electric	11.67		0.00	11.67	
			56892573450714	Utilities - Electric	10.52		0.00	10.52	
			56892574540714	Utilities - Electric	11.68		0.00	11.68	
			56892574610714	Utilities - Electric	13.28		0.00	13.28	
			56892574690714	Utilities - Electric	13.01		0.00	13.01	
			56892574720714	Utilities - Electric	12.73		0.00	12.73	
			56892574930714	Utilities - Electric	12.71		0.00	12.71	
			56892575240714	Utilities - Electric	12.85		0.00	12.85	
			56892575250714	Utilities - Electric	11.91		0.00	11.91	
			56892575560714	Utilities - Electric	13.31		0.00	13.31	
			56892575840714	Utilities - Electric	14.87		0.00	14.87	
			56892576280714	Utilities - Electric	12.96		0.00	12.96	
			56892576480714	Utilities - Electric	13.91		0.00	13.91	
			56892576590714	Utilities - Electric	10.52		0.00	10.52	
			56892576690714	Utilities - Electric	13.16		0.00	13.16	
			56892577220714	Utilities - Electric	12.87		0.00	12.87	
			56892577390714	Utilities - Electric	12.13		0.00	12.13	
			56892578180714	Utilities - Electric	10.82		0.00	10.82	
			56892578670714	Utilities - Electric	12.61		0.00	12.61	
			56892578890714	Utilities - Electric	12.82		0.00	12.82	
			56892579010714	Utilities - Electric	10.52		0.00	10.52	
			56892579640714	Utilities - Electric	11.90		0.00	11.90	
			56892579810714	Utilities - Electric	12.89		0.00	12.89	
			60225900040714	Utilities - Electric	48,160.74		0.00	48,160.74	
			60225900080714	Utilities - Electric	8,064.91		0.00	8,064.91	
			60225900140714	Utilities - Electric	37.18		0.00	37.18	

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			60225900150714	Utilities - Electric	25.62		0.00	25.62	
			60225900160714	Utilities - Electric	13.85		0.00	13.85	
			60225900170714	Utilities - Electric	10.78		0.00	10.78	
			60225900220714	Utilities - Electric	793.78		0.00	793.78	
			60225900260714	Utilities - Electric	40.62		0.00	40.62	
			60225900450714	Utilities - Electric	250.79		0.00	250.79	
			60225900550714	Utilities - Electric	14,661.80		0.00	14,661.80	
			60225900760714	Utilities - Electric	461.12		0.00	461.12	
			60225901000714	Utilities - Electric	7.23		0.00	7.23	
			60225901010714	Utilities - Electric	15,218.51		0.00	15,218.51	
			60225901100714	Utilities - Gas	4.33		0.00	4.33	
			60225901310714	Utilities - Electric	14.46		0.00	14.46	
			60225901610714	Utilities - Electric	7,549.64		0.00	7,549.64	
			60225901980714	Utilities - Electric	72.62		0.00	72.62	
			60225902290714	Utilities - Electric	28.57		0.00	28.57	
			60225902530714	Utilities - Electric	3,254.38		0.00	3,254.38	
			60225902640714	Utilities - Electric	49.41		0.00	49.41	
			60225902900714	Utilities - Electric	327.93		0.00	327.93	
			60225902950714	Utilities - Electric	22.30		0.00	22.30	
			60225903550714	Utilities - Electric	5,737.02		0.00	5,737.02	
			60225904170714	Utilities - Electric	12.19		0.00	12.19	
			60225904240714	Utilities - Electric	11.96		0.00	11.96	
			60225904580714	Utilities - Electric	93.03		0.00	93.03	
			60225905100714	Utilities - Electric	4.41		0.00	4.41	
			60225905410714	Utilities - Electric	30.53		0.00	30.53	
			60225905570714	Utilities - Electric	94.40		0.00	94.40	
			60225905580714	Utilities - Electric	12.35		0.00	12.35	
			60225905590714	Utilities - Electric	12.35		0.00	12.35	
			60225905600714	Utilities - Electric	6,517.02		0.00	6,517.02	
			60225906210714	Utilities - Electric	4.41		0.00	4.41	
			60225906510714	Utilities - Electric	2,795.58		0.00	2,795.58	
			60225906590714	Utilities - Electric	687.07		0.00	687.07	
			60225906600714	Utilities - Electric	77.62		0.00	77.62	
			60225906780714	Utilities - Electric	3,454.15		0.00	3,454.15	
			60225907690714	Utilities - Electric	219.74		0.00	219.74	
			60225907730714	Utilities - Electric	10.06		0.00	10.06	
			60225908170714	Utilities - Electric	24.61		0.00	24.61	
			60225908580714	Utilities - Electric	62.33		0.00	62.33	
			60225908610714	Utilities - Electric	33.84		0.00	33.84	
			60225908940714	Utilities - Electric	56.93		0.00	56.93	
			60225909050714	Utilities - Electric	13.49		0.00	13.49	
			60225909410714	Utilities - Electric	100.18		0.00	100.18	
			60225909720714	Utilities - Electric	12.73		0.00	12.73	
			60225909830714	Utilities - Electric	90.77		0.00	90.77	
			74408230820714	Utilities - Electric	65.51		0.00	65.51	
			81008625370714	Utilities - Electric	67.44		0.00	67.44	
			91475900450714	Utilities - Gas	17.39		0.00	17.39	
			91475903190714	Utilities - Electric	108.58		0.00	108.58	
			91475904100714	Utilities - Electric	934.00		0.00	934.00	
			91475904310714	Utilities - Electric	404.17		0.00	404.17	

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			91475907050714	Utilities - Electric	192.07		0.00	192.07	
			91475907470714	Utilities - Electric	1,218.63		0.00	1,218.63	
			91475908690714	Utilities - Electric	687.14		0.00	687.14	
			91475909640714	Utilities - Electric	1,011.98		0.00	1,011.98	
			91475909790714	Utilities - Electric	1,320.50		0.00	1,320.50	
100260704	8/20/14	PALO ALTO FACILITY	214TR472886	Deposits Payable - Warrants	371.00		0.00	371.00	\$371.00
100260705	8/20/14	RANDAL MOELLER	2013-14 AWARD	Benefits and Incentives - Service Awards	150.00		0.00	150.00	\$150.00
100260706	8/20/14	SECRETARY FOR ENVIRONMENTAL PROTECTION	040114-063014	CUPA State Fees Payable	6,730.84		0.00	6,730.84	\$6,730.84
100260707	8/20/14	TARGET GIFT CARD TEAM	ORDER#20735335	Benefits and Incentives - Service Awards	2,950.00		0.00	2,950.00	\$2,950.00
100260708	8/20/14	DEBORAH DE MELLO PINE	8000008862	Deposits Payable - Facility Rental	350.00		0.00	350.00	\$350.00
100260709	8/20/14	MIPS TECHNOLOGIES INC	154141-49168	Refund Utility Account Credit	918.07		0.00	918.07	\$918.07
100260710	8/20/14	RASHMI MATHEW	36594	Lib - Lost & Damaged Circulation	12.99		0.00	12.99	\$12.99
100260711	8/22/14	AAA SPEEDY SMOG TEST ONLY STATION	15427	Auto Maint & Repair - Labor	40.00		0.00	40.00	\$40.00
100260712	8/22/14	ABLE SEPTIC TANK SERVICE	AVW-14-135	Services Maintain Land Improv	1,375.00		0.00	1,375.00	\$1,375.00
100260713	8/22/14	ACCURATE CRANE SERVICE INC	6270-14	Construction Services	660.00		0.00	660.00	\$3,510.00
			6272-14	Construction Services	1,320.00		0.00	1,320.00	
			6273-14	Construction Services	1,530.00		0.00	1,530.00	
100260714	8/22/14	ADVANCED GRAPHIX INC	190537	Vehicles & Motorized Equip	53.00		0.00	53.00	\$53.00
100260715	8/22/14	AMFASOFT CORP	GALINAMIKH-01	DED Services/Training - Training	5,310.00		0.00	5,310.00	\$5,735.00
			YASH-02	DED Services/Training - Training	425.00		0.00	425.00	
100260716	8/22/14	AREA TRUCK DRIVING SCHOOL	6810	DED Services/Training - Training	559.50		0.00	559.50	\$5,890.00
			6822	DED Services/Training - Training	5,330.50		0.00	5,330.50	
100260717	8/22/14	ARNE SIGN & DECAL CO INC	14-7474	Parts, Vehicles & Motor Equip	97.88		0.00	97.88	\$97.88
100260718	8/22/14	ARROWHEAD MOUNTAIN SPRING WATER	146570153001RE	General Supplies	-45.00		0.00	-45.00	\$194.43
			14G5727863010	General Supplies	40.17		0.00	40.17	
			14G5740142004	General Supplies	66.42		0.00	66.42	
			14G5740153001	General Supplies	45.00		0.00	45.00	
			14H5727863010	General Supplies	43.92		0.00	43.92	
			14H5740142004	General Supplies	43.92		0.00	43.92	
100260719	8/22/14	B & A FRICTION MATERIALS INC	529332	Auto Maint & Repair - Labor	114.66		0.00	114.66	\$782.58
			529332	Auto Maint & Repair - Materials	667.92		0.00	667.92	
100260720	8/22/14	BP & A ENTERPRISES	5600899	Fuel, Oil & Lubricants	22.57		0.00	22.57	\$213.24
			5601024	Fuel, Oil & Lubricants	12.36		0.00	12.36	
			5601025	Fuel, Oil & Lubricants	14.31		0.00	14.31	
			5601031	Fuel, Oil & Lubricants	23.34		0.00	23.34	
			5601064	Fuel, Oil & Lubricants	98.09		0.00	98.09	
			5601078	Fuel, Oil & Lubricants	18.40		0.00	18.40	
			5601100	Fuel, Oil & Lubricants	24.17		0.00	24.17	
100260721	8/22/14	BADGER METER INC	1009340	Water Meters	16,388.00		0.00	16,388.00	\$16,388.00
100260722	8/22/14	BASCOM TRIM & UPHOLSTERY	162534	Auto Maint & Repair - Labor	382.50		0.00	382.50	\$436.88
			162534	Auto Maint & Repair - Materials	54.38		0.00	54.38	
100260723	8/22/14	BATTERIES USA INC	141401	Parts, Vehicles & Motor Equip	2,740.50		0.00	2,740.50	\$2,740.50
100260724	8/22/14	BAY AREA AIR QUALITY MANAGEMENT DISTRICT	3KF96	Taxes & Licenses - Misc	526.00		0.00	526.00	\$526.00
100260725	8/22/14	BAY-VALLEY PEST CONTROL INC	0177966	Facilities Maint & Repair - Labor	43.00		0.00	43.00	\$1,071.00
			0177967	Facilities Maint & Repair - Labor	43.00		0.00	43.00	
			0177968	Facilities Maint & Repair - Labor	43.00		0.00	43.00	
			0177969	Facilities Maint & Repair - Labor	43.00		0.00	43.00	
			0177970	Facilities Maint & Repair - Labor	43.00		0.00	43.00	

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			0177971	Facilities Maint & Repair - Labor	43.00		0.00	43.00	
			0177972	Facilities Maint & Repair - Labor	59.00		0.00	59.00	
			0177973	Facilities Maint & Repair - Labor	59.00		0.00	59.00	
			0177974	Facilities Maint & Repair - Labor	59.00		0.00	59.00	
			0177975	Facilities Maint & Repair - Labor	59.00		0.00	59.00	
			0177976	Facilities Maint & Repair - Labor	59.00		0.00	59.00	
			0177978	Facilities Maint & Repair - Labor	32.00		0.00	32.00	
			0177979	Facilities Maint & Repair - Labor	56.00		0.00	56.00	
			0177981	Facilities Maint & Repair - Labor	42.00		0.00	42.00	
			0177982	Facilities Maint & Repair - Labor	42.00		0.00	42.00	
			0177983	Facilities Maint & Repair - Labor	42.00		0.00	42.00	
			0177984	Facilities Maint & Repair - Labor	42.00		0.00	42.00	
			0177985	Facilities Maint & Repair - Labor	42.00		0.00	42.00	
			0177986	Facilities Maint & Repair - Labor	42.00		0.00	42.00	
			0178012	Facilities Maint & Repair - Labor	58.00		0.00	58.00	
			0178373	Facilities Maint & Repair - Labor	120.00		0.00	120.00	
100260727	8/22/14	BELKORP AG LLC	75144	Parts, Vehicles & Motor Equip	170.89		0.00	170.89	\$656.23
			76250	Parts, Vehicles & Motor Equip	485.34		0.00	485.34	
100260728	8/22/14	BUCKLES-SMITH ELECTRIC CO	1405123-00	Materials - Land Improve	461.94		0.00	461.94	\$845.08
			1408613-00	Materials - Land Improve	383.14		0.00	383.14	
100260729	8/22/14	BURTONS FIRE INC	S22454	Parts, Vehicles & Motor Equip	354.26		0.00	354.26	\$2,670.89
			S22536	Parts, Vehicles & Motor Equip	366.30		0.00	366.30	
			S22549	Parts, Vehicles & Motor Equip	77.95		0.00	77.95	
			S22577	Parts, Vehicles & Motor Equip	313.98		0.00	313.98	
			S22581	Parts, Vehicles & Motor Equip	211.25		0.00	211.25	
			S22630	Parts, Vehicles & Motor Equip	123.61		0.00	123.61	
			S22674	Parts, Vehicles & Motor Equip	382.10		0.00	382.10	
			S22816	Parts, Vehicles & Motor Equip	574.72		0.00	574.72	
			S23172	Parts, Vehicles & Motor Equip	266.72		0.00	266.72	
100260730	8/22/14	CINTAS DOCUMENT MANAGEMENT	DG38272966	Records Related Services	49.00		0.00	49.00	\$49.00
100260731	8/22/14	CLEANSOURCE INC	1510277-00	Inventory Purchase	336.04		0.00	336.04	\$336.04
100260732	8/22/14	COMMUNITY HEALTH CHARITIES OF CALIFORNIA	PR201433	Employee Payroll Contributions	288.00		0.00	288.00	\$288.00
100260733	8/22/14	CONNIE GAMBOA	3598133	DED Services/Training - Support Services	405.00		0.00	405.00	\$405.00
100260734	8/22/14	CORRPRO WATERWORKS	246444	Engineering Services	300.00		0.00	300.00	\$300.00
100260735	8/22/14	COSCO FIRE PROTECTION INC	1000261111	Misc Equip Maint & Repair - Labor	1,000.00		0.00	1,000.00	\$2,000.00
			1000261113	Services Maintain Land Improv	1,000.00		0.00	1,000.00	
100260736	8/22/14	CUMMINS WEST INC	027-3985	Parts, Vehicles & Motor Equip	24.62		0.00	24.62	\$24.62
100260737	8/22/14	CYBERSOURCE CORP	5436089	Software As a Service	75.00		0.00	75.00	\$75.00
100260738	8/22/14	DETAIL PLUS	24588	Auto Maint & Repair - Labor	165.00		0.00	165.00	\$165.00
100260739	8/22/14	DOLPHIN CHARTERS	10A-1P	Excursions	1,258.50		0.00	1,258.50	\$1,258.50
100260740	8/22/14	EARTH SHARE OF CALIFORNIA	PR201433	Employee Payroll Contributions	177.00		0.00	177.00	\$177.00
100260741	8/22/14	FERRARA FIRE APPARATUS INC	INV00000W66683	Parts, Vehicles & Motor Equip	1,128.01		0.00	1,128.01	\$1,128.01
100260742	8/22/14	FISHER SCIENTIFIC CO LLC	4186151	General Supplies	155.98		0.00	155.98	\$155.98
100260743	8/22/14	FOLGERGRAPHICS INC	103494	Printing & Related Services	6,877.30		0.00	6,877.30	\$6,877.30
100260744	8/22/14	FOSTER BROS SECURITY SYSTEMS INC	260843	Bldg Maint Matls & Supplies	207.84		0.00	207.84	\$1,413.29
			261015	Bldg Maint Matls & Supplies	1,205.45		0.00	1,205.45	
100260745	8/22/14	FRANK A OLSEN CO INC	231074	Materials - Land Improve	5,378.33		0.00	5,378.33	\$5,378.33
100260746	8/22/14	GARDENLAND POWER EQUIPMENT	210630	Parts, Vehicles & Motor Equip	105.41		0.00	105.41	\$322.40
			218613	Parts, Vehicles & Motor Equip	216.99		0.00	216.99	

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100260747	8/22/14	GOLDEN GATE TRUCK CENTER	F005603295:01	Parts, Vehicles & Motor Equip	194.40		0.00	194.40	\$474.79
			F005603307:01	Parts, Vehicles & Motor Equip	96.21		0.00	96.21	
			F005603948:01	Parts, Vehicles & Motor Equip	-67.97		0.00	-67.97	
			F005604325:01	Parts, Vehicles & Motor Equip	197.39		0.00	197.39	
			F005605863:01	Parts, Vehicles & Motor Equip	54.76		0.00	54.76	
100260748	8/22/14	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1083749	Parts, Vehicles & Motor Equip	1,013.78		0.00	1,013.78	\$2,646.64
			189-1083783	Auto Maint & Repair - Labor	18.32		0.00	18.32	
			189-1083783	Auto Maint & Repair - Materials	375.85		0.00	375.85	
			189-1083869	Auto Maint & Repair - Labor	90.60		0.00	90.60	
			189-1083895	Parts, Vehicles & Motor Equip	140.00		0.00	140.00	
			189-1083973	Auto Maint & Repair - Labor	70.00		0.00	70.00	
			189-1083973	Auto Maint & Repair - Materials	17.95		0.00	17.95	
			189-1084071	Auto Maint & Repair - Labor	70.00		0.00	70.00	
			189-1084071	Auto Maint & Repair - Materials	17.95		0.00	17.95	
			189-1084072	Auto Maint & Repair - Labor	105.00		0.00	105.00	
			189-1084072	Auto Maint & Repair - Materials	26.92		0.00	26.92	
			189-1084072	Parts, Vehicles & Motor Equip	0.00		0.00	0.00	
			189-1084261	Inventory Purchase	700.27		0.00	700.27	
100260750	8/22/14	GRANITEROCK CO	843156	Materials - Land Improve	4,861.51		0.00	4,861.51	\$4,861.51
100260751	8/22/14	GRAYBAR ELECTRIC CO INC	974167994	Comm Equip Maintain & Repair - Materials 2	214.71		0.00	214.71	
100260752	8/22/14	HAO EXPRESSION	COS140814	Rec Instructors/Officials	2,900.00		0.00	2,900.00	\$2,900.00
100260753	8/22/14	HYBRID COMMERCIAL PRINTING INC	24872	Printing & Related Services	541.58		0.00	541.58	
100260754	8/22/14	ITRON INC	339484	General Supplies	150.00		0.00	150.00	\$150.00
100260755	8/22/14	JAVELCO EQUIPMENT SERVICE INC	47780	Parts, Vehicles & Motor Equip	43.33		0.00	43.33	
100260756	8/22/14	KME FIRE APPARATUS	CA527850	Parts, Vehicles & Motor Equip	59.96		0.00	59.96	\$59.96
100260757	8/22/14	KELLY MOORE PAINT CO INC	820-238028	Bldg Maint Matls & Supplies	77.05		0.00	77.05	
			820-238324	Bldg Maint Matls & Supplies	349.19		0.00	349.19	\$345.83
100260758	8/22/14	KELLY PAPER CO	6724413	General Supplies	345.83		0.00	345.83	
100260759	8/22/14	KENNEDY JENKS CONSULTANTS	84796	Professional Services	239.20		0.00	239.20	\$239.20
100260760	8/22/14	KOHLWEISS AUTO PARTS INC	01NU4252	Parts, Vehicles & Motor Equip	2.14		0.00	2.14	
			01NU4429	Parts, Vehicles & Motor Equip	4.28		0.00	4.28	\$6.42
100260761	8/22/14	LARRY WERTMAN	248	Rec Instructors/Officials	900.00		0.00	900.00	
100260762	8/22/14	LAWSON PRODUCTS INC	9302662144	Materials - Land Improve	446.56		0.00	446.56	\$446.56
100260763	8/22/14	MCMaster CARR SUPPLY CO	97100776	General Supplies	62.26		0.00	62.26	
			97426943	Materials - Land Improve	63.07		0.00	63.07	\$882.93
			97873355	Materials - Land Improve	224.81		0.00	224.81	
			97953965	Materials - Land Improve	161.45		0.00	161.45	\$600.00
			97976852	Materials - Land Improve	371.34		0.00	371.34	
100260764	8/22/14	MY FIRST ART CLASS	082	Rec Instructors/Officials	600.00		0.00	600.00	\$98.83
100260765	8/22/14	NAPA AUTO PARTS	123329	Parts, Vehicles & Motor Equip	21.74		0.00	21.74	
			123365	Parts, Vehicles & Motor Equip	27.08		0.00	27.08	\$9,114.00
			123563	Parts, Vehicles & Motor Equip	50.01		0.00	50.01	
100260766	8/22/14	NEOGOV	07-12697	Software As a Service	9,114.00		0.00	9,114.00	\$2,094.12
100260767	8/22/14	NORTH STATE ENVIRONMENTAL	045752	HazMat Disposal - Hazardous Waste Disposal	2,094.12		0.00	2,094.12	
100260768	8/22/14	NOTEWORTHY MUSIC SCHOOL INC	359	Rec Instructors/Officials	227.50		0.00	227.50	\$390.25
			360	Rec Instructors/Officials	162.75		0.00	162.75	
100260769	8/22/14	ON ASSIGNMENT LAB SUPPORT	OAI-2255858	Salaries - Contract Personnel	5,190.00		0.00	5,190.00	\$5,190.00

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100260770	8/22/14	PAYFLEX SYSTEMS USA INC	PR201433	Employee Payroll Contributions	11,539.40		0.00	11,539.40	\$11,539.40
100260771	8/22/14	PACIFIC TELEMAGEMENT SERVICES	672324	Utilities - Telephone	75.00		0.00	75.00	\$75.00
100260772	8/22/14	PETERSON TRUCKS	404024	Auto Maint & Repair - Labor	308.70		0.00	308.70	\$373.63
			404024	Auto Maint & Repair - Materials	91.94		0.00	91.94	
			404024	Parts, Vehicles & Motor Equip	0.00		0.00	0.00	
			413266P	Parts, Vehicles & Motor Equip	56.88		0.00	56.88	
			413325P	Parts, Vehicles & Motor Equip	13.66		0.00	13.66	
			413357P	Parts, Vehicles & Motor Equip	58.17		0.00	58.17	
			413552P	Parts, Vehicles & Motor Equip	45.25		0.00	45.25	
			CM411181P	Parts, Vehicles & Motor Equip	-200.97		0.00	-200.97	
100260773	8/22/14	PINE CONE LUMBER CO INC	553362	Hand Tools	60.61		0.00	60.61	\$60.61
100260774	8/22/14	PITNEY BOWES INC	344085	Equipment Rental/Lease	208.80		0.00	208.80	\$208.80
100260775	8/22/14	QUALITY ASSURANCE SOLUTIONS LLC	CA-2014-055	Miscellaneous Services	810.00		0.00	810.00	\$810.00
100260776	8/22/14	R & B CO	S1431963.001	Construction Services	482.07		0.00	482.07	\$482.07
100260777	8/22/14	REFRIGERATION SUPPLIES DISTRIBUTOR	38276234-00	Bldg Maint Matls & Supplies	292.05		0.00	292.05	\$292.05
100260778	8/22/14	ROLDAN RHOLD A VICTOR	001109	Professional Services	708.34		0.00	708.34	\$708.34
100260779	8/22/14	SCS FIELD SERVICES INC	0231756	Services Maintain Land Improv	3,750.00		0.00	3,750.00	\$6,271.60
			0237503	Engineering Services	2,521.60		0.00	2,521.60	
100260780	8/22/14	SAFETYCARE INC	35676	Occupational Health and Safety Services	1,053.50		0.00	1,053.50	\$1,053.50
100260781	8/22/14	SAN DIEGO POLICE EQUIPMENT CO	613737	Ammunition	3,862.15		0.00	3,862.15	\$3,862.15
100260782	8/22/14	SAN FRANCISCO BAY BIRD OBSERVATORY	723	Water Lab Services	1,364.00		0.00	1,364.00	\$1,364.00
100260783	8/22/14	SANDERSON SAFETY SUPPLY CO	8082044-03	Inventory Purchase	67.86		0.62	67.24	\$67.24
100260784	8/22/14	SIERRA PACIFIC TURF SUPPLY INC	0431844-IN	Materials - Land Improve	556.16		0.00	556.16	\$1,161.98
			0433575-IN	Materials - Land Improve	242.52		0.00	242.52	
			0433633-IN	Materials - Land Improve	363.30		0.00	363.30	
100260785	8/22/14	STEVENS CREEK CHRYSLER JEEP DODGE	182951	Auto Maint & Repair - Labor	1,750.00		0.00	1,750.00	\$3,876.40
			182951	Auto Maint & Repair - Materials	2,126.40		0.00	2,126.40	
100260786	8/22/14	STUDIO EM GRAPHIC DESIGN	15298	Graphics Services	81.56		0.00	81.56	\$81.56
100260787	8/22/14	SUNNYVALE PUBLIC SAFETY OFFICERS	PR201433	Employee Payroll Contributions	13,585.00		0.00	13,585.00	\$13,585.00
		ASSN							
100260788	8/22/14	TJKM	0043625	Consultants	1,032.76		0.00	1,032.76	\$1,032.76
100260789	8/22/14	TINT OF CLASS	14811	Bldg Maint Matls & Supplies	173.94		0.00	173.94	\$173.94
100260790	8/22/14	TURF STAR INC	6856771-00	Parts, Vehicles & Motor Equip	146.53		0.00	146.53	\$232.90
			6859128-00	Misc Equip Maint & Repair - Materials	86.37		0.00	86.37	
100260791	8/22/14	UNITED SITE SERVICES INC	114-2213887	Equipment Rental/Lease	95.39		0.00	95.39	\$95.39
100260792	8/22/14	UNITED WAY SILICON VALLEY	PR201433	Employee Payroll Contributions	321.00		0.00	321.00	\$321.00
100260793	8/22/14	VWR INTERNATIONAL LLC	8058490861	General Supplies	115.41		0.00	115.41	\$166.21
			8058490862	General Supplies	50.80		0.00	50.80	
100260794	8/22/14	WEBER TRACTOR SERVICE	34510A	Services Maintain Land Improv	2,110.00		0.00	2,110.00	\$2,110.00
100260795	8/22/14	WESTERN STATES OIL	269042	Fuel, Oil & Lubricants	1,680.84		0.00	1,680.84	\$1,680.84
100260796	8/22/14	WITMER TYSON IMPORTS INC	T10499	Canine Program Expenditures	570.69		0.00	570.69	\$570.69
100260797	8/22/14	YAMAHA MOTOR CORP USA	530954	Equipment Rental/Lease	5,444.83		0.00	5,444.83	\$5,444.83
100260798	8/22/14	WAITER.COM INC	E0812606302	Food Products	111.07		0.00	111.07	\$182.47
			E0814619624	Food Products	71.40		0.00	71.40	
100260799	8/22/14	GRAINGER	9481283514	Water Meters	263.61		0.00	263.61	\$14,037.21
			9481363191	Hand Tools	23.04		0.00	23.04	
			9482249829	Hand Tools	236.08		0.00	236.08	
			9482249837	Miscellaneous Equipment	47.23		0.00	47.23	
			9482249845	Hand Tools	99.57		0.00	99.57	
			9484417242	Bldg Maint Matls & Supplies	172.95		0.00	172.95	

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			9484423760	Hand Tools	61.30		0.00	61.30	
			9484492690	Hand Tools	29.23		0.00	29.23	
			9486791156	Supplies, Safety	689.04		0.00	689.04	
			9487959570	Bldg Maint Matls & Supplies	98.32		0.00	98.32	
			9487959588	Bldg Maint Matls & Supplies	25.89		0.00	25.89	
			9488194375	Bldg Maint Matls & Supplies	21.24		0.00	21.24	
			9488194383	Bldg Maint Matls & Supplies	1.98		0.00	1.98	
			9488912792	Supplies, Safety	284.14		0.00	284.14	
			9488912800	Materials - Land Improve	84.04		0.00	84.04	
			9489108895	Bldg Maint Matls & Supplies	1,479.94		0.00	1,479.94	
			9490393924	Bldg Maint Matls & Supplies	319.61		0.00	319.61	
			9490393932	Bldg Maint Matls & Supplies	34.32		0.00	34.32	
			9490502458	Supplies, Vehicles/Motor Equip	54.53		0.00	54.53	
			9491218567	Hand Tools	286.78		0.00	286.78	
			9491615432	Supplies, Safety	193.79		0.00	193.79	
			9491615440	Supplies, Vehicles/Motor Equip	36.51		0.00	36.51	
			9491615457	Hand Tools	18.98		0.00	18.98	
			9491615465	Miscellaneous Equipment	466.54		0.00	466.54	
			9491827615	Miscellaneous Equipment	-466.54		0.00	-466.54	
			9491964665	Miscellaneous Equipment	530.57		0.00	530.57	
			9492506085	Supplies, Safety	75.91		0.00	75.91	
			9492506093	Supplies, Safety	75.91		0.00	75.91	
			9492506101	Miscellaneous Equipment	14.77		0.00	14.77	
			9492506119	Miscellaneous Equipment	40.76		0.00	40.76	
			9492506135	Hand Tools	283.33		0.00	283.33	
			9493664677	Parts, Vehicles & Motor Equip	90.65		0.00	90.65	
			9493972872	Miscellaneous Equipment	138.77		0.00	138.77	
			9493972880	Bldg Maint Matls & Supplies	19.80		0.00	19.80	
			9494446488	Hand Tools	138.09		0.00	138.09	
			9495472095	Supplies, Safety	4,774.35		0.00	4,774.35	
			9496234080	Hand Tools	481.55		0.00	481.55	
			9496293698	Bldg Maint Matls & Supplies	44.24		0.00	44.24	
			9496293706	Bldg Maint Matls & Supplies	177.97		0.00	177.97	
			9497226994	Bldg Maint Matls & Supplies	0.20		0.00	0.20	
			9497227000	Bldg Maint Matls & Supplies	5.35		0.00	5.35	
			9497384827	Bldg Maint Matls & Supplies	16.61		0.00	16.61	
			9498330654	Materials - Land Improve	111.36		0.00	111.36	
			9498537779	Bldg Maint Matls & Supplies	23.99		0.00	23.99	
			9498700591	General Supplies	54.37		0.00	54.37	
			9499788165	Bldg Maint Matls & Supplies	191.96		0.00	191.96	
			9499890623	Miscellaneous Equipment Parts & Supplies	249.59		0.00	249.59	
			9499890631	Bldg Maint Matls & Supplies	21.70		0.00	21.70	
			9499920123	Electrical Parts & Supplies	144.00		0.00	144.00	
			9500685970	Materials - Land Improve	154.31		0.00	154.31	
			9500685988	Electrical Parts & Supplies	5.34		0.00	5.34	
			9500740916	Miscellaneous Equipment Parts & Supplies	537.44		0.00	537.44	
			9500740924	Hand Tools	21.98		0.00	21.98	
			9500863528	Bldg Maint Matls & Supplies	95.91		0.00	95.91	
			9501900154	Materials - Land Improve	10.14		0.00	10.14	
			9502197941	Parts, Vehicles & Motor Equip	28.06		0.00	28.06	

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100260804	8/22/14	KIRBY CANYON RECYCLING & DISPOSAL FAC	9502306666	Bldg Maint Matls & Supplies	64.79	0.00	64.79	
			9502415384	Electrical Parts & Supplies	98.09	0.00	98.09	
			9502512313	Materials - Land Improve	58.20	0.00	58.20	
			9503455652	Hand Tools	9.08	0.00	9.08	
			9504842759	Hand Tools	93.71	0.00	93.71	
			9505811274	Supplies, Safety	50.72	0.00	50.72	
			9505847427	Bldg Maint Matls & Supplies	5.16	0.00	5.16	
			9505847435	Bldg Maint Matls & Supplies	536.36	0.00	536.36	
			JULY2014	Landill Fees to be Allocated	909,083.90	0.00	909,083.90	\$909,083.90
100260805	8/22/14	MP HOMESTEAD PARK ASSOCIATES	LOAN DRAW#5	Customer Loans Disbursed	760,445.49	0.00	760,445.49	\$760,445.49
100260806	8/22/14	STATE OF CALIFORNIA	070113-063014	Financial Services	100.00	0.00	100.00	\$100.00
100260807	8/22/14	BLACK DIAMOND PAVER STONES & LAND	PROJ#2014-2927	Permit - Building	209.23	0.00	209.23	\$209.23
100260808	8/22/14	ELIAS TEKLE	IN000061683	Franchise - Other - Taxicab Service	50.00	0.00	50.00	\$50.00
100260809	8/22/14	FORTMEDIA INC	154207-69772	Refund Utility Account Credit	200.19	0.00	200.19	\$200.19
100260810	8/22/14	SEYOUM ASRAT	IN000061688	Franchise - Other - Taxicab Service	250.00	0.00	250.00	\$250.00
950002316	8/19/14	SVM LP	BB-081514	Benefits and Incentives - Service Awards	960.95	0.00	960.95	\$960.95
950002317	8/22/14	INTERNAL REVENUE SERVICE	950002317	Employer Taxes - FICA - Total	269.07	0.00	269.07	\$50,031.98
950002318	8/21/14	ICMA RETIREMENT CORP	950002317	Employer Taxes - Medicare - Total	49,762.91	0.00	49,762.91	
			950002318	Retirement Benefits - Deferred Comp - City Portion	11,815.13	0.00	11,815.13	\$13,085.65
			950002318	Retirement Benefits - PARS	1,270.52	0.00	1,270.52	
950800457	8/20/14	WELLS FARGO BANK	08192014	Purchasing Card Statement	140,932.90	0.00	140,932.90	\$140,932.90
950900456	8/22/14	STATE BOARD OF EQUAL DIRECT DEPOSIT	18992989056	Miscellaneous Payment	10,543.23	0.00	10,543.23	\$10,543.23
Grand Total Payment Amount								\$2,827,905.27 \$2,827,905.27

List of All Claims and Bills Approved for Payment

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Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount	Taken	Amount Paid	Payment Total
100260815	8/27/14	AMPS DMS	8653	Utilities - Electric	2,100.00		0.00	2,100.00	\$2,100.00
100260816	8/27/14	AT&T	08/17-09/16/14	Utilities - Mobile Phones - City Mobile Phones	195.14		0.00	195.14	\$195.14
100260817	8/27/14	ACE FIRE EQUIPMENT & SERVICE CO INC	122241	Inventory Purchase	1,020.03		0.00	1,020.03	\$1,020.03
100260818	8/27/14	ACOM COMPUTER INC	0268193-IN	Hardware Maintenance	1,590.00		0.00	1,590.00	\$4,487.00
			0268280-IN	Software Licensing & Support	2,897.00		0.00	2,897.00	
100260819	8/27/14	ALPINE AWARDS INC	286208	Customized Products	480.29		0.00	480.29	\$677.07
			286259	Customized Products	196.78		0.00	196.78	
100260820	8/27/14	ARROWHEAD MOUNTAIN SPRING WATER	04H0032762189	Food Products	4.34		0.00	4.34	\$47.36
			14H5727863002	Miscellaneous Services	29.01		0.00	29.01	
			14H5740132005	Miscellaneous Services	14.01		0.00	14.01	
100260821	8/27/14	BADGER METER INC	1009341	Water Meters	744.00		0.00	744.00	\$2,382.80
			1010063	Water Meters	1,638.80		0.00	1,638.80	
100260822	8/27/14	BRIDGESTONE GOLF INC	1002275218	Inventory Purchase	680.40		40.82	639.58	\$1,088.46
			1002275906	Inventory Purchase	476.10		27.22	448.88	
100260823	8/27/14	CALIFORNIA DEPT OF GENERAL SERVICES	1405899	Utilities - Gas	23,800.83		0.00	23,800.83	\$23,800.83
100260824	8/27/14	CALLANDER ASSOC	13042012	Engineering Services	2,473.24		0.00	2,473.24	\$3,779.48
			13042013	Engineering Services	1,306.24		0.00	1,306.24	
100260825	8/27/14	CENTRAL COMPUTER	4238765	Electrical Parts & Supplies	184.82		0.00	184.82	\$184.82
100260826	8/27/14	CENTURY GRAPHICS	39762	Clothing, Uniforms & Access	121.80		0.00	121.80	\$182.70
			39763	Clothing, Uniforms & Access	60.90		0.00	60.90	
100260827	8/27/14	CHANG TAI DO KARATE & FITNESS	2014-4	Rec Instructors/Officials	4,525.40		0.00	4,525.40	\$4,525.40
100260828	8/27/14	CINTAS DOCUMENT MANAGEMENT	DG38272964	Records Related Services	238.00		0.00	238.00	\$238.00
100260829	8/27/14	CLEANSOURCE INC	1505173-01	Inventory Purchase	2,867.91		0.00	2,867.91	\$4,988.40
			1510277-01	Inventory Purchase	339.30		0.00	339.30	
			1513346-00	Inventory Purchase	1,781.19		0.00	1,781.19	
100260830	8/27/14	CONTRA COSTA COUNTY LIBRARY	FY2014-2015	Software Licensing & Support	462.79		0.00	462.79	\$462.79
100260831	8/27/14	DAWN KALTENBACH	09999-080614	DED Services/Training - Support Services	52.00		0.00	52.00	\$52.00
100260832	8/27/14	DOWNEY BRAND LLP	473437	Legal Services	1,575.00		0.00	1,575.00	\$1,575.00
100260833	8/27/14	EMPIRE SAFETY & SUPPLY	0064116-IN	Inventory Purchase	566.37		0.00	566.37	\$566.37
100260834	8/27/14	FERGUSON ENTERPRISES INC	1007140	Inventory Purchase	1,670.40		15.36	1,655.04	\$1,655.04
100260835	8/27/14	FREMONT UNION HIGH SCHOOL DISTRICT	V080914	DED Services/Training - Training	16.00		0.00	16.00	\$16.00
100260836	8/27/14	GEORGE HILLS CO INC	INV1007589	Liability Claims Adjustor	4,349.20		0.00	4,349.20	\$4,349.20
100260837	8/27/14	GRAINER	9523427749	Inventory Purchase	209.45		0.00	209.45	\$209.45
100260838	8/27/14	HARRIS DESIGN	14.02.02	Graphics Services	1,710.00		0.00	1,710.00	\$1,710.00
100260839	8/27/14	HATCH MOTT MACDONALD	304781-18	Engineering Services	12,864.50		0.00	12,864.50	\$12,864.50
100260840	8/27/14	HDL COREN & CONE	0020660-IN	Financial Services	4,562.50		0.00	4,562.50	\$4,562.50
100260841	8/27/14	INDEPENDENT ELECTRIC SUPPLY INC	S101970453.001	Electrical Parts & Supplies	59.64		0.00	59.64	\$1,182.85
			S101970856.001	Electrical Parts & Supplies	4.81		0.00	4.81	
			S101972663.001	Electrical Parts & Supplies	423.29		0.00	423.29	
			S101972663.002	Electrical Parts & Supplies	437.46		0.00	437.46	
			S101972663.003	Electrical Parts & Supplies	230.90		0.00	230.90	
			S101973845.002	Electrical Parts & Supplies	9.07		0.00	9.07	
			S101982128.001	Electrical Parts & Supplies	14.42		0.00	14.42	
			S101984314.001	Electrical Parts & Supplies	3.26		0.00	3.26	
100260842	8/27/14	INFOSEND INC	82107	Mailing & Delivery Services	630.99		0.00	630.99	\$9,332.97
			82613	Mailing & Delivery Services	1,851.61		0.00	1,851.61	
			82613	Printing & Related Services	89.16		0.00	89.16	
			82614	Postage	3,967.27		0.00	3,967.27	
			82865	Financial Services	1,578.94		0.00	1,578.94	
			82925	Mailing & Delivery Services	1,215.00		0.00	1,215.00	

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100260843	8/27/14	INSIGHT PUBLIC SECTOR INC	1100374854	Software Licensing & Support	16,422.68		0.00	16,422.68	\$16,422.68
100260844	8/27/14	JAVELCO EQUIPMENT SERVICE INC	47586	Miscellaneous Equipment Parts & Supplies	244.69		0.00	244.69	\$379.69
			47864	Misc Equip Maint & Repair - Labor	135.00		0.00	135.00	
			47864	Miscellaneous Equipment Parts & Supplies	0.00		0.00	0.00	
100260845	8/27/14	JOHNSON ROBERTS & ASSOC INC	123259	Investigation Expense	26.00		0.00	26.00	\$26.00
100260846	8/27/14	JONES & MAYER	68879	Legal Services	4,399.00		0.00	4,399.00	\$4,399.00
100260847	8/27/14	KIDZ LOVE SOCCER	2014SV-AB15	Rec Instructors/Officials	12,902.32		0.00	12,902.32	\$12,902.32
100260848	8/27/14	KOHLWEISS AUTO PARTS INC	01NU2024	Parts, Vehicles & Motor Equip	24.70		0.00	24.70	\$2,013.05
			01NU4621	Parts, Vehicles & Motor Equip	5.25		0.00	5.25	
			01NU5361	Parts, Vehicles & Motor Equip	121.76		0.00	121.76	
			01NU6310	Parts, Vehicles & Motor Equip	33.18		0.00	33.18	
			01NU7612	Parts, Vehicles & Motor Equip	46.17		0.00	46.17	
			01NU8158	Parts, Vehicles & Motor Equip	7.96		0.00	7.96	
			01NU8442	Parts, Vehicles & Motor Equip	188.55		0.00	188.55	
			01NU9271	Parts, Vehicles & Motor Equip	11.99		0.00	11.99	
			01NV0372	Parts, Vehicles & Motor Equip	37.71		0.00	37.71	
			01NV0407	Parts, Vehicles & Motor Equip	27.81		0.00	27.81	
			01NV1731	Parts, Vehicles & Motor Equip	22.15		0.00	22.15	
			01NV1909	Parts, Vehicles & Motor Equip	31.48		0.00	31.48	
			01NV3874	Inventory Purchase	1,187.43	23.75		1,163.68	
			01NV4051	Inventory Purchase	31.65	0.63		31.02	
			01NV4062	Inventory Purchase	-8.29	0.00		-8.29	
			01NV4067	Inventory Purchase	9.46	0.19		9.27	
			01NV4113	Inventory Purchase	4.38	0.09		4.29	
			01NV4345	Inventory Purchase	259.56	5.19		254.37	
100260850	8/27/14	L N CURTIS & SONS INC	1322796-00	Inventory Purchase	287.10	0.00		287.10	\$287.10
100260851	8/27/14	LAW ENFORCEMENT PSYCHOLOGICAL SERV INC	1408290	Investigation Expense	1,125.00	0.00		1,125.00	\$2,500.00
			1408291	Investigation Expense	375.00	0.00		375.00	
			1408293	Investigation Expense	1,000.00	0.00		1,000.00	
100260852	8/27/14	LEVEL 3 COMMUNICATIONS LLC	36349590	Comm Equip Maintain & Repair - Labor 1	3,761.67	0.00		3,761.67	\$3,761.67
100260853	8/27/14	LOZANO SUNNYVALE CAR WASH	JULY2014	Auto Maint & Repair - Labor	1,003.00	0.00		1,003.00	\$1,003.00
100260854	8/27/14	MGT OF AMERICA INC	25639	Mandated Cost SB 90	4,350.00	0.00		4,350.00	\$4,350.00
100260855	8/27/14	MACIAS GINI AND OCONNELL LLP	199344	Financial Services	2,885.67	0.00		2,885.67	\$2,885.67
100260856	8/27/14	MIDWEST TAPE	92084145	Library Acquis, Audio/Visual	2,261.58	0.00		2,261.58	\$4,516.95
			92089238	Library Acquis, Audio/Visual	1,566.30	0.00		1,566.30	
			92089330	Library Acquis, Audio/Visual	689.07	0.00		689.07	
100260857	8/27/14	MITCHELL I	RL4210873	Software Licensing & Support	811.51	0.00		811.51	\$811.51
100260858	8/27/14	MONARCH TRUCK CENTER	216947P	Parts, Vehicles & Motor Equip	934.81	0.00		934.81	\$934.81
100260859	8/27/14	MORNINGSTAR INC	092714-092715	Library Periodicals/Databases	1,097.00	0.00		1,097.00	\$1,097.00
100260860	8/27/14	MUNIQUEIP INC	102938	Materials - Land Improve	17,215.53	0.00		17,215.53	\$17,215.53
100260861	8/27/14	MUNICIPAL MAINTENANCE EQUIPMENT INC	0092672-IN	Parts, Vehicles & Motor Equip	378.78	0.00		378.78	\$1,899.16
			0092861-IN	Parts, Vehicles & Motor Equip	51.45	0.00		51.45	
			0092889-IN	Parts, Vehicles & Motor Equip	71.84	0.00		71.84	
			0092926-IN	Parts, Vehicles & Motor Equip	44.91	0.00		44.91	
			0093073-IN	Parts, Vehicles & Motor Equip	663.88	0.00		663.88	
			0093301-IN	Parts, Vehicles & Motor Equip	688.30	0.00		688.30	
100260862	8/27/14	MYERS TIRE SUPPLY CO	41707691	Parts, Vehicles & Motor Equip	157.37	0.00		157.37	\$157.37
100260863	8/27/14	NAPA AUTO PARTS	115631	Parts, Vehicles & Motor Equip	64.47	0.00		64.47	\$1,056.85
			121877	Parts, Vehicles & Motor Equip	33.41	0.00		33.41	
			122506	Parts, Vehicles & Motor Equip	24.90	0.00		24.90	

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			122649	Parts, Vehicles & Motor Equip	14.13		0.00	14.13	
			123018	Parts, Vehicles & Motor Equip	67.82		0.00	67.82	
			123313	Parts, Vehicles & Motor Equip	6.57		0.00	6.57	
			123575	Parts, Vehicles & Motor Equip	21.67		0.00	21.67	
			123800	Parts, Vehicles & Motor Equip	32.61		0.00	32.61	
			123810	Parts, Vehicles & Motor Equip	156.75		0.00	156.75	
			124433	Parts, Vehicles & Motor Equip	115.68		0.00	115.68	
			124690	Parts, Vehicles & Motor Equip	37.11		0.00	37.11	
			124770	Parts, Vehicles & Motor Equip	35.70		0.00	35.70	
			124838	Parts, Vehicles & Motor Equip	-29.91		0.00	-29.91	
			124894	Parts, Vehicles & Motor Equip	72.65		0.00	72.65	
			125864	Parts, Vehicles & Motor Equip	15.22		0.00	15.22	
			126224	Parts, Vehicles & Motor Equip	8.52		0.00	8.52	
			126236	Parts, Vehicles & Motor Equip	112.95		0.00	112.95	
			126238	Parts, Vehicles & Motor Equip	192.74		0.00	192.74	
			126275	Parts, Vehicles & Motor Equip	120.70		0.00	120.70	
			126431	Parts, Vehicles & Motor Equip	-71.79		0.00	-71.79	
			126456	Parts, Vehicles & Motor Equip	5.08		0.00	5.08	
			127057	Parts, Vehicles & Motor Equip	19.87		0.00	19.87	
100260866	8/27/14	NIKE USA INC	962768237	Inventory Purchase	905.58		0.00	905.58	\$905.58
100260867	8/27/14	OVERDRIVE INC	0910-193511380	Library Periodicals/Databases	1,068.24		0.00	1,068.24	\$1,387.74
			MR-0010714	Library Periodicals/Databases	319.50		0.00	319.50	
100260868	8/27/14	P&R PAPER SUPPLY CO INC	30003268-00	Inventory Purchase	852.49		0.00	852.49	\$852.49
100260869	8/27/14	PANKEYS RADIATOR SHOP INC	221563	Auto Maint & Repair - Labor	1,325.00		0.00	1,325.00	\$1,325.00
100260870	8/27/14	PEARSON BUICK GMC	240379	Parts, Vehicles & Motor Equip	13.35		0.00	13.35	\$13.35
100260871	8/27/14	PINE CONE LUMBER CO INC	553786	Materials - Land Improve	166.89		0.00	166.89	\$166.89
100260872	8/27/14	PLANET FUTSAL	2014-118	Rec Instructors/Officials	1,035.30		0.00	1,035.30	\$1,035.30
100260873	8/27/14	PORTNOV COMPUTER SCHOOL	08-01-14	DED Services/Training - Training	497.00		0.00	497.00	\$497.00
100260874	8/27/14	PRAXAIR DISTRIBUTION INC	50127696	Parts, Vehicles & Motor Equip	424.44		0.00	424.44	\$424.44
100260875	8/27/14	PRIORITY 1 PUBLIC SAFETY EQUIPMENT	4633	Vehicles & Motorized Equip	2,906.99		0.00	2,906.99	\$2,906.99
100260876	8/27/14	PROSPECT SILICON VALLEY	NOVA-0514	Contracts/Service Agreements	3,630.00		0.00	3,630.00	\$6,341.08
			NOVA-0714	Contracts/Service Agreements	2,711.08		0.00	2,711.08	
100260877	8/27/14	R WILLIAM MATHIS PHD	16671	Consultants	2,828.00		0.00	2,828.00	\$2,828.00
100260878	8/27/14	RANKIN STOCK HEABERLIN	32012	Legal Services	2,529.16		0.00	2,529.16	\$2,810.73
			32018	Legal Services	281.57		0.00	281.57	
100260879	8/27/14	RENNE SLOAN HOLTZMAN SAKAI LLP	25945	Legal Services	5,457.40		0.00	5,457.40	\$5,457.40
100260880	8/27/14	ROYAL BRASS INC	733016-001	Parts, Vehicles & Motor Equip	88.10		0.00	88.10	\$171.29
			733272-001	Parts, Vehicles & Motor Equip	26.89		0.00	26.89	
			733411-001	Parts, Vehicles & Motor Equip	3.26		0.00	3.26	
			733904-001	Parts, Vehicles & Motor Equip	20.11		0.00	20.11	
			734426-001	Parts, Vehicles & Motor Equip	8.83		0.00	8.83	
			734888-001	Parts, Vehicles & Motor Equip	24.10		0.00	24.10	
100260881	8/27/14	SCS ENGINEERS	0237743	Engineering Services	4,500.00		0.00	4,500.00	\$4,500.00
100260882	8/27/14	SCS FIELD SERVICES INC	0229867	Services Maintain Land Improv	1,325.00		0.00	1,325.00	\$1,325.00
100260883	8/27/14	SAFEWAY INC	720638-082114	Food Products	43.39		0.00	43.39	\$246.47
			727889-081414	Food Products	68.09		0.00	68.09	
			803982-081814	Food Products	91.81		0.00	91.81	
			807518-082014	General Supplies	37.20		0.00	37.20	
			808198-082114	Food Products	5.98		0.00	5.98	
100260884	8/27/14	SARAH TSUI	080614PURCHASE	DED Services/Training - Books	62.64		0.00	62.64	\$62.64
100260885	8/27/14	SHIN SHIN TRAINING CENTER	W20140048 1OF2	DED Services/Training - Training	495.00		0.00	495.00	\$34,755.00

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			W20140049 2OF2	DED Services/Training - Training	600.00		0.00	600.00	
			W20140050 2OF2	DED Services/Training - Training	495.00		0.00	495.00	
			W20140051 2OF2	DED Services/Training - Training	495.00		0.00	495.00	
			W20140052 2OF2	DED Services/Training - Training	495.00		0.00	495.00	
			W20140053 2OF2	DED Services/Training - Training	495.00		0.00	495.00	
			W20140054 2OF2	DED Services/Training - Training	495.00		0.00	495.00	
			W20140055 1OF2	DED Services/Training - Training	4,455.00		0.00	4,455.00	
			W20140056 1OF2	DED Services/Training - Training	4,455.00		0.00	4,455.00	
			W20140057 1OF2	DED Services/Training - Training	4,455.00		0.00	4,455.00	
			W20140058 1OF2	DED Services/Training - Training	4,455.00		0.00	4,455.00	
			W20140059 1OF2	DED Services/Training - Training	4,455.00		0.00	4,455.00	
			W20140060 1OF2	DED Services/Training - Training	4,455.00		0.00	4,455.00	
			W20140061 1OF2	DED Services/Training - Training	4,455.00		0.00	4,455.00	
100260887	8/27/14	SHUMS CODA ASSOC	2368	Salaries - Contract Personnel	78,742.57		0.00	78,742.57	\$78,742.57
100260888	8/27/14	SILICON VALLEY COMMUNITY NEWSPAPERS	0005225054	Advertising Services	192.18		0.00	192.18	\$557.82
			0005243387	Advertising Services	166.14		0.00	166.14	
			0005245937	Advertising Services	199.50		0.00	199.50	
100260889	8/27/14	SILICON VALLEY POLYTECHNIC INSTITUTE	08062014-214	DED Services/Training - Training	600.00		0.00	600.00	\$600.00
100260890	8/27/14	SMART & FINAL INC	106621-082014	General Supplies	226.00		0.00	226.00	\$226.00
100260891	8/27/14	SPATIAL WAVE INC	11064927A	Software As a Service	3,000.00		0.00	3,000.00	\$3,000.00
100260892	8/27/14	STEVE MASON CONCRETE CONSTRUCTION INC	2922	Services Maintain Land Improv	800.00		0.00	800.00	\$3,100.00
			2923	Services Maintain Land Improv	1,600.00		0.00	1,600.00	
			2924	Services Maintain Land Improv	700.00		0.00	700.00	
100260893	8/27/14	STUDIO EM GRAPHIC DESIGN	15290	Graphics Services	81.56		0.00	81.56	\$81.56
100260894	8/27/14	SUNNYVALE FORD	419560	Parts, Vehicles & Motor Equip	22.66		0.00	22.66	\$1,713.32
			420197	Parts, Vehicles & Motor Equip	96.24		0.00	96.24	
			420243	Parts, Vehicles & Motor Equip	55.02		0.00	55.02	
			420245	Parts, Vehicles & Motor Equip	53.17		0.00	53.17	
			420274	Parts, Vehicles & Motor Equip	37.39		0.00	37.39	
			420279	Parts, Vehicles & Motor Equip	30.47		0.00	30.47	
			420287	Parts, Vehicles & Motor Equip	72.62		0.00	72.62	
			420370	Parts, Vehicles & Motor Equip	146.07		0.00	146.07	
			420434	Parts, Vehicles & Motor Equip	16.77		0.00	16.77	
			420480	Parts, Vehicles & Motor Equip	65.20		0.00	65.20	
			420597	Parts, Vehicles & Motor Equip	151.02		0.00	151.02	
			420835	Parts, Vehicles & Motor Equip	4.65		0.00	4.65	
			420874	Parts, Vehicles & Motor Equip	177.07		0.00	177.07	
			420940	Parts, Vehicles & Motor Equip	22.09		0.00	22.09	
			421052	Parts, Vehicles & Motor Equip	83.26		0.00	83.26	
			421293	Parts, Vehicles & Motor Equip	62.51		0.00	62.51	
			421440	Parts, Vehicles & Motor Equip	219.29		0.00	219.29	
			421581	Parts, Vehicles & Motor Equip	10.44		0.00	10.44	
			421582	Parts, Vehicles & Motor Equip	15.66		0.00	15.66	
			421606	Parts, Vehicles & Motor Equip	55.81		0.00	55.81	
			421781	Parts, Vehicles & Motor Equip	41.47		0.00	41.47	
			422304	Parts, Vehicles & Motor Equip	329.46		0.00	329.46	
			CM420243	Parts, Vehicles & Motor Equip	-55.02		0.00	-55.02	
100260897	8/27/14	SUNNYVALE TOWING INC	281759	Vehicle Towing Services	40.00		0.00	40.00	\$850.00
			282901	Vehicle Towing Services	40.00		0.00	40.00	

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			282902	Vehicle Towing Services	40.00		0.00	40.00	
			283386	Vehicle Towing Services	200.00		0.00	200.00	
			283392	Vehicle Towing Services	250.00		0.00	250.00	
			283468	Vehicle Towing Services	40.00		0.00	40.00	
			283540	Vehicle Towing Services	40.00		0.00	40.00	
			285023	Vehicle Towing Services	40.00		0.00	40.00	
			286005	Vehicle Towing Services	40.00		0.00	40.00	
			286006	Vehicle Towing Services	40.00		0.00	40.00	
			286322	Vehicle Towing Services	40.00		0.00	40.00	
			286324	Vehicle Towing Services	40.00		0.00	40.00	
100260898	8/27/14	SUNNYVALE WINDUSTRIAL CO INC	629224 00	Materials - Land Improve	203.58		0.00	203.58	\$638.05
			629386 00	Materials - Land Improve	434.47		0.00	434.47	
100260899	8/27/14	SUREPATH FINANCIAL SOLUTIONS	063014-64	Professional Services	175.00		0.00	175.00	\$175.00
100260900	8/27/14	T-MOBILE USA INC	9215390194	Investigation Expense	50.00		0.00	50.00	\$50.00
100260901	8/27/14	THE LIGHTHOUSE	0064730	Parts, Vehicles & Motor Equip	94.97		0.00	94.97	\$94.97
100260902	8/27/14	THE STRIDE CENTER	060914-071114	Contracts/Service Agreements	13,418.36		0.00	13,418.36	\$13,418.36
100260903	8/27/14	TURF & INDUSTRIAL EQUIPMENT CO	IV06962	Parts, Vehicles & Motor Equip	736.78		0.00	736.78	\$4,911.41
			IV06962	Materials - Land Improve	736.78		0.00	736.78	
			IV07081	Parts, Vehicles & Motor Equip	36.58		0.00	36.58	
			IV07138	Parts, Vehicles & Motor Equip	372.47		0.00	372.47	
			IV07138	Materials - Land Improve	372.47		0.00	372.47	
			IV07299	Parts, Vehicles & Motor Equip	400.98		0.00	400.98	
			IV07475A	Parts, Vehicles & Motor Equip	191.40		0.00	191.40	
			IV07654	Parts, Vehicles & Motor Equip	229.20		0.00	229.20	
			IV07676	Parts, Vehicles & Motor Equip	273.66		0.00	273.66	
			IV07698	Parts, Vehicles & Motor Equip	369.05		0.00	369.05	
			IV07698A	Parts, Vehicles & Motor Equip	14.27		0.00	14.27	
			IV07734	Parts, Vehicles & Motor Equip	379.18		0.00	379.18	
			IV07734	Materials - Land Improve	0.00		0.00	0.00	
			IV07798	Parts, Vehicles & Motor Equip	391.87		0.00	391.87	
			IV07831	Parts, Vehicles & Motor Equip	221.84		0.00	221.84	
			IV07868	Parts, Vehicles & Motor Equip	157.69		0.00	157.69	
			IV07873	Parts, Vehicles & Motor Equip	27.19		0.00	27.19	
100260905	8/27/14	UNIVERSITY OF CALIFORNIA SANTA CRUZ	55967	DED Services/Training - Training	600.00		0.00	600.00	\$5,248.50
			56507	DED Services/Training - Training	4,648.50		0.00	4,648.50	
100260906	8/27/14	V & A CONSULTING ENGINEERS	14845R	Consultants	21,450.50		0.00	21,450.50	\$21,450.50
100260907	8/27/14	VERMEER PACIFIC	P48546	Parts, Vehicles & Motor Equip	821.75		0.00	821.75	\$821.75
100260908	8/27/14	WAXIE SANITARY SUPPLY	74781985	Inventory Purchase	80.39		0.00	80.39	\$80.39
100260909	8/27/14	WELLS FARGO FINANCIAL LEASING	5001393346	Equipment Rental/Lease	171.71		0.00	171.71	\$171.71
100260910	8/27/14	WEST COAST SECURITY INC	08072014-4	Hardware Maintenance	4,347.53		0.00	4,347.53	\$4,347.53
100260911	8/27/14	YORK RISK SERVICES GROUP INC	500011006	Workers' Compensation - Administration	21,739.25		0.00	21,739.25	\$21,739.25
100260912	8/27/14	ZAP MANUFACTURING INC	42984	Materials - Land Improve	3,399.08		0.00	3,399.08	\$3,399.08
100260913	8/27/14	WAITER.COM INC	E0820619623	Food Products	92.78		0.00	92.78	\$181.91
			E0821633093	Food Products	89.13		0.00	89.13	
100260914	8/27/14	ALBERT J SCOTT	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	103.50		0.00	103.50	\$103.50
100260915	8/27/14	CHARLES S EANEFF JR	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	1,184.60		0.00	1,184.60	\$1,184.60
100260916	8/27/14	COUNTY OF SAN MATEO - SHERIFF	10/22-24/2014	Training and Conferences	225.00		0.00	225.00	\$225.00
100260917	8/27/14	CYNTHIA KEEHEN	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	3.27		0.00	3.27	\$3.27

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100260918	8/27/14	DEAN CHU	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	838.50		0.00	838.50	\$838.50
100260919	8/27/14	DEAN S RUSSELL	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	1,223.16		0.00	1,223.16	\$1,223.16
100260920	8/27/14	DICKEYS BARBECUE PIT	1064783	General Supplies	1,097.02		0.00	1,097.02	\$1,097.02
100260921	8/27/14	G&K SERVICES	1083610125	Laundry & Cleaning Services	12.80		0.00	12.80	\$6,647.86
			1083610126	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083610127	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083610128	Laundry & Cleaning Services	19.62		0.00	19.62	
			1083610129	Laundry & Cleaning Services	33.46		0.00	33.46	
			1083610130	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083610131	Financial Services	6.02		0.00	6.02	
			1083610132	Financial Services	37.84		0.00	37.84	
			1083610133	Laundry & Cleaning Services	182.24		0.00	182.24	
			1083610134	Laundry & Cleaning Services	361.73		0.00	361.73	
			1083610135	Laundry & Cleaning Services	371.86		0.00	371.86	
			1083610136	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083610137	Laundry & Cleaning Services	121.62		0.00	121.62	
			1083610138	Laundry & Cleaning Services	17.60		0.00	17.60	
			1083610139	Financial Services	8.97		0.00	8.97	
			1083610140	Laundry & Cleaning Services	123.78		0.00	123.78	
			1083610141	Laundry & Cleaning Services	202.52		0.00	202.52	
			1083610142	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083610143	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083610144	Laundry & Cleaning Services	60.20		0.00	60.20	
			1083610145	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083610146	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083610147	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083610148	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083610149	Laundry & Cleaning Services	30.84		0.00	30.84	
			1083610150	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083610151	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083610152	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083610153	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083610154	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083610155	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083611962	Laundry & Cleaning Services	12.80		0.00	12.80	
			1083611963	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083611964	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083611965	Laundry & Cleaning Services	19.62		0.00	19.62	
			1083611966	Laundry & Cleaning Services	33.46		0.00	33.46	
			1083611967	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083611968	Financial Services	6.02		0.00	6.02	
			1083611969	Financial Services	37.84		0.00	37.84	
			1083611970	Laundry & Cleaning Services	65.06		0.00	65.06	
			1083611971	Laundry & Cleaning Services	459.03		0.00	459.03	
			1083611972	Laundry & Cleaning Services	190.71		0.00	190.71	
			1083611973	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083611974	Laundry & Cleaning Services	121.62		0.00	121.62	
			1083611975	Laundry & Cleaning Services	17.60		0.00	17.60	
			1083611976	Financial Services	8.97		0.00	8.97	

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			1083611977	Laundry & Cleaning Services	129.99		0.00	129.99	
			1083611978	Laundry & Cleaning Services	202.52		0.00	202.52	
			1083611979	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083611980	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083611981	Laundry & Cleaning Services	60.20		0.00	60.20	
			1083611982	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083611983	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083611984	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083611985	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083611986	Laundry & Cleaning Services	30.84		0.00	30.84	
			1083611987	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083611988	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083611989	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083611990	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083611991	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083611992	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083613768	Laundry & Cleaning Services	12.80		0.00	12.80	
			1083613769	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083613770	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083613771	Laundry & Cleaning Services	19.62		0.00	19.62	
			1083613772	Laundry & Cleaning Services	33.46		0.00	33.46	
			1083613773	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083613774	Financial Services	6.02		0.00	6.02	
			1083613775	Financial Services	37.84		0.00	37.84	
			1083613776	Laundry & Cleaning Services	65.06		0.00	65.06	
			1083613777	Laundry & Cleaning Services	274.47		0.00	274.47	
			1083613778	Laundry & Cleaning Services	158.54		0.00	158.54	
			1083613779	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083613780	Laundry & Cleaning Services	121.62		0.00	121.62	
			1083613781	Laundry & Cleaning Services	17.60		0.00	17.60	
			1083613782	Financial Services	8.97		0.00	8.97	
			1083613783	Laundry & Cleaning Services	129.99		0.00	129.99	
			1083613784	Laundry & Cleaning Services	202.52		0.00	202.52	
			1083613785	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083613786	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083613787	Laundry & Cleaning Services	60.20		0.00	60.20	
			1083613788	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083613789	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083613790	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083613791	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083613792	Laundry & Cleaning Services	30.84		0.00	30.84	
			1083613793	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083613794	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083613795	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083613796	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083613797	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083613798	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083615597	Laundry & Cleaning Services	12.80		0.00	12.80	
			1083615598	Laundry & Cleaning Services	17.88		0.00	17.88	
			1083615599	Laundry & Cleaning Services	32.58		0.00	32.58	
			1083615600	Laundry & Cleaning Services	19.62		0.00	19.62	

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			1083615601	Laundry & Cleaning Services	33.46		0.00	33.46	
			1083615602	Laundry & Cleaning Services	41.60		0.00	41.60	
			1083615603	Financial Services	6.02		0.00	6.02	
			1083615604	Financial Services	37.84		0.00	37.84	
			1083615605	Laundry & Cleaning Services	65.06		0.00	65.06	
			1083615606	Laundry & Cleaning Services	335.99		0.00	335.99	
			1083615607	Laundry & Cleaning Services	164.16		0.00	164.16	
			1083615608	Laundry & Cleaning Services	65.76		0.00	65.76	
			1083615609	Laundry & Cleaning Services	132.29		0.00	132.29	
			1083615610	Laundry & Cleaning Services	17.60		0.00	17.60	
			1083615611	Financial Services	8.97		0.00	8.97	
			1083615612	Laundry & Cleaning Services	134.64		0.00	134.64	
			1083615613	Laundry & Cleaning Services	202.52		0.00	202.52	
			1083615614	Laundry & Cleaning Services	11.73		0.00	11.73	
			1083615615	Laundry & Cleaning Services	1.70		0.00	1.70	
			1083615616	Laundry & Cleaning Services	60.20		0.00	60.20	
			1083615617	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083615618	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083615619	Laundry & Cleaning Services	5.12		0.00	5.12	
			1083615620	Laundry & Cleaning Services	8.74		0.00	8.74	
			1083615621	Laundry & Cleaning Services	30.84		0.00	30.84	
			1083615622	Laundry & Cleaning Services	13.42		0.00	13.42	
			1083615623	Laundry & Cleaning Services	12.54		0.00	12.54	
			1083615624	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083615625	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083615626	Laundry & Cleaning Services	15.61		0.00	15.61	
			1083615627	Laundry & Cleaning Services	15.61		0.00	15.61	
100260932	8/27/14	GAIL SWEGLES	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree	107.53		0.00	107.53	\$107.53
				Reimbursement					
100260933	8/27/14	MACYS VALLEY FAIR	50476	Benefits and Incentives - Service Awards	3,500.00		0.00	3,500.00	\$3,500.00
100260934	8/27/14	MARK ROGGE	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree	149.09		0.00	149.09	\$149.09
				Reimbursement					
100260935	8/27/14	OFFICEMAX CONTRACT INC	00011808062014	Supplies, Office 1	160.10		0.00	160.10	\$13,067.90
			00079208062014	Supplies, Office 1	65.86		0.00	65.86	
			00148708062014	Supplies, Office 1	61.34		0.00	61.34	
			00530308062014	Supplies, Office 1	45.27		0.00	45.27	
			00925908062014	Supplies, Office 1	1,132.09		0.00	1,132.09	
			01637708072014	Supplies, Office 1	84.26		0.00	84.26	
			01696008072014	Supplies, Office 1	9.94		0.00	9.94	
			02546008072014	Supplies, Office 1	70.92		0.00	70.92	
			02547608072014	Supplies, Office 1	59.82		0.00	59.82	
			02867208112014	Supplies, Office 1	50.46		0.00	50.46	
			03031708082014	Supplies, Office 1	264.40		0.00	264.40	
			03276508082014	Supplies, Office 1	83.53		0.00	83.53	
			03349108082014	Supplies, Office 1	234.81		0.00	234.81	
			03385108082014	Supplies, Office 1	217.22		0.00	217.22	
			03546708082014	Supplies, Office 1	195.01		0.00	195.01	
			04114808082014	Supplies, Office 1	158.96		0.00	158.96	
			04115608082014	Supplies, Office 1	280.00		0.00	280.00	
			04204108082014	Supplies, Office 1	1.41		0.00	1.41	
			04594308082014	Supplies, Office 1	83.39		0.00	83.39	

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			04630808112014	Supplies, Office 1	7.05		0.00	7.05	
			07510408122014	Supplies, Office 1	36.93		0.00	36.93	
			07921308122014	Supplies, Office 1	308.55		0.00	308.55	
			07980408122014	Inventory Purchase	3,739.26		0.00	3,739.26	
			08064708122014	Supplies, Office 1	60.67		0.00	60.67	
			08692608132014	Supplies, Office 1	447.32		0.00	447.32	
			08766508132014	Supplies, Office 1	370.39		0.00	370.39	
			08852508132014	Supplies, Office 1	67.59		0.00	67.59	
			09795608132014	Supplies, Office 1	67.30		0.00	67.30	
			10718508142014	Supplies, Office 1	306.83		0.00	306.83	
			10725208142014	Supplies, Office 1	30.98		0.00	30.98	
			10810808142014	Supplies, Office 1	128.65		0.00	128.65	
			11507608142014	Supplies, Office 1	12.91		0.00	12.91	
			11727708142014	Supplies, Office 1	56.54		0.00	56.54	
			12195108142014	Supplies, Office 1	64.95		0.00	64.95	
			12264908142014	Supplies, Office 1	110.22		0.00	110.22	
			94364208012014	Supplies, Office 1	14.59		0.00	14.59	
			94445808012014	Supplies, Office 1	51.83		0.00	51.83	
			94449108012014	Supplies, Office 1	71.74		0.00	71.74	
			95302608012014	Supplies, Office 1	167.13		0.00	167.13	
			96055508042014	Supplies, Office 1	473.98		0.00	473.98	
			96615108042014	Supplies, Office 1	32.89		0.00	32.89	
			97676408052014	Supplies, Office 1	831.83		0.00	831.83	
			97731608052014	Supplies, Office 1	10.64		0.00	10.64	
			98205308052014	Supplies, Office 1	1,168.85		0.00	1,168.85	
			98498008052014	Supplies, Office 1	323.72		0.00	323.72	
			98732908052014	Supplies, Office 1	392.18		0.00	392.18	
			98816908052014	Supplies, Office 1	191.77		0.00	191.77	
			98834408052014	Supplies, Office 1	25.61		0.00	25.61	
			99382308062014	Supplies, Office 1	212.07		0.00	212.07	
			99552608062014	Supplies, Office 1	65.76		0.00	65.76	
			99921608052014	Supplies, Office 1	-41.62		0.00	-41.62	
100260940	8/27/14	PACIFIC GAS & ELECTRIC CO	03142830050814	Utilities - Electric	22,027.92		0.00	22,027.92	\$155,044.97
			11059220090714	Utilities - Electric	5,887.22		0.00	5,887.22	
			11059220250714	Utilities - Gas	859.12		0.00	859.12	
			11059220400714	Utilities - Gas	84.46		0.00	84.46	
			11059220500714	Utilities - Gas	17.63		0.00	17.63	
			11059220750714	Utilities - Gas	116.71		0.00	116.71	
			11059220810714	Utilities - Electric	335.37		0.00	335.37	
			11059220850714	Utilities - Electric	1,000.52		0.00	1,000.52	
			11059220900714	Utilities - Gas	68.31		0.00	68.31	
			11059221020714	Utilities - Electric	364.34		0.00	364.34	
			11059221050714	Utilities - Gas	42.69		0.00	42.69	
			11059221080714	Utilities - Electric	1,001.74		0.00	1,001.74	
			11059221150714	Utilities - Gas	55.24		0.00	55.24	
			11059221180714	Utilities - Electric	13,120.59		0.00	13,120.59	
			11059221250714	Utilities - Gas	57.11		0.00	57.11	
			11059221350714	Utilities - Gas	49.80		0.00	49.80	
			11059221600714	Utilities - Gas	50.67		0.00	50.67	
			11059221700714	Utilities - Gas	77.72		0.00	77.72	
			11059221730714	Utilities - Electric	2,588.63		0.00	2,588.63	

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Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount	Taken	Amount Paid	Payment Total
			11059221800714	Utilities - Electric	173.87		0.00	173.87	
			11059221850714	Utilities - Gas	8.12		0.00	8.12	
			11059221930714	Utilities - Electric	15,688.98		0.00	15,688.98	
			11059221940714	Utilities - Electric	17,095.24		0.00	17,095.24	
			11059221980714	Utilities - Electric	902.96		0.00	902.96	
			11059222630714	Utilities - Electric	12,002.23		0.00	12,002.23	
			11059222720714	Utilities - Electric	1,127.61		0.00	1,127.61	
			11059224270714	Utilities - Electric	9.85		0.00	9.85	
			11059225290714	Utilities - Electric	985.43		0.00	985.43	
			11059225650714	Utilities - Gas	234.38		0.00	234.38	
			11059226380714	Utilities - Electric	9,544.51		0.00	9,544.51	
			11059227030714	Utilities - Electric	917.99		0.00	917.99	
			11059227230714	Utilities - Electric	7,180.46		0.00	7,180.46	
			11059228050714	Utilities - Electric	11,270.65		0.00	11,270.65	
			11059228580714	Utilities - Electric	17,976.56		0.00	17,976.56	
			32725920070714	Utilities - Electric	33.95		0.00	33.95	
			32725920350714	Utilities - Gas	9.19		0.00	9.19	
			32725921320714	Utilities - Electric	158.05		0.00	158.05	
			32725921480714	Utilities - Electric	252.00		0.00	252.00	
			32725921490714	Utilities - Electric	12.51		0.00	12.51	
			32725921600714	Utilities - Gas	8.66		0.00	8.66	
			32725921800714	Utilities - Electric	20.06		0.00	20.06	
			32725921900714	Utilities - Electric	30.75		0.00	30.75	
			32725921980714	Utilities - Electric	1,031.56		0.00	1,031.56	
			32725922050714	Utilities - Electric	43.02		0.00	43.02	
			32725922090714	Utilities - Electric	2,048.21		0.00	2,048.21	
			32725922410714	Utilities - Electric	1,204.37		0.00	1,204.37	
			32725922520714	Utilities - Electric	505.23		0.00	505.23	
			32725923350714	Utilities - Electric	152.68		0.00	152.68	
			32725923710714	Utilities - Electric	13.07		0.00	13.07	
			32725923770714	Utilities - Electric	426.34		0.00	426.34	
			32725924170714	Utilities - Electric	132.91		0.00	132.91	
			32725924970714	Utilities - Electric	19.91		0.00	19.91	
			32725925000714	Utilities - Electric	647.87		0.00	647.87	
			32725925230714	Utilities - Electric	433.76		0.00	433.76	
			32725925370714	Utilities - Electric	201.73		0.00	201.73	
			32725925890714	Utilities - Electric	602.04		0.00	602.04	
			32725925920714	Utilities - Electric	519.46		0.00	519.46	
			32725926210714	Utilities - Electric	227.10		0.00	227.10	
			32725926280514	Utilities - Electric	-714.15		0.00	-714.15	
			32725926280614	Utilities - Electric	-796.96		0.00	-796.96	
			32725926440714	Utilities - Electric	1,168.10		0.00	1,168.10	
			32725926470714	Utilities - Electric	1,044.23		0.00	1,044.23	
			32725926950714	Utilities - Electric	34.34		0.00	34.34	
			32725927040714	Utilities - Electric	12.79		0.00	12.79	
			32725927340714	Utilities - Electric	481.68		0.00	481.68	
			32725927380714	Utilities - Electric	117.20		0.00	117.20	
			32725927400714	Utilities - Electric	76.31		0.00	76.31	
			32725927510714	Utilities - Electric	596.03		0.00	596.03	
			32725928250714	Utilities - Electric	19.82		0.00	19.82	
			32725928590714	Utilities - Electric	586.04		0.00	586.04	

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			32725929220714	Utilities - Electric	599.08		0.00	599.08	
			32725929280714	Utilities - Electric	32.71		0.00	32.71	
			32725929750714	Utilities - Electric	128.69		0.00	128.69	
100260946	8/27/14	PAMELA RUSSELL	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	55.22		0.00	55.22	\$55.22
100260947	8/27/14	ROSIE CANDELARIA	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	55.22		0.00	55.22	\$55.22
100260948	8/27/14	SANTA CLARA COUNTY EMS AGENCY	ID CARDS082514	Training and Conferences	140.00		0.00	140.00	\$140.00
100260949	8/27/14	TERILYN ANDERSON	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	55.22		0.00	55.22	\$55.22
100260950	8/27/14	VALERIE ARMENTO	SEPTEMBER 2014	Insurances - Retiree Medical - Retiree Reimbursement	55.22		0.00	55.22	\$55.22
100260951	8/27/14	CATHERINE BALTAZAR	247063	Refund Recreation Fees	10.00		0.00	10.00	\$10.00
100260952	8/27/14	SHIRAZ ARTS ACADEMY	8000008874	Deposits Payable - Facility Rental	350.00		0.00	350.00	\$350.00
100260953	8/29/14	4LEAF INC	J1745A5	Salaries - Contract Personnel	8,733.75		0.00	8,733.75	\$8,733.75
100260954	8/29/14	AT&T	0601767719	Utilities - Telephone	359.68		0.00	359.68	\$359.68
100260955	8/29/14	AT&T	000005656500	Utilities - Telephone	19,237.33		0.00	19,237.33	\$21,257.73
			000005666187	Utilities - Telephone	2,020.40		0.00	2,020.40	
100260956	8/29/14	AVOMEEN ANALYTICAL SERVICES	11617	Miscellaneous Services	2,508.00		0.00	2,508.00	\$2,508.00
			11699	Water Lab Services	2,508.00		0.00	2,508.00	
			14-10594REV	Miscellaneous Services	-2,508.00		0.00	-2,508.00	
100260957	8/29/14	AD CLUB	269446	Advertising Services	1,095.00		0.00	1,095.00	\$1,095.00
100260958	8/29/14	ALAMEDA CTY INFORMATION TECHNOLOGY DEPT	112-1407063	Software As a Service	1,378.78		0.00	1,378.78	\$1,378.78
100260959	8/29/14	ANDERSON PACIFIC ENGINEERING	AIRFLOAT1+4#07	Construction Services	261,782.57		0.00	261,782.57	\$261,782.57
100260960	8/29/14	ARROWHEAD MOUNTAIN SPRING WATER	14H0023360647	General Supplies	4.34		0.00	4.34	\$156.12
			14H0024199309	Miscellaneous Services	50.92		0.00	50.92	
			14H5736476002	General Supplies	20.92		0.00	20.92	
			14H5740153001	General Supplies	45.00		0.00	45.00	
			14H5740154009	General Supplies	11.25		0.00	11.25	
			14H5740156004	General Supplies	23.69		0.00	23.69	
100260961	8/29/14	BAKER & TAYLOR	4010925969	Library Acquisitions, Books	592.90		0.00	592.90	\$1,868.33
			4010925969	Library Materials Preprocessing	7.49		0.00	7.49	
			4010937008	Library Acquisitions, Books	147.97		0.00	147.97	
			4010937008	Library Materials Preprocessing	4.61		0.00	4.61	
			4010949143	Library Acquisitions, Books	68.62		0.00	68.62	
			4010949143	Library Materials Preprocessing	2.31		0.00	2.31	
			4010954282	Library Acquisitions, Books	52.93		0.00	52.93	
			4010954282	Library Materials Preprocessing	7.49		0.00	7.49	
			4010960922	Library Acquisitions, Books	532.26		0.00	532.26	
			4010960922	Library Materials Preprocessing	21.90		0.00	21.90	
			4010961931	Library Acquisitions, Books	419.28		0.00	419.28	
			4010961931	Library Materials Preprocessing	10.57		0.00	10.57	
100260962	8/29/14	CALIFORNIA SPORTS CENTER	CSC08142	Rec Instructors/Officials	32,294.47		0.00	32,294.47	\$32,294.47
100260963	8/29/14	CALTEST ANALYTICAL LABORATORY	527388	Water Lab Services	445.88		0.00	445.88	\$445.88
100260964	8/29/14	CENTURY GRAPHICS	39842	Clothing, Uniforms & Access	437.18		0.00	437.18	\$437.18
100260965	8/29/14	DU-ALL SAFETY	16239	Occupational Health and Safety Services	3,125.00		0.00	3,125.00	\$3,125.00
100260966	8/29/14	EMPIRE SAFETY & SUPPLY	0064334-IN	Inventory Purchase	206.00		0.00	206.00	\$206.00
100260967	8/29/14	GRANITE CONSTRUCTION CO	686047	Materials - Land Improve	804.93		0.00	804.93	\$4,212.55
			686081	Materials - Land Improve	473.72		0.00	473.72	
			688509	Materials - Land Improve	1,270.81		0.00	1,270.81	

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			689003	Materials - Land Improve	721.14		0.00	721.14	
			689919	Materials - Land Improve	469.80		0.00	469.80	
			690591	Materials - Land Improve	472.15		0.00	472.15	
100260968	8/29/14	GRANITEROCK CO	835803	Materials - Land Improve	-4,323.78		0.00	-4,323.78	\$495.40
			844547	Materials - Land Improve	4,819.18		0.00	4,819.18	
100260969	8/29/14	HARRIS DESIGN	14.01.02	Engineering Services	2,395.00		0.00	2,395.00	\$2,395.00
100260970	8/29/14	HOUSING AUTHORITY OF THE COUNTY OF	2014-5	Contracts/Service Agreements	928.67		0.00	928.67	\$7,729.67
			2014-5	Outside Group Funding	6,801.00		0.00	6,801.00	
100260971	8/29/14	HYBRID COMMERCIAL PRINTING INC	24899	Printing & Related Services	375.19		0.00	375.19	\$375.19
100260972	8/29/14	ICE CENTER OF CUPERTINO	00072014	Rec Instructors/Officials	1,500.00		0.00	1,500.00	\$4,500.00
			O0FF00072014	Rec Instructors/Officials	3,000.00		0.00	3,000.00	
100260973	8/29/14	IMAGEX	198970	Printing & Related Services	1,257.78		0.00	1,257.78	\$1,257.78
100260974	8/29/14	INES DESCHAMPS	5288177-4	DED Services/Training - Books	90.20		0.00	90.20	\$90.20
100260975	8/29/14	JANIS HOM	266493-6001059	DED Services/Training - Books	9.68		0.00	9.68	\$9.68
100260976	8/29/14	JONES & MADHAVAN	1713	Engineering Services	11,120.00		0.00	11,120.00	\$11,365.38
			1714	Engineering Services	245.38		0.00	245.38	
100260977	8/29/14	KELLY PAPER CO	6744064	General Supplies	403.47		0.00	403.47	\$403.47
100260978	8/29/14	KENNEDY JENKS CONSULTANTS	84879	Engineering Services	15,317.46		0.00	15,317.46	\$15,317.46
100260979	8/29/14	KOHLWEISS AUTO PARTS INC	01NV6063	Inventory Purchase	196.12	3.92		192.20	\$192.20
100260980	8/29/14	LCC PENINSULA DIVISION	090514MTG	Council Travel Expenses - Seat #7	20.00		0.00	20.00	\$20.00
100260981	8/29/14	MAINTENANCE CONNECTION INC	27419	Professional Services	10,687.50		0.00	10,687.50	\$10,687.50
100260982	8/29/14	MCMASTER CARR SUPPLY CO	98981921	Materials - Land Improve	863.79		0.00	863.79	\$863.79
100260983	8/29/14	NEXTEL COMMUNICATIONS	399952037-113	Utilities - Mobile Phones - City Mobile Phones	39.22		0.00	39.22	\$39.22
100260984	8/29/14	NEXTEL COMMUNICATIONS	194062036-113	Utilities - Mobile Phones - City Mobile Phones	70.07		0.00	70.07	\$70.07
100260985	8/29/14	OGRADY PAVING INC	HENDYAVENUE#0	Construction Services	223,459.00		0.00	223,459.00	\$223,459.00
100260986	8/29/14	PENHALL CO INC	10911	Miscellaneous Services	732.50		0.00	732.50	\$732.50
100260987	8/29/14	PETERSON POWER SYSTEMS INC	SW240116177	Misc Equip Maint & Repair - Labor	1,792.00		0.00	1,792.00	\$3,925.60
			SW240116177	Misc Equip Maint & Repair - Materials	2,133.60		0.00	2,133.60	
100260988	8/29/14	PETRO DIAMOND INC	14-16642	Inventory Purchase	26,525.77		0.00	26,525.77	\$26,525.77
100260989	8/29/14	PINE CONE LUMBER CO INC	553538	Bldg Maint Matls & Supplies	11.62		0.00	11.62	\$11.62
100260990	8/29/14	R & R REFRIGERATION & AIR CONDITIONING	54441	Facilities Maint & Repair - Labor	94.00		0.00	94.00	\$394.00
			54442	Facilities Maint & Repair - Labor	300.00		0.00	300.00	
100260991	8/29/14	RANKIN STOCK HEABERLIN	32035	Legal Services	806.01		0.00	806.01	\$806.01
100260992	8/29/14	ROYAL COACH TOURS INC	2399	Travel Related Services	1,182.75		0.00	1,182.75	\$1,182.75
100260993	8/29/14	SCS FIELD SERVICES INC	0229866	Engineering Services	7,016.71		0.00	7,016.71	\$8,206.71
			0232740	Engineering Services	1,190.00		0.00	1,190.00	
100260994	8/29/14	SAFEWAY INC	729894-082014	Food Products	53.65		0.00	53.65	\$53.65
100260995	8/29/14	SANTA CLARA VLY TRANSPORTATION AUTHORITY	0000014621	DED Services/Training - Transportation	70.00		0.00	70.00	\$70.00
100260996	8/29/14	SARAH GRAVES	SG2014JUL	Rec Instructors/Officials	807.03		0.00	807.03	\$807.03
100260997	8/29/14	SHAWN SPANO	S-1	Professional Services	7,600.00		0.00	7,600.00	\$7,600.00
100260998	8/29/14	SMART & FINAL INC	107354-082114	General Supplies	5.43		0.00	5.43	\$52.72
			107384-082114	Food Products	19.93		0.00	19.93	
			107384-082114	General Supplies	27.36		0.00	27.36	
100260999	8/29/14	SUNNYVALE DOWNTOWN ASSN	082714 CK REQ	Business Improvement District Payable	2,560.00		0.00	2,560.00	\$2,401.82
			082714 CK REQ	Miscellaneous Reimbursement	-158.18		0.00	-158.18	
100261000	8/29/14	SUNNYVALE HOST LIONS	091814 VAN FEE	City Wellness Program	195.00		0.00	195.00	\$195.00
100261001	8/29/14	SUNNYVALE WINDUSTRIAL CO INC	629448 00	Bldg Maint Matls & Supplies	24.32		0.00	24.32	\$24.32

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100261002	8/29/14	SUPERIOR PRESS	2223766	Printing & Related Services	219.23		0.00	219.23	\$345.72
			2224984	Printing & Related Services	126.49		0.00	126.49	
100261003	8/29/14	TJKM	0043672	Consulting Services	10,312.50		0.00	10,312.50	\$10,312.50
100261004	8/29/14	VIASYN	24935	Utilities - Electric	2,750.00		0.00	2,750.00	\$2,750.00
100261005	8/29/14	WHCI PLUMBING SUPPLY	S1960848.001	Bldg Maint Matls & Supplies	107.18		0.00	107.18	\$107.18
100261006	8/29/14	YINJUI VERONICA CHEN	475479-0742659	DED Services/Training - Books	46.74		0.00	46.74	\$46.74
100261007	8/29/14	ZALCO LABORATORIES	1408091	Miscellaneous Services	345.00		0.00	345.00	\$345.00
100261008	8/29/14	AMADO BARRERA	CLAIM#1314-118	Liability Claims Paid	658.72		0.00	658.72	\$658.72
100261009	8/29/14	EMERGENCY MEDICAL SERVICES AUTHORITY	27680-1401	Training and Conferences	296.00		0.00	296.00	\$296.00
100261010	8/29/14	EVENTS OF EXCELLENCE CATERING	29216	Employee Recognition Expenses	716.47		0.00	716.47	\$716.47
100261011	8/29/14	JENNI WONG	091614-052915	Change in Cash Registers	50.00		0.00	50.00	\$50.00
100261012	8/29/14	SAN FRANCISCO BAY CONSERVATION	BCDC2014	Engineering Services	2,754.00		0.00	2,754.00	\$2,754.00
100261013	8/29/14	UNITED STATES POSTAL SERVICE	CNCFALL2014	Mailing & Delivery Services	795.00		0.00	795.00	\$795.00
100261014	8/29/14	CITIES ASSOCIATION OF SANTA CLARA COUNTY	505WOLVIE#749	Deposits Payable - Property Management	450.00		0.00	450.00	\$450.00
100261015	8/29/14	GAY LEON	IN000058389	Neighborhood Preservation Code Violation	200.00		0.00	200.00	\$1,700.00
			IN000058760	Neighborhood Preservation Code Violation	500.00		0.00	500.00	
			IN000058761	Neighborhood Preservation Code Violation	500.00		0.00	500.00	
			IN000058762	Neighborhood Preservation Code Violation	500.00		0.00	500.00	
950002319	8/26/14	PUBLIC EMPLOYEES RETIREMENT SYSTEM	950002319	Retirement Benefits - PERS Misc - Empl Portion	-87,836.92		0.00	-87,836.92	\$1,085,424.91
			950002319	Retirement Benefits - PERS Misc - Total	667,223.24		0.00	667,223.24	
			950002319	Retirement Benefits - PERS Safety - Empl Portion	-35,192.11		0.00	-35,192.11	
			950002319	Retirement Benefits - PERS Safety - Total	527,430.04		0.00	527,430.04	
			950002319	Retirement Benefits - PERS EPMC Public Safety	6,550.49		0.00	6,550.49	
			950002319	Retirement Benefits - PERS EPMC - Misc	7,250.17		0.00	7,250.17	
Grand Total Payment Amount									\$2,363,254.66
									\$2,363,254.66

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100261016	9/3/14	AAA SPEEDY SMOG TEST ONLY STATION	15680	Auto Maint & Repair - Labor	40.00		0.00	40.00	\$40.00
100261017	9/3/14	ACROSS THE STREET PRODUCTIONS INC	12-2222	Training and Conferences	346.50		0.00	346.50	\$346.50
100261018	9/3/14	ADAMSON POLICE PRODUCTS	INV148756	Clothing, Uniforms & Access	204.36		0.00	204.36	\$419.59
			INV148905	Clothing, Uniforms & Access	215.23		0.00	215.23	
100261019	9/3/14	ADVANCED CHEMICAL TRANSPORT INC	72512	HazMat Disposal - Hazardous Waste Disposal	368.00		0.00	368.00	\$368.00
100261020	9/3/14	AIRGAS USA LLC	9029726166	General Supplies	735.49		0.00	735.49	\$1,373.75
			9030290366	General Supplies	428.66		0.00	428.66	
			9917958879	General Supplies	209.60		0.00	209.60	
100261021	9/3/14	APPLEONE EMPLOYMENT SERVICES	01-3355574	Contracts/Service Agreements	1,570.80		0.00	1,570.80	\$1,570.80
100261022	9/3/14	AQUATIC COMMERCIAL INDUSTRIES	11007	General Supplies	404.00		0.00	404.00	\$404.00
100261023	9/3/14	ARNE SIGN & DECAL CO INC	14-7514	Parts, Vehicles & Motor Equip	530.16		0.00	530.16	\$530.16
100261024	9/3/14	ARROWHEAD MOUNTAIN SPRING WATER	04H0028805083	General Supplies	20.92		0.00	20.92	\$94.93
			14H0023249071	General Supplies	28.42		0.00	28.42	
			14H0023956113	Food Products	13.42		0.00	13.42	
			14H0025819772	General Supplies	32.17		0.00	32.17	
100261025	9/3/14	BKF ENGINEERS	14080267	Consultants	3,914.50		0.00	3,914.50	\$3,914.50
100261026	9/3/14	BSK ASSOCIATES	A416951	General Supplies	250.00		0.00	250.00	\$250.00
100261027	9/3/14	BAKER & TAYLOR	4010967572	Library Acquisitions, Books	409.46		0.00	409.46	\$423.87
			4010967572	Library Materials Preprocessing	14.41		0.00	14.41	
100261028	9/3/14	BANK OF SACRAMENTO	SEVENSEASPK#09	Construction Project Contract Retainage	13,334.44		0.00	13,334.44	\$13,334.44
100261029	9/3/14	BANK OF SACRAMENTO	ANAEROBC123#07	Construction Project Contract Retainage	12,298.45		0.00	12,298.45	\$12,298.45
100261030	9/3/14	BARNETT PHYSICAL THERAPY SERVICES INC	SC0172014	Rec Instructors/Officials	618.75		0.00	618.75	\$1,043.75
			SC02-2014	Rec Instructors/Officials	425.00		0.00	425.00	
100261031	9/3/14	BATTERIES USA INC	14142	Parts, Vehicles & Motor Equip	1,789.00		0.00	1,789.00	\$1,789.00
100261032	9/3/14	BAY AREA POLYGRAPH	547	Investigation Expense	1,500.00		0.00	1,500.00	\$1,500.00
100261033	9/3/14	BENJAMIN WALLEN	114	General Supplies	100.00		0.00	100.00	\$100.00
100261034	9/3/14	BERTRAND FOX & ELLIOT	21425	Legal Services	35,538.00		0.00	35,538.00	\$57,918.45
			21574	Legal Services	22,380.45		0.00	22,380.45	
100261035	9/3/14	BIG VALLEY FORD	T4577	Vehicles & Motorized Equip	70,663.58		0.00	70,663.58	\$141,327.16
			T4580	Vehicles & Motorized Equip	70,663.58		0.00	70,663.58	
100261036	9/3/14	BUCHANAN AUTO ELECTRIC INC	C48543	Parts, Vehicles & Motor Equip	324.22		0.00	324.22	\$324.22
100261037	9/3/14	BURKE WILLIAMS & SORENSEN LLP	179799	Legal Services	1,689.50		0.00	1,689.50	\$1,689.50
100261038	9/3/14	C OVERAA & CO	14/262	General Supplies	35,000.00		0.00	35,000.00	\$35,000.00
100261039	9/3/14	CENTRAL COMPUTER	4239549	Electrical Parts & Supplies	304.39		0.00	304.39	\$304.39
100261040	9/3/14	CUBE SOLUTIONS	15799	Occupational Health and Safety Services	341.45		0.00	341.45	\$341.45
100261041	9/3/14	DAVIDOVITZ & BENNETT LLP	8863	Legal Services	21,183.58		0.00	21,183.58	\$21,183.58
100261042	9/3/14	ESA	109552	Consulting Services	22,584.00		0.00	22,584.00	\$22,584.00
100261043	9/3/14	ELIZABETH J STRAIN	ES2014JUL	Rec Instructors/Officials	1,287.00		0.00	1,287.00	\$1,287.00
100261044	9/3/14	ENVIRONMENTAL RESOURCE ASSOC	730595	General Supplies	260.38		0.00	260.38	\$260.38
100261045	9/3/14	ESBRO	6563	Chemicals	1,103.26		0.00	1,103.26	\$1,103.26
100261046	9/3/14	EVOQUA WATER TECHNOLOGIES LLC	901806411	Miscellaneous Services	297.00		0.00	297.00	\$297.00
100261047	9/3/14	EWING IRRIGATION PRODUCTS INC	8532097	Materials - Land Improve	1,205.08		0.00	1,205.08	\$1,205.08
100261048	9/3/14	FAST RESPONSE ON-SITE TESTING INC	10796	Medical Services	85.00		0.00	85.00	\$85.00
100261049	9/3/14	FEDERAL EXPRESS CORP	2-743-02359	Mailing & Delivery Services	6.01		0.00	6.01	\$12.02
			2-757-15077	Mailing & Delivery Services	6.01		0.00	6.01	
100261050	9/3/14	FERGUSON ENTERPRISES INC	1007134	Construction Services	27,422.38		0.00	27,422.38	\$30,164.62
			1013896	Construction Services	2,742.24		0.00	2,742.24	
100261051	9/3/14	FISHER SCIENTIFIC CO LLC	5168862	General Supplies	230.01		0.00	230.01	\$946.57
			5219646	General Supplies	716.56		0.00	716.56	

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100261052	9/3/14	FRANK A OLSEN CO INC	231178	Materials - Land Improve	966.85		0.00	966.85	\$966.85
100261053	9/3/14	GARDENLAND POWER EQUIPMENT	217382	Misc Equip Maint & Repair - Labor	59.25		0.00	59.25	\$269.85
			217382	Misc Equip Maint & Repair - Materials	46.97		0.00	46.97	
			218946	Misc Equip Maint & Repair - Labor	0.00		0.00	0.00	
			218946	Misc Equip Maint & Repair - Materials	163.63		0.00	163.63	
100261054	9/3/14	GRANITE CONSTRUCTION CO	682064	Materials - Land Improve	471.37		0.00	471.37	\$1,178.42
			685329	Materials - Land Improve	707.05		0.00	707.05	
100261055	9/3/14	GRAYBAR ELECTRIC CO INC	974327715	Comm Equip Maintain & Repair - Materials 2	197.17		0.00	197.17	\$197.17
100261056	9/3/14	HACH CO INC	8974822	General Supplies	53.35		0.00	53.35	\$53.35
100261057	9/3/14	HEARTREADY	1551	Miscellaneous Equipment	8,596.36		0.00	8,596.36	\$8,596.36
100261058	9/3/14	HULBERG & ASSOC INC	12651	Professional Services	4,000.00		0.00	4,000.00	\$4,000.00
100261059	9/3/14	IDEXX DISTRIBUTION GROUP	280601410	General Supplies	366.06		0.00	366.06	\$366.06
100261060	9/3/14	IMPERIAL SPRINKLER SUPPLY	2048058-00	Materials - Land Improve	1,757.90		0.00	1,757.90	\$7,488.67
			2052676-00	Materials - Land Improve	898.89		0.00	898.89	
			2054039-00	Materials - Land Improve	781.17		0.00	781.17	
			2055181-00	Materials - Land Improve	136.64		0.00	136.64	
			2057498-00	Materials - Land Improve	1,399.38		0.00	1,399.38	
			2057498-01	Materials - Land Improve	277.65		0.00	277.65	
			2059955-00	Materials - Land Improve	208.89		0.00	208.89	
			2060066-00	Materials - Land Improve	2,028.15		0.00	2,028.15	
100261061	9/3/14	INDUSTRIAL SAFETY SUPPLY CORP	1006106	General Supplies	73.95		0.00	73.95	\$73.95
100261062	9/3/14	INFOSEND INC	83163	Postage	2,715.17		0.00	2,715.17	\$2,715.17
100261063	9/3/14	INGRAM LIBRARY SERVICES INC	78575689	Library Acquisitions, Books	12.91		0.00	12.91	\$13.66
			78575689	Library Materials Preprocessing	0.75		0.00	0.75	
100261064	9/3/14	INSIGHT PUBLIC SECTOR INC	1100381020	Computer Software	259.91		0.00	259.91	\$259.91
100261065	9/3/14	IRVINE & JACHENS INC	9545	Clothing, Uniforms & Access	622.98		0.00	622.98	\$622.98
100261066	9/3/14	J R SIMPLOT CO	53555788	Chemicals	2,897.70		0.00	2,897.70	\$2,897.70
100261067	9/3/14	JIM RUIZ	14-6263	Investigation Expense	250.00		0.00	250.00	\$250.00
100261068	9/3/14	JOHNSON ROBERTS & ASSOC INC	123304	Investigation Expense	26.00		0.00	26.00	\$26.00
100261069	9/3/14	KELLY PAPER CO	6748857	General Supplies	47.85		0.00	47.85	\$47.85
100261070	9/3/14	KOHLWEISS AUTO PARTS INC	01NU4829	Parts, Vehicles & Motor Equip	8.12		0.00	8.12	\$67.39
			01NU7108	Parts, Vehicles & Motor Equip	24.56		0.00	24.56	
			01NV1480	Parts, Vehicles & Motor Equip	28.31		0.00	28.31	
			01NV6536	Inventory Purchase	6.53		0.13	6.40	
100261071	9/3/14	L N CURTIS & SONS INC	1326042-00	Inventory Purchase	1,130.46		0.00	1,130.46	\$1,130.46
100261072	9/3/14	LAWSON PRODUCTS INC	9302690560	Materials - Land Improve	488.67		0.00	488.67	\$488.67
100261073	9/3/14	LORI NEUMANN	LN2014JUL	Rec Instructors/Officials	785.40		0.00	785.40	\$785.40
100261074	9/3/14	MSI FUEL MANAGEMENT INC	3524	Auto Maint & Repair - Labor	570.00		0.00	570.00	\$570.00
100261075	9/3/14	MAGNOLIA JAZZ BAND	09132014	Special Events	600.00		0.00	600.00	\$600.00
100261076	9/3/14	MCMASTER CARR SUPPLY CO	99755024	Materials - Land Improve	45.27		0.00	45.27	\$45.27
100261077	9/3/14	MOUNTAIN VIEW GARDEN CENTER	72018	Materials - Land Improve	32.57		0.00	32.57	\$559.33
			72165	Materials - Land Improve	217.23		0.00	217.23	
			72203	Materials - Land Improve	260.67		0.00	260.67	
			72390	Materials - Land Improve	48.86		0.00	48.86	
100261078	9/3/14	MUNICIPAL MAINTENANCE EQUIPMENT INC	0090399-CM	Parts, Vehicles & Motor Equip	-51.45		0.00	-51.45	\$216.01
			0093509-IN	Parts, Vehicles & Motor Equip	132.49		0.00	132.49	
			0093582-IN	Parts, Vehicles & Motor Equip	134.97		0.00	134.97	
100261079	9/3/14	NAPA AUTO PARTS	127033	Parts, Vehicles & Motor Equip	-31.54		0.00	-31.54	\$427.26
			127058	Parts, Vehicles & Motor Equip	115.68		0.00	115.68	
			127423	Parts, Vehicles & Motor Equip	72.78		0.00	72.78	

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			127529	Parts, Vehicles & Motor Equip	149.20		0.00	149.20	
			128386	Parts, Vehicles & Motor Equip	121.14		0.00	121.14	
100261080	9/3/14	NATIONAL ACADEMY OF ATHLETICS	1557	Rec Instructors/Officials	4,258.80		0.00	4,258.80	\$4,258.80
100261081	9/3/14	OVERDRIVE INC	0910-195610527	Library Periodicals/Databases	23.99		0.00	23.99	\$23.99
100261082	9/3/14	P&R PAPER SUPPLY CO INC	30003986-00	Inventory Purchase	2,371.00		0.00	2,371.00	\$2,371.00
100261083	9/3/14	PACIFIC ECO-RISK	10059	Water Lab Services	6,690.27		0.00	6,690.27	\$10,747.77
			10129	Water Lab Services	3,057.50		0.00	3,057.50	
			10160	Water Lab Services	1,000.00		0.00	1,000.00	
100261084	9/3/14	PACIFIC JANITORIAL SUPPLY CO	30024764	Inventory Purchase	192.60		0.00	192.60	\$192.60
100261085	9/3/14	PACIFIC WEST SECURITY INC	0966648	Alarm Services	79.00		0.00	79.00	\$904.00
			0966701	Facilities Maint & Repair - Labor	116.00		0.00	116.00	
			0966702	Facilities Maint & Repair - Labor	199.00		0.00	199.00	
			0966703	Facilities Maint & Repair - Labor	121.00		0.00	121.00	
			0966704	Facilities Maint & Repair - Labor	167.00		0.00	167.00	
			0966705	Facilities Maint & Repair - Labor	89.00		0.00	89.00	
			0966725	Alarm Services	133.00		0.00	133.00	
100261086	9/3/14	PAN ASIAN PUBLICATIONS INC	U-14177	Library Acquisitions, Books	447.13		0.00	447.13	\$1,452.02
			U-14179	Library Acquisitions, Books	1,004.89		0.00	1,004.89	
100261087	9/3/14	PEARSON BUICK GMC	240925	Parts, Vehicles & Motor Equip	17.60		0.00	17.60	\$17.60
100261088	9/3/14	PINE CONE LUMBER CO INC	552929	Bldg Maint Matls & Supplies	95.22		0.00	95.22	\$176.14
			554111	Materials - Land Improve	80.92		0.00	80.92	
100261089	9/3/14	PINNACLE VEND SYSTEMS	1768	Equipment Rental/Lease	1,777.03		0.00	1,777.03	\$1,777.03
100261090	9/3/14	PLANET GRANITE INC	SVSC140818	Rec Instructors/Officials	2,070.00		0.00	2,070.00	\$2,070.00
100261091	9/3/14	POMI MECHANICAL INC	24/263	Services Maintain Land Improv	810.00		0.00	810.00	\$810.00
100261092	9/3/14	RMC WATER & ENVIRONMENT	18436	Consultants	2,388.50		0.00	2,388.50	\$2,388.50
100261093	9/3/14	ROYAL BRASS INC	735046-001	Parts, Vehicles & Motor Equip	57.32		0.00	57.32	\$57.32
100261094	9/3/14	SCUSD TRANSPORTATION	14-42	Travel Related Services	535.39		0.00	535.39	\$757.78
			14-44	Travel Related Services	222.39		0.00	222.39	
100261095	9/3/14	SAFETY KLEEN SYSTEMS INC	64335887	Auto Maint & Repair - Labor	1,141.87		0.00	1,141.87	\$1,141.87
100261096	9/3/14	SAFEWAY INC	806316-082114	Food Products	36.30		0.00	36.30	\$73.43
			809693-082514	Food Products	37.13		0.00	37.13	
100261097	9/3/14	SANDERSON SAFETY SUPPLY CO	8083129-01	Inventory Purchase	58.18		0.54	57.64	\$508.58
			8083129-02	Inventory Purchase	138.66		1.28	137.38	
			8083130-01	Inventory Purchase	316.47		2.91	313.56	
100261098	9/3/14	SEVERN TRENT SERVICES	1670763	Misc Equip Maint & Repair - Labor	134.22		0.00	134.22	\$134.22
100261099	9/3/14	SIERRA PACIFIC TURF SUPPLY INC	0435173-IN	Materials - Land Improve	218.81		0.00	218.81	\$218.81
100261100	9/3/14	SIGLER WHOLESALE DISTRIBUTORS	INVSAJ14006498	Bldg Maint Matls & Supplies	22.92		0.00	22.92	\$22.92
100261101	9/3/14	SILICON VALLEY COMMUNITY NEWSPAPERS	0005229087	Advertising Services	261.93		0.00	261.93	\$349.95
			0005240150	Advertising Services	88.02		0.00	88.02	
100261102	9/3/14	SKYHAWKS SPORTS ACADEMY INC	2007	Rec Instructors/Officials	5,953.50		0.00	5,953.50	\$24,332.00
			2008	Rec Instructors/Officials	730.10		0.00	730.10	
			2009	Rec Instructors/Officials	11,171.30		0.00	11,171.30	
			2010	Rec Instructors/Officials	6,477.10		0.00	6,477.10	
100261103	9/3/14	STUDIO EM GRAPHIC DESIGN	15316	Special Events	652.50		0.00	652.50	\$652.50
100261104	9/3/14	SUNNYVALE FORD	422319	Parts, Vehicles & Motor Equip	48.70		0.00	48.70	\$603.89
			422347	Parts, Vehicles & Motor Equip	429.73		0.00	429.73	
			422350	Parts, Vehicles & Motor Equip	125.46		0.00	125.46	
100261105	9/3/14	SUNNYVALE TOWING INC	285241	Parts, Vehicles & Motor Equip	40.00		0.00	40.00	\$280.00
			286338	Vehicle Towing Services	40.00		0.00	40.00	
			286361	Vehicle Towing Services	200.00		0.00	200.00	

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100261106	9/3/14	SUNNYVALE WINDUSTRIAL CO INC	628911 00	Materials - Land Improve	280.41		0.00	280.41	\$650.08
			629046 00	Materials - Land Improve	369.67		0.00	369.67	
100261107	9/3/14	THE LIGHTHOUSE	0068452	Parts, Vehicles & Motor Equip	37.64		0.00	37.64	\$37.64
100261108	9/3/14	TURNER SPORTS	002	Rec Instructors/Officials	1,527.50		0.00	1,527.50	\$1,527.50
100261109	9/3/14	UNITED PARCEL SERVICE	0000966608314	Printing & Related Services	254.93		0.00	254.93	\$254.93
100261110	9/3/14	UNITED ROTARY BRUSH CORP	CI159369	Inventory Purchase	1,744.05		0.00	1,744.05	\$1,744.05
100261111	9/3/14	UNITED STATES POSTAL SERVICE	P#584-082914	Postage	648.80		0.00	648.80	\$648.80
100261112	9/3/14	UNIVERSAL SITE SERVICES INC	INV140013591	Services Maintain Land Improv	695.00		0.00	695.00	\$1,773.00
			INV140013592	Services Maintain Land Improv	565.00		0.00	565.00	
			INV140013594	Services Maintain Land Improv	513.00		0.00	513.00	
100261113	9/3/14	VWR INTERNATIONAL LLC	8058645592	General Supplies	348.43		0.00	348.43	\$348.43
100261114	9/3/14	WAXIE SANITARY SUPPLY	74786825	Inventory Purchase	55.98		0.00	55.98	\$30.21
			74786825CM	Inventory Purchase	-25.77		0.00	-25.77	
100261115	9/3/14	WECK LABORATORIES INC	W4H0742-COSV	Water Lab Services	1,116.50		0.00	1,116.50	\$1,116.50
100261116	9/3/14	WAITER.COM INC	E0826633089	Food Products	84.73		0.00	84.73	\$245.75
			E0826644065	Food Products	79.35		0.00	79.35	
			E0827645305	Food Products	81.67		0.00	81.67	
100261117	9/3/14	DEPT OF FORESTRY & FIRE PROTECTION	121749	Training and Conferences	248.00		0.00	248.00	\$248.00
100261118	9/3/14	DICKEYS BARBECUE PIT	1064783-FINAL	General Supplies	1,097.01		0.00	1,097.01	\$1,097.01
100261119	9/3/14	RACHEL DURLING	SEPT/6/2014	Special Events	1,533.45		0.00	1,533.45	\$1,533.45
100261120	9/3/14	RESERVE ACCOUNT	11927647-0814	Inventory Purchase	20,000.00		0.00	20,000.00	\$20,000.00
100261121	9/3/14	SLOFIST	102014-102414	Training and Conferences	400.00		0.00	400.00	\$400.00
100261122	9/3/14	BIONEX SOLUTIONS	161003-73762	Refund Utility Account Credit	154.39		0.00	154.39	\$154.39
100261123	9/3/14	DAWIT AYELE	IN000061679	Franchise - Other - Taxicab Service	250.00		0.00	250.00	\$250.00
100261124	9/3/14	ELINOR ADAIR	247410	Refund Recreation Fees	89.00		0.00	89.00	\$89.00
100261125	9/3/14	ENID CHING	247417	Refund Recreation Fees	89.00		0.00	89.00	\$89.00
100261126	9/3/14	HUGH ARGABRITE	247414	Refund Recreation Fees	178.00		0.00	178.00	\$178.00
100261127	9/3/14	JANANI NARAYANAN	8000008882	Deposits Payable - Facility Rental	350.00		0.00	350.00	\$350.00
100261128	9/3/14	LORRAINE GUERRERA	247418	Refund Recreation Fees	89.00		0.00	89.00	\$89.00
100261129	9/3/14	MARIANNE BAKER	247416	Refund Recreation Fees	111.00		0.00	111.00	\$111.00
100261130	9/3/14	MARY MAESTRE	8000008881	Deposits Payable - Facility Rental	350.00		0.00	350.00	\$350.00
100261131	9/3/14	SUSAN MUSKAT	10357-17946	Refund Utility Account Credit	25.00		0.00	25.00	\$25.00
100261132	9/3/14	XINGZHI LUO	P#2014-9271	Engineering Fees - Minor and Utility Permit	162.50		0.00	162.50	\$756.50
			P#2014-9271	Water Meter Sales	594.00		0.00	594.00	
100261133	9/5/14	3M TRAFFIC SAFETY SYSTEMS DIVISION	SS84979	Materials - Land Improve	367.04		0.00	367.04	\$367.04
100261134	9/5/14	ANDREINI APPRAISAL SERVICES	263JACKSON	Financial Services	325.00		0.00	325.00	\$325.00
100261135	9/5/14	ARNE SIGN & DECAL CO INC	14-7528	Materials - Land Improve	195.75		0.00	195.75	\$195.75
100261136	9/5/14	BADGER METER INC	1011617	Water Meters	2,374.56		0.00	2,374.56	\$2,374.56
100261137	9/5/14	BATTERIES USA INC	14143	Parts, Vehicles & Motor Equip	1,677.83		0.00	1,677.83	\$4,423.37
			14144	Parts, Vehicles & Motor Equip	2,745.54		0.00	2,745.54	
100261138	9/5/14	BAY PRO LANDSCAPE SERVICES INC	M2325	Services Maintain Land Improv	711.00		0.00	711.00	\$711.00
100261139	9/5/14	BOUND TREE MEDICAL LLC	81527340	Inventory Purchase	3,480.27		0.00	3,480.27	\$3,480.27
100261140	9/5/14	BURTONS FIRE INC	S22977	Parts, Vehicles & Motor Equip	141.18		0.00	141.18	\$599.67
			S23202	Parts, Vehicles & Motor Equip	167.69		0.00	167.69	
			S23291	Parts, Vehicles & Motor Equip	290.80		0.00	290.80	
100261141	9/5/14	CDM SMITH	80497594/5	Consultants	151,978.02		0.00	151,978.02	\$151,978.02
100261142	9/5/14	CHASE NORLIN	1	Contracts/Service Agreements	11,583.33		0.00	11,583.33	\$11,583.33
100261143	9/5/14	CLEANSOURCE INC	1496782-01	Bldg Maint Matls & Supplies	359.46		0.00	359.46	\$1,958.87
			1505173-02	Inventory Purchase	1,146.23		0.00	1,146.23	
			1516269-00	Inventory Purchase	453.18		0.00	453.18	
100261144	9/5/14	COMMUNITY HEALTH CHARITIES OF	PR201435	Employee Payroll Contributions	288.00		0.00	288.00	\$288.00

List of All Claims and Bills Approved for Payment

For Checks Dated 08/31/14 through 09/06/14

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount	Taken	Amount Paid	Payment Total
		CALIFORNIA							
100261145	9/5/14	CORIX WATER PRODUCTS (US) INC	1741321217	Inventory Purchase	438.48		4.03	434.45	\$1,912.25
			1741321434	Construction Services	147.78		0.00	147.78	
			1741321435	Construction Services	1,330.02		0.00	1,330.02	
100261146	9/5/14	CRESCO EQUIPMENT RENTALS	3651597-0001	Advertising Services	9,635.25		0.00	9,635.25	\$9,635.25
100261147	9/5/14	EARTH SHARE OF CALIFORNIA	PR201435	Employee Payroll Contributions	177.00		0.00	177.00	\$177.00
100261148	9/5/14	EMPIRE SAFETY & SUPPLY	0064422-IN	Inventory Purchase	88.42		0.00	88.42	\$88.42
100261149	9/5/14	FALCON FUELS INC	183899	Inventory Purchase	26,251.41		0.00	26,251.41	\$26,251.41
100261150	9/5/14	FEDERAL EXPRESS CORP	2-734-84409	Mailing & Delivery Services	5.17		0.00	5.17	\$5.17
100261151	9/5/14	FOOTJOY	5805672	Inventory Purchase	1,306.48		96.00	1,210.48	\$1,210.48
100261152	9/5/14	GARDENLAND POWER EQUIPMENT	197859	Misc Equip Maint & Repair - Materials	25.36		0.00	25.36	\$96.22
			220105	Misc Equip Maint & Repair - Materials	35.86		0.00	35.86	
			222953	Misc Equip Maint & Repair - Labor	35.00		0.00	35.00	
100261153	9/5/14	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1083672	Parts, Vehicles & Motor Equip	284.25		0.00	284.25	\$333.30
			189-1083916	Parts, Vehicles & Motor Equip	183.68		0.00	183.68	
			189-1084003	Parts, Vehicles & Motor Equip	-183.68		0.00	-183.68	
			189-1084042	Parts, Vehicles & Motor Equip	420.58		0.00	420.58	
			189-1084070	Parts, Vehicles & Motor Equip	-420.58		0.00	-420.58	
			189-1084236	Auto Maint & Repair - Labor	35.00		0.00	35.00	
			189-1084236	Auto Maint & Repair - Materials	14.05		0.00	14.05	
			189-1084236	Parts, Vehicles & Motor Equip	0.00		0.00	0.00	
100261154	9/5/14	GRANITE CONSTRUCTION CO	692663	Materials - Land Improve	1,819.70		0.00	1,819.70	\$4,625.66
			692709	Materials - Land Improve	758.96		0.00	758.96	
			692731	Materials - Land Improve	456.75		0.00	456.75	
			695687	Materials - Land Improve	369.97		0.00	369.97	
			696942	Materials - Land Improve	1,220.28		0.00	1,220.28	
100261155	9/5/14	HYDROSCIENCE ENGINEERS INC	262011021	Engineering Services	3,277.25		0.00	3,277.25	\$3,277.25
100261156	9/5/14	INTEGRATED ARCHIVE SYSTEMS INC	0075944-IN	Software Licensing & Support	8,196.97		0.00	8,196.97	\$8,196.97
100261157	9/5/14	INTEGRATED DOOR SOLUTIONS INC	11266	Facilities Maint & Repair - Labor	1,881.67		0.00	1,881.67	\$1,881.67
100261158	9/5/14	KELLY MOORE PAINT CO INC	820-239783	Materials - Land Improve	205.90		0.00	205.90	\$343.44
			820-239864	Materials - Land Improve	137.54		0.00	137.54	
100261159	9/5/14	KELLY PAPER CO	6752419	General Supplies	303.96		0.00	303.96	\$303.96
100261160	9/5/14	KOHLWEISS AUTO PARTS INC	01NV8137	Inventory Purchase	-7.66		0.00	-7.66	\$1.45
			01NV8139	Inventory Purchase	9.14		0.03	9.11	
100261161	9/5/14	LYNGSO GARDEN MATERIALS INC	880818	Materials - Land Improve	2,582.81		0.00	2,582.81	\$5,036.48
			881820	Materials - Land Improve	2,453.67		0.00	2,453.67	
100261162	9/5/14	MAINTENANCE CONNECTION INC	27329	Software Licensing & Support	19,702.80		0.00	19,702.80	\$19,702.80
100261163	9/5/14	MCMASTER CARR SUPPLY CO	99932254	Miscellaneous Equipment Parts & Supplies	21.57		0.00	21.57	\$21.57
100261164	9/5/14	MICHAEL BERNICK	JULY2014	Contracts/Service Agreements	5,125.00		0.00	5,125.00	\$5,125.00
100261165	9/5/14	MIDWEST TAPE	92106709	Library Acquis, Audio/Visual	364.40		0.00	364.40	\$364.40
100261166	9/5/14	MIDWEST TAPE	92103483	Library Technology Services	10,000.00		0.00	10,000.00	\$10,000.00
100261167	9/5/14	MOUNTAIN VIEW GARDEN CENTER	72596	Materials - Land Improve	277.31		0.00	277.31	\$1,825.69
			72604	Materials - Land Improve	144.09		0.00	144.09	
			72692	Materials - Land Improve	304.28		0.00	304.28	
			72793	Materials - Land Improve	325.71		0.00	325.71	
			72806	Materials - Land Improve	162.85		0.00	162.85	
			72837	Materials - Land Improve	231.09		0.00	231.09	
			72923	Materials - Land Improve	190.18		0.00	190.18	
			73028	Materials - Land Improve	190.18		0.00	190.18	
100261168	9/5/14	NETSCOUT SYSTEMS INC	136159	Software Licensing & Support	2,937.80		0.00	2,937.80	\$2,937.80

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100261169	9/5/14	P&R PAPER SUPPLY CO INC	30003268-01	Inventory Purchase	284.16		0.00	284.16	\$284.16
100261170	9/5/14	PAYFLEX SYSTEMS USA INC	PR201435	Employee Payroll Contributions	11,539.40		0.00	11,539.40	\$11,539.40
100261171	9/5/14	PACIFIC WEST SECURITY INC	0401551	Facilities Maint & Repair - Labor	102.19		0.00	102.19	\$102.19
100261172	9/5/14	PATSONS MEDIA GROUP	170222	Printing & Related Services	494.81		0.00	494.81	\$565.50
			170231	Printing & Related Services	70.69		0.00	70.69	
100261173	9/5/14	PINE CONE LUMBER CO INC	554579	Materials - Land Improve	28.62		0.00	28.62	\$1,072.32
			554601	Materials - Land Improve	1,043.70		0.00	1,043.70	
100261174	9/5/14	PROACTIVE SPORTS INC	703271-00	Inventory Purchase	568.00		0.00	568.00	\$734.73
			703273-00	Inventory Purchase	171.89		5.16	166.73	
100261175	9/5/14	PROTEC	12134	Miscellaneous Services	355.00		0.00	355.00	\$875.00
			12135	Miscellaneous Services	200.00		0.00	200.00	
			12136	Miscellaneous Services	320.00		0.00	320.00	
100261176	9/5/14	R & B CO	S1428042.002	Inventory Purchase	123.62		2.27	121.35	\$558.23
			S1429163.001	Construction Services	436.88		0.00	436.88	
100261177	9/5/14	RASH CURTIS & ASSOC	518600000086	Financial Services	29.08		0.00	29.08	\$29.08
100261178	9/5/14	RAYVERN LIGHTING SUPPLY CO INC	28810-0	Inventory Purchase	637.17		0.00	637.17	\$637.17
100261179	9/5/14	REFRIGERATION SUPPLIES DISTRIBUTOR	82026694-00	Bldg Maint Matls & Supplies	140.45		0.00	140.45	\$140.45
100261180	9/5/14	SCHAAF & WHEELER	25226	Engineering Services	5,656.59		0.00	5,656.59	\$5,656.59
100261181	9/5/14	SIERRA PACIFIC TURF SUPPLY INC	0434353-IN	Materials - Land Improve	2,050.58		0.00	2,050.58	\$2,050.58
100261182	9/5/14	SPORTS TURF MANAGEMENT	89674-2014	Services Maintain Land Improv	400.00		0.00	400.00	\$400.00
100261183	9/5/14	STATCOMM INC	95534	Facilities Maint & Repair - Labor	375.00		0.00	375.00	\$1,749.73
			95603	Facilities Maint & Repair - Labor	275.00		0.00	275.00	
			95603	Facilities Maint & Repair - Materials	0.00		0.00	0.00	
			96379	Facilities Maint & Repair - Labor	892.50		0.00	892.50	
			96379	Facilities Maint & Repair - Materials	207.23		0.00	207.23	
100261184	9/5/14	STERICYCLE INC	3002707091	HazMat Disposal - Pharmaceutical Waste	659.46		0.00	659.46	\$659.46
100261185	9/5/14	STUDIO EM GRAPHIC DESIGN	15312	Graphics Services	815.63		0.00	815.63	\$815.63
100261186	9/5/14	SUNNYVALE BUILDING MAINTENANCE	97325	Professional Services	7,873.52		0.00	7,873.52	\$7,873.52
100261187	9/5/14	SUNNYVALE PUBLIC SAFETY OFFICERS ASSN	PR201435	Employee Payroll Contributions	13,715.00		0.00	13,715.00	\$13,715.00
100261188	9/5/14	SUNNYVALE WINDUSTRIAL CO INC	629971 00	Bldg Maint Matls & Supplies	80.66		0.00	80.66	\$135.36
			630113 00	Electrical Parts & Supplies	54.70		0.00	54.70	
100261189	9/5/14	TMT ENTERPRISES INC	74103	Materials - Land Improve	1,667.95		0.00	1,667.95	\$1,667.95
100261190	9/5/14	TALBOTS STEAM CLEANING	581	Facilities Maint & Repair - Labor	100.00		0.00	100.00	\$100.00
100261191	9/5/14	TINT OF CLASS	14827	Bldg Maint Matls & Supplies	497.19		0.00	497.19	\$497.19
100261192	9/5/14	TRI DIM FILTER CORP	1525503-1	Bldg Maint Matls & Supplies	663.46		0.00	663.46	\$663.46
100261193	9/5/14	TURF & INDUSTRIAL EQUIPMENT CO	IV07976	Inventory Purchase	225.66		0.00	225.66	\$225.66
100261194	9/5/14	UNITED RENTALS	118372315-007	Equipment Rental/Lease	2,298.01		0.00	2,298.01	\$2,298.01
100261195	9/5/14	UNITED WAY SILICON VALLEY	PR201435	Employee Payroll Contributions	321.00		0.00	321.00	\$321.00
100261196	9/5/14	WEISS & LEFFORGE	WL-8212014	Graphics Services	617.50		0.00	617.50	\$617.50
100261197	9/5/14	YATES GEAR INC	1066905	General Supplies	9,150.65		0.00	9,150.65	\$9,150.65
			1067477	General Supplies	5,256.83		0.00	5,256.83	
			3551	General Supplies	-5,256.83		0.00	-5,256.83	
100261198	9/5/14	YOUNG CHEFS ACADEMY	081814	Rec Instructors/Officials	5,901.00		0.00	5,901.00	\$5,901.00
100261199	9/5/14	ESTATE OF MICHAEL NEHEZ	CR13-6290	Return of Seized, Forfeiture or Found Funds	7,140.00		0.00	7,140.00	\$7,140.00
100261200	9/5/14	PALO ALTO MEDICAL FOUNDATION	1678	Occupational Health and Safety Services	125.00		0.00	125.00	\$1,409.00
			1679	Pre-Employment Testing	75.00		0.00	75.00	
			1680	Pre-Employment Testing	125.00		0.00	125.00	
			1681	Pre-Employment Testing	45.00		0.00	45.00	
			1682	Pre-Employment Testing	75.00		0.00	75.00	
			1683	Pre-Employment Testing	125.00		0.00	125.00	

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City of Sunnyvale

Agenda Item

14-0748

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Renewal of Contract with Bill Wilson Center to Provide Youth Workforce Development Services

BACKGROUND

In an effort to assure the most efficient and effective means of providing services to local youth, on May 9, 2013 North Valley (NOVA) Workforce Board issued a Request for Proposals (RFP) to solicit innovative youth workforce development programs. Programs were required to serve in- and/or out-of-school youth ages 16-21 residing or attending school in NOVA's seven-city area and who are low-income and have one or more barriers to employment.

The purpose of the RFP was to do a market test to see if other organizations, already providing services to similar youth, could help NOVA reach more youth by leveraging scarce Workforce Investment Act (WIA) resources. The issues considered most important in the review and ranking of proposers were experience with NOVA's target youth population, ability to expand NOVA services and deliver them to the target population in NOVA's seven-city area, and budget. Based on these criteria, the review committee recommended selection of Bill Wilson Center.

On August 13, 2013, in concurrence with NOVA Workforce Board approval, Council approved the award of a contract of up to \$600,000 to Bill Wilson Center to provide workforce development services to young people in the NOVA area.

EXISTING POLICY

Council Policy 5.1.1: *Socio-Economic - Goals and Policies*: Education and Training Goal 5.1F: Provide job training and employment services, within constraints of operative Federal regulations and available Federal funding, to address the locally-determined employment and training needs of economically disadvantaged residents and others with special needs.

ENVIRONMENTAL REVIEW

N/A

DISCUSSION

Council awarded funding to Bill Wilson Center to provide services to at-risk youth beginning October 1, 2013. Bill Wilson Center has 38 years of experience in serving at-risk youth, including youth in foster care, homeless and runaway youth, parenting and pregnant youth, youth in the juvenile justice system, gang-involved youth, and youth who have dropped out of school. Their program proposed to recruit youth through their existing network of youth service providers and to provide comprehensive services to 200 youth including counseling, mentoring, housing assistance, and work experience. The term was for one year, with an option to renew the contract for up to two additional years dependent on satisfactory performance. The initial award was for \$250,000 pending receipt of

NOVA's 2014 youth allocation, with the full award not to exceed \$600,000 through September 2014. The contract was modified effective April 1, 2014 to an amount not to exceed \$506,041, based on Bill Wilson Center's expenditures to date and projected expenditures through September.

NOVA staff retained responsibility for youth participant eligibility determination and overall program management. Staff worked closely with Bill Wilson Center during the transition of services to that organization. Bill Wilson Center rents a satellite office on the site of the existing NOVA Youth Office. A NOVA youth manager is also located at that site and continues to work with Bill Wilson Center staff for ongoing performance monitoring and Workforce Investment Act compliance.

The NOVA Youth Committee is responsible for advising the NOVA Workforce Board on matters pertaining to youth. The Committee has met to review the performance of the Bill Wilson Center contract to date and recommends renewal effective October 1, 2014 through September 30, 2015 in an amount not to exceed \$500,000. The NOVA Workforce Board will be taking action on September 24 and is expected to approve the Committee's recommendations.

The Workforce Innovation and Opportunity Act (WIOA) will be replacing WIA effective July 1, 2015. The impact of the new legislation on current contracts is not yet known; it is possible that the Bill Wilson Center contract will need to be renegotiated at that time.

FISCAL IMPACT

The source of funds for the services in this contract is Workforce Investment Act funds. Since funds are obligated to programs only based upon appropriations dedicated to NOVA, sufficient Workforce Investment Act funds will exist to cover all anticipated obligations of day-to-day program operations. If funding is cut, then staffing and program services will be accordingly reduced.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Approve the renewal of the contract with Bill Wilson Center in an amount not to exceed \$500,000 to provide youth workforce development services from October 1, 2014 through September 30, 2015.

Prepared by: Jeanette Langdell, Employment Training Manager

Reviewed by: Cindy Stahl, Manager of Job Seeker Services, NOVA Workforce Services

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Bill Wilson Center Draft Contract

Original to:

_____ City Clerk
_____ Contractor
_____ Subcontractor

AGREEMENT

This Agreement is made on the _____ day of September, 2014 between the City of Sunnyvale, a California municipal corporation (hereinafter referred to as "**Contractor**"), on behalf of the NOVA Workforce Board, and Bill Wilson Center (hereinafter referred to as "**Subcontractor**").

Whereas, the Contractor has applied for and been granted funds from the State of California to provide workforce development services to youth eligible under Workforce Investment Act Title I; and

Whereas, under this Agreement, Subcontractor is participating in the operation of such youth services; and

Whereas, Contractor and Subcontractor are required to execute an Agreement wherein they agree to adhere to and comply with the conditions and requirements established for use of the funds of this grant;

Now, therefore, it is agreed:

1. Terms and Conditions: Subcontractor agrees to provide employment and training services and to comply with other requirements in accordance with the following:

- (a) Program Design and Standards – Exhibit A;
- (b) Special Provisions – Exhibit B;
- (c) Assurances and Certifications – Exhibit C;

- (d) Budget – Exhibit D;
- (e) Method of Payment – Exhibit E;
- (f) Request for Payment – Exhibit F; and
- (g) State of California and Department of Labor guidelines, as they now exist are or hereinafter amended.

The above-referenced Attachments and Exhibits are incorporated by reference as though fully set forth herein.

- 2. Term of Agreement: October 1, 2014 through September 30, 2015
- 3. Funding Limit: \$500,000.
- 4. Agreement Number: 001-301-15
- 5. State of California Registration No.: K594776

The parties, by and through their authorized representatives as indicated below, hereby acknowledge and agree to the terms and conditions of this **Agreement**.

CITY OF SUNNYVALE**Contractor**

BY: _____

NAME: **Deanna J. Santana**TITLE: **City Manager****BILL WILSON CENTER****Subcontractor**

BY: _____

NAME: **Sparky Harlan**TITLE: **CEO/Executive Director**

PROGRAM DESIGN AND STANDARDS

I. PROGRAM DESIGN

- A. **PROJECT OVERVIEW:** The following is a programmatic description of what will be accomplished during the contract period.

The Workforce Investment Act (WIA) provides the framework for comprehensive services and activities to increase the education, educational skill attainment and employment of eligible youth, in an effort to improve the quality of the workforce, reduce welfare dependency, foster economic self-sufficiency, and enhance the productivity of our community. Such activities include: opportunities for academic and occupational learning; development of leadership skills; and preparation for further education, additional training, and employment.

This Agreement is to operate a WIA Title I Youth program to serve WIA-eligible in- and out-of-school youth ages 16–21 residing or attending school in the cities of Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, Santa Clara and Sunnyvale. Youth must be low-income *and* have one or more of the following barriers to employment:

- High school dropout
- Severely credit deficient/at risk of dropping out
- Basic skills deficient
- Pregnant/parenting teens
- Homeless/runaway
- Foster youth
- Offender
- Youth with disabilities
- Other barriers as defined in NOVA's *WIA Eligibility Technical Assistance Guide*

Subcontractor is responsible for the recruitment of sufficient numbers of eligible youth to meet its enrollment obligations. Contractor will retain responsibility for determining eligibility for all youth participants, and will have final approval of enrollments by assessing those most able to benefit from WIA services.

B. SCOPE OF SERVICES

Subcontractor is responsible for providing comprehensive services and activities to participants. This program shall be known as the “NOVA Youth Program, operated by Bill Wilson Center.” In accordance with WIA regulations, services and activities must include but are not limited to the following:

- **Youth outreach/recruitment** – Bill Wilson Center staff will conduct outreach to schools, community centers and other locations where youth congregate. Staff will establish office hours at partner high schools and attend resource fairs and appropriate collaborative meetings to promote program services.

- **Objective assessment of the academic levels, skill levels and service needs of each participant** – BWC and NOVA staff will collaborate on completion of the CASAS tool. BWC staff will complete an assessment of needs for each youth and create an individualized service strategy. Tools to be used are the Life Domain Scale and Self Sufficiency Matrix.
- **One-on-one case management, including development and ongoing implementation of an individualized service strategy** – BWC staff will meet regularly with each youth to develop and implement an individualized service strategy. Meetings will occur in the office, community, school or home of each youth. Frequency of meetings will depend upon level of need and time in the program, but at no time shall there be a break in service of greater than 30 days. At the beginning of service delivery, meetings will be conducted weekly and in person. During a maintenance phase, the meeting frequency and type of contact may shift to bimonthly and include phone calls and email contact. Each contact will be documented in the appropriate database(s).
- **Job search, retention, financial management, and life skills training** – see description of workshop topics that will be used in group and one-on-one sessions (Attachment 1).
- **Employment and/or enrollment in post-secondary education** – see ten elements descriptions, next section.
- **Maintenance of records, data entry and report preparation as required in the approved WIA automated case management system** – BWC will receive training from NOVA staff on required databases for data entry and will comply with data submission requirements. NOVA will keep the original eligibility documentation. BWC will maintain each youth's working file in a safe and confidential location until the youth is exited from the program, at which time the file will be given to NOVA.

Required Program Elements

Additionally, WIA regulations require the following services be readily available to eligible youth. Subcontractor will address all of the required program elements, as shown below. Elements not provided directly by Subcontractor will state below with whom Subcontractor will partner to provide the service, and how the youth will access the service. The ten required program elements (WIA 129(c)(2)) are:

1. ***Tutoring, study skills training and instruction leading to completion of secondary school, including dropout prevention strategies and basic skills instruction.*** On a case-by-case basis, BWC program staff will determine with youth what additional supportive educational services are needed in order to complete secondary school, with the goal of dropout prevention. Case manager will connect youth to additional needed services at their own school sites, or youth will be referred to support services that BWC provides. This includes tutors that can work with the youth individually or in a small group setting. BWC has trained volunteers who provide tutoring and basic skill development to youth.
2. ***Alternative secondary school services, as appropriate.*** BWC has a MOU with Vision Literacy, a program that provides GED preparation. Vision Literacy (along with BWC staff) will review the results from the CASAS appraisal and assessments administered by NOVA staff to develop a plan and provide educational support for all youth to enter post-secondary education or unsubsidized employment. Vision Literacy staff will collaborate with BWC to ensure the educational goals of our youth are met, such as obtaining a GED or high school diploma or improving their educational functioning level. Vision Literacy is hereby approved by Contractor to perform these services. BWC is responsible for

monitoring the performance of Vision Literacy and for ensuring its compliance with WIA regulations, including requirements related to confidentiality, records retention, allowable costs, and other requirements applicable to this program.

3. ***Summer employment opportunities that are directly linked to academic and occupational learning.*** BWC's summer enrichment program will provide employment readiness workshops, field trips to businesses and colleges, and paid and unpaid work experience in various occupational settings. This includes the car repair industry, summer camps, libraries, community centers, and the tech industry, to name a few. As part of the learning opportunity, the summer enrichment program will offer social skill building activities and group experiences, including culturally relevant, developmentally appropriate recreational outings. The focus is to build social skills, teamwork, and positive youth development.
4. ***Paid and unpaid work experience including internships and job shadowing, as appropriate.*** BWC will continue the work experience program currently in operation by NOVA as well as expand paid and unpaid work experience to new occupations. The team will work with area employers who can offer on-the-job skills training to our youth. A full-time Job Developer will lead this specific effort. BWC's goal is to place 80 to 100 youth in the work experience program. Once placed, the youth's case manager will continue to monitor the placement, providing support to the youth to increase on-the-job performance skills.
5. ***Occupational skills training including apprenticeship programs as appropriate.*** Once a youth identifies an occupational track, BWC will connect them to various occupational centers such as Central County Occupational Center, Job Corps, Center for Employment Training, Center for Training and Careers, Mountain View / Los Altos Adult Ed Center, Milpitas Adult Education Program, and Santa Clara Adult Education Program.
6. ***Leadership development opportunities including community service and peer-centered activities encouraging responsibility and other positive social behaviors.*** BWC will conduct monthly community service opportunities to assist youth in developing positive social behaviors and community awareness. BWC's goal is to graduate youth from the summer enrichment program, and have the graduates assume a leadership role in organizing community service projects throughout the school year. Youth leading youth promotes a sense of community as well as empowerment.
7. ***Supportive services to reduce the barriers to success in school and work.*** BWC's case manager will complete a thorough assessment of the needs of the youth (and family) to develop an individualized service strategy. This will include addressing all barriers to success in school and work, including transportation, basic needs, housing, medical, mental health, substance use issues, trauma related care, linkages to other identified service needs, and assistance with school supplies/books. The majority of needs can be met through BWC's existing services, and if not, through its well-established referral base. Only supportive services allowable by WIA regulations and NOVA policy may be charged to this Agreement. Additionally, BWC may provide appropriate incentives for youth to recognize and award the achievement of defined goals in compliance with WIA requirements. Justification for such incentives will be documented by BWC and will be in accordance with (1) NOVA's *WIA Youth Incentive Policy* and (2) BWC's own individual incentive policy.
8. ***Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months.*** The adult mentoring program service may begin before exit and continue beyond exit. BWC will either assist youth in identifying a caring adult/mentor in

their life or match youth to BWC's existing pool of mentors. Prior to being matched to a youth in the NOVA program, mentors will receive additional training on supporting educational and career goals. The focus of the mentoring will be to promote the youth's academic and employment success and will continue following their exit from the program (for no less than a year).

9. ***Comprehensive guidance and counseling.*** Case managers will meet regularly with their youth and provide guidance and non-clinical counseling. Upon assessment and based on the youth's need, the youth will also be offered mental health/counseling services by licensed mental health staff through BWC's extensive therapeutic services (costs not covered by this Agreement). Services are culturally relevant as well as offered in multiple threshold languages.
10. ***Follow-up services for 12 months after the completion of participation.*** All youth participants must receive some form of active follow up services for a minimum of 12 months after exit. The follow up plan involves monthly contact (in person and/or over the phone) by the youth's case manager to monitor progress and assist when needed. The youth will be invited to participate in the community service activities and leadership opportunities as well. Youth will have access to a 24/7 call line (BWC's youth crisis line) in case of emergency/crisis when their case manager is not available. The crisis line (408 850 6140) will connect youth to a therapist within the hour (costs not covered by this Agreement).

In addition to services listed above which Subcontractor will provide to ALL youth, the following services will be provided by Subcontractor for the populations defined below.

In-School Youth

An eligible youth who:

- has not received a high school diploma or its equivalent; and
- is attending any school (including secondary, post-secondary, or alternative or continuation school/program), either full or part-time, or is between school terms and intends to return to school.

Performance Goals: Attainment of a high school diploma or equivalent and entry into post-secondary education or unsubsidized employment.

Services for In-School Youth will include the following:

- Coordination of a comprehensive service plan to support youth in attaining their high school diploma or equivalent.
- Broad-spectrum career exploration, incorporating introduction to in-demand careers and career pathways, and educational options, including public sector career development and linkages to career technical education and apprenticeship programs.
- Development of a post high school educational and career development plan.
- Job search skills curriculum, including networking, interviewing, resume writing and financial literacy.
- Instruction on the soft skills and attitudes necessary to retain employment.

- Initiation of new, and maintenance of existing active relationships with high schools across the service delivery area, including presence on campuses for the purpose of outreach, recruitment and providing coordinated services to enrolled youth. May include giving presentations and coordinating/assisting with on-campus job fairs.
- Opportunities for participation in hands-on work-based learning opportunities, such as internships, subsidized work experience and job shadowing.

Out-of-School Youth

An eligible youth who:

- is a school dropout; or
- has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

Performance Goals: Re-engagement in education leading to the attainment of a high school diploma or equivalent, increase in basic literacy/math skills, and entry into post-secondary education or unsubsidized employment. Youth attending post-secondary education/training at the time of enrollment must exit the program with an industry-recognized degree or certificate.

It is required that a minimum of 60 percent of contract expenditures be for costs related to serving out-of-school youth. Note that it is expected that expenditures reported for serving out-of-school youth are reasonable given the proportion of out-of-school youth served.

Services for Out-of-School Youth will include the following:

- Coordination of a comprehensive service plan to support dropouts in reengaging in the process of attaining their high school diploma or equivalent.
- Development an educational and/or career development plan, leading toward economic self-sufficiency.
- Broad-spectrum career exploration, incorporating introduction to in-demand careers and career pathways, and educational options, including linkages to career technical education and apprenticeship programs.
- Job search skills curriculum, including networking, interviewing, resume writing and financial literacy.
- Instruction on the soft skills and attitudes necessary to retain employment.
- Opportunities for participation in hands-on work-based learning opportunities, such as internships, subsidized work experience and job shadowing.

B. PROJECT RESULTS:

Subcontractor will enroll 120 new youth over the term of this Agreement, and will also continue to serve an estimated 50 youth to be carried in from the PY 13–14 contract. The following performance goals and outcomes apply to this Agreement.

[A table of performance goals will be inserted here in the final contract]

Subcontractor shall endeavor to meet the goals to the best of its ability. Contractor shall review progress toward goals on a regular basis, and inadequate progress may result in reduced funding and/or the termination of this Agreement, as specified in Special Provisions Section 17.

Contractor will perform on-site fiscal and performance monitoring of Subcontractor at least once during the term of this Agreement, in accordance with NOVA's *Monitoring of WIA Programs* policy and procedures (provided to Subcontractor). Any items noted for corrective action must be addressed on a timely basis, as per the policy. Contractor will provide ongoing technical assistance as necessary to accomplish the goals of this project.

II. REPORTING AND DATA COLLECTION REQUIREMENTS

A. Subcontractor Responsibilities

BWC will use Contractor's reporting database to input all WIA activities. For each youth, this includes enrollment, activities, goals, test scores, case notes, support services and incentives, and follow-up services. BWC will provide NOVA with a monthly performance narrative in a mutually agreed-upon format. Upon completion of services, BWC will recommend youth for exit and provide complete and accurate participant files to NOVA.

B. Contractor Responsibilities

NOVA will perform eligibility determination of each youth, approve enrollments, and create the initial client record. NOVA will provide BWC with periodic reports of enrollments and activities, based on data input by BWC. Upon completion of services and receipt of participant files from BWC, NOVA will review files for accuracy, make final exit determinations, and input exit data into its reporting system.

III. PROGRAM COORDINATION

1. The Contractor's Manager of Job Seeker Services, or her designee, shall be the Program Manager for Contractor and shall render overall supervision of the progress and performance of this Agreement by Contractor. All services agreed to be performed by Contractor shall be under the overall direction of the Program Manager.

2. Subcontractor shall assign a Coordinator who shall have overall responsibility for the progress and execution of this Agreement. Should circumstances or conditions subsequent to the execution of this Agreement require a substitute Coordinator, Subcontractor shall notify Contractor immediately of such occurrence. Program Manager and Subcontractor staff will fully cooperate with Contractor relating to this Agreement.

IV. NOTICES

All notices or correspondence required or contemplated by this Agreement shall be sent to the respective parties at the following addresses:

Contractor: Cindy Stahl, Manager of Job Seeker Services
NOVA
505 West Olive Ave., Suite 550
Sunnyvale, CA 94086
Telephone: (408) 730-7236
Email: cstahl@novaworks.org

Subcontractor: Lorraine Flores, Associate Director of Program Development & Research
Bill Wilson Center
3490 The Alameda
Santa Clara, CA 95050
Telephone: (408) 850-6131
Email: lflores@bwcmail.org

Nothing contained herein shall be construed to prohibit the parties from communicating by the most expedient method available, whether by commercial courier, facsimile, or by electronic means. However, for purposes of providing official notification and/or documentation as required in this Agreement, the sending party assumes full responsibility and the burden of proof for the completed transmission if the documents or notification are sent by means other than certified, first class mail through the United States Postal Service.

NOVA BWC Workshop Descriptions

Art of Success (AOS)

Series of employment workshops designed to provide all the tools necessary to obtain and maintain employment. Topics include:

Get to know the job market – identify jobs with a future, especially in Silicon Valley/ San Jose, identify interests in jobs and careers.

Get to know yourself – learn about hard skills (such as computer skills, use of tools) and soft skills (such as communication, taking initiative) of employment. Completion of skill inventory to help youth identify their skills. Learn about teamwork skills.

Job Search Techniques –learn about networking, job search etiquette, job fair do's and don'ts, how to conduct web job search.

Resumes – learn what a resume is, types, importance of having multiple resumes, tips on items to include, samples. Will complete resume during workshop.

Cover Letter – learn purpose of cover letters, review samples, and receive instructions and tips for cover letters. Draft a letter during workshop.

Interview Skills – learn about how attitude, body language affects interviews. Learn interview tips, draft and ask appropriate questions, individualized tips provided. Learn about common interview questions and what questions employers should not ask.

Dress for Success – learn what and what not to wear for interview and job searching activities.

Background checks – types of background checks, checking of social media and credit history.

Job Retention – how to keep your job; explore main reasons youth lose jobs. How to balance personal and work life, review of time management techniques. Learn appropriate workplace behavior.

Language of work – learn about labor laws, employer rights and responsibilities, how to read paystub, benefits.

Financial Literacy – teach the importance of budgeting and saving. Inform youth of various interest bearing and matched savings plans (IDAs, CDs) and bank accounts.

SPECIAL PROVISIONS

S1 INSUFFICIENT FUNDING

In the event that the U.S. Department of Labor or the Governor of the State of California fails to provide sufficient funding for implementation of the entire services as set forth herein, the amount set forth in this Agreement shall be reduced and the program shall be reduced proportionately.

S2 ENTIRE AGREEMENT

This Agreement, its attachments and references cited herein fully express all understandings of the parties concerning the matters covered herein. No addition to or alteration of the terms of this Agreement, and no other Agreements of the parties or their officers, agents, or employees, shall be valid unless made in the form of a written amendment to this Agreement duly approved and executed by the parties' authorized representative(s).

S3 PROCEDURE TO MODIFY THE AGREEMENT

Subcontractor shall submit its request for changes in writing to the Contractor's Program Manager as identified in Exhibit A. Such modification requests must include a summary of the proposed revisions and justification for each.

S4 INDEMNIFICATION

Subcontractor shall defend, indemnify, and hold harmless Contractor, its officers, employees, agents and volunteers from and against any claims, losses, injuries, suits, actions or judgments and from any and all liability for any and all claims, losses, injuries, suits, actions or judgments filed or brought by any and all persons because of or arising or resulting from, or in connection with any negligent act, omission or willful misconduct by Subcontractor, or its officers, employees, agents or representatives. Subcontractor further agrees to reimburse Contractor for all costs, reasonable attorneys' fees, expenses and liabilities incurred in any legal action arising out of any obligation of Subcontractor to be performed under this Agreement or arising from any negligence or willful misconduct of Subcontractor, its officers, employees, agents or representatives. Nothing in this section shall be construed to prohibit apportionment of liability, damages and related defense costs as between Subcontractor and Contractor for third-party claims in accordance with applicable provisions of California law. Contractor shall notify Subcontractor of any third-party claims related to this Agreement within thirty (30) days of receipt, however, failure to provide such notice shall not operate to waive Subcontractor's obligations under this Section.

S5 LEGAL RELATIONSHIP

- 5.1 It is understood and agreed that Subcontractor is an independent contractor and that no relationship of employer-employee exists between the parties hereto; that Subcontractor shall not be entitled to any benefits available to employees of Contractor; that Contractor is not required to make any deductions from the compensation payable to Subcontractor under the provisions of this Agreement; that as an independent contractor, Subcontractor thereby holds Contractor harmless from any and all claims that may be made against Contractor based upon any contention by any third party that an employer-employee relationship exists by reason of this Agreement. It is further understood and agreed that Subcontractor has no authority to act for or on behalf of Contractor other than acting as Subcontractor in carrying out and performing the terms of the Agreement.
- 5.2 The Federal Government and the State of California are not parties hereto and no legal liability on the part of the federal or state government is implied under the terms and conditions of this Agreement; any liabilities, legal actions or disputes as may arise under this Agreement are between the Contractor and Subcontractor.
- 5.3 All powers not explicitly vested in the Subcontractor by this Agreement remain with the Contractor.
- 5.4 Subcontractor, without additional expense to Contractor, shall be responsible for obtaining any necessary licenses and permits, and for complying with any applicable federal, (including OSHA) state and municipal laws, codes and regulations. Subcontractor shall be similarly responsible for all damages to persons or property that occur as a result of Subcontractor fault or negligence. Subcontractor shall take adequate precautions to protect the work, the workers, the public, and the property of others. Failure to do so shall place Subcontractor in default of the terms of this Agreement.
- 5.5 If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby, if such remainder would then continue to conform to the terms and requirements of applicable law.
- 5.6 In no event shall any payment by Contractor hereunder constitute or be construed to be a waiver by Contractor of any breach of covenants or conditions of this Agreement or any default which may then exist on the part of the Subcontractor. The making of any such payment shall not prejudice any right or remedy available to Contractor with respect to such breach or default.
- 5.7 In no event shall a waiver by Contractor of any of the provisions herein invalidate the remainder of the Agreement.

S6 CONFLICT OF INTEREST

Subcontractor shall maintain a written code of standards. The Subcontractor will insure that no actual or apparent conflict of interest shall occur relative to the performance of this Agreement.

S7 PERSONNEL

- 7.1 Subcontractor represents that it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or be deemed thereby to have any contractual relationship with Contractor.
- 7.2 All of the services hereunder will be performed by Subcontractor or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized under State and local law to perform such services.

S8 COPYRIGHTS/RIGHTS TO DATA

- 8.1 If this Agreement is funded in whole or in part by the federal government, Contractor may acquire and maintain the intellectual property rights, title, and ownership which result directly or indirectly from the Agreement, except as provided in 37 Code of Federal Regulations part 401.14. However, pursuant to 29 CFR 97.34, the federal government shall have a royalty-free, non-exclusive, irrevocable, paid-up license throughout the world to use, duplicate, or dispose of such intellectual property throughout the world in any manner for governmental purposes and to permit others to do so.
- 8.2 Subcontractor agrees that for purposes of copyright law, all works of authorship made by or on behalf of Subcontractor in connection with Subcontractor's performance of this Agreement shall be deemed "works made for hire." Subcontractor further agrees that the work of each person utilized by Subcontractor in connection with the performance of this Agreement will be a "work made for hire." Subcontractor shall enter into a written Agreement with any such person that: (i) all work performed for Subcontractor shall be deemed a "work made for hire" under the Copyright Act, and (ii) that person shall assign all right, title, and interest to Contractor to any work product made, conceived, derived from, or reduced to practice by Subcontractor or Contractor and which results directly or indirectly from this Agreement.
- 8.3 All materials, including but not limited to computer software and visual works or text, reproduced or distributed pursuant to this Agreement that include intellectual property made, conceived, derived from, or reduced to practice by Subcontractor or Contractor and which result directly or indirectly from this Agreement may not be reproduced or disseminated without prior written permission from Contractor.

S9 PATENT RIGHTS

- 9.1 With respect to inventions made by Subcontractor in the performance of this Agreement, which did not result from research and development specifically included in Subcontractor's scope of work, Contractor hereby grants to Subcontractor a license for devices or materials incorporating or made through the use of such inventions. If such inventions result from research and development work specifically included within the Subcontractor's scope of work, then Subcontractor agrees to assign to Contractor, without additional compensation, all its right, title, and interest in and to such inventions and to assist Contractor in securing United States and foreign patents with respect thereto.

S10 SUBCONTRACTING/ASSIGNMENT

- 10.1 Subcontractor's duties under this Agreement shall not be delegated by Subcontractor nor shall any of the work or services to be performed hereunder be subcontracted out to third parties without the prior, written consent of the Contractor. Third-party subcontractors identified in this Agreement shall be deemed to have been approved by Contractor. Subcontractor shall perform oversight of such third-party subcontractors to ensure compliance with WIA regulations, including requirements related to confidentiality, records retention, allowable costs, and other requirements applicable to this program.

S11 COMPLAINTS/GRIEVANCES

Subcontractor shall follow the Contractor's policies and procedures for resolving any complaints and/or grievances arising in connection with an alleged violation of the grant, or other Agreements.

S12 PUBLIC ACCESS TO RECORDS

As a condition of receiving WIA (Workforce Investment Act) funds, the independent auditor or monitor of the Contractor, the State of California Employment Development Department auditors, investigators, and monitors, and the Department of Labor, Comptroller General of the United States or their duly authorized representatives shall at all times during the Agreement term and for a period of three years thereafter have the right of access to any books, documents, papers, financial statements and records (including computer records) of the Subcontractor which are directly pertinent to charges under this Agreement to assure compliance with the terms of the Agreement and the WIA statutes, regulations, and directives, and to make excerpts, transcripts, and photocopies. This right also includes timely and reasonable access to Subcontractor's personnel with knowledge of the records and financial statements for the purpose of interviews and discussions related to documents and services provided under this Agreement.

S13 INSURANCE AND BONDS

Subcontractor shall procure and maintain insurance for the duration of the contract against claims for injuries to persons or damages to property which may arise from or in

connection with the performance of the work by the Subcontractor, its agents, representatives, or employees.

13.1 Minimum Scope and Limits of Insurance

Subcontractor shall maintain limits no less than:

1. Commercial General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage and \$2,000,000 aggregate. ISO Occurrence Form CG 0001 is required.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage. ISO Form CA 0001 is required.
3. Workers' Compensation Statutory Limits and Employer's Liability: \$1,000,000 per accident for bodily injury or disease.

13.2 Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared and approved by the City of Sunnyvale. The vendor shall guarantee payment of any losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

13.3 Other Insurance Provisions

The general liability and automobile insurance policies shall contain, or be endorsed to contain, the following provisions:

1. The City of Sunnyvale, its officials, employees, agents and volunteers are to be covered as additional insureds with respects to liability arising out of activities performed by or on behalf of the Subcontractor; products and completed operations of the Subcontractor; premises owned, occupied or used by the Subcontractor; or automobiles owned, leased, hired or borrowed by the Subcontractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Sunnyvale, its officers, employees, agents or volunteers.
2. For any claims related to this project, the Subcontractor's insurance shall be primary. Any insurance or self-insurance maintained by the City of Sunnyvale, its officers, officials, employees, agents and volunteers shall be excess of the Subcontractor's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not effect coverage provided to the City of Sunnyvale, its officers, officials, employees, agents or volunteers.
4. The Subcontractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City of Sunnyvale.

13.4 Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Sunnyvale.

13.5 Verification of Coverage

Subcontractor shall furnish the City of Sunnyvale with an original Certificate of Insurance effecting the coverage required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates are to be received and approved by the City of Sunnyvale prior to commencement of work.

The City will accept evidence of self-insurance from the Subcontractor that meets the above requirements.

13.6 Fidelity Bonds

If cash advances are part of the contract, a fidelity bond is required in an amount of \$100,000 or the highest estimated monthly expenditure, whichever is lower, covering any and all of Contractor's officers and employees involved in the performance of the contract.

S14 FISCAL AND RECORDKEEPING RESPONSIBILITIES

- 14.1 Subcontractor shall comply with Administrative Standards & Procedures of 29 CFR Part 95, and as hereafter amended, relating to the utilization of funds, the operation of programs, and maintenance of records, books, accounts, and other documents under the Act.
- 14.2 Subcontractor shall maintain adequate administrative and accounting controls, personnel standards, evaluation procedures and other policies to promote the safe and effective use of funds provided by this Agreement.
- 14.3 Subcontractor shall submit reports of fiscal data in accordance with Contractor's policies and procedures. For cost reimbursement Agreements, fiscal accounts shall be maintained in a manner sufficient to permit preparation of expense reports on an accrual basis as required by Contractor and DOL. Such financial information reported must be taken directly or linked by worksheet to books of original entry and traceable to source documents. Fiscal records must provide a clear audit trail.

- 14.4 Under this Agreement Subcontractor shall use funds allocated exclusively for costs related to employment and training services as defined in Exhibit A, Program Design and Standards.
- 14.5 Subcontractor shall not be allowed to recover costs incurred before and after the effective dates of this Agreement.
- 14.6 All records pertaining to this Agreement shall be retained for five (5) years from the date of Contractor's final expenditure report except when audit has not been completed or audit findings have not been resolved. In such cases, the pertinent records must be maintained until audit is completed and audit findings resolved. Records for nonexpendable property acquired with federal funds shall be retained for three (3) years after its final disposition.
- 14.7 For any Agreement in which unexpended funds resulting from cash advances remain upon completion or termination of this Agreement, Subcontractor shall return such funds to the Contractor within sixty (60) days of the termination of Agreement.
- 14.8 Subcontractor shall account for any income received deemed as Program Income and utilize said income in accordance with that same section. For public or private non-profit agencies, this shall include any revenues in excess of costs. These funds may be retained by the Subcontractor to underwrite additional training or training related services pursuant to the Agreement and/or grant which generated them as approved by Contractor; or the funds shall be returned to Contractor. Fiscal records must provide a clear audit trail for expenditures incurred and costs relative to additional training or services to be provided by appropriate cost category.

S15 PROPERTY MANAGEMENT

- 15.1 The Subcontractor shall allow the Contractor to make on-site verification that authorized non-expendable property has been purchased and is being used for the purposes of this Agreement.
- 15.2 Subcontractor shall maintain an audit trail showing the acquisition and disposition of all non-expendable property. Such records shall be retained for a period of three (3) years after the final disposition of the property.
- 15.3 Funds provided under the Agreement shall not be used for the purchase of real property or options to purchase.

S16 NONDISCRIMINATION

- 16.1 Subcontractor shall comply with the nondiscrimination and equal opportunity provisions of the following laws:
- Section 188 of the Workforce Investment Act of 1998 (WIA), which states that no individual in the United States may, on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIA Title I—financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIA Title I—funded program or activity.
 - Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin.
 - Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.
 - The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
 - Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.
- 16.2 Subcontractor shall also comply with the nondiscrimination provisions of the WIA and other federal nondiscrimination requirements referenced in 29 CFR, Part 37.
- 16.3 Subcontractor shall include the nondiscrimination and compliance provisions of this section in all subcontracts to perform work under this Agreement.

S17 RIGHT TO REALLOCATE FUNDS

- 17.1 Contractor will monitor Subcontractor's expenditures monthly under this Agreement and may reallocate funds in the event Subcontractor is not making adequate progress toward budget goals, per Exhibit D of this Agreement.
- 17.2 Contractor will provide Subcontractor with no less than ten (10) days written notification of its intent to reallocate funds. Subcontractor shall have opportunity to respond and offer any views and recommendations within the ten (10) day notification period. Contractor is not bound to accept Subcontractor's views and/or recommendations with respect to the intended reallocation.

S18 REPORTS

- 18.1 Subcontractor shall prepare and submit all required documents and reports as specified by the Contractor. In addition, special reports necessary for program operation and evaluation may be required.
- 18.2 Subcontractor shall submit a monthly performance report, within 10 days of the end of a month, to Contractor. This report shall reflect current performance to plan information,

note any areas of concern or problems, and include any other information as appropriate to the performance of the services under this Agreement.

S19 TERMINATION OF AGREEMENT

This Agreement may be terminated in whole or in part under the following circumstances:

19.1 Termination for Convenience

In the event that either the Subcontractor or the Contractor determines that continuation of this Contract would not be in its best interests, this Agreement may be terminated in whole or in part by either party. Termination shall be effected by delivery to the Subcontractor or Contractor of a Notice of Termination. Such notice shall be delivered a minimum of 30 days prior to the effective date of termination, which shall be specified in the notice. Subcontractor shall be compensated pursuant to the terms of this Agreement for all funds earned up to the point of termination.

19.2 Termination for Cause

Contractor may terminate this Agreement when it has determined that Subcontractor has failed to provide any of the services specified or to comply with any of the provisions contained in this Agreement. Contractor will notify the Subcontractor of such unsatisfactory performance in writing. Subcontractor will have ten (10) days to correct the deficiencies or the Agreement terminates. In the event of such termination, Contractor shall be liable for payment only for such services as were satisfactorily rendered prior to the effective date of the termination.

19.3 Insufficient Funding

Under conditions of reduced funding, the Contractor reserves the right to immediately terminate this Agreement.

S20 SUSPENSION OF FUNDS

Contractor may suspend payments to Subcontractor under the following circumstances:

- 20.1 Failure to comply in any respect with either the terms and/or conditions of this Agreement.
- 20.2 Submittal by Subcontractor of reports which are incorrect or incomplete in any substantial and material respect.
- 20.3 Failure of Subcontractor to accept any additional conditions that may be required by law, by executive order, by regulation, or by other policy announced by DOL or the State at any time.

S21 WITHHOLDING OF PAYMENTS/REIMBURSEMENTS

Notwithstanding any other provision of this Agreement, Contractor may elect not to make a particular payment under this Agreement if:

- 21.1 Subcontractor, with or without knowledge, shall have made any misrepresentation of a substantial and material nature with respect to any information furnished to Contractor;
- 21.2 There is pending litigation with respect to the performance by Subcontractor of any of its duties or obligations hereunder which may jeopardize or adversely affect carrying out the project, including any court action or proceeding involving the Federal Bankruptcy Act or assignment for benefit of creditors;
- 21.3 Subcontractor is in default under any provision of this Agreement.

S22 DISPUTES

- 22.1 The Subcontractor agrees to use best efforts to resolve disputes arising from this Agreement by administrative processes and negotiations in lieu of litigation. Subcontractor agrees to continue performance unless impasse declared.
- 22.2 Any dispute concerning a question of fact or the resolution of disallowed costs arising under this Agreement which is not settled by informal means shall be decided by the Contractor's Program Manager. A written decision will be mailed or otherwise furnished to the Subcontractor, in accordance with Contractor's procedures.
- 22.3 Subcontractor shall have access to the Contractor's Grievance Procedures for the resolution of any complaints or issues not resolved informally.

S23 REIMBURSEMENT FOR FUNDS IMPROPERLY EXPENDED

Subcontractor shall reimburse Contractor for any funds improperly expended by Subcontractor. Any such sum shall be deemed delinquent which remains unpaid thirty (30) days following written demand by Contractor for payment.

S24 PAYMENT TO SUBCONTRACTOR

Contractor will pay Subcontractor for the performance of its services and duties as specified in the Agreement. Payment shall be for allowable costs actually incurred by Subcontractor pursuant to the Agreement during its period of performance.

S25 PROGRAM AGENT POLICIES AND PROCEDURES

- 25.1 Subcontractor shall comply with Contractor's policies and procedures, and any directive or other bulletin issued which clarify or modify Contractor policies and procedures.

- 25.2 If the Subcontractor conducts eligibility determination, subcontractor shall assure that only eligible participants are enrolled in the program funded under this Agreement. Failure of this condition shall entitle Contractor to recovery of disallowed costs incurred by any ineligible participant.

S26 COORDINATION WITH PROGRAMS UNDER TITLE IV OF THE HIGHER EDUCATION ACT

- 26.1 Education Assistance Programs shall include, but not be limited to, Federal and State Programs such as Pell Grant, Supplemental Educational Opportunity Grant, Work Study program, the Perkins loan, the Family Education Loan, Direct Loan Demonstration, Cal Grant C and Board of Governors Grant.
- 26.2 If the Subcontractor is a recipient of Title IV funding, then the Subcontractor shall institute the following procedures: Subcontractor shall report all financial assistance applications, including but not limited to those for Pell grants, and resultant funds received which cover all or part of the tuition and fees, books and supplies, or trainee support costs relative to all participants enrolled under this Agreement, especially under Title IV of the Higher Education Act. The specific usage of any financial assistance funds must be documented in the participant's NOVA training plan and shall be incorporated into this Agreement as appropriate. Any financial assistance funds received by Subcontractor on behalf of participants under this Agreement for the specific purposes of tuition, fees, books, and/or supplies shall be immediately reported to Contractor. If payment for such expenses has already been made by Contractor to Subcontractor, Subcontractor shall reimburse Contractor at the address provided in Section 21, Notices, for the amount of any financial assistance received for the above specific purposes. Participants shall not be required to apply for or access student loans or incur personal debt as a condition of participation.
- 26.3 Subcontractor shall identify all Title IV monies made available to the participant, and inform the Contractor of the amount and disposition of HEA Title IV awards and other types of financial aid given to each participant.
- 26.4 If Pell Grants are utilized, the proper mix of Workforce Investment Act funds and Pell resources shall be documented.
- 26.5 Subcontractor shall demonstrate its capacity for monitoring and providing necessary reports relative to this section as part of the normal monitoring conducted by the Contractor.

S27 AUDIT REQUIREMENTS

- 27.1 Non-Federal subrecipients that expend \$500,000 or more in a year in Federal awards shall have a single audit conducted in accordance with OMB Circular A133, section 500, except when they elect to have a program-specific audit conducted in accordance with paragraph (c) section 500. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's laws, regulations, or grant Agreements do not require a financial statement audit of the auditee, the auditee may elect to have a program-

specific audit conducted in accordance with OMB Circular A133, section 235. Subrecipient shall submit a copy of its audit report to the Contractor within 30 days of receipt of the audit report or within nine months of the end of the audit period, whichever is earlier. If this Agreement is for goods or services provided as a Subcontractor, Subcontractor is not subject to these audit requirements.

S28 RECEIPT OF ADDITIONAL FUNDS

Subcontractor shall report any additional or unexpected funds received in conjunction with the services provided under the terms of this Agreement to the Contractor upon receipt of such funds or notification of award of such funds.

S29 ATTORNEY'S FEES AND COSTS

If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to recover all legal costs and reasonable attorney's fees incurred in bringing such as action, whether such action is resolved by adjudication, arbitration or settlement.

S30 INCIDENT REPORTING

Subcontractor shall be alert for instances of fraud, abuse, and other criminal activity relative to WIA-funded activities and services. Any such instances detected shall immediately be reported to Contractor's Manager of Job Seeker Services, or in her absence, Contractor's Manager of Business Operations.

S31 SALARY AND BONUS LIMITATIONS

In compliance with Public Law 109-234, none of the funds appropriated in Public Law 109-149 or prior Acts under the heading "Employment and Training" that are available for expenditure on or after June 15, 2006 shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II (note: \$179,700 as of 1/13), except as provided for under section 101 of Public Law 109-149. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133.

The incurrence of costs and receiving reimbursement for these costs under this award certifies that your organization has read the above special condition and is in compliance.

ASSURANCES AND CERTIFICATIONS

1. The Subcontractor assures and certifies that it will in performing its responsibilities under the Agreement hereby fully comply with the following regulations and cost principles, including subsequent amendments:

- **Workforce Investment Act of 1998: 20 CFR Part 652 et al**

Uniform Administrative Requirements:

- 29 CFR Part 95, for Institutions of Higher Education, Hospitals and other Non-Profit Organizations
- 29 CFR Part 97, for State, Local, and Indian Tribal Governments

Cost Principles:

- OMB Circular A-21, for Institutions of Higher Education
- OMB Circular A-87, for State, Local, and Indian Tribal Governments
- OMB Circular A-122, for Non-Profit Organizations

Other Requirements:

- 29 CFR Part 99, Single Audit Act
- 29 CFR Part 93, Lobbying Certification
- 29 CFR Part 37 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (WIA)
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments of 1972
- 29 CFR Part 98, Debarment and Suspension; Drug Free Workplace

2. The Subcontractor assures and certifies that it will comply with confidentiality requirements of the federal Privacy Act of 1974 and related state law and regulations requiring the proper disclosure of individually identifiable records. Confidentiality requirements are as follows:

The Contractor, State of California, and Subcontractor will exchange various kinds of information pursuant to this Agreement. That information will include data, applications, program files, and databases. These data and information are confidential when they define an individual or an employing unit. Confidential information requires special precautions to protect it from unauthorized use, access, disclosure, modification, and destruction. The sources of information may include, but are not limited to, the Employment Development Department, the California Department of Social Services, the California Department of Education, the County Welfare Department(s), the County IV-D Directors Office of Child Support, the Office of the District Attorney, the California Department of Mental Health, the California Office of Community Colleges, and the Department of Alcohol and Drug Programs.

Subcontractor agrees that:

- a. Each party shall keep all information that is exchanged between them in the strictest confidence and make such information available to their own employees only on a "need-to-know" basis.
- b. Each party shall provide written instructions to all of its employees with access to information provided by the other party as to the confidential nature of the information and of the penalties for unauthorized use or disclosure found in section 1798.55 of the Civil Code, section 502 of the Penal Code, section 2111 of the Unemployment Insurance Code, section 10850 of the Welfare and Institutions Code and other applicable local, State and federal laws.
- c. Each party shall (where appropriate) store and process information in an electronic format, in such a way that unauthorized persons cannot reasonably retrieve the information by computer, remote terminal, or other means.
- d. Each party shall promptly return to the other party confidential information when its use ends or destroy the confidential information utilizing an approved method of destroying confidential information by shredding, burning, or certified or witnessed destruction. Magnetic media are to be degaussed or returned to the other party.
- e. If the Subcontractor enters into an Agreement with a third party to provide services, Subcontractor agrees to include these data and security and confidentiality requirements in the Agreement with the third party. In no event shall said information be disclosed to any individual outside of that third party's authorized staff, subcontractor (s), service providers, or employees.
- f. Each party shall designate an employee who shall be responsible for overall security and confidentiality of its data and information systems and, each party shall notify the other of any changes in that designation.

A signed Agreement/contract on file with Contractor constitutes your commitment to uphold these confidentiality requirements.

3. Subcontractor makes the following further assurances and certifications:

- a. Subcontractor certifies, by executing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency in accordance with 29 CFR part 98, Section 98.510, Participants' Responsibilities.
- b. Subcontractor certifies, by executing this Agreement, compliance with the requirements of the Drug-Free Workplace Act of 1990 (Government Code Section 8355) and will provide a drug-free workplace by taking the following actions:

- 1) Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).
- 2) Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
 - (a) the dangers of drug abuse in the workplace;
 - (b) the person's or organization's policy of maintaining a drug-free workplace;
 - (c) any available counseling, rehabilitation, and employee assistance programs;
 - and
 - (d) penalties that may be imposed upon employees for drug abuse violations.
- 3) Provide as required by Government Code Section 8355(c) that every employee who works on the proposed Agreement:
 - (a) will receive a copy of the Subcontractor's drug-free statement; and
 - (b) will agree to abide by the terms of the Subcontractor's statement as a condition of employment on the Agreement.
- c. It will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646), which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
- d. It will comply with the provisions of the Hatch Act, which limits the political activity of certain State and local government employees as appropriate.
- e. It will comply with the requirements that no program under the Act involve political activities.
- f. It will establish safeguards to prohibit employees from using their positions for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- g. Participants in the program will not be employed on the construction, operation, or maintenance of that part of any facility which is used for religious instruction or worship. In addition, the employment or training of participants in sectarian activities is prohibited.
- h. Funds provided through this Agreement shall only be used for activities that are in addition to those which would otherwise be available in the area in the absence of such funds.
- i. If the amount of the Agreement exceeds \$100,000, the Subcontractor certifies, to the best of its knowledge, that:

No Federal appropriated funds have been paid or will be paid, by or on behalf of the Subcontractor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative Agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative Agreement over \$100,000.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, the Subcontractor will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance is placed when entering into this Agreement and is a prerequisite for entering into this Agreement imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- j. Subcontractor shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).
- k. If the amount of the Agreement exceeds \$100,000, the Subcontractor agrees to comply with all applicable standards, orders or regulations issued under section 306 of the Clean Air Act, section 508 of the Clean Water Act, and Environmental Protection Agency regulations (40 CFR part 15).
- l. It shall take appropriate steps to provide for increased participation of qualified special disabled and Vietnam-era veterans with special emphasis on qualified veterans who served in the Indo-China theatre on or after August 5, 1964, and on or before May 7, 1975, assuring adequate training and employment opportunities for such veterans in its programs.
- m. It shall to the maximum extent feasible coordinate services with the appropriate Veterans Administration Facilities in utilizing the apprenticeship and other on-the-job training activities available under Section 1787 of Title 38 U.S. Code, and it shall consult with the appropriate apprenticeship agency concerning any training activities in apprenticeship occupations.
- n. It possesses legal authority to apply for the subgrant; that a resolution, motion, or similar action has been duly adopted or passed as an official act of the Subcontractor's

governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required. Documentary proof of the action authorizing the Subcontractor to apply for the subgrant shall be provided to the Contractor upon demand.

- o. Appropriate standards for health and safety in work and training situations will be maintained.
- p. It will provide workers' compensation protection to participants in on-the-job training or work experience, including medical, accident and income maintenance insurance, at the same level and to the same extent as others similarly employed who are covered by a workers' compensation statute or system. Where coverage of similarly employed, employees is provided through a self-insurance system, coverage of any participants shall also be provided through that system. Where participants are employed or engaged in any program where others are similarly employed and not covered by an applicable workers' compensation statute, participants shall be provided with medical and accident insurance coverage provided under the applicable State workers' compensation statute.
- q. Institutional skill training and training on-the-job shall only be for occupations in which the Contractor has determined there is reasonable expectation for employment.
- r. Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in programs conducted under said title shall be consistent with the requirements of applicable State and local law and regulation.
- s. No program shall impair existing contracts for services or collective bargaining Agreements, unless the employer and the labor organization concur in writing with respect to any elements of the proposed activities which affect such Agreement, or either such party fails to respond to written notification requesting its concurrence within 30 days of receipt of notification. In addition, no funds awarded under this Agreement shall be used to assist, promote, or deter union organizing.
- t. No participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the employer has terminated the employment of any regular employee or otherwise reduced its work force with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this grant.
- u. No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- v. No participant who is engaged in this program may be charged a fee for placement or referral services.

- w. No funds awarded under this Agreement shall be used to encourage or induce the relocation of an establishment or part thereof, which results in a loss of employment for any employee at the original location.

BUDGET

The Subcontractor will be reimbursed for youth services program costs and activities conducted within the scope of this Agreement. The budget under this Agreement shall not exceed a total of **\$500,000** in accordance with the following line items:

[Budget to be updated in final contract]

Description	Amount	Match
Staff Salaries		
Staff Benefits		
Staff Travel		
Operating Expenses		
Furniture and Equipment		
Participant Wages		
Contractual Services		
Participant Support		
TOTAL	\$500,000	\$50,000

Any changes requested for the budget shall be submitted by written request to the Contractor.

Facilities Usage Fee

A \$2,400 per month fee for the use of NOVA facilities will be subtracted from each month's Request for Payment.

Out-of-School Youth Expenditure Requirement

It is required that a minimum of 60 percent of contract expenditures be for costs related to serving out-of-school youth.

Accrued expenditures (not yet paid) must be reported monthly on the Request for Payment.

Matching funds expenditures must be reported monthly on an accrual basis on the Request for Payment, with backup spreadsheet attached. A minimum match of \$50,000 is required for this Agreement.

METHOD OF PAYMENT

This Agreement is a cost reimbursement Agreement. Reimbursement for 100% of program costs and activities can be invoiced as completed on a monthly basis using the Request for Payment form enclosed with this Agreement. Requests shall be submitted by the 10th of the month following the month for which reimbursement is being requested.

Expenditures for in-school and out-of-school youth must be tracked and reported separately.

Documentation of all expenditures consisting of general ledger printouts must be submitted with each payment request. Failure to submit required documentation and forms may cause a delay in payment.

CITY OF SUNNYVALE – NOVA WORKFORCE SERVICES DEPARTMENT
REQUEST FOR PAYMENT

1. Subcontractor Name: **Bill Wilson Center**
2. Mailing Address: **3490 The Alameda**
Santa Clara, CA 95050
3. Request Period: From _____ to _____
4. Payment is requested for the following budget items (attach backup documentation):

Description	In-School	Out-of-School	Total
a. Staff Salaries	\$	\$	\$
b. Staff Benefits			
c. Staff Travel			
d. Operating Expenses			
e. Furniture and Equipment			
f. Participant Wages			
g. Contractual Services			
h. Participant Support			
i. Total			

5. Current Request \$ _____
6. Cumulative Requests \$ _____ (NOVA to calculate)
7. Matching Expenditures \$ _____ (attach documentation)
8. Accrued Expenditures (not yet paid): In-School \$ _____ Out-of-School \$ _____

CERTIFICATION:

I CERTIFY that to the best of my knowledge and belief this report is true in all aspects and that all disbursements have been made for the purpose and conditions of this grant.

Authorized Signature Title Date

SEND TO:

NOVA Workforce Board, Attn: Fiscal, 505 W. Olive Ave., Suite 550, Sunnyvale, CA 94086
Or email pdf to: **chaynes@novaworks.org**

NOVA WORKFORCE SERVICES USE ONLY

Cash reimbursement for the period _____ is recommended in the amount of \$ _____.

By: _____ Date: _____

Approved By: _____ Date: _____

Budget Reference No.: **510071-5242 (in-school)** \$ _____
510072-5242 (out-of-school) \$ _____



City of Sunnyvale

Agenda Item

14-0750

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Approve Budget Modification No. 11 to Appropriate \$32,250 for the Schools Goin' Green Project which is receiving Santa Clara Valley Water District 2014 Safe, Clean Water Priority B Grant Funds.

GRANT SUMMARY

On November 19, 2013, the City Council adopted Resolution No. 618-13 authorizing submission of an application for funding from the Santa Clara Valley Water District's (Water District) Priority B Grant Program under the Safe, Clean Water and Natural Flood Protection Program of 2012 and acceptance of grant funds upon approval of the grant funding for the project by the Water District's Board of Directors.

On February 25, 2014, the Water District's Board of Directors authorized grant awards to 11 organizations and municipalities to implement projects that help prevent and remove pollution, educate and increase awareness of pollution, and restore wildlife habitat. The City's application for the Schools Goin' Green project was included among the grant awards, and the City will be awarded \$32,250 to implement the two-year grant project.

On July 16, 2014, the City Manager accepted grant funds in the amount of \$32,250 to the Environmental Services Department for the Schools Goin' Green Project. The grant funds would allow ESD to work with two high schools and two to three middle schools to engage their service or environmental clubs to establish school-wide "GreenTeams" that would conduct regular litter cleanups on and around their campus, characterize the type and sources of litter collected, and develop and implement a recycling program and an anti-littering campaign on campus including a video documentary about their efforts. The project will also be implemented in partnership with the City of Cupertino. The total project cost is estimated at \$44,750 with local match for the project of \$12,500, which is met by program administration by current staff.

The Regulatory Programs Division in the Environmental Services Department will be responsible for the management of the grant.

Granting Agency

This grant is being provided by the Water District which manages the Santa Clara Valley's integrated water resources system that includes the supply of clean, safe water; flood protection; and stewardship of local streams. As part of its Safe Clean Water and Natural Flood Protection Program special tax approved by voters in November 2012, the Water District is offering a series of grant opportunities to partner with the community and extend their watershed stewardship mission. As part of the first cycle of grants, the Water District offered approximately \$2 million in two grant solicitations, including up to \$200,000 for projects that "Support Volunteer Cleanup Efforts and Education," under which this project was considered.

EXISTING POLICY**Council Policy 7.1.5 Donations, Contributions and Sponsorships:**

The City Manager may apply for grants of any dollar amount, but shall notify the Council when grants are being pursued. Council approval of a budget modification to appropriate grant monies is required before funds can be expended by staff. Such a budget modification shall include the use to which the grant would be placed; the objectives or goals of the City which will be achieved through use of the grant; the local match required, if any, plus the source of the local match; any increased cost to be locally funded upon termination of the grant; and the ability of the City to administer the grant. For grants under the amount of \$5,000 that do not have any external reporting requirements or any local match requirement, Council approval of a budget modification is not required. The City Manager is authorized to accept and administratively appropriate the grant funds.

This grant does not meet the criteria to be administratively appropriated by the City Manager. Grant funds from the Water District exceed \$5,000, have external reporting requirements, and require a minimum 25% local match; therefore Council approval is required.

General Plan Policy EM-8.3- Ensure that stormwater control measures and best management practices (BMPs) are implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable.

ENVIRONMENTAL REVIEW

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) under Title 14 of the California Code of Regulations, Section 15308 (actions to assure the maintenance, restoration, enhancement, or protection of the environment).

FISCAL IMPACT**Required Local Match**

The Local Match for this project is \$12,500 and will be provided by in-kind staffing from the Environmental Services Department's (ESD) Operating Budget for project administration and management. Related project costs will be charged to Program 366 (Regulatory Programs), which is funded by the Wastewater Management Fund.

Increased Cost to City upon Grant Termination

None.

Budget Modification No. 11 has been prepared to appropriate a total of \$32,250 in 2014 Safe Clean Water Priority B Grant funds for staffing resources, supplies, and equipment to a new project, Schools Goin' Green Project. The \$12,500 local match will be provided by staff time already budgeted in the ESD operating program.

**Budget Modification No. 11
FY 2014/15**

Current	Increase/ (Decrease)	Revised
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**Wastewater Management
Fund**Revenues

Santa Clara Valley Water District's Clean, Safe Water Priority B Grant Program	\$0	\$32,250	\$32,250
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Expenditures

New Project - Schools Goin' Green	\$0	\$32,250	\$32,250
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PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety, and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk, and on the City's website.

Additionally, staff has reached out to and met with local school contacts who have agreed to participate in the project, including Fremont High School, Homestead High School, and Sunnyvale Middle School. Staff will reach out to Columbia Middle School and will work with the City of Cupertino to reach out to Cupertino Middle School to secure their participation in the project.

RECOMMENDATION

Approve Budget Modification No. 11 to appropriate a total of \$32,250 for staffing resources, supplies, and equipment to a new project, Schools Goin' Green Project, which will be receiving 2014 Safe Clean Water Priority B Grant funds.

Prepared by: Melody Tovar, Regulatory Programs Division Manager
Reviewed by: John E. Stufflebean, Director, Environmental Services
Reviewed by: Grace Leung, Director, Finance
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager



City of Sunnyvale

Agenda Item

14-0803

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Award a Contract to Prepare a Two-Phase Feasibility Study of Structural Stormwater Best Management Practices for the SMaRT Station® and the Concrete Recycling Facility (F14-103) and Approval of Budget Modification No. 14

REPORT IN BRIEF

Council approval is requested to award a contract in an amount not-to-exceed \$166,887 to Geosyntec Consultants of Oakland to prepare a two-phase feasibility study of structural stormwater best management practices for the SMaRT Station® and the Concrete Recycling Facility. Approval is also requested for a 10% contract contingency in the amount of \$16,688, and for Budget Modification No. 14 to provide additional funding which will be shared among the cities of Mountain View, Palo Alto and Sunnyvale, as more fully explained below.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Section 15262 in that it is a project involving only feasibility or planning studies for possible future actions which have not been approved, adopted, or funded by the City.

BACKGROUND AND DISCUSSION

In 2013, San Francisco Baykeeper (Baykeeper) filed a lawsuit claiming that the City had failed to comply with the Industrial Stormwater Permit requirements of the federal Clean Water Act with regard to stormwater runoff at the SMaRT Station and various locations on the closed Sunnyvale Landfill. On December 6, 2013, a negotiated settlement agreement between the City and Baykeeper became effective.

Staff is presently planning and implementing various actions to maintain compliance with the settlement agreement and to reduce stormwater pollution at the SMaRT Station and the Concrete Recycling Facility, which is operated by Stevens Creek Quarry, Inc. (SCQ) on land leased by SCQ on the East Hill of the closed landfill.

One of the required actions is a feasibility study to determine the most effective and cost-efficient Best Management Practices (BMPs) for managing stormwater at the SMaRT Station. This feasibility study must be provided to Baykeeper by December 15, 2014. Following Baykeeper comments, if any, the consultant will prepare a timeframe and implementation plan for design and installation of the BMPs arising from the study, which must be provided to Baykeeper by May 15, 2015.

The necessity and timing of a feasibility study for the Concrete Recycling Facility is still under discussion between the City and Baykeeper. Staff has requested that another year of stormwater sampling be conducted because the 2013/14 rainy season did not produce representative samples to

definitively conclude that this feasibility study is necessary. Staff believes that Baykeeper will agree to the additional year of sampling but has not received written confirmation yet.

Should Baykeeper agree to the additional sampling, and the sampling concludes that the feasibility study for the Concrete Recycling Facility is necessary, the due dates for the study and implementation plans would be December 15, 2015 and May 15, 2016, respectively. If Baykeeper does not agree to the one-year sampling extension, the feasibility studies and implementation plans for both facilities will be completed by December 15, 2014 and May 15, 2015, respectively. If the additional sampling concludes that the feasibility study for the Concrete Recycling Facility is unnecessary, this phase of the not-to-exceed contract will not move forward.

The Request for Proposals (RFP No. F14-103) for this work was issued on July 7, 2014. The RFP was directly sent to several consultants known to offer these services. A pre-proposal conference was held on July 23, 2014 and five firms attended the conference. One proposal was received from Geosyntec of Oakland. It is not definitively known why only one proposal was received but, based on feedback received by staff, the City's preference for firms having direct experience with stormwater third party lawsuits and associated settlements, coupled with existing consultant workloads, may have been factors.

The Geosyntec proposal was evaluated on adherence to the requirements of the RFP, experience, understanding of the required services, approach and methodology to be used in the performance of the services, proposed timeline for completion of the services, and cost/value. Following an interview with Geosyntec, staff determined that it met all of the evaluation criteria. Geosyntec proposed to complete the work for \$170,000, which was reduced to \$166,888 following pricing discussions.

FISCAL IMPACT

Council is also being asked to create and fund a capital project structure within which the funds for the Geosyntec work and subsequent implementation projects can be appropriated. Two projects are proposed:

1. A project in Fund 490 (SMaRT Station) titled "Structural Stormwater BMPs, SMaRT Station," for work related to that facility. Expenses for this project will be shared among the cities of Mountain View, Sunnyvale and Palo Alto consistent with the SMaRT Station Memorandum of Understanding. It is anticipated that Sunnyvale's share of this project will be \$56,080.
2. A project in Fund 485 (Solid Waste) titled "Structural Stormwater BMPs, Concrete Recycling Facility" for work related to the leased recycling facility located on the East Hill of the closed Sunnyvale Landfill. Staff is discussing with the recycling lessee, Stevens Creek Quarry, the roles that the City and SCQ will play with regard to designing and implementing future BMPs on the East Hill.

Budget Modification No. 14 has been prepared to fund both projects. Staff proposes that Sunnyvale's share for both projects come from the Solid Waste Management Fund's Rate Stabilization Reserve. It is anticipated that these modest one-time costs will not impact future rates. The budget modification includes a payment from the Solid Waste Management Fund to the SMaRT Station Fund for Sunnyvale's share of the Structural Stormwater BMPs, SMaRT Station project.

Budget Modification No. 14 FY 2014/15

	<u>Current</u>	<u>Increase/ (Decrease)</u>	<u>Revised</u>
SMaRT Station Fund			
<u>Revenues</u>			
Sunnyvale, Mountain View and Palo Alto shares of Structural Stormwater BMPs, SMaRT Station Project	\$0	\$108,593	\$108,593
<u>Expenditures</u>			
New Project - Structural Stormwater BMPs, SMaRT Station	\$0	\$108,593	\$108,593
Solid Waste Management Fund			
<u>Expenditures</u>			
Program 363 Solid Waste Management - Refuse Transfer and Disposal (363220)	\$12,513,149	\$56,080	\$12,569,229
New Project - Structural Stormwater BMPs, Concrete Recycling Facility	\$0	\$74,983	\$74,983
<u>Reserves</u>			
Solid Waste Management Fund Rate Stabilization Reserve	\$1,194,758	(\$131,063)	\$1,063,695

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

1) Award a contract, in substantially the same form as the attached draft and in an amount not-to-exceed \$166,887 to Geosyntec Consultants for the subject project and authorize the City Manager to execute the contract when all the necessary conditions are met; 2) Approve a 10% contract contingency in the amount of \$16,689; and 3) Approve Budget Modification No. 14.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Grace K. Leung, Director, Department of Finance

Reviewed by: Mark A. Bowers, Solid Waste Programs Division Manager

Reviewed by: John Stufflebean, Director, Environmental Services Department

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Draft Consultant Services Agreement

DRAFT

**CONSULTANT SERVICES AGREEMENT BETWEEN THE
CITY OF SUNNYVALE
AND GEOSYNTEC CONSULTANTS
FOR PREPARATION OF A FEASIBILITY STUDY OF STRUCTURAL STORMWATER
BEST MANAGEMENT PRACTICES FOR THE SMaRT STATION® AND CONCRETE
FACILITY**

THIS AGREEMENT, dated _____, is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY"), and GEOSYNTEC CONSULTANTS ("CONSULTANT").

WHEREAS, CITY is in need of services for the preparation of a feasibility study of structural stormwater best management practices for the SMaRT Station® and concrete facility; and

WHEREAS, CONSULTANT possesses the skill and expertise to provide the required services;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AGREEMENT

1. Contract Documents

The complete Contract consists of the following documents: Request for Proposal No. 14-103, consisting of a Notice Inviting Proposals, Instructions to Proposers, Specifications, Terms and Conditions, CONSULTANT's Scope of Work contained in Exhibit "A", and the Budget Summary contained in Exhibit "B". These documents are all incorporated by reference. The documents comprising the complete contract are collectively referred to as the Contract Documents.

Any and all obligations of the CITY and the CONSULTANT are fully set forth and described therein.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other or vice versa is to be executed the same as if mentioned in all documents.

2. Time for Performance

The term of this Agreement shall begin on the date of execution of contract through completion of the proposed project schedule.

3. Duties of CITY

CITY shall supply any documents or information available to City required by CONSULTANT for performance of its duties. Any materials provided shall be returned to CITY upon completion of the work.

4. Compensation

CITY agrees to pay CONSULTANT as outlined in Exhibit "B" Cost Proposal. Total compensation payable under this agreement shall not exceed One Hundred Sixty Six Thousand Eight Hundred Eighty Seven and no/100 dollars (\$166,887.00).

CONSULTANT shall submit invoices to CITY no more frequently than monthly for services provided to date. Payment shall be made within thirty (30) days upon receipt of an accurate, itemized invoice by CITY's Accounts Payable Unit.

5. Ownership of Documents

CITY shall have full and complete access to CONSULTANT's working papers, drawings and other documents during progress of the work. All documents of any description prepared by CONSULTANT shall become the property of the CITY at the completion of the project and upon payment in full to the CONSULTANT. CONSULTANT may retain a copy of all materials produced pursuant to this Agreement.

6. Conflict of Interest

No officer or employee of CITY shall have any interest, direct or indirect, in this Agreement or in the proceeds thereof. During the term of this Agreement CONSULTANT shall not accept employment or an obligation which is inconsistent or incompatible with CONSULTANT's obligations under this Agreement.

7. Confidential Information

CONSULTANT shall maintain in confidence and at no time use, except to the extent required to perform its obligations hereunder, any and all proprietary or confidential information of CITY of which CONSULTANT may become aware in the performance of its services.

8. Compliance with Laws

- (a) CONSULTANT shall not discriminate against, or engage in the harassment of, any City employee or volunteer or any employee of CONSULTANT or applicant for employment because of an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnic or national origin, ancestry, citizenship status, uniformed service member status, marital status, family relationship, pregnancy, age, cancer or HIV/AIDS-related medical condition, genetic characteristics, and physical or mental disability (whether perceived or actual). This prohibition shall apply to all of CONSULTANT's employment practices and to all of CONSULTANT's activities as a provider of services to the City.
- (b) CONSULTANT shall comply with all federal, state and city laws, statutes, ordinances, rules and regulations and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of the Agreement.

9. Independent Contractor

CONSULTANT is acting as an independent contractor in furnishing the services or materials and performing the work required by this Agreement and is not an agent, servant or employee of CITY. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between CITY and CONSULTANT. CONSULTANT is responsible for paying all required state and federal taxes.

10. Indemnity

CONSULTANT shall indemnify and hold harmless CITY and its officers, officials, employees and volunteers against any and all suits, claims, damages, liabilities, costs and expenses, including attorney fees, arising out of the performance of the work described herein, caused by or related to the negligence, recklessness, or willful misconduct of CONSULTANT, its employees, subcontractors, or agents in the performance (or non-performance) of services under this Agreement.

11. Insurance

CONSULTANT shall take out and maintain during the life of this Agreement policies of insurance as specified in Exhibit "C" attached and incorporated by reference, and shall provide all certificates or endorsements as specified in Exhibit "C."

12. CITY Representative

Mark Bowers, as the City Manager's authorized representative, shall represent CITY in all matters pertaining to the services to be rendered under this Agreement. All requirements of CITY pertaining to the services and materials to be rendered under this Agreement shall be coordinated through the CITY representative.

13. CONSULTANT Representative

Lisa Austin, shall represent CONSULTANT in all matters pertaining to the services and materials to be rendered under this Agreement; all requirements of CONSULTANT pertaining to the services or materials to be rendered under this Agreement shall be coordinated through the CONSULTANT representative.

14. Notices

All notices required by this Agreement, other than invoices for payment which shall be sent directly to Accounts Payable, shall be in writing, and shall be personally delivered, sent by first class with postage prepaid, or sent by commercial courier, addressed as follows:

To CITY:	Mark Bowers, Solid Waste Programs Division Manager Environmental Services Department CITY OF SUNNYVALE P. O. Box 3707 Sunnyvale, CA 94088-3707
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To CONSULTANT: Liz Austin, P.E.
Geosyntec Consultants
111 Broadway, 6th Floor
Oakland, CA 94607

Nothing in this provision shall be construed to prohibit communication by more expedient means, such as by telephone or facsimile transmission, to accomplish timely communication. However, to constitute effective notice, written confirmation of a telephone conversation or an original of a facsimile transmission must be sent by first class mail or commercial carrier, or hand delivered. Each party may change the address by written notice in accordance with this paragraph. Notices delivered personally shall be deemed communicated as of actual receipt; mailed notices shall be deemed communicated as of two days after mailing, unless such date is a date on which there is no mail service. In that event communication is deemed to occur on the next mail service day.

15. Assignment

Neither party shall assign or sublet any portion of this Agreement without the prior written consent of the other party.

16. Termination

If CONSULTANT defaults in the performance of this Agreement, or materially breaches any of its provisions, CITY at its option may terminate this Agreement by giving written notice to CONTRACTOR. If CITY fails to pay CONSULTANT, CONSULTANT at its option may terminate this Agreement if the failure is not remedied by CITY within thirty (30) days after written notification of failure to pay.

Without limitation to such rights or remedies as CITY shall otherwise have by law, CITY also shall have the right to terminate this Agreement for any reason upon ten (10) days' written notice to CONSULTANT. In the event of such termination, CONSULTANT shall be compensated in proportion to the percentage of services performed or materials furnished (in relation to the total which would have been performed or furnished) through the date of receipt of notification from CITY to terminate. CONTRACTOR shall present CITY with any work product completed at that point in time.

17. Entire Agreement Amendment

This writing constitutes the entire agreement between the parties relating to the services to be performed or materials to be furnished hereunder. No modification of this Agreement shall be effective unless and until such modification is evidenced by writing signed by all parties.

18. Miscellaneous

Time shall be of the essence in this Agreement. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or any other provision. This Agreement shall be governed and construed in accordance with the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:

CITY OF SUNNYVALE ("CITY")

By _____
City Clerk

By _____
City Manager

APPROVED AS TO FORM:

GEOSYNTEC CONSULTANTS
("CONSULTANT")

By _____
City Attorney

By _____

Name and Title

By _____

Name and Title

Our overall approach to the project is based on our experience with similar industrial stormwater management projects. Our experience with industrial stormwater projects indicates that the dominant factors influencing control measure selection and design are land availability, cost, and site constraints. In many cases, the ideal locations for control measures based on existing drainage patterns and site operations do not have available above ground space, necessitating the installation of below-ground facilities which are more of a challenge for maintenance and cannot utilize vegetation and other natural processes for treatment. Moreover, installing below-ground facilities could be a challenge at sites located on the Bay margin due to the high groundwater table. Site constraints also can severely limit opportunities, as the underground infrastructure may be extensive and quite complex and may be costly to re-purpose.

6 METHODOLOGY AND SCOPE OF WORK

We have evaluated the Scope of Work provided in the Request for Proposals and our suggested scope is provided below.

Task 1.0 SMaRT Station

TASK 1.1 FEASIBILITY STUDY

Objective: Prepare a Feasibility Study that identifies a stormwater management system for the SMaRT Station that will allow for compliance with applicable benchmarks and Numeric Action Levels. The Feasibility Study should include conceptual designs and planning level cost analyses and estimates of all necessary financial, design, permitting, construction, operation and maintenance, and timing considerations needed to implement structural BMPs required to address the constituents of concern in stormwater discharges from the SMaRT Station. The Feasibility Study should also identify Final Designated Discharge Points for monitoring in accordance with the proposed BMP plan and potential redesign of drainage areas.

Scope of Work: For this task, the Project Team will evaluate the site and the currently implemented BMPs and will field-verify plans and maps for the SMaRT Station, relevant portions of the WPCP, and any areas where underground utilities may be required to be constructed. The Project Team will evaluate the feasibility of constructing source controls, including a roof over key areas of the facility and separating non-industrial areas; implementing on-site stormwater treatment; and/or diverting some or all of the runoff to the adjacent WPCP. As part of the source control evaluation, we will also identify galvanized metal site infrastructure that could potentially be a source of zinc, one of the primary metals of concern.

The RFP includes a very comprehensive and detailed scope of work. To briefly summarize this scope, the team will proceed by conducting the following tasks:

- Review existing facility plans, reports, sampling locations, and monitoring data;
- Review conceptual plans for WPCP demolition and reconstruction;

- Perform a SMaRT Station site inspection and interview operations staff;
- Conduct interviews of staff familiar with the WPCP Strategic Infrastructure Plan;
- Evaluate quality and quantity requirements for routing stormwater to the WPCP;
- Assess other pertinent regulatory and design requirements;
- Develop treatment and diversion alternatives that account for sea level rise;
- Develop a cost-benefit analysis for the selected alternatives; and
- Designate permanent representative discharge monitoring locations.

Considerations for each of the control measure approaches (i.e., source control, discharge to WPCP, and treatment) are summarized below.

Roofing Considerations

The key feasibility factor for roofing is related to site operations, as heavy equipment must be able to move materials around the site. Another related feasibility factor is cost, as the amount and size of roofing that may be needed to significantly affect runoff quality could be considerable as well as any additional requirements from the City's Building Division such as sprinkler systems.

Discharge to WPCP Considerations

Directing stormwater runoff to the WPCP would require coordination with the City's Pretreatment Program and compliance with the Pretreatment Program requirements. The SMaRT Station is currently permitted by the Sunnyvale Pretreatment Program as a Local Significant Industrial User (SIU) with a zero discharge. The facility is typically inspected once a year by a Pretreatment Program Industrial Inspector. The change from a zero discharge to a wastewater discharge would require wastewater characterization to determine compliance with the City's Local Limits for wastewater discharges. The Local Limits include maximum allowable concentrations for metals; pH; fats, oils, and grease (FOG); phenols; cresols; chlorinated hydrocarbons; and total toxic organics. Wastewater discharge compliance monitoring is conducted for the constituents of concern from the specific industry; for the SMaRT Station, this would likely include pH, metals, and FOG.

The most recent stormwater sampling results for copper, lead, zinc, oil and grease, and pH at the SMaRT Station are well below the City's Local Limits. The constituent concentrations will not likely be the deciding factor for the Pretreatment Program to accept the stormwater discharge. However, additional constituents would need to be monitored during the 2014 - 2015 wet season to fully evaluate compliance with the local limits. The type (i.e., stormwater), quantity, and timing of the discharge will likely be a concern for the treatment plant. Determining maximum flow rates and discharge volumes of the proposed stormwater diversions will be a key step in the feasibility study.

The Project Team is very familiar with the drainage systems around the WPCP and SMaRT Station, and of the advantages inherent in converting the channel west of the SMaRT Station to an enclosed conduit in order to provide additional footprint for the new WPCP primary treatment facilities. The team will

coordinate with the WPCP's primary facilities engineering design team to explore possible synergies between the WPCP design engineer's evaluation of that option and of possible stormwater diversions schemes north and west of the SMaRT Station, as called for under items 14 and 15 of the Feasibility Study scope in the RFP.

Stormwater Treatment Considerations

Our experience with stormwater treatment control measure selection is that “there is no silver bullet” control measure that addresses all of the constituents of concern. Here we can borrow from the experience of wastewater engineers’ unit process approach to treatment. For example, screening-type measures are good for removing trash, measures that utilize settling are effective at removing coarser sediments, and filters that incorporate soils and vegetation may begin to address dissolved constituents. Indeed, a key to identifying the most appropriate mix of control measures is not only to consider the types of pollutants to be addressed, but the forms of those constituents in terms of partitioning with particles (i.e., in dissolved or particulate form), and the speciation of the constituents within the dissolved state (e.g., metals complexation). Such factors generally are not considered in control measure selection and design, with deleterious consequences. The Feasibility Study will consider the effectiveness of potential BMPs for treating the constituents of concern and producing an effluent quality that is lower than the Target Levels and Numeric Action Levels.

The Project Team has worked extensively on the International BMP Database, which gives us unique insight into stormwater treatability. An analysis of BMP effectiveness studies in the database (Table 4 below) shows the median effluent quality from the types of structural BMPs that could potentially be recommended for the site. These data show that most structural treatment BMPs can meet the benchmark values. The BMP Database is lacking aluminum treatment data, one of the SMaRT Station's primary constituents of concern. However, if aluminum is primarily associated with sediment, it is anticipated that stormwater BMPs would achieve the benchmark value based on the performance for TSS and the concentration of aluminum in site runoff compared to the Target Level (see Table 1). If feasible, it is recommended that stormwater samples collected early in the 2014 - 2015 wet season be analyzed for dissolved metals and particle size distribution, which would provide insight into metals treatability in stormwater BMPs.

Table 4: Expected Effluent Quality from Stormwater Treatment BMPs

	Al	Cu	Pb	Zn	Fe	TSS	COD
Benchmark Value (mg/L)	0.75	0.0156	0.095	0.13	1	100	120
Median BMP Effluent Concentration from International BMP Database (mg/L)							
Grass Strip	--	0.0073	0.00196	0.0243	0.59	19.1	No data
Bioretention	--	0.00767	0.00253	0.0183	1.032	8.3	56.52
Bioswale	--	0.00654	0.00202	0.0229	0.086	13.6	363
Composite (Treatment Train)	--	0.00588	0.00478	0.033	0.264	17.4	30

	Al	Cu	Pb	Zn	Fe	TSS	COD
Benchmark Value (mg/L)	0.75	0.0156	0.095	0.13	1	100	120
Detention Basin	--	0.00567	0.0031	0.0297	No data	24.2	38
Manufactured Device	--	0.01016	0.00463	0.0585	No data	18.4	45
Media Filter	--	0.00601	0.00169	0.0179	0.21	8.7	19.86
Porous Pavement	--	0.00783	0.00186	0.015	No data	13.2	No data
Retention Pond	0.81	0.00499	0.00276	0.0212	1.094	13.5	31.47

Another key consideration in BMP selection and design is the available space for BMPs given the hydraulic design requirements for volume- and flow-based BMPs included in the revised IGP and site constraints. Specifically, the IGP requires volume-based BMPs (e.g., bioretention areas) to be sized to



Figure 2: Current 100-Year Flood Inundation and Year 2100 Sea Level Rise Projections for Project Area

treat the volume of runoff produced from an 85th percentile 24-hour storm event or to capture 80 percent or more of the average annual runoff volume. The corresponding design storm depth to achieve 80 percent capture is about 0.4 inches.⁴ As a rule of thumb, bioretention areas sized to four percent of the tributary drainage area would meet this sizing requirement, which would require approximately 0.36 acres of treatment area.

The feasibility analysis will also account for sea level rise. Figure 2 shows the current 100-year floodplain (with an 11 foot base flood elevation) and current structure elevations, with projections for sea level rise based on current predictions (1.4 meter increase by 2100). Figure 2 shows that the WPCP and the tidally-influenced Moffett Channel will be most impacted by sea level rise. Future increases in the base flood elevation could also impact the SMaRT Station, which is currently located in the 100-year floodplain. The Project Team will consider the vulnerability of the project's planned stormwater drainage system and outfalls resulting from tidal inflows, rising sea levels, and the resulting effect on groundwater intrusion, which could result in increased localized flooding. We will evaluate the storm drain system and outfall

⁴ Value was derived by selecting the curve for a site runoff coefficient of 0.75 for a BMP with a 48-hr drawdown time for surface ponding using the unit basin storage volume curve for San Jose in the CASQA New Development and Redevelopment Handbook.

elevations and pump station capacities with respect to local sea level rise predictions. We will also evaluate how sea level rise could affect the representativeness of the Final Designated Discharge Points associated with monitoring new structural BMPs. The team will also coordinate with the Santa Clara Valley Water District to evaluate how the planned flood control projects for Sunnyvale East and West Channels could affect City discharges into Moffett Channel.⁵

Deliverables: A conceptual BMP evaluation technical memorandum will be prepared as a first step to be presented to and discussed with the City at a meeting. The Project Team will move forward with the preparation of the feasibility report based on the key decisions made at the meeting.

The Project Team will provide two preliminary drafts of the Feasibility Study to the City for review prior to preparing the Draft Feasibility Study for submittal to Baykeeper. Conceptual design plans and planning level cost estimates for the structural BMPs will be included in the study.

The Project Team will address Baykeeper's comments on the Draft Feasibility Study and provide one final draft of the study to the City for review, in addition to a response to comments, prior to preparing the Final Feasibility Study to be submitted to Baykeeper, which is due 20 business days after Baykeeper provides comments on the Draft Feasibility Study.

If new monitoring locations are recommended for the 2014 - 2015 wet season, these recommendations will be provided in a separate memorandum.

TASK 1.2 TIMELINE AND IMPLEMENTATION PLAN

Objective: Develop a timeframe and implementation plan based on the selected BMPs in the Final Feasibility Study.

Scope of Work: The implementation plan will consist of a list of steps that the City would follow to get to final design plans and specifications and construction for the selected structural BMPs. The steps in the process may include:

- Complying with all applicable permits and approvals;
- If applicable, addressing any coordination needed with the WPCP construction project;
- Identifying the number of design reviews needed (e.g., 30%, 65%, 90% design) (potentially design charrettes) and personnel to conduct the reviews, to get to final design and construction bid documents;
- Identifying any additional technical studies required (e.g., geotechnical, hydrologic) to move the various design phases forward; and

⁵ Horizon Water and Environment, LLC, 2013. Public Review Draft, Draft Environmental Impact Report. Santa Clara Valley Water District Sunnyvale East and West Channels Flood Protection Project. October 2013.

- Identifying special training required and documentation such as O&M manuals.

A timeline will be allocated for each step as well and an identification of major obstacles that could affect the timeline.

Deliverables: One draft Timeline and Implementation Plan document will be provided to the City for review and comment prior to preparing the Draft Timeframe and Implementation Plan for submittal to Baykeeper.

The team will respond to Baykeeper's comments and prepare a response to comments and Final Timeframe Implementation Plan. One Draft Final plan will be provided to the City for review.

Task 2.0 CRF Feasibility Study and Implementation Plan

TASK 2.1 FEASIBILITY STUDY

Objective: The objectives for the CRF are the same as for the SMArT Station.

Scope of Work: The team would proceed with a similar scope of work as proposed for the SMArT Station, except it is probable that extensive areas of the CRF are not amenable to overhead coverage. Therefore, the options to be explored include onsite treatment in stormwater BMPs and diversion of some or all of the runoff to the WPCP.

Deliverables: The deliverables would be the same as for the SMArT Station: a conceptual BMP memo, two preliminary drafts of the Feasibility Study to the City for review, a Draft Feasibility Study for submittal to Baykeeper, and one revised plan addressing Baykeeper's comments and a response to comments for City review, and the Final Feasibility Study.

TASK 2.2 TIMELINE AND IMPLEMENTATION PLAN

Objective: Develop a timeframe and implementation plan based on the BMPs included in the Final Feasibility Study.

Scope of Work: The scope is the same as for the SMArT Station.

Deliverables: One preliminary draft plan will be provided to the City for review and comment prior to preparing the Draft Timeframe and Implementation Plan for submittal to Baykeeper.

The Project Team will respond to Baykeeper's comments and prepare a response to comments and Final Timeframe Implementation Plan. One Draft Final will be provided to the City for review.

Task 3.0 Project Management and Meetings

This task provides the overall management of the project.

Project Coordination

Immediately upon award of the contract, the Geosyntec Project Manager (PM) will develop a Project Administration Plan (PAP) based on the discussions with the City. The PAP will clearly identify all task leads and key personnel, a minimum number of internal team coordination meetings, regular communications with the City's PM and any additional project staff. The PAP will also include the finalized budget and schedule, including milestones, and will be referred to in monthly progress reports via email. Updates to the plan will be made, as necessary, as part of the monthly progress reports.

Quality Control Reviews and Quality Assurance of Submittals

Geosyntec's Quality control review procedures are the cornerstone of the Corporate Quality Management Plan. Geosyntec has established multiple levels of quality control. First is the Peer Review procedure. After the peer review process is complete, the package receives senior review, typically from the engineer of record for the assignment. The foundation of Geosyntec's Quality Management Program (QMP) is based upon project-pre-planning tools and technical peer review programs – each integral parts of the Geosyntec culture. Accordingly, all staff members are trained to follow specific Workflow Guidance Procedures to help them efficiently plan project tasks, assess potential risks and avoid recognized hazards.

The Geosyntec team is proud of the ways by which we ensure that our practices reflect our core values of quality and objectivity. Although internal discussions about practice quality have always been an integral part of Geosyntec's culture, we have begun a process by which we will codify in writing the quality procedures and policies for all Geosyntec practices. Our written guidance documents serve both as a guide for those who conduct, manage, support, and evaluate practice activities at Geosyntec and also as the set of principles by which our guidance documents would shape individual practice quality assurance processes.

Key elements of Geosyntec's current QMP include detailed Planning Point Lists and Standard Operating Guidance for each step and stage of project development. The QMP's Workflow Guidance diagram provides access to 13 tools to help our professionals recognize and plan procedures. These QMP tools include pre-planning during proposals; pre-planning prior to Project Implementation; Project Management, Risk & Quality Management, Environmental Health & Safety; Field Investigations; Sampling & Analysis; Data Management, Interpretation & Use; Calculations, Analyses & Modeling; Studies; Engineering Design; Plans & Specifications; and Construction Bid Packages.)

Meetings

At a minimum there will be biweekly internal conference calls or meetings to review project progress, discuss findings and any project issues or challenges, as well as preliminary results or analyses discussions. In addition, other meetings for project coordination or to discuss emerging issues that require prompt attention will be held as needed.

Members of the Project Team will attend up to two in person meetings with City staff for coordination and review of the conceptual BMP evaluation technical memorandums for the SMaRT Station and the CRF. Additional meetings will be held with the City via conference call as needed and as budget allows.

Accounting

Geosyntec uses our project management software, BST™ to control costs and enable timely submittal of project deliverables. The percentage of advancement of each work task, expenses against that work task, and time spent to perform the work will be prepared and reviewed by the Geosyntec Project Manager on a weekly basis (or more frequently, if necessary, based on the level of effort for that week) to determine whether the project is progressing in compliance with the pre-approved budget and schedule. The BST™ system issues weekly, monthly, and cumulative financial reports for tracking expenditures and preparing monthly billing statements. This will provide up-to-date administrative information and will assist the Geosyntec Project Manager with tracking costs on each task for Geosyntec and any subconsultant labor and direct expenses. By using the above system and procedures, the Geosyntec Project Manager will manage the work activities and complete the tasks within the approved budget and schedule.

7 PROJECT SCHEDULE AND DEADLINES

Table 5 summarizes the deliverable deadlines for Baykeeper submittals, and Table 6 illustrates our proposed timeline for completion of the required services including the internal deliverable schedule. The schedule proposed in Table 6 assumes project initiation by September 15, 2014.

Table 5: Baykeeper Deliverable Deadlines

Key Deliverable	Date Due to Baykeeper
SMaRT Station	
SMaRT Draft Feasibility Study	December 15, 2014
SMaRT Final Feasibility Study/Response to Comments	Within 20 business days of receiving Baykeeper's comments
SMaRT Draft Timeline and Implementation Plan	May 15, 2015
SMaRT Final Timeline and Implementation Plan	Within 20 business days of receiving Baykeeper's comments
CRF	
CRF Draft Feasibility Study	December 15, 2015
CRF Final Feasibility Study/Response to Comments	Within 20 business days of receiving Baykeeper's comments
CRF Draft Timeline and Implementation Plan	May 15, 2016
CRF Final Timeline and Implementation Plan	Within 20 business days of receiving Baykeeper's comments

Table 6: Proposed Project Schedule
 Prepare Two-Phase Feasibility Study of Structural Stormwater BMPs - City of Sunnyvale

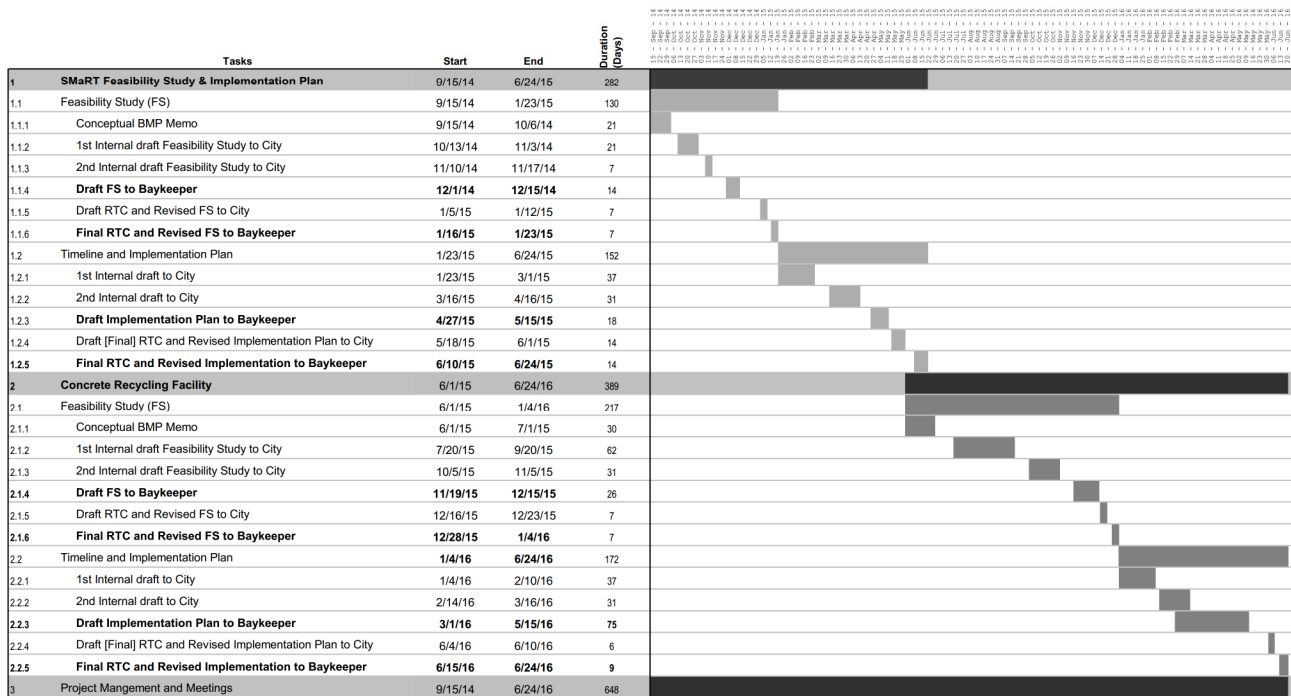


Exhibit B

	Geosyntec			EOA			Totals
	Labor	Expenses	Geosyntec Subtotal	Labor	Expenses	EOA Subtotal	Total Geosyntec & EOA
Task 1: SMaRT							
Task 1.1 Feasibility Study	\$38,891	\$2,014	\$40,905	\$27,685	\$600	\$28,285	\$69,189
Task 1.2 Timeline and Implementation Plan	\$4,944	\$236	\$5,180	\$4,512	\$0	\$4,512	\$9,691
Task 1.3 SMaRT PM & Meetings	\$13,452	\$457	\$13,909	\$5,772	\$160	\$5,932	\$19,841
<i>Total SMaRT</i>	<i>\$57,287</i>	<i>\$2,706</i>	<i>\$59,993</i>	<i>\$37,969</i>	<i>\$760</i>	<i>\$38,729</i>	<i>\$98,721</i>
Task 2: Concrete Recycling Facility							
Task 2.1 Feasibility Study	\$26,648	\$1,341	\$27,989	\$16,214	\$600	\$16,814	\$44,803
Task 2.2 Timeline and Implementation Plan	\$4,944	\$39	\$4,983	\$785	\$0	\$785	\$5,768
Task 2.3 CRF PM & Meetings	\$11,207	\$457	\$11,664	\$5,772	\$160	\$5,932	\$17,596
<i>Total Concrete Recycling Facility</i>	<i>\$42,799</i>	<i>\$1,837</i>	<i>\$44,636</i>	<i>\$22,771</i>	<i>\$760</i>	<i>\$23,531</i>	<i>\$68,167</i>
Total Project Cost	\$100,086	\$4,543	\$104,629	\$60,740	\$1,520	\$62,260	\$166,887

EXHIBIT "C"
INSURANCE REQUIREMENTS

CONSULTANT shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by CONSULTANT, its agents, representatives, or employees.

Minimum Scope and Limits of Insurance

CONSULTANT shall maintain limits no less than:

1. **Commercial General Liability**: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. ISO Occurrence Form CG 0001 is required.
2. **Automobile Liability**: \$1,000,000 per accident for bodily injury and property damage. ISO Form CA 0001 is required.
3. **Workers' Compensation** and **Employer's Liability**: \$1,000,000 per accident for bodily injury or disease.
4. **Errors and Omissions** Liability Insurance appropriate to CONSULTANT's profession: \$1,000,000 per occurrence.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared and approved by CITY. CONSULTANT shall guarantee payment of any losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

Other Insurance Provisions

The **general liability** and **automobile liability** policies are to contain, or be endorsed to contain, the following provisions:

1. CITY, its officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of activities performed by or on behalf of CONSULTANT; products and completed operations of CONSULTANT; premises owned, occupied or used by CONSULTANT; or automobiles owned, leased, hired or borrowed by CONSULTANT. The coverage shall contain no special limitations on the scope of protection afforded to CITY, its officers, employees, agents or volunteers, except as follows: Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the

additional insured would be invalid under Subdivision (b) of section 2782 of the Civil Code.

2. For any claims related to this project, CONSULTANT's insurance shall be primary. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, agents and volunteers shall be excess of CONSULTANT's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, its officers, officials, employees, agents or volunteers.
4. CONSULTANT's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to CITY.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to CITY.

Verification of Coverage

CONSULTANT shall furnish to CITY original Certificate(s) of Insurance and endorsements effecting the coverage required. The Certificate(s) shall be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by CITY prior to commencement of work.



City of Sunnyvale

Agenda Item

14-0825

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Approve Budget Modification No. 13 to Appropriate \$99,816 of Department of Homeland Security Grant Funds for Participation in 2014 Urban Shield and California Emergency Managers Association Training Conference

GRANT SUMMARY

The City Manager applied for, and on August 20, 2014, the City was awarded Department of Homeland Security grant funds in the amount of \$99,816 for the Department of Public Safety to participate in the 2014 Urban Shield field training exercise and for the Lieutenant assigned to the Office of Emergency Services to attend the California Emergency Managers Association (CESA) Training Conference. Specifically, the total award includes:

2014 Urban Shield:

\$75,103 for DPS' Special Weapons and Tactics (SWAT) Team participation

\$19,500 for DPS' Urban Search and Rescue (USAR) Team participation

\$ 2,700 for DPS personnel to participate in a simulated activation of the Emergency Operations Center (EOC)

2014 CESA Training Conference

\$ 2,513 for the Lieutenant assigned to the Office of Emergency Services to attend the 2014 CESA Training Conference.

Department of Homeland Security grants are used to address the Santa Clara County operational area's identified needs for responding to acts of terrorism or catastrophic events. Funded activities include planning, organization, equipment, training, and field exercises. Grant guidelines require each operational area to appoint an Anti-Terrorism Approval Body (known as the Approval Authority). This body makes the final determination on the operational area's allocation of SHSGP grant funds. The Approval Authority consists of the County Sheriff, County Public Health Officer or designee responsible for Emergency Medical Services, County Fire Chief or Chief Fire Authority, a Municipal Fire Chief, and a Chief of Police. The Santa Clara County Fire Chief's Association selects the municipal fire chief representative, and the Santa Clara County Police Chief's Association selects the Chief of Police representative.

The Approval Authority is assisted by the Santa Clara County Homeland Security Training & Exercise Grant Program Advisory Group (known as the Advisory Group). This group administers and allocates the training and field exercise grants. DPS annually submits requests for training, equipment, and field exercises. All requests are considered within the context of the operational area's assessed needs.

The Bureau of Special Operations will be responsible for managing the operational and financial aspects of the grant.

Granting Agency

Department of Homeland Security funds through the Santa Clara County State Homeland Security Grant Program (SHSGP) Approval Authority and the Bay Area Urban Area Security Initiative (UASI).

EXISTING POLICY

Council Policy 7.1.5 Donations, Contributions and Sponsorships:

The City Manager may apply for grants of any dollar amount, but shall notify the Council when grants are being pursued. Council approval of a budget modification to appropriate grant monies is required before funds can be expended by staff. Such a budget modification shall include the use to which the grant would be placed; the objectives or goals of the City which will be achieved through use of the grant; the local match required, if any, plus the source of the local match; any increased cost to be locally funded upon termination of the grant; and the ability of the City to administer the grant. For grants under the amount of \$5,000 that do not have any external reporting requirements or any local match requirement, Council approval of a budget modification is not required. The City Manager is authorized to accept and administratively appropriate the grant funds.

This grant does not meet all of the criteria to be administratively appropriated by the City Manager; therefore a budget modification is required. Grant funds from the Department of Homeland Security have external reporting requirements and fall under the federal single audit guidelines.

General Plan, *Safety and Noise*

Goal SN-2: Effective Disaster Preparedness - Ensure a safe and secure environment for people and property in the community by providing effective public safety response and prevention and education services.

Goal SN-3: Safe and Secure City - Ensure a safe and secure environment for people and property in the community by providing effective public safety response, prevention, and education services.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

There is no net impact to the City by appropriating these grant funds. Expenditures for 2014 Urban Shield, a SHSGP- and UASI-approved field training exercises, are reimbursable up to a cumulative total of \$97,303. The grant covers overtime, backfill, and consumables associated with participation.

Expenditures for the 2014 CESA Training Conference, a SHSGP-approved training opportunity, are reimbursable up to a cumulative total of \$2,513. The grant covers travel, lodging, registration, and per diem. No overtime will be charged to the grant. Backfill is not necessary because the participant is office based in the Office of Emergency Services.

Required Local Match

None

Increased Cost To City Upon Grant Termination
None

Budget Modification No. 13 has been prepared to appropriate \$99,816 of Department of Homeland Security Grant Funds for Participation in 2014 Urban Shield and California Emergency Managers Association Training Conference to two new projects: New Project #1 - 2014 Urban Shield and New Project #2- 2014 CESA Training Conference.

Budget Modification No. 13
FY 2014/15

	Current	Increase/ (Decrease)	Revised
General Fund			
<u>Revenues</u>			
Homeland Security Grants - Exercises	\$0	\$97,303	\$97,303
Homeland Security Grants - Training	\$0	\$2,513	\$2,513
<u>Expenditures</u>			
New Project #1 - 2014 Urban Shield	\$0	\$97,303	\$97,303
New Project #2- 2014 CESA Training Conference	\$0	\$2,513	\$2,513

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center, and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk, and on the City's website.

RECOMMENDATION

Approve Budget Modification No. 13 to appropriate Department of Homeland Security Grant Funds for Participation in 2014 Urban Shield and California Emergency Managers Association Training Conference to two new projects: New Project #1 - 2014 Urban Shield and New Project #2 - 2014 CESA Training Conference.

Prepared by: Ann Durkes, Manager / Budget Analyst II
Reviewed by: Frank J. Grgurina, Chief of Public Safety
Reviewed by: Grace K. Leung, Director, Department of Finance
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager



City of Sunnyvale

Agenda Item

14-0810

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Adopt the Revised Council Policy 1.1.9 *Sustainable Development and Green Building*

BACKGROUND

In 2004, Council adopted Policy 1.1.9 *Sustainable Development and Green Buildings* to encourage sustainable development throughout the City. This was part of the first green building study that included public awareness policies and incentives for new non-residential construction, but did not have mandatory minimum standards.

Since this policy was adopted, the Green Building Program has been expanded and includes minimum green building standards for new construction, additions, and major alterations. Most recently, Council approved modifications to the Green Building Program on August 12, 2014 (RTC #14-0584).

EXISTING POLICY

General Plan, Community Vision Statement

A regional leader in environmental sustainability: ...advocating to reduce dependence on nonrenewable resources by providing greater transportation options, reducing waste, protecting our natural resources, and promoting alternative energy usage and research. We take environmental preservation and protection seriously and consider how each action will affect Sunnyvale for future generations.

General Plan, Community Vision Goal III.

Environmental Sustainability: To promote environmental sustainability and remediation in the planning and development of the City, in the design and operation of public and private buildings, in the transportation system, in the use of potable water and in the recycling of waste.

Green Building Requirements (Title 19) 19.39.030

(h) The city council shall establish by resolution, and shall periodically review and update as necessary, green building standards for compliance. The standards for compliance shall include, but are not limited to, the following:

- (1) The types of projects subject to regulation (covered projects);
- (2) The green building rating system to be applied to the various types of projects;
- (3) Minimum thresholds of compliance for various types of projects; and
- (4) Timing and methods of verification of compliance with these regulations.

ENVIRONMENTAL REVIEW

A Negative Declaration was prepared for the 2009 green building ordinance and program, and the policy update does not substantially exceed or create any impacts not already contemplated and

studied in that negative declaration. Therefore, no additional environmental analysis is required to update the related Council Policy.

DISCUSSION

Policy 1.1.9 was adopted in 2004 and has not been updated since, even though the Green Building Program has been updated. The policy was originally adopted to encourage sustainable development and green building in public facilities and private developments. The current green building program, most recently updated on August 12, 2014 (RTC 14-0584), sets minimum green building levels for new construction, additions, and major alterations.

This report provides Council the opportunity to revise Policy 1.1.9 so that it references the Green Building Program for required green building standards for public facilities and private developments.

FISCAL IMPACT

No fiscal impact is anticipated with the update of the policy.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Adopt the revised Council Policy 1.1.9 Sustainable Development and Green Buildings (Attachment 1).

Staff recommends updating this policy (Attachment 1) so that it references the Green Building Program for required green building standards for public facilities and private developments.

Prepared by: Diana Perkins Permit Center Coordinator

Reviewed by: Hanson Hom, Director, Community Development Department

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Revised Council Policy 1.1.9 Sustainable Development and Green Building

Policy 1.1.9 Sustainable Development and Green Buildings

POLICY PURPOSE

This policy is designed to encourage sustainable development throughout the City of Sunnyvale, to provide education and information to the community, and to serve as an acknowledgement by the City Council of the importance of sustainable development concepts and practices.

POLICY STATEMENT

It is the policy of the City to encourage new and remodeled development within the City to incorporate sustainable design principles in the following disciplines:

- Sustainable Sites
- Water Efficiency
- Energy and Atmosphere Materials and Resources
- Indoor Environmental Quality

The City of Sunnyvale adopts the following policy statements in recognition of the importance of sustainable development:

Public Facilities

1. Remodeled City facilities will incorporate sustainable design practices in the areas noted above (e.g. carpeting, paint, recycled content materials, recyclable materials, concrete, Certified Wood, etc.) to the extent practicable.
2. New public facilities shall comply with the Green Building Program standards effective at the time the project is funded or submitted for building permits, whichever occurs first.
3. As material specifications and standards for maintenance and remodeling of City facilities are reviewed, inclusion of sustainable design practices (e.g. carpeting, paint, recycled content materials, recyclable materials, environmentally-friendly cleaning products, concrete, Certified Wood, etc.) will be considered by staff.
4. City staff are encouraged to attend green building seminars and workshops to keep current with industry innovations and products.

Private Development

1. Provide education and outreach to residents, businesses, and development community.
2. Private construction shall comply with the Green Building Program standards effective at the time the Planning application is 'deemed complete.' Or, if no Planning application is required, private construction shall comply with the Green Building Program effective at the time of building permit submittal.
3. Provide incentives for industrial/office development to incorporate green building design practices.

(Adopted: RTC 04-064 (2/24/2004))

Lead Department: Community Development



City of Sunnyvale

Agenda Item

14-0848

Agenda Date: 9/16/2014

Adoption of Ordinance No. 3043-14 Amending Various Sections of Sunnyvale Municipal Code Title 19 (Zoning)

This item is to adopt the ordinance introduced at the August 26, 2014 City Council meeting. Minor clarifying and clerical modifications have been made to the ordinance, as indicated in Attachment 1.

Adopt Ordinance No. 3043-14.

ATTACHMENT

1. Ordinance No. 3043-14

ORDINANCE NO. ____-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING VARIOUS SECTIONS OF
TITLE 19 (ZONING)**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. TABLE 19.20.030 AMENDED. Table 19.20.030 of Chapter 19.20 (Commercial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.20.030**Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts**

In the table, the letters and symbols are defined as follows:

P = Permitted use

UP = Use permit required

MPP = Miscellaneous plan permit

N = Not permitted, prohibited

COMMERCIAL ZONING DISTRICTS	C-1	C-2	C-3	C-4
<i>1. Retail Commercial</i>				
A. Bakeries	P ¹	P ¹	P ¹	P ¹
B. Drive-through retail sales businesses, except restaurants	UP	UP	UP	N
C. Retail sales businesses	P ¹	P ¹	P ¹	N
D. Outside display of merchandise or products in connection with a retail sales business	MPP	MPP	MPP	N
E. Donation centers for used goods ²	MPP	MPP	MPP	MPP
F. Retail liquor stores within 200 feet of public schools	N	P	P	P
G. Retail liquor stores outside 200 feet of public schools	P	P	P	P
<i>2. Service Commercial</i>				
A. – D. [Text unchanged.]				
F. – M. [Renumber E. – L., consecutively. Text unchanged.]				
3.-10. [Text unchanged.]				

¹ Construction of a new building greater than 10,000 square feet requires a Use Permit.

- 2 Donation centers in C-1 are only allowed on sites of four or more acres. Miscellaneous
plan permits for donation centers shall be reviewed for compliance with council policy on
operations, location and appearance following the procedures in Chapter 19.82
(Miscellaneous Plan Permit).
3 – 9 [Text unchanged.]

SECTION 2. SECTION 19.26.210 AMENDED. Section 19.26.210 of Chapter 19.26
(Combining Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended
to read as follows:

**19.26.210. Places of assembly (POA) combining district (POA) created—
Purpose.**

- (a) – (b) [Text unchanged.]
(c) **Expanded Noticing Required for Education, Recreation
and Places of Assembly Uses.** For any use permit application for an
educational, recreational or place of assembly use in a POA combining
district, the notice mailing shall be expanded to 1,000 feet of the subject
site, in addition to the requirements of Section 19.98.040 (Public Notice).

SECTION 3. SECTION 19.54.160 AMENDED. Section 19.54.160 of Chapter 19.54
(Wireless Telecommunication Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code
is hereby amended to read as follows:

19.54.160. Telecommunication facilities in the public right-of-way.

- (a) [Text unchanged.]
(b) **Design Review Not Requiring a Public Hearing.** An application
for a wireless telecommunication facility in the public right-of-way shall be
considered by the director of community development following the procedures
for design review with public notice and no public hearing in Section 19.80.040
(Procedures and decisions) if the facility:
(1) – (2) [Text unchanged.]
(c) **Design Review Requiring a Public Hearing.** An application for a
wireless telecommunication facility in the public right-of-way shall be considered
by the planning commission following the procedures for design review with
public hearing in Section 19.80.040 (Decisions and procedures) if the facility:
(1) – (3) [Text unchanged.]
(d) – (f) [Text unchanged.]

SECTION 4. SECTION 19.80.020 AMENDED. Section 19.80.020 of Chapter 19.80
(Design Review) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to
read as follows:

19.80.020. Design guidelines.

The city council shall establish criteria and various guidelines for design
review. These design guidelines shall be maintained in the department of
community development and shall be available to the public. Minor additions to
or deletions from the guidelines may be made by the director of community
development; major changes require approval of the planning commission.
Properties located within a heritage district, a specific plan area or an area for
which detailed design guidelines have been established by the planning

commission or city council shall be subject to the requirements of the design criteria established for those districts or areas.

SECTION 5. SECTION 19.80.030 AMENDED. Section 19.80.030 of Chapter 19.80 (Design Review) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.80.030. Applicability.

- (a) [Text unchanged.]
- (b) Permitted Uses. Any permitted use that includes new construction, changes to the exterior of a building or other site modification is subject to design review. If the project is not subject to the required review procedures in Section 19.80.040 (Procedures and decisions) or subject to a miscellaneous plan permit, as provided in Chapter 19.82 (Miscellaneous Plan Permit), design review shall be conducted through the building plan check process.
- (c) Single-Family Homes and Duplexes. Single-story additions or any single-story modifications to single-family detached dwellings or duplex residential dwellings which add or modify less than twenty percent of the floor area of the existing structure are generally exempt from the required procedures in Section 19.80.040 (Procedures and decisions), except that the director of community development shall have the authority to require design review for any significant modification which changes the exterior appearance of the home. Significant modifications may include, but are not limited to: exterior materials; the number, placement, or design of windows or doors; and the height, pitch, or material of the roof.

SECTION 6. SECTION 19.80.040 AMENDED. Section 19.80.040 of Chapter 19.80 (Design Review) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.80.040. Procedures and decisions.

(a) **Design Review without Public Notice or Hearing by Director.**
For design review applications listed in this subsection, the director of community development may, without public notice or hearing, approve the application as requested or as changed, modified or conditioned by the director or deny the design review application based on Section 19.80.050 (Finding). The following design review applications shall require design review without public notice or hearing:

- (1) New single-story single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section 19.32.020;
- (2) Single-story exterior modification or addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section 19.32.020; and
- (3) As otherwise required by this title.

(b) **Design Review with Public Notice and No Hearing by Director.**
For design review applications listed in this subsection, the director of community

development may, after providing public notice as described in Section 19.98.040 (Public Notice) and a 14-day public comment period, approve the application as requested or as changed, modified or conditioned by the director, or deny the design review application based on Section 19.80.050 (Finding). Onsite postings for single-family or duplex projects shall include a streetscape elevation showing the proposed home and one adjacent home on each side. The following design review applications shall require design review with public notice and no hearing:

(1) New two-story single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section 19.32.020;

(2) Second-story exterior modification or second-story addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section 19.32.020;

(3) New nonresidential building adjacent to a residential zoning district and which is not subject to any other discretionary permit in this title;

(4) Exterior modification or addition to a nonresidential building adjacent to a residential zoning district and which is not subject to any other discretionary permit in this title; and

(5) As otherwise required by this title.

(c) **Appeal of Decision by Director.** After receiving an appeal from the decision of the director of community development on a requested design review, and following a public hearing, the planning commission by the affirmative vote of a majority of its voting members may:

(1) – (2) [Text unchanged.]

(d) **Design Review with Public Hearing by Planning Commission.** For design review applications listed in this subsection, the planning commission may, after holding a public hearing, approve the application as requested or as changed, modified or conditioned by the commission, or deny the design review application based on Section 19.80.050 (Finding). Onsite postings for single-family or duplex projects shall include a streetscape elevation showing the proposed home and one adjacent home on each side. The following design review applications shall be require design review at a public hearing by the planning commission:

(1) New single-family or duplex residence in the R-0, R-1 or R-2 zoning district which exceeds either the FAR or gross floor area threshold established in Section 19.32.020;

(2) Addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning districts which exceeds the FAR or gross floor area threshold established in Section 19.32.020;

(3) Multiple-family projects of 3 to 50 units. in the R-2, R-3, R-4, R-5 and R-MH zoning districts and which is not subject to any other discretionary permit or action by this title; and

(4) As otherwise required by this title.

(e) [Text unchanged.]

SECTION 7. SECTION 19.80.050 AMENDED. Section 19.80.050 of Chapter 19.80 (Design Review) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.80.050. Finding.

The director or planning commission may approve any design review upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the project's design and architecture will conform with the applicable criteria and various guidelines for design review established by the city council.

SECTION 8. SECTION 19.82.020 AMENDED. Section 19.82.020 of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.82.020. When required.

- (a) General Reviews.
 - (1) [Text unchanged.]
 - (2) Accessory structures as regulated in Chapter 19.40;
 - (3) – (5) [Text unchanged.]
 - (7) – (26) [Renumber (6) – (25) consecutively. Text unchanged.]
- (b) – (k) [Text unchanged.]

SECTION 9. SECTION 19.82.040 AMENDED. Section 19.82.040 of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.82.040. Decisions.

(a) **Review without Public Notice or Hearing by Director.** Except for those applications listed in subsection (b), the director of community development, without notice or hearing, may:

- (1) Approve the miscellaneous plan permit as requested or as changed, modified or conditioned by the director, if the director finds that the use or project as approved meets at least one of the required findings.
- (2) Deny the miscellaneous plan permit if the director finds that the use or project would not meet either of the required findings.

(b) **Review with Public Notice and No Hearing by Director.** For miscellaneous plan permit applications listed in this subsection, the director of community development may, after providing public notice as described in Section 19.98.040 (Public Notice) and a 14-day public comment period, approve the application as requested or as changed, modified or conditioned by the director, or deny the application based on the required findings. The following miscellaneous plan permit applications shall require review with public notice and no hearing:

- (1) Accessory structures as regulated in Chapter 19.40;
- (2) Donation centers for used goods;
- (3) Medical clinics; and
- (4) As otherwise required by this title.

(c) **Appeal of Decision by Director—General.** After receiving an appeal from the decision of the director of community development on a miscellaneous plan permit, and following a public hearing, the planning commission (whose decision is final) by the affirmative vote of a majority of its voting members may:

(1) – (2) [Text unchanged.]

(d) **Appeal of Decision by Director—Determination of Convenience and Necessity.** After receiving an appeal from the decision of the director on a requested determination of convenience or necessity and following a public hearing, the city council by the affirmative vote of a majority of its voting members may:

(1) – (2) [Text unchanged.]

SECTION 10. SECTION 19.94.060 AMENDED. Section 19.94.060 of Chapter 19.94 (Tree Preservation) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.94.060. Standards and criteria.

The director of community development may, without public notice or hearing, approve or deny a tree removal permit application in accordance with this chapter. One or more of the following standards must be met before a protected tree removal permit may be approved:

(a) – (c) [Text unchanged.]

SECTION 11. SECTION 19.96.060 AMENDED. Section 19.96.060 of Chapter 19.96 (Heritage Preservation) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.96.060. Heritage resources and heritage resource districts designation procedures.

Heritage resources and heritage resource districts shall be designated by the city council in the following manner:

(a) [Text unchanged.]

(b) Each proposal shall be considered by the heritage preservation commission at a noticed public hearing. In addition to the requirements of Section 19.98.040 (Public Noticing), notice of the time and place of each public hearing by the heritage commission shall be provided by certified mail to the owners of property for which designation is requested.

(c) – (e) [Text unchanged.]

(f) After receiving a recommendation from the commission, the city council shall hold a public hearing. In addition to the requirements of Section 19.98.040 (Public Noticing), notice of the time and place of the city council hearing shall be provided by certified mail to the owners of property for which designation is requested.

(g) – (h) [Text unchanged.]

SECTION 12. SECTION 19.96.090 AMENDED. Section 19.96.090 of Chapter 19.96 (Heritage Preservation) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.96.090. Construction, demolition, relocation, or material change to landmark or landmark district.

(a) – (b) [Text unchanged.]

(c) The director of community development shall forward all applications to the heritage preservation commission. Upon receipt of an application for a landmark alteration permit, the commission shall hold a public hearing. Notice of the time and place of each public hearing by the heritage preservation commission shall be provided in accordance with Section 19.98.040 (Public Notice).

(d) – (i) [Text unchanged.]

SECTION 13. SECTION 19.98.040 AMENDED. Section 19.98.040 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.98.040. Public Notice.

(a) **Minimum Requirements and Applicability.** The requirements in this section are considered a minimum and may be expanded or modified by the specific requirements of an application pursuant to this title and by policies adopted by resolution by the city council or as determined by the director.

(b) **Failure to Receive Notice.** Failure to comply with procedures shall not affect the validity of the person or body holding the public hearing or making the decision to proceed with the hearing or decision.

(c) **Notice Content.** All public notices shall contain the location of the subject property or area, either by text or diagram, a general description of the proposed project or action, the decision-maker, and the scheduled time, date and place of each public hearing required by this title ~~or the date when a decision will be made when a public hearing is not required~~. If the notice is for an application for which the director of community development is the decision maker and no public hearing is required, the notice shall state the application is available for review and comment for 14 days following the date on the notice.

(d) **Public Notice Prior to Decision.** Table 19.98.040 (Public Notice) establishes the methods of which public notice shall be provided before a decision is made on an application in accordance with this title, including appeals, and the minimum number of days public notice shall be provided before the decision date. When required by Table 19.98.040, public notice shall be provided as follows:

(1) **Mailing.** The notice shall be delivered by mail to the following:

(A) **Applicant and Owner.** The applicant and owners of the subject property or area;

(B) **Owners within 300 feet.** Owners of property within 300 feet of the subject property or area. This distance shall be measured from all points along the lot lines of the site. If only a portion of a lot is located within the

measured distance, the entire lot is considered to be within the required mailing distance;

(C) **Interested Parties.** Any person or group, including neighborhood associations, who has filed a written request for notice regarding the specific application or of projects in the area; and

(D) **Appellant.** The appellant for ~~a public hearing for an~~ appealed decision.

(E) **Alternative Method for Large Mailings.** If the number of owners to whom notice shall be mailed is greater than 1,000, the director may provide notice by placing a display advertisement in at least one newspaper of general circulation in the City.

(2) **Onsite Posting.** The notice shall be posted at a conspicuous location on each frontage of the subject site. No person shall alter, deface, remove or affect the visibility of the posted notice. The applicant shall ensure the notice remains posted during the entire noticing period and remove the notice no later than 5 days after the hearing date or decision date referenced on the sign, or date the application has been withdrawn.

(3) **Bulletin.** The notice shall be posted on the public notice bulletin board at city hall.

(4) **Newspaper.** The notice shall be published at least once in a newspaper of general circulation in the City.

Table 19.98.040
Public Notice

In the table, the words and symbols are defined as follows:

“Yes” = Required

“-“ = Not required

Decision Procedure	Mailing	Onsite Posting	Bulletin	Newspaper	Minimum Days before Decision
Director Decision with Public Notice and No Hearing	Yes	Yes	-	-	14 days or as modified per CEQA
Public Hearing on <u>for</u> Site-Specific Application	Yes	Yes	Yes	Yes	10 days or per CEQA
Public Hearing on Legislative Action (such as a Zoning text amendment)	-	-	Yes	Yes	10 days or per CEQA
Public Hearing for Appealed Decision	Yes	-	Yes	-	10 days

SECTION 14. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 15. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 16. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 17. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and

a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on August 26, 2014, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney



City of Sunnyvale

Agenda Item

14-0425

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Board and Commission Appointments

DISCUSSION

Names of applicants, the applicants' preferences (when the applicant has applied for more than one board or commission), and terms of appointments are as follows:

Arts Commission (1 term to 6/30/2017)

Lawson, Robert (only preference)
Springer, Wendy (1st preference)
Valenzuela, Kenneth (1st preference)

Bicycle and Pedestrian Advisory Commission (Category One: 1 term to 6/30/2017)

Mattis, John (only preference)
Okuzumi, Margaret (only preference)
Veitch, Tonya (only preference)

Heritage Preservation Commission (1 term to 6/30/2018)

Dietrich, Hannalore (only preference)
Valenzuela, Kenneth (2nd preference)

Parks and Recreation Commission (1 term to 6/30/2018)

Kwok, Minjung (only preference)
Schneck, Andrea (only preference)
Springer, Wendy (2nd preference)

Sustainability Commission (Category Two: 1 term to 6/30/2017)

Glazebrook, Brian (only preference)
Joesten, Stephen (only preference)
Pressman, Barbara (only preference)

Terms will be effective September 17, 2014. Following appointments, the staff liaison for each board or commission will provide a board-specific orientation and each new member is required to take the Oath of Office, sign the Model of Excellence, and attend the Board and Commission Orientation hosted by the Office of the City Clerk. A ceremonial oath will be offered to all incoming members.

EXISTING POLICY

On May 15, 2012, Council adopted revisions to Council Policy 7.2.19 *Boards and Commissions* regarding the appointment of board and commission members to allow for ranked-choice paper votes

or individual candidate votes, at the discretion of the Mayor. On September 11, 2012, the issue of ranked-choice paper votes was referred back to the Council Subcommittee on Boards and Commissions for further discussion. The ranked-choice paper vote method will not be used at this time.

The individual candidate vote method is as follows:

The Mayor will announce by board or commission each vacancy including its term, and then will read each applicant's name. Council will vote on each applicant. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. Should no candidate receive at least four affirmative votes, the vacancy will remain. The process is repeated for each board or commission.

Resolving ties: Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the affected applicants each have received at least four affirmative votes, the Mayor would ask the city attorney to draw the name of the person to be appointed.

If vacancies still exist after the appointment process is conducted, staff shall inform Council of alternative courses of action.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Appoint commissioners from the applicants listed in this report.
2. Provide other direction to staff on how to proceed.

STAFF RECOMMENDATION

Staff makes no recommendation.

Prepared by: Lisa Natusch, Deputy City Clerk

Reviewed by: Robert Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager



City of Sunnyvale

Agenda Item

14-0396

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Approval of the Urban Forest Management Plan

BACKGROUND

On March 4, 2008 Council authorized staff to apply for an Urban Forest Management Plan (UFMP) Grant from the California State Department of Forestry and Fire Protection (CAL-FIRE). The grant was approved by the CAL-FIRE on August 3, 2008, but state funding of the plan was significantly delayed due to the economic recession. After Council approved the Urban Forest Management Plan grant with CAL-FIRE, Phytosphere Research was contracted to draft an urban forestry management plan for Sunnyvale. The UFMP draft was completed in 2011 and final review was delayed due to City departmental restructuring. A final condition of the CAL-FIRE UFMP grant is adoption by Council.

The need for a plan emerged from many years of public inquiries about a variety of topics related to street trees, their management and City policy starting with a study issue in 2007 (DPW 07-16) on the sustainability of large street trees. The overall goal of the UFMP is to help sustain, protect, and enhance the urban forest in the City of Sunnyvale in order to maximize the many benefits that it provides to city residents. This plan addresses all major segments of Sunnyvale's urban forest, but is largely focused on the City's Street Tree Program, which manages the majority of Sunnyvale's municipal trees. The UFMP reviews the benefits of having an urban forest, outlines a strategic plan for guiding the overall management of the urban forest, describes the current condition of the urban forest, and discusses the current management of the urban forest and the value of trees to the community.

The Parks and Recreation Commission considered this item on August 13, 2014 and by the Sustainability Commission on August 18, 2014.

EXISTING POLICY

Municipal Code 13.16 - City Trees.

Private property trees that are outside of the public right-of-way currently have municipal oversight as outlined in:

- **Municipal Code 19.38.70d** - Landscaping, Irrigation and Useable Open Space - *Minimum parking lot landscaping requirement.*
- **Municipal Code 19.94** - Tree Preservation

General Plan:

- City-wide Vision Goals
 - Attractive Community: To maintain and enhance the appearance of Sunnyvale, and to distinguish it from surrounding communities, through the promotion of high quality

architecture, the preservation of historic districts and structures, the maintenance of a healthy urban forest, and the provision of abundant and attractive open space.

ENVIRONMENTAL REVIEW

This action is not a project for purposes of CEQA because it is an administrative or organizational activity that will not result in a direct or indirect physical change in the environment (Guideline 15378 (b)(5)).

DISCUSSION

Street Trees

The urban forest is comprised of three main groups of trees: trees located on City-owned property including parks; trees located on private property in the public right-of-way; and trees located on private property outside of the public right-of-way. On a typical street (although there may be exceptions in particular neighborhoods), the private property extends to the center line of the street. The right-of-way (ROW) is an easement that extends 31 feet back from the center line of the street. Common improvements within the ROW include street surfacing, lighting, sewer laterals, curbs, sidewalks and street trees. Although trees planted on private property within the ROW are the property of the property owner, the City regulates their maintenance, removal and planting and provides limited maintenance services for public benefit per Sunnyvale Municipal Code (SMC) 13.16. The UFMP is primarily focused on those trees located within the right-of-way and commonly referred to as "street trees".

Goals

The UFMP's major goals as stated on page 6, Section 2 of the plan include:

- Increase tree canopy cover to maximize ecosystem benefits provided by the urban forest.
- Choose and locate new trees in all vacant planting spaces to maximize tree-related benefits and minimize maintenance costs.
- Develop an urban forest canopy that is stable over the long term.
- Maintain street trees appropriately to maximize benefits and minimize hazard, nuisance, hardscape damage, and maintenance costs.
- Facilitate collaboration among City departments related to issues and projects involving trees.
- Foster community support for maintaining and improving Sunnyvale's urban forest.
- Encourage proper tree management on private property.

Next Steps

Should Council approve the UFMP, staff would develop an operational implementation and monitoring plan to ensure that the goals are achieved. A major focus will be to create a formal relationship with a community based non-profit group that is dedicated to helping achieve the goals of the UFMP including public education about the benefits of trees and new tree planting and care through volunteer efforts. The City should also consider revisions to its existing ordinances and policies that address trees in Sunnyvale, including SMC chapters 13.16-City Trees, 19.94-Tree Preservation, and 19.38.70d-Landscaping, Irrigation and Useable Open Space, to ensure they are current and reflective of City policies, practices and the rest of the Municipal Code. Related items requiring Council approval including possible Municipal Code revisions or additional funding will be brought forward as separate issues for consideration and possible action at a later date.

Board and Commission Review

The Parks and Recreation Commission considered this item on August 13, 2014 (RTC 14-0372). Commissioners voted 3-0 (one commission member absent) to recommend Alternative 1: Approve adoption of the Urban Forest Management Plan. They expressed support for the plan because it is timely, comprehensive, supports an expanded city tree canopy, and will serve as an important focus for future planning.

The Sustainability Commission considered this item on August 18, 2014 (RTC 14-0372). Commissioners voted 6-0 to recommend Alternative 1: Approve adoption of the Urban Forest Management Plan. They also unanimously approved a motion to recommend Council consider issues of concern as follows:

1. Clarification on the methods of how shading is achieved in parking lots.
2. Include in the Urban Forest Management Plan specific mechanisms for dealing with the effect of high density development on the urban canopy.
3. Include ways for collaboration between organizations, volunteers, non-profit organizations, Commissions, and staff to create and implement policies to address concerns of pedestrians, bicyclists, and other city interests.
4. Modify the public right-of-way to allow trees to be planted to expand species variability and numbers, including places where planting strips have been paved over.

FISCAL IMPACT

Adoption of the UFMP will have no initial fiscal impact as the goals of the UFMP can be completed over time given that current funding and service levels in the approved operating budget are maintained. Recent increases in funding for the Street Tree Services Program will allow the City to maintain a seven year trimming cycle for all street trees and increase tree planting.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

The Parks and Recreation Commission considered this item on August 13, 2014 and the Sustainability Commission considered this item on August 18, 2014.

ALTERNATIVES

1. Approve adoption of the Urban Forest Management Plan (UFMP).
2. Provide other direction to staff as Council deems appropriate.

STAFF RECOMMENDATION

Alternative 1: Approve adoption of the Urban Forest Management Plan (UFMP).

Adoption of the UFMP is a requirement of the grant funding used to create the plan. The UFMP will serve staff and the community as a general framework for managing all trees in Sunnyvale to ensure the sustainability and attractiveness of the urban forest. Any future change in policies or the Municipal Code or service levels requiring additional funding beyond the currently approved operating budget will be brought to Council for consideration as a separate issue at a later date.

BOARD/COMMISSION RECOMMENDATION

The Sustainability Commission as well as the Parks and Recreation Commission voted unanimously to recommend Alternative 1. The Sustainability Commission also recommended Council consider additional issues as noted under the Board and Commission Review section above.

Staff feels the issues as noted by the Sustainability Commission are not within the scope of the Urban Forest Management Plan. Should Council choose to pursue the issues, staff recommends the study be done independent of the UFMP and as part of the 2014 study issue process.

Prepared by: Leonard Dunn, Urban Landscape Manager; Scott Morton, Superintendent of Parks & Golf

Reviewed by: Kent Steffens, Director, Public Works

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Urban Forest Management Plan
2. Excerpt of the August 13, 2014 draft meeting minutes of the Parks and Recreation Commission
3. Excerpt of the August 18, 2014 draft meeting minutes of the Sustainability Commission

City of Sunnyvale Urban Forest Management Plan - 2014

Prepared for:

Street Tree Services
Department of Public Works
City of Sunnyvale, CA

Prepared by:

Elizabeth Bernhardt and Tedmund J. Swiecki
Phytosphere Research

Contributing author:

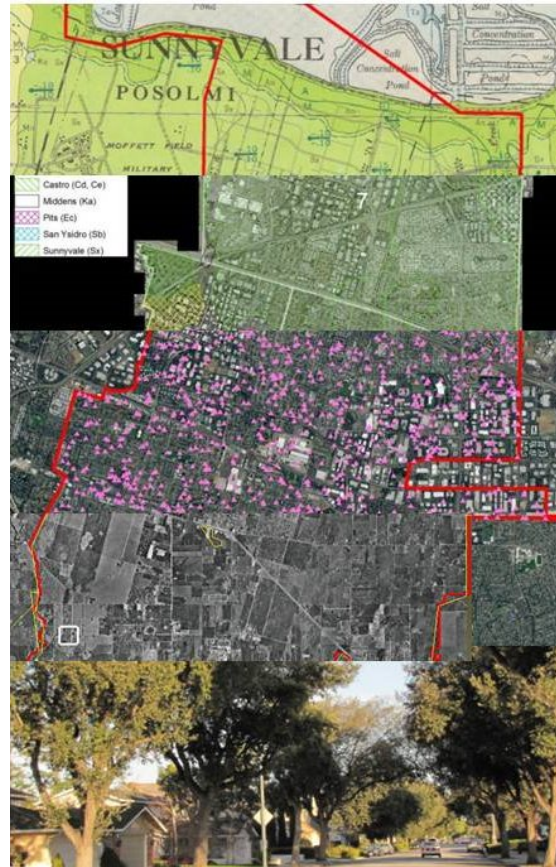
Leonard Dunn
Urban Landscape Manager, Department of
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City of Sunnyvale, CA

Date:

October 28, 2013

Council adoption:

September 16, 2014



Funding provided by Proposition 40 through the California Department of Forestry and Fire Protection Urban and Community Forestry Program

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Acknowledgements

Leonard Dunn, Urban Landscape Manager, and Marvin A. Rose, Director, Department of Public Works (retired), were instrumental in obtaining grant funding to support development of this plan. Leonard Dunn served as the Project Manager for development of this plan.

Funding for developing this plan was provided by a grant from the California Department of Forestry and Fire Protection (CAL FIRE) Urban Forestry Program through funding provided by the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40). Matching funding was provided by the City of Sunnyvale.

James Scheid, Urban Forester, San Francisco Bay Area, was the CAL FIRE contact for this contract and provided helpful comments on drafts of this plan.

Executive Summary

The overall goal of the plan is to help sustain, protect, and enhance the urban forest in the City of Sunnyvale in order to maximize the many benefits that it provides to city residents. The urban forest is comprised of three main groups of trees including trees located on city-owned property including parks, trees located on private property in the public right-of-way (ROW) and trees located on private property outside of the ROW. On a typical street (although there may be exceptions in particular neighborhoods), the private property extends to the center line of the street. The ROW is an easement that extends 31 feet back from the center line of the street. Common improvements within the ROW include street surfacing, street lighting, sewer laterals, curbs, sidewalks and street trees. Although trees planted on private property within the ROW are the property of the property owner, the City regulates their maintenance, removal and planting and provides limited maintenance services for public benefit per Sunnyvale Municipal Code (SVMC) 13.16-City Trees. This plan addresses all major segments of Sunnyvale's urban forest, but is largely focused on the City's Street Tree Program, which manages the street trees located in the public right-of-way. The major sections of the plan are described below.

1. Introduction - benefits of the urban forest. This section discusses the benefits that trees provide in an urban environment. Important benefits for Sunnyvale include:

- Trees save energy by shading buildings and paved surfaces.
- Trees improve air quality by filtering airborne pollutants and lowering temperatures.
- Trees increase property values.
- Trees reduce storm water runoff by holding water on their stems and branches.

2. Strategic plan for Sunnyvale's urban forest. This section discusses issues and trends that are affecting Sunnyvale's urban forest and presents goals for managing and enhancing Sunnyvale's tree resources. Objectives and actions for managing and enhancing Sunnyvale's tree resources are provided for each goal. Major goals of the plan include:

- Increase tree canopy cover to maximize ecosystem benefits provided by the urban forest.
- Choose and locate new trees in all vacant planting spaces to maximize tree-related benefits and minimize maintenance costs
- Develop an urban forest canopy that is stable over the long term.
- Maintain city trees appropriately to maximize benefits and minimize hazard, nuisance, hardscape damage, and maintenance costs.
- Facilitate collaboration among City departments related to issues and projects involving trees.
- Foster community support for maintaining and improving Sunnyvale's urban forest.
- Encourage proper tree management on private property.

An implementation plan should be developed in the future to show how the actions listed in the strategic plan will be carried out. In addition, a monitoring plan should be developed that will enable the City to track its progress toward the plan's goals. The implementation plan should include priority rankings for specific actions and a timetable for implementation. It should also

indicate sources of funding and identify personnel responsible for administering and carrying out actions.

3. The current status of Sunnyvale's urban forest. This section describes the extent and condition of the urban forest. It includes estimates of overall tree canopy cover and the number of trees in the city. Results of an analysis of the street tree inventory maintained by Street Tree Services are presented, including the net annual benefits provided by these trees. Major findings include:

- The Street Tree Inventory contains 41,637 inventoried tree planting spaces of which 37,100 are planted leaving 11% vacant.
- Almost all of Sunnyvale's urban forest consists of trees planted within the past 50 to 60 years.
- Tree canopy covers approximately 18% of the land area of Sunnyvale.
- City managed street trees are an important component of tree canopy in both residential and commercial areas.
- The city-managed population of trees are primarily medium or large statured. About two-thirds of the city managed street trees have reached their mature size.
- As the population of city managed street trees continues to age, more trees will need to be replaced as they reach the end of their useful lives.
- The annual net benefit of city maintained street trees as calculated by iTree software (developed by the US Forest Service and others) is \$1,079,336 in 2008 (in which year?)

4. The current management of Sunnyvale's urban forest. This section discusses the existing policies, issues, and programs that affect Sunnyvale's urban forest. Major findings include:

- Privately managed trees account for about 80% of the tree canopy citywide, but only 50% of trees located between fronts of houses/buildings and streets.
- Street Tree Services is responsible for 88% of city-managed trees. The Parks program manages the other 12% or 5,000 trees in parks and other open spaces.
- Street Tree Services and Concrete Maintenance have had well-organized management programs with clear objectives
- Due to budget reductions, street trees regular preventative maintenance pruning intervals were increased from 4 to 12 years over time and eventually ceased altogether in FY 2011-12
- Beginning FY 2011-12 the Public Works Dept. was reorganized. Parks Division was moved from Community Services into Public Works. The Street Tree Services assigned to the Parks while the Concrete Maintenance was assigned to Public Works Operations (Street Maintenance)
- FY 2012-13 Council approved funding for supplemental contracted street tree maintenance with primary emphasis on routine structural pruning with the goal to

restore at least a seven year average pruning cycle for all trees in the street tree inventory.

- Although street tree planting outpaced tree removal (FY 2008-09 data), plantable vacant sites are likely to remain empty for more than a decade at current planting and removal rates.
- Over 20,000 trees are planted in parkway strips less than 5.5 ft. wide. Innovative techniques are being used to manage damage by tree roots to sidewalks, gutters, and curbs, and maintain Sunnyvale's investment in street trees.
- The Street Trees program is managed by certified arborists. This safeguards the City's investment in street trees and maintains affected trees in a safe condition.

5. Community. This section discusses the value of trees to the community. Major findings include.

- The urban forest is considered by city government to be an important contributor to the attractiveness and livability of Sunnyvale.
- There is strong interest on the part of some Sunnyvale residents in forming a citizens group to advocate and care for the urban forest.
- The City will need to maintain and develop an ongoing program of outreach and education residents to ensure the community has the information they need to make good tree care decisions,

6. Resource Information.

- Status of Sunnyvale's Urban Forest.
- Status of current tree management.
- Community information.
- Resources data.
- Planning documents, policies and city code related to trees

7. Planning documents, policies and city code related to trees.

A manual that includes the city's technical specifications and standards for urban forest management is being developed separately as a supplement to the plan.

Vision

Sunnyvale’s urban forest is an attractive, safe and environmentally sustainable mix of species that are predominantly drought tolerant. All available planting spots along streets are filled with trees that are adapted to their sites and provide as many benefits as possible to residents. Trees are recognized by the City and its citizens as an essential environmental, economic, and community asset. Therefore, the City and its residents use current best management practices to maintain their trees, avoid removing healthy trees, and work to accommodate existing trees. Sunnyvale has an active community nonprofit group that supports the urban forest and works cooperatively with the city tree program and other community nonprofit groups in the region.

1. Introduction

1.1. Purpose of this plan

Many different City planning and management actions, especially those that occur during redevelopment, have a large impact on the character and condition of the urban forest. Urban forest planning and management actions taken over the past decades, as well as those made in the next decades, will shape the future of Sunnyvale's urban forest for the next half-century or more.

A thriving and well-maintained urban forest provides a wide variety of benefits to the community. To help ensure that Sunnyvale's urban forest will continue to prosper, the City has developed this long-term plan to account for the needs of trees in the urban environment. Tree growth and tree decline are typically slow processes. To develop and maintain desired urban forest conditions, necessary management actions need to be executed in a timely manner. This urban forest plan provides an overall strategy that will help the City maximize the benefits the urban forest will provide in the years to come.

1.2. Scope of the plan

This plan applies to all trees in the City of Sunnyvale and has a planning horizon of 20 years. The plan emphasizes street trees managed by the city.

1.3. Relationship of plan to other planning documents

Sunnyvale consolidated its General Plan in 2011 and is in the process of updating the land use and transportation section. This Urban Forest Management Plan will be adopted to support and further the goals of the General Plan.

1.4. Benefits provided by the urban forest

The Sunnyvale General Plan recognizes the importance of the urban forest to the attractiveness of Sunnyvale. A positive effect on property values is one of the most important economic benefits of the urban forest. However, trees provide many other important benefits in the urban

environment. These benefits make trees a key element of urban infrastructure. Major benefits of the urban forest are summarized below.

Trees provide important urban services

- Tree canopies intercept rainfall, moderating storm water runoff and reducing the amount of pollutants that wash off buildings and paved surfaces into surface water and storm drains (Xiao et al, 1998, Xiao and McPherson 2003, Geiger 2003).
- Trees planted along roadways can have a “traffic calming” effect, which reduces driving speeds by visually narrowing the road (Otak, Inc. 2002).
- Trees planted between vehicle lanes and sidewalks provide a physical barrier to improve pedestrian safety.
- Tree shade over pavement slows down pavement deterioration by lowering the street surface temperature and reducing volatilization of the oil binder (McPherson et al 1999, McPherson and Muchnick 2005).

Trees help save energy

- Trees in residential yards that shade western and eastern facing windows, roofs, and walls can reduce energy needed for cooling by as much as 34% (Simpson and McPherson 1996).
- Trees help reduce the urban heat island effect, a phenomenon that makes urban areas significantly hotter than surrounding undeveloped land (<http://www.epa.gov/heatisland/>).
- Trees and other vegetation reduce summer temperatures through direct shading of surfaces and transpiration (the evaporative loss of water from plant leaves). By helping to reduce the urban heat island effect and maintain cooler summer temperatures, trees reduce energy needed for cooling.
- Trees serve as windbreaks, which helps save energy by reducing the amount of outside air that infiltrates into heated or cooled building interiors (Heisler 1986).
- Trees shading cars in parking lots keep internal temperatures down avoiding the need for the initial use of air conditioning, thus saving fuel.

Trees improve air quality

- Trees improve ambient air quality by directly removing gaseous air pollutants and particulates from the air (Scott et al, 1998).
- Although the majority of human-caused smog precursors come from moving vehicles, parked cars emit volatile hydrocarbons into the atmosphere that react to form smog. Cars parked in shade are much cooler and release fewer volatile hydrocarbons. Cooler air temperatures from tree shade also result in lower nitrogen oxide emissions when parked vehicles are started (Scott et al, 1999).

- As trees reduce the urban heat island effect, they also reduce the formation of photochemical smog because the chemical reactions that form smog are favored by higher temperatures (<http://eetd.lbl.gov/HeatIsland/AirQuality/>).

Trees provide direct economic benefits

- Many studies show that trees increase residential property values. People pay more for homes with attractive trees, that are in neighborhoods with attractive trees, or that are near open space areas with trees (Anderson and Cordell 1988, Wolf 1998b).
- A study by researchers in the State of Washington found that consumers perceive business districts with trees to be higher quality than those without trees. Consumers were willing to pay up to 10% more for goods bought in tree-lined business districts (Wolf 2003a,b).

Trees provide social and health benefits

- A growing body of research has shown that the presence of trees in neighborhoods and views of trees and nature contribute to both physical and mental health of urban residents.
- Children in particular show positive effects to health, cognitive development, physical activity level, and stress levels when their living, learning, and play environments include trees and other elements of nature (Charles and Senauer 2010).
- Trees are associated with lower crime rates, and improved mental health, stronger ties between neighbors, and greater feelings of safety and well-being of city residents (Kuo 2003).
- Researchers have shown that office workers who can see natural elements such as trees from their desks have 23% less time off sick and report greater job satisfaction than those who do not have views of nature (Wolf 1998).
- Hospital patients with views of trees recover significantly faster than those who do not see any natural features (Ulrich 1985).

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- Wolf, K. L. 2003b. Public response to the urban forest in inner-City business districts. *Journal of Arboriculture*, 29:117-126.
- Xiao, Q.; McPherson; E.G.; Simpson, J.R.; Ustin; S.L. 1998. Rainfall interception by Sacramento's urban forest. *Journal of Arboriculture* 24:235-244.
- Xiao, Q.; McPherson; E.G. 2003. Rainfall interception by Santa Monica's municipal urban forest. *Urban Ecosystems* 6:291-302.

General sources of information on tree-related benefits

Urban Ecosystems and Social Dynamics Program (formerly Center for Urban Forest Research), Pacific Southwest Research Station, USDA Forest Service website - <http://www.fs.fed.us/psw/programs/uesd/uep/>

Center for Urban Horticulture, College of Forest Resources, University of Washington website - <http://www.cfr.washington.edu/research.envmind/>

Human-Environment Research Laboratory; University of Illinois at Urbana Champaign website - <http://www.herl.uiuc.edu/>

2. Strategic Plan

This section summarizes important issues and trends that are affecting Sunnyvale's urban forest. Based on these issues, local concerns/ priorities, and general urban forest management principles, goals were developed to help guide the overall management of Sunnyvale's urban forest. Objectives associated with each goal and actions for attaining these objectives provide the framework for the sustainable management of Sunnyvale's tree resources.

Issues and related goals have been organized into three general topic areas:

Contribution of trees to the community includes overall tree canopy cover and its distribution.

Tree and forest health addresses the long-term health and sustainability of both individual trees and the forest as a whole.

Management of the urban forest addresses issues related to the care and maintenance of the urban forest by city employees and the public.

These main topic areas, as well as the goals and objectives listed under them, are highly interrelated. Objectives listed under one goal may in fact support several other goals as well.

Two additional elements are needed to implement the Sunnyvale Urban Forest Strategic Plan:

An **implementation plan** should be developed to show how the actions listed in the strategic plan will be carried out. The implementation plan should include priority rankings for specific actions and a timetable for plan implementation, including phasing that would occur. It should also indicate funding needs and sources, and identify personnel responsible for administering and carrying out actions.

In addition, a **monitoring plan** should be developed that will enable the City to track its progress toward each of the plan's goals. The purpose of the monitoring plan is to indicate how the City will collect and analyze the data needed to track its progress toward specific goals. The plan should indicate what types of data will be collected, when and how it will be gathered, and who will compile and analyze the data. Monitoring data should allow the City to understand what factors are aiding or impeding its progress towards each goal. With this information, the City will be able to adapt its management of the urban forest by making appropriate adjustments as needed.

The development of the monitoring and implementation plans was not included in the scope of developing this plan. However, these are critical components of a successful urban forest management plan and should be developed operationally after plan adoption.

2.1. Contribution of trees to the community

Issues and trends

- *Almost all of Sunnyvale's urban forest consists of trees planted in developed areas within the past 50 to 60 years. Almost nothing remains of the oak forests and other native vegetation that once covered the area that is now the City of Sunnyvale.*

- *Tree canopy in Sunnyvale covers about 18% of the City's land area, based on 2007 aerial images.*
- *Trees along streets account for about a third of Sunnyvale's tree canopy. Street trees make up a slightly larger percentage of the total canopy cover in commercial land uses (42% of all tree canopy in commercial zoning) than in residential areas (35% of all residential tree canopy).*
- *Increasing overall city canopy to 20.5% would require planting an additional 15,000 trees in residential areas and 14,000 trees in commercial areas.*
- *About half of all trees along streets are managed by the city street tree program. This includes almost all of the street trees in residential areas but only a portion of the street trees in commercial areas.*
- *City-maintained street trees provide a net annual benefit of \$1,079,336, or about \$29.25 per tree per year (calculated using iTree software, developed by the US Forest Service and others).*
- *Approximately 11% of inventoried planting spaces along streets are vacant.*
- *Mean summer temperatures will tend to rise due to the urban heat island effect (localized heating of urban areas associated with pavement and other heat absorbing surfaces) and overall global climate change. Increased tree canopy cover can help moderate this temperature rise.*
- *Sunnyvale residents are concerned about the environment but many do not understand the importance of urban trees and how they contribute to environmental quality and sustainability.*

Goal 1. Increase tree canopy cover to maximize ecosystem benefits provided by the urban forest

Objective 1.1 Achieve full planting of inventoried street tree planting spaces.

Actions

- Identify streets with limited or unplantable Right-of-way (ROW) street tree sites and develop a plan of action for ROW modification or off-ROW street tree planting.
- Designate unplantable ROW sites as unsuitable for planting rather than vacant in the street tree inventory.
- Phase replanting of plantable vacant sites to achieve complete planting within 10 years.
- Identify other possible sources of funding, sponsorships, and/or volunteer resources to accomplish replanting.

Objective 1.2 Promote conservation of existing public and private trees

Actions

- Conduct education and outreach efforts to inform residents about the value of mature trees and City regulations related to trees.
- Conduct education and outreach to commercial landowners and landscape managers to provide information about proper tree care practices and city regulations related to maintenance of trees and landscaping.
- Consider local licensing of tree care contractors (city-issued tree care business licenses) working within Sunnyvale to ensure that tree care activities and tree removals follow city regulations.
- Revise Chapter 13.16 of the Municipal Code, City Trees, to strengthen protection of City street trees and provide a means of claiming compensation for damage to City street trees.
- Revise Chapter 19.94 of the Municipal Code, Tree Preservation, to specify greater protection for roots of protected trees, improve the definition of protected trees and provide objective standards for issuing tree removal permits.

Objective 1.3 Encourage additional tree planting by city residents on private property.

Actions

Provide information on tree species selection, choosing nursery stock, planting practices and young tree care to residents via city website and other means.

- Encourage development of local volunteer/nonprofit to promote tree planting and assist residents with tree planting and tree care.

Goal 2. Choose and locate new trees to maximize tree-related benefits and minimize maintenance costs.

Objective 2.1 Match species to sites to the greatest degree possible.

Actions

- Provide guidelines on tree selection and placement to residents to promote planting the right tree in the right place and avoid tree/site combinations that will result in shortened tree life or excessive maintenance costs (e.g., redwoods on saline soils, big trees planted in small places, tall trees under electric distribution lines, etc.)
- Continue to select suitable species and place trees appropriately to minimize conflicts with infrastructure along streets (e.g., signs, traffic signals, streetlights).
- Develop a Street Tree Master plan that matches trees to site conditions and provides several alternative trees for each block (e.g., irrigated vs. non- or low-irrigation sites,

alternative species with similar physical characteristics, allow for some smaller accent trees for small planting spaces).

Objective 2.2 Increase the use of large-canopy trees where practical to maximize tree benefits relative to costs.

Actions

- Include large-statured trees in planting plans for parks, streets, and other public lands where practical.
- Where space permits the use of large-statured trees, consider greater use of locally native oak species derived from local seed sources to help reestablish elements of Sunnyvale's former oak woodlands.

Objective 2.3 Locate new tree plantings to maximize energy conservation in buildings and shading of pavement.

Actions

- Provide homeowners with information on where to plant trees to maximize energy conservation.
- Where ROW space does not allow for large canopy trees, use higher densities of smaller trees to achieve pavement shading.
- Use the planning and design review processes to develop streetscape designs that provide greater amounts of pavement shading.
- Conduct periodic monitoring of canopy cover in parking lots subject to the City's parking lot shading standards to determine whether the as-built designs and subsequent maintenance are adequate to achieve target levels of shading. Develop measures to correct deficiencies and increase parking lot shade levels.

Goal 3. Foster community support for maintaining and improving Sunnyvale's urban forest

Objective 3.1 Provide ongoing education and outreach to promote awareness of the importance of the Community Forest.

Actions

- Increase the amount of urban forest information available on the City of Sunnyvale website.

Identify ways to impart information on Sunnyvale's urban forest to residents.

- Expand relationships with local schools to provide educational opportunities related to trees and the urban forest.
- Encourage public participation in tree planting and tree stewardship activities.

- Use available city information resources to inform residents about urban forest issues and opportunities.
- Maintain and publicize Sunnyvale’s Tree City USA status.

Objective 3.2 Support the development of a local urban forestry non-profit / volunteer organization.

Actions

- Partner with an existing or new non-profit urban forestry group to help launch a non-profit urban forestry organization in Sunnyvale.
- This organization will pursue grant funding for tree planting, tree care, and public education, and help to organize community volunteer efforts in support of the urban forest.
- Utilize the organization as a resource for various city boards and commissions, e.g., Planning, Sustainability, for issues related to the urban forest.

2.2. Tree and forest health

Issues and trends

- *The population of street trees maintained by the City is extremely diverse. Over 190 species occur in the street right-of-way. Only three species occur at frequencies greater than 5% of the city maintained street tree population. A high level of diversity within the urban forest helps reduce the risk of serious pest and disease epidemics.*
- *California Municipal Forest Health Threat Assessment published in July 2012 evaluated Sunnyvale’s municipal forest health with an overall grade of B+. Tree species and size diversity is good with only two tree species exceeding 10% of the total inventory. Age diversity is good averaging one third of street trees at maturity to senescent. Species diversity rates Sunnyvale’s pest threat relatively low.*
- *Street Tree Services has changed the mix of tree species planted in response to problems that have developed over time: 75 species or varieties of trees present in the city ROW are being reduced in numbers and 22 varieties or species are being used in increasing amounts.*
- *Approximately 48 percent of Sunnyvale native soils have properties that can constrain tree growth. Excessive salinity, which can reduce tree growth and cause leaf damage, occurs primarily north of US 101. Soils in various parts of the city are affected by slow drainage and high water tables, which may lead to shallow roots and increased hardscape damage.*
- *Water conservation will continue to be a local and regional issue that can affect the urban forest. Reclaimed water has a high salt content and its use for irrigation may worsen already existing salinity problems in soils, resulting in more tree health problems.*

Goal 4. Develop an urban forest canopy that is stable over the long term

Objective 4.1 Continue to maintain a high level of species and genetic diversity within large plantings and within the urban forest as a whole.

Actions

- Establish upper limits for the percentage of the tree population that a single variety or species should comprise within planning areas or citywide. Use these percentages to aid in species selection for new and replacement tree plantings to reduce the risk that a large percentage of the urban forest canopy could be lost or degraded by damage due to new diseases, pests, or problems that affect only a single species or variety.
- Where possible, substitute trees of different species or varieties for overused species/varieties when planting new or replacement trees.
- Ensure that adequate species diversity is included in commercial landscapes and other private plantings during the planning process.

Objective 4.2 Maximize the effective age diversity of plantings to avoid even-aged stand problems.

Actions

- In new plantings where even-aged plantings cannot be avoided, use a mix of species with different useful life spans. For example, oaks may live for well over 100-150 years whereas flowering pears may have a maximum useful life closer to 30-50 years.
- When planting replacement trees, avoid using trees that will reach the end of their useful life at the same time as existing trees in the planting.

Objective 4.3 Increase the percentage of drought- and salt tolerant trees in Sunnyvale's urban forest.

Actions

- Monitor compliance with existing policies that emphasize the use of drought tolerant trees in new plantings and consider additional policies and practices to increase the use of drought tolerant trees.
- Reduce or eliminate the use of trees with high water use requirements in harsh street tree and parking lot sites.
- Increase the overall percentage of low water use trees in City street tree plantings and in parks and private development by using more drought-tolerant species in new and replacement plantings when feasible (e.g., species from Mediterranean climate regions, other drought-adapted species).

Increase use of salt-tolerant species in areas that may have salt-affected soils. Consider expanded use of soil testing to identify salinity-affected sites.

2.3. Management of the urban forest

Issues and trends

- *The City of Sunnyvale manages a significant portion of all trees along streets, but private landowners manage most trees in the city.*
- *About two-thirds of the city managed street trees have reached their mature size. As this population of street trees continues to age, more trees will need to be replaced as they reach the end of their useful lives.*
- *The city street tree and concrete maintenance programs have been funded through the city's general fund, which has experienced several rounds of reductions in recent years. Beginning in 2009, lower city general fund revenues have led to significant reductions in the staffing levels of the street tree and concrete maintenance programs.*
- *Cuts in the street tree program budget have reduced the re-inspection and pruning interval for city street trees. This has led to a change to reactive rather than proactive management of street trees.*
- *Longer inspection and maintenance intervals for city street trees may increase the incidence of failures among these trees.*
- *In 2013 Sunnyvale funded contract tree care services so that a minimum of 5,000 street trees receive preventative maintenance pruning annually. Each tree will be pruned every seven years on average depending upon the species. Including street trees pruned by city staff the total number of street trees pruned each year should be over 7,000 per year.*
- *Concrete maintenance will be an ongoing need due to the presence of narrow parkway strips and shallow rooting depths in soils in many areas of Sunnyvale. Street Tree Services has developed a successful program for mitigating root damage to sidewalks using methods that minimize the need to damage or remove trees.*
- *Urban Landscape Manager and City Arborist continue to be utilized in the planning and design phases of development to integrate urban tree requirements in to the city's infrastructure design to maximize urban tree performance and minimized infrastructure conflicts and damage.*
- *The street tree inventory needs to be kept current to continue to be useful as a management tool.*

Goal 5. Maintain street trees appropriately to maximize benefits and minimize hazard, nuisance, hardscape damage, and maintenance costs

Objective 5.1 Develop a stable funding source for street tree maintenance.

Actions

- Investigate other potential sources of funding that can be dedicated to street tree care activities.

Objective 5.2 Use best management practices for tree planting and care on city properties to maintain the City owned trees in a safe and healthy condition as cost-effectively as possible

Actions

- Monitor tree health on public lands (parks, streets, open space areas, and public buildings) to identify developing pest and disease problems and implement corrective actions.
- Continue to update the list of tree species potentially suitable for landscape uses in Sunnyvale to reflect new pest problems that may render a tree unsuitable for continued planting.
- Plant good-quality, preferably locally-grown, disease-free nursery stock to help assure long-term tree survival. Implement the use of updated tree nursery stock standards to ensure the use of good quality stock.
- Continue existing pre-and post-planting inspections conducted by City staff. Conduct additional training of building inspectors to improve compliance with city planting standards for street trees planted by developers.
- Continue early training of new trees to establish proper long-term structure and avoid future maintenance problems.
- Continue use of current ANSI pruning standards and International Society of Arboriculture BMP (best management practices) for pruning conducted by City staff and tree care contractors.
- Continue to provide adequate training and continuing education opportunities to ensure that Street Tree Services staff has up-to-date knowledge about trees, and tree care practices.
- Develop and implement standards for assessing and improving soil conditions prior to planting to improve long-term tree health and survival.

Assess and remediate site conditions prior to replanting trees that have died. Record sites that are unsuitable for tree planting in the street tree inventory.

Objective 5.3 Integrated management of street trees and sidewalk/curb concrete maintenance.

Actions

- Provide best management practices and processes within the Department of Public Works to ensure the integration of street tree services and sidewalk/curb concrete and street maintenance
- Provide adequate training and continuing education opportunities to ensure that staff has up-to-date knowledge about trees, root growth, and methods used to minimize root/hardscape conflicts.

- Consider developing a "call before you dig" program that would notify Street Tree Services before activities that could damage roots are scheduled to occur within a given radius of a City street tree. Authorize Street Tree Services to provide procedures to minimize any adverse impacts to City street tree roots in these situations.

Objective 5.4 Development of a program for identifying and correcting tree-related hazards on public properties.

Actions

- Explore development of a program for systematically locating and evaluating potentially hazardous trees on public lands and public rights-of-way.
- Maintain or shorten current preventative maintenance pruning interval of every seven years for each tree on average depending upon species to maintain safe tree structure and minimize failure potential of trees along streets and high-use public areas.
- Continue to respond to all requests from residents and property owners to assess a tree's condition within 10 days or less depending upon the conditions.
- Continue to abate all potentially hazardous conditions in trees within 90 days or less depending upon the conditions.

Objective 5.5 Develop and maintain inventories for all city-managed trees to facilitate tree management.

Actions

- Maintain and update the existing street tree inventory so that it will reflect current conditions.
- Explore possibilities for compiling and linking geospatial coordinates for individual trees to the existing inventory data, which would allow tree data to be displayed as a city GIS layer.
- Develop and maintain a current, complete inventory of trees maintained by Parks with records for individual trees with data related to management needs. The inventory should include spatial information on tree location to permit use in the city GIS.

Goal 6. Manage City's urban forest resources to facilitate collaboration among City departments related to issues and projects involving trees.

Objective 6.1 Continue to have a highly qualified professional arborist as the head of Street Tree Services.

Actions

- Maintain the Urban Landscape Manager position within Street Tree Services and designate that position as the "City Arborist".

Objective 6.2 Continue use of Street Tree Services as the City's internal arboricultural consultant for all City departments

Actions

- Develop best management practices and processes to ensure the Street Trees Services program is included in all areas involving the urban forest including community development.
- Provide information to other city departments and divisions to raise awareness of trees and tree management to meet goals of the urban forest plan.

Objective 6.3 Integrate urban forest management as a component of the City's framework for Sustainability

Actions

- Work with Sunnyvale's Environmental Sustainability Coordinator, the Sustainability Commission, the Horizon 2035 Advisory Committee, and the Dept. of Community Development to integrate urban forestry into the framework for Sustainability.

Goal 7. Encourage proper tree management on private property.

Objective 7.1 Develop an ongoing program to educate the public about tree selection, placement and care.

Actions

- Provide locally-appropriate technical tree care information to residents through a variety of media to emphasize good tree selection and placement, optimal planting techniques, proper pruning of young and mature trees.
- Make city-approved BMP guidelines for tree planting and maintenance available to permit applicants and the public to encourage better tree selection, planting and care.
- Encourage participation of local groups in public tree planting and tree care projects.
- Continue enforcement of landscape maintenance requirements in commercial properties. Continue existing pre-and post-planting inspections conducted by City staff, and implement new inspections or monitoring programs where necessary.

Appendix

3. Status of Sunnyvale's Urban Forest

3.1. Historical context

Key Findings

- Almost nothing remains of the oak forests that once covered the area that became the City of Sunnyvale.

- The vast majority of Sunnyvale's urban forest consists of trees planted in developed areas, mostly within the past 50 to 60 years.
- Almost all new construction in Sunnyvale involves redevelopment. Existing mature urban trees are commonly removed when parcels are redeveloped.
- Sunnyvale's first tree protection ordinance was enacted in 1991.
- Sunnyvale has been a Tree City USA every year since 1989.
- Sunnyvale's city services were restructured in 2011 and the Street Tree Services program was separated from the Concrete/sidewalk program although both remained in the Department of Public Works. Street Tree Services was integrated into the Parks Division which had been relocated to Public Works, and remained under the purview of the Urban Landscape Manager. Concrete/sidewalk Services remained in the Field Operations Division but was shifted to the Street Maintenance program.
- Real estate development activity has increased dramatically since 2012 with some loss urban forestry planning coordination within city departments and divisions.

3.1.1. Replacement of the native forest

Due to its development pattern, almost nothing remains of the oak forests and other native vegetation that once covered the area that is now the City of Sunnyvale. Accounts of early explorers and settlers indicate that much of Sunnyvale was once covered by dense oak forests. One of Sunnyvale's earlier names, Encinal, is a reference to the coast live oak, which was called the Encina by the Spanish. Both coast live oak and valley oak historically occurred in this portion of the Santa Clara Valley.

Clearing for fuel wood and grazing land began during the Spanish period and intensified after the Gold Rush when wheat farming became important. Starting in about the 1870s, orchards producing fruit and nut crops and some row crops became the dominant land uses in Sunnyvale and much of the Santa Clara Valley. This resulted in the removal of almost all remnants of the original forest, although some oaks persisted in and around fields and home sites. Most of the scattered oaks that remained in agricultural areas by the mid-20th century were removed as the lands were subsequently converted to residential and commercial development. As a result, the vast majority of Sunnyvale's urban forest consists of trees planted in developed areas, mostly within the past 50 to 60 years.

3.1.2. Development of the urban forest

In the post-war period, facing the shutdown of a major employer (Hendy Iron Works) the City of Sunnyvale intensified efforts to attract industrial development. Sunnyvale adopted a council-manager City government structure and a development plan in 1949. Spurred by large defense industry employers that moved to the area (Westinghouse Electric Company at the Hendy site and Lockheed near Moffett Field) and other industrial development, Sunnyvale underwent a phase of rapid development and population growth between 1950 and 1970 (*figure 3-1*). Most of the agricultural lands within the current city boundary were converted to urban uses during this period.

In 1948, Sunnyvale's urban area occupied about 1 square mile and was surrounded by orchards and agricultural fields. By 1981, less than 6 percent of the city's current area (21.9 square miles) was classified as vacant or agricultural. Virtually all remaining fragments of agricultural land were developed by about 2000. Other than some vacant lands within industrial areas, virtually all new construction within Sunnyvale now involves redevelopment. Land use and canopy cover changes associated with development and redevelopment are illustrated with aerial images from 1948, 1991, and 2007 (*figures 3-2 and 3-3*).

When parcels are redeveloped, existing site trees are reviewed for potential preservation. New tree planting is typically required as a component of redevelopment. Even with these policies, redevelopment of built parcels can lead to loss of existing urban trees and may lead to fewer potential planting sites if the footprint of the built area increases.

Sunnyvale's first tree protection ordinance was enacted in 1991. If trees covered under the ordinance were removed, the applicant was required to either provide on-site compensation (e.g., plant more trees and/or larger specimens) or to pay in-lieu fees to fund tree planting in public rights-of-way. Standards for parking lot shading took effect in 2002. The standards apply to new construction, including redevelopment, and require tree planting sufficient to develop 50% shading of parking lots after 15 years.

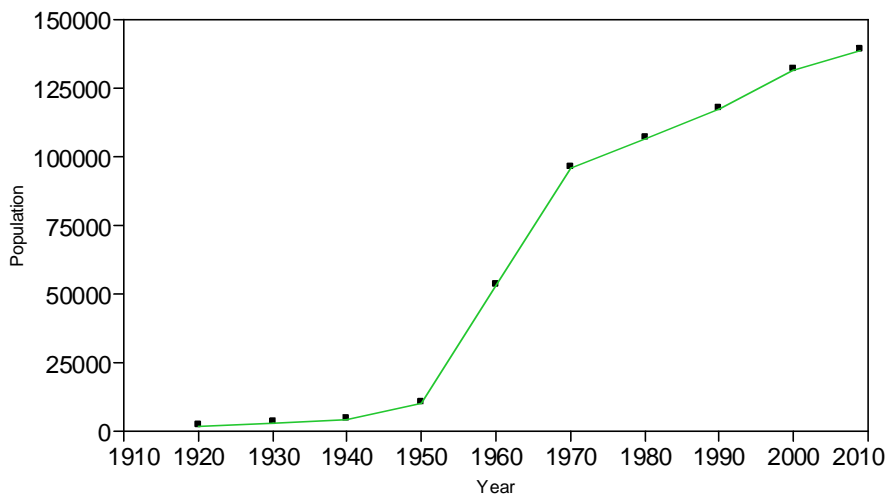


Figure 3-1. Population of Sunnyvale, 1920-2009. Data from California Dept. of Finance, Demographics Research Unit. (<http://www.dof.ca.gov/research/demographic/reports/>)

Figures 3-2 and 3-3, following pages: Aerial images of Sunnyvale showing changes in land use and tree canopy from 1948 to 2007. Figure 3-2 shows an area west of downtown Sunnyvale. The intersection of El Camino Real and Mathilda is near the bottom right hand side of the image. The city limit is shown as a red line at left; yellow lines outline school properties. Figure 3-3 shows a closer view of the vicinity of the intersection of Mathilda and Central Expressway. Heritage Park (Murphy home site) is visible near lower right. Rounded patches visible in orchards in the 1948 images are root rot centers most likely due to the fungus *Armillaria mellea*, which indicates the former presence of oaks in these areas. Redevelopment occurring between 1991 and 2007 is visible on some commercial properties in both sets of images. Images: Google Earth.

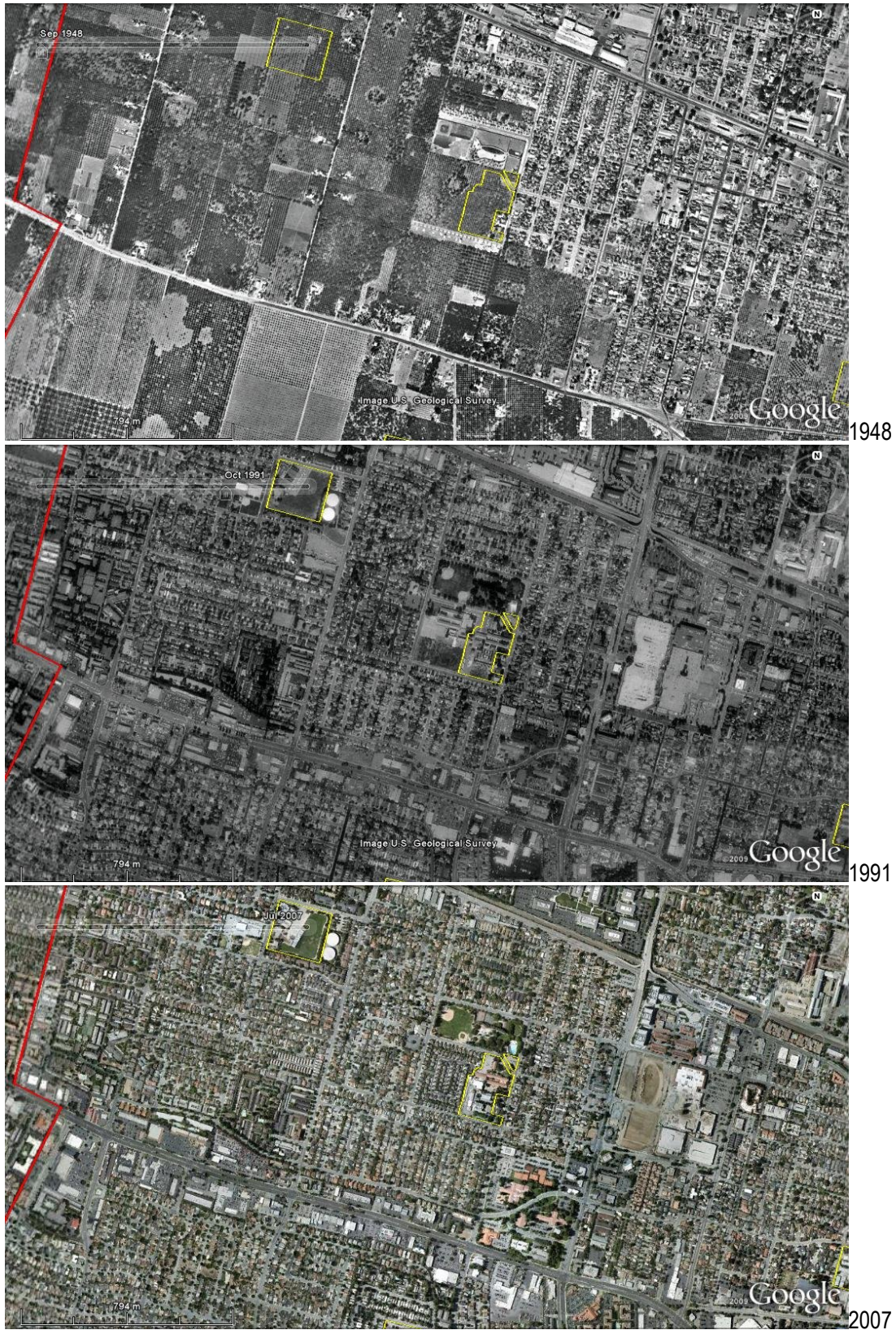


Figure 3-2. Aerial images showing changes in land use and tree canopy from 1948 to 2007 west of downtown Sunnyvale near intersection El Camino Real and Mathilda.



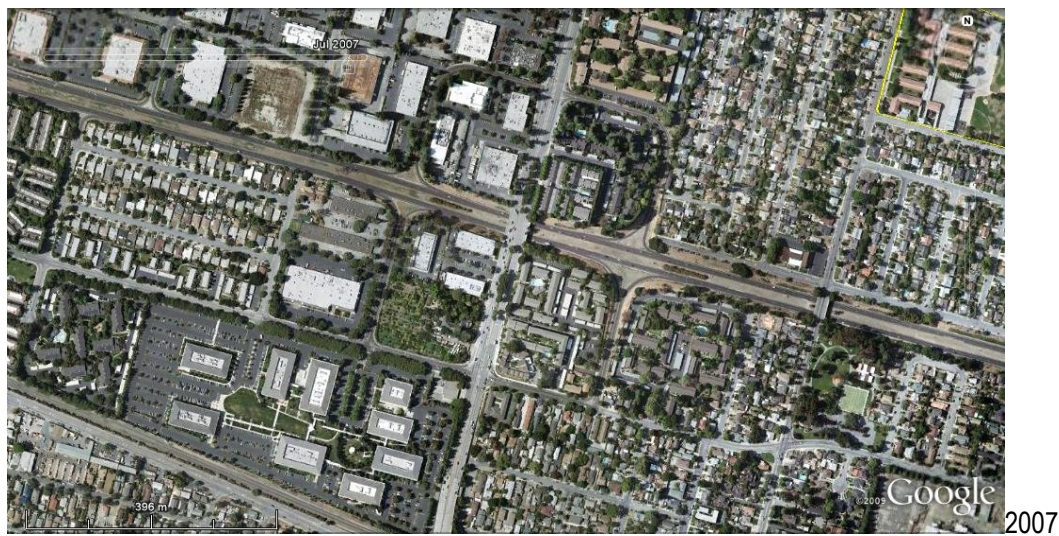


Figure 3-3. Aerial images showing changes in land use and tree canopy from 1948 to 2007 at intersection of Mathilda and Central Expressway.

Street tree program

Sunnyvale's city street tree program was originally operated under the Parks and Recreation Department. In 1987, responsibility for maintaining public trees along streets and medians was shifted to the Public Works Department. This was done to minimize damage to street trees when curbs, gutters, or sidewalks were repaired. In July 2010, responsibility for street median trees was shifted back to the Parks Department.

Until June 2011, Sunnyvale's street tree program was unusual in that responsibility for maintaining sidewalks and curbs and gutters is included in the responsibilities of the Urban Landscape Manager. The program consists of two interrelated programs: Concrete Maintenance and Street Tree Services. These programs were in the Tree and Landscape division of Public Works and were funded through the General Fund. The combination of the street tree services and right-of-way concrete maintenance programs began in 1989. These programs are described in more detail beginning on page 39.

Most of Sunnyvale's city street trees were planted by developers when subdivisions were built. Street tree planting has been required as a condition of project approval since well before 1987. Since 1989, the City's policy relative to street trees has been to replace trees as necessary and add new trees on demand. In addition, trees planted within the ROW by residents are added to the city street tree inventory if they are acceptable to Street Tree Services.

In 1989, the City Council initiated a program to increase trees in the inventory. Funding to plant trees at vacant sites was set aside as a capital project. After these funds were expended, the program was discontinued. The City did not pursue grant opportunities to fund additional street tree planting. At the time, the City Manager did not favor expanded street tree planting because of the associated increase in ongoing operating costs for tree maintenance.

The City's street trees were inventoried and entered into a computerized database in 1986 by Golden Coast. The Davey Resource Group, a division of The Davey Tree Expert Company, subsequently acquired this inventory system. In 1994, Street Tree Services began using the online internet-based version of Davey's TreeKeeper software to manage its tree inventory and associated maintenance scheduling and reporting. The inventory database is maintained on computer servers belonging to Davey Tree. The Urban Landscape Manager administers access to the inventory.

Tree City USA. The City of Sunnyvale has been awarded Tree City USA[®] status every year since 1989. The Arbor Day Foundation, in cooperation with the USDA Forest Service and the National Association of State Foresters, sponsors the Tree City USA[®] program. To qualify as a Tree City USA[®] community, a town or city must meet four standards established by The Arbor Day Foundation and the National Association of State Foresters. These standards were established to ensure that every qualifying community would have a viable tree management plan and program. These standards are:

1. A tree board or department
2. A tree care ordinance

3. A community forestry program with an annual budget of at least \$2 per capita
4. An Arbor Day observance and proclamation

3.2. Environmental context

Key Findings

- Sunnyvale has a mild Mediterranean climate with low annual rainfall.
- Because of limited water availability, trees in Sunnyvale's urban forest must be drought tolerant or receive supplemental irrigation.
- About half of the land area of Sunnyvale has native soils that could be limiting for tree growth. These soils occur primarily in the northern half of the City.
- Soil limitations include shallow water tables, salinity, and heavy (clayey) soil types subject to slow drainage and soil compaction.
- Increased use of salt-tolerant species should be considered in both salt-affected areas and in areas that use reclaimed water.
- Soil modification may be needed in sites such as ROW plantings, commercial landscapes, and redeveloped areas to correct soil problems that will interfere with tree growth or encourage the development of shallow roots.

3.2.1. Climate

Sunnyvale has a moderate Mediterranean climate. Most of the city is in the *Sunset Western Garden Book* climate zone 15 (Coast Range cool winter areas). Portions of the city from about US 101 to the San Francisco Bay are mapped to the somewhat milder zone 17 due to the moderating effects of the bay and more frequent fog. Average winter lows are a mild 40°F in December and January, although a record low of 16°F was recorded in 2003. High temperatures in the summer usually average around 80°F, although record high temperatures over 100°F have been recorded. The moderate climate makes Sunnyvale favorable for growing a wide variety of temperate zone trees species as well as subtropical species that can tolerate occasional temperatures near or below freezing.

Rainfall and water demand

Average annual rainfall in Sunnyvale is about 15 inches. Reference evapotranspiration (ET, a measure of water demand) averaged 42.4 inches between 2004 and 2009 (California Irrigation Management Information System website <http://www.cimis.water.ca.gov> data retrieved using the map report option in the Spatial CIMIS menu).

Under average Sunnyvale ET conditions, a tree with moderate water requirements (e.g., *Magnolia*), would require about 23 inches of water per year. In an average year, rainfall would supply less than a quarter of this need (5.2 inches) because most rain falls when water demand by

plants is low. The remainder of the tree's water needs would have to be met by water available in the summer and fall, such as irrigation or a shallow water table accessible to the tree's roots.

Trees with low or very low water requirements, such as coast live oak, generally do not require supplemental irrigation to thrive in Sunnyvale. In contrast, trees with water requirements that are classified as moderate (e.g., magnolia, sweetgum) or high (e.g., coast redwood) depend strongly on supplemental irrigation. Trees that do not receive adequate amounts of water may grow very slowly, develop thin canopies, have early leaf drop or scorched leaves, or may die back to varying degrees. Even a temporary lack of irrigation during mid to late summer can cause severe dieback or death of trees such as coast redwood. As discussed below, such problems are more severe in soils with limited rooting depth or low total soil water-holding capacity.

Reclaimed water for irrigation

To reduce demand on potable water sources, the city's water treatment plant provides recycled tertiary-treated water for non-potable uses such as irrigation. To date, this water has only been used for landscaping purposes in the northern third of the City of Sunnyvale, north of US 101. Parks, golf courses, industrial parks, and play fields obtain water at a discounted rate where available. Increased use of reclaimed water for landscape irrigation is planned for new developments.

Reclaimed water has a higher salt content than is found in municipal potable water. As irrigation water evaporates from soil, salts present in it are left in the soil. Over time, these salts can accumulate to levels that inhibit plant growth. When water with high salt levels is used for irrigation, water has to be applied in amounts well in excess of plant water needs to leach out these excess salts from the soil.

Excess salinity in soil and irrigation water makes water unavailable to plants and exacerbates effects associated with inadequate irrigation. Salinity initially causes trees to grow more slowly. As salts accumulate in plant tissues, trees may show browning of leaf edges and shoot dieback. Salt-stressed plants can also show greater susceptibility to some diseases, including root rots. Although salt-tolerant plant species can grow in the presence of excess salts, most landscape trees are relatively intolerant of high salinity. In addition, various tree species may also show sensitivity to specific salt ions present in water or soil (e.g., chloride, boron). Toxicity related to specific ions may occur even if total salinity levels are not excessive.

3.2.2. Soils

The native soils in the City of Sunnyvale are formed from deep, permeable, unconsolidated alluvium that originated mainly from sandstone and shale rocks. Three soil groups are represented within the city, which vary in properties somewhat as described below. The Soil Survey map (Gardner and others 1958) and a table of general soil properties of each soil type are presented in the Appendix (Section 6.1. Soil types, Pg. 88). Soil types with properties that may adversely affect tree growth are shown in Figure 3-4. Approximately 5,892 acres (48% of the land area of Sunnyvale) have soil types that could have adverse effects on tree growth.

Urban soils are often significantly altered due to grading, trenching, compaction, contamination by chemicals, and import of fill soil. The soil maps serve as a general guide to soil conditions

that may affect tree growth, but soil properties at a given site may differ from that of the mapped soil type due to historical construction and land uses.

Basin soils

Soils closest to the bay were developed within or at the edges of the basin that became the San Francisco Bay. They include soils in the Alviso, Bayshore, Castro, and Sunnyvale soil series. These soils extend from the bay to the vicinity of the original downtown area. These soils are generally fine- or heavy-textured (clayey) and naturally tend to have slow surface and/or subsurface drainage. These areas also historically had high subsurface water tables. The heavy soil texture and poor drainage can inhibit root growth, leading to shallow root penetration and slow tree growth. Soil compaction makes these limitations more severe.

In addition, salt levels in some of these soils may be high enough to reduce growth or cause salt damage symptoms in salt-sensitive tree species. High levels of sodium found in some of these soils can also exacerbate slow drainage. Sodium can cause soil aggregates to disperse, which results in smaller pore spaces in the soil. Portions of Sunnyvale experienced significant amounts of land subsidence due to the pumping of groundwater for agriculture in the early 20th century. This subsidence may have allowed bay water to extend further inland and increased salt intrusion into soils closer to the bay shore. The soil types with the most potential for drainage and salinity problems in this group are noted below, along with their approximate acreage in Sunnyvale.

- Alviso clay (An) - 707 acres
- Castro clay (Cd) and Castro silty clay (Ce) -1,942 acres
- Sunnyvale clay (Sx) - 2,266 acres

Tree species used in these soils may need to be tolerant of salinity, poor drainage, and shallow rooting depth. In addition, planting sites should be prepared to minimize compaction and improve drainage. Depending on soil chemistry, incorporation of calcium (as gypsum = calcium sulfate) and organic matter may improve soil structure and rooting conditions.

Recent alluvial fan and floodplain soils

Soil series in this group include the Campbell, Sorrento, and Zamora series. These were among the most productive soils for agricultural production before the area was urbanized. Soils are generally very deep and favorable for tree root growth, with at least moderate permeability rates and good water holding capacity.

The only soil in this group with potential limitations for tree growth is Campbell silty clay (Cb), which covers about 460 acres in Sunnyvale. This is a deep soil with slow permeability. Permeability is further reduced if the soil is compacted, which occurs readily under wet conditions. However, orchard crops were successfully grown on these soils in the past, so good tree growth on this soil is possible with proper species selection, good water management, and minimal soil compaction.

Older alluvial fan soils

Soil series in this group include the Pleasanton and San Ysidro series. They are found in the southern portion of the city, primarily south of Fremont Avenue. The Pleasanton soils are deep loams with mostly moderate permeability. They do not have any significant limitations for tree growth unless the surface soil or subsoil is compacted, which can reduce permeability.

The San Ysidro soil occurs in finger-like streaks in the Pleasanton soils. About 517 acres of these soils are found in Sunnyvale. San Ysidro loam (Sb) is underlain by a highly impermeable clay layer at a depth of about 20 to 36 inches. This reduces rooting depth and makes the soils more subject to ponding during the rainy season or under heavy irrigation. Diseases favored by wet soils, such as Phytophthora root rots, may be more common on these soils.

Other soil units

In addition to the mapped soils, the soil survey includes a few areas that were historically excavated for gravel or other building materials. These are shown as pits (soil symbol Ec) in figures 3-4 and A1). The soil survey also notes that soil properties in one small area (Kitchen middens – Ka) were altered due to the former presence of a Native American settlement in the area. That area is now occupied by the Highway 101-State Route 237 interchange.

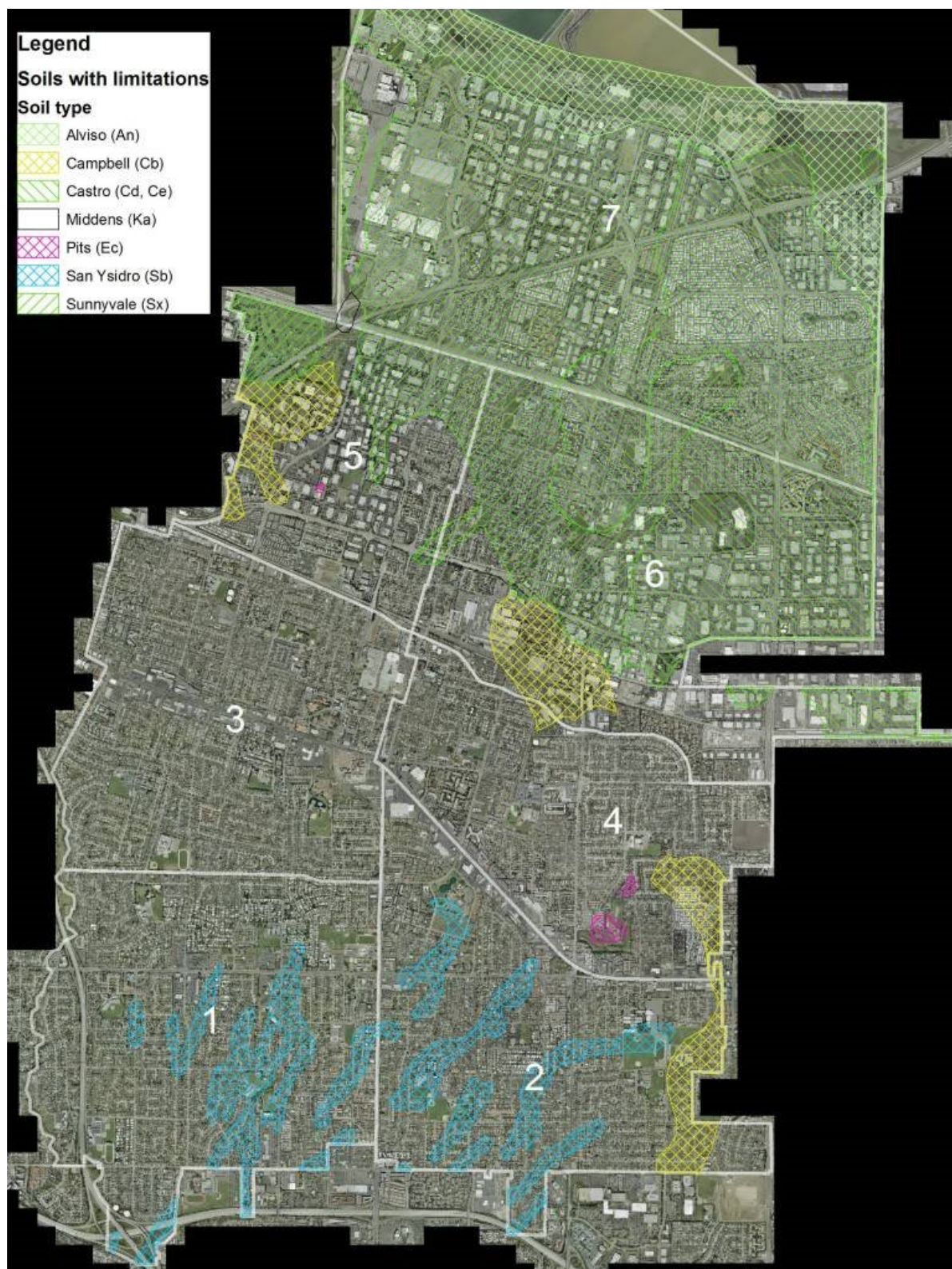


Figure 3-4. Distribution of soil types that have potential limitations for tree growth. Numbered zones outlined in white are management zones for city street trees. Background imagery provided by City of Sunnyvale.

3.3. Tree resources

Key Findings

- Overall tree canopy cover in the land area of Sunnyvale was estimated to be 18.4%.
- Trees in residential areas accounted for 62% of Sunnyvale's tree canopy.
- Trees in commercial areas accounted for 28% of Sunnyvale's tree canopy.
- Street trees account for about a third of the city's canopy cover, including 42% of all commercial tree canopy and 35% of all residential tree canopy.
- There are an estimated 231,000 trees in Sunnyvale, including about 70,000 along street rights-of-way.
- Increasing overall city canopy to 20.5% would require planting an additional 15,000 trees in residential areas and 14,000 trees in commercial areas.
- About half of the trees located along street rights-of-way are managed by Street Tree Services.
- Trees managed by Street Tree Services provide a large fraction of the canopy cover in both residential and commercial areas.
- Parks Division manages about 5,800 trees in parks and around city facilities.
- Private landowners are responsible for the care of most of the trees in Sunnyvale's urban forest.

3.3.1. City-wide canopy cover

Most of the benefits provided by the urban forest are directly related to levels of tree canopy cover. Canopy cover refers to the percentage of ground area that has tree cover directly overhead, and is most commonly assessed from overhead aerial imagery. Canopy cover is affected by both the number of trees per unit area (tree density) and the canopy spread of individual trees.

Tree canopy cover within the city can be increased by adding additional trees, but due to the small size of newly planted trees, tree canopy growth has a larger influence on canopy cover. A few mature trees with large canopies can have more canopy cover than a much larger number of young trees. Consequently, increasing tree canopy cover is typically a slow process. In contrast, decreases in tree canopy can occur much more quickly. A large mature tree can be removed in a single day, eliminating tree canopy that required decades to develop.

To assess tree canopy cover in Sunnyvale, we used a random dot grid to quantify tree cover within various land uses from 2007 aerial photography available from Google Earth. A robust estimate of canopy cover can be obtained by determining what percentage of the spatially random sample dots superimposed over the aerial image (*figure 3-5*) intercept tree canopy. Additional information on tree distribution was obtained by categorizing the land use associated with each sample dot. We used GIS layers and photo interpretation to assign sample points to the

following categories:

Residential (including single and multiple-unit zonings),
commercial/industrial,
city parks,
schools,
other city-owned properties.

Within these categories, we also noted whether a sample point was located within a public street ROW. Detailed information on the methods used is presented in Appendix 6.2 (page 85).

From this analysis, the overall canopy cover in the land area of Sunnyvale was estimated to be $18.4 \pm 2.1\%$. Other cities with canopy covers recently estimated at 18% include Seattle, Los Angeles (<http://www.sej.org/publications/tipsheet/some-cities-push-for-increased-tree-canopy>) and Rocklin, CA. In an analysis of canopy cover in 21 California cities and towns based on 1988-1992 aerial photos (Rowntree and Kerkman 1997), only five of the cities had tree canopy cover greater than 18%. These included Atherton, with the highest percent canopy of any city surveyed (1992 canopy cover 48%) and Menlo Park (1992 canopy cover 24%).

Canopy cover levels by land use category are summarized in Figure 3-6. Parks showed the highest percent canopy cover overall. If municipal golf courses are removed from the parks sample, the park canopy cover drops to 23%. Residential areas had higher levels of canopy cover overall than commercial/industrial areas. The aggregate of other land uses (schools, other city-owned land) had the lowest total canopy cover. Across the entire city, canopy cover associated with trees in the street ROW was 6.4%.

Another way to look at canopy cover is to consider how much of the total city canopy cover comes from different segments of the urban forest. These are shown below:

- Residential land uses — 62% of total city canopy cover
- Commercial/industrial land uses — 28% of total city canopy cover
- Parks, schools, and other city-owned land— 10% of total city canopy cover

According to this analysis, although residential areas cover 43% of the City, trees in residential areas accounted for 62% of Sunnyvale's tree canopy.



Figure 3-5. Aerial imagery of Sunnyvale (photo date July 2007) used for determining tree canopy cover. Top image shows the distribution of random points across a section of the city with polygon boundaries that indicate specific land uses (blue line = a city park, yellow line = school, green line = other city owned property). Latitude/longitude grids were used to help keep track of position during the counting process. Determination of whether sample points intercepted tree canopy were made under greater magnification, as shown in bottom image. Lower image shows a close-up with two sample points, one on a street tree (upper right) and the other on non-canopy beyond the ROW (lower left) within a residential area. The apex of each triangle was used as the actual sampling point. Imagery: Google Earth.

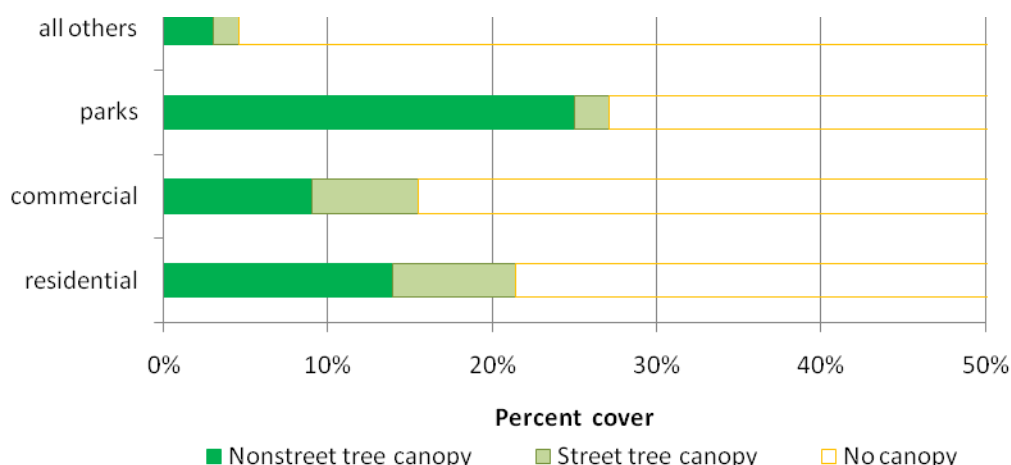


Figure 3-6. Tree canopy cover within land use categories by tree location (for this chart, street tree= trees within apparent city right-of-way).

Trees along streets accounted for more than a third of Sunnyvale's tree canopy (*figure 3-7*). Street trees made up a larger percentage of the total canopy cover in commercial land uses (42% of all commercial tree canopy cover) than in residential areas (35% of all residential tree canopy cover). Our sample indicated that the total amount of canopy cover over paved portions of city streets (curb to curb) was about 10%. In other words, only about 10% of the street pavement in Sunnyvale is directly under tree canopy.

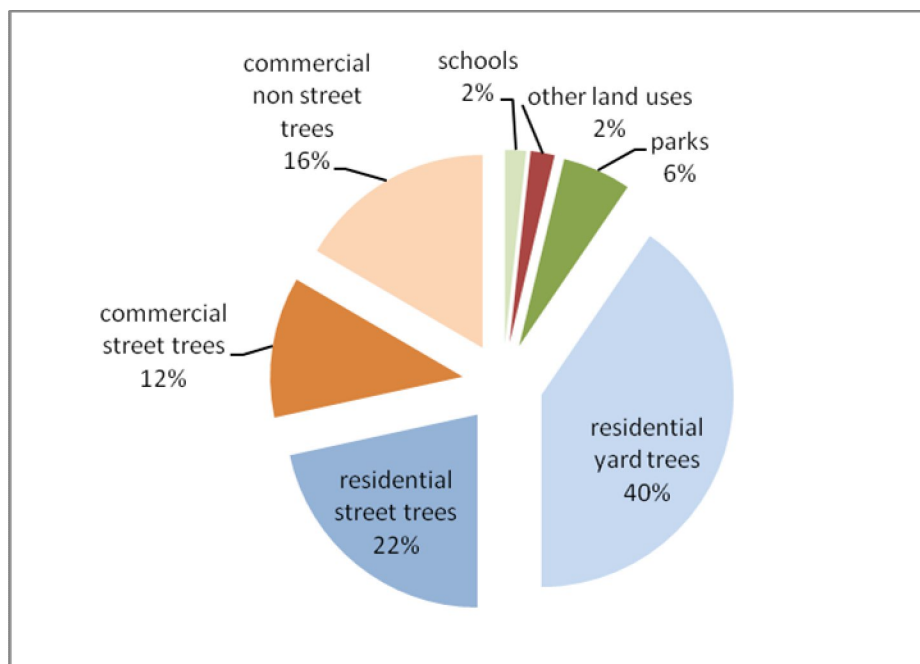


Figure 3-7. Distribution of City of Sunnyvale canopy cover.

As noted above, the City enacted standards for parking lot shading with a target of 50% shading of parking lots after 15 years for new construction. Although we did not quantify actual levels of tree canopy cover in parking lots, we visually assessed parking lot canopy cover in a large sample of parking lots throughout the city using available 2010 aerial imagery. Very few existing parking lots approach the 50% shading standard. It was clear that most parking lots have so few trees that they are not likely to approach the 50% standard at any point. A substantial number of parking lots had no trees at all.

References

Rowntree, R.; Kerkman E. 1997. Urban forest canopy cover in California: analysis of 21 cities and towns. Unpublished technical report. USDA Forest Service, Pacific Southwest Research Station. Albany, CA.

Tree population estimates

We used estimates of average tree canopy area and the actual area covered by tree cover to estimate total numbers of trees. The portion of the city included in the evaluation covers about 19.25 square miles. Within this area, tree canopy covers more than 3.5 square miles and includes an estimated 231,000 trees. This is equivalent to:

- 1 tree per about 2,300 square feet;
- about 19 trees per acre; or
- about 1.66 trees per resident (based on 2009 population estimates).

Some other tree population estimates based on canopy cover:

- residential zoning areas: 142,455 trees
- commercial zoning areas: 60,392 trees
- trees along street ROW: 70,148

From the estimated tree numbers and the total length of streets within Sunnyvale, we estimate that the density of trees along the street ROW is about 378 trees per street mile. This compares to 353 trees per street mile in Rocklin, CA, measured in 2006.

Number of privately maintained street trees

The tree inventory maintained by Street Tree Services showed 36,898 city street trees as of January 2010. Subtracting public trees managed by Street Trees Services and boulevard median trees managed by Parks starting in July 2010 from the estimated 70,148 trees along the street ROW leaves an estimated 34,000 trees along streets that are under the care of private residential and commercial property owners. In many locations, particularly where streets have been widened over time, trees planted close to the street (and rated as in the ROW in our aerial photo interpretation) are not in the official public ROW. This situation is more common in commercial areas than in residential areas. Many of the trees within landscaped strips adjacent to the street or on the far side of monolithic sidewalks in commercial areas are private trees rather than inventoried street trees (*figure 3-8*).



Figure 3-8. Trees along the apparent street right of way may be either public trees managed by Street Tree Services or privately owned and managed trees. The sweetgum trees along the street on the left side of this image are private trees on a commercial parcel. The trees in the median are managed by the City.

Potential canopy cover goals for Sunnyvale

Based on canopy cover measurements, we know that Sunnyvale can support at least 18.4% tree canopy cover. This level of canopy cover would increase over time through tree growth if no trees were removed. However, because trees are removed on an ongoing basis, canopy cover levels will drop if tree canopy is removed at a greater rate than can be offset by the growth of the remaining trees. In addition, replacing large-canopied trees with trees that are smaller at maturity can lead to long-term reductions in tree canopy cover.

A newly planted tree can take many years to reach the canopy size of a mature tree. For example, a single tree with a canopy diameter of 68 ft. (e.g., the large trees on the left side of *figure 3-9*) provides more canopy cover than 46 trees with a 10 ft. canopy diameter or 11 trees with a 20 ft. canopy diameter. To maintain stable canopy cover levels over time, replacement trees need to be in place and growing before mature trees are removed. This means that it will be necessary to

plant many more trees than are removed over a period of years, especially if many existing large trees are reaching the end of their useful life.

For planning purposes, Sunnyvale should determine how much more tree canopy cover could be supported within the city. There is no set formula or methodology for calculating the maximum achievable canopy cover for an urban area, and factors that constrain tree cover vary between cities. In Sunnyvale, the area occupied by buildings, streets, and impervious hardscape is the primary factor that limits the space available for both tree canopies and tree roots.

Much of Sunnyvale is dominated by relatively small residential lots with limited space for large trees. To see how much canopy cover might be supported within Sunnyvale's residential areas we examined current aerial imagery to find areas with high levels of canopy cover. After scanning the entire city, we selected ten residential areas that included patches of high canopy cover. We superimposed a 14-acre square (780 ft. on a side) sampling frame over each of these relatively high canopy cover areas and assessed canopy cover within the frames. Invariably, these sampling frames included areas with more modest canopy cover in addition to the high canopy cover patches that we had noted.

Among these ten residential samples, 26% canopy cover was the maximum tree cover seen within the 14 acre square (e.g., *figure 3-9*). The average canopy cover of these ten areas was 23.6%. These results suggest that it should be feasible to increase residential canopy cover in Sunnyvale to at least 24%, which is about 112% of the existing residential canopy cover of 21.4%.

Assuming that existing tree canopy is maintained, about 15,000 additional trees would need to be planted to increase average canopy cover in residential areas to 24% (assuming the new trees would average 22.5 feet canopy diameter, the current average tree canopy spread in residential areas). This is equivalent to one tree for every 15,000 square feet of residential property. Increasing residential tree canopy cover to 24% would increase citywide canopy cover to 19.4% (Table 3-1).

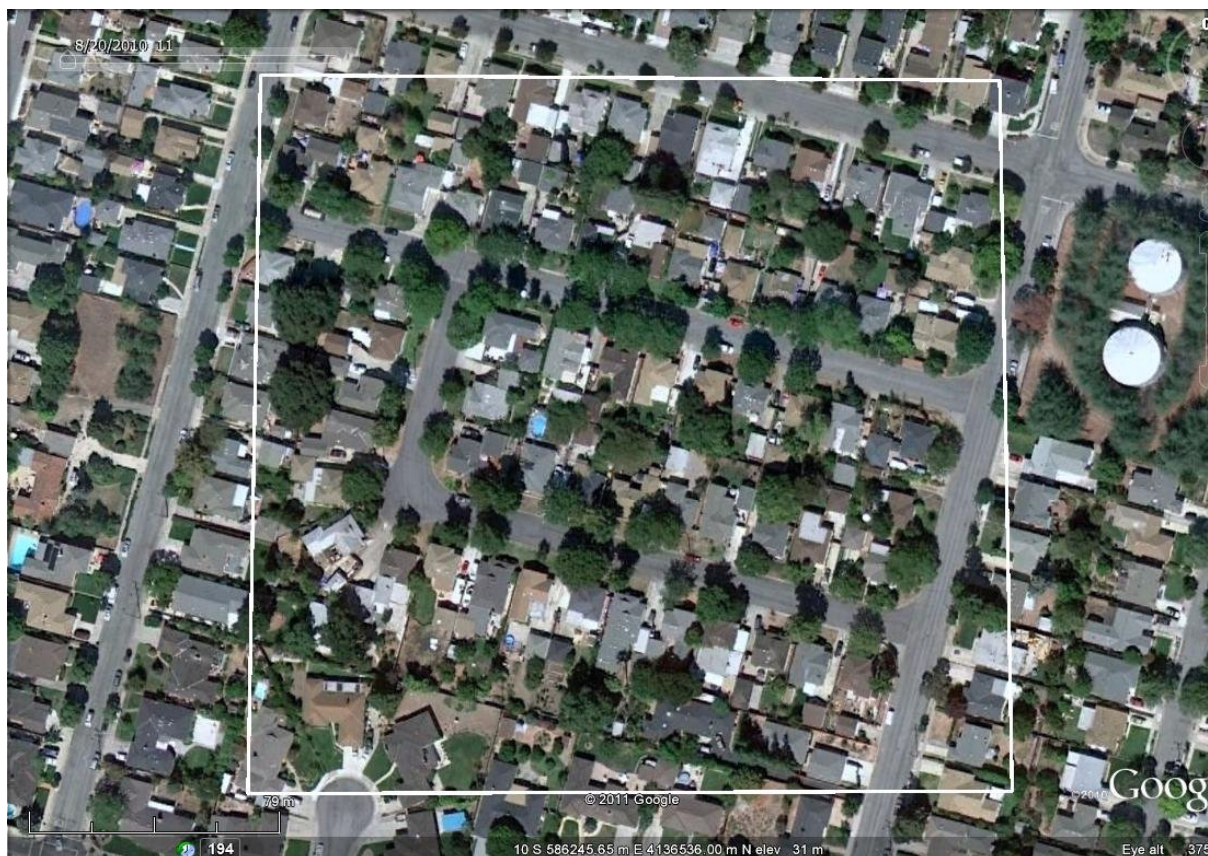


Figure 3-9. Residential area within Sunnyvale showing relatively high canopy cover. Canopy cover within the 14 acres delimited by the white box was about 25%. Image: Google Earth; image date 20 August 2010.

Table 3-1. Scenarios for increasing canopy cover in Sunnyvale through additional tree planting. All scenarios assume that existing tree canopy is maintained at constant levels though replacement planting and growth of existing trees.

Scenario	Residential canopy cover	Commercial canopy cover	Estimated additional number of trees needed	Estimated citywide canopy cover
current conditions	21.5%	15.5%		18.4%
increase residential canopy cover	24%	15.5%	15,000 ¹ in residential areas	19.4%
increase commercial canopy cover	21.5%	20%	14,000 ² in commercial areas	19.4%
increase residential and commercial canopy cover	24%	20%	29,000 (= 15,000 residential + 14,000 commercial)	20.5%

¹ Assumes trees have a canopy diameter of 22.5 feet, the estimated average size of residential trees in Sunnyvale.

² Assumes trees have a canopy diameter of 24 feet, the estimated average size of commercial trees in Sunnyvale.

Commercial and industrial areas occupy about 28.5% of Sunnyvale's land area. Canopy cover within these land uses is relatively low (15.5%, Table 3-1) because much of the land area is covered by large buildings and extensive parking lots. Many parking lots had little or no tree canopy (*figure 3-10*), whereas others had much higher levels of canopy cover. The results show that parking lot canopy cover can be increased substantially by using good tree selection and adequate planting designs (*figure 3-10*).

Increasing canopy cover in commercial areas would require both replanting vacant planting spaces in parking lots and retrofitting parking lots to create areas for planting additional trees. Because limited rooting space constrains tree growth in parking lots, designs that provide greater rooting volume should be used in both new construction and retrofitting. Planting parking lot trees in long strips or swales rather than in small pavement cutouts allow trees to grow larger and provide greater canopy cover. The use of pervious pavement near trees, possibly in combination with structural soils, would also improve conditions for root growth, allowing trees to grow larger.

By modifying parking lots to accommodate more and larger trees, it should be possible to increase canopy cover in commercial and industrial zonings to 20%. This would require planting about 14,000 additional trees, or about one new tree per 11,000 square ft. of commercial property. Increasing canopy cover in commercial areas to 20% in combination with an increase in residential canopy cover to 24% would increase citywide canopy cover to about 20.5% (Table 3-1), or about 111% of the current estimated canopy cover. Most of the approximately 29,000 additional trees would be planted on private lands, although replanting the several thousand vacant City street tree planting sites (see section 3.3.2) would help contribute to reaching this goal.

Increasing tree canopy cover in schools, city parks, and other city-owned facilities would also help increase citywide tree canopy cover. However, because these properties make up a relatively small proportion of the city's area, increasing canopy on these lands would have a lower impact on citywide canopy cover. In addition, large open areas including playing fields and water treatment facilities near the bay are not candidates for tree planting.

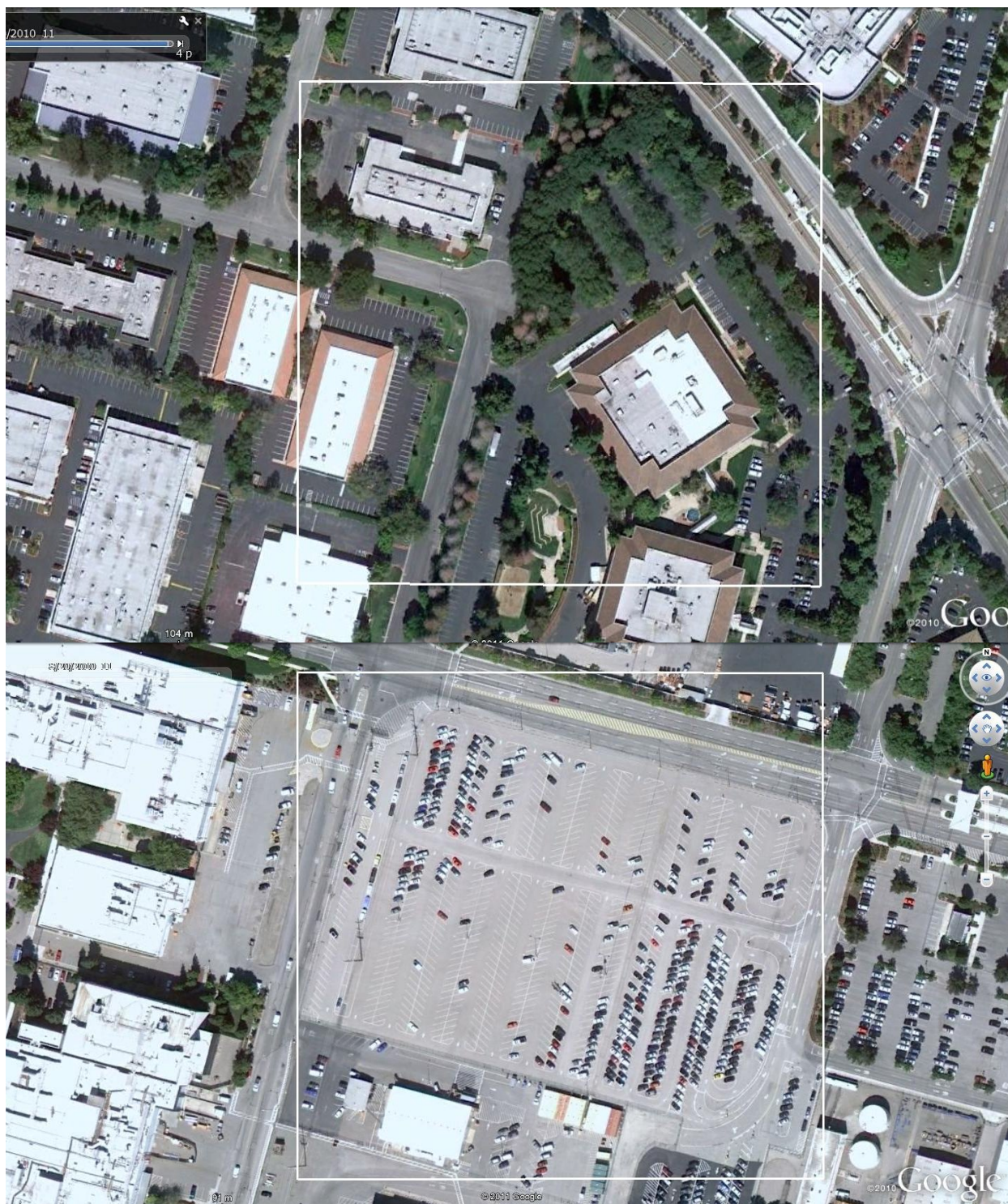


Figure 3-10. Tree cover in north Sunnyvale commercial areas with large parking lots. Canopy cover within the white square in top photo was approximately 29%. Canopy cover within the square in the bottom photo is less than 1%. The two sites shown are less than a mile apart.

White square in each photo represents 14 acres. Images: Google Earth, image date 20 Aug 2010.

3.3.2 City maintained street trees

Key Findings

- The Street Tree Inventory contains 41,357 inventoried tree planting spaces along streets and in medians; about 11% of these spaces were vacant in January 2013.
- City street trees are predominantly broadleaf (hardwood) species (91%). Conifers (8%) and palms (1%) account for the balance of city street trees.
- Street trees are extremely diverse with over 190 different species represented.
- The three most common city street trees are Southern magnolia (13% of total inventory), American sweetgum (10%), and Chinese pistache (8%).
- Street Tree Services has discontinued planting some species, e.g., American sweetgum, due to various problems associated with them, and has increased the use of other species.
- City street trees are primarily species that are medium- to large- statured at maturity, and a large percentage has reached mature size.
- Large-statured street trees are especially important contributors to city canopy cover and overall tree-related benefits, but these trees need to be maintained properly to maximize their useful life.
- Because many of the current large canopied street trees were planted during Sunnyvale's postwar development era, an increasing number of these trees will be reaching the end of their useful life in the coming decades. Maintaining tree canopy cover will require an active replanting program.
- Sunnyvale derives a net financial benefit from the funds it invests in maintaining its street trees. These tree resources and the benefits they provide will be at risk if the City fails to provide for their maintenance.
- Damage to roots of City Street trees has been minimized by the joint administration of Street Tree Services and Concrete Maintenance. Recent administrative separation of these programs will require new mechanisms to prevent costly damage to tree resources. A "call before you dig" program should be instituted that would apply to excavation or hardscape removal near street trees. This should apply to work performed by the city, businesses, or private landowners.

City-maintained street trees

The Street Tree Inventory maintained by Street Tree Services lists 41,357 tree planting spaces in the public right-of-way (ROW) along streets and in medians. As of January 2013, the inventory listed 36,898 city street trees in these spaces. Street Tree Services had complete responsibility for

maintaining city street trees until a recent (July 2010) realignment that shifted the responsibility for boulevard median trees to the Parks Division. Median trees that were too tall to prune from the ground were still pruned by Street Tree Services under this arrangement. These 1,164 median trees are included in the overall analyses of city-maintained street trees below. A tabulation of all species in the inventory is presented in Appendix 6.3.

Vacant planting sites

Eleven percent of the planting spaces (approximately 4,430 spaces) in the Street Tree Inventory were listed as vacant in January 2013, but not all of these listed sites are plantable. Notes for some of these records indicate that trees could not be planted due to conflicts with signs, lights, or other infrastructure. Some other sites were already overtopped by nearby trees. In some cases, adjacent property owners refused to have trees planted in vacant sites.

About 650 of the vacant sites listed in the inventory were in planting sites that were no more than 2.5 ft. wide. These highly constrained planting sites can only support small trees and would not be a high priority for replanting due to maintenance issues. In some instances where the parkway planting site is very small, the adjacent homeowner has agreed to have the city street tree planted in their front yard instead of in the narrow parkway strip. These front lawn trees are dedicated street trees.

Fifty-four percent of vacant sites are listed as open planting sites, which are sites on the yard or landscape side of a monolithic sidewalk. Most of these sites can support medium or large trees and typically would be high-priority sites for replanting. Street Tree Services improves planting sites whenever legally possible.

Species diversity

Slightly more than half of the city-managed street trees are deciduous broadleaf (i.e., hardwood) trees. Most of the remaining trees are evergreen broadleaf trees (*figure 3-11*). The species composition of the street tree population is remarkably diverse. Sunnyvale's street tree inventory includes over 190 tree species. Only Southern Magnolia, American sweetgum, and Chinese pistache are present at more than 5% of the overall street tree population (*figure 3-12*). Maintaining a diverse tree population can reduce risks associated with introduced pests and diseases.

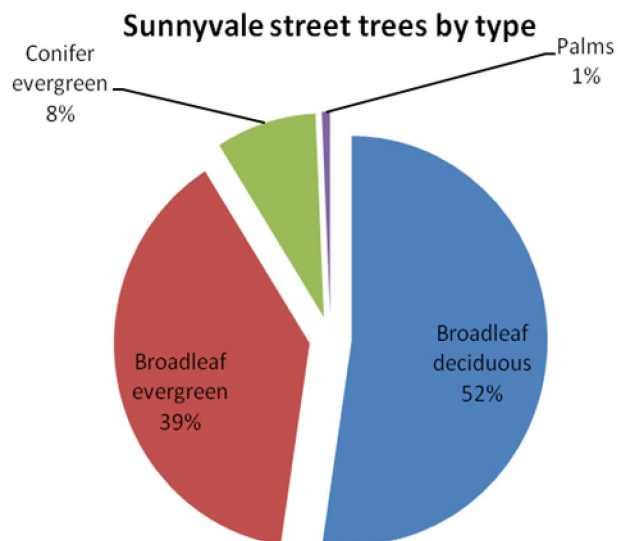


Figure 3-11. Sunnyvale street trees by type (source: Street Tree Inventory Jan 2010 and i-Tree).

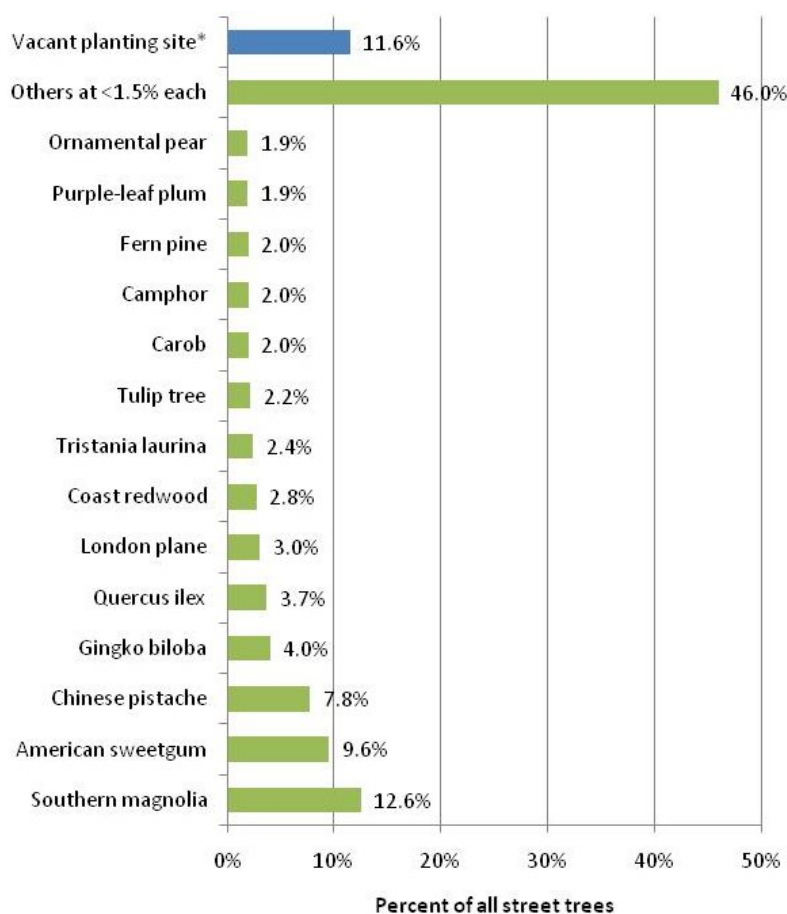


Figure 3-12. Species mix of the city-managed street trees (source: City of Sunnyvale street tree inventory, Jan 2010).

*Vacant planting sites based on 41,357 inventoried planting sites.

Although the street tree population is diverse on a citywide basis, plantings along individual blocks typically utilize a relatively small number of species to provide a uniform appearance. We queried the tree inventory to develop a list of the most common street trees along 3,688 individual block face street segments (Appendix 6.6, Street tree species composition by block face, page 97).

The mean number of trees per block face was 10.3 and half of the block faces had seven or fewer City street trees. Most blocks (53%) have no more than two street tree species, although about 10% had more than five species represented (*figure 3-13*). The maximum number of species per block face was 19. The number of species per block face generally tends to increase with the number of trees on the block face (regression line $R^2=0.37$, $p<0.0001$). For example, the block face with 19 species had 55 trees. However, several of the block faces with the largest numbers of trees have low diversity. On the block face with the greatest number of trees (Caribbean Dr., from Mathilda to Borregas), 176 of the 179 trees were blue gum eucalyptus. These eucalyptus trees line the bay side of the street, near the wastewater treatment facility.

Even on blocks with relatively high numbers of species present, one or two species were usually dominant, making up more than 60% of the block face trees. Southern Magnolia was the dominant species on 13.8% of block faces, followed by American sweetgum (9.9% of block faces), and Chinese pistache (9.3% of block faces). As shown in Figure 3-13, 115 block faces (3%) showed only vacant planting spaces in the inventory.

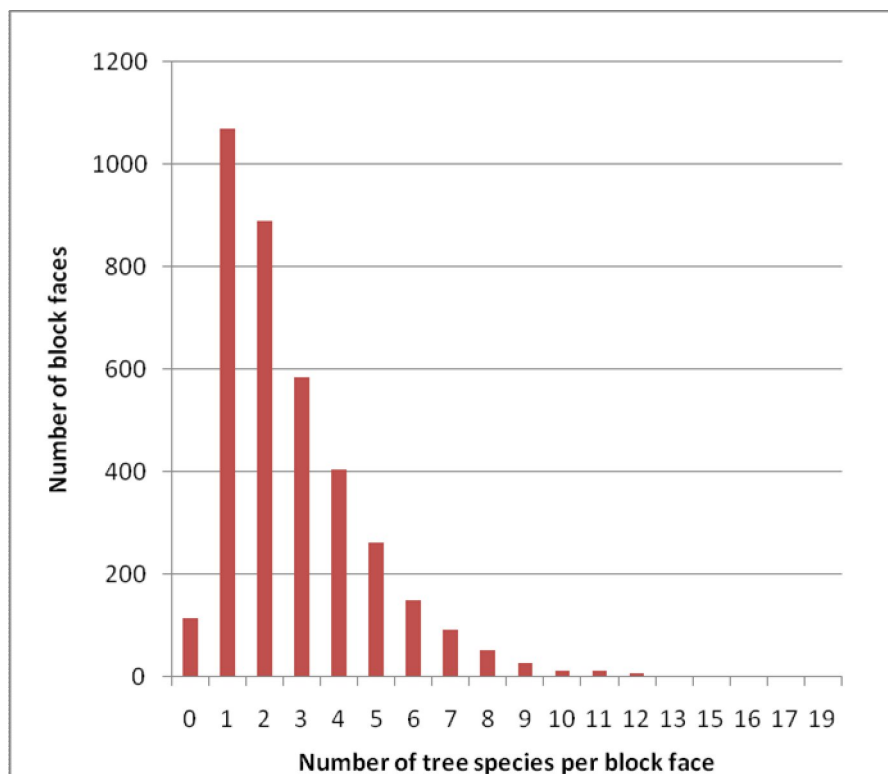


Figure 3-13. Number of city street tree species present along individual block faces (street segment between two intersections) based on data in the City of Sunnyvale street tree inventory (Jan 2010).

Changes in species selection

In any urban forest, some tree species may develop specific problems over time. Trees may perform poorly or have short life due to incompatibility with local growing conditions, pest or disease problems, a propensity to fail. Some species may also be more likely to damage sidewalks, especially when planted in narrow strips. Experience is the best indicator of how trees perform under local conditions; trees that are successful in some cities may perform poorly in others due to different soils, climate, or other conditions.

Due to various problems that have developed over time, Street Tree Services has stopped using some species that were planted along streets in the past (Appendix 6.5). Analysis of inventory data indicates that about 75 species or varieties of trees that are present in the city ROW are being reduced in numbers. These trees are either being phased out entirely or are gradually being eliminated from some planting situations in which they cause problems. At the same time, Street Tree Service is increasing its use of 22 species or varieties (Appendix 6.4). Some of these represent improved varieties of species currently in use, such as disease-resistant varieties. Others represent species that have performed well in limited plantings and are being used to replace more problematic species.

American Sweetgum - *Liquidambar styraciflua*

American sweetgum, or Liquidambar, is one of the more prominent trees that is no longer planted in Sunnyvale. Sweetgum is one of the most common street trees in Sunnyvale and many other California cities. It has been widely planted due to its relatively fast growth and tolerance of varied soil conditions. However, this species commonly produces roots at or near the soil surface that can cause hardscape damage. Furthermore, sweetgum produces its seed in a hard, spiny seed ball that can pose a nuisance, especially in streetscapes. Great numbers of these seed balls drop in late winter and can pose a tripping hazard if they are not regularly removed during the drop period. In addition, many of the older sweetgum trees lack a central leader. These trees are more prone to branch failure and need more frequent pruning to reduce the likelihood of failure.

In response to citizen complaints, the City council began allowing removal of sweetgums from the city ROW in 2005. Property owners can obtain a permit to remove sweetgum trees and replant with replacement trees. The City initially provided some funding to remove and replace these trees, but its funding was suspended for economic reasons until 2013. Limited public funding was reinstated in May 2013. Criteria are in place to minimize the rate of canopy loss associated with replacement of this common tree. No more than 10% of the sweetgums on a block may be removed and two adjacent sweetgums cannot be removed at the same time. As an alternative to removal, the City allows citizens to spray trees with ethephon (Florel®) to suppress production of seed balls.

About 100 sweetgum street trees have been removed by property owners under the permit program. Prior to FY 2009-10, property owners could pay to have Street Tree Services to do the

work, which includes tree removal, stump grinding, and planting of a replacement tree (\$1200). The work was typically done by City crews because it is logistically difficult to line up the multiple contractors needed to do the entire job. This service was discontinued as the result of staff reductions related to reduced City revenues. As of October 2013 public funded sweetgum removals are being performed by contractor.

Street Tree Services is reducing its sweetgum inventory. New plantings of this species are limited to seedless varieties. The variety ‘Rotundiloba’ is seedless and variety ‘Cherokee’ reportedly sets few or no seeds. Also deciduous oak species Shumard, Scarlet and Red oak have performed well as sweetgum replacements.

Tuliptree scale

Tuliptree (*Liriodendron tulipifera*) constituted about 2% of the City street trees in December 2010 (Appendix 6.3). An important pest of this tree is tuliptree scale (*Toumeyella liriodendri*), a large soft scale insect. This insect pest is widespread in the eastern US, and has been spreading throughout the San Francisco Bay Area since the late 1990s. These scales infest the twigs of tuliptrees and some other species. They feed on tree sap, and in the process produce large amounts of honeydew, a sticky liquid that drops from the insects and coats surfaces under the trees. Feeding by the scale can also cause major and minor limbs to die back, which increases pruning needs.

In April 2011, staff identified nearly 200 sites that were affected by tulip tree scale. The City hired a professional tree care company to apply a soil treatment to control the scale. In 2012 and 2013 additional Tuliptrees were treated to control tuliptree scale. The treatments were started to protect the trees from long-term structural damage. Due in large part to this pest problem, tuliptree is on the list of street tree species that are being reduced in numbers (Appendix 6.5).

Southern Magnolia – *Magnolia grandiflora*

Southern Magnolia is the most numerous single tree species in the Sunnyvale street tree inventory. As of October 2013 there are 4,612 magnolias on Sunnyvale streets representing 11% of the street tree inventory. Southern magnolia is a native of the southern US and thus is adapted to abundant summer water. Also in its native environment is very shallow rooted with extensive surface roots. Southern magnolia is not adapted to Sunnyvale’s Mediterranean climate and thus requires summer irrigation to perform well. The aggressive surface roots cause significant infrastructure damage. Southern magnolia is being reduced in number with alternative evergreen trees species.

Size of city maintained street trees

The municipal street tree population is composed primarily of medium- to large-statured trees. Estimated canopy size at maturity for the current city street tree population is:

- 32% large trees (generally more than 40 ft tall at maturity)

- 53% medium trees (generally 20-40 ft tall at maturity)

- 15% small trees (generally less than 20 ft tall at maturity).

Tree canopy size is important because many of the benefits provided by trees are proportional to canopy size. Trees with large canopies provide substantially greater benefits than small trees.

Based on January 2010 inventory data, about 34% of all city street trees are over 30 feet tall (*figure 3-14*). These include trees of 128 different species or varieties. However, nine species account for the majority (65%) of trees over 30 ft tall (Table 3-2).

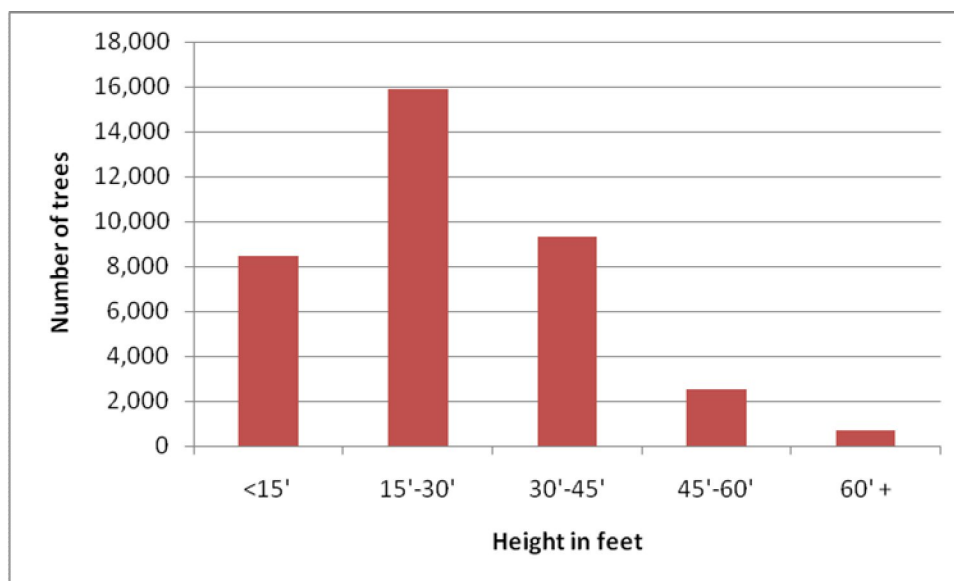


Figure 3-14. Height distribution of Sunnyvale street trees (source Street Tree Inventory Jan 2010).

Table 3-2. Tallest trees in the municipal street tree inventory (Jan 2010) by species.

Species	Number over 30 ft. tall	Percent of tall (>30 ft) trees
American sweetgum	2713	22%
Southern magnolia	1372	11%
Chinese pistache	683	5%
Coast redwood	663	5%
Holly oak	661	5%
Tulip tree	565	5%
London plane	510	4%
Maidenhair tree	507	4%
Shamel ash	417	3%
Total	8091	65%

Tree diameter (measured at 4.5 ft, known as diameter at breast height or DBH) data from the inventory correlates well with the tree height data. About 29% of the trees in the inventory have a DBH of 12 inches or more (*figure 3-15*). Nine species account for 62% of these larger trees (Table 3-3). The top nine species by trunk diameter includes all of the species shown in Table 3-2 except London plane. Carob ranks in the top nine for trunk diameter, but is not in the top nine for height.

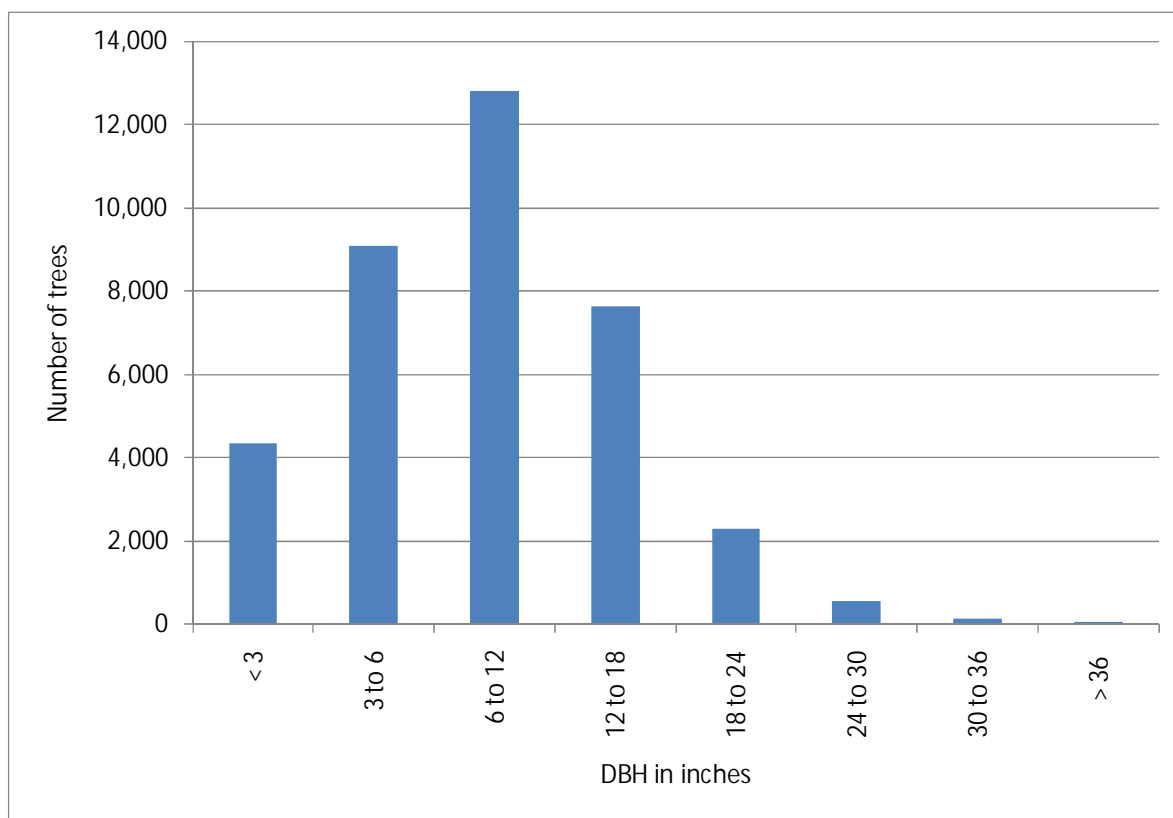


Figure 3-15. Diameter (DBH) distribution of Sunnyvale street trees (source Street Tree Inventory, Jan 2010).

Table 3-3. Largest diameter trees in the municipal street tree inventory (Jan 2010) by species.

Level	Number with DBH of 12 inches or more	Percent of large diameter ($\geq 12''$) trees
Sweetgum	1598	15%
Southern magnolia	1559	15%
Holly oak	733	7%
Chinese pistache	638	6%
Carob	522	5%
Coast redwood	484	4%
Tulip tree	373	4%
Shamel ash	372	3%
Maidenhair tree	335	3%
Total	6614	62%

To estimate the percentage of street trees that are near their mature size, we cross-tabulated inventory height and DBH data against tree size classes at maturity. This analysis indicates that

at least one third (about 12,500 trees) of existing city street trees are currently below their mature size. This suggests that a wide majority of existing city street trees are close to their potential mature size. The preponderance of relatively large-statured, mature trees in the street tree population accounts for the large contribution that street trees make to the City's overall canopy cover. A challenge for the future will be maintaining street tree canopy cover as increasing numbers of these mature trees reach the end of their useful life.

Damage to city street trees

Given both the overall values provided by City Street trees and the City's investment in these resources, it is important to prevent avoidable damage to these trees. Damage can result in the premature loss of trees, with associated loss of benefits. Additional costs are incurred when damaged trees need to be prematurely removed and replaced.

Soil excavation that damages tree roots is one of the most common causes of avoidable damage in urban tree populations. Damage to roots of City street trees has been minimized by the joint administration of Street Tree Services and Concrete Maintenance. Sidewalk and curb repairs near trees, if conducted without proper care, have the potential to severely affect tree health and create hazardous situations that may lead to tree failure. A recent reorganization (May 2011) of Public Works has administratively separated Street Tree Services and Concrete Maintenance programs. Without close coordination of these programs, costly damage to City street tree resources could become more common.

In addition, no mechanism currently exists to identify other public and private construction activities near street trees that have the potential to affect tree root systems. One possibility would be to institute a "call before you dig" program similar to, and perhaps coordinated with, the Underground Service Alert (USA) program. Under such a program, Street Tree Services would receive notification when excavation, trenching, pavement removal, or other activities are scheduled to occur within a given radius of a City street tree. Street Tree Services would assess the situation and specify procedures to prevent negative impacts to tree roots. City inspectors would enforce specified tree root protection measures.

3.3.3. Park trees

Key Findings

- The Parks Division manages about 5,800 trees in parks and around public facilities in Sunnyvale.
- As of July 2010, responsibility for the 1,164 trees in street medians was transferred to Parks.
- Most park and facility trees are medium-statured to large-statured at maturity.
- Overall park and facility species diversity is high, but coast redwood is present at high levels (28%) indicating that it is overused in parks and facilities plantings.
- Expanded use of native species including locally native should be considered where appropriate.

Sunnyvale has 21 city parks that offer a variety of recreational activities. The parks are categorized as mini, neighborhood or community parks depending upon their size and have many amenities including tennis courts and basketball courts, sports fields, playgrounds, picnic areas and landscaping including trees. The Neighborhood Parks and Open Space program in the Parks Division maintains parks, public grounds, regional open space and the open space at various school sites through joint-use agreements with school districts. In addition, the Median

Boulevards program in Public Works was absorbed by this program in 2010. These trees are included in the above section on street trees.

According to the tree inventory maintained by the Parks Division, there were 5,824 trees planted in parks and around other facilities as of the 1999/2000 inventory. The Street Tree inventory lists 1,164 trees on street medians.

Most park and facilities trees are evergreen conifers and broadleaf trees (*figure 3-16*). There is a higher percentage of conifers among parks and facilities trees than among street trees (*figure 3-11*). This is in large part due to extensive plantings of coast redwood, as noted below. The most widely planted broadleaf tree in parks and facilities is Chinese pistache (7.8% of all trees), which is also one of the most common street trees.

Approximately 135 different tree species are planted in City parks and other facilities (Table 3-8). Plantings at most parks and facilities are diverse, but some locations have only a few tree species. In many locations, most of the trees are of only two or three species. Although overall species diversity is relatively high, coast redwood (*Sequoia sempervirens*) accounts for 28% of all trees in the inventory. This is a high percentage for a single species, which suggests that coast redwood has been overused to some degree.

Sunnyvale is not within the natural range of coast redwood. Coast redwood is relatively sensitive to salinity and requires moderate to high levels of irrigation to remain in good condition in Sunnyvale's climate. Although coast redwoods grow quickly in a variety of sites when young, they can outgrow their rooting space and become chronically water stressed. This accounts for the poor condition of redwoods seen in some areas (e.g., smaller planting beds near City Hall).

In contrast to coast redwood, coast live oak and valley oak are trees that are native to Sunnyvale and are better adapted to local weather and soil conditions. However, these native oaks make up less than 2% of all trees in the inventory.

We used the tree size classifications from i-Tree's software package to determine the potential size distribution of these trees at maturity. This analysis shows that most trees in parks and city facilities are large-(55%) or medium-statured (32%) at maturity. Only about 9% of the trees in parks are small-statured trees, but small trees are more common (about 13% of all trees) around city facilities and schools maintained by the Parks Division. Judging from aerial photos, many of the trees in these sites are at or near their mature size, but the Park Division tree inventory did not include current tree size data.

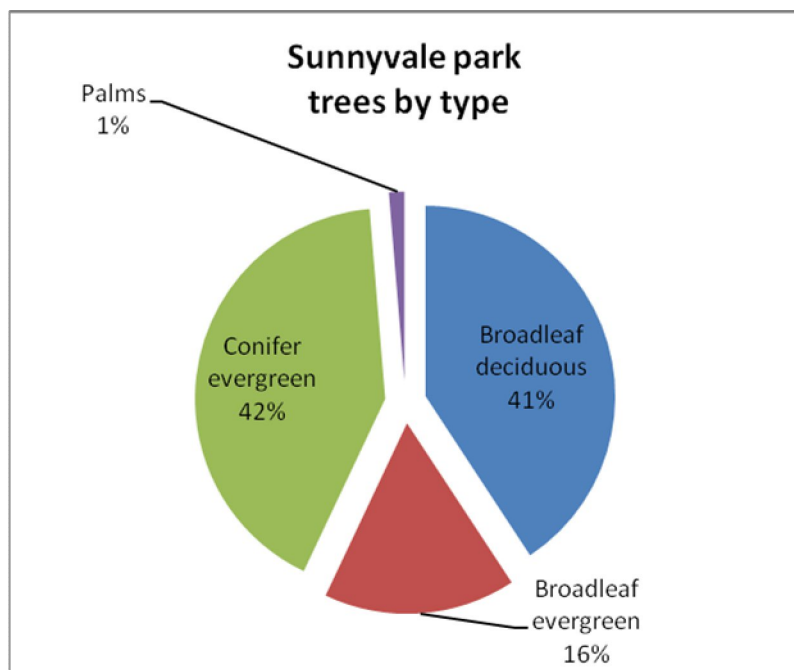


Figure 3-16. Sunnyvale park and facility trees by type.

Table 3-8. Summary of trees in the Parks Division 1999/2000 tree inventory.

Site	Number of species	Number of trees	Acres
Bishop School	3	28	3.2
Braly	10	114	5.6
Braly School	4	14	4.0
Butcher's corner	4	33	.7
Cannery	2	23	0.7
Cherry Chase School	4	60	5.2
Civic Center campus	22	531	13.4
Columbia Park/School	13	186	14.7
Community Center	25	428	33.1
Cumberland School	6	72	4.9
Cupertino Middle School	5	250	12.9
De Anza	21	220	9.4
De Anza School	5	12	5.8
Ellis School	8	51	3.6
Encinal	11	120	4.2
Fair Oaks	28	198	15.3
Fairwood Park	3	67	1.9
Fairwood School	7	129	4.6
Greenwood Manor	3	11	0.4
Hollenbeck School	8	88	5.0
Lakewood Park	21	213	10.7
Lakewood School	7	34	4.6
Las Palmas	27	489	24.3
Murphy	22	192	5.4
Nimitz School	8	84	
Orchard Gardens	5	27	2.6
Ortega	26	365	18
Panama	11	69	4.9
Ponderosa	21	224	9.1
Ponderosa School	3	24	4.0
Raynor	27	285	14.7
San Antonio	8	110	5.8
San Miguel School	4	71	3.0
Serra	34	507	11.5
Serra School	7	26	5.8
Sunnyvale Middle School	10	122	15.1
Vargas School	3	51	3.5
Washington	31	244	11.9
West Valley School	1	24	4.6

3.3.4. Heritage trees

Trees may be designated as heritage landmarks following the provisions of Chapter 19.96. Heritage Preservation, in the Sunnyvale municipal code (see section starting on page 79). As of January 2009, trees at 14 addresses were listed in the Heritage Resources Inventory (Table 3-9). Trees at one additional address were listed in the Local Landmark inventory (Table 3-9).

Table 3-9. Trees protected by the Heritage Preservation Chapter of Sunnyvale Municipal code as of January 2009.

Species	Street	Address
Coast Live Oak	Bernardo Avenue	1650 S. Bernardo
Coast Live Oak	Calgary Drive	1748 Calgary Drive
Palm Trees	California Avenue	130 E. California (Site of Murphy Homestead)
Dawn Redwood	Dartshire Way	814 Dartshire
American Chestnut	Hendy Avenue	501 E. Hendy
Sycamores	Hollenbeck Avenue	880-882 Hollenbeck (Bocks Ranch)
Valley Oak	Ives Terrace	
Coast Redwood	Manzanita Avenue	755 Manzanita
Coast Redwood	Pastoria Avenue	467 S. Pastoria
Coast Live Oaks	Picasso Terrace	674 Picasso
California Live Oak	Remington Drive	550 E. Remington (Community Center)
Coast Live Oak	Sheraton Drive	696 Sheraton Drive
Monkey Puzzle	Sunnyvale Avenue	545 S. Sunnyvale
Variety Tree Grove	Town Center Lane	2502 Town Center Lane (Town Center Trees)
Coast Live Oak	Tiffany Court	679 Tiffany Court
Removed from the inventory		
Valley oak	W. El Camino Real	1111 W. El Camino Real
Casa Delmas Magnolia	Heatherstone Avenue	960 Heatherstone
California Black Walnut	Murphy Avenue	529 S. Murphy
City of Sunnyvale local landmarks adopted in 1979		
Vargas Redwood Trees ¹	Carson Drive	1004 Carson Drive

¹These Coast Redwoods were planted in 1900 by Manuel Vargas, "Mr. Sunnyvale." The saplings were gathered during a family outing to Pescadero, and planted at the entrance to the Vargas family home. Source: <http://sunnyvale.ca.gov/NR/rdonlyres/CD341FEE-80EF-42BE-8009-F1370455CB9D/0/HeritageResourcesandLandmarkAlterationFINAL.pdf> Dated 1/09 for Heritage trees and 7/07 for Landmark trees.

4. Status of Current Tree Management

Key Findings

- Privately managed trees account for about 80% of the tree canopy citywide, but only 50% of trees along streets.
- Street Tree Services cares for 88% of city-managed trees.
- Starting in the 1980s, Street Tree Services has had a well-organized management program with clear objectives and quality measures.
- Until 2010, most pruning of city street trees was done on a planned program basis.
- Due to budget reductions, as of FY 2010-11 Street Tree Services staffing levels have been reduced to the level that it is no longer possible to follow a scheduled pruning cycle.
- As of July 2010, the Urban Landscape Manager implemented a priority pruning plan. Trees are prioritized on an immediate need/hazard basis and pruning is scheduled weekly by priority.
- Although street tree planting outpaced tree removal (FY 2008-09 data), plantable vacant street tree sites are likely to remain empty for more than a decade at current planting and removal rates. Parks planted more trees than they removed in FY 2009-10.
- As of January 2013 Sunnyvale has contracted with West Coast Arborists to prune city street trees on a block grid basis. Minimum contract pruning is 5,000 trees per year. Between city staff and contract staff approximately 7,000 street trees are pruned each year.
- As of July 2013 tree removals and new tree planting are done by contract.
- Management of trees by the Parks Division relies primarily on frequent visual inspections by city staff.
- Parks uses contractors or contracts with Street Tree Services for pruning on larger trees (above 14 ft. or beyond pole saw range) and for removal of trees above 20 ft. in height.
- The tree inventory maintained by Parks is a summary of species by location and cannot be used for scheduling or tracking maintenance.

4.1. Urban forest management responsibilities

In Sunnyvale, as in most cities, private landowners manage most of the trees in the urban forest. We estimate that privately managed trees account for about 80% of the tree canopy citywide.

Residential property owners, including apartment complex owners, manage about two thirds of these private trees. Commercial and industrial property owners manage the remaining trees.

The City of Sunnyvale is responsible for most of the city's remaining canopy cover (about 20% of total). Most of these trees occur in highly visible, high-use areas. CalTrans manages trees along state highways that pass through the City of Sunnyvale, which make up a small fraction of the trees managed by public agencies. Street Tree Services manages trees within the ROW along City streets, which account for about 88% of the trees under municipal management. The Parks Division manages the remaining municipal trees, as shown in Table 3-7. If the City fails to manage its portion of the urban forest effectively, it cannot provide the leadership and direction needed to promote care of the urban forest on private properties.

Table 4-1 below summarizes which entities had responsibility for maintaining the various components of Sunnyvale's urban forest as of July 2010. Further reorganization of the units responsible for municipal tree care occurred in May 2011 (Table 4-1a). Although almost all maintenance of private trees is the responsibility of landowners, some activities are regulated by the City through the Community Development Department.

Table 4-1. Entities responsible for tree care-related activities on public and private lands in Sunnyvale as of July 2010. Regulatory / oversight relationships are shown in italics.

Activities	Trees on public lands			Trees on private lands	
	ROW*	Parks	Other facilities	Residential	Commercial
Planting					
new sites - planting requirements	STS, Parks*	Parks	Parks	owner/developer Community Dev.	owner/developer Community Dev.
replacement plantings - replacement requirements	STS, Parks*	Parks	Parks	owner	owner Community Dev.
Pruning					
scheduled	STS, Parks*	Parks	Parks	owner	owner
storm/emergency	STS	Parks	Parks	owner	owner
utility clearance (electrical transmission and distribution lines)	PG&E	PG&E	PG&E	PG&E	PG&E
street safety clearance (visibility and physical clearance)	STS, Parks*	Parks	Streets	STS (non-inventoried street trees)	STS (non-inventoried street trees)
Tree removal					
Hazard & dead/dying trees - Permits - protected trees	STS, Parks*	Parks	Parks	owner Community Dev.	owner Community Dev.
Clearance (for flood control, traffic visibility, fire safety, etc.) - Permits - protected trees	STS, Parks*	Parks	Parks	owner Community Dev.	owner Community Dev.
Other reasons - Permits - protected trees	STS, Parks*	Parks	Parks	owner Community Dev.	owner Community Dev.
Root system work					
Sidewalk/curb repair and replacement	CM			--	--
Excavation for utilities - Permits	contractors CE			contractors	contractors
Construction	contractors			owner/developer	owner/developer

- Permits	STS			Community Dev.	Community Dev.
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STS=Street Tree Services; CM= Concrete Maintenance; CE = City Engineer

* As of July 2010, management of street trees on medians was transferred to Parks. STS performs emergency work for median trees and contractors provide all planned work that can't be done from the ground. As of July 2011 STS was moved into the Parks Division and CM was moved to PW Street Operations.

Table 4-1a. Recent reorganization affecting city departments that care for trees.

Unit	Department	
	July 2010	May 2011
Street Tree Services	Public works	Parks Division , now within Public Works
Concrete Maintenance	Public works	Street Operations, within Public Works Operations Division

4.2. Street tree management by Street Tree Services

Starting in the 1980s, Street Tree Services has had a well-organized management program with clear objectives and quality measures (Appendix 6.7 page **Error! Bookmark not defined.**). Recent budget and staffing cuts have reduced the ability of the Urban Landscape Manager to meet these objectives and quality measures.

4.2.1. Pruning

Until 2010, most pruning of city street trees was done on a planned program basis. Each tree in the inventory was assigned to a pruning cycle. In the early 1980s through 2002, each tree was checked on a four year interval. Beginning with the 2003-2004 fiscal year, the pruning cycle was expanded to a 5.5-year cycle to reduce costs. With further budget reductions and staff hiring freezes, the pruning cycle was expanded for some trees and the average trim cycle length was about 7 years, with a median trim cycle length of about 6 years. Figure 4-1 shows the distribution of trees by trim cycle before the 2010-11 budget cutbacks.

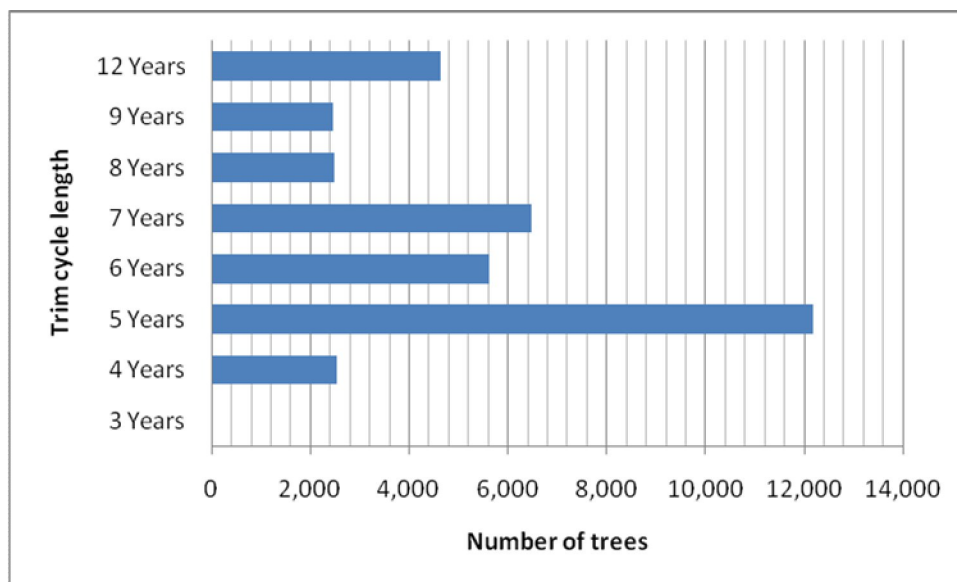


Figure 4-1. Trim cycle lengths shown in the Street Tree Inventory. Only 25 trees were assigned to the 3 year pruning cycle, so the bar is too short to show in the graph.

Operating under this system, Street Tree Services performed scheduled structural pruning on 5,152 trees in larger size classes in FY 2008-09 (Table 4-2). An additional 1,259 young trees had structural pruning. Altogether, about 17% of the street trees received scheduled maintenance in FY 2008-09. Emergency pruning was conducted on 409 trees, or approximately 1% of the street trees, due to broken branches. In addition, 52 non-inventoried trees were pruned for safety reasons identified by traffic engineering, such as line-of-site improvements at intersections or street light clearance.

Due to budget reductions, as of FY 2010-11 staffing levels were reduced to a level that it was no longer possible to follow a scheduled pruning cycle. As of July 2010, the Urban Landscape Manager implemented a priority pruning plan. Trees are prioritized according to immediate need/hazard and pruning is scheduled by priority. The primary tree species that warranted priority pruning in 2010 were Chinese Pistache, Liquidambar, and Carob.

City residents made service requests for specific street trees for a wide variety of tree care related issues, but most requests for pruning were denied. Street Tree Services received 2,036 requests for service in FY 2008-09, and pruned 148 trees in response to these requests. Prior to staff reductions that occurred in FY 2003-04, Street Tree Services performed more pruning related to service requests than it does at present.

Table 4-2. Pruning by Street Tree Services of trees in the ROW for fiscal year ended June 2009.

Unit	Units completed	Per unit cost	Total
tree pruned - service request	148	162.34	\$24,026
tree pruned - limb down on duty hrs.	353	76.96	\$27,167
tree pruned - limb down off duty hrs.	56	279.81	\$15,669
tree structure pruning <15 ft. tall	893	28.71	\$25,638

tree structure pruning 15-30 ft. tall	1984	72.06	\$142,967
tree structure pruning 30-60 ft. tall	2193	153.86	\$337,415
tree structure pruning >60 ft. tall	82	268.06	\$21,981
non-inventoried tree safety clearance pruned	52	120.09	\$6,245
equipment maintenance [costs associated with pruning]			\$65,536
Total - pruning activities	5761	115.72	\$666,644

Street Tree Services follows International Society of Arboriculture Best Management Practices for pruning, which is based on the ANSI A-300 Pruning Standards. Most service requests for pruning fall outside of these standards. Most trees that are pruned as a result of service requests are trees that have an elevated likelihood of limb failure if not pruned before the next scheduled pruning.

In addition to pruning of mature trees, Street Tree Services has a program to prune young trees within the first three years from planting to develop their permanent structure conforming to ISA structural integrity standards. This structural training (Table 4-3) is important for developing good primary structure in young trees that reduces future pruning cost by avoiding weak or problematic branch structure.

4.2.2. Tree removal and planting

In FY 2008-09, 363 city street trees were removed. Street Tree Services most commonly removes street trees because an imminent hazard has been identified. Specific reasons for removal include:

- Catastrophic limb failure has occurred and the remaining portion of the tree poses a hazard
- Significant decay in trunk/roots
- Dead or seriously declining tree
- Declining performance of tree beneath power lines – City cooperates with PG&E for removal
- Sweetgum removal - by property owner expense + limited annual city funding

Branches and waste wood from removals and pruning operations is ground to chips if possible. Some chips may be used on site, but most waste material, including wood too large to be chipped with mobile chippers, is taken to the Sunnyvale Materials and Recovery Transfer (SMaRT) Station[®] for composting. Street Tree Services currently pays about \$1,300 per year for disposal of waste wood at this facility.

Street tree planting outpaced tree removal by 166 trees, with 529 trees planted in FY 2008-09 (Table 4-3). As of January 2010, the street tree inventory had at least plantable 2,200 empty sites, assuming that about half of the inventory's empty sites were priority planting sites (i.e., no serious limitations). If planting continued to outpace removal by 166 trees per year, it would take over 13 years to fill these priority planting sites.

Newly planted trees typically require several years of irrigation until they become established. Where other sources of water are not available, new trees up to 2008-09 irrigated from a water truck for three years. Although the cost of the water is insignificant, irrigation via water truck delivery is relatively intensive in terms of labor and equipment costs. Street Tree Services has historically checked to see if adjacent property owners would provide irrigation. Beginning in FY 2009-10, Street Tree Services began a more formal campaign to have the adjacent property owners water newly planted trees. Starting in FY 2010-11, a written agreement to provide irrigation will be made between the owner and the City for all new street tree planting. For FY 2010-11, Tree Services has a small amount of funds set aside to water trees in locations where the adjacent property owner is unwilling to provide irrigation or does not have responsibility over the land where the tree is planted. As of 2012-13 funding for supplement street tree watering was eliminated. If the city cannot get a commitment from the adjacent property owner to irrigate newly planted trees then trees are not planted. Citizen volunteers under the oversight of a non-profit urban forestry organization could be utilized to monitor and water trees in such situations.

Inspection of new plantings

Trees planted by city staff are inspected prior to planting. Circling roots are removed or pruned prior to planting. Trees with severe root deformations are rejected and not planted. At the time of structural training pruning, trees are inspected for growth and performance.

For city street trees planted by developers, Street Tree Services is supposed to be notified so that nursery stock can be inspected before it is planted. Street Tree Services also ensures that proper planting procedures are followed. However, at the height of the most recent construction boom, Street Tree Services has not able to inspect all developer plantings. In many cases, Street Tree Services was not notified about impending plantings. The Urban Landscape Manager believes that educating other City building inspectors about Street Tree Services' requirements would help boost compliance and improve timeliness of notification.

Tree nursery

Street Tree Services maintains a small nursery facility that is used to hold trees obtained from commercial nurseries until they can be planted. Most trees are ordered in advance of fall/winter planting. Orders for nursery stock are scaled to match demand to the degree possible so that material does not need to be held in the nursery beyond the planting season. A drip irrigation system on a battery/solar controller is used to keep trees watered.

Table 4-3. Activities of Street Tree Services related to planting and removal of trees in the ROW for fiscal year ended June 2009.

Units	units completed	per unit cost	total
tree removed down to stump	363	305.86	\$111,027
contract stump ground	470	172.17	\$80,920
contract tree planting	459	168.93	\$77,539
tree planting by staff	70	105.4	\$7,378

private tree removal permit application reviewed	442	60.49	\$26,737
project plan reviewed	16	302.84	\$4,845
tree watering	6497	6.54	\$42,490
young tree structural training	1259	15.53	\$19,552
maintain tree nursery	89.57	62.18	\$5,569
equip maintenance related to tree replacement	538	30.52	\$16,420
Total - planting and removal activities			\$392,477

4.2.3. Other program activities

One of the program goals of Street Tree Services is to provide a high level of customer service to city residents and other City divisions. By responding to residents' service requests, Street Tree Services provides important community outreach as well as making use of information provided by residents to more quickly locate and address maintenance issues. Street Tree Services also assists the Risk and Insurance Division in evaluating claims against the City. As shown in Table 4-3, Street Tree Services also assists Community Development by reviewing project plans.

Street Tree Services also reviewed 442 private tree removal permit applications (Table 4-4). The Planning Division has the authority to issue permits for removals of private trees that are protected under the City's Tree Preservation ordinance. Street Tree Services advises the Planning Division relative to private tree removal requests, but does not approve or deny permit requests. The Planning Division approves about 90% of the submitted requests for tree removal. The number of tree removals that occur on private properties outside of the permit process is unknown.

Table 4-4. Other Street Tree Services program activities for fiscal year ended June 2009.

Units	units completed	per unit cost	total
respond and investigate a service request	2036	25.3	\$51,511
structural integrity survey	3	10.24	\$31
investigate claims from Risk and Insurance	24	47.74	\$1,146
Total-other program activities			\$52,688

Tree inventory maintenance

Street Tree Services uses the online internet-based version of Davey's TreeKeeper software to manage its tree inventory. The inventory database is maintained on computer servers belonging to Davey Tree. The Urban Landscape Manager administers access to the inventory. The fields in the inventory are shown in Table 4-4a.

When the street tree program operated with a scheduled pruning cycles, the inventory could be used to schedule tree work. Due to budget cutbacks scheduled pruning was essentially eliminated until funding was restored in 2013 for contract tree care (primarily pruning) services. However, the inventory database is used to record what maintenance has been done on trees and provides information about the street tree population. The current contractor, West Coast Arborists, has their own tree inventory database, Arbor Access. All of Sunnyvale's the tree data in TreeKeeper was imported into Arbor Access. As of 2013 both systems are being used as staff become familiar with Arbor Access.

Table 4-4a. Fields in the Street Tree Inventory accessed Jan 2010.

Field name	Information	Notes
ID	A unique number for each planting site	Current range: 1 -41,358
Unique id	Same as ID	
Address	Street address of tree	
Suffix	X or x- indicates fictitious address	Used for trees on streets with no address
Street	Street name of tree address	
On_Str	Street on which tree is physically located	
From_Str	Cross street 1	
To_Str	Cross street 2	
Side	Location of tree relative to address parcel	Front, side, or median
Site	Planting site number if multiple trees at same address	
Spp	Species	“vacant” if empty planting space
DBH	DBH (inches) by size range	
HT	Height (ft) by size range	
Trunks	Number of trunks	Not current
MT	Maintenance	Various notes about maintenance
Tr_cycle	Trim cycle the tree is assigned to	
STK	Stake present yes or no	
Grow	Growing space available	Open for monolithic sidewalks, otherwise width (ft) of parkway strip
Curb	Distance to curb for trees outside of the right-of-way	
Staff	Mostly blank, apparently not used	
Inspect	Y/N, apparently not used	
Area	Tree management zone	1-7 (shown in figure 3-4)
Inv_Date	Date tree was added to the inventory	

Inv_time	Not used	
Inspect_DT	Date of last inspection	
Inspect_TM	Time of last inspection in 24 hour time	
Notes	Notes about the tree	
Active		All records have “1”

Like any active database, the street tree inventory needs to be updated and maintained. In our analyses, we discovered a small number of data errors, including misassigned species and erroneous tree size data. The Urban Landscape Manager reported in January 2010 that updating of the inventory is backlogged due to a lack of staff resources. He was exploring the possibility of having community volunteers assist in maintaining the inventory.

The current tree inventory is based on street addresses and does not include actual geographic coordinates needed to display tree locations in a GIS. Georeferencing of the tree inventory would need to be performed to make the database GIS compatible. This would be a significant undertaking, but could be performed by trained volunteers largely by utilizing available aerial imagery and software (e.g., Google Earth). West Coast Arborist has volunteered to update the street tree inventory database with updated tree data as well as georeferencing into Arbor Access as their crews perform block/grid pruning activities.

4.2.4. Budget

Currently, Street Tree Services is funded from the city general fund. As such, its budget is subject to fluctuation along with other general fund programs during times of decreased revenues. The budget and staffing levels of Street Tree Services have undergone several rounds of reductions over the past decade, decreasing its capabilities. However, maintenance needs of the city street trees do not decrease even if budgets decrease. Deferring tree maintenance, such as young tree training, can result in much higher future costs. Timely maintenance can prevent trees from becoming hazardous or developing structure problems and is more cost efficient than trying to correct these problems. With the restoration of funding from additional city revenues, the street tree program has a \$475,000 funding increase as of FY 2012/13. This new funding is directed to contract tree work primarily block or grid structural pruning and additional services including tree removals and planting.

4.3. Concrete maintenance

Key Findings

- Concrete Maintenance has had a well-organized program with clear objectives and quality measures through FY 2010-11.

- Concrete repair around existing city trees through FY 2010-11 performed by personnel with knowledge of tree physiology and structure. This safeguards the City's investment in street trees.
- Beginning FY 2011-12 Concrete Maintenance program was transferred to Street Maintenance Operations manager. Street Tree Services and City Arborist become advisory to Public Works Project Administration.
- City Arborist called upon to advise PW inspectors regarding tree root mitigation associated with right-of-way concrete maintenance/replacement.
- Parkway planting strips were discontinued in new development in 1963, approximately 20,000 street trees occur in parkway strips 5.5 ft. or less in width. Post 1963 all sidewalks were installed monolithic to the curb [sidewalk is at the curb]
- In 2013 parkway strips were reestablished in industrial zones and in ITR [industrial to Residential] zones
- Concrete repair will be an ongoing need for hardscape near trees in narrow parkway strips.

4.3.1. Current status

Sunnyvale has 375 miles of public streets. Based on our aerial photo analysis, approximately 20% of Sunnyvale's land area is covered by streets and highways. Almost all (98%) city streets have curbs, and 80% have sidewalks. Typical residential streets have a public right of way that extends 11 feet from the curb face. Some of the older streets have been widened over time, and as a result, the ROW became narrower as the paved portion of the street increased in width.

The standard width for a sidewalk in most of Sunnyvale is 4.5 ft. Among streets with sidewalks, 65% are designed with parkway strips (sidewalk is separated from curb and gutter, figure 4-4) and 35% are monolithic (sidewalk, curb and gutter are in one solid slab, figure 4-5). Monolithic sidewalk construction was the standard in new development between 1965 and 2013. Industrial zones off-road ROW has a 4 ft. parkway strip with a 6 ft. sidewalk.

Parkway strips allow for planting between the sidewalk and the curb. Among tree planting sites in the Street Tree Inventory, 57% are in parkway strips. Since the sidewalk is usually 0.5 ft. inside the edge of the right of way, and the curb is about 0.5 ft. wide, the standard parkway strip is 5.5 ft. wide (i.e., 11 ft. [ROW]-4.5 ft. [sidewalk] -0.5 ft. [curb]-0.5 ft. [sidewalk setback]=5.5 ft. parkway width).

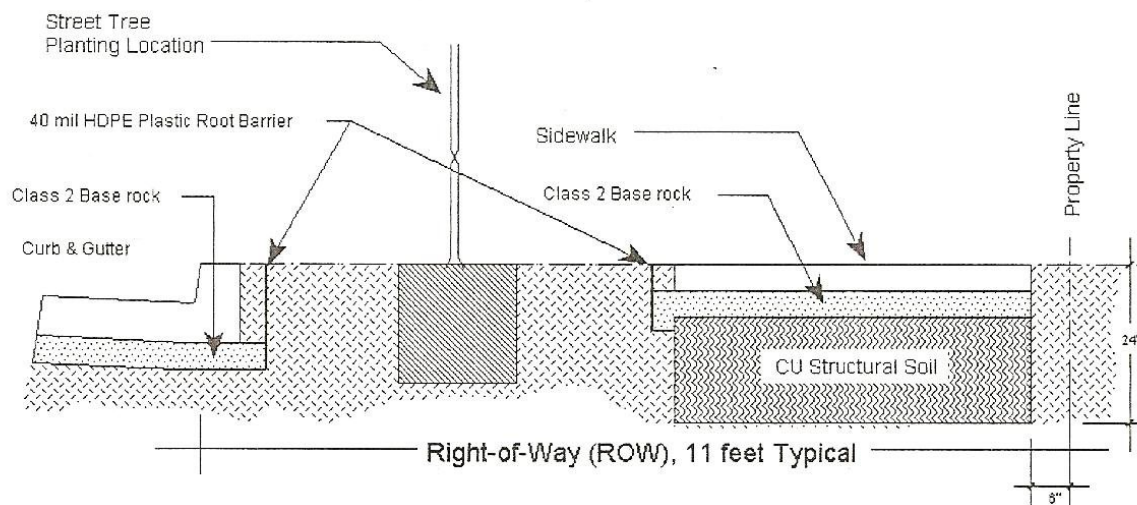


Figure 4-4. Tree planting diagram for parkway sidewalk construction.

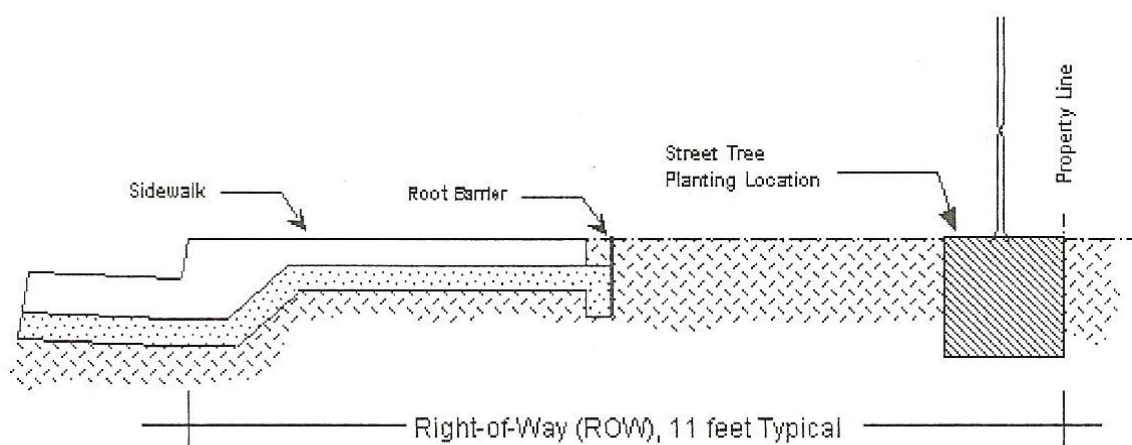


Figure 4-5. Tree planting diagram for monolithic sidewalk construction.

The center of a tree planted in the center of a 5.5 ft. wide parkway is about 2.75 ft. from both the edge of the curb and sidewalk. Most parkway planting strips in Sunnyvale are narrower than 5.5 ft. (figure 4-6). Approximately 20,000 street trees occur in parkway strips 5.5 ft. or less in width. Although many of these trees are small, others are large statured, and the parkway configuration does not provide enough room for root expansion. As a result, lifting of sidewalks and curbs is common around mature trees in the narrower parkway strips.

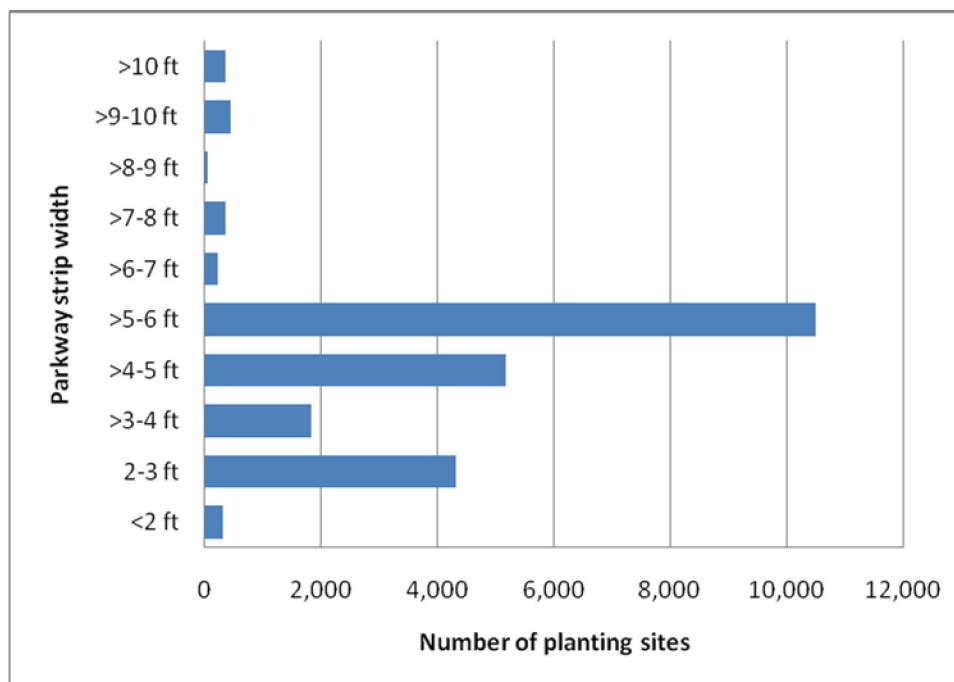


Figure 4-6. Number of planting sites by width of parkway strip. Fifty seven percent of all planting sites are parkway strip situations (source Tree inventory Jan 2010).

The Urban Landscape Manager functioned as the Concrete Maintenance Manager from 1989 to June 2011 and was responsible for concrete maintenance in the city ROW. This arrangement ensured that the needs and limitations of trees were considered when concrete repairs were conducted. Until FY 2011-12, Concrete Maintenance has had a well-organized program with clear objectives and quality measures (Appendix 6.8 page 100). Reorganization of the Public Works department in 2011 has reduced the ability of the Urban Landscape Manager to meet these objectives to insure healthy street trees in public ROW.

Concrete Maintenance and Street Tree Services worked hard to develop and implement solutions that retain as many street trees as possible while maintaining sidewalks that are pedestrian friendly and ADA compliant. Sidewalk defects are found through citizen reporting and staff reporting.

Street Tree Services is testing several innovative methods to repair sidewalks. The current technical specifications for repairing sidewalks and retaining trees are included in the Technical Practices and Standards Manual. Methods being used include:

- lag bolting steel plates to roots or around roots, and then either repouring the sidewalk or replacing the sidewalk with pavers. The root cannot expand in diameter beyond the surface of the steel.
- curving sidewalks and curbs around root flares
- Removing offending roots if it can be done without compromising the physical support structure of the tree. Roots are pruned to a maximum depth of 10 inches. Roots deeper than 10 inches generally do not fracture concrete.

- Testing alternate sidewalk construction techniques. Rubber sidewalks were installed in 10 test locations in 2008 (Appendix page <need this info from LD in a word document>).

Concrete Maintenance puts temporary asphalt ramps on sidewalks with displacements of more than 1 inch. Sidewalks with less than 1 inch of horizontal displacement are ground.

An estimated 95% of the concrete repair budget is for concrete maintenance related to tree root damage. In addition to mitigating tree root problems associated with mature trees, until 2011 the Concrete Maintenance program also installed appropriate mitigations for newly planted trees to prevent future problems. Since 2011 the Street Tree Services program installs root mitigation by staff or by contract. Concrete repair is not limited to repair adjacent to inventoried street trees. The City repairs concrete sidewalks, curbs, and gutters damaged by tree roots irrespective of tree ownership. Budgets for Concrete Maintenance are shown in Figures 4-2 and 4-7.

The Street Tree Inventory data fields do not have a direct relationship with concrete maintenance activities. Concrete Maintenance activities are tracked using spreadsheets.

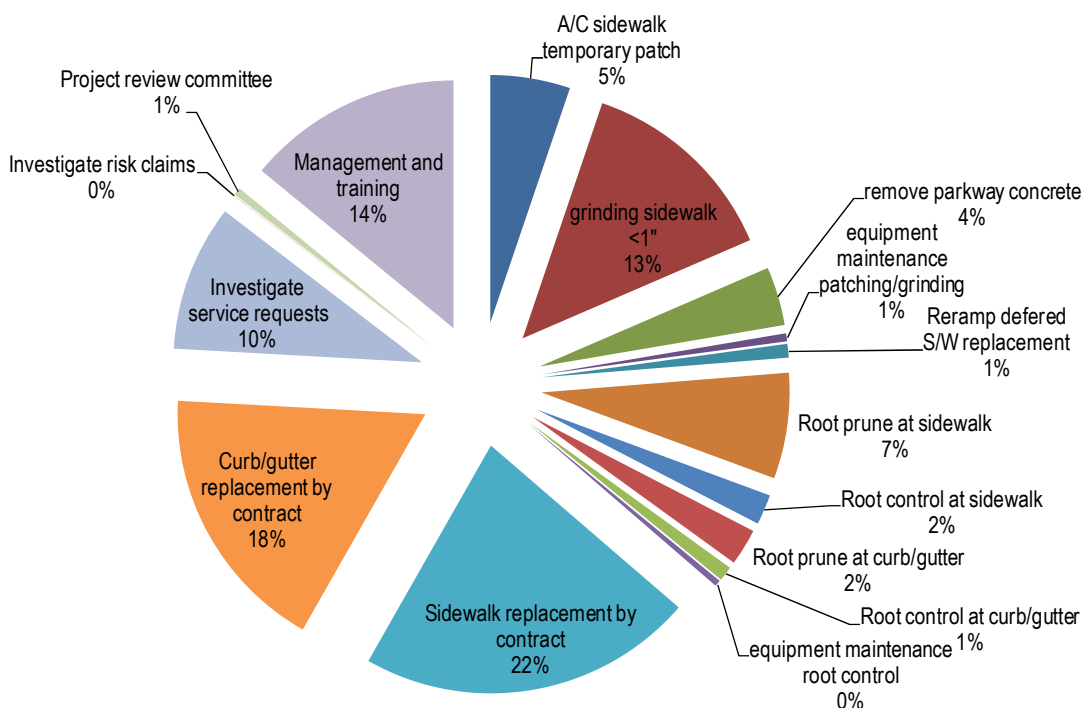


Figure 4-7. Concrete maintenance budget 2008-2009 fiscal year.

4.4. Park tree management

4.4.1. Program structure

Parks employees performed all tree planting and pruned trees from the ground with pole pruners up to a height of 14 feet. Parks staff also removed trees up to 20 feet tall. Emergency tree work

needing to be done within 72 hours was done by the Street Tree Services (Public Works) and billed to the Parks program. Street Trees Services also handled work on taller trees on boulevard medians. Based on January 2010 street tree inventory data, about 73% of all boulevard median trees are more than 15 ft. tall. Contractors pruned trees above 14 feet and removed trees taller than 20 feet. Contractors were required to have ISA certified arborists. Specifications included in the request for proposals for tree work required that contractors follow ANSI/ISA pruning standards and practices.

4.4.2. Tree pruning

In FY 2009-10, approximately 1,380 of the 1,492 tree-related services performed on trees managed by parks were related to pruning. All sites managed by Parks are inspected daily for all hazards, including tree-related hazards. All hazards are logged and abated within 24 hours.

4.4.3. Tree removal and planting

In FY 2009-10, 80 trees were planted and 32 trees were removed by Parks. Removed trees are replaced at the overall site where the removal occurred, but trees are not necessarily replanted in the same spot. Replacement species are selected on a case-by-case basis from the Parks Standard Plant List.

4.4.4. Tree inventory

Unlike the street tree inventory database, which includes a separate record for each tree, the inventory of park and facility trees is a summary table. The inventory is maintained as a word processing document that lists the number of trees per location by species. The current inventory dates to 1999-2000 and there is no set interval for updating the inventory. Descriptive data for individual trees is not available in the inventory, so it cannot be used to schedule maintenance activities or store other management data.

4.4.5. Budget

In FY 2011/12 the budget for supplies and tree work performed by city park staff was approximately \$125,000. The budget for pruning and removals by contractors was approximately \$50,000.

4.5. Existing ordinances, policies, and plans related to the urban forest

Key Findings

- The City of Sunnyvale's General Plan includes limited references to the city's urban forest and its importance.
- Several sections of city code regulate certain basic activities associated with the urban forest and nominally protect certain classes of trees. Some of these sections would be more effective if revised and updated.
- The city's updated General Plan should more clearly recognize the importance of the urban forest as a major part of the City's the biological infrastructure. Maintenance of

the urban forest is necessary to ensure that critical ecosystem services (e.g., urban floodwater runoff mitigation) continue to be provided.

- Section 19.38.070 (Landscaping, irrigation, and usable open space) should be revised to reference specifications for adequate soil testing and preparation prior to planting. Mechanisms for monitoring and enforcing maintenance and parking lot shading standards should be more clearly stated and implemented.
- The tree preservation ordinance (Chapter 19.94) should be revised to specify greater protection for roots of protected trees, improve the definition of protected trees relative to multi-trunked trees, and provide more objective standards for issuing tree removal permits.
- Current protection for city street trees in City code, chapter 13.16, is weak, as there is no mechanism for achieving compensation if a city street tree is damaged. Ordinance 13.16 should be strengthened to protect city-maintained trees in the public right-of way.

The City of Sunnyvale has a number of existing policies and ordinances that pertain to the urban forest. Key provisions from these are briefly summarized below. We have also noted potential limitations or other issues that may influence the effectiveness of these policies and regulations. Tree-related provisions in these documents are included in the Appendix. Note that Sunnyvale is in the process of streamlining and reorganizing its General Plan. In the re-organization process sub-elements are being eliminated, therefore citations for some of the text cited below will change.

4.5.1. City of Sunnyvale Consolidated General Plan (2011)

The General Plan was consolidated in 2011 and is supportive of the urban forest although much of the language specific to the urban forest was removed. Those goals from the Community Vision section relating to trees are contained in section 7.

4.5.2. Sunnyvale Municipal Code

Chapter 13.16. City Trees

This is primarily the city's street tree ordinance. Its intent includes "Ensure the preservation of the city's urban forest" and calls for planting a minimum one tree per lot when new development occurs. It also calls for the planting of city street trees (in the public ROW) where feasible. The city superintendent of trees and landscaping is designated as the enforcing authority for regulating ROW tree planting, maintenance, and removal.

The code includes a number of standard provisions regulating tree management in the ROW. Intentionally damaging trees in ROW is designated as unlawful, but no sanctions are specified for violations. Therefore, city street trees have less protection than protected trees on private property: the Tree Preservation ordinance, Chapter 19.94, does not apply to street trees. We recommend that fines be established for damaging city street trees and that city

street trees be granted a level of protection at least equal to that provided to protected trees as defined in Chapter 19.94.

The code requires a permit to plant, remove, prune, or fertilize a ROW tree. It also establishes an official tree list to guide planting in the city ROW and forbids planting by residents in the ROW of trees not on the list. In practice, it has generally not been possible to enforce these provisions completely. Unapproved plantings are common, and these "unofficial city trees" account for much of the diversity of tree species found in the public ROW (see Species diversity page 46).

As an alternative, the city could develop a list of recommended and acceptable street tree species. This list would include information on suitable planting situations and specific limitations of listed species. Such a list would be advisory and would be subject to update as new species or varieties become available, or as new problems develop among trees on the list. The City should also develop a list of prohibited trees that should not be planted due to known problems (e.g., short life, pest/disease problems, invasive spread, etc.). These lists could provide guidance for planting without unduly restricting options for species selection.

The code also requires immediate removal of damaged trees that could be hazardous and calls for replacement of removed trees. This code section also defines public nuisances in the ROW as landscape plants or other materials that may pose safety hazards or have the potential to harm city street trees. City costs to abate these nuisances can be charged to adjacent property owner.

Chapter 19.37. Landscaping, irrigation, and usable open space.

Chapter 19.38. Required Facilities

These sections of code call for use of water conserving plants, hydrozoning, and landscaping in new development. It includes a number of detailed planting specifications, including an outdated tree staking specification that does not match current recommendations (see <http://www.ufe.org/standards&specs.html#plant>). The planting specifications lack any reference to soil preparation prior to landscaping. Highly compacted and contaminated soils are one of the most important contributors to poor plant growth in urban landscapes.

This code also specifies that required landscaping must be maintained and replaced as needed. It is not clear how the maintenance requirement is monitored or enforced.

The code includes parking lot landscaping requirements that call for 50% parking lot shading after 15 years for surfaced areas that did not exist prior to 2002. No monitoring or means of enforcement are specified for the parking lot shading requirement. The original proposed Planning Policy called for a field review at 2, 5, 10, and 15 years to check for compliance, but funding for staff needed was never approved.

In order to increase canopy cover citywide, more canopy cover will be needed in parking lots. To increase the number of existing parking lots that fall under the 50% parking lot shading standard, the city would need to expand the scope of discretionary permits that trigger this requirement. The city could also explore the use of incentives to offset costs associated with retrofitting parking lots to increase tree canopy cover.

Chapter 19.94. Tree Preservation

This chapter is the city's tree preservation ordinance, which was enacted in 1991 and subsequently reviewed in 2005 and amended in 2006. The chapter applies to trees above a minimum trunk size on private property and within the city and city-owned golf courses and parks. It does not include trees in the public ROW, which are regulated under Chapter 13.16.

The code defines a tree as having a minimum circumference of 13 inches at 4.5 ft. above ground (=4.1 inches DBH). Trees of "significant size", i.e., "protected trees" have a circumference of at least 38 inches (=12 inch DBH). Multi-stemmed trees are not protected unless at least one stem is 12 inches DBH or the aggregate circumference is at least 113 inches. This corresponds to an effective aggregate diameter of 36 inches DBH. A tree with three 11.5 inch DBH trunks would not be protected under this standard, even though its canopy size and biomass would likely be greater than a single 12 inch DBH stem.

One way to deal with this disparity would be to use aggregate trunk cross-sectional area rather than aggregate circumference as the basis for defining protected trees. The 12 inch DBH trunk diameter of a protected tree has a cross-sectional area of 113 square inches. In the example above, a tree with three 11.5 inch DBH stems would have an aggregate cross-sectional area of 312 square inches and would therefore be protected. A tree with two stems 8.5 inches DBH each (aggregate cross sectional area= 113.5 square inches) would be the smallest protected two-stemmed tree using this criterion.

The code specifies that it is unlawful to damage or kill a protected tree, but protected trees can be removed if the owner obtains a permit from the Department of Community Development. Tree removal permits can be obtained for a wide variety of reasons, some of which are quite vague and/or subjective. Replacement trees may be required as a condition of a removal permit at the discretion of the Director of Community Development. Tree removal permit applications did not require a fee until FY 2009-10, when a fee of \$233 was instituted. Tree removals conducted by PG&E for line clearance purposes are exempt from this fee.

The ordinance also includes standards designed to protect retained trees during development. As written, these standards are not likely to provide adequate protection for all trees. This section also includes an erroneous statement indicating "the root system generally extends to the outermost edges of the branches". In fact, tree root systems typically extend out from the trunk a distance that is twice to three times that of the canopy. The inclusion of this statement in the code may result in the approval of plans that do not protect enough tree roots to ensure the health of retained trees.

Enforcement of this chapter is the responsibility of the Director of Community Development or their designee. The director has the option to issue a stop work order for a lack of compliance with approved plans or permits. The director (or designee) may also impose fines and "reasonable expenses and landscaping" in response to violations following an administrative hearing. Violators are also subject to civil monetary penalties, which require the prosecution of a civil action by the city attorney. To date, civil action has been taken in one case, involving unauthorized removal of a row of trees. The settlement in the case was \$112,000.

Review of tree removal applications has commonly been assigned to the least senior members of planning staff. This has led to a lack of continuity and uniformity in the application of the ordinance.

Chapter 19.96. Heritage Preservation

Sunnyvale's original Heritage Resources Inventory was adopted in 1979, recognizing properties that have architectural or historic significance. Trees may be designated as heritage resources following the provisions in this chapter (see appendix O1). Roughly eight of the 13 criteria used to nominate heritage resources (§19.96.050) could apply to trees. These criteria are related to historical significance, rarity, visual impact, and relationship to other heritage resources. A 'Heritage' tree is therefore quite different from a "protected" tree, which is designated by size as described above (Chapter 19.94 Tree Preservation page 75).

Only a few trees in Sunnyvale have been designated as Heritage trees. In January 2009, trees at 14 addresses were listed in the Heritage Resources Inventory. Most of these were individual trees, but some small groups of trees are listed as landmarks (Table 3-8). Trees at one additional address were listed in the Local Landmark inventory. To obtain permission to remove trees that are designated as heritage resources, an applicant must obtain both a Resource Alteration Permit approved by the Heritage Preservation Commission and a tree removal permit.

California Solar Shade Control Act

The California Solar Shade Control Act (Public Resources Code section 25980-25986) regulates potential shading of solar collectors by trees located on another property.

This code, originally adopted in 1979, was revised in 2009, as a result of the first and only prosecution that occurred under the 1979 act, which involved a property in Sunnyvale (*California v. Bissett*, No. BB727255, Cal. Sup. Ct. Santa Clara County March 28, 2008). The 2009 revision clarified and greatly restricted the scope of the original Act to reduce negative impacts to trees. The revised 2009 Act does not apply to:

- (a) Trees or shrubs planted before the solar collector was installed
- (b) Trees planted, grown, or harvested on timberland or on land devoted to the production of commercial agricultural crops
- (c) the replacement of a tree or shrub that had been growing prior to the installation of a solar collector and that, subsequent to the installation of the solar collector, dies, or is removed for the protection of public health, safety, or the environment.
- (d) Trees or shrubs that are subject to a city or county ordinance (such as a tree protection ordinance).

In addition, solar collectors that are designed and intended to offset more than the building's electricity demand (i.e., providing a profit to the solar collector owner) are not covered in the act. In addition, violations of the Act are classified as private nuisances (as defined in Section 3481 of the Civil Code), rather than public nuisances.

The 2009 Act also indicates that local (city or county) ordinances specifying requirements for tree preservation or solar shade control have precedence within the jurisdiction. As in the original Act, a city or county can pass an ordinance to exempt the jurisdiction from the Act. The City of Sunnyvale has not exempted itself. Given that the 2009 revision has eliminated the previous shortcomings of the Act, we do not recommend that the City take action to exempt itself.

5. Community

Key Findings

- The urban forest is considered an important contributor to the attractiveness and livability of Sunnyvale.
- There is strong interest on the part of some Sunnyvale residents in forming a citizens group to advocate and care for the urban forest.
- Citizens of Sunnyvale tend to be well educated and relatively affluent, compared to residents of many other California communities.
- A large majority of the population has lived in Sunnyvale less than 10 years.
- Forty-seven percent of homes in Sunnyvale are occupied by renters.
- The City will need to maintain an ongoing program of outreach and education to ensure that residents and landowners have the information they need to make good tree care decisions. These efforts need to resonate with Sunnyvale's diverse population.
- An active urban forest volunteer group in Sunnyvale could assist with public education and outreach and provide direct assistance with planting, establishment and of City trees.

5.1. Values

As indicated by the general plan, the city council views the City of Sunnyvale as a special place. Maintaining Sunnyvale as an attractive and safe community is a general priority of elected officials, city staff, and residents. As indicated in the general plan, the council, boards, commissions and staff consider the urban forest to be an important component of making Sunnyvale a livable and attractive city.

5.2. Demographics

Citizens of Sunnyvale tend to be well educated and relatively affluent, compared to people in other California communities. For example, based on data from the 2000 census (source:

Statjump.com), Sunnyvale ranked eighth in percent of residents with graduate or professional degrees among California cities over 50,000 population. In 2000, 6% of Sunnyvale residents had household income more than \$200,000 per year, 19th on the list of California cities over 50,000 populations. [Data accessed Jan 12, 2011, <http://www.statjump.com/lists/college-graduates-dp2c27tc.html> and <http://www.statjump.com/lists/household-income-dp3c111tc.html>]. The population is relatively mobile. A large majority of the population has lived in Sunnyvale less than 10 years. A high percentage of residents are renters. Sunnyvale also has a large percentage of residents from non-English speaking ethnic backgrounds.

The following information about Sunnyvale's population is from the 2008 American Community Survey report (source: City of Sunnyvale website accessed Jan 2010).

5.2.1. Social characteristics

Selected highlights from the 2008 American Community Survey reports include:

- 55.1% of the population was born in the United States, and of those 67.1% were born in California
- Of the foreign-born population, 37.9% are naturalized citizens, and 62.1% are not U.S. citizens
- Sunnyvale residents have a high level of educational attainment with 90.4% of the population 25 years and over achieving high school graduation or higher and 55.1% holding a bachelor's degree or higher
- Only 9.6% of the population 25 years and over have no high school diploma, compared with 14.4% in Santa Clara County and 19.8% in California
- 48.3% of the population 5 years and over speak English only at home, while 51.7% speak a language other than English
- Of the non-English speaking population, 20.8% report speaking English less than 'very well.'

5.2.2. Economics

- 60.1% of the community reported management, professional and related occupations, while 21.3% reported sales and office occupations and 7.8% reported service occupations
- Per capita income is \$45,455, compared to \$40,752 in Santa Clara County and \$29,388 in California
- Median family income is \$107,441, compared to \$104,022 in Santa Clara County and \$70,029 in California
- 4.3% of all people in Sunnyvale live below poverty level, compared to 7.4% in Santa Clara County and 13.3% in California

- 4.4% of people under 18 years of age and 4.6% of people 65 years and older live below poverty level

5.2.3. Housing

- Very few homes are unoccupied in Sunnyvale
- 81.7% of community members came to Sunnyvale after the year 1990; 64% of community members came to Sunnyvale after 2000
- 52.3% of all homes are owner-occupied, with an average household size of 2.68
- 47.7% of all homes are renter-occupied, with an average household size of 2.39
- The number of rented homes is 8.1% greater than the Santa Clara County average and 4.7% greater than the California average
- Median value for owner-occupied units is \$726,000, compared to \$729,000 for Santa Clara County and \$467,000 for California
- 40.9% of the total housing units are 1-unit, detached, compared to 55.3% in Santa Clara County and 58.3% in California

5.3. Nonprofit volunteer urban forest support group

In association with the development of the UFMP, the Urban Landscape Manager organized a focus group consisting of citizens who have expressed an interest in trees in various forums. A number of these group members and other community members have expressed interest in forming a non-profit group to support urban forestry in the community.

The Urban Landscape Manager has approached tree groups in neighboring communities for help in getting a group started in Sunnyvale.

The process of establishing and running a 501(c)3 non-profit organization can be somewhat involved. Partnering with an existing tree group from a neighboring community provides a means to accelerate the process and helps the new group avoid having to "reinvent the wheel". Our City Forest is an established nonprofit community urban forest group based in San Jose that has indicated a willingness to act as the umbrella group for Sunnyvale's new group. Our City Forest (OCF) has a variety of established programs related to tree planting, tree care, and community education and outreach. OCF has a paid Executive Director, a position that provides necessary overall program direction and continuity that is critical for a largely volunteer organization.

OCF is also a member of California ReLeaf, a statewide urban forestry organization. California ReLeaf promotes alliances among community-based tree groups, individuals, industry, and government agencies. Whether it organizes under OCF or as a separate entity, the Sunnyvale group would be able to join the California ReLeaf network and take advantages of the services they provide.

5.4. Tree management on private properties

Large, well-maintained trees are found in many residential neighborhoods and commercial properties. Improper pruning practices such as topping are relatively uncommon in Sunnyvale, compared to many other California communities. Many residents and commercial property owners appear to appreciate the contribution that trees make to property values, community image, and overall quality of life.

However, given Sunnyvale's diverse population, it is not surprising that Sunnyvale residents hold diverse views about trees. Street Tree Services annually receives and denies many requests for city street tree removals from residents that do not understand or appreciate the importance of urban trees. Attendees at the March 2010 focus meeting reported that removal of healthy trees by residents is not uncommon. Although many tree removals on private properties are nominally subject to city's tree preservation ordinance (Chapter 19.94), many residents may be unaware of this ordinance or simply choose to ignore it. Likewise, some tree service firms perform such removals without checking to see whether they comply with the tree preservation ordinance.

Other than through the tree preservation ordinance and city code related to landscaping requirements (section 4.5 above), the City of Sunnyvale has no direct influence on tree planting or tree care on private lands. The continued existence of much of Sunnyvale's urban forest depends on good tree planting and tree care decisions by its residents. Although Sunnyvale's residents are well educated, many may know little about tree care. In addition, many Sunnyvale residents have lived in the community for a relatively short time, and may not own the house they live in. To provide the information that residents and landowners will need to make good tree care decisions, the City will need to maintain an ongoing program of outreach and education, either on its own or in cooperation with a local non-profit organization.

In addition, the City may wish to explore ways to encourage proper tree planting and care by individuals and businesses. Other communities have used various types of incentive programs, such as providing free or reduced-cost trees. On commercial properties, the City may want to consider how to provide incentives for increasing parking lot shading. Polling commercial landowners may provide information on the types of incentives that would be most effective.

Some regulatory approaches may also be considered. For example, the City could explore the possibility of developing a local licensing requirement for businesses or individuals that provide certain tree care services (primarily pruning and removal) for hire within the City of Sunnyvale. Such a license would be required whether the business was based in Sunnyvale or not. To obtain a license, the tree care contractor would need to meet specific requirements. For example:

- Have adequate professional certification (e.g., International Society of Arboriculture);
- provide evidence of adequate liability insurance coverage;
- agree to comply with all City of Sunnyvale ordinances and standards related to tree care work.

Code Enforcement staff would have the ability to cite violators and issue stop work orders. Because poor quality tree work can pose a risk to public safety, reduce property values, and result in the loss of tree-related benefits, it is in the City's interest to reduce or eliminate the activity of unqualified contractors that conduct poor pruning or illegal tree removals.

6. Resource Data

6.1. Soil types

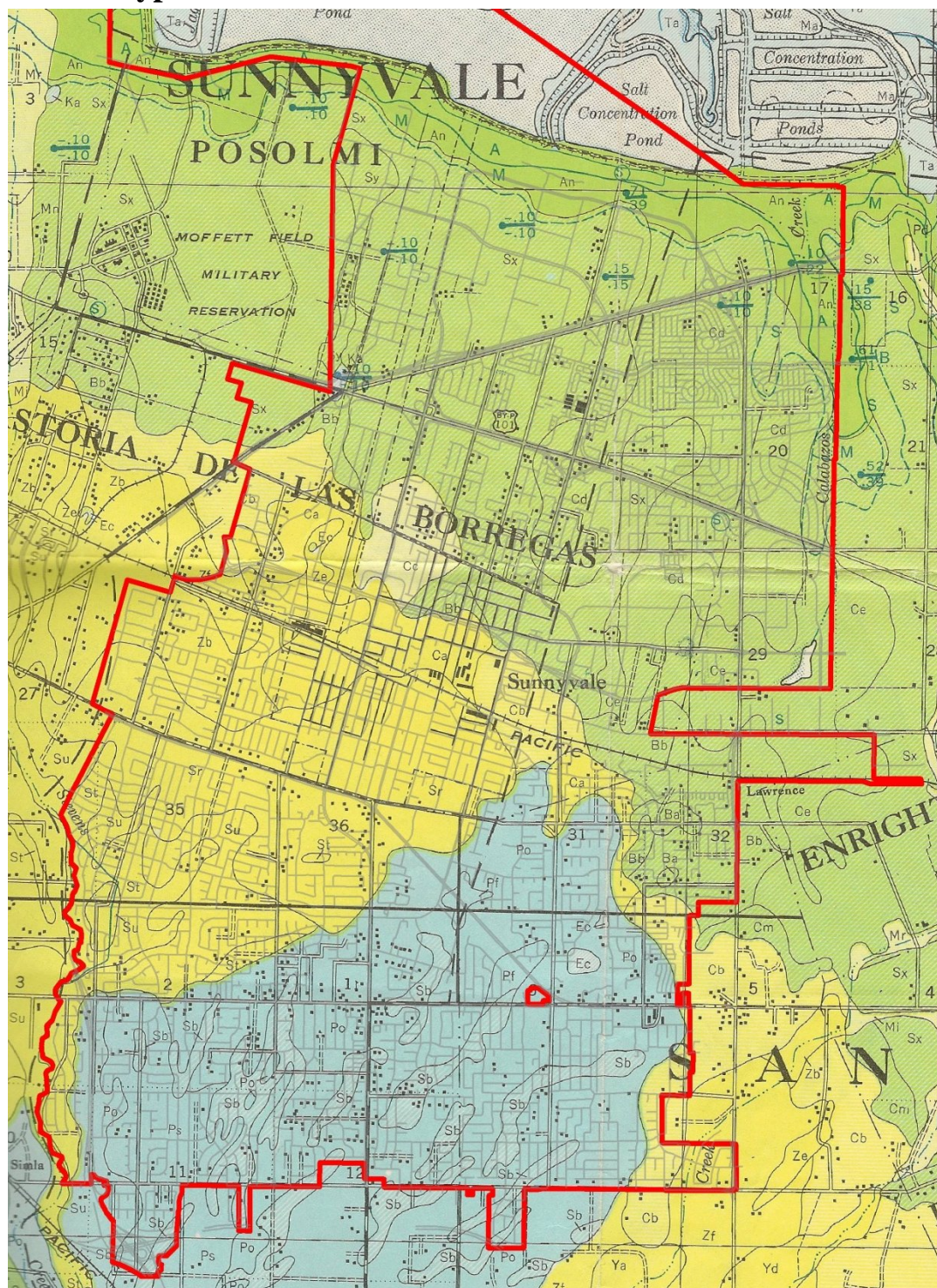


Figure A1. Soil map of Sunnyvale from Gardner and others (1958) with current city limit (red line) and current streets (gray lines) superimposed. Soil type codes are listed in Table A1.

Table A1. Soils of Sunnyvale, based on Gardner and others (1958). Soil codes are the same shown in Figure A1. General soil groups are indicated by color shading (green=basin soils, yellow=recent alluvial fans and floodplains, blue =older alluvial fans. Soils and corresponding properties shown in **bold** may constrain tree growth and performance.

Soil code	Soil series	Depth of soil readily penetrated by roots	Permeability of surface soil ¹	Permeability of subsoil	Water holding capacity ²	Occurrence of salinity ²
An	Alviso clay 0-1% slopes	20-36"	Very slow	Very slow	High	General
Bb	Bayshore clay loam 1-3% slopes	>60 inches	Rapid	Moderate	Moderate	None
Ba	Bayshore clay loam 3-5% slopes	>60 inches	Rapid	Moderate	Moderate	None
Ca	Campbell clay loam, 0-1% slopes	>60 inches	Moderate	Moderate	High	Rare
Cb	Campbell silty clay, 0-1% slopes	>60 inches	Slow	Slow	High	None
Cd	Castro clay 0-1% slopes	20-36"	Slow	Slow	Moderate	Occasional
Ce	Castro silty clay 1-3% slopes	20-36"	Slow	Slow	Moderate	Occasional
Ec	Pits	Excavated areas				
Ka	Kitchen middens	Former Native American settlement				
Po	Pleasanton gravelly loam, 1-3% slopes	>60 inches	Moderate	Moderate	Moderate	None
Ps	Pleasanton loam, 1-3% slopes	>60 inches	Moderate	Moderate	Moderate	None
Pf	Pleasanton clay loam, 1-3% slopes	>60 inches	Moderate	Slow	Moderate	None
Sb	San Ysidro	variable 20	Moderate	Very slow	Low	None

Soil code	Soil series	Depth of soil readily penetrated by roots	Permeability of surface soil ¹	Permeability of subsoil	Water holding capacity ²	Occurrence of salinity ²
	loam, 1-2% slopes	to 36 inches				
Sr	Sorrento clay loam, 1-3% slopes	>60 inches	Moderate	Moderate	High	None
St	Sorrento gravelly loam, 1-3% slopes	>60 inches	Moderate	Moderate	Moderate	None
Su	Sorrento loam, 1-3% slopes	>60 inches	Moderate	Moderate	High	None
Sx	Sunnyvale clay 0-1% slopes	36"-60"	Slow	Slow	High	Occasional
Sy	Sunnyvale clay loam 0-1% slopes	36"-60"	Moderate	Moderate	Moderate	None
Zb	Zamora clay loam, 1-3% slopes	>60 inches	Moderate	Moderate	High	None
Ze	Zamora gravelly clay loam, 1-3% slopes	>60 inches	Moderate	Moderate	High	None
Zf	Zamora silty clay loam, 1-3% slopes	>60 inches	Moderate	Slow	High	None

¹Permeability refers to the rate at which water can pass downward through the soil after wetting.

Permeability is a general indication of the ease of root penetration. Soils with slow permeability will absorb less than 3 inches of surface water per day. Soils with rapid permeability can absorb more than 20 inches of surface water per day.

²Water holding capacity refers to the total amount of water available to plants to the depth readily penetrated by roots when the soil is at normal field moisture capacity (the point at which water stops draining from the soil). The amount is expressed as the height of a column of water on the soil surface. Soils with low soil water holding capacity hold less than 4 inches of water at field capacity. Soils with high soil water holding capacity hold more than 9 inches of water at field capacity.

³Salinity refers to soluble salts, either neutral or alkaline in reaction, that occur in soils in sufficient quantities to have a toxic or retarding effect on the growth of cultivated plants. The term "alkali" is used in the 1958 Soil Survey.

References

Gardner, R.A.; Harradine, F.F.; Hargreaves, H.J.; Retzer, J.L.; Bartholomew, O.F.; Glassey, T. W. June 1958. Soil survey, Santa Clara Area, California. Series 1941, No. 17. U.S.D.A. and California Agricultural Experiment Station.

6.2. Canopy cover assessment

Phytosphere Research used a random dot grid and 2007 aerial photography in Google Earth to estimate tree canopy cover in the land area of Sunnyvale.

We generated 2,500 random coordinates that were distributed across a rectangular area that included the City's land area. The random coordinates were created using a random uniform distribution function in JMP[®] 7.0.1 (SAS Institute) software. These random coordinates were imported into an ESRI ArcMap[®] layer file. The city boundary GIS layer (provided by the City of Sunnyvale) was used to select only those points within the city limits. The points were overlaid on an aerial image of the city. Points that were located in ponds near the bay were removed from the random sample set. The resulting sample included 2210 random points distributed over approximately 19.25 square miles.

We used the zoning GIS layers supplied by the city to assign a land use designation to each point. Points were grouped into the following classes:

- residential (including single and multiple-unit zonings),
- commercial/industrial,
- city parks,
- schools,
- other city-owned properties.

The sample provided a sufficient number of points to provide good canopy cover estimates citywide and in major land uses, but the number of points falling in uncommon land uses was low. To provide a more accurate estimate of canopy cover in city parks, we created a denser set of random coordinates and selected those fell within city parks. This provided a sample of 472 random dots that we used to estimate canopy cover in parks.

We created separate files for the points in each land use category and exported the points to Google Earth kml files. Layers for the city limits and polygons for parks, schools, and city properties were also exported to Google Earth kml files. To assess canopy cover, we used the most recent available (October 2007) Google Earth imagery (Figure 3-5). We recorded whether each dot was on tree canopy. We also noted within each land use whether points were within the paved portions (curb to curb) of public streets or if they fell on trees growing within the apparent street right of way (ROW). Sidewalk placement and width were used to help estimate the width of the ROW at a given sample point.

We also used the random dots to select a sample for estimating average tree canopy area, which was needed to estimate tree numbers from canopy cover data (number of trees= total canopy area/ average tree canopy area). For the tree nearest to each random sample point, we measured the canopy diameter to the nearest 0.1 m using the Google Earth distance measuring tool. Areas were calculated from diameters assuming a circular canopy shape. We used an initial sample of 100 random coordinates each from residential and commercial land uses. To increase the number of street trees represented in the sample, we added an additional 100 random points that were located on streets.

6.3. Tree inventory tabulation

Species listed in the City Street Tree inventory as of December 2010.

Species	Number	Percent
<i>Acacia baileyana</i>	2	0.01%
<i>Acacia melanoxylon</i>	39	0.09%
<i>Acacia spp.</i>	1	0.00%
<i>Acer japonicum</i>	1	0.00%
<i>Acer macrophyllum</i>	1	0.00%
<i>Acer negundo</i>	5	0.01%
<i>Acer palmatum</i>	39	0.09%
<i>Acer platanoides</i>	6	0.02%
<i>Acer pseudoplatanus</i> 'Atropurpureum'	6	0.02%
<i>Acer rubrum</i>	267	0.65%
<i>Acer saccharinum</i>	49	0.12%
<i>Acer spp.</i>	2	0.01%
<i>Acer x freemanii</i>	2	0.01%
<i>Aesculus carnea</i>	8	0.02%
<i>Aesculus hippocastanum</i>	3	0.01%
<i>Ailanthus altissima</i>	2	0.01%
<i>Albizia julibrissin</i>	32	0.08%
<i>Alnus cordata</i>	22	0.05%
<i>Alnus oregona</i>	4	0.01%
<i>Alnus rhombifolia</i>	61	0.15%
<i>Araucaria araucana</i>	1	0.00%
<i>Araucaria spp.</i>	2	0.01%
<i>Arbutus unedo</i>	2	0.01%
<i>Arecastrum romanzoffianum</i>	12	0.03%
<i>Betula nigra</i>	102	0.25%
<i>Betula pendula</i>	230	0.56%
<i>Betula platyphylla japonica</i>	3	0.01%
<i>Butia capitata</i>	1	0.00%
<i>Callistemon citrinus</i>	162	0.39%
<i>Callistemon viminalis</i>	32	0.08%
<i>Calocedrus decurrens</i>	15	0.04%
<i>Carpinus betulus fastigiata</i>	184	0.45%
<i>Casimiroa edulis</i>	1	0.00%
<i>Castanea sativa</i>	2	0.01%
<i>Casuarina cunninghamiana</i>	112	0.27%
<i>Casuarina equisetifolia</i>	124	0.30%
<i>Casuarina stricta</i>	4	0.01%
<i>Catalpa speciosa</i>	2	0.01%
<i>Cedrus atlantica</i>	15	0.04%
<i>Cedrus deodara</i>	230	0.56%
<i>Celtis australis</i>	408	0.99%

Species	Number	Percent
<i>Celtis sinensis</i>	617	1.49%
<i>Celtis spp.</i>	1	0.00%
<i>Ceratonia siliqua</i>	744	1.80%
<i>Cercis occidentalis</i>	16	0.04%
<i>Chamaerops humilis</i>	11	0.03%
<i>Chitalpa X tashkentensis</i>	35	0.09%
<i>Chorisia speciosa</i>	3	0.01%
<i>Cinnamomum camphora</i>	744	1.80%
<i>Citrus limon</i>	11	0.03%
<i>Citrus sinensis</i>	7	0.02%
<i>Citrus X paradisi</i>	1	0.00%
<i>Cordyline australis</i>	35	0.09%
<i>Cornus spp.</i>	1	0.00%
<i>Crataegus laevigata</i>	39	0.09%
<i>Cupaniopsis anacardioides</i>	2	0.01%
<i>Cupressocyparis leylandii</i>	2	0.01%
<i>Cupressus macrocarpa</i>	20	0.05%
<i>Cupressus sempervirens</i>	431	1.04%
<i>Diospyros kaki</i>	3	0.01%
<i>Dodonaea viscosa</i>	4	0.01%
<i>Eriobotrya deflexa</i>	31	0.08%
<i>Eriobotrya japonica</i>	24	0.06%
<i>Erythea armata</i>	2	0.01%
<i>Erythrina caffra</i>	3	0.01%
<i>Eucalyptus cinerea</i>	4	0.01%
<i>Eucalyptus cladocalyx</i>	17	0.04%
<i>Eucalyptus ficifolia</i>	2	0.01%
<i>Eucalyptus globulus</i>	407	0.98%
<i>Eucalyptus lansdowneana</i>	18	0.04%
<i>Eucalyptus leucoxylon</i>	1	0.00%
<i>Eucalyptus nicholii</i>	5	0.01%
<i>Eucalyptus parvifolia</i>	64	0.16%
<i>Eucalyptus polyanthemos</i>	55	0.13%
<i>Eucalyptus robusta</i>	1	0.00%
<i>Eucalyptus sideroxylon</i>	52	0.13%
<i>Eucalyptus spp.</i>	6	0.02%
<i>Eucalyptus viminalis</i>	11	0.03%
<i>Eugenia paniculata</i>	3	0.01%
<i>Fagus sylvatica "Atropunicea"</i>	13	0.03%
<i>Feijoa sellowiana</i>	1	0.00%
<i>Ficus carica</i>	4	0.01%

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Species	Number	Percent
<i>Fortunella margarita</i>	1	0.00%
<i>Fraxinus american</i>	139	0.34%
<i>Fraxinus oxycarpa</i>	497	1.20%
<i>Fraxinus pennsylvanica</i>	49	0.12%
<i>Fraxinus uhdei</i>	518	1.25%
<i>Fraxinus v. 'Rio Grande'</i>	525	1.27%
<i>Fraxinus velutina</i>	300	0.73%
<i>Geijera parviflora</i>	515	1.25%
<i>Ginkgo biloba</i>	1478	3.57%
<i>Gleditsia triacanthos</i>	36	0.09%
<i>Grevillea robusta</i>	11	0.03%
<i>Heteromeles arbutifolia</i>	6	0.02%
<i>Hibiscus rosa-sinensis</i>	2	0.01%
<i>Ilex altaclarensis Wilsonii</i>	7	0.02%
<i>Jacaranda mimosifolia</i>	13	0.03%
<i>Juglans hindsii</i>	17	0.04%
<i>Juglans regia</i>	18	0.04%
<i>Juglans spp.</i>	1	0.00%
<i>Juniperus californica</i>	9	0.02%
<i>Juniperus chinensis</i>	2	0.01%
<i>Juniperus chinensis Torulosa</i>	76	0.18%
<i>Juniperus scopulorum</i>	1	0.00%
<i>Juniperus spp.</i>	1	0.00%
<i>Koelreuteria bipinnata</i>	2	0.01%
<i>Koelreuteria paniculata</i>	3	0.01%
<i>Lagerstroemia indica</i>	120	0.29%
<i>Lagerstroemia x fauria</i>	614	1.49%
<i>Lagerstromia x fauria(lavend</i>	123	0.30%
<i>Lagerstromia x fauria(red)</i>	572	1.38%
<i>Lagunaria patersonii</i>	2	0.01%
<i>Laurus nobilis</i>	227	0.55%
<i>Leptospermum spp.</i>	2	0.01%
<i>Ligustrum lucidum</i>	401	0.97%
<i>Liquidambar 'ROTUNDILOBA'</i>	4	0.01%
<i>Liquidambar styraciflua</i>	3525	8.52%
<i>Liriodendron tulipifera</i>	800	1.93%
<i>Lyonothamnus floribundus asp</i>	2	0.01%
<i>Magnolia grandiflora</i>	4633	11.20%
<i>Magnolia x. soulangiana</i>	12	0.03%
<i>Malus spp.</i>	5	0.01%
<i>Malus syvestris</i>	19	0.05%
<i>Maytenus boaria</i>	119	0.29%
<i>Melaleuca linariifolia</i>	195	0.47%
<i>Melaleuca nesophila</i>	10	0.02%
<i>Melaleuca quinquenervia</i>	2	0.01%

Species	Number	Percent
<i>Metasequoia glyptostroboides</i>	1	0.00%
<i>Morus alba</i>	15	0.04%
<i>Myoporum laetum</i>	8	0.02%
<i>Nerium oleander</i>	67	0.16%
<i>Olea europaea</i>	154	0.37%
<i>Other</i>	15	0.04%
<i>Paulowina tomentosa</i>	4	0.01%
<i>Persea americana</i>	16	0.04%
<i>Phoenix canariensis</i>	25	0.06%
<i>Photinia fraseri</i>	522	1.26%
<i>Picea engelmannii</i>	2	0.01%
<i>Picea pungens</i>	8	0.02%
<i>Pinus canariensis</i>	550	1.33%
<i>Pinus coulteri</i>	1	0.00%
<i>Pinus edulis</i>	5	0.01%
<i>Pinus halepensis</i>	50	0.12%
<i>Pinus pinea</i>	76	0.18%
<i>Pinus radiata</i>	195	0.47%
<i>Pinus spp.</i>	1	0.00%
<i>Pinus thunbergiana</i>	83	0.20%
<i>Pistacia chinensis</i>	2868	6.94%
<i>Pittosporum crassifolium</i>	1	0.00%
<i>Pittosporum eugenioides</i>	17	0.04%
<i>Pittosporum undulatum</i>	7	0.02%
<i>Platanus acerifolia</i>	1124	2.72%
<i>Platanus racemosa</i>	3	0.01%
<i>Podocarpus gracilior</i>	726	1.76%
<i>Podocarpus macrophyllus</i>	8	0.02%
<i>Populus canadensis</i>	3	0.01%
<i>Populus nigra 'Italica'</i>	17	0.04%
<i>Prunus amygdalus</i>	41	0.10%
<i>Prunus armeniaca</i>	25	0.06%
<i>Prunus blireiana</i>	130	0.31%
<i>Prunus caroliniana</i>	16	0.04%
<i>Prunus cerasifera</i>	717	1.73%
<i>Prunus domestica</i>	36	0.09%
<i>Prunus lyonii</i>	21	0.05%
<i>Prunus persica</i>	43	0.10%
<i>Prunus serrulata</i>	106	0.26%
<i>Pseudotsuga menziesii</i>	5	0.01%
<i>Punica granatum</i>	1	0.00%
<i>Pyrus calleryana</i>	701	1.70%
<i>Pyrus kawakamii</i>	142	0.34%
<i>Quercus agrifolia</i>	236	0.57%
<i>Quercus coccinea</i>	210	0.51%
<i>Quercus franetto</i>	8	0.02%
<i>Quercus ilex</i>	1363	3.30%
<i>Quercus kelloggii</i>	17	0.04%

Species	Number	Percent
<i>Quercus lobata</i>	142	0.34%
<i>Quercus palustris</i>	4	0.01%
<i>Quercus shumardi</i>	483	1.17%
<i>Quercus spp.</i>	7	0.02%
<i>Quercus suber</i>	539	1.30%
<i>Quercus virginiana</i>	380	0.92%
<i>Quercus wislizeni</i>	54	0.13%
<i>Quillaja saponaria</i>	3	0.01%
<i>Rhamnus alaternus</i>	4	0.01%
<i>Rhus lancea</i>	347	0.84%
<i>Robinia pseudoacacia</i>	134	0.32%
<i>Sapium sebiferum</i>	185	0.45%
<i>Schinus molle</i>	75	0.18%
<i>Schinus terebinthifolius</i>	29	0.07%
<i>Sequoia sempervirens</i>	1024	2.48%
<i>Sequoiadendron giganteum</i>	5	0.01%
<i>Solanum rantonnetii</i>	5	0.01%
<i>Sophora japonica</i>	2	0.01%
<i>Stump</i>	141	0.34%
<i>Thuja occidentalis</i>	19	0.05%
<i>Tillia cordata</i>	19	0.05%
<i>Tipuana tipu</i>	2	0.01%
<i>Trachycarpus fortunei</i>	25	0.06%
<i>Tristania conferta</i>	14	0.03%
<i>Tristania laurina</i>	899	2.17%
<i>Ulmus americana</i>	1	0.00%
<i>Ulmus campestris</i>	1	0.00%
<i>Ulmus parvifolia</i>	296	0.72%
<i>Ulmus pumila</i>	10	0.02%
<i>Vacant site (Large)</i>	441	1.07%
<i>Vacant site (Medium)</i>	2775	6.71%
<i>Vacant site (Small)</i>	1091	2.64%
<i>Viburnum japonicum</i>	4	0.01%
<i>Washingtonia filifera</i>	14	0.03%
<i>Washingtonia robusta</i>	56	0.14%
<i>Xylosma congestum</i>	5	0.01%
<i>Yucca gloriosa</i>	71	0.17%
<i>Zelkova serrata</i>	400	0.97%

6.4. List of trees whose numbers are being increased

Street Tree Services was planting the following species in increasing numbers in certain planting situations along streets as of December 2010. These species have been targeted for increased planting because local experience suggests that they will perform well in specific situations (see discussion in section 3.3.2).

Species

Acer rubrum
Betula nigra
Carpinus betulus fastigiata
Cedrus atlantica
Cedrus deodara
Chitalpa X tashkentensis
Cinnamomum camphora
Eucalyptus sideroxylon
Fraxinus american
Fraxinus v. 'Rio Grande'
Ginkgo biloba
Lagerstroemia x fauria
Lagerstromia x fauria(lavend
Lagerstromia x fauria(red)
Laurus nobilis
Persea americana
Photinia fraseri
Pinus canariensis
Platanus acerifolia
Podocarpus gracilior
Podocarpus macrophyllus
Prunus cerasifera
Pyrus calleryana
Quercus franetto
Quercus ilex
Quercus lobata
Quercus shumardi
Quercus suber
Quercus virginiana
Sapium sebiferum
Tristania laurina

6.5. List of trees whose numbers are being decreased

Street Tree Services was decreasing the use of the following species along streets or in certain planting situations as of December 2010. These species have been targeted for reduced planting or have been discontinued because of problems that have developed in specific situations (see discussion in section 3.3.2).

<i>Acacia baileyana</i>	<i>Juniperus scopulorum</i>	<i>Quercus ilex</i>
<i>Acacia melanoxylon</i>	<i>Lagerstroemia indica</i>	<i>Quercus virginiana</i>
<i>Acer macrophyllum</i>	<i>Laurus nobilis</i>	<i>Quercus wislizenii</i>
<i>Acer negundo</i>	<i>Ligustrum lucidum</i>	<i>Rhus lancea</i>
<i>Acer palmatum</i>	<i>Liquidambar styraciflua</i>	<i>Sapium sebiferum</i>
<i>Callistemon citrinus</i>	<i>Liriodendron tulipifera</i>	<i>Schinus molle</i>
<i>Casuarina cunninghamiana</i>	<i>Lyonothamnus floribundus asp</i>	<i>Schinus terebinthifolius</i>
<i>Casuarina stricta</i>	<i>Magnolia grandiflora</i>	<i>Sequoia sempervirens</i>
<i>Cedrus deodara</i>	<i>Malus spp.</i>	<i>Thuja occidentalis</i>
<i>Celtis australis</i>	<i>Malus syvestris</i>	<i>Tristania conferta</i>
<i>Celtis sinensis</i>	<i>Melaleuca linariifolia</i>	<i>Ulmus campestris</i>
<i>Ceratonia siliqua</i>	<i>Melaleuca quinquenervia</i>	<i>Ulmus parvifolia</i>
<i>Cinnamomum camphora</i>	<i>Metasequoia glyptostroboides</i>	<i>Washingtonia filifera</i>
<i>Cordyline australis</i>	<i>Olea europaea</i>	<i>Washingtonia robusta</i>
<i>Cornus spp.</i>	<i>Persea americana</i>	<i>Zelkova serrata</i>
<i>Cupaniopsis anacardioides</i>	<i>Phoenix canariensis</i>	
<i>Eriobotrya deflexa</i>	<i>Picea engelmannii</i>	
<i>Eriobotrya japonica</i>	<i>Picea pungens</i>	
<i>Erythrina caffra</i>	<i>Pinus canariensis</i>	
<i>Eucalyptus globulus</i>	<i>Pinus coulteri</i>	
<i>Eucalyptus lansdowneana</i>	<i>Pinus halepensis</i>	
<i>Eucalyptus polyanthemos</i>	<i>Pinus pinea</i>	
<i>Eucalyptus spp.</i>	<i>Pinus thunbergiana</i>	
<i>Eugenia paniculata</i>	<i>Pistacia chinensis</i>	
<i>Ficus carica</i>	<i>Podocarpus gracilior</i>	
<i>Fraxinus american</i>	<i>Populus canadensis</i>	
<i>Fraxinus oxycarpa</i>	<i>Prunus amygdalus</i>	
<i>Fraxinus pennsylvanica</i>	<i>Prunus armeniaca</i>	
<i>Fraxinus uhdei</i>	<i>Prunus caroliniana</i>	
<i>Fraxinus velutina</i>	<i>Prunus cerasifera</i>	
<i>Geijera parviflora</i>	<i>Prunus lyonii</i>	
<i>Ginkgo biloba</i>	<i>Prunus serrulata</i>	
<i>Jacaranda mimosifolia</i>	<i>Pseudotsuga menziesii</i>	
<i>Juglans hindsii</i>	<i>Pyrus calleryana</i>	
<i>Juglans regia</i>	<i>Pyrus kawakamii</i>	
<i>Juniperus californica</i>	<i>Quercus coccinea</i>	

6.6. Street tree species composition by block face

As an adjunct to this report, Phytosphere Research used a copy of the street tree inventory database (downloaded 1/17/10) to develop a new database related to tree species distribution for street trees by block face. A block face is defined here as a length of street between two successive intersections that includes trees on both sides of the street. Designation of block faces was based on the "on street", "from street" and "to street" fields in the tree inventory. We used JMP® 9.0.0 (SAS Institute) software to cross tabulate the data and summarize tree occurrence on each block face. In addition to totaling the three most common trees on each block face, a formula was used to determine whether one to three trees were dominant on the block, based on their occurrence relative to the total number of species present. The data were converted to a Microsoft Excel worksheet with the fields listed below. The worksheet contains 3,688 block face records. The spreadsheet was provided to the Urban Landscape Manager in electronic format. (Filename "Copy of Sunnyvale block face trees 3-9-10.xls" transmitted via e-mail 3/9/10).

Field	Description
Address number	Address of one tree on block face
Street	Street of Address number field
Address-Street	Address Number field concatenated to Street field
OnStr	Street the trees located on- this is the block face
block-on/from/to of block face trees	Block face plus cross streets that delimit the block face
Total sites	Number of inventoried planting sites on block face
Num live trees	Number of live inventoried trees on block face
Num(SPP)	Number of species on block face
SPP1	Most common tree on block face
N of spp1	Number of trees of species 1
Percent for spp1	Percent of trees on block face represented by species 1
SPP2	Second most common tree on block face
N of spp2	Number of trees of species 2
Percent for spp2	Percent of trees on block face represented by species 2
SPP3	Third most common species on block face
N of spp3	Number of trees of species 3
Percent for spp3	Percent of trees on block face represented by species 3
Top 2 trees % of all trees	Percent of all trees on block made up by the top 2 most common trees
Top 3 trees % of all trees	Percent of all trees on block made up by the top 3 most common trees
Main species1	Primary dominant species on block based on the following formula: SPP1 if (Percent for spp1 > 60%) or (Top 2 trees % of all trees) > 66% or (Top 3 trees % of all trees) > 75%. Otherwise listed as "none"
Main species2	Secondary dominant species on block based on following formula: SPP2 if (Top 2 trees % of all trees) > 66% and (Percent for spp1) ≤ 60% and (Percent for spp2) > 33%. Otherwise listed as "none".
Main species3	Tertiary dominant species on block based on following formula: SPP3 if (Main species2) is not "none" and (Top 3 trees % of all trees) > 75% and (Percent for spp3) ≥ 25%. Otherwise listed as "none".

7. Planning documents, policies, and city code related to trees

City of Sunnyvale Consolidated General Plan (2011)

General plan goals pertaining to the urban forest:

Chapter 2 Community Vision

City-wide Vision Goals

II. Attractive Community: To maintain and enhance the appearance of Sunnyvale, and to distinguish it from surrounding communities, through the promotion of high quality architecture, the preservation of historic districts and structures, the maintenance of a healthy urban forest, and the provision of abundant and attractive open space.

III. Environmental Sustainability: To promote environmental sustainability and remediation in the planning and development of the City, in the design and operation of public and private buildings, in the transportation system, in the use of potable water and in the recycling of water.

Goal LT-2 An Attractive Community

Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest and human-scale development.

Policy LT-8.4

Maintain existing park and open space tree inventory through the replacement of trees with an equal or greater number of trees when trees are removed due to disease, park development or other reasons.

Policy LT-8.5

Maintain Parks and open space tree inventory on a system wide basis rather than a site-by-site basis with an understanding that there is no single optimum number of trees for a particular site.

Policy LT-8.6

Maintain a working fruit orchard throughout the largest portion of Orchard Heritage Park for as long as practical.

Policy CC-2.1

Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.

Policy CC-5.4

Seek out, catalog and evaluate heritage resources which may be significant.

Sunnyvale Municipal Code

Chapter 13.16. City Trees

13.16.010. Intent.

The intent of this chapter is to:

- (a) Ensure the preservation of the city's urban forest;
- (b) Regulate the maintenance, removal and planting of trees, shrubbery and plantings within the public rights-of-way.
- (c) Regulate the installation and maintenance of any structure, fencing, trees, shrubbery, planting or growth interfering with the safety and welfare of persons utilizing the public rights-of-way.
- (d) Encourage the protection of trees to provide shade, beauty, wind protection, air filtration, mitigation of noise, soil protection, habitat for birds and small animals, screening between buildings, camouflage of blighted areas and enhancement of property values.
- (e) Encourage and maintain the healthy growth of trees to make the city more attractive to visitors and potential new residents. (Ord. 2374-91 § 2 (part)).

13.16.020. New city trees.

Whenever new development occurs, a minimum of one tree per lot shall be installed. In existing developments, if it is determined to be feasible, city trees shall be installed. The number of trees and types of trees to be installed, their location and the method of installation shall be in accordance with standards approved by the city council. (Ord. 2374-91 § 2 (part)).

13.16.030. Definitions.

- (1) "City tree" means any woody plant which is growing within the public right-of-way along a city street and has a trunk four inches or more in diameter at four and one-half feet above normal ground level.
- (2) "Official city tree" means a species of tree designated by the superintendent and on the official tree list.
- (3) "Official tree list" means a list of species of trees designated as official city trees by the superintendent.
- (4) "Owner of the property" means the record owner or contract purchaser of any parcel of land fronting on any city street.
- (5) "Parkway strip" means the public area between the curbing and the sidewalk.
- (6) "Superintendent" means the superintendent of trees and landscaping, or any person designated by the superintendent to perform the duties set forth in this chapter.
- (7) "Tree easement" means the public area either between the curb and sidewalk (parkway strip), or between a monolithically constructed sidewalk and the property line along a city street right-of-way.

(8) “Unofficial city tree” means a tree planted or growing within the public right-of-way which is not on the official tree list, or has not been approved by the superintendent. (Ord. 2374-91 § 2 (part)).

13.16.040. Official tree list.

(a) The superintendent shall maintain and periodically review the official tree list, and may add to, delete from or otherwise modify the list. The official tree list shall be on file for public inspection at the office of the department of public works.

(b) No tree shall be planted in the public right-of-way or overhang any city street unless the tree is on the official tree list, unless a written permit from the superintendent has been obtained to plant a tree not on the list. (Ord. 2374-91 § 2 (part)).

13.16.050. Enforcing authority.

The superintendent or designated representative shall have the authority to regulate the maintenance, planting and removal of trees on streets and property within the public rights-of-way, and on other property under the ownership and control of the city (with the exception of parks and golf courses), to ensure safety or preserve aesthetics. (Ord. 2374-91 § 2 (part)).

13.16.060. Permits required.

(a) Planting. It is unlawful for any person to plant or set out any tree within the public right-of-way without first procuring a permit from the superintendent.

(b) Maintenance and Removal. It is unlawful for any person to trim, prune, spray, fertilize, remove, cut above ground, or otherwise disturb any city tree without first procuring a permit from the superintendent. The permit shall be issued when the superintendent determines that the required work is necessary and that the proposed method is in accordance with generally accepted arboricultural specifications and standards of practice.

(c) Construction. It is unlawful for any person to make any excavation, place any fill, compact the soil, or construct any structure, walkway, driveway, pavement or public utility within fifteen feet of any city tree without first obtaining a permit for such work from the superintendent and conducting such work in accordance with such permit. As a condition of issuing such permit, the superintendent shall require that the work be done in accordance with such generally accepted arboricultural specifications and standards of practice necessary to protect the vitality of the tree.

(d) Permits.

(1) Applications for permits must be made at least forty-eight hours in advance of the time the work is to be started.

(2) The application shall contain, but shall not be limited to, the following:

(A) The number of trees to be planted or set out, the location, grade, size, quality, species, cultivar or variety of each tree, the method of planting, and such other information as the superintendent may require;

(B) The number and kinds of trees to be sprayed, fertilized, trimmed/pruned, removed, relocated or otherwise preserved, the kind of treatment to be administered, the composition of the

spray or fertilizer material to be applied, and such other information as the superintendent may require;

(C) The written agreement of each applicant for a permit that the applicant will comply with the requirements, regulations and standards of this chapter;

(D) The time schedule for the proposed work; and

(E) Such other information as the superintendent deems necessary. (Ord. 2374-91 § 2 (part)).

13.16.070. Unofficial city trees.

(a) Planting. It is unlawful for any person to plant an unofficial city tree within the public right-of-way along a city street.

(b) Maintenance or Removal Permit. Unofficial city trees may be maintained or removed by property owners at their expense only upon obtaining a permit. (Ord. 2374-91 § 2 (part)).

13.16.080. Removal of damaged trees.

(a) Official or unofficial city trees shall be removed immediately by the city in the event such a tree is damaged or destroyed from any cause which in the opinion of the superintendent results in such a tree becoming an immediate threat to the safety of life or property.

(b) City trees shall be ordered removed when the superintendent finds such action necessary to prevent a hazard to public safety or to prevent the spread of disease or insects to public trees and places.

(1) The property owner who is notified of such order shall have the right within five days from the service of the order to file a written appeal with the director of public works.

(2) The director may revoke or modify the order if the director finds that the removal of the tree is not necessary to prevent a hazard to public safety or to prevent the spread of disease or insects to public trees and places.

(3) The total cost of the removal of city trees shall be borne by the city. An official city tree shall be planted, when practical, as a replacement in a location approved by the superintendent. The cost of the official city tree replacement shall be borne by the city.

(c) Unofficial city trees ordered removed shall be allowed to remain if each of the following conditions is complied with:

(1) The property owner obtains a permit to prune the tree above and below ground; the property owner provides the city a signed written statement satisfactory to the city indemnifying and holding harmless the city from any liability or loss from the continued maintenance of the tree.

(2) The total cost of removing the unofficial city trees, when it becomes necessary in the future, shall be paid by the property owner or successor in title, which obligation shall be evidenced by a written document satisfactory to the city and recorded in the office of the county recorder.

(d) The superintendent shall initiate a tree replacement program in those areas of the city in which city trees are required to be removed. (Ord. 2374-91 § 2 (part)).

13.16.090. Abuse or mutilation.

Unless specifically authorized by the superintendent, it is unlawful for any person to:

- (a) Intentionally damage, break, cut, carve, mutilate, kill, injure or destroy any city tree;
 - (b) Transplant or remove any city tree;
 - (c) Attach any rope, wire, nails, advertising posters, sign or other contrivance to any city tree;
 - (d) Allow to come in contact with the roots, leaves, bark or any part of any city tree any gaseous liquid or solid substance harmful to such tree; or
 - (e) Cause or permit any wire charged with electricity to come in contact with any city tree.
- (Ord. 2374-91 § 2 (part)).

13.16.100. Public nuisance.

The following are hereby declared public nuisances:

- (a) Any diseased, infested, dead or dying tree, shrub or other plant on private property so near to any city tree as to constitute a danger to such tree, or to any street or portion thereof.
- (b) Any tree, shrub or groundcover on any private property or within the tree easement of a type of species apt to destroy, impair or otherwise interfere with any approved city tree, street improvement, sidewalk, curb, gutter, sewer or other public improvement, including any main or service;
- (c) Any vines, climbing plants, trees or shrubs growing into or over any city trees or any public hydrant, pole or electrolier;
- (d) The existence of any tree on private property within the city limits that is infested, infected or in danger of becoming infested or infected with objectionable insects, scales, fungus or growth injurious to trees;
- (e) The existence of any branches or foliage on private property which interferes with the visibility on, or free use of, or access to, any portion of any street improved for vehicular, bicycle or pedestrian travel;
- (f) Any hedges or thorny plants of any kind on any tree easement or part thereof;
- (g) Any shrubs or plants more than twenty-four inches in height in the tree easement, or portion thereof, measured above top of curb grade;
- (h) Any tree, shrub or other plant on private property which dangerously obstructs the view in the triangular area described in Chapter 19.44, commonly known as the “visibility triangle.”
- (i) The construction or maintenance of any type of wall or fence around or within any tree easement or portion thereof;
- (j) The placing or maintenance within any tree easement, or portion thereof, of any solid landscaping, decorative materials or plants, including but not limited to large rocks, driftwood or

planters made of tile or concrete pipe sections, which protrude more than twenty-four inches above the level of curb and sidewalk and which are continuous with the length of the tree easement, or otherwise tend to block the free movement of pedestrians across the width of the parkway strip;

(k) The placing or maintenance of any type of ground cover or plant materials within three feet of the base of any tree planted in a tree easement;

(l) Any concrete, asphalt, tar paper or plastic membranes or other types of impervious materials placed in the tree easement in such close proximity to a city tree as to impede the movement of soil, air and water which are necessary to sustain tree growth and development. (Ord. 2721-03 § 7, 2003; Ord. 2374-91 § 2 (part)).

13.16.110. Abatement of public nuisance.

When any public nuisance as defined herein exists, it shall be subject to abatement as provided for in Chapter 9.26. (Ord. 2374-91 § 2 (part)).

13.16.120. Abatement costs debt to city.

The amount of the cost of abatement of a public nuisance, and any of the charges required to be paid by a property owner or any other person in this chapter, shall be deemed a debt due and owing to the city. The debt shall be collectible in the same manner as any other civil debt owing to the city. Such civil action shall not be a bar to any criminal action provided for by law. (Ord. 2374-91 § 2 (part)).

Chapter 19.37 Landscaping, irrigation, and usable open space.

[19.37.010. Purpose.](#)

The purpose of this chapter is to ensure that adequate landscaped areas and useable open space are provided where applicable for all zoning districts; to promote the conservation and efficient use of water and to prevent the waste of this valuable resource; and to promote water conservation as one component of sustainable building practices. This chapter shall be construed to assure consistency with the requirements of the Water Conservation in Landscaping Act of the California Government Code, or any successor statute, and any applicable implementing regulations, as they exist at the time of enactment or as later amended. In addition to compliance with the provisions in this chapter, projects shall comply with stormwater management requirements set forth in Chapter 12.60. (Ord. 2918-10 § 3).

[19.37.020. Applicability.](#)

All provisions of this chapter shall apply to the following landscaping projects:

(a) Individual Single-Family or Duplex Residential Projects. New landscaping installations equal to or greater than one thousand square feet in connection with construction of a new dwelling unit.

(b) All Other Projects. New landscaping installations or landscaping rehabilitation projects equal to or greater than one thousand square feet.

(c) Exemptions. Landscaping and irrigation requirements shall not apply to:

(1) Projects that fall below the square footage thresholds stated in subsections (a) and (b);

(2) Individual single-family or duplex residential projects that are not in connection with construction of a new dwelling unit;

(3) Registered local, state or federal historical sites where landscaping establishes a historical landscaping style, as determined by the Heritage Preservation Commission, planning commission, or by any applicable public board or commission responsible for architectural review or historic preservation;

(4) Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system; or

(5) Community gardens, plant collections (as part of botanical gardens and arboreta open to the public), non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation), agricultural uses, commercial nurseries and sod farms. (Ord. 2918-10 § 3).

19.37.030. Definitions.

The following terms and definitions pertain to the water efficiency sections of this chapter:

(a) “Applied water” means the portion of water supplied by the irrigation system to the landscaped area.

(b) “Automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

(c) “Certified professional” means a licensed landscape architect, a licensed landscape contractor, a licensed professional engineer, certified irrigation designer, or any other person authorized by the state to design a landscape or irrigation system, or a certified landscape irrigation auditor.

(d) “Conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.

(e) “Drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(f) “Estimated total water use” (ETWU) means the total water used for the landscaped area as described in Section 19.37.050.

(g) “ET adjustment factor” (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscaped area. ETAF for a special landscaped area shall not exceed 1.0.

(h) “Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(i) “Hardscape” means any durable material (pervious and non-pervious) in a landscaped area, such as decks, patios or pedestrian walkways, and other non-irrigated elements which may include art work, benches, and bicycle parking.

(j) “Hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

(k) “Irrigation audit” means an in depth evaluation of the performance of an irrigation system. An irrigation audit includes, but is not limited to: inspection, system tune up, system test with distribution uniformity or emission uniformity, correction of any overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

(l) “Irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. Required irrigation efficiency is described in Section 19.37.110.

(m) “Low water use plant” means a plant species whose water needs are compatible with local climate and soil conditions. Species classified as “very low water use” and “low water use” by WUCOLS, having a regionally adjusted plant factor of 0.0 through 0.3, shall be considered low water use plants.

(n) “Maximum applied water allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 19.37.050.

(o) “Mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

(p) “Native plant” means a plant indigenous to a specific area of consideration. For the purposes of these guidelines, the term shall refer to plants indigenous to the coastal ranges of central and northern California, and more specifically to such plants that are suited to the ecology of the present or historic natural community(ies) of the project’s vicinity.

(q) “No water using plant” means a plant species with water needs that are compatible with local climate and soil conditions such that regular supplemental irrigation is not required to sustain the plant after it has become established.

(r) “Plant factor” or “plant water use factor” is a factor, when multiplied by ETo (reference evapotranspiration), estimates the amount of water needed by plants. For purpose of calculation of the ETWU, use values from WUCOLS, or equivalent reference subject to approval by the director of community development.

(s) “Precipitation rate” means the rate of application of water measured in inches per hour.

(t) “Recreational area” means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

(u) “Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants. For purposes of calculation of the MAWA and ETWU, as described in Section 19.37.050, use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), or other equivalent data, or soil moisture sensor data.

(v) “Runoff” means water which is not absorbed by the soil or landscaping to which it is applied and flows from the landscaped area.

(w) “Soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(x) “Special landscaped area” (SLA) means an area of the landscaping dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

(y) “Turf” means a ground cover surface of mowed grass.

(z) “Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).

(aa) “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000. (Ord. 2918-10 § 3).

19.37.040. Minimum landscaped area and useable open space.

(a) Minimum Landscaped Area. Table 19.37.040 describes the minimum landscaped area and useable open space required by zoning district. In addition to the minimum landscaped area, areas not used for buildings, parking lot areas, driveways or pedestrian walkways shall be landscaped unless the review authority determines that landscaping is not necessary to achieve the purposes of this chapter. For requirements specific to single family uses, see subsection (f).

(b) Landscaped Buffer Required. A landscaped buffer is required for any property with a nonresidential use in a residential zoning district that abuts a residential use. It is also required for properties of any use in a nonresidential zoning district which abuts a residential zoning district. See Section 19.37.080 for buffer landscaping design requirements.

(c) Landscaped Frontage Strip Required. A fifteen-foot wide landscaped frontage strip is required for all properties except those noted below in subsection (f). The frontage strip is measured from the inside edge of the public sidewalk, or if no sidewalk exists, from the curb. See Section 19.37.090 for frontage strip landscaping design requirements.

(d) Useable Open Space Required. Useable open space is required for all duplex and multifamily residential properties as described in Table 19.37.040. Useable open space areas that meet the definition of landscaping may contribute towards the minimum landscaped area of the site. See Section 19.37.100 for useable open space design requirements.

(e) Specific Plan, Precise Plan and Other Specialized Plan Areas. Minimum landscaped area and useable open space for properties within a specialized plan’s prescribed area are described in their individual plans.

(f) Allowances and Limitations for Single-Family Uses and Single-Family Zoning Districts.

(1) Allowances for Single-Family Zoning Districts. Yards are not required to be landscaped in single-family zoning districts; however other provisions in Title 19 may apply.

(2) Limitation on Paved Areas in the R-0 and R-1 Zoning Districts. Not more than fifty percent of the required front yard of any lot within an R-0 or R-1 zoning district shall be paved with asphalt, concrete cement, or any other impervious surface, except as may be required to meet off-street parking and access requirements of Chapter 19.46.

(3) Landscaped Frontage Strip for Single-Family Uses. A landscaped frontage strip is not required in any zoning district for single-family residential uses which have a frontage on a public street.

Table 19.37.040

Minimum Landscaped Area and Useable Open Space by Zoning District

Zoning District	Useable Open Space	Other Landscaped Area	Parking Lot Landscaped Area	Total Landscaped Area
R-0	N/A	N/A	N/A	N/A
R-1	N/A	N/A	N/A	N/A
R-1.5	N/A	N/A	N/A	N/A
R-1.7/PD	N/A	N/A	N/A	N/A
R-2	500 sq. ft./unit ¹	850 sq. ft./ unit	20% of the parking lot area	Total minimum landscaped area is the combination of the minimum parking lot landscaped area and other landscaped area. In no case shall this total be less than 20% of the lot area.
R-3	400 sq. ft./unit	425 sq. ft./unit		
R-4	380 sq. ft./unit	375 sq. ft./unit		
R-5	380 sq. ft./unit	375 sq. ft./ unit		
C-1	N/A	12.5% of floor area		
C-2	N/A	12.5% of floor area		
C-3	N/A	12.5% of floor area		
C-4	N/A	12.5% of floor area		
O	N/A	10% of lot area		
P-F	N/A	10% of lot area		
M-S	N/A	10% of floor area		
M-3	N/A	10% of floor area		

¹ One thousand square feet of useable open space is required for a property with an accessory living unit.

(Ord. 2918-10 § 3).

[19.37.050. Water efficiency design requirements.](#)

Water Efficiency in Design. Landscaped areas shall be designed to achieve water efficiency. Landscaping design and plant selection may be based on one of two options. Regardless of which option is selected, all other criteria described in this chapter shall apply. The options include:

(a) Option 1—Turf Limitation and Minimum Area with Water Conserving Plants. Turf area shall not be more than twenty-five percent of the landscaped area, and native, low water use or no water use plants shall be installed in at least eighty percent of all non-turf landscaped areas.

(b) Option 2—Water Budget Calculations. If the turf limitation option is not selected, a water budget calculation shall be prepared and shall adhere to the following requirements:

(1) The plant factor shall be obtained from WUCOLS or an equivalent reference subject to approval by the director of community development. For areas that mix plants with different water uses, the plant factor calculation is based on the proportion of the respective plant factors, or based on the plant factor of the higher water using plant. The plant factor ranges from 0.0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

(2) All water features shall be included in the high water use hydrozone.

(3) All special landscaped areas (SLA) shall be identified and their water use included in the water budget calculations.

(4) The reference evapotranspiration adjustment factor (ETAF) for SLAs shall not exceed 1.0. The ETAF for all other landscaped areas shall not exceed 0.7.

(5) Maximum applied water allowance (MAWA) shall be calculated using the following equation:

$$MAWA = (ET_o) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

Where:

MAWA = Maximum applied water allowance (gallons per year)

ET_o = Reference evapotranspiration (inches per year)

0.62 = Conversion factor (to gallons)

0.7 = Reference evapotranspiration adjustment factor (ETAF)

LA = Planted landscaped area including SLA and not including hardscapes (square feet)

0.3 = Additional water allowance for SLA

SLA = Special landscaped area (square feet)

(6) Estimated total water use (ETWU) will be calculated using the equation below. The sum of the ETWU calculated for all hydrozones shall not exceed the MAWA.

$$ETWU = (ET_o)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

ETWU = Estimated total water use per year (gallons)

ETo = Reference evapotranspiration (inches)

PF = Plant factor from WUCOLS

HA = Hydrozone area [high, medium, and low water use areas] (square feet)

SLA = Special landscaped area (square feet)

0.62 = Conversion factor

IE = Irrigation efficiency (minimum 0.70)

(Ord. 2918-10 § 3).

19.37.060. General planting, soil management and water feature design requirements.

(a) Plant Material. In addition to the requirements below, plant selection and installation shall be done in accordance with accepted horticultural industry practices.

(1) Variety. Landscaping shall include trees, shrubs, vines, flowers, ground covers or a combination thereof.

(2) Size at Time of Planting. Plant materials shall be sized and spaced to achieve immediate effect, in accordance with horticultural industry practices and at the discretion of the director of community development. Trees shall be of minimum fifteen gallon size. Twenty-four or thirty-six inch box trees may be required at the discretion of the director of community development.

(3) Number of Trees. There shall be one tree per one thousand square feet of required landscaped area in addition to required street trees and parking lot trees.

(4) Turf. All turf areas shall be planted with tall fescue or similar turf requiring less water. Turf shall not be planted on slopes greater than ten percent where the toe of the slope is adjacent to an impermeable hardscape.

(b) Grouping of Plants. Plants with similar water needs shall be grouped (also described as a hydrozone). Areas that mix plants with different water uses may be allowed if a water budget is performed.

(c) Soil Management.

(1) Mulch. A minimum two-inch layer of mulch shall be applied on all non-turf soil areas.

(2) Soil Amendments. Soil amendments, such as compost, shall be incorporated according to the soil conditions at the project site and based on what is appropriate for selected plans.

(3) Grading. If the project includes grading, the grading shall be designed to minimize soil erosion, runoff and water waste. The grading shall avoid soil compaction in planted landscaped areas.

(d) Water Features. Recirculating water systems shall be used for water features. Where available, recycled water shall be used for water features. (Ord. 2918-10 § 3).

[19.37.070. Parking lot landscaping design requirements.](#)

(a) Parking Lot Shading. Trees shall be planted and maintained throughout the lot to ensure that at least fifty percent of the parking area will be shaded within fifteen years after the establishment of the lot.

(1) Solar Energy Systems as Shading. Up to twenty-five percent of the fifty percent parking lot shading requirement (twelve and one-half percent of the total parking lot area) may be met with installation of solar energy systems rather than trees.

(2) Calculation of Shading. Shading shall be calculated by using the diameter of the tree crown at fifteen years or the dimensions of any roofed area supporting the solar energy system within the parking lot area.

(3) Surfaces Subject to Shading Calculation. All surfacing on which a vehicle can drive is subject to shade calculation, including all parking stalls, vehicular drives within the property regardless of length, drive-through lanes, and all maneuvering areas regardless of depth. The following surface areas are exempt from shading requirements: truck loading areas in front of overhead doors, truck maneuvering and parking areas unconnected to and exclusive of any vehicle parking, surfaced areas not to be used for vehicle parking, driving or maneuvering, provided they are made inaccessible to vehicles by a barrier such as bollards or fencing, display, sales, service, or vehicular storage areas for automobile dealerships (required parking for auto dealerships is still subject to shading requirements), or surfaced areas existing prior to January 1, 2002.

(b) Ground Cover and Shrubs on Parking Islands. Parking islands shall contain living ground cover or shrubs with the trees, unless it can be shown that ground cover is incompatible with the tree. Where living ground cover is unsuitable, the director of community development may allow porous, nonliving ground cover such as pebbles or tanbark.

(c) Drainage Design. Landscaping islands and parking islands shall be designed to integrate parking lot and site drainage in order to reduce storm water runoff velocities and minimize non-point source pollution. When six-inch concrete curbs are installed, they shall have drainage “weep holes.”

(d) Wheel Stops. Concrete wheel stops shall be installed when landscaped areas are not adequately protected. (Ord. 2918-10 § 3).

19.37.080. Buffer landscaping design requirements.

The following is a list of design requirements for buffer landscaping.

(a) Width. The buffer shall maintain a width of at least ten feet.

(b) Landscaping. The buffer shall include a planted screen of approved trees and shrubs which shall be placed along the length of the buffer at intervals not to exceed twenty feet, provided, however, that the director of community development may grant exceptions through a miscellaneous plan permit when warranted by conditions on the property.

(c) Wall Design. The buffer shall include a decorative masonry wall six feet in height measured from the highest adjoining grade. When the adjacent nonresidential building is two stories or more in height, the decorative masonry wall shall be eight feet measured from the highest adjoining grade. Where a residential use is permitted in a nonresidential zoning district, the wall shall be required on the residential property, unless a wall already exists.

(d) Specific Plan, Precise Plan and other specialized plan areas. Properties within a specialized plan’s prescribed area may be subject to additional buffer landscaping design requirements, as described in their individual plans. (Ord. 2918-10 § 3).

19.37.090. Frontage strip landscaping design requirements.

(a) Width. The frontage strip shall be fifteen feet wide along the entire street frontage measured from the inside edge of the public sidewalk, or if no sidewalk exists, from the curb.

(b) Landscaping Allowances. Frontage strip landscaping may be crossed by walkways and access drives.

(c) Specific Plan, Precise Plan and Other Specialized Plan Areas. Properties within a specialized plan’s prescribed area may vary from these frontage strip design requirements, as described in their individual plans. (Ord. 2918-10 § 3).

19.37.100. Useable open space design requirements.

(a) Function. Useable open space must be designed to be accessible to, and useable for outdoor living, recreation or utility use.

(b) Location. Useable open space may not be located in any required front yard area.

(c) Minimum Useable Open Space Dimensions and Area. Each useable open space area shall have at least a twelve foot dimension in any direction and a minimum area of two hundred square feet except for:

(1) Private balconies must have a minimum of seven feet in any direction and a minimum area of eighty square feet.

(2) Roofs, decks or porches must have a minimum of ten feet in any direction and a total of one hundred twenty square feet.

(d) Private Useable Open Space Required. In the R-4 and R-5 zoning districts, a minimum of eighty square feet per unit shall be designed as private useable open space.

(e) Specific Plan, Precise Plan and Other Specialized Plan Areas. Properties within a specialized plan's prescribed area may vary from these useable open space design requirements, as described in their individual plans. (Ord. 2918-10 § 3).

[19.37.110. Irrigation system design requirements.](#)

(a) Irrigation System Required. All landscaped areas shall have a permanent irrigation system, except for single-family detached and duplex dwellings.

(b) Irrigation Efficiency. Irrigation systems shall be designed and maintained to meet or exceed an average landscaping irrigation efficiency of seventy percent.

(c) Water Waste Prohibited. Water waste resulting from an inefficient irrigation system leading to runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas such as walkways, roadways or structures is prohibited.

(d) Hydrozone Irrigation. Systems shall be designed to meet the individual needs of each plant group. Valves and control circuits shall be separated based on the required rate and quantity of water used.

(1) Valves. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions and plant materials with similar water use. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.

(2) Sprinkler Heads. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone. Sprinkler heads must have matched precipitation rates within each circuit.

(e) Low Volume Irrigation. Bubbler or drip-type irrigation, or other low-flow, non-spray technology shall be provided for:

(1) Trees and shrubs.

(2) Mulched areas.

(3) Areas with slope greater than ten percent, unless it can be demonstrated that no runoff or erosion will occur if other types of irrigation is used.

(4) Areas that are less than eight feet wide in any direction.

(f) Overhead Sprinkler Irrigation. Overhead irrigation systems may be used for clustered shrub plantings. Areas within two feet of a non-permeable surface may not be irrigated using overhead sprinkler irrigation unless it can be demonstrated that no runoff would occur, or the adjacent non-permeable surface is designed and constructed to drain entirely to landscaping.

(g) Irrigation Controllers and Sensors. All irrigation controllers must utilize either evapotranspiration or soil moisture sensor data and be capable of dual or multiple programming. Irrigation systems shall also incorporate sensors (rain, freeze, wind, etc.) that suspend or alter irrigation operation during unfavorable weather conditions.

(h) Screening of Devices. Irrigation controllers and backflow devices shall be screened from public view.

(i) Scheduling. Irrigation must be scheduled between eight p.m. and ten a.m. (Ord. 2918-10 § 3).

[19.37.120. Landscaping and irrigation approval.](#)

(a) Permit Required. Except as otherwise provided in this chapter, no person shall install or modify any landscaped area described in Section 19.37.020 without first obtaining a miscellaneous plan permit for each such action, in accordance with the procedure described in Chapter 19.82.

(b) Landscaping and Irrigation Plans Required. Landscaping and irrigation plans shall be required for any modification or installation of new landscaping that falls within the thresholds stated in this chapter. The plans shall meet the information requirements determined by the director of community development to comply with the provisions of this chapter.

(1) Preparation by Certified Professional. Landscaping and irrigation plans shall be prepared by, and bear the signature of, a certified professional, except for new landscaping installations or landscaping rehabilitation projects with less than two thousand five hundred square feet of landscaped area. (Ord. 2918-10 § 3).

19.37.130. Landscaping irrigation audit and maintenance.

(a) Irrigation Audit Required. Prior to approval of occupancy by a building official, a landscaping irrigation audit shall be conducted and an irrigation audit report shall be submitted for projects with landscaping and irrigation plans approved after June 10, 2010.

(1) Audit by Certified Professional. The landscaping irrigation audit shall be conducted and the report shall be prepared by a certified professional, except for new landscaping installations or landscaping rehabilitation projects with less than two thousand five hundred square feet of landscaped area.

(2) Audit Report Content. The irrigation audit report shall include, but not be limited to: inspection, system tune-up, system test with distribution uniformity, correction of any overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

(b) Submittal of Landscaping Maintenance Schedule. Prior to the final inspection by the building official, a regular maintenance schedule shall be submitted to the director of community development for review and approval. The maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscaped areas; and removing obstructions to irrigation spray heads or other emission devices. Landscaping shall be maintained in accordance with the approved maintenance schedule.

(c) General Maintenance. Landscaping shall be maintained in compliance with the approved landscaping plan, and shall be maintained in a neat, clean and healthful condition. Removed landscaping shall be replaced with specimen plants to match the approved landscaping plan. (Ord. 2918-10 § 3).

Chapter 19.94. TREE PRESERVATION

19.94.010. Findings.

The city council finds that:

(a) The city of Sunnyvale has a great diversity of trees that are of economic value to the city and make it a desirable place for residents, business owners and visitors;

(b) The appearance of Sunnyvale contributes to the economic prosperity of the city;

(c) Trees contribute to the scenic beauty of Sunnyvale;

(d) Trees help to naturally control flooding and erosion, moderate noise pollution, climate, dust and other airborne pollutants, remove carbon dioxide from the atmosphere and produce oxygen, and shelter and feed birds and other wildlife;

(e) The development and redevelopment of the city often necessitates the removal of trees, thereby contributing to their depletion; and

(f) It is necessary to protect and manage these valuable assets and their habitat to protect the health, safety and welfare of the citizens of Sunnyvale. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.010).

19.94.020. Purpose.

The purpose of this chapter is to regulate the protection, installation, removal and long term management of significantly sized trees on private property within the city and city owned golf courses and parks; encourage the proper protection and maintenance of significantly sized trees which are located on such property; establish a review and permit procedure to assure the correct planting, maintenance, protection and removal of significant trees on such property; and establish penalties for violation of its provisions. This chapter is not intended to regulate trees on public rights-of-way, which are regulated pursuant to Chapter 13.16. The provisions of this chapter identify and prescribe specific procedures and requirements for the filing, processing and consideration of the removal and preservation of trees. These provisions shall be used in conjunction with the general requirements and procedures identified in Chapter 19.98 including requirements and procedures for applications, fees, notification, appeals, conditions of approval, modifications, expiration, extensions, revocation and infractions, as applicable. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.020).

19.94.030. Definitions.

For the purpose of this chapter the following definitions apply:

(1) “Damage” means any intentional action or gross negligence which causes injury, death or disfigurement of a tree. Actions include, but are not limited to, cutting, girdling, poisoning, overwatering, unauthorized relocation or transportation of a tree or trenching, excavating, altering the grade or paving within the dripline of a tree.

(2) “Dripline” means the outermost line of the tree’s canopy projected straight down to the ground surface. As depicted in a plan view, the dripline appears as an irregularly shaped circle.

(3) “Protected tree” means a tree of significant size.

(4) “Significant size” means a tree thirty-eight inches or greater in circumference measured four and one-half feet above ground for single-trunk trees. For multi-trunk trees “significant size” means a tree which has at least one trunk with a circumference thirty-eight inches or greater measured four and one-half feet above ground level, or in which the measurements of the circumferences of each of the multi-trunks, when measured four and one-half feet above the ground level, added together equal an overall circumference one hundred thirteen inches or greater.

(5) “Tree” means any woody plant which has a trunk thirteen inches or more in circumference at four and one-half feet above ground level.

(6) “Tree removal” means the physical removal of a tree or causing the death of a tree through damaging, poisoning, or other direct or indirect action, including excessive trimming, pruning, or mutilation that sacrifices the health, destroys, or diminishes the aesthetic quality, or diminishes the life expectancy of the tree. (Ord. 2808-06 § 2: Ord. 2623-99 § 1 (part): prior zoning code § 19.81.030 (part)).

* Editor’s Note: The definitions in Section 19.94.030 also appear in Ch. 19.12.

19.94.040. Actions prohibited.

(a) It is unlawful to damage or kill any protected tree.

(b) It is unlawful to remove any protected tree from private property in any zoning district or from any city owned golf course or park, without a protected tree removal permit. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.040).

19.94.050. Permits required.

(a) In order to remove any protected tree from private property in any zoning district, or from any city owned golf course or park, it is necessary to obtain a protected tree removal permit from the department of community development. Any tree which has been designated as a heritage landmark, pursuant to the provisions of Chapter 19.96, shall not be removed without obtaining a tree removal permit in addition to a landmark alteration permit in accord with Chapter 19.96.

(b) Tree removal permits shall be filed at least ten working days prior to the proposed date of tree removal.

(c) Removal of orchard trees as part of farming operations or upon order of the county agricultural inspector are exempt from the provisions of this chapter. (Ord. 2808-06 § 3: Ord. 2623-99 § 1 (part): prior zoning code §§ 19.81.050, 19.81.080 (a)).

19.94.060. Standards and criteria.

One or more of the following standards must be met before a protected tree removal permit may be approved:

(a) The tree is diseased or damaged;

(b) The tree represents a potential hazard to people, structures or other trees;

(c) The tree is in basically sound condition, but restricts the owner’s ability to enjoy the reasonable use or economic potential of the property, or unreasonably restricts an adjoining property owner’s use or economic potential of the adjoining property. In the event this is the sole basis for the application, the following criteria shall be used to evaluate the application under this subsection:

(1) The necessity of the requested removal to allow construction of improvements such as additions to existing buildings or incidental site amenities or to otherwise allow economic or reasonable enjoyment of property;

(2) The topography of the land and the effect of the requested action on water retention and diversion or increased flow of surface water;

(3) The approximate age of the tree relative to its average life span;

(4) The potential effect of removal on soil erosion and stability where the tree is located;

(5) Current and future visual screening potential;

(6) The property has become over landscaped with trees so that they are too numerous, crowded, and unreasonably restricts the property owner's ability to use their land. In this event, selective removal can be approved in conjunction with acceptable arborist's practices;

(7) The tree has outgrown its useful landscape value due to its inappropriate species, size and location, relative to the existing structures on the property;

(8) Any other information the director of community development finds pertinent to the application. (Ord. 2808-06 § 4: Ord. 2623-99 § 1 (part): prior zoning code § 19.81.060).

19.94.070. Display of permit.

All permits issued for tree removal shall be so displayed as to be clearly visible from a public right-of-way. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.070).

19.94.080. Replacement trees.

(a) At the discretion of the director of community development, replacement trees may be required as a condition of issuance of a protected tree removal permit, or as a condition of any discretionary permit for development or redevelopment. The need for replacement trees shall be evaluated based on the following criteria:

(1) The number, species, size and location of existing trees on the site; and

(2) Good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support.

(b) At the discretion of the director of community development, other mitigation measures may be required, where either it is not feasible to plant any replacement trees on the site, or where the replacement trees to be planted are deemed inadequate by the director to sufficiently mitigate the effects of the removal of the tree(s). Mitigation measures could include, but would not be limited to, paying for the planting of additional trees in parks or other public areas of the city. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.090).

19.94.090. Requirements for replanting programs.

The following items shall be included in replanting programs when protected trees must be removed:

(a) Minimum distances between trees and between trees and buildings shall be provided such that the health of the replacement trees shall be ensured;

(b) Replanting shall occur within a specified time period;

(c) Mixed species shall be used in large replantings whenever possible to reduce the likelihood of disease and infestations;

(d) Tree care procedures shall be included in all replanting plans and shall include, but not be limited to, the following items: mulching; straightening; new staking or restaking; fertilizing; and any other procedures deemed necessary by the city;

(e) Minimum size for the replacement of a protected tree shall be a California Association of Nurserymen's standard twenty-four inch box size tree. The director of community development shall have the authority to require larger or smaller replacement trees upon review of specific cases. Smaller trees may be approved if the applicant can document the long term advantages of using the smaller tree size. (Ord. 2623-99 § 1 (part); prior zoning code § 19.81.100).

19.94.100. Relocation of trees.

At the discretion of the director of community development, the tree(s) to be removed may be required to be relocated on or off the subject site. The need for relocation shall be evaluated based on the criteria found in Section 19.94.080 plus the ease with which the removed tree can be replanted. (Ord. 2623-99 § 1 (part); prior zoning code § 19.81.110).

19.94.110. Requirements concerning protected trees during site development or modification.

When site development or modification is occurring and a discretionary permit and a public hearing are required, the developer or owner shall meet the following requirements:

(a) Tree Survey. A tree survey conducted by an arborist who has been certified by the International Society of Arboriculture shall be submitted as part of the required application materials for all use, design or special development permits on developing or redeveloping property. The survey shall show the location, size, and species (both common and Latin names required) of all trees (protected and unprotected) on the site, and shall include a calculation of the value of each tree. A written letter shall be included when a protected tree(s) is proposed to be removed explaining why the tree(s) cannot be relocated or the design of the structures altered to maintain the trees.

(b) Plan Modifications.

(1) The approving body shall have the ability to require the reasonable alteration of a proposed building in order to retain protected trees.

(2) The approving body shall have the ability to require relocation (on or off site) of protected trees which the applicant proposes to remove.

(c) Replanting Plans. When protected trees must be removed, replanting plans shall be submitted as part of the landscaping plan for the proposed project. The replanting plan shall be subject to the requirements of Section 19.94.090, but actual number and sizes of replacement trees shall be reviewed on a case by case basis.

(d) Tree Protection Plan. The developer shall submit a tree protection plan which shall demonstrate how tree protection shall be provided during and after construction and shall include, where appropriate, a description of any of the protective measures set forth in Section 19.94.120.

(e) Tree Bonds. The approving body shall have the authority to require a developer to post a bond with the City for the value of any tree required to remain as a condition of permit approval during development activities on a site.

(1) The bond may be for a maximum period of five years.

(2) The value of the tree shall be determined by the director of community development.

(3) The bond will be released back to the developer if the tree remains in good health through the end of the bond period.

(4) In the event the tree dies or begins to decline in poor health, the bond will be used by the City to replace the aesthetic value of the tree that was lost.

(f) Soil Mitigation. The approving body shall have the authority to require underground soil or planting measures, such as structural soils, in any location deemed appropriate for future or existing tree growth. (Ord. 2808-06 § 5; Ord. 2623-99 § 1 (part): prior zoning code § 19.81.120). 19.94.120. Tree protection during construction.

Protected trees designated for preservation shall be protected during construction of a project by use of the following methods:

(a) Protective fencing shall be installed no closer to the trunk than the dripline, and far enough from the trunk to protect the integrity of the tree. The fence shall be a minimum of four feet in height and shall be set securely in place. The fence shall be of a sturdy but open material (i.e., chain link) to allow visibility to the trunk for inspections and safety.

(b) The existing grade level around a tree shall normally be maintained out to the dripline of the tree. Alternate grade levels, as described in the tree protection plan, may be approved by the director of community development.

(c) Drain wells shall be installed whenever impervious surfaces will be placed over the root system of a tree (the root system generally extends to the outermost edges of the branches).

(d) Pruning that is necessary to accommodate a project feature, such as a building, road or walkway shall be reviewed and approved by the department of community development and the department of public works.

(e) New landscaping installed within the dripline of an existing tree shall be designed to reproduce a similar environment to that which existed prior to construction. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.130).

19.94.130. Project review committee.

All tree surveys, replanting plans and tree protection plans submitted with discretionary permit applications made pursuant to Title 19, shall be reviewed at a project review committee meeting at which the applicant shall be present. Discretionary permits shall not be issued until such time as the tree survey, replanting plan and tree protection plans are deemed complete and have been approved by the director of community development. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.140).

19.94.140. On-site inspections.

Appropriate city staff shall be authorized to conduct on-site inspections during construction to ensure that tree preservation procedures are being followed and replanting plans implemented. Failure to abide by an approved plan or permit may result in a stop work order to be issued by the director of community development. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.150).

19.94.150. Emergency waivers and exemptions.

The provisions of this chapter are waived if compliance would hamper the rescue of life or property from immediate danger or the repair of utilities in the event of emergencies such as wind storms, ice storms or other natural disasters. (Ord. 2623-99 § 1 (part): prior zoning code § 19.81.160).

19.94.160. Penalties for violation.

(a) Any person, property owner, firm or corporation who intentionally or negligently violates any of the provisions of this chapter or any permit issued pursuant to it, or who fails to comply with any condition of any discretionary permit which relates to protected tree preservation, shall be liable for a civil penalty assessed and recovered in a civil action brought by the city attorney.

(1) In the event that the violation results in any substantial injury or damage to a protected tree, the civil penalty shall be not less than five thousand dollars nor more than twenty-five thousand dollars. In the event that the violation results in the destruction or improper removal of a protected tree, the civil penalty shall be not less than ten thousand dollars nor more than fifty thousand dollars. The appropriate penalty shall apply separately to each tree affected by the improper action.

(2) In any civil action brought to seek such civil penalties, and/or to obtain injunctive relief for violation of any provision of this chapter, in which the city prevails, the court shall determine and impose reasonable expenses, including attorneys' fees incurred by the city in the investigation and prosecution of the action.

(b) The director of community development or his designee shall have the authority to require an administrative hearing for any violations of the provisions of this chapter, including but not limited to, illegal tree removal.

(1) The administrative hearing shall be set for a date that is not less than fifteen calendar days and not more than thirty calendar days from the date the "Notice of Violation" is served in accordance with Section 1.08.100.

(2) The hearing officer may impose such fines, reasonable expenses and landscaping deemed necessary to replace the aesthetic value of the tree based on generally accepted arborist's practices.

(3) The hearing officer may consider any relevant evidence and the decision must be supported by the weight of the evidence. Strict rules of evidence shall not apply.

(4) The hearing officer shall issue a written decision within fifteen days of the hearing date. The hearing officer may continue the hearing and request additional information from city staff or the recipient of the "Notice of Violation" before issuing a written decision.

(5) If the hearing officer imposes a fine for a violation of this chapter and the fine has not been satisfied within ninety days or has not been appealed, then the obligation shall become a lien against the real property on which the obligation occurred.

(6) The failure of any recipient of a “Notice of Violation” to appear at the administrative hearing shall constitute a waiver of any objections to the imposition of a fine or other appropriate remedy imposed by the hearing officer and constitutes a failure to exhaust administrative remedies.

(7) The decision of the hearing officer may be appealed to the planning commission within fifteen days of the date of service of the written decision. The decision of the planning commission shall be final.

(c) The remedies provided for in this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal. (Ord. 2808-06 § 6: Ord. 2623-99 § 1 (part): prior zoning code § 19.81.190).

Chapter 19.96. Heritage Preservation

19.96.010. Findings and purpose.

(a) The city council finds that the character and history of the city are reflected in its cultural, historical, and architectural heritage, that these historical and cultural foundations should be preserved as living parts of community life and development to build an understanding of the city’s past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand the rich heritage of the city, that with ever increasing pressures of modernization and urbanization, city landmarks, neighborhoods, and other areas of historical and cultural interest are threatened with demolition, and that pursuant to the provisions of the National Historic Preservation Act of 1966, as amended, the city of Sunnyvale joins with private concerns, the state of California, and the United States Congress to develop preservation programs and activities to give maximum encouragement to agencies and individuals undertaking preservation of the city’s unique architectural, historical, aesthetic, and cultural heritage. The provisions of this chapter identify and prescribe specific procedures and requirements for the filing, processing and consideration by the heritage preservation commission. These provisions shall be used in conjunction with the general requirements and procedures identified in Chapter 19.98 including requirements and procedures for applications, fees, notification, appeals, conditions of approval, modifications, expiration, extensions, revocation and infractions.

(b) The purpose of this chapter is to promote the public health, safety, and general welfare, and

(1) To safeguard the city’s unique cultural heritage as embodied and reflected in the city’s architectural history and patterns of cultural development;

(2) To encourage and facilitate public knowledge, understanding, and appreciation of the city’s historic past and unique sense of place and to encourage public participation in identifying heritage resources;

(3) To promote the enjoyment, celebration, and use of heritage resources appropriate for the educational, cultural, recreational as well as material needs of people;

(4) To preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city’s history and to encourage complementary contemporary design and construction and inspire a more livable urban environment;

(5) To enhance property values and to increase economic and financial benefits to the city and its inhabitants through incentives for preservation;

(6) To protect and enhance the city’s attraction to tourists and visitors thereby stimulating business and industry;

(7) To identify as early as possible and resolve conflicts between the preservation of heritage resources and alternative land uses by integrating the preservation of heritage resources into the comprehensive planning, management and development processes for both public and private property;

(8) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment;

(9) To stabilize neighborhoods through the preservation of heritage resources and establishment of heritage resource districts; and

(10) To develop and maintain appropriate settings and environments for heritage resources. (Ord. 2623-99 § 1 (part); prior zoning code § 19.80.005).

19.96.040. Definitions.

For the purpose of this chapter, the following definitions apply:

(a) “Alteration” means any exterior change or modification to an improvement or site which affects the exterior architectural features of property.

(b) “Designated heritage resource” means a heritage resource which has specific elements which are expressly found to meet one or more of the Criteria of the National Register of Historic Places as established by the Secretary of the Interior and incorporated by reference into this code and which has been designated and determined to be appropriate for preservation by the city council, and has been recognized by the state or the nation to be historically significant.

(c) “Designated heritage resource district” means a heritage resources district which has specific elements which are expressly found to meet one or more of the Criteria of the National Register of Historic Places as established by the Secretary of the Interior and incorporated by reference into this code and which has been designated and determined to be appropriate for preservation by the city council, and has been recognized by the state or the nation to be historically significant.

(d) “Exterior architectural feature” means the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement. This includes such visual characteristics as paint, color, surface texture, grading, surface paving, materials, accessory structures, trees and other natural features, and exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories.

(e) “Heritage housing combining district” means a heritage resource district consisting of residential properties which has been zoned as a heritage housing combining district for the purposes of preserving, protecting, enhancing and perpetuating the appearance of the district which contributes to the cultural or aesthetic heritage of the city.

(f) “Heritage resource” means improvements, buildings, portions of buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other natural objects or objects of scientific, aesthetic, educational, political, social, cultural, architectural, or historical significance to the citizens of the city, the Santa Clara Valley region, the state, or the nation, which are designated and determined to be appropriate for preservation by the city council.

(g) “Heritage resource district” means any geographically definable area containing a concentration or continuity of heritage resources which are thematically related, or which contribute to each other and are unified by a special character, historical interest, aesthetic value, or which represents one or more architectural periods or styles typical to the city, and that has been designated and determined to be appropriate for preservation by the city council, pursuant to provisions of this chapter.

(h) “Improvement” means any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

(i) “Local landmark” means a heritage resource which is significant in that the resource materially benefits the historical character of a neighborhood or area, or the resource in its location represents an established and familiar visual feature of the community or city, and has been designated and determined to be appropriate for preservation by the city council.

(j) “Local landmark district” means a heritage resources district which demonstrates a higher collective integrity of location, design, setting, materials, workmanship, feeling, and association which is essential to the sustained value of the separate individual resources and which has been designated and determined to be appropriate for preservation by the city council. A local landmark district possesses a significant concentration or continuity of heritage resources unified by past events, or aesthetically by plan or physical development; or the collective value of the local landmark district as a whole may be greater than the value of each individual heritage resource within it.

(k) “Local register of heritage resources” means a list of heritage resources officially designated or recognized by the city.

(l) “Preservation” means the identification, protection, conservation, enhancement, perpetuation or rehabilitation of any heritage resource that prevents the deterioration, alteration, destruction or removal of such resource. (Ord. 2780-05 § 1 (part); Ord. 2623-99 § 1 (part); prior zoning code § 19.80.050 (part)).

19.96.050. Criteria for evaluation and nomination of heritage resources.

Any improvement, building, portion of buildings, structures, signs, features, sites, scenic areas, views, vistas, places, areas, landscapes, trees, or other natural objects or objects of scientific,

aesthetic, educational, political, social, cultural, architectural, or historical significance can be designated a heritage resource by the city council and any area within the city may be designated a heritage resource district by the city council pursuant to provisions of this chapter if it meets the Criteria of the National Register of Historic Places, or one or more of the following:

- (a) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic engineering, architectural, or natural history;
- (b) It is identified with persons or events significant in local, state, or national history;
- (c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
- (d) It is representative of the work of a notable builder, designer, or architect;
- (e) It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically or by plan or physical development;
- (f) It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the city of Sunnyvale;
- (g) It embodies elements of architectural design, detail, materials, or craftsmanship that represents a significant structural or architectural achievement or innovation;
- (h) It is similar to other distinctive properties, sites, areas, or objects based on a historic, cultural, or architectural motif;
- (i) It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;
- (j) It is one of the few remaining examples in the city, region, state, or nation possessing distinguishing characteristics of an architectural or historic type or specimen;
- (k) With respect to a local landmark, it is significant in that the resource materially benefits the historical character of a neighborhood or area, or the resource in its location represents an established and familiar visual feature of the community or city.
- (l) With respect to a local landmark district, a collective high integrity of the district is essential to the sustained value of the separate individual resources;
- (m) With respect to a designated landmark and designated landmark district, the heritage resource shall meet Criteria of the National Register of Historical Places, which are incorporated by reference into this chapter. (Ord. 2623-99 §1 (part): prior zoning code §19.80.060).

Recent code changes related to trees

On April 4, 2006, the City Council adopted new regulations related to tree preservation. The changes affect three Title 19 sections including, Tree Preservation, Solar Access, and General

Procedures. The bullet below summarizes the change that has been made to the City's Zoning Code. These changes took effect on May 9, 2006

- Two New Required Findings:
 1. A property has sufficient landscaping or is over landscaped;
 2. Allow removal of overgrown, but healthy, trees.
- New Penalty Process for Illegal Tree Removals:
 1. New administrative procedure that creates an administrative penalty process rather than the existing civil process.
- Tree Removal Permit (TRP) Appeals:
 1. Clarifies that only applicants can appeal a TRP decision.
- New Conditions of Approval for Development of Property:
 1. Can require a bond for protecting trees during construction;
 2. Can require underground mitigation measures for new trees.
- Solar Access Clarification:
 1. Solar access rights clarified for protection of significant sized trees.
- Additional Ordinance Clarification Issues:
 1. Adds the definition of “tree removal” to code;
 2. Increases tree measurement location to 4½ feet above ground;
 3. TRP permit now valid for only one year;
 4. Requires Latin names to be used in tree surveys;
 5. Changes TRP timeline to at least 10 days.

that the open space was critical for residents and liked the addition of the gymnasium facility. Chair Alexander stated it sets a good precedence, similar to the Peterson Middle School field. Commissioner Kenton thought the water cost fee is a reasonable addition. Vice Chair Pasqua felt the plan was well vetted and he was happy with the process.

The motion carried by the following vote:

Yes: 3 - Chair Alexander III
Vice Chair Pasqua
Commissioner Kenton

No: 0

Absent: 1 - Commissioner Pochowski

3 14-0372 Approval of the Urban Forest Management Plan

Urban Landscape Manager, Leonard Dunn provided the staff report. He detailed benefits of the Plan; to improve environmental factors by increasing the tree canopy 18% to 20% within Sunnyvale; to improve planning and maintenance of City trees; and to develop a non-profit group to foster community support. The Plan doesn't account for financial commitments, which would be individually approved by Council as they arise. He answered commissioner questions regarding the types of services the non-profit would provide, who would take responsible for tree roots that intrude upon sewer lines, the current ordinance about residents pruning street trees, requirements about trees in parking lots and how they are measured, and if the Planning Commission will review the Plan.

Chair Alexander opened the public hearing.

Deborah Marks expressed support to approve the plan Urban Forest Management Plan specifically to improve the canopy cover of the City, and because it provides for a volunteer group to educate the public about the importance of trees and how to take care of them.

There were no further public comments, and Chair Alexander closed the public hearing.

Commissioner Kenton moved to approve Alternative 1) Approve adoption of the Urban Forestry Management Plan. Vice Chair Pasqua seconded the motion.

Commissioners provided the rationale for their vote. Vice Chair Pasqua is in favor of the plan and the environmental benefits an expanded tree canopy will provide.

Commissioner Kenton appreciates the beautiful trees in Sunnyvale, and feels the plan is comprehensive. Chair Alexander has observed the impact of the drought on trees in our parks, he thinks this plan is timely and provides an important focus for future planning.

The motion carried by the following vote:

Yes: 3 - Chair Alexander III
Vice Chair Pasqua
Commissioner Kenton

No: 0

Absent: 1 - Commissioner Pochowski

4 14-0779 Propose Study Issues

Superintendent Wax provided an overview of the study issue process and answered Commissioner questions regarding the timeline to propose study issues. He also provided an update on the park policy and user fee study issue suggested by former Commissioner Harms last year and ranked by Council during this years Study Issue Workshop. There were no study issues proposed at this time.

Chair Alexander opened the public hearing. There were no public comments and he closed the public hearing.

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Commissioner Kenton reported on the tennis competition at the Sunnyvale Municipal Tennis Center at Las Palmas Park on August 8-10. It was a successful event and well organized.

Chair Alexander inquired about the commissioner recruitment process. Superintendent Wax reported that applications were due on August 8, 2014 and Council is scheduled to conduct interviews on September 16, 2014.

Commissioner Kenton emphasized the importance of conserving water. Director Steffens commented that an Information Only report was provided to Council on August 12, detailing the plan to achieve 15% water reduction in parks and the impact on the appearance and functionality of parks.

-Staff Comments

Superintendent Wax provided the following information:

Yes: 5 - Chair Srivastava
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

Abstain: 1 - Commissioner Fukumoto

PUBLIC COMMENTS

Chair Paton opened the meeting to public comments.

There were no public comments.

Chair Paton closed the public hearing.

PUBLIC HEARINGS/GENERAL BUSINESS

2 Approval of the Urban Forest Management Plan

Commissioner Glaser made a motion and Commissioner Srivastava seconded to recommend Council adopt Alternatives 1 and 2: 1) Approve adoption of the Urban Forest Management Plan; and, 2). Provide other direction to staff as Council deems appropriate, as follows:

- Recommend a need for a shade standard for parking lots satisfied by trees, solar panels or other methods to increase shading
- Recommend policies to support native trees
- Plan for modifications in street specifications to support native trees or those appropriate to this area

The motion failed by the following vote:

Yes: 2 - Chair Srivastava
Commissioner Glaser

No: 4 - Commissioner Fukumoto
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

Commissioner Fukumoto made a motion and Commissioner Kisyova seconded to recommend Council adopt Alternative 1) Approve adoption of the Urban Forest Management Plan. The motion carried by the following vote:

Yes: 6 - Chair Srivastava
Commissioner Fukumoto
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

Commissioner Paton made a motion and Commissioner Glaser seconded to recommend Council consider issues of concern to the Commission, as follows:

- 1) Clarification of the methods of how shading is achieved in parking lots
- 2) Include in the Urban Forestry Management Plan specific mechanisms for dealing with the effect of high density development on the urban canopy

Friendly Amendment- Commissioner Kisyova made a friendly amendment to include ways for collaboration between organizations, volunteers, nonprofit organizations, Commission's and staff to create and implement policies to address concerns of pedestrians, bicyclists, and other city interests.

Friendly Amendment- Commissioner Hafeman made a friendly amendment to modify the public right-of-way to allow trees to be planted to expand species variability and numbers, including places where planting strips have been paved over.

The final motion was to recommend Council consider issues of concern to the Commission, as follows:

- 1) Clarification of the methods of how shading is achieved in parking lots
- 2) Include in the Urban Forestry Management Plan specific mechanisms for dealing with the effect of high density development on the urban canopy
- 3) Include ways for collaboration between organizations, volunteers, nonprofit organizations, Commission's and staff to create and implement policies to address concerns of pedestrians, bicyclists, and other city interests.
- 4) Modify the public right-of-way to allow trees to be planted to expand species variability and numbers, including places where planting strips have been paved over.

The motion carried by the following vote:

Yes: 6 - Chair Srivastava
Commissioner Fukumoto
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

3 Proposal of Study Issues
-Climate Change Preparedness

Commissioner Glaser moved and Commissioner Hafeman seconded a motion to recommend a study issue that would research key requirements for protecting citizens and businesses in Sunnyvale from harmful effects of sea level rise and other impacts from climate change.

The motion carried by the following vote:

Yes: 6 - Chair Srivastava
Commissioner Fukumoto
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

Commissioner Fukumoto moved and Commissioner Kisyova seconded a motion to recommend to Council a study issue that would examine how to prepare the City to adopt the State's model zero net energy codes.

The motion carried by the following vote:

Yes: 6 - Chair Srivastava
Commissioner Fukumoto
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments



City of Sunnyvale

Agenda Item

14-0399

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Approval of a Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District

BACKGROUND

In 1989, the City entered into its first comprehensive Open Space Agreement with the Cupertino Union School District. This agreement required the City to maintain the school open space property at its sole expense. In exchange, the District allowed the City to provide public recreational use of the sports fields and open space during non-school hours including permits for exclusive use of the sports fields. The agreement encompassed 29.5 acres of total open space at 5 school campuses including Nimitz, Serra, West Valley and Stockmeir Elementary Schools and Cupertino Middle School. The recreational use of public school properties is enabled by Education Code Section 10910 which provides, in part, that the District may grant use of their properties to other public agencies (including the City) for community recreation whenever such use will not interfere with the use of such facilities for the public school system.

The agreement was for a term of 25 years and could have terminated on June 30, 2014. On June 28, 2012 the City notified the District in writing that it was interested in initiating a process to review the agreement and amend as needed or create a new agreement to the benefit of both parties, as well as for the community. The goal was to accomplish the review and implement a new or revised agreement on or before the expiration date of June 30, 2014. Although both parties had been working in good faith to provide a new agreement by that time, it became evident that more time was needed and on May 19, 2014 the City sent a side letter to the District with the intent to provide additional time to reach consensus on a new operating agreement. By signing the side letter, both parties agreed that the existing agreement would continue in place for a period of an additional six months or such time as a new agreement had been considered and approved by City Council and the Board of Education.

EXISTING POLICY

General Plan *Land use and Transportation - Open Space*

Goal LT 8 Adequate and Balanced Open Space: Provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community need and the ability of the city to finance, construct, maintain, and operate these facilities now and in the future.

Policy LT 8.8: Support the acquisition or joint use through agreements with partners of suitable sites to enhance Sunnyvale's open spaces and recreation facilities based on community need and through such strategies as development of easements and right-of ways for open space use, conversion of sites to open space from developed use of land, and land

banking.

Policy LT 9.3: Encourage School Districts to make available school sites in and around Sunnyvale for community open space and recreation programs.

ENVIRONMENTAL REVIEW

The proposed agreement will not result in a direct physical change in the environment and is, therefore, exempt (Guideline 15378). The School District will conduct CEQA analysis in its capacity as lead agency for any projects on their property.

DISCUSSION

The term of the proposed agreement (Attachment 1) is for ten years with an option for a 5-year extension with mutually agreed upon terms and conditions. The following is a comparison of the two agreements on major subject areas:

Property Transfer, Payments and Maintenance Costs

The previous agreement required the District to transfer 9.4 acres of property at the Ortega School site to the City where it became part of Ortega Park. The City compensated the District with a payment of \$600,000. There will be no property transfers included in the proposed agreement or payments from the City to the District. Maintenance costs were the sole responsibility of the City and totaled approximately \$300,000 for fiscal year 2012/13. In the proposed agreement the District will reimburse the City annually for water costs as detailed in the Fiscal Impact section. Historically, water costs have been between 15-25 percent of total maintenance costs.

Site Plans and Capital Improvements

Both agreements contain site plans showing the property line, open space facilities limits and capital improvement zones within the facilities limits. Site plans for the proposed agreement are presented as Exhibits A through E of Attachment 1. Site plans for the preceding agreement included 29.5 acres of open space facilities and the proposed agreement includes 28.7 acres of open space facilities. Site plan changes at Cupertino Middle School account for the reduction in acreage with 0.3-acre between the east side of the new multi-purpose building and the eastern property line of the school and 0.5-acre between the lit ball field and Bernardo Avenue being removed. The area next to the building was removed because it has insignificant recreational value and the area off Bernardo Avenue was removed to provide for a new parking lot that had been planned to be located off Helena Drive but was relocated by the District at the request of adjacent neighbors.

Previously, the City was solely responsible for all costs associated with the capital improvement of the open space at all five sites. The proposed agreement does not include any planned capital improvements and any future project costs would be at the sole expense of the initiating party. Existing service levels as provided for in the approved operating budget will be able to sustain site conditions that meet quality standards. Capital improvements planned by the District within capital improvement zones require notification to the City but not approval by Council whereas capital improvements within facilities limits but outside of capital improvement zones require Council approval. All capital improvements proposed by the City, regardless of their location within facilities limits, must be approved by the Board of Education.

Open Space and Building Facilities Use

Use priority remains the same as the District will have use priority of open space facilities between

the hours of 8:00 a.m. and 4:00 p.m. on scheduled school days and those hours will be extended to accommodate other school interscholastic activities as needed. The City will have use priority at all other times and will administer public exclusive use permits in accordance with the City's permit policies. The City issued permits for 7,200 hours of exclusive use of District sports fields in fiscal year 2012-13.

Previously, the City did not have priority use of any District buildings. The proposed agreement provides for City use of the existing gymnasium at Cupertino Middle School after District's use for all school activities and events and after community groups who are currently using the gymnasium on a regularly scheduled basis. City use will be for directly operated Library and Community Services Department programs only (e.g. youth recreation programs including the Sunnyvale Youth Basketball League). Additionally, the District will provide priority use to the City of the new multi-purpose building at Cupertino Middle School after District's use for all school activities and events beginning in the 2015-16 school year. The City will acquire permits at no cost except for custodial care for all use of District buildings.

The Parks and Recreation Commission considered this item at its August 13, 2014 meeting (RTC 14-0697) and voted 3-0 (one commission member absent) to recommend Alternative 1: Recommend that Council Approve Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District as presented in Attachment 1. Commissioners agreed that the open space was critical and the agreement set a positive precedent for future joint-use agreements. They also appreciated the addition of the future use of the gymnasium facility; felt the water cost fee contribution by the District was a reasonable addition and that the process and plan were well vetted.

FISCAL IMPACT

If approved, the District would reimburse the City each January for the term of the agreement for water costs associated with the maintenance of the open space at the five school sites. The initial payment of \$60,000 would be required in January 2015 and be increased by 4 percent each year thereafter with the payments for the term of the agreement totaling \$720,365 and placed in the General Fund.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

The Park and Recreation Commission considered this item on August 13, 2014 at its regularly scheduled meeting.

ALTERNATIVES

1. Approve the Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District as presented in Attachment 1.
2. Provide other direction as Council deems appropriate.

COMMISSION/STAFF RECOMMENDATION

Alternative 1: Approve the Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District as presented in Attachment 1.

The 1989 joint use agreement has provided the Sunnyvale community with critically needed open space and sports fields for 25 years. The facilities have been maintained at a service level consistent with City parks and as such, have effectively met the recreational needs for students and public drop-in and permitted use. Approval of this agreement will ensure that the open space facilities and sports fields will continue to be available to the community for the next 10 and possibly 15 years and also provide for much needed building use for City programs.

The Park and Recreation Commission voted 3-0 (one commission member absent) to recommend Alternative 1. Commissioners agreed that the open space was critical and the agreement set a positive precedent for future joint-use agreements. They also appreciated the addition of the future use of the gymnasium facility; felt the water cost fee contribution by the District was a reasonable addition and that the process and plan were well vetted.

Prepared by: Scott Morton, Superintendent of Parks and Golf

Reviewed by: Lisa Rosenblum, Director, Library and Community Services

Reviewed by: Kent Steffens, Director, Public Works

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Agreement between the City of Sunnyvale and Cupertino Union School District pertaining to the use, maintenance and improvement of certain open space areas and buildings within certain school sites.
2. Excerpt of the August 13, 2014 draft meeting minutes of the Parks and Recreation Commission

**AGREEMENT BETWEEN THE CITY OF SUNNYVALE AND CUPERTINO UNION
SCHOOL DISTRICT PERTAINING TO THE USE, MAINTENANCE AND
IMPROVEMENT OF CERTAIN OPEN SPACE AREAS AND BUILDINGS WITHIN
CERTAIN SCHOOL SITES**

This AGREEMENT PERTAINING TO OPEN SPACE AREA AND BUILDING USE, MAINTENANCE AND IMPROVEMENT (the "Agreement") is entered into as of _____, 2014, the date of the last signature on the signature page, (the "effective date") by and between the CITY OF SUNNYVALE, a California chartered municipal corporation (the "CITY") and the CUPERTINO UNION SCHOOL DISTRICT, a school district organized and existing under the Laws of the State of California (the "DISTRICT"), (individually a "Party" and, collectively, the "Parties"), in reference to the following facts and circumstances:

Recitals:

A. Section 10900 et seq. of the California Education code authorizes public authorities (e.g., cities and school districts) to organize, promote and conduct programs of community recreation, establish systems of playgrounds and recreation, and acquire, construct, improve, maintain and operate recreation centers within or without the territorial limits of such public authorities.

B. Section 10905 of the California Education Code authorizes public authorities to enter into agreements with each other for the maintenance of recreation centers.

C. Section 10910 of the California Education Code provides that the governing body of any school district may use or grant the use of any ground of the school district to any other public authority for the organizing, promoting and conducting of community recreation whenever such use will not interfere with the use of those Facilities for any other purpose of the public school system.

D. The Parties have jointly kept open for school student and general public use in Sunnyvale certain open space areas at the elementary and middle schools, and they desire to continue arrangements for their common use.

E. The Parties are interested in continuing a long-term, joint funding arrangement under which the CITY will undertake the maintenance of certain open space areas at four elementary schools and 1 middle school to enhance their usability by school students and the general public, and the DISTRICT will make such areas available to the general public when school is not in session.

Agreement:

NOW, THEREFORE, in consideration of the Recitals A through E, inclusive, which are made a substantive part of this Agreement, and the Provisions of this Agreement, the Parties agree:

SECTION 1. DEFINITIONS

The terms used in this Agreement will have the meanings set forth below, unless context clearly indicates otherwise.

“Board of Education” means the Board of Education of the DISTRICT.

“Business Manager” means the Chief Business Official of the DISTRICT, including any authorized representative.

“Capital Improvement” means any Improvement which has a stand alone cost exceeding \$20,000, or which has a useful life of, or whose useful life can be extended, at least five to seven years, or which has a useful life of at least five to seven years after it is capable of providing a functional use.

“Improvement” means any physical addition, alteration, or betterment to the Facilities.

“Capital Improvement Zone” means areas of the Facilities as noted in attachment 1 that the DISTRICT may construct capital improvements without the CITY’s approval.

“Site Plan” designates the limit of the Facilities at each location and as shown in Attachment 1. Note that the site plans for the elementary schools reflect current conditions. The site plan for Cupertino Middle School contains two changes from the preceding agreement including the elimination of .3-acre site between the east side of the new multi-purpose building and the eastern property line of the school and .5-acre site between the lit ballfield and Bernardo Ave.

“City Manager” means the City Manager of the CITY, including any authorized representative.

“Superintendent” means the Superintendent of schools for the DISTRICT, including any authorized representative or designee.

“Council” means the City Council of the CITY.

“Director” means the Director of Public Works of the CITY, including any authorized representative or designee.

“Facilities” means the open space areas including athletic fields and related amenities, the dimensions of which for reference purposes are outlined below limits of which are shown in Attachment 1:

<u>School Site Plans</u>	<u>Facilities</u>	<u>Exhibit</u>
Cupertino Middle School	11.1 acres	A
Nimitz Elementary School	3.8 acres	B
Serra Elementary School	5.8 acres	C
Stocklmeier Elementary School	3.4 acres	D
West Valley Elementary School	4.6 acres	E

“Field” (collectively, the “Fields”) means any one of the athletic field areas referred to in the description of “Facilities”.

“Law” (collectively, the “Laws”) means any code, statute, constitution, ordinance, resolution, regulation, rule, judicial decision, administrative order, or other requirement of and municipal, county, state, federal, or other governmental agency or authority having jurisdiction over the parties or the Schools, in effect at the time of execution of the Agreement or at any time during the term hereof, including without limitation, any regulation or order of an official entity or body.

“Maintenance” means the care and servicing on an ongoing and repeating basis by personnel for the purpose of maintaining Facilities in proper condition, proper working order, sound upkeep, a safe condition, in good repair, by providing for systematic inspection, detection, and correction of incipient failures either before they occur or before they develop into major defects. It includes the inspection, replenishment, preservation, adjustments, and replacement of unserviceable parts and components, including, but not limited to irrigation and drainage systems.

“Preventive maintenance” means any and all maintenance activities that could reasonably be predictive. The CITY specifically and intentionally excludes the replacement of entire systems or Facilities that would constitute an “infrastructure” investment (capital investments for Facilities or structures with a life cycle beyond five years).

“Provision” (collectively, the “Provisions”) means any agreement, clause, condition, covenant, qualification, recital, restriction, reservation, term, or other stipulation in this Agreement that defines or otherwise controls, establishes, or limits the performance required or permitted by any party to this Agreement. All Provisions,

whether covenants or conditions, which are applicable to the DISTRICT, will be deemed to be both the covenants and conditions.

“School” (collectively, the “Schools”) means any one of the following elementary or middle schools: Cupertino Middle School, Nimitz Elementary School, Serra Elementary School, Stockmeir Elementary School and West Valley Elementary School.

SECTION 2. TERM AND TERMINATION

2.1 The term of this Agreement will be for ten (10) years commencing at 6:00 a.m. on the effective date indicated on Page 1 of this Agreement, and expiring at 12:00 a.m. midnight on June 30, 2024 subject to the earlier termination of this Agreement by any Party hereto upon one-hundred and eighty (180) days’ written notice. This Agreement may be extended for five years on mutually agreed upon terms and conditions beyond the term described above. If the parties reach agreement, a written amendment to the agreement shall be executed by both parties. The preceding notwithstanding, this Agreement is subject to the fiscal provisions of the Charter of the CITY and other laws of the CITY and the DISTRICT, and this Agreement will terminate without any penalty (a) at the end of any fiscal year in the event that funds are not appropriated by the Council or Board of Education for the following fiscal year, or (b) at any time within a fiscal year in the event that funds are not appropriated by the Council or Board of Education for a portion of the fiscal year and funds for this Agreement are no longer available. The CITY or DISTRICT will use reasonable efforts to give the other Party reasonable notice of termination in the event that funds will not be appropriated. No provision is made for the automatic extension or renewal of the term.

2.2 DISTRICT shall not sell, convey, or otherwise dispose of the Facilities during the term of this Agreement.

2.2 This document represents the entire and integrated Agreement between CITY and DISTRICT and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument, signed by both CITY and DISTRICT. All provisions of this Agreement are expressly made conditions.

SECTION 3. PERFORMANCE OF MAINTENANCE BY THE CITY

3.1 Commencing on the effective date indicated on Page 1 of this Agreement, the CITY, at its sole cost and expense, will mow, trim, fertilize, and perform other maintenance work of a general nature at the Facilities in accordance with the CITY’s

quality standards for parks and at a level that is equivalent with other Facilities maintained by the CITY. The CITY will directly pay for the cost of electricity associated with Facilities at Cupertino Middle School. Any or all services required to maintain and renovate the Facilities may be performed by licensed contractors hired and managed by the CITY.

3.2 In performing its Maintenance obligations the CITY will use its best efforts to prevent interference with the DISTRICT's use of the Facilities during regular school hours but priority shall be given to CITY maintenance personnel and equipment between the hours of 6:00 a.m. to noon. CITY may access Facilities at any time for routine and emergency maintenance purposes and will provide the DISTRICT with a mowing schedule for Facilities annually. All gates providing access to Facilities shall be double-locked with both CITY and DISTRICT locks in a manner that provides dual access. In the case where only a single lock can be used, the DISTRICT shall supply the lock and provide the CITY with two (2) keys for each lock used.

3.3 For the purpose of preventing or abating hazardous conditions, the CITY may curtail DISTRICT use of Facilities at any time and without prior notification. In such cases the CITY will minimize the DISTRICT's lack of access to the facility. In the case of planned closures to Facilities for maintenance or management purposes the CITY will provide the DISTRICT with a minimum of two weeks' notice. Fields are closed to public use by the CITY from December through February; however DISTRICT may continue to use fields at their discretion and only if conditions are safe and use will not damage field to the extent that non-routine maintenance is required to repair damage or unless otherwise notified by the CITY. DISTRICT shall not use fields that the CITY has notified them specifically to not use and are fenced off and signed as closed.

3.4 The CITY may apply pesticides to Facilities only on days when school is not in session and students will not be using the Facilities. A minimum of one week's advance notification will be provided by the CITY to the DISTRICT for every occasion a pesticide is applied to any facility.

3.5 CITY personnel must be wearing a uniform shirt or jacket showing them to be CITY employees at all times they are accessing Facilities, but do not have to register when accessing Facilities or otherwise provide notification to the DISTRICT. CITY will provide advance notification when a contractor managed by the CITY will access Facilities for maintenance purposes. Contractor personnel must be in their company's standard uniform at all times they are maintaining facilities and directly supervised by CITY personnel.

3.6 At all times during the term of this Agreement, the CITY will timely notify the DISTRICT of any condition of the Facilities, of which it has actual or constructive

knowledge, which may constitute or present a danger or threat to person or property. The tender of such timely notice shall not compromise any Provision of indemnification set forth in Section 11.

3.7 The CITY, at its sole cost and expense, will directly pay for water use associated with Facilities at all five sites and electricity use associated with Facilities at Cupertino Middle School including the auxiliary restroom building, irrigation controllers and athletic field lighting.

SECTION 4. PERFORMANCE OF MAINTENANCE BY THE DISTRICT

4.1 Any areas of the Facilities and all other areas of the Schools, including, without limitation, the turf, grounds, landscaped areas, buildings, parking lots, fences, walkways, and trees, not expressly identified in the Attachments or in the Agreement as areas to be maintained by the CITY will be maintained or cause to be maintained by the DISTRICT, at its sole cost and expense, in accordance with the DISTRICT's standards. Facilities perimeter fences, gates, signs with DISTRICT rules concerning Facilities use, bleachers, soccer goals, storage buildings and any other fixtures or structures purchased, used and stored by the District within the Facilities, shall be maintained at the sole cost of the DISTRICT.

4.2 The DISTRICT, at its sole cost and expense will, directly pay for electricity use associated with Facilities at the four elementary schools.

4.3 Notwithstanding any Provision to the contrary, the DISTRICT, at its sole cost and expense will provide or cause to be provided special preparation and maintenance services with respect to any of the Facilities to be used in connection with special events or other similar functions staged by the DISTRICT, including, without limitation, graduation ceremonies, athletic events, walkathons and other inter-scholastic activities.

4.4 The DISTRICT, at its sole cost and expense, will continuously provide services in connection with the removal of garbage, refuse, debris, rubbish, litter and other solid waste which have accumulated at the Facilities due to DISTRICT use from activities that have occurred anywhere on DISTRICT property.

4.5 At all times during the term of this Agreement, the DISTRICT will timely notify the CITY of any condition of the Facilities and all other areas of the Schools, of which it has actual or constructive knowledge, which may constitute or present a danger or threat to person or property. The tender of such timely notice shall not compromise any Provision of indemnification set forth in Section 11.

4.6 The DISTRICT will reimburse the CITY annually in January of each year for the cost of water according to the following amounts:

Year	Cost
2015	\$60,000
2016	\$62,400
2017	\$64,896
2018	\$67,492
2019	\$70,192
2020	\$72,999
2021	\$75,919
2022	\$78,955
2023	\$82,114
2024	\$85,398

SECTION 5. CAPITAL IMPROVEMENTS

5.1 The DISTRICT may, at its sole cost and expense, make temporary or permanent capital improvements in those areas of the Facilities identified as Capital Improvement Zones on the Facilities Site Plans without approval by CITY. DISTRICT shall provide a minimum of six (6) months' notice to CITY of all capital improvements. The DISTRICT, at its sole cost and expense, will maintain and repair any capital improvements.

5.2 The DISTRICT may, at its sole cost and expense, make temporary or permanent capital improvements in those areas of the Facilities not identified as Capital Improvement Zones on the Facilities Site Plans only with approval by CITY. DISTRICT shall provide a minimum of six (6) months' notice to CITY of all capital improvements. The DISTRICT, at its sole cost and expense, will maintain and repair any capital improvements.

5.3 The CITY may, at its sole cost and expense, make temporary or permanent capital improvements in all areas of the Facilities only with approval by Council and Board of Education. CITY shall provide a minimum of six (6) months' notice to DISTRICT of all capital improvements. The CITY, at its sole cost and expense, will maintain and repair any capital improvements.

SECTION 6. USAGE OF FACILITIES

6.1 The DISTRICT will have use priority of the elementary and middle school Facilities between the hours of 8:00 a.m. and 4:00 p.m. on scheduled school days. Use priority will be extended to interscholastic activities occurring at the Facilities until the completion of those scheduled activities, even if such activities are completed after 4.00 p.m. This priority will apply Mondays through Fridays during each regular academic school year. Any activities that extend beyond 4:00 p.m. shall be permitted through the CITY at no cost to the DISTRICT. The DISTRICT has sole responsibility to restrict public access to Facilities during those times.

6.2 The CITY will have use priority of the elementary and middle school Facilities after 4:00 p.m. on scheduled school days and at all other times, including weekends, holidays and summer vacation periods. Exceptions to this use priority schedule may be agreed upon, in writing, by the Director and the Business Manager. The CITY will cooperate with the DISTRICT in any manner which will afford the DISTRICT an adequate opportunity to use the Schools for its activities, programs and other needs.

6.3 The CITY, at its sole cost and expense, will administer public exclusive use permits of the elementary and middle school Facilities in accordance with the CITY's permit policies. All permit holders will be notified of DISTRICT rules concerning use of the Facilities. The CITY will solely be responsible for determining the parameters of the use priority system and schedule, as well as permit or user fees to be charged to members of the general public, including individuals and organized groups, for the use of the Facilities during such times as the CITY may exercise use priority. Such fees will conform to the Laws governing school grounds and those which are applicable to the CITY's property. The CITY will retain all fees collected for the use of the Facilities covered by the Agreement. Any person or group permitting Facilities shall have equal access to parking on school property on a first-come, first-served basis and according to any use restrictions posted by DISTRICT.

6.4 The CITY shall monitor and enforce the use of the Facilities to determine whether such uses comply with conditions of the permits and DISTRICT rules concerning use of the Facilities. If such use of a Facility does not comply with the conditions of the particular permit or other applicable Laws, the CITY shall terminate the further use of the Facility by the user.

6.5 Any person or group who leases a School building of the DISTRICT may use Facilities, including fields, on a casual or drop-in basis and shall share them with members of the public also using them on a casual or drop-in basis. Any person or

group will be required to secure a permit for the Facilities from the CITY if they desire to have exclusive use and shall respect the exclusive use of Facilities by any person or group that has obtained a permit from the City for such use.

6.6 The DISTRICT shall provide use of the existing gymnasium at the middle school to the CITY after DISTRICT's use for all school activities and events and after community groups who are currently using the gymnasium on a regularly scheduled basis. The DISTRICT and the CITY shall meet annually in March to determine the schedule for the next twelve (months). CITY may request additional use throughout the year. All CITY use will be for directly operated Library and Community Services Department programs. The CITY shall acquire permits at no cost except for custodial care during permitted times and will follow all DISTRICT permit rules and obligations including bearing the sole cost and expense for the repair of any damage to Facilities caused by CITY use. The new multi-purpose building at the middle school will not be available in its first year of operation while the school identifies its needs/utilization throughout an entire year's cycle of use. The District shall provide priority use to the CITY of the new multi-purpose building after District's use for all school activities and events and will meet in March 2015 to discuss the availability and schedule of use for the 2015-2016 school year. Permits and conditions imposed for use of the Multi-Purpose Building will be the same as those applicable to gymnasium use.

SECTION 7. ASSIGNMENT; SUBCONTRACTORS; EMPLOYEES

7.1 The Parties shall give their personal attention to the faithful performance of this Agreement and shall not assign, transfer, convey, or otherwise dispose of this Agreement or any right, title or interest in or to the same or any part thereof without the prior written consent of the other Party, and then only subject to such terms and conditions as the other Party may require. The consent to one assignment shall not be deemed to be consent to any subsequent assignment. Any assignment without such approval shall be void and, at the option of the other Party, shall terminate this Agreement and any license or privilege granted herein. This Agreement and any interest herein shall not be assignable by operation of law without the prior written consent of the other party.

7.2 The DISTRICT shall be responsible for employing or engaging all persons necessary to perform the services of the DISTRICT hereunder. The CITY shall be responsible for employing or engaging all persons necessary to perform the services of the CITY hereunder.

SECTION 8. INDEMNITY

8.1 The CITY shall protect, indemnify, defend, and hold harmless the DISTRICT, its employees, agents, and Board members from and against any demands, claims, liability or expense on account of suits, verdicts, judgments, costs or claims of any nature or kind arising out of, or in any way connected with, the CITY's negligent performance or nonperformance under this Agreement, including CITY's operations on, possession, use, management, alteration or control of the DISTRICT's property under this Agreement except for any claims or liability, or portions thereof, arising from the concurrent or sole negligence or intentional malfeasance of the DISTRICT, its directors, officers, employees or agents.

8.2 The DISTRICT shall protect, indemnify, defend, and hold harmless the CITY from and against any demands, claims, liability or expense on account of suits, verdicts, judgments, costs or claims of any nature or kind arising out of, or in any way connected with, the DISTRICT's negligent performance or nonperformance under this Agreement, including the DISTRICT's operations, possession, use, management, maintenance, improvement, renovation, repair or alteration or control of the DISTRICT's property, including the Facilities, under this Agreement, except for any claims or liability, or portions thereof, arising from the concurrent or sole negligence or intentional malfeasance of the CITY, its directors, officers, employees or agents.

SECTION 9. INSURANCE

9.1 The DISTRICT, at its sole cost and expense, will obtain and maintain, in full force and effect, during the term of this Agreement the following insurance:

- Commercial General Liability insurance with limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate, insuring the Parties, and their officers, employees, and agents, and each of them with respect to the DISTRICT's participations and the services performed by the DISTRICT under this Agreement.
- Automobile Liability insurance with a combined single limit of one million dollars (\$1,000,000).
- Workers' Compensation with statutory limits and Employers' Liability with limits of one millions dollars (\$1,000,000) per accident for bodily injury or disease.

Concurrently with the execution of this Agreement, a certificate of insurance will be filed with the CITY's Risk Manager showing evidence that the coverage above is in place. The Commercial General Liability policy shall include an additional insured

endorsement that names the City of Sunnyvale, its officers, agents, employees and volunteers as additional insureds.

9.2 Certificates of the DISTRICT's insurance, required by Section 9.1 hereof, shall be filed with the CITY, to the attention of the CITY's Risk Manager, concurrently with the execution of this Agreement. The certificates shall be subject to the approval of the CITY's Risk Manager and shall contain endorsements stating that said insurance will cover the DISTRICT and the CITY for any claims or liability arising from the DISTRICT's participation, activities, and services performed under the Provisions. Current certificates of such insurance shall be kept on file at all times during the term of this Agreement with the City Clerk.

9.3 The CITY, at its sole cost and expense, will self-insure for the following coverages:

- General Liability insurance coverage in the amount of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate, insuring the Parties, and their officers, employees, and agents, and each of them with respect to the CITY's participation and the services performed by the CITY under this Agreement.
- Automobile Liability insurance with a combined single limit of one million dollars (\$1,000,000).
- Workers' Compensation with statutory limits and Employers' Liability with limits of one millions dollars (\$1,000,000) per accident for bodily injury or disease.

A letter regarding self-insurance or a certificate of insurance will be filed with the DISTRICT's Risk Manager, and will contain the endorsements which state that the CITY will insure the Parties, and each of them, for any claims or liability arising from the CITY's participation and services performed hereunder, and will not be canceled by the insurer except after the filing with the Superintendent thirty (30) days prior written notice of cancellation or alteration, and that the DISTRICT is named as an additional insured under the CITY's self-insurance program.

9.4 The CITY shall provide the DISTRICT with written proof of the CITY's self-insurance program, required by Sections 9.3 hereof, concurrently with the execution of this Agreement. Proof of the self-insurance program shall be subject to approval by the DISTRICT's Risk Manager and shall contain language stating that said insurance will cover the CITY and the DISTRICT for any claims or liability arising from the CITY's participation, activities and services performed under the Provisions and will not be cancelled or altered by the CITY expect after thirty (30) days' written notice to the DISTRICT of such cancellation or alterations, The language shall also state that the

DISTRICT is named as an additional insured under the CITY's self-insurance program under Section 9.3.

SECTION 10. **WAIVERS**

10.1 The waiver by either party of any breach or violation of any terms, covenant, or condition of this Agreement or of any provision, ordinance, or law shall not be deemed to be a waiver of any other term, covenant, ordinance, or law or of any subsequent breach or violation of the same or of any other terms, covenant, condition, ordinance, or law.

SECTION 11. **NOTICES**

11.1 All notices, demands, requests, consents, approvals, or other communications required to be given will be in writing and may be delivered personally, or sent by the United States mail, postage prepaid by certified mail, or by private express delivery service to the addresses set forth below or to any other address as may be noticed by a party:

To CITY:	City of Sunnyvale
	Office of the City Manager
	P.O. Box 3707
	Sunnyvale, CA 94088-3707
To DISTRICT:	Cupertino Union School District
	Office of the Superintendent
	1309 S. Mary Avenue Suite 150
	Sunnyvale, CA 94087

SECTION 12. **MISCELLANEOUS PROVISIONS**

12.1 Time is of the essence. For the purposes of this Agreement, all times of the day are determined according to Pacific Time.

12.2 No party will be deemed in default on account of any delay or failure to perform its obligations under this Agreement, where the delay or failure is the direct result of an event of force majeure. For the purposes of this Agreement, the term "force

majeure” will mean an event which is not within the reasonable control of a party claiming the existence of such event.

12.3 No Party will discriminate in the employment of persons engaged in the performance of this Agreement on account of race, skin color, gender, age, religion, disability, national origin, ancestry, sexual orientation, housing status, marital status, or familial status in violation of state or federal law, or on any basis otherwise prohibited by state or federal law.

12.4 If a question arises regarding interpretation of this Agreement of its performance, or the alleged failure of a Party to perform, the Party raising the question or making the allegation shall give written notice thereof to the other Party. The Parties shall promptly meet in an effort to resolve the issues raised. The City hereby appoints its Director of Public Works or designee as its representative and the District hereby appoints its Chief Business Official or designee as its representative. If the Parties fail to resolve the issues raised, alternative forms of dispute resolution, including mediation, may be pursued by mutual agreement. It is the intent of the Parties to the maximum extent possible that litigation be avoided as a method of dispute resolution

12.5 The prevailing party in any action brought to enforce the provisions of this Agreement or arising out of this Agreement may recover its reasonable costs and attorneys’ fees expended in connection with such an action from the other Party.

12.6 All attachments referred to in this Agreement and any addenda, appendices, exhibits, and schedules which, from time to time, may be referred to in any duly executed amendment hereto are by such reference incorporated in the Agreement and will be deemed to be part of this Agreement.

12.7 This Agreement constitutes the entire agreement between the Parties concerning its subject matter, and there are no other oral or written agreements between the parties not incorporated in this Agreement.

12.8 This Agreement will not be construed as nor deemed to be an agreement for the benefit of any third party or parties, and no third party or parties will have any right of action herein for any cause whatever. The terms, covenants, and conditions of this Agreement shall apply to, and shall bind, the heirs, successors, executors, administrators, assigns and subcontractors of each Party.

12.9 This Agreement may be amended only by a written instrument signed by both parties. The City Manager and Superintendent are duly authorized to negotiate and execute any amendment to this Agreement.

12.10 Any agreement, covenant, condition, clause, qualification, term or other stipulation in this Agreement will define or otherwise control, establish, or limit the performance required of or permitted by any party. All provisions of this Agreement, whether covenants or conditions, will be deemed both covenants and conditions.

12.11 This Agreement confers no legal or equitable rights until it is approved by the CITY's Council and the DISTRICT's Board of Supervisors at lawfully conducted public meetings.

IN WITNESS WHEREOF, the Parties hereto by their duly authorized representatives have duly executed this Agreement as of the Effective Date.

CITY OF SUNNYVALE

CUPERTINO UNION SCHOOL
DISTRICT

APPROVED AS TO FORM:

APPROVED

JOAN BORGER

City Attorney

BEN LIAO

President, Board of Education

DEANNA J. SANTANA

City Manager

CHRIS JEW

Chief Business Official

ATTEST:

KATHLEETN FRANCO-SIMMONS

City Clerk

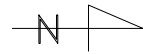
EXHIBIT A: CUPERTINO MIDDLE SCHOOL SITE PLAN



EXHIBIT B: NIMITZ ELEMENTARY SCHOOL SITE PLAN

LEGEND:

- PROPERTY LINE
- FACILITIES LIMITS
- CAPITAL IMPROVEMENT ZONE



SCALE: 1"=100'

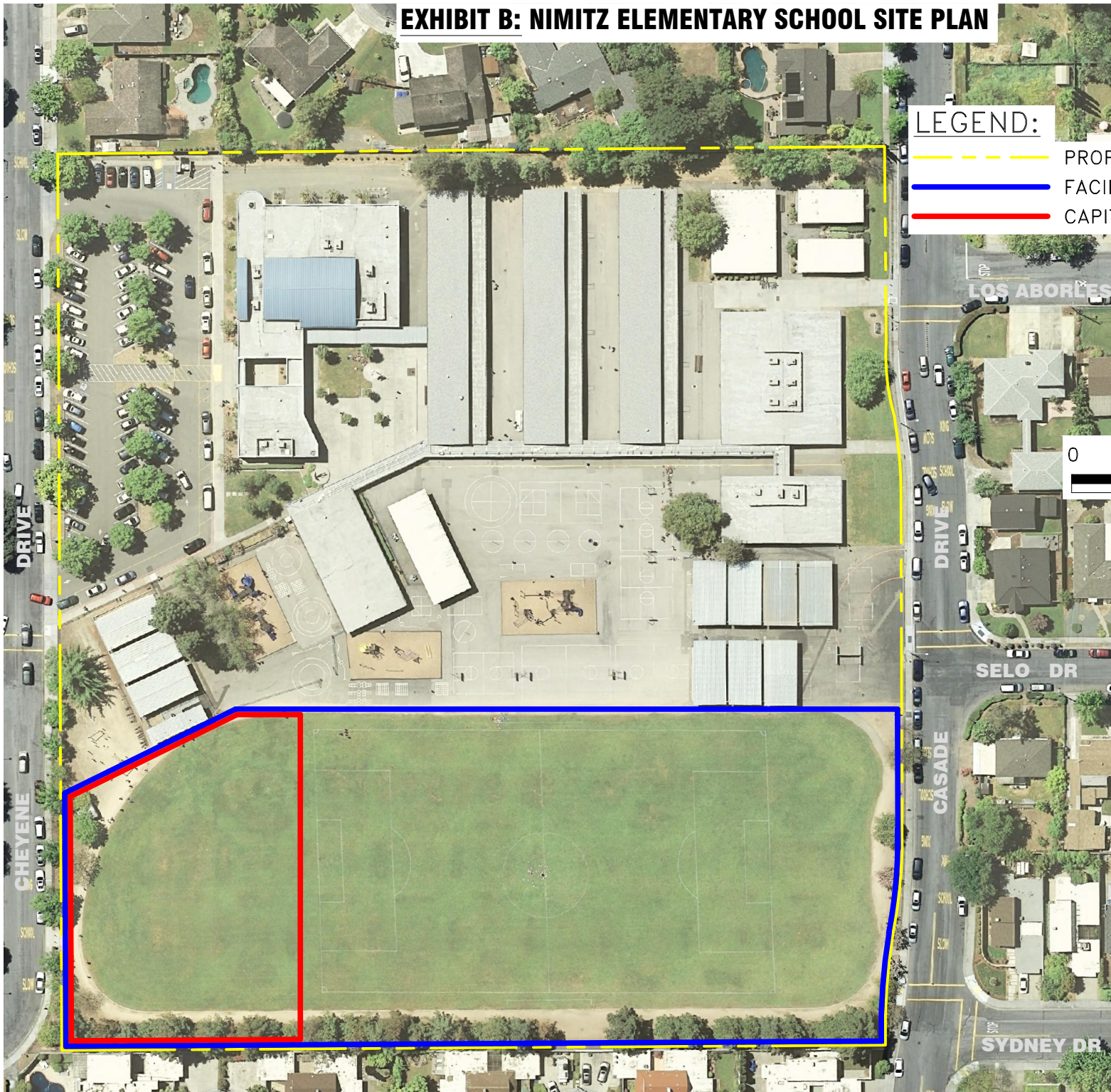


EXHIBIT C: SERRA ELEMENTARY SCHOOL SITE PLAN

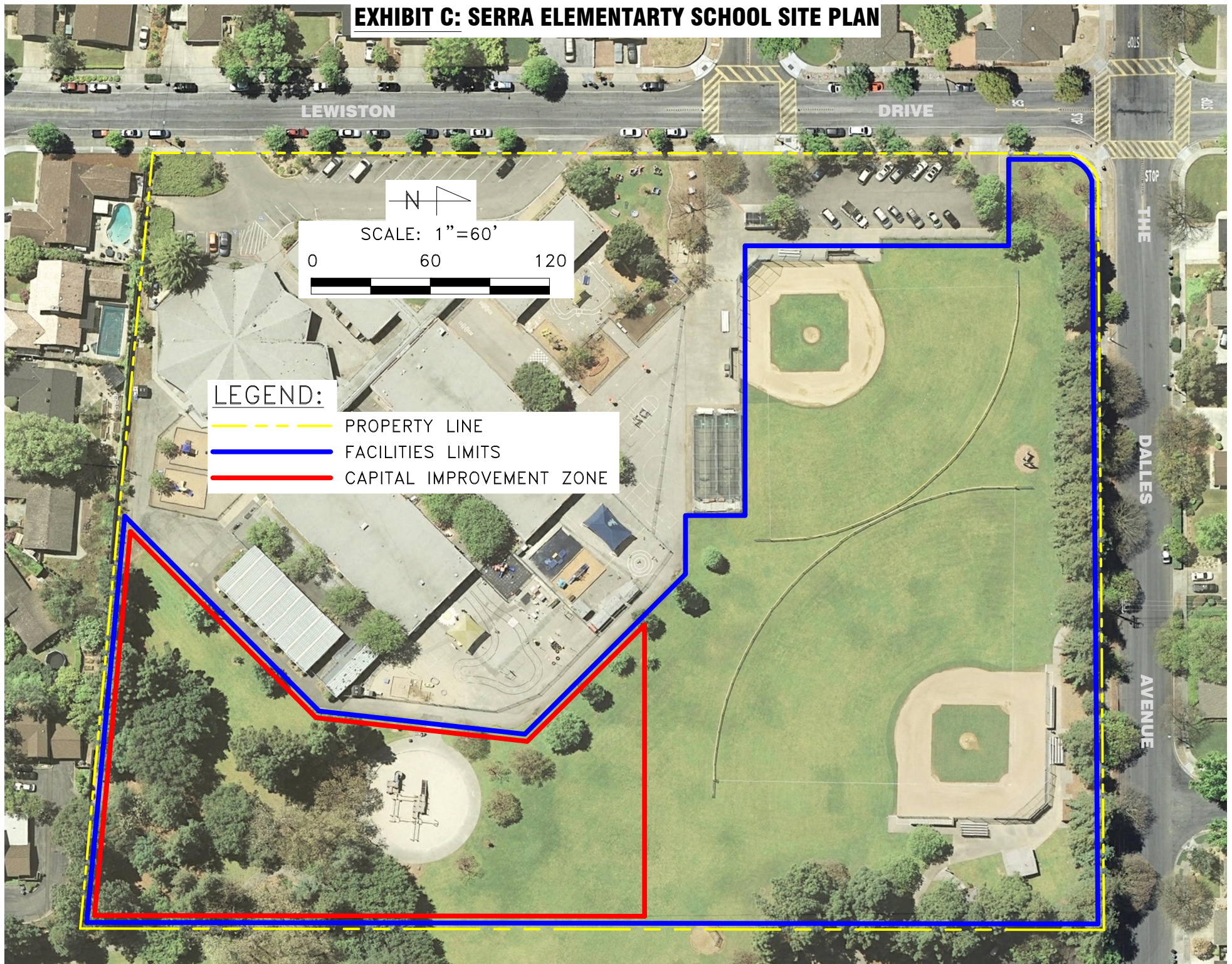


EXHIBIT D: STOCKLMEIR ELEMENTARY SCHOOL SITE PLAN

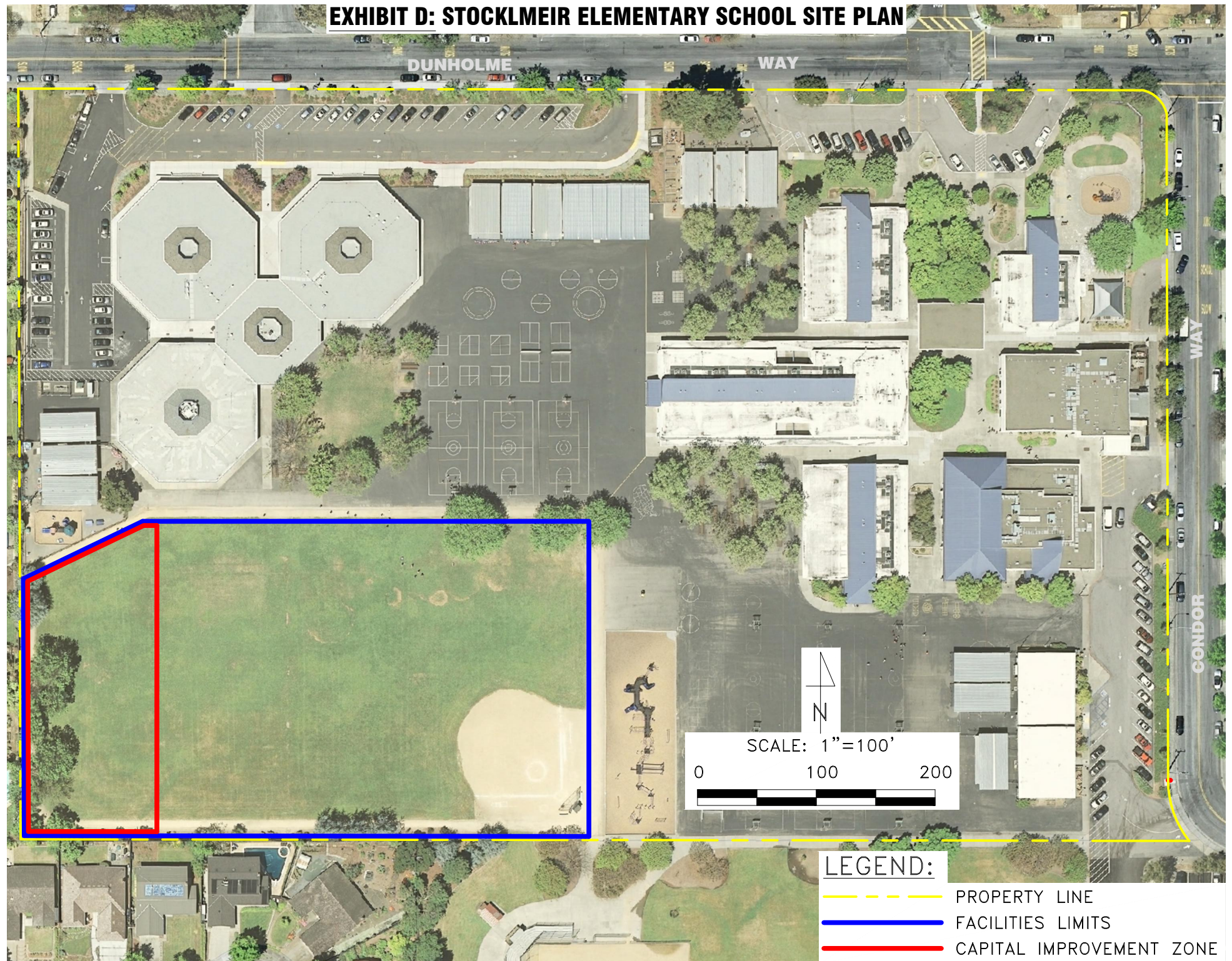
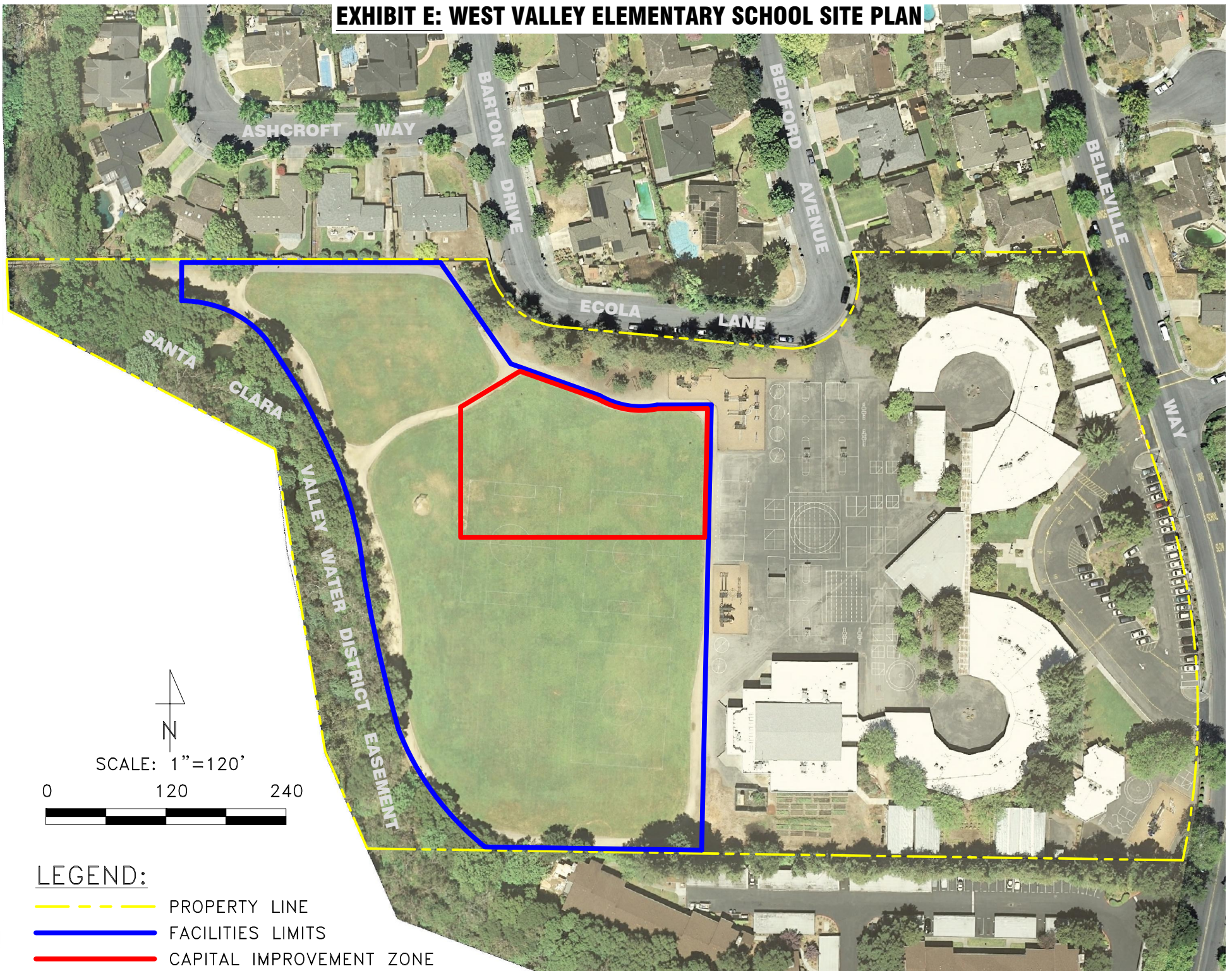


EXHIBIT E: WEST VALLEY ELEMENTARY SCHOOL SITE PLAN



LEGEND:

- PROPERTY LINE
- FACILITIES LIMITS
- CAPITAL IMPROVEMENT ZONE

**1A 14-0708 Draft Minutes of the Parks and Recreation Commission
Meeting of July 9, 2014.**

Commissioner Kenton moved and Vice Chair Pasqua seconded the approval of the Consent Calendar. The motion carried by the following vote:

Yes: 3 - Chair Alexander III
 Vice Chair Pasqua
 Commissioner Kenton

No: 0

Absent: 1 - Commissioner Pochowski

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

**2 14-0697 Approval of a Joint Field Use Agreement for Open Space at
Multiple Sites within the Cupertino Union School District**

Parks Manager, Jim Stark provided the staff report. He answered Commissioner questions regarding which school sites are included in the agreement, the motivation for the agreement and if it includes revenue generation, why a soccer field and softball field were lost at Cupertino Middle School last year, what new facilities will be available per this agreement, and what permits will be required for rentals.

Vice Chair Pasqua expressed support for the agreement. He would like Council to be aware that if an agreement gives the school priority use, it could supercede existing reservations by permitted groups and result in an impact to the existing renter. Director of Public Works, Kent Steffens explained that field use by the school outside of the agreed upon hours requires the school to obtain a permit. Commissioner Kenton requested that the contract specify how far in advance the school must request permits if those requests are beyond their regularly scheduled priority use times.

Vice Chair Pasqua moved and Commissioner Kenton seconded to approve Alternative 1: Recommend that Council Approve Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District as presented in Attachment 1.

Commissioners provided their rationale for their vote. All commissioners agreed

that the open space was critical for residents and liked the addition of the gymnasium facility. Chair Alexander stated it sets a good precedence, similar to the Peterson Middle School field. Commissioner Kenton thought the water cost fee is a reasonable addition. Vice Chair Pasqua felt the plan was well vetted and he was happy with the process.

The motion carried by the following vote:

Yes: 3 - Chair Alexander III
Vice Chair Pasqua
Commissioner Kenton

No: 0

Absent: 1 - Commissioner Pochowski

3 14-0372 Approval of the Urban Forest Management Plan

Urban Landscape Manager, Leonard Dunn provided the staff report. He detailed benefits of the Plan; to improve environmental factors by increasing the tree canopy 18% to 20% within Sunnyvale; to improve planning and maintenance of City trees; and to develop a non-profit group to foster community support. The Plan doesn't account for financial commitments, which would be individually approved by Council as they arise. He answered commissioner questions regarding the types of services the non-profit would provide, who would take responsible for tree roots that intrude upon sewer lines, the current ordinance about residents pruning street trees, requirements about trees in parking lots and how they are measured, and if the Planning Commission will review the Plan.

Chair Alexander opened the public hearing.

Deborah Marks expressed support to approve the plan Urban Forest Management Plan specifically to improve the canopy cover of the City, and because it provides for a volunteer group to educate the public about the importance of trees and how to take care of them.

There were no further public comments, and Chair Alexander closed the public hearing.

Commissioner Kenton moved to approve Alternative 1) Approve adoption of the Urban Forestry Management Plan. Vice Chair Pasqua seconded the motion.

Commissioners provided the rationale for their vote. Vice Chair Pasqua is in favor of the plan and the environmental benefits an expanded tree canopy will provide.



City of Sunnyvale

Agenda Item

14-0722

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance Amending Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code

BACKGROUND

The International Fire Code (IFC) is a model fire code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage and processes. The IFC is in use or adopted by 42 states and is published every three years by the International Code Council.

In California, the California Building Standards Commission adopts the IFC with new statewide amendments every three years. This adopted code is known as the California Fire Code (CFC) and is found in Part 9 of Title 24 of the California Code of Regulations. Title 24 is commonly referred to as the California Building Standards Code.

The State of California adopted the 2013 California Fire Code in January 2013 and published the documents on July 1, 2013. The City of Sunnyvale adopted the 2013 California Fire Code with local amendments on November 26, 2013. The amendments proposed in this RTC were identified after adoption and serve to clarify, correct and further amend the Code.

EXISTING POLICY

Sunnyvale General Plan - *Safety and Noise Sub-Element:*

Goal SN-1, Acceptable Levels of Risk for Natural and Human-caused Hazards

Ensure that natural and human-caused hazards are recognized and considered in decisions affecting the community and that land uses reflect acceptable levels of risk based on identified hazards and occupancy.

Goal SN-3, Safe and Secure City

Ensure a safe and secure environment for people and property in the community by providing effective public safety response, prevention, and education services.

Policy SN-1.5: Promote a living and working environment safe from exposure to hazardous materials.

ENVIRONMENTAL REVIEW

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. (Title 14 of the California Code of Regulations, Section 15061(b)(3).)

DISCUSSION**Amendments to the California Fire Code****1. Emergency Responder Radio Coverage**

The 2013 CFC contains detailed requirements for design, installation and testing that had previously been non-mandatory Appendix material. As part of an ongoing effort to enhance emergency responder radio coverage across the region, the Sunnyvale Department of Public Safety (DPS), along with other Santa Clara County emergency response agencies, is transitioning away from its current UHF radio frequency to a new 700 MHz system. The clean-up amendments proposed to Section 510 clarify requirements and address questions that have been raised by developers and radio system installers since the Code adoption. The amendments also correct several cross-reference errors.

2. Fire Protection System Records

Building owners are required to have fire protection systems such as automatic sprinkler systems, fire hydrants and fire pumps inspected and tested on a regular basis by qualified individuals to ensure that the systems will activate and function properly when needed. The testing and inspection reports are then required to be submitted to the local fire code official. This new amendment allows the jurisdiction to require electronic submittal of fire protection system testing and inspection reports through a third party cloud-based electronic reporting system. This electronic reporting system allows the jurisdiction to more easily manage the significant number of reports received, notify building owners when systems require repair and identify building owners who fail to have the fire protection systems inspected and tested as required by State law.

The jurisdiction will have free access and management of the electronically submitted reports but there is an annual \$10 per system fee assessed and collected by the third party upon submittal of the report(s) by the testing company. This annual per system fee will likely be paid by the testing company and recovered through their service fee to the building owner. Although the City will not be invoicing or collecting any fees associated with this activity, the annual \$10 per system fee was included in the City's recently adopted fee schedule for transparency.

3. Firefighter Air Replenishment Systems

The City of Sunnyvale has had a longstanding local amendment requiring a firefighter air replenishment system (FARS) be installed in high rise buildings. However, the current text allows a building designer to install either a firefighter air replenishment system or elevators designated for firefighter use in an emergency. In some cases a fire service access elevator may be a desirable alternative to the FARS and in some cases (buildings 12 stories or higher) a fire service access elevator is already a code requirement and should not be considered an alternative. This proposed revision clarifies the intent of the section which is to always require the firefighter air replenishment system and allow a fire service access elevator designed and installed in accordance with the Building Code only when approved by the fire code official.

4. Emergency Escape and Rescue Windows

Historically the state has adopted an amendment to the IFC that requires an emergency escape and rescue window in every sleeping room below the fourth floor in multifamily residential buildings constructed of wood even if the building was protected by automatic sprinklers. After the adoption of

the 2013 CFC in January of this year, the Office of the State Fire Marshal (OSFM) identified that the amendment had inadvertently been deleted. The OSFM is currently pursuing legislation to amend the State Fire Code to reinsert the requirement. This local amendment will promptly reinstate the historical requirement for emergency escape windows and clarify for local developers the need to include these windows in new development projects.

5. Secondary Containment for Hazardous Materials

Sunnyvale included a number of county-wide amendments to the hazardous materials provisions in the 2013 CFC. The proposed revision to Section 5003.1.6 corrects a county-wide amendment that inadvertently required a spill control and secondary containment system sized to contain both building sprinkler water and spilled material in facilities that handle small quantities of hazardous materials. While a system to contain a spill from the single largest container is reasonable and will remain a requirement, the additional requirement to contain sprinkler water is considered to be unnecessary in facilities where only small quantities of hazardous materials are stored or used. The existing requirement to contain both the product and sprinkler water remains unchanged in facilities handling large quantities of hazardous materials.

FISCAL IMPACT

No fiscal impact

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Introduce the Ordinance, presented at Attachment 1, Amending Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code.
2. Do not accept the proposed amendments.

STAFF RECOMMENDATION

Alternative 1: Introduce the Ordinance, presented at Attachment 1, Amending Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code.

Prepared by: Lynne Kilpatrick, Fire Marshal
Reviewed by: Frank J. Grgurina, Director, Public Safety
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance of the City Council of the City of Sunnyvale Amending Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code

ORDINANCE NO. _____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CHAPTER 16.52 (FIRE CODE) OF TITLE 16 (BUILDINGS AND CONSTRUCTION) OF THE SUNNYVALE MUNICIPAL CODE.**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 16.52.510 AMENDED. Section 16.52.510 of Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) is hereby amended as follows:

16.52.510. Emergency responder radio coverage.**(a) Emergency responder radio coverage in new buildings.**

California Fire Code Section 510.1 is hereby amended to read:

510.1 Emergency responder radio coverage in new buildings. *Approved* radio coverage for emergency responders shall be provided within all buildings meeting any one of the following conditions:

1. There are more than 3 *stories above grade plane* (as defined by the Building Code Section 202);
2. The total building area is 30,000 square feet or more;
3. The total *basement* area is 5,000 square feet or more;
4. The building is equipped with a solar photovoltaic system; or
5. Radio coverage signal strength levels are not consistent with the minimum levels set forth in Section 510.4.1.

The radio coverage system shall be installed and maintained in accordance with Sections 510.4 through 510.~~6~~7 of this code and with the applicable provisions of NFPA 72, National Fire Alarm and Signaling Code.

The coverage shall be based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

1. Where *approved* by the *fire code official*, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained in lieu of an *approved* radio coverage system.
2. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the Silicon Valley Regional Interoperability Authority (SVRIA) P25 Phase 2 700 MHz Digital Trunked Radio System within the building in accordance with Section 510.4.1 without the use of an indoor radio coverage system.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative

impact on the normal operations of that facility, the *fire code official* shall have the authority to accept an automatically activated emergency responder radio coverage system.

4. One and two family dwellings and townhouses.

(b) – (h) [Text unchanged]

(i) Building conduit.

California Fire Code Section 510.4.1 is hereby amended by adding Section 510.4.1.5 to read:

510.4.1.5 Building conduit. All new buildings shall be constructed with not less than a two-inch (2”) conduit having a minimum one-hour fire resistive rating installed between the first floor or the bottom subterranean floor, as applicable, and said conduit shall extend along the center of the building to the roof. At each floor and the roof, an opening shall be made to allow easy access to the conduit from the ceiling. Access in either the form of a drop ceiling or conduit shall be made along hallways and through firewalls. All floors of the subterranean parking garages shall have a similar conduit installation. Cable other than radio cable is allowed to comingle with the radio cable in the conduit provided it will not interfere with the radio cable. Plenum-rated coaxial cable is allowed to be used for horizontal runs between the conduit and the antennas.

(j)–(m) [Text unchanged]

(n) Additional frequencies and change of frequencies.

California Fire Code Section 510.4.2.5 is hereby amended to read:

510.4.2.5 Additional frequencies and change of frequencies. The distributed antenna system shall be capable of providing indoor coverage for public safety radio systems operating in the VHF, ~~UHF,~~ and 700/800MHz bands and future 700MHz Broadband and shall also be capable of modification or expansion in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC.

(o)–(q) [Text unchanged]

(r) Acceptance test procedure and system certification.

California Fire Code Section 510.5.3 is hereby amended to read:

510.5.3 Acceptance test procedure and system certification. When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to ensure that two-way coverage on each floor of the building is in accordance with Section 510.4.1. The test procedure shall be conducted as follows:

1. Talk-back testing from a site to the Silicon Valley Regional Interoperability Authority (SVRIA) P25 Phase 2 700 MHz Digital Trunked Radio System shall use Sunnyvale Department of Public Safety radio(s) on the designated control channel (Channel 2) and may be witnessed by a representative of the Sunnyvale Department of Public Safety.

2. Each floor of the building shall be divided into a grid of 20 approximately equal test areas.
3. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the agency talking through the agency's radio communications system.
4. In the event that three of the test areas on a floor fail the talk back test, in order to be more statistically accurate, the floor shall be permitted to be divided into 40 equal test areas. If the system fails the 90% coverage requirement for the 40 area test, the emergency responder radio system shall be altered to meet the 90 percent coverage requirement.
Exception: Critical areas shall be provided with 99 percent floor area radio coverage.
- 3.-8. [Renumbered, text unchanged]

(s)–(t) [Text unchanged]

(u) Maintenance.

California Fire Code Sections 510.6 through 510.6.3 are hereby amended to read:

510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.5.

510.6.1 Testing and proof of compliance. The emergency responder radio coverage system shall be inspected and tested annually or whenever structural changes occur including additions or remodels that could materially change the original field performance tests. Individuals conducting the tests shall meet the minimum qualifications in accordance with Section 510.5.2 and shall be an *approved* third party, independent of the system designer and installer. Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.4~~3~~.
2. Signal boosters shall be tested to ensure that the gain/output level is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
4. All other active components shall be checked to verify operation within the manufacturer's specifications.
5. At the conclusion of the testing, a report, which shall verify compliance with Sections 510.5.4~~3~~ and 510.6 shall be submitted to the *fire code official* and a copy maintained on the premises and made available to Public Safety Department personnel upon request.

510.6.2 Additional frequencies. The building owner shall modify or expand the emergency responder radio coverage system at their expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this section.

510.6.3 Field testing. Sunnyvale Department of Public Safety personnel shall have the right to enter onto the property at any reasonable time to conduct field testing to verify the required level of radio coverage.

(v) [Text unchanged]

(w) Sunnyvale Radio Frequencies.

California Fire Code Section 510 is hereby amended by adding Section 510.7 to read:

510.7 Sunnyvale Radio Frequencies for Testing. The following frequencies and donor site coordinates shall be used in the City of Sunnyvale.

700/800 MHz Frequencies:

<u>Channel</u>	<u>Up link</u>	<u>Down link</u>
<u>1</u>	<u>802.45625</u>	<u>772.45625</u>
<u>2*</u>	<u>802.30625</u>	<u>772.30625</u>
<u>3</u>	<u>802.15625</u>	<u>772.15625</u>
<u>4</u>	<u>801.85625</u>	<u>771.85625</u>
<u>5</u>	<u>801.40625</u>	<u>771.40625</u>
<u>6</u>	<u>800.08125</u>	<u>770.08125</u>

*Control Channel

Donor site coordinates:

<u>37-22-13. 4N 122-02-23. 9W</u>	<u>Sunnyvale City</u>
<u>37-22-05. 8N 121-57-29. 6W</u>	<u>Santa Clara City</u>
<u>37-23-43. 9N 122-04-54. 1W</u>	<u>Mountain View City</u>
<u>tbd</u>	<u>County Communications (2700 Carol St) (Future)</u>
<u>tbd</u>	<u>Pruneyard (Future)</u>

SECTION 2. SECTION 16.52.511 AMENDED. Section 16.52.511 of Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) is hereby amended as follows:

16.52.511. Firefighter air replenishment systems.

California Fire Code is hereby amended by adding Section 511 to read:

511.1 Firefighter air replenishment systems. A firefighter's air replenishment system, ~~firefighter's designated elevator, or another alternate system designed to meet firefighter safety needs as determined and approved by the fire code official,~~ shall be installed in any building classified as a high rise by the California Building Code.

Exception: When approved by the fire code official, fire service access elevators in accordance with the California Building Code or another alternate system designed to meet firefighter safety as determined and approved by the fire code official may be allowed.

Firefighter air replenishment systems shall provide an adequate pressurized fresh air supply for filling breathing air bottles carried by fire suppression, rescue and other personnel in the performance of their duties. Mobile refill stations will generally be located away from the building. Interior refill stations shall generally be located inside vestibules or rooms within close proximity to a stairway enclosure. Fill station locations, additional design criteria and specifications shall be in accordance with the Department of Public Safety's firefighters' air replenishment system standard.

511.2 Firefighter air replenishment system maintenance. Existing firefighter's air replenishment systems shall be maintained in an operable condition and shall be tested in accordance with nationally recognized fire safety standards.

SECTION 3. SECTION 16.52.901 AMENDED. Section 16.52.901 of Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) is hereby amended as follows:

16.52.901. Fire protection systems

(a) – (b) [Text unchanged]

(c) Records.

California Fire Code Section 901.6.2 is hereby amended to read:

901.6. Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be electronically copied to the fire code official by the company that performed the inspection, testing or maintenance in a manner prescribed by the fire code official.

(d) [Re-lettered, text unchanged]

SECTION 4. CHAPTER 16.52.1029 ADDED. Sunnyvale Municipal Code Chapter 16.52.1029 is hereby added to Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) to read as follows:

16.52.1029. Emergency escape and rescue.

(a) Emergency escape and rescue.

California Fire Code Section 1029.1 is hereby amended to read:

1029.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in Group R occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. In Groups R-1 and R-2 occupancies constructed of Type I, Type IIA, Type IIIA or Type IV construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.
2. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue openings.
3. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
4. Basements without habitable spaces and having no more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape and rescue openings.

SECTION 5. SECTION 16.52.5003 AMENDED. Section 16.52.5003 of Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) is hereby amended as follows:

16.52.5003. Hazardous materials: general requirements.

(a)-(b) [Text unchanged]

(c) Spill control and secondary containment requirements.

California Fire Code Section 5003 is hereby amended by adding Section 5003.1.6 to read:

5003.1.6 Spill control and secondary containment requirements. A spill control ~~and secondary containment system~~ shall be required for ~~all~~ hazardous materials, which are liquids or solids at normal temperature, and pressure (NTP) and are stored or used in quantities exceed the maximum allowable quantities, or where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. Construction shall be substantial, capable of safely and securely containing a sudden release without discharge. Design criteria shall be performance based and constructed of physically and chemically compatible materials to resist degradation and provide structural and functional integrity for a period of time reasonably necessary to ensure detection, mitigation, and repair of the primary system. ~~Regardless of quantities, Where~~ quantities of hazardous materials exceed maximum allowable quantities, spill control and secondary containment shall also comply with Section 5004.2.

(d)-(j) [Text unchanged]

SECTION 6. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 7. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 8. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 9. FINDINGS. The deletions, additions, and/or amendments to the California Fire Code which are the subject of this ordinance, are based upon the general and specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. 620-13.

SECTION 10. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 11. EFFECTIVE DATE. This ordinance shall be in full force and effect 30 days from and after the date of its adoption.

SECTION 12. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2014, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2014, by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

Joan A. Borger, City Attorney



City of Sunnyvale

Agenda Item

14-0785

Agenda Date: 9/16/2014

Tentative Council Meeting Agenda Calendar



City of Sunnyvale

Tentative Council Meeting Agenda Calendar

Tuesday, September 30, 2014 - City Council

Study Session

- 14-0743** 5 P.M. SPECIAL COUNCIL MEETING (Study Session)
Review Performance Evaluation Tools for the City Manager and City Attorney
- 14-0706** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
City's Criteria and Standards for Accepting Park Land Dedications

Special Order of the Day

- 14-0401** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members
- 14-0826** SPECIAL ORDER OF THE DAY - Recognition of National Arts and Humanities Month

Public Hearings/General Business

- 14-0568** Consider Requirements for Budget Issue Sponsorship Similar to Study Issue Sponsorship
- 14-0762** Adopt a Resolution to Amend Annual Fee Resolution to update establish FY 2014/-2015 Park Dedication In-Lieu Fee Land Valuation
- 14-0595** Approval of a Cost Sharing Agreement with the Santa Clara Valley Water District for Construction of the Wolfe Road Recycled Water Facilities, and Consideration of an Addendum to the Previously-Adopted Mitigated Negative Declaration for the Wolfe Road Recycled Water Project; Approval of an Agreement with the Santa Clara Valley Water District for Recycled Water Supply for Non-Potable Use; and Approval of the Framework for a Long-Term Integration Agreement with the Santa Clara Valley Water District to Supply Recycled Water from Sunnyvale's Wastewater Plant for Potable Water Reuse
- 14-0607** Lawrence Expressway Grade Separations Study - Consideration of Conceptual Alternative
- 14-0902** REQUEST FOR CONTINUATION to October 28, 2014 for the Introduction of an Ordinance Amending Chapter 19.44 (Signs) Of Title 19 (Zoning), Adding Chapter 9.58 (Signs On City Property) of Title 9 (Public Peace, Safety Or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code Related to Various Clean-Up Items and

Adding Provisions for Signs on City Property

Tuesday, October 14, 2014 - City Council

Special Order of the Day

14-0305 SPECIAL ORDER OF THE DAY - Fire Poster Safety Contest Award
Winners

Public Hearings/General Business

14-0275 Implementation of a Bike Share Program (Study Issue)

14-0594 Approval of an Agreement with the Santa Clara Valley Water District (SCVWD) Regarding Funding of California Environmental Quality Act (CEQA) Review and Design Costs to Retain a Membrane Bioreactor (MBR) Option at the Water Pollution Control Plant (WPCP)

14-0598 Adoption of Position on State and Local Ballot Measures for the November 4, 2014 Election

14-0694 Introduce an Ordinance to Create Chapter 3.70 (Minimum Wage) of Title 3 of the Sunnyvale Municipal Code to Require Businesses to pay a Citywide Minimum Wage and Approval of Budget Modification No. XX

14-0695 File#: 2013-7525
Name: Landbank Central & Wolfe Campus
Location: Southeast corner of N. Wolfe Road and E. Arques Avenue
(APNs: 205-33-002, 205-33-005, 205-33-007, 205-33-009, 205-33-010, 205-33-011, 205-33-012, 205-33-013, and 205-33-014)
Proposed Project: Consideration of applications for a 17.84 acre site:
REZONING to change the zone from M-S to M-S/FAR 100%;
DESIGN REVIEW to allow the development of a 777,100 square foot, six story office complex and associated parking and onsite amenities;
VESTING TENTATIVE PARCEL MAP to consolidate the existing lots and street into a condominium subdivision, including the abandonment of Santa Ana Court; and
DEVELOPMENT AGREEMENT between the City of Sunnyvale and Landbank Investments, LLC.
Applicant/Owner: Scott Jacobs, Landbank Investments, LLC
Environmental Review: ENVIRONMENTAL IMPACT REPORT
Staff Contact: David Hogan, 408-730-7440, dhogan@sunnyvale.ca.gov

14-0850 Approve Refinancing of 2003 and 2007 Solid Waste Bonds

Tuesday, October 28, 2014 - City Council

Study Session

14-0548 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

Consideration of Housing Mitigation Fee Nexus Study Findings and Alternatives

Public Hearings/General Business

- 14-0274** Feasibility of Entering Into a Joint-Use Agreement with the Santa Clara Unified School District for Open Space Areas at Peterson Middle School (Study Issue)
- 14-0701** Approve the Amended Request for Modification of 2003 CDBG Loan to Sunnyvale Community Services
- 14-0709** Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning), Adding Chapter 9.58 (Signs on City Property) of Title 9 (Public Peace, Safety or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code related to various clean-up items and adding provisions for signs on City property - continued from September 30, 2014..

Tuesday, November 11, 2014 - City Council

Study Session

- 14-0260** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews (as necessary)

Public Hearings/General Business

- 14-0194** 2014 Quarterly Consideration of General Plan Amendment Initiation Request (Tentative)
- 14-0287** Consideration of Appeal Process for Land Use Projects (Study Issue)
- 14-0787** Determination of Priority Needs for Human Services and Amount of Supplemental Funding for Fiscal Years 2015-16 and 2016-17
- 14-0817** File #: 2014-7423
Location: 1071 Noriega Ave. (APNs: 161-37-017, 161-37-018)
Zoning: R-3
Proposed Project: Related applications on a 0.48-acre site:
REZONE: Introduction of an Ordinance to rezone the site from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development);
SPECIAL DEVELOPMENT PERMIT: for 10 residential townhouse units;
and
VESTING TENTATIVE MAP: to subdivide two lots into 10 lots plus a common lot.
Applicant / Owner: Classic Communities (applicant) / Classic 1071 Noriega LP (owner)
Environmental Review: Categorically Exempt-Class 32

14-0818 Examine Ways to Increase Local Hiring in Major Developments

Tuesday, November 25, 2014 - City Council

Study Session

14-0478 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Discussion of Council 2015 Intergovernmental Relations Assignments

Public Hearings/General Business

14-0331 Board and Commission Appointments

Tuesday, December 9, 2014 - City Council

Closed Session

14-0495 6 P.M. CLOSED SESSION
Closed Session held pursuant to California Government Code Section
54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

Special Order of the Day

14-0514 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and
Commission Members

Public Hearings/General Business

14-0270 Use of Gas-powered Leaf Blowers (Study Issue)

14-0673 Consideration of Housing Mitigation Fee Nexus Study Findings and
Alternatives

Tuesday, December 16, 2014 - City Council

Closed Session

14-0497 6 P.M. CLOSED SESSION
Closed Session held pursuant to California Government Code Section
54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney

Study Session

14-0627 5:45 P.M. SPECIAL COUNCIL MEETING (Study Session)
Discussion of Upcoming Selection of 2015 Vice Mayor

Public Hearings/General Business

- 14-0286** Introduce an ordinance to amend the Title 19 (Zoning) to include floor area ratio threshold standards for multi-family residential zoned property; Approve amendments to the City-wide Design Guidelines to include design techniques for multi-family residential projects that exceed the floor area ratio threshold; and make a finding that the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b)(3). (Study Issue)
- 14-0790** General Plan Amendment: Adoption of 2015-2023 Housing Element and Negative Declaration

Tuesday, January 6, 2015 - City Council

Public Hearings/General Business

- 15-0001** Selection of Vice Mayor for 2015
- 15-0002** Approval of 2015 City Council Meeting Calendar
- 15-0003** Annual Public Hearing - Potential Council Study Issues and Budget Issues
- 15-0004** City Council 2015 Appointments to Intergovernmental and Internal Assignments, Council Subcommittees, and Community Member Appointments
- 15-0005** 2015 Seating Arrangements for City Council
- 15-0008** Approve the Proposed 2015 Priority Issues and Legislative Advocacy Positions

Tuesday, January 13, 2015 - City Council

Special Order of the Day

- 15-0006** SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor
- 15-0007** SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Incoming Vice Mayor

Tuesday, January 27, 2015 - City Council

Study Session

- 14-0845** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Discussion and Possible Action on Rental Housing Impact Fee

Public Hearings/General Business

14-0272 Community Choice Aggregation (Study Issue)

Friday, January 30, 2015 - City Council

Study Session

15-0009 8:30 A.M. SPECIAL COUNCIL MEETING
Study Issues/Budget Issues Workshop

Tuesday, February 10, 2015 - City Council

Study Session

15-0010 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews (as necessary)

Public Hearings/General Business

14-0195 2015 Quarterly Consideration of General Plan Amendment Initiation
Request (Tentative)

14-0846 Discussion and Possible Action on Rental Housing Impact Fee

Tuesday, February 24, 2015 - City Council

Public Hearings/General Business

14-0288 Explore the Use of Stacker and Tandem Parking Spaces to Meet Parking
Requirements (Study Issue)

15-0011 Board and Commission Appointments

15-0012 Adoption of Council-ranked Study Issue Presentation Dates for 2015

Date to be Determined - City Council

Study Session

14-0398 SPECIAL COUNCIL MEETING (Study Session)
Citywide Traffic/Transportation Update

14-0668 SPECIAL COUNCIL MEETING (Joint Study Session with the Bicycle and
Pedestrian Advisory Commission and Planning Commission)
El Camino Real Bus Rapid Transit

Public Hearings/General Business

14-0027 Toolkit for Commercial/Residential Mixed Use Development (Study Issue)
(Tentatively scheduled for City Council Public Hearing, 3/24/15.)

14-0030	Preparation of Peery Park Specific Plan (Study Issue) (To be scheduled for 2015, tentatively)
14-0031	Ecodistrict Feasibility and Incentives (Study Issues)
14-0032	Community and Operational Greenhouse Gas Inventory (Study Issue)
14-0034	Protecting Burrowing Owl Habitat on City Facilities (Study Issue)
14-0035	Pilot Bicycle Boulevard Project on East-West and North-South Routes (Study Issue)
14-0036	Civic Center Buildings: Renovate, Replace or Relocate? (Study Issue)
14-0273	Optimization of Wolfe Road for Neighborhood and Commuters via Reconfiguration and Signalization (Study Issue)
14-0277	Review of Park Use Policies and Related User Fees (Study Issue)
14-0429	Homestead Road - Resolution to Underground Existing PG&E Poles and Utilities



City of Sunnyvale

Agenda Item

14-0645

Agenda Date: 9/16/2014

Information/Action Items

2014 INFORMATION/ACTION ITEMS
COUNCIL DIRECTIONS TO STAFF

No.	Date Assigned	Directive/Action Required	Dept	Due Date	Date Completed
1.	8/14/12	Update Council with an Info Only Report to Council on new in-lieu fee option for Art in Private Development two years after implementation	LCS	9/16/14	9/11/14
2.	2/25/14	Schedule Rule 20A Resolution for future Council agenda	DPW	TBD	
3.	5/6/14	Schedule Study Session regarding City's criteria and standards for accepting park land dedications	DPW	9/30/14	
4.	8/12/14	Report on the status of the business at 815 Maude and what will happen to it via the City Manager's Biweekly Report	CDD		8/21/14

NEW STUDY/BUDGET ISSUES SPONSORED BY COUNCIL IN 2014

No.	Date Requested	Study Issue Title	Requested By	Dept	Issue Paper Approved by City Manager
1.	7/15/14	Review of Transportation Demand Management Program Standards, Measurement and Annual Reports	Hendricks/ Martin-Milius	DPW	9/2/14



City of Sunnyvale

Agenda Item

14-0780

Agenda Date: 9/16/2014

REPORT TO COUNCIL

SUBJECT

Update on In-Lieu Fee Option for Art in Private Development (Information Only)

BACKGROUND

Sunnyvale's Art in Private Development (AIPD) regulation (Municipal Code 19.52), adopted in 1990, requires developers of non-residential projects that meet certain size guidelines or are located along major thoroughfares to install on site public art valued at 1 percent of the construction valuation.

On August 14, 2012, City Council amended the AIPD requirements to allow developers of properties that trigger the public art requirement the flexibility to contribute 1 percent to the City's Public Art Fund and 0.1 percent to a separate Art Maintenance Fund, in-lieu of installing artwork on site. Council took this action via RTC 12-187, *Review Effectiveness of Existing Art in Private Development In-Lieu Fee Option - Study Issue* (Attachment 1). The option was made available without limitations, so developers could exercise the option at their discretion. Council also amended Council Policy 6.4.4 Art in Public Construction to add deaccessioning guidelines; further defined the parameters under which Public Art Funds can be used; directed staff to develop a Master Plan for Public Art to identify potential public art projects and prioritize public art locations for funding; and changed the policy title to Art in Public Places (AIPP).

At the time of the vote, Council requested staff return two years after implementation with a progress report detailing which private developers have exercised their option.

EXISTING POLICY

Sunnyvale Municipal Code 19.52 - Art in Private Development

Council Policy 6.4.4 - Art in Public Construction

DISCUSSION

Since the in-lieu option was implemented in 2012, 21 projects have triggered the public art requirement. Staff has advised the developers of these projects of their option to place artwork on site or to contribute an in-lieu fee. Nineteen were projects that started after implementation. Two projects began prior to implementation but had not yet decided on their artwork, so staff notified those developers of the in-lieu option. Of the 21, two have opted to pay the in-lieu fee. Eleven have elected to install artwork on site, while eight are still undecided (Attachment 2).

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

Prepared by: Tegan McLane, Community Services Manager

Reviewed by: Lisa G. Rosenblum, Director, Department of Library and Community Services

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Report to Council 12-187
2. Art Projects Table

**Council Date: August 14, 2012****SUBJECT: Review Effectiveness of Existing Art in Private Development
In-Lieu Fee Option – Study Issue****REPORT IN BRIEF**

Since the adoption of the Art in Private Development (AIPD) regulation in 1990 and a Council Policy requiring art in public construction projects in 2002, there has been periodic interest in revising specific aspects of the regulation and policy. On February 3, 2012, City Council approved a Study Issue to review the effectiveness of the City's current AIPD regulation, Municipal Code (MC) 19.52 and, specifically, the existing option that allows developers to pay an In-Lieu Fee rather than install artwork at the development site, MC 19.52.100. (Please refer to Attachment A – Study Issue LCS 12-02 Review Effectiveness of Existing Art in Private Development Policies and Practices.) Currently, MC 19.52.100 allows developers to utilize the Art In-Lieu Fee option under limited conditions and upon approval from the Director of Community Development.

This study will reevaluate the City's current emphasis on requiring developers to provide public art at the development site rather than permitting payment of an in-lieu fee to the City's Public Art Fund. (Please refer to Attachment B – Summary of Public Art Fund.) The Public Art Fund is intended to supplement the City's Art in Public Construction Program, as well as other public art projects sponsored by the City.

Additionally, this report incorporates discussion on two items that emerged during the course of developing this Study Issue: 1) the need to clearly define the types of projects that are eligible for funding through the Public Art Fund, and 2) the need to establish a process for deaccessioning art from the City's permanent collection. It is standard practice in museums and government agencies with art collections to have policies to cover both the acquisition of artwork as well as the removal of artwork in the collection. Sunnyvale currently does not have a deaccessioning policy.

BACKGROUND

The City's Art in Private Development (AIPD) Program was initially adopted in 1990. The criteria that triggers the inclusion of public art includes all nonresidential lots over two acres, nonresidential lots located on a major

intersection or thoroughfare of the City, or by means of specific plan, use permit or special development permit.

In-lieu fees were initially considered when the AIPD regulation was adopted into the City's Municipal Code. However, at that time, an emphasis was placed on requiring developers to incorporate public art into their projects as a means of mitigating the sense of uniformity and loss of human scale that often accompanies commercial and industrial development projects.

Since the adoption of the AIPD Program, the ordinance has been amended to strengthen the successes and positive components of the program. In 2002, City Council approved the addition of a requirement to expend 1% of the construction valuation of a qualifying development, including building and tenant improvements, but excluding the cost of land and site improvements. This requirement was established to encourage the selection of public art consistent with the scale and scope of eligible developments. Up until 2002, each developer determined how much to spend on public art.

At the same time, an option for the payment of an in-lieu fee alternative for public art was approved and the Public Art Fund was established to accrue the in-lieu fees. However, in order to emphasize the inclusion of artwork on the development site, limiting conditions were applied to the in-lieu fee option. Only two projects out of 26 have been determined eligible for the in-lieu option. Properties needed to possess at least one of the following conditions in order to qualify for the in-lieu fee waiver:

- an obstructed view corridor from the public right-of-way due to existing landscaping, utility poles or existing buildings on adjacent property;
- lack of an appropriate artwork location near the main entrance or street, either due to lack of space, existing trees and landscaping, required public easements, or existing utility pipes and electrical boxes;
- lack of a publicly visible location for art due to security restrictions;
- lack of adequate space to incorporate public art.

The current Study Issue to reevaluate the existing in-lieu fee alternative was proposed by City Council following a discussion that occurred during interviews with prospective Arts Commission candidates on November 1, 2011. During the course of developing the study issue report, staff also identified a need to further clarify the types of projects that can be funded through the Public Art Fund, priorities for possible art projects and funding, as well as a need to add a formal deaccessioning policy to the Council's Art in Public Construction Policy 6.4.4. A deaccessioning policy establishes the process and criteria for removing pieces from the City's permanent art collection.

EXISTING POLICY

The Sunnyvale General Plan emphasizes the importance of art in the community. A selection of related policies follows:

General Plan Policy CC-1.1: Identify the boundaries of the City with attractive and distinctive features.

General Plan Policy CC-1.8: Provide and encourage the incorporation of art – both functional and decorative – in public and private development.

General Plan Policy CC-1.8a: As non-general fund resources allow – develop a new Master Plan for Public Art.

General Plan Policy CC-1.8e: Continue to acquire public artworks which contribute to the public identity of outdoor places and provide pleasure and enrichment for Sunnyvale residents.

General Plan Policy CC- 4.1: Ensure that Sunnyvale’s public facilities are easily identified, accessible, attractive and representative of the Community’s values and aspirations.

DISCUSSION

Study Issue LCS 12-02 considers the City’s current art in private development policy and municipal code regulation (MC19.52) and, more specifically, the City’s in-lieu fee alternative for private development (MC19.52.100). To prepare this report, staff solicited input from the community regarding the art in private development regulation and existing criteria for utilizing the in-lieu fee alternative. Additionally, staff researched “best practices” from other agencies with art in private development programs. Although the City’s original art in private development ordinance was adopted over twenty years ago, the City has revisited the regulation a number of times over the years, including an in-depth policy study regarding the status, intent and effectiveness of public art policies and practices existing in 2000. The two-year study was undertaken with the goal of maintaining and strengthening the successful and positive components of the existing art in private development program at that time, while offering policy level strategies to strengthen the provision of public art in Sunnyvale.

Sunnyvale’s Art In-Lieu Fee History

Since the adoption of the Art In-Lieu Fee option in 2002, 25 private development projects have been required to include public art under the AIPD Ordinance. Nineteen of those projects have completed the installation of artwork on private development sites and four projects have received Arts Commission approval on their public art proposal. The four artworks are still in varying stages of fabrication and installation. Of the total 26 projects, only two were eligible for the in-lieu fee option. Approximately \$6,000 of the \$124,000 principal contributed by the two projects in the Public Art Fund was then used

to design and fabricate a public art piece that was installed at the Columbia Neighborhood Center in 2007. The sculpture was created by Columbia Middle School students participating in the City-sponsored Art Apprenticeship Program. Remaining funds are being held pending development of guidelines for use of the Public Art Fund.

Proposed Amendments to Sunnyvale's Current AIPD Ordinance

In addition to the possibility of allowing developers and property owners the flexibility to choose whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee equal to 1% of the construction valuation of their eligible projects, staff identified additional areas of the art in private development regulation that need to be addressed or clarified. There are three primary areas of the AIPD regulation and two City Council public art policies that Council is asked to consider:

1. Whether to allow developers and property owners the flexibility to choose without limitations to place public art on their development sites or to pay an in-lieu fee consistent with 1% of the construction valuation of eligible projects. If the in-lieu fee alternative is revised, Municipal Code 19.52. Required Art in Private Developments and Council Policy 6.4.3 – Art in Private Development will need to be amended;
 2. Amending Council Policy 6.4.4 - Art in Public Construction Projects to reflect changes in Council Policy 6.4.3. by clarifying the types of City projects that will be eligible for support from the Public Art Fund and provide a process for removing artworks from the City's Permanent Art Collection (creation of a deaccessioning policy), and;
 3. Development of a Master Plan for Art to serve as a framework for the expenditure of in-lieu fees held in the Public Art Fund by identifying and prioritizing public art projects and locations throughout the City.
- 1. Consider whether to allow developers and property owners the flexibility to choose without limitations whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee consistent with 1% of the construction valuation of eligible projects.**

The current AIPD regulation limits the conditions under which the in-lieu fee option can be utilized. Projects must clearly demonstrate that there is no appropriate place for artwork, either because of lack of space or restricted view corridors and lack of visibility to the public. Many developers and property owners are in favor of a revised policy that allows them to choose whether or not to place artwork on their development sites or exercise the in-lieu fee option at their discretion. Developers have stated this change would be beneficial for large-scaled, mixed-use projects that have limited

funds, because either the 1% requirement applies only to the retail portion of the project or the project is a retail establishment that consists of the building shell only. These projects are usually large in scale, and providing artwork appropriate to the scope of the project can be challenging within a budget equal to 1% of the construction valuation of the commercial portion of their project.

Additionally, developers and property owners have stated they believe that in some locations artwork would be more publicly accessible and, therefore, a larger benefit to the Sunnyvale community if the art was placed in a public facility, park or open space rather than a commercial or industrial neighborhood. Many recent industrial projects subject to the art regulation are located in predominately industrial areas in North Sunnyvale, where the general public is unlikely to be unless they work or have business in the vicinity.

During initial discussions of this Study Issue, it was suggested that art in private development in-lieu fees could possibly be used to support performing arts programs, such as free concerts at Plaza del Sol. However, this would likely be considered outside the scope of what is meant by publicly-visible artwork.

Action Item:

- *Amend Municipal Code 19.52 – Art in Private Developments*

Should Council decide to provide developers and property owners more flexibility in utilizing the in-lieu fee option, MC 19.52 will need to be revised to reflect this. (Please refer to Attachment C for Proposed Changes to Municipal Code 19.52.)

With the proposed revisions of the section 19.52 of the Municipal Code, Council Policy 6.4.3 – Art in Private Development will no longer be required and may be rescinded at that time. (Attachment D - Council Policy 6.4.3 Art in Private Development.)

Action Item:

- *Rescind Council Policy 6.4.3. – Art in Private Development*

Developers who are required to provide art as a condition of development are also required to maintain and repair the artwork as long as it exists at their site. Since art purchased using in-lieu fees will be placed on public property, the developer will no longer be directly responsible for maintaining the artwork. An additional fee assessed on developers who exercise the in-

lieu option will provide the funds necessary for the City to maintain any artwork purchased using in-lieu fees. An alternative strategy would be to reduce the amount of in-lieu funding used for the actual purchase of art and set resources aside for long-term maintenance. This strategy would significantly reduce the actual amount of funding available for art purchases using in-lieu fees. A third alternative would be for the City to absorb the cost of maintenance and repair of all artwork purchased with in-lieu fees. Depending on the type of artwork that is eventually acquired, this could amount to as much as \$3,000 a year to clean, repair and maintain one large outdoor sculpture. Multiplied out over twenty years, the fiscal impact of only a few large-scale pieces could be substantial.

It is difficult to project what actual long-term maintenance costs might be on artwork that has not yet been purchased. Staff considered the costs the City currently incurs annually for the maintenance and repair of artwork in the City's permanent public art collection and then extrapolated out over twenty years. It appears that 1/10th of a percent (0.1%) may provide adequate resources to repair and maintain public art purchased with in-lieu fees paid by developers; however, there is no way to give an accurate estimate until such time as a piece of visual public art is identified for purchase.

Under this proposal, a project with a construction valuation of \$1,000,000 would require installation of an artwork valued at \$10,000 or an in-lieu fee equivalent to that amount. An additional \$1,000 would be assessed if the in-lieu fee option was exercised and deposited to the Public Art Maintenance Fund to be used to maintain and repair visual artwork purchased by the City using that \$10,000.

The type of materials used to fabricate the art and the installation location will affect the cost to maintain it. For example, the bronze sculpture at the corner of Matilda and El Camino Real, *El Paso de los Suenos*, cost the City \$250,000 to purchase. The cost to maintain it is generally \$1,800 annually. The \$65,000 cement, bronze and marble sculpture, *Ommagio a Tempo*, located in the upper pond of the Community Center costs approximately \$2,500 annually for cleaning. The stainless steel sculpture *Matrix*, which cost \$10,000 when it was installed in front of the theater at the Community Center only needs to be washed with soapy water from time to time for a nominal cost in staff time. A two-dimensional painting may only need to be dusted periodically; however, a textile mural on a wall may need professional cleaning once a year. Depending on how resources in the Public Art Fund are expended, a 0.1% set-aside may or may not cover the actual

cost of maintaining artwork purchased with these funds; but it would be a start.

Action Item:

- *Adopt requirement for developers paying in-lieu fee to provide resources to maintain and repair art purchased with in-lieu fees in future years.*

2. Consider whether to amend Council Policy 6.4.4 - Art in Public Construction Projects to reflect changes in Council Policy 6.4.3. by clarifying the types of City projects that will be eligible for support from the Public Art Fund and provide a process for removing artworks from the City's Permanent Art Collection.

The expenditure of funds from the Public Art Fund is governed by Council Policy 6.4.4 Art in Public Construction, although use of funds is not restricted to new construction (hence a recommendation to rename the policy "Art in Public Places").

Types of Projects Eligible for Funding from Public Art Fund

Should City Council modify MC 19.52 to provide developers and property owners with the flexibility to exercise the in-lieu fee alternative, it is anticipated that the Public Art Fund balance will increase significantly over time. The City may consider supplementing the existing Art in Public Construction Policy to include the acquisition of public art for City facilities and/or public open space using funds from the Public Art Fund rather than just funds from the 1% of the construction valuation of eligible City capital projects.

An amendment to the current regulation to Council Policy 6.4.4 Art in Public Construction will provide concise guidelines for allowable expenditures from the Public Art Fund. That will assist staff with meeting program goals. It will also ensure that the City is protected from possible litigation stemming from how the City assesses development fees, in particular the Art In-Lieu Fee. (Please refer to Attachment E – Council Policy 6.4.4 Art in Public Construction with Modifications Highlighted.)

Deaccessioning Policy

Council Policy 6.4.4 requires City staff to include any artwork purchased through construction projects to be included in the City's permanent art collection. The collection was established in 1979 with funding through the Sunnyvale Purchase Award Program in place at that time. Subsequent pieces were added to the collection through the City's Master Plan for Public Art, private donations, and most recently through implementation of the art in public construction program.

The City owns and maintains a collection of 64 works of art. The Council Policy that governs the City's Permanent Art Collection includes guidelines on how to acquire publicly funded works of art for municipal projects, but it does not include a process to deaccession, remove or dispose of works of art when it is deemed necessary. (Please refer to Attachment F – City of Sunnyvale Permanent Art Collection.)

Public art is intended to remain on public display indefinitely, but there are occasions where it may be necessary to remove an artwork from the collection. Artworks can deteriorate beyond repair due to environmental factors or vandalism. The selected location may also change due to property renovation, a change of site usage or sale of the site, necessitating the relocation or removal of the artwork.

The addition of a deaccession policy would provide a comprehensive and consistent manner for removal of publicly owned artworks. Deaccessioning guidelines are standard for museums, galleries, universities, and government organizations that maintain public art collections. After researching a number of deaccessioning policies from across the nation, it appears the following elements are essential to a successful program:

- The circumstances under which a work of art would be eligible for deaccessioning;
- The process for deaccessioning a work of art, and;
- The responsibility for oversight of the deaccessioning component.

Action Items:

- *Amend Council Policy 6.4.4 – Art in Public Construction as shown in Attachment E - Art in Public Construction with Modifications Highlighted*
 - *Define projects eligible for funding by Public Art Fund*
 - *Establish deaccessioning policy for City's art collection*

3. Consider development of a Master Plan for Art that identifies and prioritizes public art projects and locations throughout the City.

From 1984 to 1992, the City's Master for Public Art, a capital improvement project, provided a thoughtful approach to the strategic placement of public art throughout the community. Twenty-one sites were identified throughout Sunnyvale for the installation of public art and were selected using criteria established to provide maximum visibility and accessibility to the public. Sites identified in the master plan included the City Center, Community Center, and various park and open spaces in Sunnyvale. In addition to locating artwork geographically throughout the community, the Master Plan

worked to provide diversity in the City's public art collection by balancing representational art with abstract, three-dimensional work with two-dimensional, and artwork in a variety of media. Periodic review of the master plan was established to address changing priorities or interests of the community.

The master planning approach is an effective strategy to ensure that public art is located throughout the community in highly visible and strategic locations. Creation of a Master Plan for Public Art can serve as an essential framework for the expenditure of in-lieu fees held in the Public Art Fund by identifying and prioritizing potential locations for art, as well as the possible types of artwork and media. These goals would be developed in conjunction with the City's Arts Commission, with community input and interests in mind.

Action Items:

- *Amend Arts Commission 2012 Work Plan to add the development of a master plan for public art*
- *Direct staff to work with Arts Commission to develop a master plan for public art*

Community Outreach

A community outreach meeting was conducted on May 2, 2012, to solicit input from local property owners and developers. Twenty-one property owners, developers and architects associated with past, current or future non-residential projects in Sunnyvale were invited to attend. Of the 21 invitees, two individuals attended. Both of those individuals were part of either an architectural firm or business association; and, therefore, each represented a larger faction of property owners.

In general, both attendees agreed that broadening the conditions under which the Art In-Lieu Fee could be exercised was a positive alternative to the current regulation. They both concurred that placing artwork in municipal venues was more beneficial to the public, and that accessibility of artwork on private industrial properties was limited because the majority of community members do not frequent industrial/office parks in Sunnyvale. It was also suggested that, in most cases, the City was more equipped and knowledgeable about designing, siting and caring for public art than property owners.

Survey of Other Public Agencies with Art in Private Development In-lieu Fee Options

During preparation of this report, staff surveyed the cities and counties belonging to the Northern California Public Art Administrators Network (PAAN). Of the 18 agencies surveyed, 11 did not respond and 7 agencies responded that their city had a percent for art requirement for private development and an associated in-lieu fee option. (Please refer to Attachment G – Public Art In-Lieu Fee Survey – Bay Area Cities.) The following is a brief summary of the survey results:

- One (1) agency imposed restrictions on when property owners and developers could utilize the in-lieu fee option. Similar to Sunnyvale's current practice, the in-lieu fee could only be used in instances where there was no viable location for art.
- Three (3) agencies have, or are developing, a Master Plan for Public Art.
- One (1) agency specified that the public art project must reside within the "project zone."
- Acceptable expenditures of the in-lieu fees collected included public art, including administrative fees and site preparation for public art.
- No agencies permitted the in-lieu funds to be utilized for performing arts programming.

FISCAL IMPACT

Staff does not anticipate new administrative costs would be incurred by the City as a result of allowing developers to use the in-lieu fee option rather than place art on their development sites. Increased revenue in the Public Art Fund and the development of more art projects for public facilities, parks and open space would require additional staff time to administer the projects. However, any increase in staff hours for public projects would be offset by a reduction in current staff hours required to assist developers and property owners to obtain Arts Commission approval for AIPD projects.

Currently, developers providing public art on-site are required to maintain and repair their artwork as long as the art exists on the property. There will be additional maintenance costs associated with caring for any new works of art commissioned by the City. To provide resources to pay these costs in future years, an additional 1/10th of a percent (0.1%) could be added to the 1% construction valuation of a development project. This would provide resources to repair and maintain art purchased with in-lieu fees paid by developers. Another option, as discussed on pages 6 and 7, would be to absorb future maintenance costs; this would result in no fiscal impact, but would reduce the

amount of in-lieu monies directed toward the actual fabrication and/or installation of visual public art.

An Art Permit fee would not be required from developers who choose to exercise the in-lieu fee option of Municipal Code 19.52. The new fee will offset the cost of staff hours to administer the project.

It is anticipated that the fiscal impact associated with the sale or deaccessioning of art from the City's permanent collection would be minimal because it is anticipated that the reason most artwork is removed from the collection would be due to irreparable damage or deterioration.

PUBLIC CONTACT

Public Contact was made through posting of the Arts Commission agenda and Planning Commission agenda on the City's official-notice bulletin board, on the City's Web site, and the availability of the agenda and report in the Office of the City Clerk, Sunnyvale Public Library, Senior Center and Community Center.

Notice of Commission and Council meetings regarding this report was also distributed to the "Friends of Parks and Recreation" mailing list (a list of organizations and individuals who have expressed an interest in parks and recreation issues).

A community meeting was also held with interested businesses, developers and property owners on May 2, 2012, to solicit feedback on this issue. Staff also met with the Moffett Park Business Group's Board of Directors on this subject on May 14, 2012.

The Arts Commission conducted a public hearing on this item at their meeting on July 18, 2012. The Planning Commission conducted a public hearing on this item at their meeting on July 23, 2012.

ALTERNATIVES

The Council is being asked to take action on LCS 12-02 Review Effectiveness of Existing Art in Private Development Policies and Practices. The Council may vote to:

1. Allow developers and property owners the flexibility to choose without limitations whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee consistent with 1% of the construction valuation of covered projects. Approve amendments to Municipal Code 19.52 Art in Private Developments and Council Policy 6.4.3 - Art in Private Development.

2. Approve fee of an additional 1/10th of a percent (0.1%) of construction valuation of covered projects to be placed in a separate Art Maintenance Fund to provide resources for repair and maintenance of art purchased with in-lieu fees.
3. Approve amendments to Council Policy 6.4.4. Art in Public Construction and direct staff to:
 - Implement guidelines for deaccessioning artwork from the City's Permanent Art Collection;
 - Develop guidelines to further define the parameters under which the Public Art Funds can be used;
 - Direct staff to develop a Master Plan for Public Art to identify potential public art projects and prioritize public art locations for funding, and;
 - Change title of policy to *Art in Public Places*.
4. Take no further action related to the Effectiveness of Existing Art in Private Development In-Lieu Fee Option Study Issue.
5. Direct staff to take some other action related to the City's public art policy.

RECOMMENDATION

Staff recommends Alternatives 1, 2 and 3.

Staff recommends Alternative 1 – Allow property owners to make an in-lieu contribution to the City's Public Art Fund, instead of placing art on site, even when there is an appropriate location for art. Approve amendments to Municipal Code 19.52 Art in Private Developments and Council Policy 6.4.3 - Art in Private Development. The in-lieu fee contribution will be beneficial for developers who are restricted by either a lack of appropriate space or limited art budgets because only a portion of their development is subject to the public art requirement. It will also provide funding for City public art projects that may be more accessible to the general public as compared to public art in predominately commercial and industrial neighborhoods. Additionally, public art commissioned through the Public Art Fund may provide a beneficial cultural art element to a larger audience. The artwork would also become part of the City's Permanent Art Collection, ensuring that the artwork is properly maintained and cared for.

Staff recommends Alternative 2 – Adopt an additional 1/10th of a percent (0.1%) fee for developers exercising the in-lieu fee option. These resources will

be set aside in a separate Art Maintenance Fund to repair and maintain art purchased using in-lieu fees.

Staff recommends Alternative 3 – Approve amendments to Council Policy 6.4.4. Art in Public Construction and direct staff to:

- Implement guidelines for deaccessioning artwork from the City's Permanent Art Collection;
- Develop guidelines to further define the parameters under which the Public Art Funds can be used;
- Direct staff to develop a Master Plan for Public Art to identify potential public art projects and prioritize public art locations for funding, and;
- Change title of policy to *Art in Public Places*.

The addition of a deaccession component will provide a comprehensive and consistent manner for dealing with the removal of publicly owned artworks. Deaccessioning policies are standard for museums, galleries, universities, and government organizations that oversee and manage a public art collection.

If the Council approves the in-lieu fee option as it is proposed in this Study Issue, there will be increased resources available through the Public Art Fund to develop community-based public art projects. Clearly defining the types of projects that can be supported by Public Art Funds and developing a Master Plan for Public Art projects will enable staff to develop and implement public art projects that are community driven and meaningful to the residents of Sunnyvale, as well as strategically integrated into the city's public landscape to provide the greatest accessibility and visibility for the public. Strategically prioritizing goals and locations for public art will keep the City's public art programs proactive and relevant and contribute to the City's identity and reputation as a cultural arts center.

Staff recommends the title change for Council Policy 6.4.4. to *Art in Public Places* (from Art in Public Construction) because adoption of the revised policy broadens its scope from a 1% set-aside for art in eligible construction projects to include acquisition of visual art for any public facility or park without a capital improvement project triggering the acquisition.

The Arts Commission reviewed a draft of this report at its meeting on July 18, 2012, and voted 4-1 (Commissioner Karun dissented.) to recommend that City Council support staff's recommendation, Alternatives 1, 2 and 3. The Commission's recommendation was based on the current economic climate and what they believe to be in the best interest of the City. Commissioner Karun dissented because she does not believe that developers should have complete flexibility to choose either artwork or the in-lieu fee. She said developers should generally be required to have artwork on site and the in-lieu fee exercised as an option for sites that cannot accommodate art. The way the revised regulation is worded developers will have complete authority as to whether or not to put artwork on their development site. (Attachment H, Draft Minutes of the July 18, 2012, Arts Commission Meeting)

The Planning Commission reviewed a draft of this report at its meeting on July 23, 2012, and voted 4-1 (Commissioner Melton dissented.) to recommend that City Council approve staff's recommendation, Alternatives 1, 2 and 3. The Commission's recommendation was based on the observation that allowing an in-lieu fee option would provide the City with resources to acquire and place art in more public settings than some of the previous development sites. Commissioner Melton dissented because he believes that developers should be required to place artwork on the development of site to achieve the goals outlined in the ordinance.

The Planning Commission also commented on their hope that developers will "self-regulate" and not use the in-lieu fee alternative for every project. The Commission also discussed the fact that public art could still be required on private development sites as a condition of development. They also suggested that it might be appropriate to conduct a policy study in the future to determine whether or not the 1% for art requirement should apply to large-scale residential developments as well, given the number of mixed use projects anticipated in the future. (Attachment I, Draft Minutes of the July 23, 2012, Planning Commission Meeting)

Both commissions stressed the importance and value of developing a master plan for public art as proposed in this report. A master plan would be used to guide the City's use of in-lieu fees in the future and ensure that funds do not sit unspent.

Reviewed by:

Lisa G. Rosenblum, Director, Library and Community Services
Prepared by: Nancy Bolgard Steward, Community Services Superintendent

Hanson Hom, Director, Community Development

Grace Leung, Director, Finance

Approved by:

Gary M. Luebbers
City Manager

Attachments

Attachment A	Study Issue LCS 12-02 Review Effectiveness of Existing Art in Private Development Policies and Practices
Attachment B	Summary of Public Art Fund
Attachment C	Municipal Code 19.52 Art in Private Developments
Attachment D	Council Policy 6.4.3 Art in Private Development
Attachment E	Council Policy 6.4.4 Art in Public Construction with Modifications Highlighted
Attachment F	City of Sunnyvale Permanent Art Collection
Attachment G	Public Art In-Lieu Fee Survey – Bay Area Cities
Attachment H	Draft Minutes of the Arts Commission Meeting of July 18, 2012
Attachment I	Draft Minutes of the Planning Commission Meeting of July 23, 2012

2012 Council Study Issue

LCS 12-02 Review Effectiveness of Existing Art in Private Development Policies and Practices

Lead Department Library and Community Services

History 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

Since the adoption of the Art in Private Development regulation in 1990 and a Council Policy requiring art in public construction projects in 2002, there has been periodic interest in revisiting specific aspects of the regulation. This study will review the City's current Council Policies 6.4.3 and 6.4.4 (Art in Public Construction and Art in Private Development), as well as Municipal Code Chapter 19.52. - Required Artwork in Private Developments. Council proposed the study on November 15, 2011 following a discussion that occurred during City Council interviews with prospective Arts Commission candidates on November 1, 2011.

In-lieu fees were initially considered when the art in private development regulation was adopted into the City's municipal code. However, at that time an emphasis was placed on requiring developers to incorporate public art into their non-residential projects as a means of mitigating the sense of uniformity and loss of human scale that often accompanies commercial and industrial development projects. Public art can be an effective way to enhance the visual landscape of a community. Currently, developers may apply to the Director of Community Development for a waiver that allows them to pay a fee equal to 1% of the construction valuation of a development, including building and tenant improvements, and excluding the cost of land and site improvements.

This study will re-evaluate the City's current emphasis on requiring developers to provide public art at the development site rather than permitting payment of in-lieu fees to the City's Public Art Fund. The Public Art Fund supplements the City's art in public places program. The existing regulation allows developers to pay an in-lieu fee as a means of satisfying the public art requirement, but only under limited circumstances. Qualifying projects may include, but are not limited to the following conditions:

- Properties that have an obstructed view corridor from the public right-of-way due to existing landscaping, utility poles or existing buildings on adjacent property.
- Properties that do not have an artwork location near the main entrance or street, either due to lack of space, existing trees and landscaping, required public easements, or existing utility pipes and electrical boxes.
- Properties that lack a publicly visible location for art due to security restrictions.
- Properties that do not have adequate space to incorporate public art.

Very few developments meet this limited criterion. Re-evaluating the City's intent behind the art in private development regulation could result in changes that provide developers additional flexibility, as well as to enhance the City's public art program in municipal facilities and parks by expanding the funding base.

2. How does this relate to the General Plan or existing City Policy?

General Plan Policy CC1.1 Identify the boundaries of the City with attractive and distinctive

features.

General Plan Policy CC-1.8 Provide and encourage the incorporation of art – both functional and decorative – in public and private development.

General Plan CC-1.8e Continue to acquire public artworks which contribute to the public identity of outdoor places and provide pleasure and enrichment for Sunnyvale residents.

General Plan Goal CC-4.a Provide public facilities which are accessible, attractive and add to the enjoyment of the physical environment.

3. Origin of issue

Council Member(s) Councilmembers Griffith and Moylan

4. Staff effort required to conduct study Minor

Briefly explain the level of staff effort required

Approximately 65 hours of staff time would be required to conduct the study. This includes time spent updating research and analysis from 2002 public art policy study. This would require input from three City departments (Library and Community Services, Community Development, and Office of the City Attorney. Staff work will include preparation of a Report to Council, and public hearings before the Arts Commission and Planning Commission.

5. Multiple Year Project? No Planned Completion Year 2012

6. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? Yes

If so, which? Arts Commission, Planning Commission

Is a Council Study Session anticipated? Yes

7. Briefly explain if a budget modification will be required to study this issue

Amount of budget modification required

Explanation

No budget modification will be required because staff time to conduct the study can be absorbed within the City's operation budget.

8. Briefly explain potential costs of implementing study results, note estimated capital and operating costs, as well as estimated revenue/savings, include dollar amounts

Are there costs of implementation? Yes

Explanation

No additional costs are anticipated to implement potential study results. Staff time used to work with developers in the past will be repositioned to coordinate the creation and installation of art in public facilities and parks. Staff would be responsible for developing public art projects, selecting or recruiting artists and artwork, and installation of the artwork. Staff has reviewed the art in private development projects over the past four years. If the existing in-lieu fee policy was modified to provide more flexibility to developers, an average of \$160,000 could be deposited to

the City's Public Art Fund if every developer chose to pay the in-lieu fee, rather than include art in their developments.

9. Staff Recommendation

Staff Recommendation Support

If 'Support', 'Drop' or 'Defer', explain

Staff recommends study of this issue in 2012. The art in private regulation and the Council Policies related to public art in private development and public construction projects were most recently visited in 2001 and 2002. City Council established an in-lieu fee option for developers in 2002; however, it was determined that the art in private development regulation would focus on the provision of art within actual private development projects. Since that time, the in-lieu fee option has permitted developers to pay a fee to the City only under limited conditions, and the fees have been used to acquire art for parks and municipal facilities. Use of the in-lieu fee option requires a waiver from the Director of Community Development and is the exception, rather than the rule. This study would potentially provide more flexibility to developers and additional funding for the creation and installation of art in public places.

Reviewed by

Approved by

Lisa D. Wosnitzer 12/7/11
Department Director Date

[Signature] 12-8-11
City Manager Date

Public Art Fund Summary – 890170

April 19-2012

Revenues

FY	OL3	Object Level Title	Description	Total
2004	2349	Public Arts Revenues	Plaza Project Public Art	\$13,420
2004	2349	Public Arts Revenues	Toyama Ptnrs Donation	\$5,000
		Interest On		
2004	3355	Investments	Interest Distribution	\$511
			CR022301/25 Dollinger frm GL	
2005	2349	Public Arts Revenues	4023	\$4,413
		Interest On		
2005	3355	Investments	Interest Distribution	\$656
		Interest On		
2006	3355	Investments	Interest Distribution	\$942
2007	2349	Public Arts Revenues	ART IN-LIEU FEE-verizon	\$143,700
2007	2349	Public Arts Revenues	TO 890180 CR931291/193	(\$28,700)
		Interest On		
2007	3355	Investments	Interest Distribution	\$6,437
		Interest On		
2008	3355	Investments	Interest Distribution	\$6,181
		Interest On		
2009	3355	Investments	Interest Distribution	\$3,523
		Interest On		
2010	3355	Investments	Interest Distribution	\$1,541
		Interest On		
2011	3355	Investments	Interest Distribution	\$1,041
		Interest On		
2012	3355	Investments	Interest Distribution	\$747
Total Revenue				\$159,412

Expenditures

FY	OL3	Object Level Title	Description	Total
2007	5300	Professional Services	Work-Columbia Ctr Art Work	\$5,865
Total Expenditures				\$5,865

Account Balance \$153,547

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE REPEALING CHAPTER 19.52
(REQUIRED ARTWORK IN PRIVATE DEVELOPMENTS)
AND ADDING CHAPTER 19.52 (ART IN PRIVATE
DEVELOPMENT) OF TITLE 19 (ZONING) OF THE
SUNNYVALE MUNICIPAL CODE**

SECTION 1. CHAPTER 19.52 REPEALED. Chapter 19.52 (Required Artwork in Private Developments) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby deleted in its entirety.

SECTION 2. CHAPTER 19.52 ADDED. Chapter 19.52 (Art in Private Development) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as set forth in Exhibit "A" attached and incorporated by reference.

SECTION 3. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

Michael D. Martello, Interim City Attorney

Chapter 19.52
ART IN PRIVATE DEVELOPMENT

19.52.010	Findings and Purpose
19.52.020	Applicability
19.52.030	Art Requirement
19.52.040	Standards for Art
19.52.050	Art Permit
19.52.060	Master Art Permit
19.52.070	Installation and Maintenance Requirements
19.52.080	Establishment of the Public Art Fund

19.52.010 Findings and Purpose

(a) **Findings.** The city council makes the following findings:

- (1) The City's visual and aesthetic quality has a significant impact on property values, economic well-being and orderly development;
- (2) Development of large-scale or highly visible sites contributes to the City's unique character;
- (3) The incorporation of publicly visible art on large-scale sites, highly visible intersections or spaces that are publicly accessible within private developments enhances the City's visual and aesthetic quality and creates a unique sense of community and self-image; and
- (4) Providing art mitigates an undesired and potentially deleterious sense of uniformity and loss of human scale and orientation and is in the public interest.

(b) **Purpose.** This chapter regulates and establishes standards for inclusion of art in private development.

19.52.020 Applicability

(a) **Major Intersection.** Non-residential development, including hotels, shall provide art when located at a major street intersection listed in this section. A lot is located at one of the referenced intersections if the lot has frontage along both of the streets forming the intersection. The development may include either new construction of a main building of any size, an addition of at least 10,000 square feet to a main or accessory building, or new construction of an accessory building.

1. El Camino Real and Wolfe Road
2. El Camino Real and Remington Drive / Fair Oaks Avenue
3. El Camino Real and Sunnyvale Avenue / Sunnyvale Saratoga Road
4. El Camino Real and Mathilda Avenue
5. Central Expressway and Lawrence Expressway
6. Central Expressway and Mary Avenue
7. Mathilda Avenue and State Highway 101
8. Mathilda Avenue and State Highway 237
9. Lawrence Expressway and State Highway 237
10. Lawrence Expressway and State Highway 101

(b) **Lots of 2 Acres or More.** Non-residential development, including hotels, shall provide art when located on any lot of 2 acres or more. The development may include either new construction of a main building of any size, an addition of at least 30,000 square feet to a main or accessory building, or new construction of an accessory building. If more than one lot is developed jointly or as an integrated project, the requirements of this chapter apply if the

aggregate lot area is 2 acres or more, regardless of whether the property is under common ownership.

(c) **Phased Projects.** In the event of construction occurring over a period of time, projects become subject to this chapter when the aggregate floor area of all construction reaches the specified levels.

(d) **Public Interest.** Art may be required for any proposed project, including those not mentioned in this section when deemed in the public interest.

19.52.030 Art Requirement

(a) **Provision of Art.** Projects shall provide publicly visible art on-site that is equal in value to 1% of the project construction valuation.

(b) **Building Valuation.** Building permit valuation is determined by the chief building official using the city building permit valuation formula. Valuation of development projects includes the construction of the building shell. Valuation does not include land acquisition, site improvements, parking structures, off-site improvements or tenant improvements. In the event of multi-phased development, valuation is based on the cost of all phases, even though all phases may not be completed at the same time.

(c) **Art Valuation.** When calculating the value of an art to be placed on a private development site, eligible costs include:

- (1) Purchase price of the art;
- (2) Art consultant fees;
- (3) Installation costs, including transportation of the art to the site, pedestals or display costs;
- (4) Wiring, fixtures and other costs directly related to the installation of lighting the art; and

(5) Identification plaque.

(6) Ineligible costs include land acquisition, site preparation, travel costs for the artist, architect fees, utility fees associated with the installation or operation of the art, fees associated with dedication ceremonies, publicity, or educational components and maintenance fees and repairs.

(d) **Art Valuation Remainders.** In some instances the cost of artwork may not equate precisely to 1% of the construction valuation. If the developer does not spend the entire 1% on public art, then the remaining amount shall be contributed to the Public Arts Fund.

(e) **Alternative to Provision of Art.** Developers may choose to make a contribution to the Public Art Fund in-lieu of placing art on their project site. Developers shall allocate an in-lieu amount equal to 1.1% of the building valuation. The additional 0.1% is to be used for maintenance of art provided through the Public Art Fund. The in-lieu fee shall be paid prior to issuance of the building permit.

19.52.040 Standards for Art

Proposed art in private development shall meet the criteria in this section. The arts commission may allow modifications that are consistent with the intent of this chapter.

(a) **Type of Art.** Art should be one significant piece of art, except that requirement may be met with several works of art when specifically found by the arts commission to fulfill the intent of this chapter. The nature and style of the art is considered in the context of other similar art in the surrounding area to encourage a wide range of types of art, styles and materials in order to create a balanced and interesting artistic and aesthetic appearance. The following types of art are permitted as long as they are on a large public scale:

- (1) Sculpture: in the round, bas-relief, mobile, fountain, kinetic, electronic, or other, in any material or combination of materials;
- (2) Painting: all media, including permanently affixed works, such as murals;
- (3) Graphic arts: printmaking, drawing, calligraphy and photography, but only when on a large public scale;
- (4) Mosaics;
- (5) Glass;
- (6) Clay, fiber and textiles, wood, metal, plastics and other materials;
- (7) Mixed media: any combination of forms or media, including collage. Water, neon, fiber optic and electronic sculpture generally should not be encouraged due to difficulty of maintenance. Such art may be permitted if adequate assurance of continued maintenance is provided.
- (8) Functional art created by a professional artist, such as benches, tree grates and trash receptacles; or,
- (9) Any other form of work of art determined to satisfy the intent of this chapter.
- (10) Ineligible Works. The following do not meet the requirements for art in private development:
 - (i) Artwork that is similar to, reminiscent of or based on a corporate logo;
 - (ii) Reproductions by mechanical or other means of original works of art. Permitted art may include, however, limited editions controlled by the artists of original prints, cast sculpture, photographs and other art forms;
 - (iii) Directional or other functional elements such as supergraphics, signing, color coding, except where these elements are integral parts of original signed arts;
 - (iv) Art objects which are mass produced from a standard design, such as playground equipment, fountains, flags or banners; and,
 - (v) Landscaping and gardening, except where these elements are designed by the artists and are an integral part of a fine art.
- (a) **Artist Qualifications.** The artist is required to have experience and knowledge of monumental-scale art intended for public viewing. The artist's qualifications will be evaluated and examples of past work may be reviewed to determine whether or not the artist has appropriate experience for the project.
- (c) **Artistic Preference.** The determination of artistic preferences is primarily a function of the owner or developer of the property. It is the intent of this chapter to provide for the public display of private art on private property without substituting the artistic preferences of the city for those of the owner or developer of the property.
- (d) **Visibility and Locations.** Appropriate locations may include, but are not limited to, vehicular entryways to the property, plazas, greenbelts and building facades. The location selected should allow reasonable accessibility to the art, including visibility of the art from the public street. The location shall be exterior and installation of the art piece shall enhance the art and allow for unobstructed public viewing from as many angles as possible. When located in proximity to major traffic thoroughfares, the art should be at a motorist's scale and oriented toward the view corridor of the motorist. The art shall be an integral part of the landscaping and/or architecture of the buildings.
- (e) **Proportional Size.** The art shall be proportional to the scale of the development and designed to create an artistic, visual and aesthetic impact upon observers. Particularly in locations on major thoroughfares and major intersections, the art should be of such size and nature as to strengthen the urban design and aesthetic quality of life in the community.
- (f) **Inoffensive.** Because the art will necessarily be highly visible to the public, will be associated with city requirements and because the traveling public will have no real opportunity

to avoid the visual aspects of the art, expressions of obvious bad taste or profanity is prohibited. It is the intent of this criterion to address proposed art which by its nature would generally be considered offensive to the public.

(g) **Permanence.** The art shall be a permanent, fixed asset to the property. The composition of the art shall be of permanent materials requiring a low level of maintenance. Materials used shall be durable and weather resistant.

19.52.050 Art Permit

(a) **Art Permit Required.** An art permit is required for installation of art in private development. The art permit shall be obtained prior to building permit occupancy. In phased projects, the Director retains discretion as to which building permit triggers the need for the Art Permit application.

(b) **Application.** The Art Permit application shall contain the following information:

- (1) An application signed by the owner of the affected property;
- (2) Landscape and site plans indicating the location and orientation of the art, signage, utility boxes, fire suppression systems, and the landscaping and architectural treatment integrating the piece into the overall project design;
- (3) Color elevation rendering clearly showing the artwork to scale in relation to its surroundings;
- (4) A sample, model, or photograph and “to-scale” drawings or renderings of the proposed art piece;
- (5) Material samples and finishes;
- (6) A resume of the proposed artist including slides or photographs of the proposed artist’s past work which demonstrates similar work to the proposal;
- (7) A written statement by the artist describing any theme or development of the art, as well as a discussion of the manner in which the proposed art meets the criteria in Section 19.52.040 (Standards for Art);
- (8) A lighting plan including samples of lighting fixtures; and
- (9) Other information as required by the superintendent of community services.

(c) **Finding.** The proposed art is consistent with the Section 19.52.040 (Standards for Art) and the purpose of this chapter.

(d) **Decision.** The application, along with the recommendation of the superintendent of community services, will be forwarded to the arts commission for review and action at a public hearing. The arts commission, based on the finding, may either:

- (1) Approve the permit as requested or conditioned to meet the requirements of this chapter; or
- (2) Deny the permit.

(e) **Appeals.** Actions of the arts commission may be appealed by any person, including an arts commissioner or city councilmember. Written appeals shall be filed within 15 calendar days of the date of the action. The appeal shall state the grounds for the appeal. All proceedings initiated by the action of the arts commission will be suspended pending a final determination by the city council of the appeal’s merits at a public hearing. The city council, based on the finding, may either:

- (1) Approve the permit as requested or conditioned to the requirement of this chapter;
- or
- (2) Deny the permit.

(f) **Failure to Act.** Failure of the arts commission to act on a permit application within 60 calendar days, or an extended period as mutually agreed upon by the applicant and the arts commission is deemed a denial of the application. Denial may be appealed to the city council in

accordance with this section. The superintendent of community services shall send a notice of the action to the applicant. Failure to send notice does not affect the arts commission action or extend any appeals period.

Section 19.52.060 Master Art Permit

- (a) **Applicability.** Development of any property having an aggregate area of more than 50 acres may apply for a Master Art Permit. Development may occur at one time or in phases and shall consist of contiguous lots.
- (b) **Application.** Application for a Master Art Permit is filed in the same manner as an Art Permit, except that the application does not need to specifically identify each particular piece of art proposed.
- (c) **Content.** The Master Art Permit may define the total obligation to provide art and include information on the quantity, type, orientation and timing of installation of the proposed art. The Master Art Permit may waive Art Permit requirements for individual installations.
- (d) **Decision.** Decisions require a city council hearing after recommendation by the arts commission.

19.52.070 Installation and Maintenance Requirements

- (a) **Timing of Installation.** If art installation is impracticable prior to the anticipated date of building occupancy, the Director may allow building occupancy provided that the art permit has been issued and the applicant has filed with the city adequate security to guarantee installation of the art. The security may take the form of a bond, letter of credit, cash deposit, or similar security instrument, along with an agreement to install the required art in such amount and form as is acceptable to the Director.
- (b) **Permit for Installation.** The applicant shall obtain a building permit for the art.
- (c) **County Recordation.** Prior to completion of the art installation, a document shall be recorded with the county containing a description of the art and noting the obligation of present and future property owners to maintain and repair the art.
- (d) **Plaque Required.** Each piece of art shall provide an appropriate identification plaque or monument measuring at least 8 inches by 8 inches. The plaque shall be made of cast metal and be placed near the art piece. Information is limited to the date, title and artist. The requirement of this section may be waived if determined in a particular circumstance to be inconsistent with the intent of this chapter.
- (e) **Maintenance.** Art shall be maintained in good condition after its installation. Maintenance of the art includes related landscaping, lighting and the identification plaque. Violation of the maintenance requirements may result in the imposition of administrative fines and penalties under Chapter 1.06 (Administrative Fines and Penalties) and may include the City's cost of maintaining or repairing the art.
- (f) **Removal.** Removal of required art is prohibited without the City approval. The City may require replacement of the art. Removal or replacement of art shall comply with Section 19.52.050 (Art Permit).

19.52.080 Establishment of the Arts Funds

The city council authorizes the establishment of two funds for the deposit of all fees paid under to this chapter.

- (a) **Public Arts Fund.** This fund uses 1% of the construction valuation for the acquisition and installation of the art and administration of the public art program, including but not limited to improvements, site preparation, lighting and landscaping.

(b) **Art Maintenance Fund.** The 0.1% of the construction valuations shall be set aside in the art maintenance fund for repairing and maintaining art purchased by the in-lieu fee.

RESCIND

Deleted: Policy 6.4.3 Art in Private Development

POLICY PURPOSE:

~~The purpose of this policy is to ensure the inclusion of art on private property by establishing uniform guidelines and procedures.~~

POLICY STATEMENT

~~This policy provides uniform guidelines for art in private development within the Sunnyvale community. In particular:~~

- ~~1. A 1% flat fee of construction costs for all projects subject to the Art in Private Development requirement;~~
- ~~2. An in lieu fee option for projects that lack an appropriate location for public art.~~
- ~~3. Developments subject to the Art in Private Development requirement shall be required to provide publicly accessible artwork in an amount equal to 1% of the valuation of an eligible development project including building and tenant improvements. The following types of costs are typically excluded from the project valuation; land acquisition, site improvements, such as grading and costs associated with off site improvement costs beyond the property line, such as moving power lines, adding a traffic light or right turn lane, or relocating a historical landmark to another location, will be excluded.~~

ELIGIBLE PROJECTS

~~All nonresidential development projects (including hotel and motel developments) involving construction of new buildings or the expansion of existing buildings on property subject to Chapter 19.52 of the Sunnyvale Municipal Code.~~

DEFINITIONS

- ~~1. Building Permit Valuation: The City's building permit valuation formula as referenced in Title 16 of the Sunnyvale Municipal Code will be used as the basis for calculating the required expenditure for public art. Valuation is based on the building standards published by the International Conference of Building Officials (ICBO), as adopted by the State of California.~~
- ~~2. In Lieu Fee Option: Developers of projects that lack an appropriate location for public art may apply to the Director of Community Development for a waiver that would allow them to contribute an in lieu fee of 1% of the construction valuation of a development, including building and tenant improvements, and excluding the cost of land site improvements. Such projects may include, but are not limited to the following conditions:~~
 - ~~A. Properties that have an obstructed view corridor from the public right of way due to existing landscaping, utility poles or existing buildings on adjacent property.~~
 - ~~B. Properties that do not have an artwork location near the main entrance or street, either due to lack of space, existing trees and landscaping, required public easements, or existing utility pipes and electrical boxes.~~

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- ~~C. — Properties that lack a publicly visible location for art due to security restrictions.~~
- ~~D. — Properties that do not have adequate space to incorporate public art.~~
- ~~3. — Public Art Fund: In lieu fees will be contributed to the Public Art Fund administered by the Department of Parks and Recreation. In lieu fees from the Public Art Fund may be used to:~~
 - ~~A. — Create community art projects.~~
 - ~~B. — Install public art on public property such as parks or the grounds of public facilities such as the Community Center and Civic Center.~~
 - ~~C. — Install public art in the interior of public buildings that are deemed to be areas of concentrated public activity such as the lobbies and public areas of the Library, City Hall buildings and Community Center buildings.~~
 - ~~D. — Install public art at City gateways and focal points or other high profile locations identified in the Master Plan for Public Art.~~
- ~~4. — Artwork Valuation: When calculating the value of an artwork to be placed on a private development site, eligible costs will include:~~
 - ~~A. — The purchase price of the artwork~~
 - ~~B. — Art consultant fees~~
 - ~~C. — Transportation of the artwork to the site~~
 - ~~D. — Installation of the artwork~~
 - ~~E. — Pedestals or display costs~~
 - ~~F. — Lighting for the artwork and utility fees associated with installation and/or operation of the artwork~~
 - ~~G. — Identification plaque~~

~~Ineligible costs include:~~

 - ~~A. — Land acquisition~~
 - ~~B. — Site preparation~~
 - ~~C. — Travel costs for the artist~~
 - ~~D. — Architect fees~~
 - ~~E. — Utility fees associated with the installation or operation of the artwork~~
 - ~~F. — Fees associated with dedication ceremonies, publicity, or educational components~~
 - ~~G. — Maintenance fees and repairs~~

PROCESS

- ~~1. — Verification of the eligible costs associated with the acquisition and installation of artwork required under the terms of the Sunnyvale Municipal Code must be submitted to the Director of Community Services or his/her designee.~~

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- ~~2. Process for Artwork Valued at Less than One Percent (1%): Developers will not be prohibited from the acquisition and installation of artwork valued at less than the one percent (1%) required expenditure provided the proposed artwork meets all remaining criteria of the Art Private Development Ordinance and the applicant contributes to the Public Art Fund the difference between one percent (1%) of the construction valuation of the project as described in Sub-section A and the cost of the artwork as calculated in Sub-section F.~~

~~(Adopted RTC 02-136 (5/7/02); Revised for clarity (4/9/07); Administrative update (March 2012))~~

~~Lead Department: Department of Community Services~~

Policy 6.4.4 ~~Art in Public Places~~**Deleted: Art in Public Construction Projects****POLICY PURPOSE**

The purpose of this policy is to ensure **uniform guidelines and procedures for** the inclusion of **publicly accessible art on public properties, and to establish** ~~by establishing uniform guidelines and procedures for eligible municipal projects and to provide~~ uniformity between the requirement for art in **public municipal** construction projects with the requirement for art in private development projects. Additionally, this policy will also provide uniform procedures and guidelines for the permanent removal or deaccession of a city-owned public art piece.

POLICY STATEMENT

In 2002, the City Council reviewed the status, intent and effectiveness of public art policy in Sunnyvale and approved a policy to require art in public construction projects under certain circumstances.

In 2012, the Council again reviewed the effectiveness of existing public art policy and voted to amend the current policies to include a deaccessioning policy for the City's Permanent Art Collection, as well as to further define project eligibility for subsidies from the City's Public Art Fund.

DEFINITIONS

1. Art: The conscious use of skill and creative imagination in the production of aesthetic objects.
2. Public Art: Artwork that **is publicly accessible and** is located in a building or on a site ~~is located in a public building or on public property~~ that allows an unobstructed view of the artwork. **The artwork can be located on either public properties or private properties.**
3. Public Areas: Any public gathering place including, but not limited to; public plazas, the library, parks and park buildings, police and fire stations, community, neighborhood and senior centers, public transportation centers, and civic centers.
4. Publicly Funded Projects: All construction funded by public or taxpayer funds.
5. ~~Eligible Projects:~~
 - A. ~~All aboveground publicly funded public buildings or public open space projects within City jurisdiction with a construction valuation of \$1,000,000 or more. This includes the development or renovation of all public facilities, as well as; parks, street medians, City gateways, public plazas and any other locations identified in the Master Plan for Public Art developed in accordance with Council direction.~~
 - B. ~~All construction or renovation projects of \$100,000 or more in facilities such as:~~
 - ~~Sunnyvale Community Center~~
 - ~~Sunnyvale Civic Center complex including Library and Public Safety Building~~

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- ~~Fire Stations~~
 - ~~Columbia Neighborhood Center~~
 - ~~Neighborhood Park Buildings~~
 - ~~Water Pollution Control Plant and SMART Station~~
 - ~~Focal points and gateways into the community~~
 - ~~Any future City buildings that are comparable in nature~~
6. ~~Exempt Projects: All underground projects, utility (including water) projects, streets and sidewalks, trees and landscaping, utility relocation, seismic upgrades, mechanical and electrical work, traffic improvements (such as traffic lights, crosswalks and traffic calming measures), and construction due to fire or other natural calamities.~~
7. ~~Eligible Costs: Acquisition of artwork, staff and consultant costs associated with the acquisition and installation of the artwork, artist and design fees, artist travel, transportation and installation of artwork, lighting, landscaping directly associated with the artwork and identification plaques. Any costs related to utility relocations, site preparation and staff time directly associated with the installation of an artwork are also eligible.~~
8. ~~Non eligible Costs: Architect and engineering fees, site preparation (including utility relocation), landscaping, and public works and community development staff costs not directly associated with the artwork.~~
5. Public Art Fund: A fund established to create community art projects or to purchase artwork for installation on the interior or exterior of public buildings, or other such public property, such as parks, the grounds of public facilities, or community gateways. The Public Art Fund is administered by the Department of Community Services and receives funding through in-lieu fees for art. Public Art Funds may be used to support eligible projects:
- A. Create community art projects for **installation on public property.**
 - B. Install public art on public property such as parks or the grounds of public facilities such as the Community Center and Civic Center.
 - C. Install public art in the interior of public buildings that are deemed to be areas of concentrated public activity such as the lobbies and public areas of the Library, City Hall buildings and Community Center buildings.
 - D. Install public art at City gateways and focal points or other high profile locations identified in the Master Plan for Public Art.
 - E. **Install temporary or rotating art exhibits on public property.**
 - F. **Subsidize public art projects required through municipal construction projects and located on public property.**

6. ~~Project Valuation:~~ The City's building permit valuation formula as set forth in Title 16 of the Municipal Code will be used as the basis for calculating the required expenditure for public art. The formula is based on the building standards published by the International Conference of Building Officials. In the case of park and open space projects, the one percent (1%) requirement will be calculated based on the total project budget, excluding administrative costs.

~~107. Artwork Valuation~~ **Required Expenditure Valuation:** When determining whether or not the 1% required expenditure has been met, the following costs can be included: calculating the value of an artwork to be incorporated into a public project, eligible costs include:

- A. The purchase price of the artwork
- B. Art consultant fees
- C. Travel costs for the artist
- D. Transportation of the artwork to the site
- E. Installation of the artwork
- F. Site preparation costs directly associated with installation of the artwork
- G. Landscaping that is integral to the artwork
- H. Pedestals or display costs
- I. Lighting for the artwork and utility fees associated with installation and/or operation of the artwork
- J. Identification plaque

Ineligible costs include:

- A. Land acquisition
- B. Site preparation
- C. Architect fees
- D. Fees associated with dedication ceremonies, publicity, or educational components
- E. Maintenance fees and repairs

- 8. **Public Art Collection:** The collection of artwork either donated to the City, or purchased through public funds, which is owned and maintained, in trust for the public, by the City of Sunnyvale.
- 9. **Deaccession:** The process to permanently remove an artwork from the City's Public Art Collection.
- 10. **Disposal:** Any method used to transfer ownership of the deaccessioned piece to another entity, either through sale, donation, trade or destruction.
- 11. **Conservation:** The broad concept of care necessary to maintain an artwork in good condition.
- 12. **Preservation:** Actions taken to prevent deterioration of damage in artworks.
- 13. **Restoration:** The treatment of deteriorated or damaged artwork to approximate as nearly as possible its original (or artist-intended) form, design, color and function.

Deleted: Public Art Fund: A fund established to create community art projects or to purchase artwork for installation on the interior or exterior of public buildings, or other such public property, such as parks, the grounds of public facilities, or community gateways. The Public Art Fund is administered by the Department of Community Services and receives funding through in-lieu fees for art. Eligible projects include:

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96.

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~~PROCESS~~ ART IN MUNICIPAL CONSTRUCTION PROJECTS

Eligible **municipal construction** projects are required to integrate public art. The artwork shall be located in publicly visible areas either inside a public building or on public property. ~~Eligible projects will be required to provide artwork valued at one percent (1%) of the valuation of an eligible project.~~ The artwork shall be valued at an amount equal to 1% of the project valuation within a variance of ten percent.

PROJECT ELIGIBILITY

Eligible Projects:

- A. All aboveground publicly funded ~~public~~ buildings or public open space projects within City jurisdiction with a construction valuation of \$1,000,000 or more. This includes the development or renovation of all public facilities, as well as; parks, street medians, City gateways, public plazas and any other locations identified in the Master Plan for Public Art developed in accordance with Council direction.
- B. All construction or renovation projects of \$100,000 or more in facilities such as:
 - Sunnyvale Community Center
 - Sunnyvale Civic Center complex including Library and Public Safety Building
 - Fire Stations
 - Columbia Neighborhood Center
 - Neighborhood Park Buildings
 - Water Pollution Control Plant and SMART Station
 - Focal points and gateways into the community
 - Any future City buildings that are comparable in nature

6.Exempt Projects: All underground projects, utility (including water) projects, streets and sidewalks, trees and landscaping, utility relocation, seismic upgrades, mechanical and electrical work, traffic improvements (such as traffic lights, crosswalks and traffic calming measures), and construction due to fire or other natural calamities.

~~The in-lieu fee alternative available to private developers applies to public construction projects at the discretion of the Director of Public Works. If the in-lieu option is exercised, the funds will be placed in the Public Art Fund for acquisition and installation of art on public property or in public buildings at a later date.~~

ASSIGNMENT OF RESPONSIBILITIES

4.The Director of Public Works and the Director of Library and Community Services, or their designees shall be responsible for identifying municipal construction and renovation projects that meet the conditions of this policy and will be required to provide public art.

The Director of Library and Community Services, or his/her designee shall be responsible for initiating public art projects that are not required through municipal construction, but that have

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been designated as eligible for funding from the Public Art Fund, in accordance with the City's approved Master Plan for Art.

1. Review Process for Art in Public Places:

A. **Project review Committee:** ~~A project review~~ This committee will coordinate the public art component of an eligible municipal construction project, and shall consist of staff from the Departments of Public Works, Library and Community Services, and Community Development, as appropriate. ~~, will coordinate the public art component of an eligible municipal project.~~

B. **Location and Artwork Review:** Possible locations for the artwork and the type of artwork to be considered for the project shall be identified with input from the **Project Review Committee**, the Sunnyvale Arts Commission, **pertinent** city staff, interested citizens and project architects. Based upon this information, proposals will be solicited from qualified artists.

C. **Short List of Artists:** The Project Review Committee will be responsible for reviewing all art proposals and/or qualifications of artist applications. A short list of 2-5 artists and/or proposals will be established by the Committee. The short list shall have a minimum of two artists and/or proposals for consideration.

2. Approval Process:

A. **Report to Council (RTC):** A draft ~~Report to Council~~ **RTC** outlining the project and the short list of artists will be forwarded to the Arts Commission ~~with two or more qualified proposals~~ for review and recommendation prior to going to City Council for action.

B. **Council Approval:** ~~4-~~ Following Council approval of a specific art proposal, the Director of Library and Community Services, or the Director's designee(s), shall be responsible for coordinating the integration of the public artwork into the ~~capital improvement project.~~ **municipal construction project.**

3. In-Lieu Fee Alternative:

A. The in-lieu fee alternative available to private developers applies to public construction projects at the discretion of the Director of Public Works.

B. If the in-lieu option is exercised, the funds will be placed in the Public Art Fund for acquisition and installation of art on public property or in public buildings at a later date.

PERMANENT ART COLLECTION

~~5-~~ Artwork **approved for purchase or commission** ~~accepted~~ by the City Council shall become part of the City's **Public Permanent** Art Collection. All artwork in the collection will be documented in the City's Public Art Inventory and identified with a metal plaque. Oversight **and maintenance** of the Public Art Collection is the responsibility of the Department of Community Services.

DE-ACCESSIONING PLAN

Artworks in the City's Permanent Art Collection are meant to remain on public display. However, circumstances may deem it necessary to permanently remove works of art from the City's Permanent Art Collection.

1. Eligible Circumstances for De-accessioning:

- A. Security: The security or continued good condition of an artwork cannot be reasonably guaranteed in its current location. Arts staff will attempt to relocate any artwork deemed at risk for security purposes; but in the event a suitable, secure location cannot be found, the item may be de-accessioned from the collection.
- B. Public Safety: The artwork is a danger to the general public because it is naturally deteriorating, or it has been altered through vandalism, unforeseen man-made circumstances or a natural disaster.
- C. Inauthentic: The artwork is discovered to be inauthentic or fraudulent.
- D. Stolen Art: The artwork is discovered to be stolen, and therefore, is returned to its legal owner.
- E. Theft: The artwork is illegally removed from its place of public display and cannot be located.
- F. Damage Beyond Repair: The artwork has been severely damaged and deemed "beyond repair" by a professional art conservationist, or the artist, and it cannot be restored to the artist's original intended condition for a price less than is considered prohibitive.
- G. Change in the Permanent Art Collection's Mission: The artwork no longer meets the mission of the Permanent Art Collection due to a formal change in the Collection's Mission Statement.
- H. Loss of Site (Site Alteration or Sale of Site): The artwork can no longer reside in its original location because the original location is altered due to construction, a change of site usage, or sale of the site. Arts staff will attempt to relocate the artwork to a suitable site; however, lack of a suitable site, either now or in the foreseeable future, or if there is not suitable storage until a site in the foreseeable future is available, could merit deaccessioning.

For site-specific artwork, or permanently-affixed artwork, deaccessioning may be warranted without any attempt to relocate the artwork if it is deemed that the artwork cannot be moved without causing irreparable damage or the cost of relocating the artwork is considered prohibitive.

- I. Temporary Acquisition: The artwork is intended to be a temporary display and the City's obligation to display the artwork is complete.
- J. Excessive Representation: The artwork is deemed as duplicative or excessive in representation of work of that type or of that artist.
- K. Aesthetic Value: The artwork has not withstood the test of time and has been professionally determined to lack aesthetic value to justify its continued upkeep and/or storage.
- L. Content: Once the Artwork has been accessioned into the City's Permanent Art Collection, it may not be de-accessioned solely on the basis of content or personal preference of any staff member, commission or board member, or member of the public.

2. Assignment of De-accessioning Responsibilities:

COUNCIL POLICY MANUAL

- A. No city department shall remove any work of art from the site for which it was selected, nor remove it from display, without prior consent of the Director of Library and Community Services, or the Director's designees(s).
- B. The Director of Library and Community Services, or the Director's designee(s), is responsible for determining whether or not the artwork meets any of the above criteria for removal or de-accessioning.
- C. The Director of Library and Community Services, or the Director's designee(s), shall be responsible for oversight of the de-accessioning process.
- D. The Director of Library and Community Services, or the Director's designee(s), shall make every effort to contact the artist of the artwork recommended for de-accession, or the artist's heirs, using current contact information. The artist, or the artist's heirs, shall be given the opportunity to purchase the artwork, or its parts, before the disposal or destruction of the artwork.
- E. The Director of Library and Community Services, or the Director's designee(s), shall determine the purchase price of a de-accessioned artwork, based on current market value.
- F. In the event that the de-accessioned artwork is sold, the Department of Community Services will deposit the proceeds of such sale into the Public Art Fund of the City.
- G. In the event that the de-accessioned artwork is sold or donated, the removal of the artwork from city property shall be the responsibility of the purchaser or recipient of the donation and shall be of no cost to the City.
- H. De-accessioning and disposal of an artwork must be conducted publicly and formally with adequate documentation. It must also comply with all applicable local, state and federal laws.
- I. No current, or former, member of the Art Commission, City Council or City staff member shall be allowed to bid on and/or purchase a de-accessioned artwork.
- J. A permanent record of the artwork's inclusion in the City's Permanent Art Collection, and reasons for its removal, shall be maintained in a Permanent Art Collection database by the Department of Library and Community Services.

3. Process for De-accessioning Artwork:

- A. If an artwork is subject to any of the above conditions and deemed eligible for de-accessioning, the Arts staff will prepare a report for review and evaluation by the City's Arts Commission, which will prepare a formal recommendation to the City Council for action on the de-accession.
- B. The Staff Report shall include:
 - a) Reasons for the suggested de-accession
 - b) Original accession method(s) and cost of artwork
 - c) Estimated current market value of the artwork
 - d) Proposed de-accession method(s) and cost for each proposed method, including the sale price if applicable
 - e) When appropriate, photo documentation of the site conditions and/or current condition of the artwork in question
 - f) Official Police Report (if applicable)

COUNCIL POLICY MANUAL

(Adopted: RTC 02-136 (5/7/2002); Updated for accuracy (10/28/09); Amended: RTC _____
(8/14/2012).)

Lead Department: Department of Library and Community Services



PUBLIC ART COLLECTION

(Revised 04/2/12)

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
85.3	Judy Ackeret 'Only Flowers Bloom'	Watercolor	CC/Senior Center Cypress Room
88.2	John Battenberg 'Murphy Street Scene'	Painted Steel	CC/Orchard Heritage Park
85.4	Sandra Beard 'Untitled #2'	Monoprint	CC/Senior Center Manager's Office
85.5	Sandra Beard 'Untitled #3'	Monoprint	CC/CAC Art Storage - to be relocated
89.12	Douglas Chun 'Approaching Storm'	Watercolor	CC/Theater Lobby
89.11	Douglas Chun 'Valley Vineyard II'	Watercolor	CC/Theater Lobby
91.3	Lee Truax Dalton 'Portrait of Antone Vargas'	Oil on Canvas	CH/ Council Chambers Lobby
91.11	Elizabeth Devereaux 'Allegorical Landscape'	Stained Glass	Library
89.5	Joe Draeger 'August'	Lithograph	CH/Council Chambers
89.6	Joe Draeger 'Still Life with Artichoke Blossom'	Acrylic on Hardboard	CH/OCM Mayor's Office
80.2**	Carol Donegan 'Ghost in Silicon Valley'	Lithograph	CC/Senior Center Maple Room
91.13	Nancy Weeks Dudchenko 'It's a Symphony'	Ceramic	CC/Senior Center Lobby

ATTACHMENT F

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
84.1	Dan Dykes 'Matrix'	Stainless Steel	CC/Theatre Main Entrance
91.5	Sharon Evans 'Charles Spalding'	Graphite on Paper	CC/CAC Art Storage – to be relocated
88.1	Malou Flato 'Untitled'	Painted Tile	Raynor Activity Center/Bldg. 8
85.2	Gene Flores 'El Paso de los Suenos'	Bronze	CH/Lawn @ ECR & Mathilda
91.4	Alice Freund 'Walter Everett Crossman'	Pastel on Paper	CH/Council Chambers Lobby
76.1	D. Gabairis 'Seagulls'	Metal	CC/Senior Center Lobby
91.9	Bob Gerbracht 'Portrait of John Hendy'	Pastel on Paper	CC/Recreation Center Conference Rm
89.2	Matt Glavin 'Genesis #802'	Mixed Media	CH/OCM Mayor's Office
04.2	Gerald Heffernon 'Fruit Gigantica'	Painted Aluminum	Downtown Plaza/ Evelyn@Francis
97.2	Martin Hernandez 'Growth in the Valley'	Acrylic on Plywood	Raynor Activity Center/ Art Storage (Room 16) – to be reinstalled in CNC Lobby
97.1	Jane Hofstetter 'Romeo and Juliet'	Oil on Canvas	CC/CAC Art Storage – being repaired – to be reinstalled in Theatre Dance Studio
89.3*	Martha Hubert 'Night Passage: 2'	Monoprint	CH /Council Chambers
03.1	Gordon Huether 'Tree of Life'	Water-cut steel w/ dichroic glass	CC/Senior Center Main Entrance
03.2	Gordon Huether 'Forest'	Etched Glass	CC/Senior Center Lobby
89.4	Bill Iaculla 'Cathedral Windows'	Cast Handmade Paper	CH/(OCM) Hallway

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
06.1	Melissa Jennifer 'Pole People'	Steel, aluminum, glass	Raynor Activity Center/ Storage Rm 16-reinstall at CNC at the end of the expansion project
85.1	J. Seward Johnson 'Out to Lunch'	Bronze	Library Main Entrance
85.6	Judy Miller Johnson 'Angel's Trumpets'	Etching	CC/Senior Center Breakroom
85.7	Ellen Kiefer 'Purification'	Monoprint	CC/Senior Center Willow Room
88.3	Carlos Laorca 'Layer Painting #1'	Mixed media	CC/Meeting Room (CAC)
89.13	Lebadang 'Nature's Prey'	Lithograph	CC/Senior Center Maple Room
91.8	Sarah Linder 'Portrait of Martin & Mary Murphy'	Oil on Canvas	CC/Recreation Center Conference Rm
91.14	Yael Luri & Jean Pierre Larochette 'Unfolding Knowledge'	Cotton, Wool, Silk, Tapestry	Library Reference Desk
85.8	Sandra MacDiarmid 'Waijimi Market, Japan'	Oil on Paper	CC/CAC Art Storage – to be relocated
04.2	Therese May 'Sunnyvale Community Quilt'	Fabric with mixed media	CC/Senior Center Hallway
89.1	Sal Pecoraro 'Omaggio A Tempo'	Travertine marble and bronze	CC/Upper Pond
81.2**	Carol Pfoutz 'Community Center Oak'	Clay Collage	CH/Council Chambers
87.1	Virginia Pochman 'Lily Pond'	Watercolor	Library
83.1*	Frank Rosen 'Metamorphosis of an Uncommercial Traveler'	Oil on Canvas	CH/Council Chambers
91.7	David Saccheri 'Charles Stowell'	Oil on Canvas	CC/Rec Center Conference Rm
91.12	Robert Salas 'Lakewood Community Mural'	Water-based Tempera	Lakewood Park Playground

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
10.01	Lydia Sanchez “Sunnyvale Community Mural”	House Paint on concrete	Fair Oaks Park NE field
91.2	Susan Schary ‘Portrait of Ida Trubschenck’	Oil on Canvas	CH/Council Chambers Lobby
85.10	Joan Schulze ‘Bridge to Bridge’	Fabric Collage	CC/Senior Center Waiting Area
85.11	Joan Schulze ‘Flight’	Fabric Collage	CC/Senior Center Waiting Area
85.12	Joan Schulze ‘Sunstorm’	Fabric Collage	CC/Senior Center Waiting Area
91.6	Robert Semans ‘Edwina Benner’	Oil on Canvas	CH/Council Chambers Lobby
91.10	Robert Semans ‘Portrait of Alillion Wilhelmy’	Oil on Canvas	CH/Council Chambers Lobby
89.7	Kathleen Sharp ‘Portal Study’	Textile	CC/CAC Art Storage – to be relocated
99.1	Danny Sheu & Jeff Bordona ‘Untitled’	Ceramic Tiles	Lakewood Park Park Building exterior
98.4	Danny Sheu & Jeff Bordona ‘Untitled’	Ceramic Tiles	Washington Park Restroom exterior
98.1	Dan Snyder (Island Fantasy) Untitled	Brass Inlays	Washington Park Playgrounds
89.9	Mark Templeton ‘Untitled’	Watercolor Collage	CH/OCM Lobby
89.10	Mark Templeton ‘Untitled’	Watercolor Collage	CH/OCM Lobby
85.13	Susan Terry ‘Forget Me Nots’	Watercolor	CC/CAC Arts Storage
89.10**	Susan Terry ‘Hendy Iron Works’	Watercolor	CC/CAC Art Storage
85.14	Susan Terry ‘Tulips’	Watercolor	CC/CAC Art Storage
80.3**	Susan Terry ‘Twin Palms, Downtown Sunnyvale’	Watercolor	CC/Senior Center Sequoia Room

INVENTORY #	ARTIST & TITLE	MEDIUM	LOCATION
80.3**	Susan Terry 'Watertower at California and Mathilda'	Watercolor	CC/CAC Art Storage
91.1	Marilyn Thompson 'Portrait of Carl & Hannah Olson'	Oil on Canvas	CH/Council Chambers Lobby
96.1	Earlyn Tomasini 'Mass Transit'	Painted Steel	Public Safety Main Entrance
08.1***	Flo Oy Wong 1933: Gee Lai Wah" "Made in usa: Angel Island Shhh" series	Mixed Media	CC/Senior Center Sequoia Room
79.2**	Naomi Zapanta 'Roots'	Etching 3/20	CH/Council Chambers

CH – City Hall CC – Community Center
* Donated by Members of the City Council

CAC – Creative Arts Center OCM – Office of the City Manager
Sunnyvale Purchase Award * Donated by artist

H:khd/Permanent Collection/Public Art Inventory

Public Art In Lieu Fee Survey – BayArea Cities

Agency	In Lieu Fee Option?	Conditions under which In Lieu Fee can be Utilized	Public Art Master Plan?	Acceptable Public Art Fund Expenditures
City of Alameda	Yes 1%	Any	n/a	Public Art placement, acquisition, maintenance and/or administrative fees
City of Emeryville	Yes 1%	Any	n/a	Public Art placement, acquisition, maintenance and/or administrative fees
City of Napa	Yes 1%	Any	Yes**	Public art programming and temporary exhibitions**
City of Petaluma	Yes 1%	Any	no	Public Art placement, acquisition, maintenance and/or administrative fees, and public exhibitions of art
City of San Jose	Yes* n/a	Any*	Yes	Any art or cultural programs.
City of Santa Rosa	Yes 1%	Any	No	Public artworks, cultural programming, staffing costs and future reserves
City of Sunnyvale***	Yes 1%	Only if the site lacks an appropriate place for art, or other extenuating circumstance. Must be approved by Director of Community Development	No	Public art or Visual Arts programs
City of Walnut Creek	Yes n/a	Only if the site lacks an appropriate place for art, or other extenuating circumstance. Must be approved by Design Review Committee	Yes (Priority List)	Fees must be used for public art project within “project zone”

*Private Development was required through the Redevelopment Agency. In Lieu Fees were permitted.

**Master Plan for Public Art is currently being developed.

***City of Sunnyvale is included in this survey for reference.

April 2012 H:AIPD/In lieu file

PUBLIC HEARINGS/GENERAL BUSINESS

2. Draft Report to Commission: Review Effectiveness of Existing Art in Private Development In-lieu Fee Option – Study Issue

Superintendent Steward presented the staff report. In response to a question about the place in the decision-making process, Superintendent Steward said it is the Commission's role to review the information and formulate their own recommendation to Council.

A support letter from Ms. Kerry Haywood, Executive Director, Moffett Park Business Group, was distributed.

Commissioners' questions included whether funds resulting from in-lieu fees could be used for a visual arts facility; whether it would be an additional burden on staff to monitor; whether the City would put artwork on private property if the developer chose not to; if developers and property owners are allowed the unrestricted choice to either place public artwork or contribute an in-lieu fee, should there sometimes be qualifications for having public artwork instead of the in-lieu fee option. Questions were responded to satisfactorily.

Superintendent Steward thanked Diane Moglen, Arts Manager, and Kristin Dance, Visual Arts Coordinator, for the work and energy that they put into this study.

The Public Hearing was opened. There were no speakers. The Public Hearing was closed.

MOTION: Commissioner Sumner moved and Commissioner Santos seconded to recommend that Council support staff's recommendation, Alternatives 1, 2 and 3.

1. **Allow developers and property owners the flexibility to choose without limitations whether to place public art on their development sites or to contribute to the City's Public Art Fund an in-lieu fee consistent with 1% of the construction valuation of covered projects. Approve amendments to Municipal Code 19.52 Art in Private Developments and Council Policy 6.4.3 - Art in Private Development.**
2. **Approve fee of an additional 1/10th of a percent (0.1%) of construction valuation of covered projects to be placed in a separate Art Maintenance Fund to provide resources for repair and maintenance of art purchased with in-lieu fees.**
3. **Approve amendments to Council Policy 6.4.4. Art in Public Construction and direct staff to:**
 - **Implement guidelines for deaccessioning artwork from the City's Permanent Art Collection;**
 - **Develop guidelines to further define the parameters under which the Public Art Funds can be used;**
 - **Direct staff to develop a Master Plan for Public Art to identify potential public art projects and prioritize public art locations for funding, and;**
 - **Change title of policy to *Art in Public Places*.**

Discussion included the fact that the new policy would provide developers and property owners with choice and flexibility. Commissioners also indicated it would be very interesting and exciting to have a Public Art Fund. Commissioners discussed that there are no clear guidelines at this time as to how the in-lieu fees would be used. A downside would be that commercial properties might not have artwork if the business or developer chose the in-lieu fee option. Superintendent Steward explained that public art could still be required by City Council through a Special Development Permit or as a condition of development.

Commissioner Karun proposed a friendly amendment regarding exceptions to choosing the in-lieu fee option if developers meet certain criteria to be determined at a later time. Discussion followed as to how the friendly amendment could be formulated. The friendly amendment was declined by Commissioner Sumner following lengthy discussion.

VOTE: 4-1 motion passed. Commissioner Karun dissented.

Commissioner Karun dissented because she does not believe that developers should have complete flexibility to choose either artwork or in-lieu fee. Developers should be required to have artwork on site, and the in-lieu fee would give developers the option of not putting artwork on property.

Commissioner Park said in this situation, economic climate and in the best interests of the City, she would be comfortable going with staff's recommendations. She added that the in-lieu fee option would also make the City more attractive to developers.

3. **Location:** **City-wide**
- Proposed Project:** Review Effectiveness of Existing Art in Private Development
 In-Lieu Fee Option – Study Issue
- Staff Contact:** Nancy Steward, 408-730-7342
 nsteward@ci.sunnyvale.ca.us
- Notes:** *This item is scheduled to be considered by City Council on
 August 14, 2012.*

Nancy Bolgard Steward, Superintendent of Community Services, presented the staff report.

Comm. Hendricks referred to a letter provided on the dais from the Moffett Park Business Group confirming with staff that this group is not in support of staff recommendation Alternative 2 regarding a .1% additional fee for developers exercising the in-lieu option. Comm. Hendricks discussed the recommended alternatives in the report with Superintendent Steward.

Comm. Melton discussed with Superintendent Steward the limited number of people showing up for outreach meetings and the outreach meeting with the Moffett Park Business Group. Comm. Melton discussed with staff the recommended Alternative 1, which would allow more flexibility to developers to pay in-lieu fees. Staff said they do not know whether developers would choose to pay the in-lieu fee or provide art. Comm. Melton referred to page 5 of the report and provided a summary of the proposed flexibility to be allowed for developers to either provide artwork versus paying in-lieu fees, and related legal aspects. **Kathryn Berry**, Senior Assistant City Attorney, further discussed the legal aspects including nexus studies and fee mitigations. **Diana O'Dell**, Senior Planner, added that the proposed in-lieu fee is not being classified as a mitigation fee, but would be a cash equivalent option for developments. Comm. Melton asked staff if, hypothetically, the in-lieu fees could be used towards providing an art museum. Superintendent Steward said this question came up recently and has been posed to the City Attorney's office, however a formal opinion has not yet been provided. Superintendent Steward said this question comes up every few years and discussed the previous outcomes to the question.

Comm. Sulser discussed with staff Attachment G regarding in-lieu fees in other cities, confirming that these are the only cities that responded to the survey, which does not include many of our neighboring cities.

Vice Chair Dohadwala discussed with Superintendent Steward the 1% fee. Ms. O'Dell said the 1% fee information is included in the zoning ordinance with Superintendent Steward referring to Attachment C, page 2, Chapter 19.52.030 of the proposed ordinance. Vice Chair Dohadwala asked if there are projects for public art waiting to be funded. Superintendent Steward said yes and discussed projects and funding.

Comm. Hendricks referred to page 10 of the report and clarified with staff that the in-lieu fees could go towards art anywhere in the City and not just in the project zone.

Chair Larsson discussed with staff the decision makers for whether art has to be provided. Staff discussed the process for various scenarios related to providing art. Chair Larsson asked

if there is there flexibility to collect and use in-lieu fees in private development areas. Superintendent Steward said no, that the way the use of in-lieu fees is currently envisioned, that would not be an option as the in-lieu fees become public money.

Comm. Hendricks discussed with staff if the Planning Commission would have the flexibility to require art from possibly a mixed-use project even if the size or scale of the project did not require it. Superintendent Steward said the Planning Commission could request it, but could not require it. Staff said if that is desired the regulation would need to be rewritten to include residential development. Comm. Hendricks said that in the future the City might want to look at this with Superintendent Steward saying she could include the issue in her tickler file and that the Commission might want to suggest a study issue.

Chair Larsson confirmed with staff that including residential now would be outside the scope of this study issue.

Chair Larsson opened the public hearing.

Pat Castillo, a member of the public, said speaking as a resident only, she would like to ask the Planning Commission to heartily support the changes proposed in the ordinance. She discussed some of the history from the 1990's of this issue. She said she knows money is tight; however it is also important that we have art. She discussed the importance of the use of a variety of art. She said she has no problem adding the additional percentage to deal with maintenance and hopes the Commission supports the staff report.

Comm. Melton asked Ms. Castillo to comment about staff recommendation Alternative 1, explaining why and how he is struggling with the recommendation. Ms. Castillo commented on Comm. Melton's question.

Chair Larsson closed the public hearing.

Comm. Melton discussed with staff the involvement of the Arts Commission, which provides final approval for private art with staff saying that the decision can be appealed to Council.

Chair Larsson discussed with staff the criteria the Art Commission uses in making their decisions, with staff saying it is very specific.

Vice Chair Dohadwala discussed with staff the various mechanisms of funding for public arts.

Chair Larsson commented about the accounting of funds collected recently, and confirmed with staff that not much has been spent. He said with the proposed changes the City could collect in-lieu fees but not spend them. He said it seems like the Master Plan is the answer to this concern with Superintendent Steward confirming, yes, that it is an important tool and would help set criteria and priorities for spending the in-lieu fees including the type of art, location.

Comm. Hendricks moved to recommend to City Council Alternatives 1, 2 and 3 as shown in the report. Comm. Sulser seconded.

Chair Hendricks said he is happy to make this motion. He said he thinks this is great. He said a lot of the proposed clean-up, and the other part is regarding in-lieu fees. He discussed a couple of recent projects and art related to the projects. He said he likes the flexibility in the changes and hopes that developers do not just start paying the in-lieu fees as a default. He said the intent is to still have art on sites and hopefully the Planning Commission can encourage developers to provide the art. He said he still has some question on the .1% maintenance fee.

Comm. Sulser said most of the proposed changes are common sense. He said he likes the in-lieu fee option and that it potentially makes more public art available. He said this could allow art to be redistributed to other parts of Sunnyvale. He said he also does not want to see every developer choose to pay the in-lieu fee.

Comm. Melton requested of the maker of the motion that the motion be split into two separate motions. He said he would like Alternative 3 to be one motion and then a second or even a third motion to vote on the alternatives separately. Comm. Hendricks asked why, with Comm. Melton explaining that it would allow him to more precisely register his recommendation. Chair Larsson suggested he could offer a Friendly Amendment. Comm. Melton offered a Friendly Amendment to amend the motion to speak solely to Alternative 3. He said he still has reservations about Alternative 1 and 2 and has no reservations about Alternative 3. The maker of the motion did not accept the Friendly Amendment, and said however, he would recommend that the Commission vote against his motion if they would prefer to separate the Alternatives. Comm. Melton said he understood. Chair Larsson suggested to Comm. Melton that a formal amendment could be offered. Comm. Melton said he would rather have his comments provided for the record and proceed with a vote. Comm. Melton commented that he likes the original purpose of art in private development with the humanizing of the corporate developments, and would like it to continue. He said he echoes Comm. Hendricks and Comm. Sulser's concern about the developers preferring to pay the in-lieu fees and no longer providing the art. He said he would not be supporting the motion.

Chair Larsson said he would be supporting the motion. He said he shares the concern that developers may go for the in-lieu option and we would not have the art in private development we would like. He said that for him the key is the Master Plan that sets out a vision for what we would like to do with art in the City. He said if we receive too much money, the City could stop excepting the in-lieu fees. He commented that he is not sure if the Master Plan is the appropriate place to talk about the balance of public or corporate art.

Comm. Hendricks acknowledged the concerns of Comm. Melton. He said he thinks there is mitigation. He said most of the affected projects would come before the Planning Commission, and the Commission would have an opportunity to talk to the developers. He said if we see a pattern we can ask staff to look at. He commented that he has seen projects that the art does not fit appropriately.

Vice Chair Dohadwala said she would be supporting the motion. She said she agrees with Comm. Melton that we may suddenly see less art in corporate areas. She discussed Moffett Park and said she thinks the developers would keep the 1%. She says she likes that staff has some flexibility. She said she would like to explore other avenues for funding for public art. Vice

Chair Dohadwala said she would like money dedicated towards particular public projects. Superintendent Steward commented that the kind of tool to dedicate to projects is not in place right now, however if the modification is approved the next step would be to develop the tool to prioritize where we want to use these funds.

ACTION: Comm. Hendricks made a motion to recommend to City Council Alternatives 1, 2 and 3 as shown in the report on pages 13 and 14: Alternative 1 regarding allowing property owners to make an in-lieu contribution to the City's Public Art fund, instead of placing art on site, even when there is an appropriate location for art; Alternative 2 regarding adopting an additional 1/10th of a percent fee for developers exercising the in-lieu fee option; and Alternative 3 regarding approving amendments to Council Policy 6.4.4., Art in Public Construction including recommendations to staff. Comm. Sulser seconded. Motion carried, 4-1, with Comm. Melton dissenting and Comm. Chang and Comm. Kolchak absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at their August 14, 2012 meeting.

Projects Triggering AIPD Requirement Since Implementation of In-lieu Fee Option

Developer (Development)/Location	Date Developer was Notified by Staff of In-lieu Fee Option	Required Expenditure (1%) for Public Art	Developer Selected Artwork Onsite	Developer Selected In-lieu Fee Option	Developer Undecided** About Onsite Placement or In-lieu Option
Arc-Tec/645 Almanor Ave.	10/8/12	TBD			X
Arc-Tec/893 Kifer Rd.	10/8/12	TBD			X
Carmel Partners (Carmel Lofts)/Olson Way	4/24/12*	\$7,276		X	
Dollinger Properties/1165 E. Arques	2/25/13	\$42,613		X	
Intuitive Surgical/1020 Kifer Rd.	10/8/12	\$132,904	X		
Jay Paul Company (Ariba)/815 11 th St.	10/8/12	TBD			X
Jay Paul Company (Moffett Gateway)/1220 Crossman	10/8/12	TBD	X		
Jay Paul Company (Moffett Place)/1152 Bordeaux	10/8/12	TBD	X		
Juniper Networks (Campus)/1133 Innovation Way	10/8/12	\$394,333	X		
Kilroy Realty (LinkedIn Campus)/555 N. Mathilda	7/31/13	\$512,619	X		
Landbank Investments/280 Santa Ana Ct.	8/5/13	TBD			X
Legacy Partners/600 W. California Ave.	10/8/12	\$76,950	X		
NetApp/1275-1395 Crossman	10/8/12	\$188,259	X		
Orchard Properties/281 E. Java Dr.	10/8/12	TBD			X
Oakmead Towers/384 Santa Trinita Ave.	5/3/12*	\$78,460	X		
Peery-Arrillaga/307 Pastoria Ave.	10/8/12	\$64,543	X		
Peery-Arrillaga/580 N. Mary Ave.	10/8/12	\$111,685	X		
Sobrato Development/1095 W. El Camino Real	3/2014	TBD			X
Summerhill Homes/833 W. El Camino Real	2/26/14	TBD			X
T2 Architects (Marriott)/660 El Camino Real	1/11/13	\$70,000	X		
Yahoo!/589 W. Java Dr.	10/8/12	TBD			X

*Project began prior to Council adoption of in-lieu fee. Property owners were subsequently notified of the possibility of an in-lieu fee option.

** Developers have no set deadline to make their decision about whether to place artwork on-site or to select in-lieu fee option. However, City retains bond and occupancy permit until artwork requirement has been satisfied, either via art on-site or in-lieu fee.

TBD (To be determined) Required expenditure is based on the Building Permit Valuation. Projects marked as TBD have not been verified by Arts Staff to date.



City of Sunnyvale

Agenda Item

14-0875

Agenda Date: 9/16/2014

Study Session Summary of August 21, 2014 - City Council Strategic Planning Meeting

The City Council met in study session at Sunnyvale Heritage Park Museum, Room, 570 E. Remington Drive, Sunnyvale, California on August 21, 2014 at 8:30 a.m. with Mayor Jim Griffith presiding.

Call to Order: 8:38 a.m.

City Councilmembers Present:

Mayor Jim Griffith
Vice Mayor Jim Davis
Councilmember David Whittum
Councilmember Tara Martin-Milius
Councilmember Glenn Hendricks

City Councilmembers Absent:

Councilmember Pat Meyering
Councilmember Gustav Larsson

City Executive Staff Present:

City Manager Deanna Santana
Assistant City Manager Robert Walker
Assistant City Attorney Kathryn Berry
Director of Human Resources Teri Silva
Director of Finance Grace Leung
Director of Information Technology David Jensen
Director of Community and Library Services Lisa Rosenblum
Director of Public Works Kent Steffens
Director of Public Safety Frank Grgurina
Director of Environmental Services John Stufflebean
Director of Community Development Hanson Hom

Visitors/Guests Present:

Dr. Bill Mathis, Mathis Consulting Group

Public Comments:

Maria Pan provided comments regarding the City's Mission Statement.

Study Session Summary:

Council received presentations on operational priorities, service gaps and trends in service in each of the following areas:

- Administrative Services
- Library and Community Services and Public Facilities
- Transportation, Streets and Infrastructure
- Public Safety Services
- Environmental Service

-Community, Economic, and Workforce Development

Council reviewed organizational and resource capacity and limitations, and identified policy priorities and issues, summarized below:

1. Civic Center
2. Main Library and Lakewood Branch Library
3. Public Safety Over-hiring Policy and Additional Positions proposed study session
4. Infrastructure to support development
5. Strategic Planning for the Drought/Water; Decentralized systems/recapture
6. Transparent Performance Based Budgeting (especially for reserves); administrative cost centers
7. Open space acquisition planning
8. Affordable housing
9. Technology
10. Revenues v. expenses/funding
11. Community engagement
12. Workforce Planning/capacity of staff
13. Traffic
14. The Downtown
15. Creative solutions for golf courses

Council discussed policy priorities as topics for further discussion on Day 2 of the Strategic Planning Sessions:

1. Civic Center Campus and Main Library
2. Infrastructure to Support Development and Traffic
3. Open Space Acquisition Planning and Future of Golf Courses
4. Downtown Sunnyvale

Adjournment: 4:46 p.m.

Prepared by Kathleen Franco Simmons, City Clerk



City of Sunnyvale

Agenda Item

14-0541

Agenda Date: 9/16/2014

Board/Commission Meeting Minutes



City of Sunnyvale

Meeting Minutes Heritage Preservation Commission

Wednesday, August 6, 2014

7:00 PM

West Conference Room, City Hall, 456 W.
Olive Ave., Sunnyvale, CA 94086

CALL TO ORDER

Chair Stanek called the meeting to order at 7 p.m. in the City Hall West Conference Room, 456 W. Olive Avenue, Sunnyvale, CA 94086.

SALUTE TO THE FLAG

Chair Stanek led the salute to the flag.

ROLL CALL

Present: 6 - Chair Jeanine Stanek
Vice Chair David Squellati
Commissioner Mark Johnson
Commissioner Dixie Larsen
Commissioner Mike Michitaka
Commissioner Dale Mouritsen

Council Liaison Jim Davis (Present)

PUBLIC ANNOUNCEMENTS

CONSENT CALENDAR

1.A [14-0756](#) Approval of the Draft Minutes of the Heritage Commission Meeting of June 4, 2014

The motion carried by the following vote: 5-0-1 with Comm. Larsen abstaining.

Yes: 5 - Chair Stanek
Vice Chair Squellati
Commissioner Johnson
Commissioner Michitaka
Commissioner Mouritsen

No: 0

Abstain: 1 - Commissioner Larsen

PUBLIC COMMENTS

None

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [14-0742](#) File #: 2014-7557
Location: 199 S. Murphy Avenue (APN: 209-06-017)
Applicant / Owner: MBA Architects/Nancy G Escalante
Trustee
Proposed Project:
LANDMARK ALTERATION PERMIT to amend a previously
approved Landmark Alteration Permit (2013-7900) to allow a
different colored (black) awning and replacement of exterior
tilework to the "Spalding Building" (Ace Loan and office
building)
Reason for Permit: A Landmark Alteration Permit is required
for any exterior modification to buildings in the Local
Landmark District.
Project Planner: Shétal Divatia, (408) 730-7637,
sdivatia@sunnyvale.ca.gov
Issues: Color of awnings and exterior tilework.
Recommendation: Approve with conditions

Amber El-Hajj, Senior Planner presented the report and discussed the previously approved Landmark Alteration Permit that had been approved with conditions by the Heritage Preservation Commission on December 12, 2013 and included various exterior modifications to the building. Since that approval, the applicants came back to the City with new exterior modifications that included a change to the color of the awnings and replacement tile for the building. During the construction phases of the project, the applicant became aware that the existing tile could not be saved due to extensive termite and dry rot damage. This required new tile to replace the existing tile and resulted in the applicants looking into a different color scheme for the building. Staff is concerned that the replacement tile, solid black and beige tile, results in the building losing a prominent art deco related detail and may make the building appear too heavy when combined with the solid black awnings. Staff is also concerned that this change could create a visual imbalance in this gateway feature when compared to the "bookend" building across Murphy Avenue (Attachment 5 - Existing Conditions). Instead, staff believes that a tile pattern that incorporates additional color(s) or a patterned design would be more in keeping with the art deco color palette and would be a more appropriate replacement for the existing tile work. Staff has included a Condition of Approval (PS-1) requiring that the applicant modify the proposed tile to include an additional color and/or a patterned tile. This modification will be reviewed by staff with direction provided by the Heritage Preservation Commission.

Comm. Michitaka asked staff to summarize the COA's and asked about staff

recommendations, which are specific to the project.

Ms. El-Hajj noted Condition of Approval PS-1, regarding the modification to the tile design recommendations.

Ms. El-Hajj noted that staff is asking the Commission for suggestions regarding the tile color.

Comm. Johnson asked staff for clarification of their recommendations and if they would like the Commission to recommend an alternate tile color.

Ms. El-Hajj noted that the solid black tile may not correspond well to the building across the street, and noted the Murphy Avenue Design Guidelines.

Chair Stanek opened the public hearing.

Pam Yoshida, architect, noted that the owner is asking for a black awning to support the tenant, a wine bar called Nino Vino. She said in a letter to staff: "In lieu of matching something that was not an original element of the building, the Owner would like to take the opportunity to propose a color scheme that is more consistent with vintage details of a light colored thin accent liner tile against a bold field color. The black awning color is proposed to match the black field tile; it will bring a striking and sophisticated look to this corner. The future tenant is a wine bar and is established in the San Jose San Pedro Market Square. This will be the Tenant's second location and we envision that they will make this an exciting corner of the Sunnyvale commercial core."

Comm. Michitaka asked if there is indication from the tenant to be willing to change the color. He noted his understanding for the tenant, and also commented that the black color may not be in line with the Murphy Avenue Design guidelines.

Ms. Esclante's daughter noted that the adjacent business next door is a new tenant and the proposal included black window frames. She stated that the next building is actually darker (IC Lounge). She further noted that their proposal is lighter in color. Comm. Johnson asked staff if Taverna Bistro and Tutti Frutti had Variances for their buildings.

Mr. Kuchenig noted that the buildings were approved with conditions of approval.

Comm. Johnson asked the applicant if they have an alternate proposal.

Ms. Yoshida proposed a wider tile, six rows of 4-inch tiles (4 rows black, two rows beige), the current pattern is five rows of black and one row of beige.

Ms. El-Hajj pointed out that this version was what had been sent to the Commissioners, and to clarify their alternative proposal if it differed from the current proposal.

Ms. Yoshida noted that she is proposing a wider band of tile, including a row of beige to offset the black. She noted that the original proposal included a narrower tile, and after discussing the proposal with the project planner, Shetal Divatia, they initially agreed to a wider band with beige, totaling six vertical rows. They are open to go with one or two rows in lieu of a multi-color pattern. She noted that the art deco patterns that staff suggested are too busy and will not match the tenant's business model.

Comm. Mouritsen discussed the previously approved Landmark Alteration Permit.

Chair Stanek stated that the original building was not built with an art deco architectural style but this had been added in subsequent years. She asked Ms. Yoshida if they are committed in keeping the art deco, and if they are not, then maybe they can work with staff in choosing an alternative color scheme.

Comm. Johnson asked the applicant why they are asking for this color pattern. He noted that he is thinking along the lines with Comm. Michitaka's comments regarding the color black, as it is introducing a different style to Murphy Avenue. He asked Ms. Escalante if they have to choose an alternative, which would they be in agreement with.

Ms. Escalante's daughter noted that they are all in agreement with not using teal. She noted that they could change the tiles to the same color of the building. Ms. Escalante noted that she understands that their building is located on the corner of Murphy Avenue and is seen as a gateway to the Historic Murphy Avenue district. She then stated the newer construction in the downtown area is in matching with their proposal.

Comm. Johnson noted that although the proposal may match the newer downtown area, it is located in the Historic Murphy Avenue District.

Victor Klee, Owner of Vino Vino, was not part of the original proposal. When he was proposed to locate in the building, he noted that the black awnings and tiles were in conjunction with his business model for the wine bar.

Vice Chair Squellati asked the applicant if they were open to change the color of the tiles.

Mr. Klee noted that the logo is maroon, and if they feel that maroon would soften the color, then he is okay with changing the tile to maroon.

Ms. Escalante asked the Commission if they are okay to have no tile at all.

Ms. Escalante's daughter noted that she has knowledge of the Art Deco era, as she has an educational background as an art major. She noted that the art deco era includes black. She further stated that Coco Chanel, the French fashion designer during the art deco era, invented the black dress.

Chair Stanek closed the public hearing.

Comm. Larsen noted the teal tiles are the only color that ties the adjacent buildings.

She asked staff how many art deco buildings are on Murphy Ave.

Mr. Kuchenig responded that he is unaware of the exact number, but the proposed building is one.

Comm. Johnson discussed alternate color palettes in the art deco style.

Ms. El-Hajj noted that the tiles were not staff's concern; however, since the awning was proposed to be black, staff felt that the black tile may be overpowering. She noted that forest green is the originally approved awning color.

Chair Stanek asked the commissioners to entertain a motion, and noted page four of four of the staff report states the alternatives to staff's recommendation. She also noted attachment three, page two of three, and noted the following conditions:

GC-5. AWNINGS: Fabric awnings shall be replaced at least every five years. The applicant/property owner is responsible to maintain the awnings dust free and in case of fading, replace the awnings promptly. Any future changes of color, materials or design are subject to review and approval by the Heritage Preservation Commission. Minor modifications may be approved by the Director of Community Development.

PS-1. MODIFY PROPOSAL: a. Include pattern and additional color that is in

keeping with the art-deco style of the building. Resubmit modified elevations to the Planning Division for review and approval.

Chair Stanek further noted that GC-5 does not change the color of the awnings.

She noted the alternatives: (1) Approve the Landmark Alteration Permit with recommended Conditions in Attachment 3. (2) Approve the Landmark Alteration Permit with modifications. (3) Deny the Landmark Alteration Permit.

Comm. Michitaka asked staff to clarify their options.

Ms. El-Hajj noted that Alternative 1 includes a different tile color or pattern. Alternative 2 is to make modifications to the awning color, and Alternative 3 is to deny the proposal. She restated that 1 does not change awning color and 2 has the option to change the awning color if the Commission states that in the motion.

Vice Chair Squellati asked staff about Alternative 1 and what it includes.

Ms. El-Hajj noted that Alternative 1 is the staff recommendation, and noted Attachment 3, recommended Conditions of Approval.

Comm. Johnson asked if the colors that staff has suggested are in the Murphy Avenue Design Guidelines.

Mr. Kuchenig suggested that if the Commission's opinion was to change the awning color then they could choose Alternative 2. He further noted that they could add, change, or modify the alternatives.

Vice Chair Squellati noted that there was no discussion regarding the signage.

Mr. Kuchenig noted that the signage would be determined through a Miscellaneous Plan Permit as the signage is not part of the Landmark Alteration Permit proposal; however, he understood the point that the sign and logo may make a difference depending on the color the applicants choose.

Comm. Johnson made a motion for Alternative 2; approve the Landmark Alteration Permit with modifications, adding a condition that the color for the awnings and tile should not be black. Comm. Michitaka seconded the motion.

Vice Chair Squellati clarified with Comm. Johnson that this Commission is not comfortable with the proposed black color of the awnings and tile. He stated to

amend his motion to have the applicant to work with staff for an alternative color. He noted that black awnings and tiles will change the design of the building.

Comm. Johnson noted that the proposed colors are not in keeping with the look of the south entrance to Historic Murphy Avenue.

MOTION:

Comm. Johnson made a motion for Alternative 2; Approve the Landmark Alteration Permit with modifications, adding a condition that the color for the awnings and tiles should not be black in color, and that the applicant should work with staff to choose an alternative color scheme within the art deco color scheme. Comm. Michitaka seconded.

Motion carried by the following vote: Vote: 6-0.

Mr. Kuchenig noted the appeal period is 15 days.

Yes: 6 - Chair Stanek
Vice Chair Squellati
Commissioner Johnson
Commissioner Larsen
Commissioner Michitaka
Commissioner Mouritsen

No: 0

3 [14-0758](#) Discussion of Potential Study Issues for 2015

Chair Stanek noted their previous discussion regarding amending or updating the Murphy Avenue Design Guidelines.

Vice Chair Squellati noted the permit process for Landmark Alteration Permits are difficult for homeowners having to acquire a historical evaluation for their home.

Comm. Michitaka stated that a single family home has different requirements compared to larger commercial or industrial projects.

Chair Stanek noted that a California Environmental Quality Act (CEQA) requirement might have to go through another hearing body, such as Planning Commission. She noted her concern about the burden that the homeowner went through from to remove her home from the Heritage Resource list of having to hire a consultant for a historical evaluation. She noted that this is costly for a homeowner.

Mr. Kuchenig noted Chair Stanek's and Vice Chair Squellati's concerns as they discussed streamlining the process.

Chair Stanek noted a previous study issue (CDD-04C): New Residential Heritage Districts, which several districts were evaluated to be added to the Heritage Resource list. The study concluded that the proposed areas were not added as a heritage district. Chair Stanek further noted that, due to this outcome, the Commission got the idea that most homeowners did not want their homes to be included on a Heritage Resource list.

Mr. Kuchenig noted the difficulty a homeowner may have when their home is listed on the Heritage Resource List, where additional restrictions apply to homes on the list.

Comm. Johnson concurred with Chair Stanek and Vice Chair Squellati's concern.

Chair Stanek noted that maybe the consensus of the residents is that they are okay for change and renovation. She noted that she hears from residents wanting to renovate and move forward and others wanting to preserve Sunnyvale's past. She stated that this may be more than one study issue.

Chair Stanek then noted that the Ryan hotel and other buildings have plans for reconstruction.

Mr. Kuchenig noted that re-examining the current Heritage Resource List may be a valid study issue.

Comm. Johnson noted Murphy Avenue Sidewalk Policy and the difficulty a business tenant on Murphy Avenue had wanting to leave their outdoor dining on the sidewalk overnight. He said that a Variance was a difficult requirement for these types of issues.

Mr. Kuchenig noted this requirement is stated on the 2007 Murphy Avenue Sidewalk policy, which included requirements from other departments like the Department of Public Works and Department of Public Safety.

Comm. Johnson stated that the 2007 Murphy Avenue Sidewalk Policy might need updating since it was a burden for the business to have to get approval to change the seating requirements.

Mr. Kuchenig discussed the Murphy Avenue Sidewalk Policy.

Chair Stanek asked about the idea of closing Murphy Avenue to pedestrians only.

Councilmember Davis noted that there has not been any interest lately and was initially brought up when Melinda Hamilton was Mayor.

Comm. Johnson noted concern about torn awnings on South Murphy Avenue, and has been this way for years. He asked if the City could be involved with up keeping the awnings.

Mr. Kuchenig noted that the more current businesses have conditions of approvals, but the older businesses do not; however, he noted that it could be a building code issue and they can forward the issue to Neighborhood Preservation Division.

Chair Stanek noted that she witnessed stucco falling from the building next to the Il Postale restaurant.

Comm. Mouritsen asked staff if the Neighborhood Preservation Division is the only City staff that handles code enforcement for these types of issues.

Comm. Johnson asked if there are other alternatives in handling these issues and possibly sharing the responsibility with the City and Sunnyvale Downtown Association.

Mr. Kuchenig responded that it may be a good idea to study other ways, such as grants, that may fund the upkeep of buildings in South Murphy Avenue.

Mr. Kuchenig discussed the next regular scheduled meeting in September, that they may have another Landmark Alteration Permit application. He also noted a possible meeting in October to gather and discuss draft study issues derived from this discussion.

Vice Chair Squellati asked staff about the previously approved study issue about cultural diversity (CDD 12-03). He said staff was supposed to be finishing the draft.

Mr. Kuchenig responded that the staff that was assigned is no longer employed with the City, and assignments have been shuffling around. He would follow up on the status and provide feedback.

4 [14-0757](#) Selection of Chair and Vice Chair

Vice Chair Squellati nominated Jeanine Stanek to serve as Chair as she does a good job and is involved with the Sunnyvale Heritage Park Museum.

Comm. Michitaka also concurred with Vice Chair Squellati's nomination of Jeanine Stanek to continue to serve as Chair. He also nominated Vice Chair Squellati to continue to serve as Vice Chair.

Comm. Mouritsen concurred with both nominations.

Comm. Johnson concurred as well with the nominations.

Vote: 4-0 with Chair Stanek and Vice Chair Squellati abstaining.

Chair Stanek noted that this will be her last year.

Mr. Kuchenig noted that the Chair and Vice Chair training is only required for newly appointed Chairs and Vice Chairs, although they they may attend.

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Mr. Kuchenig thanked the Commission as he served as the Heritage Preservation Commission liaison for past 6 years.

Commissioners thanked Mr. Kuchenig.

Chair Stanek thanked Comm. Mouritsen and Vice Chair Squellati for attending the Goodwill awards. She noted Yaohan Koning is a member of the Historical Society and Goodwill is making a donation to the Historical Society.

INFORMATION ONLY REPORTS/ITEMS

Chair noted a new display at the museum which includes Atari games and robotic officer Mac.

Council Member Liaison Davis acknowledged officer Mac. He also thanked the Commission for their service, knowing it is not always easy to make these types of decisions, and noted their guardianship to protecting the history of the City.

Commissioners welcomed Amber El-Haaj, who will be their staff liaison from this point forward.

ADJOURNMENT

The meeting adjourned at 8:45 pm.



City of Sunnyvale

Meeting Minutes - Draft

Sustainability Commission

Monday, August 18, 2014

7:00 PM

West Conference Room, City Hall, 456 W.
Olive Ave., Sunnyvale, CA 94086

CALL TO ORDER

The meeting was called to order by Chair Paton at 7:00 p.m.

SALUTE TO THE FLAG

Chair Paton led the salute to the flag.

ROLL CALL

Present: 6 - Chair Amit Srivastava
Commissioner Barbara Fukumoto
Commissioner Gerald Glaser
Commissioner Dan Hafeman
Commissioner Petya Kisyova
Commissioner Bruce Paton

Council Liaison- Glenn Hendricks (present)

PUBLIC ANNOUNCEMENTS

Chair Paton opened the meeting to public announcements.

There were no announcements.

Chair Paton closed the public hearing.

CONSENT CALENDAR

1 Draft Minutes of the Sustainability Commission Meeting of July 21, 2014.

Commissioner Hafeman pulled the draft minutes from the consent calendar and requested the minutes be amended.

The draft minutes of the Sustainability Commission meeting of July 21, 2014 were approved as amended by the following vote:

Yes: 5 - Chair Srivastava
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

Abstain: 1 - Commissioner Fukumoto

PUBLIC COMMENTS

Chair Paton opened the meeting to public comments.

There were no public comments.

Chair Paton closed the public hearing.

PUBLIC HEARINGS/GENERAL BUSINESS

2 Approval of the Urban Forest Management Plan

Commissioner Glaser made a motion and Commissioner Srivastava seconded to recommend Council adopt Alternatives 1 and 2: 1) Approve adoption of the Urban Forest Management Plan; and, 2). Provide other direction to staff as Council deems appropriate, as follows:

- Recommend a need for a shade standard for parking lots satisfied by trees, solar panels or other methods to increase shading
- Recommend policies to support native trees
- Plan for modifications in street specifications to support native trees or those appropriate to this area

The motion failed by the following vote:

Yes: 2 - Chair Srivastava
Commissioner Glaser

No: 4 - Commissioner Fukumoto
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

Commissioner Fukumoto made a motion and Commissioner Kisyova seconded to recommend Council adopt Alternative 1) Approve adoption of the Urban Forest Management Plan. The motion carried by the following vote:

Yes: 6 - Chair Srivastava
Commissioner Fukumoto
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

Commissioner Paton made a motion and Commissioner Glaser seconded to recommend Council consider issues of concern to the Commission, as follows:

- 1) Clarification of the methods of how shading is achieved in parking lots
- 2) Include in the Urban Forestry Management Plan specific mechanisms for dealing with the effect of high density development on the urban canopy

Friendly Amendment- Commissioner Kisyova made a friendly amendment to include ways for collaboration between organizations, volunteers, nonprofit organizations, Commission's and staff to create and implement policies to address concerns of pedestrians, bicyclists, and other city interests.

Friendly Amendment- Commissioner Hafeman made a friendly amendment to modify the public right-of-way to allow trees to be planted to expand species variability and numbers, including places where planting strips have been paved over.

The final motion was to recommend Council consider issues of concern to the Commission, as follows:

- 1) Clarification of the methods of how shading is achieved in parking lots
- 2) Include in the Urban Forestry Management Plan specific mechanisms for dealing with the effect of high density development on the urban canopy
- 3) Include ways for collaboration between organizations, volunteers, nonprofit organizations, Commission's and staff to create and implement policies to address concerns of pedestrians, bicyclists, and other city interests.
- 4) Modify the public right-of-way to allow trees to be planted to expand species variability and numbers, including places where planting strips have been paved over.

The motion carried by the following vote:

Yes: 6 - Chair Srivastava
Commissioner Fukumoto
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

3 Proposal of Study Issues
-Climate Change Preparedness

Commissioner Glaser moved and Commissioner Hafeman seconded a motion to recommend a study issue that would research key requirements for protecting citizens and businesses in Sunnyvale from harmful effects of sea level rise and other impacts from climate change.

The motion carried by the following vote:

Yes: 6 - Chair Srivastava
Commissioner Fukumoto
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

Commissioner Fukumoto moved and Commissioner Kisyova seconded a motion to recommend to Council a study issue that would examine how to prepare the City to adopt the State's model zero net energy codes.

The motion carried by the following vote:

Yes: 6 - Chair Srivastava
Commissioner Fukumoto
Commissioner Glaser
Commissioner Hafeman
Commissioner Kisyova
Commissioner Paton

No: 0

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Commissioner Fukumoto reported attending numerous meetings recently regarding AB 2145.

Commissioner Glaser reported that he will be speaking about Community Choice Aggregation to the Loma Prieta Chapter of the Sierra Club along with Mayor Jim Griffith and Ann Hancock with the Climate Protection Campaign. The event will be September 18 from 6:30-8:30 p.m. at the Old Adobe Bldg located at 157 Moffett Boulevard in Mountain View.

Commissioner Glaser reported that SAP and the Electric Auto Association of Silicon Valley (EAASV) are sponsoring the Guinness Book of World Records attempt for the largest number of electric vehicles in a parade 10:00 a.m. September 20 at De Anza College.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.



City of Sunnyvale

Meeting Minutes - Draft Arts Commission

Wednesday, August 20, 2014

7:00 PM

Neighborhood Room - Recreation
Building, Sunnyvale Community Center,
550 E. Remington Drive, Sunnyvale, CA
94087

CALL TO ORDER

Chair Park called the meeting to order at 7:00 p.m. in the Neighborhood Room of the Recreation Center.

SALUTE TO THE FLAG

Chair Park led the salute to the flag

ROLL CALL

Present: 4 - Chair Misuk Park
Vice Chair Shawnte Santos
Commissioner Roberta Kiphuth
Commissioner Suzanne Moshier

Council Liaison Mayor Griffith (present)
Commissioner Santos arrived at 7:02 p.m.

PRESENTATION

None.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

1A 14-0807 Draft Minutes of Arts Commission Meeting of April 16, 2014

Commissioner Moshier moved and Chair Park seconded the motion to approve the minutes of April 16, 2014. The motion carried by the following vote:

Yes: 2 - Chair Park
Commissioner Moshier

No: 0

Abstain: 2 - Vice Chair Santos
Commissioner Kiphuth

Vice Chair Santos and Commissioner Kiphuth abstained, as they had not attended the meeting.

PUBLIC COMMENTS

PUBLIC HEARINGS/GENERAL BUSINESS

2 14-0799 Slide Shows of Utility Box Art from Other Cities

Community Services Manager, Tegan McLane provided a report on utility box artwork. She described and showed photos of the variety of utility boxes which could be decorated with art. She showed the methods to cover boxes, themes which have been used, and explained how to obtain an artist to do the work. The artwork she showed was typically commissioned at \$500 or less per box. She answered commissioner questions regarding the selection method, how graffiti impacts artwork, and the number of utility boxes in the city. She explained that the City does not currently have a program for utility box artwork.

3 14-0800 Slide Show of AIPD Projects Completed in FY 13/14

Community Services Manager, Tegan McLane provide a slide show of artwork installed during the last fiscal year in accordance with the Art in Private Development (AIPD) requirement. Five pieces were installed including: Crescent, Facing West, Tools of Technology, Alignment, and Double Diver.

4 14-0801 Election of Officers

Commissioner Santos nominated Commissioner Park for Chair. Commissioner Park accepted the nomination.

Yes: 4 - Chair Park
Vice Chair Santos
Commissioner Kiphuth
Commissioner Moshier

No: 0

Commissioner Moshier nominated Commissioner Santos for Vice Chair.

Commissioner Santos accepted the nomination.

Yes: 4 - Chair Park
Vice Chair Santos
Commissioner Kiphuth
Commissioner Moshier

No: 0

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Chair Park welcomed Commissioner Kiphuth to the Arts Commission.

Chair Park congratulated staff on the Seven Seas Park Grand Opening. Vice Chair Santos commented that she appreciates the City's goal to have a park within walking distance of each Sunnyvale home, and discussed the values reflected by the goal considering the expense. Commissioner Moshier inquired when the public art will be installed. Chair Park shared the update that the Artist provided her.

-Staff Comments

Superintendent Wax announced the State of the City Event will be held on Sept. 13, 11:00 a.m. - 2:00 p.m. at Seven Seas Park. He welcomed Commissioner Kiphuth and provided information about her background including education and boards in which she has served. He identified that a public art component will be commissioned at Murphy Park as required by the renovations made to the park building.

Community Services Manager McLane announced the artists and bios for Evening of Cultural Arts and the Sunnyvale Community Players upcoming show, Gypsy, running from September 12 - October 5.

INFORMATION ONLY REPORTS/ITEMS

None.

ADJOURNMENT

Chair Park adjourned the meeting at 7:47 p.m.