



City of Sunnyvale

Notice and Agenda - Revised City Council

Tuesday, September 29, 2015

5:30 PM

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

Special Meetings: Closed Session-5:30 PM | Study Session-6 PM | Regular Meeting-7 PM

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

1 Call to Order in the West Conference Room

2 Roll Call

3 Public Comment

The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.

4 Convene to Closed Session

[15-0515](#)

Closed Session held pursuant to California Government Code
Section 54957.6: CONFERENCE WITH LABOR
NEGOTIATORS

Agency designated representatives: Teri Silva, Director of
Human Resources; Deanna J. Santana, City Manager

Employee organization: Public Safety Officers Association
(PSOA)

Employee organization: Sunnyvale Managers Association
(SMA)

Unrepresented Employees

5 Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

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

2 Roll Call**3 Public Comment****4 Study Session**[15-0670](#)

Update on Sunnyvale Municipal Golf Course Restaurant
Operations and Golf Finances

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****CLOSED SESSION REPORT****SPECIAL ORDER OF THE DAY**[15-0772](#)

SPECIAL ORDER OF THE DAY - Arts and Humanities Month

[15-0850](#)

SPECIAL ORDER OF THE DAY - National Breast Cancer
Awareness Month

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 [15-0075](#) Approve City Council Meeting Minutes of September 15, 2015

Recommendation: Approve the City Council Meeting Minutes of September 15, 2015 as submitted.

- 1.B [15-0855](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

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

- 1.C [15-0809](#) Award of Contract for Design and Construction Support Services for Pavement Rehabilitation 2016 (F15-99)

Recommendation: 1) Award a contract, in substantially the same format as Attachment 1 to the report and in the amount of \$247,700 to NCE Engineering and Environmental Services Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) Approve a 10% design contingency in the amount of \$24,770.

- 1.D [15-0816](#) Amend an Existing Contract for Ammunition and Miscellaneous Safety Items (F16-16)

Recommendation: Amend an existing contract with Adamson Police Products for the purchase of ammunition by increasing the not-to-exceed value from \$157,000 to \$167,000.

- 1.E [15-0817](#) Renew Contract with Bill Wilson Center to Provide Limited Youth Workforce Development Services

Recommendation: Renew the contract with Bill Wilson Center in an amount not to exceed \$121,914 to provide youth workforce development services from October 1, 2015 through June 30, 2016.

- 1.F** [15-0885](#) Adopt Ordinance Nos. 3060-15 Repealing and Reenacting Chapter 8.16 (Solid Waste Management And Recycling) of Title 8 (Health And Sanitation); 3061-15 Amending Certain Sections of Chapter 10.04 (General Provisions) of Title 10 (Vehicles And Traffic); and 3062-15 Amending Certain Sections of Title 12 (Water And Sewers) of the Sunnyvale Municipal Code.

Recommendation: Adopt Ordinance Nos. 3060-15, 3061-15, and 3062-15.

- 1.G** [15-0889](#) Adopt Ordinance No. 3059-15 Adding Chapter 19.76 (Short-Term Rental of Residential Property) to Title 19 (Zoning) of the Sunnyvale Municipal Code

Recommendation: Adopt Ordinance No. 3059-15.

- 1.H** [15-0923](#) Request for City Council Endorsement and Local Match Commitment for a Metropolitan Transportation Commission Grant Application from the City of Sunnyvale and Santa Clara Valley Transportation Authority for the Peery Park Rides Program

Recommendation: Alternative 1: Authorize the City Manager to issue a letter to MTC to endorse the proposed Peery Park Rides Program and to preliminarily commit up to \$400,000 as the City's recommended local match for the program; direct staff to work with Peery Park property owners and businesses to participate in the program and contribute to the local match.

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 [15-0857](#) Approve a License Agreement with the County of Santa Clara to Allow Use of Parcel A of the City's Onizuka Site for a Temporary County Cold Weather Shelter for the 2015-16 Winter Season, and Find that the Project is Categorically Exempt pursuant to CEQA Guideline Section 15304(e)

Recommendation: Alternatives 1 and 2: 1) Approve the License Agreement in substantially the same form as shown in Attachment 1 to the report; and 2) Find that the project is categorically exempt pursuant to CEQA Guideline Section 15304(e).

- 3 [15-0247](#) Adopt the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue as approved by Planning Commission Resolution 1-15; Introduce an Ordinance to Adopt Official Plan Lines; and Find that CEQA Review is Complete

Recommendation: Alternative 1: Find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP; Adopt the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; and introduce an Ordinance to amend SMC Section 19.06.050 to incorporate the revised Official Plan Lines, and direct that the Plan Line map be filed with the County Recorder's Office.

- 4 [15-0564](#) Introduce an Ordinance Amending Chapter 9.41 (Massage Establishments and Massage Therapists) and Title 19 (Zoning) of the Sunnyvale Municipal Code; Adopt a Resolution Amending Related Fees, Rates and Charges; and Find CEQA Exemption per Guideline 15061(b)(3)

Recommendation: Alternatives 1, 2 and 3: 1) Introduce an Ordinance Repealing and Reenacting Sunnyvale Municipal Code Chapter 9.41 (Massage Establishments and Massage Therapists) of Title 9 (Public Peace Safety and Welfare) and amending Title 19 (Zoning), Sections 19.12.140 (Definitions-"M"), 19.18.030 (Table-Permitted, Conditionally Permitted Uses in Residential Districts), and 19.60.010 (Adult Businesses) of the Sunnyvale Municipal Code; 2) Adopt a Resolution Amending Resolution No. 704-15, the City's Fees, Rates and Charges Resolution, Pertaining to Adult Entertainment and Massage Establishments Licensing and Permitting Fees; and 3) Find that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

- 5 [15-0776](#) Approve the Vision Statement, Success Criteria, and Needs Assessment for the Civic Center Modernization Project

Recommendation: Alternative 1: Approve the final Vision Statement, Success Criteria, and Needs Assessment documents as presented in Attachments 2, 4 and 6 to the report.

- 6 [15-0777](#) Approve Budget Modification No. 8 to Appropriate \$25,000 to Fund Consultant Services Related to the Civic Center Modernization Project with Funding from the Future Infrastructure Projects Set Aside in the Infrastructure Fund

Recommendation: Alternatives 1 and 2: 1) Approve Budget Modification No. 8 to appropriate \$25,000 to fund consultant services related to the Civic Center Modernization Project with funding from the Future Infrastructure Projects Set Aside in the Infrastructure Fund; and 2) Authorize the City Manager to amend the service agreement with Anderson Brule Architects, up to the new appropriation limit.

- 7 [15-0810](#) Appoint One City Councilmember to Serve as Member and Another to Serve as Alternate on the Valley Transportation Authority State Route 85 Corridor Policy Advisory Board

Recommendation: Alternative 1: Appoint a Councilmember to serve as member and another to serve as alternate on the Valley Transportation Authority State Route 85 Corridor Policy Advisory Board.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

[15-0186](#) Tentative Council Meeting Agenda Calendar

[15-0765](#) Information/Action Items

[15-0739](#) Study Session Summaries of August 18, 2015:
Item A: 15-0671 Transportation Initiatives, Proposed Ballot Measure, and Upcoming Update to the Transportation Impact Fee and Project Prioritization
Item B: 15-0606 Update on Draft Land Use and Transportation Element and Consideration of Land Use Alternatives for Environmental Impact Report
Item C: 15-0631 Peery Park Specific Plan - Consideration of Land Use Alternatives for the Environmental Impact Report and Community Benefits Program
Item D: 15-0797 Transportation Impact Fees: (1) Review of Projects and Funding, (2) Discussion of an Updated Fee

[15-0808](#) Board/Commission Meeting Minutes

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

15-0515

Agenda Date: 9/29/2015

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager

Employee organization: Public Safety Officers Association (PSOA)

Employee organization: Sunnyvale Managers Association (SMA)

Unrepresented Employees



City of Sunnyvale

Agenda Item

15-0670

Agenda Date: 9/29/2015

Update on Sunnyvale Municipal Golf Course Restaurant Operations and Golf Finances



City of Sunnyvale

Agenda Item

15-0772

Agenda Date: 9/29/2015

SPECIAL ORDER OF THE DAY - Arts and Humanities Month



City of Sunnyvale

Agenda Item

15-0850

Agenda Date: 9/29/2015

SPECIAL ORDER OF THE DAY - National Breast Cancer Awareness Month



City of Sunnyvale

Agenda Item

15-0075

Agenda Date: 9/29/2015

SUBJECT

Approve City Council Meeting Minutes of September 15, 2015

RECOMMENDATION

Approve the City Council Meeting Minutes of September 15, 2015 as submitted.



City of Sunnyvale

Meeting Minutes - Draft City Council

Tuesday, September 15, 2015

7:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

Regular Meeting-7 PM

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 Tara Martin-Milius
Councilmember David Whittum
Councilmember Pat Meyering
Councilmember Jim Davis
Councilmember Glenn Hendricks
Councilmember Gustav Larsson

SPECIAL ORDER OF THE DAY

[15-0771](#) SPECIAL ORDER OF THE DAY - Falls Prevention Day

Mayor Griffith presented a proclamation to Dr. Tamar Semerjian of Silicon Valley Healthy Aging Partnership and Sunnyvale Community Services Manager Gerard Manuel in recognition of Falls Prevention Awareness Day.

PUBLIC ANNOUNCEMENTS

Mayor Griffith announced an upcoming "Small Business Ignite" program.

Councilmember Whittum announced board and commission vacancies and an application deadline.

Michael Goldman announced an upcoming event to provide information about the Sunnyvale Public Lands Act and presented a PowerPoint presentation.

CONSENT CALENDAR

Councilmember Meyering pulled Items 1.A through 1.E and 1.G through 1.J.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve Consent Calendar Item 1.F.

The motion carried by the following vote:

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

No: 0

1.A [15-0826](#) Approve City Council Meeting Minutes of August 25, 2015

Public Hearing opened at 12:05 a.m.

No speakers.

Public Hearing closed at 12:05 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the City Council Meeting Minutes of August 25, 2015 as submitted.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.B [15-0833](#) Approve City Council Special Meeting Minutes of September 1, 2015

Public Hearing opened at 12:05 a.m.

No speakers.

Public Hearing closed at 12:05 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to approve the City Council Special Meeting Minutes of September 1, 2015 as submitted.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.C [15-0778](#) Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Public Hearing opened at 12:06 a.m.

No speakers.

Public Hearing closed at 12:06 a.m.

MOTION: Vice Mayor Martin-Milius 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 Martin-Milius
Councilmember Whittum
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson

No: 1 - Councilmember Meyering

1.D [15-0790](#) Authorize Amending an Existing Contract for Cellular Wireless Phone Services (F16-24)

Public Hearing opened at 12:07 a.m.

No speakers.

Public Hearing closed at 12:07 a.m.

MOTION: Councilmember Meyering moved and Vice Mayor Martin-Milius seconded the motion to 1) Approve an amendment to an existing contract with Verizon Wireless to increase the contract value by \$20,000, from \$96,000 to \$116,000; and 2) delegate authority to the City Manager to renew the contract for up to four additional one year periods, subject to available funding, acceptable pricing and service.

The motion carried by the following vote:

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

No: 0

1.E [15-0794](#) Approve Budget Modification No. 5 to Modify Funding for Two-Phase Feasibility Study of Structural Stormwater Best Management Practices for the SMaRT Station® and the Concrete Recycling Facility and Modify Contract with Geosyntec Accordingly

Public Hearing opened at 12:09 a.m.

No speakers.

Public Hearing closed at 12:09 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Hendricks seconded the motion to approve 1) Approve Budget Modification No. 5 and 2) Modify the Geosyntec contract scope of work to delete the concrete recycling facility study and add the supplement to the SMaRT Station feasibility study.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.F [15-0702](#) Reject Bid for Vehicle Exhaust Removal Systems at Three Fire Stations (F15-86)

Reject the one bid received from Air Exchange Inc. in the amount of \$231,153.

1.G [15-0761](#) Approve Final Map (Tract No. 10294) - 67-unit Condominiums at 680 and 698 East Taylor Avenue by Taylor Morrison of California, LLC, a California Limited Liability Company

Public Hearing opened at 12:11 a.m.

No speakers.

Public Hearing closed at 12:11 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to approve the final map for Tract No. 10294; authorize the Mayor to sign the subdivision agreement upon submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 1.H** [15-0758](#) Approve Final Map (Tract No. 10299) - 184-unit Condominiums at 701 East Evelyn Avenue by DR Horton Bay, Inc., a Delaware Corporation

Public Hearing opened at 12:11 a.m.

No speakers.

Public Hearing closed at 12:11 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to approve the final map for Tract No. 10299; authorize the Mayor to sign the subdivision agreement upon submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 1.I** [15-0787](#) Approve Final Map (Tract No. 10285) - Seven Single-family Homes at 523 E. Homestead Road by Madison Terrace, LLC, a California Limited Liability Company

Public Hearing opened at 12:11 a.m.

No speakers.

Public Hearing closed at 12:11 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Davis seconded the motion to approve the final map for Tract No. 10285; authorize the Mayor to sign the subdivision agreement upon submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

1.J [15-0825](#) Adopt Resolutions Approving Amendments to the City's Contribution for CalPERS Medical Insurance for Management, SEA/Confidential and SEIU Annuitants (Retirees)

Public Hearing opened at 12:17 a.m.

No speakers.

Public Hearing closed at 12:17 a.m.

MOTION: Vice Mayor Martin-Milius moved and Councilmember Larsson seconded the motion to adopt two resolutions (1) fixing the employer's contribution under the Public Employee's Medical and Hospital Care Act ("PEMHCA") for 2016, and (2) amending Salary Resolution No. 190 05 to modify the City's contribution for medical insurance for Management, SEA/Confidential and SEIU employees and annuitants.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

PUBLIC COMMENTS

Michael Goldman spoke regarding costs of public libraries and provided a PowerPoint presentation.

Andy Frazer spoke regarding the Sunnyvale Public Lands for Public Use Act and provided a PowerPoint presentation.

Peter Cirigliano spoke regarding a recent article in The Metro.

Maria Pan spoke regarding freedom of speech.

Steve Scandalis spoke regarding the Sunnyvale Public Lands for Public Use Act.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [15-0847](#) REQUEST FOR CONTINUATION to October 27, 2015 to Introduce an Ordinance to Amend various sections of the Sunnyvale Municipal Code Title 19 (Zoning) Related to Child Care Facilities (CDD 15-11); Approve Guidelines for Commercial Child Care; and Finding of CEQA Exemption Pursuant to CEQA Guideline 15061(b)(3). (Planning File: 2015-7149)

Director of Community Development Hanson Hom provided the recommendation to continue this item to October 27.

Public Hearing opened at 7:39 p.m.

No speakers.

Public Hearing closed at 7:39 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to continue this item to October 27, 2015.

The motion carried by the following vote:

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

No: 0

- 3** [15-0856](#) Council Update and Possible Direction on Establishing a Temporary County Cold Weather Shelter for the 2015-16 Winter Season at the City's Onizuka Site

Community Development Director Hanson Hom provided the staff report. City Manager Deanna Santana, City Attorney Joan Borger and Neighborhood Preservation Manager Christy Gunvalson provided additional information.

Public Hearing opened at 7:52 p.m.

David Wessel, Democratic Club of Sunnyvale, spoke in support of the Onizuka site for the emergency cold weather shelter and clarified his comments from a previous Council meeting regarding the effect of the Sunnyvale Public Lands for Public Use Act.

Diana Nguyen spoke regarding enforcement of shuttle service for the shelter to prevent loitering and the need to address security concerns.

Marie Bernard, Sunnyvale Community Services, spoke in support of the Onizuka site for a temporary cold weather shelter and regarding services that will be provided by community service groups.

Public Hearing closed at 7:58 p.m.

MOTION: Councilmember Davis moved and Councilmember Whittum seconded the motion to receive the report.

The motion carried by the following vote:

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

No: 0

- 4 [15-0562](#) Introduce an Ordinance to add a new Chapter 19.76 entitled “Short-term Rentals and Home Sharing” to Title 19 of the Sunnyvale Municipal Code, and find that the project is exempt under CEQA pursuant to Guidelines 15061(b)(3) (Study Issue 2015-7147) (Continued from August 25, 2015)

Principal Planner Andrew Miner provided the staff report and noted a correction to the report on page 13 in the last paragraph, that the list of provisions for unhosted rentals should not have been included. Director of Community Development Hanson Hom and Director of Finance Grace Leung provided additional information.

Public Hearing opened at 8:53 p.m.

Linda McGahen spoke in support of short-term rentals and home sharing and provided information regarding personal verification procedures she uses.

Diana Ngyuen requested consideration of changing the ordinance for the occupancy limits to two people per room.

Charisse Ma Lebron, Director of Community Development and Health Policy, Working Partnerships USA, spoke in support of allowing hosted short-term rentals, and requested amendments such as a permanent City of Sunnyvale residency requirement, that Council not permit unhosted rentals and provide close monitoring of the potential impact on the affordable housing stock.

Majid Bargh expressed concerns regarding potential negative impacts of short-term rentals on long-term rentals and neighborhoods and recommended strict limitations on short-term rentals including a permanent residency requirement.

Sarah McDermott, Unite Local 19, stated they have been working with Working Partnerships to ensure short-term rentals are not impacting affordable housing and hospitality workers. McDermott spoke in support of the staff recommendation of hosted only, and recommended strict limitations on unhosted if approved, including a 90-day limit for unhosted and 180 days for hosted rentals. McDermott recommended the owner of the property be a Sunnyvale resident.

Dan Paustian spoke in support of allowing unhosted short-term rentals and provided information on the careful review of potential clients.

Jackie Nicoli spoke in support of allowing short-term rentals and regarding the reviews available on both sides.

David Wessel spoke in opposition to the ordinance altogether, citing problems with enforcement and lack of notice to the public.

Nancy Smith expressed concerns regarding loss of rentals in Sunnyvale, accountability of owners or tenants, the potential for coercion of tenants by raising rental rates, and including restrictions for hosts in the ordinance.

John Cordes, SNAIL Neighborhood Association Chair speaking for himself, spoke in support of allowing short-term rentals including the unhosted option. Cordes also provided information regarding the short-term rental of RVs.

Ray Crump expressed concerns regarding safety of children and spoke in opposition to unhosted rentals.

Ed Gocka spoke in support of the staff recommendation of restricting short term rentals to hosted.

Simone Yan spoke in support of short-term rentals for the opportunities it provides to people who otherwise cannot afford long-term rent in Sunnyvale. Yan also spoke in support of the benefits to the economy.

Chris Oliva spoke regarding the opportunity to defray long-term costs of a mother-in-law unit and in support of the ordinance.

Public Hearing closed at 9:36 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve Alternatives 1, 2 and 3: (1) Introduce an Ordinance to add a new Chapter 19.76 entitled Short term Rentals and Home Sharing to Title 19 of the Sunnyvale Municipal Code; (2) Direct staff to return with a Resolution amending the Fee Schedule to reflect the appropriate processing fee for short term rentals; and (3) Find that the project is exempt from CEQA under Guideline 15061(b)(3).

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to add the language “as amended from time to time” as suggested by staff in the response to Council comments.

Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to allow a host to stay in an accessory dwelling unit if they are renting the primary unit.

Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Larsson offered a friendly amendment to return to Council in two years with an update on how it has gone and a chance to revisit the ordinance.

Councilmember Davis stated this is already covered by the first friendly amendment.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to add a requirement that any lister must include the City permit number in their listing.

Councilmember Davis accepted the friendly amendment.

FRIENDLY AMENDMENT: Councilmember Hendricks offered a friendly amendment to exclude mobile home parks.

Councilmember Davis declined to accept the friendly amendment.

AMENDMENT: Councilmember Whittum moved to amend the motion to exclude mobile home parks from the ordinance.

Councilmember Hendricks seconded the motion to amend.

Following discussion, Councilmember Whittum withdrew the motion to amend and Councilmember Davis accepted the exclusion of mobile home parks as a friendly amendment, with direction to staff to prepare the appropriate language when the ordinance comes back to Council for adoption.

City Clerk Kathleen Franco Simmons read the ordinance title.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

Council recessed at 10:42 p.m.

Council reconvened at 11 p.m. with all Councilmembers present.

- 5** [15-0741](#) Introduce an Ordinance to Amend Sunnyvale Municipal Code Chapter 8.16 (Solid Waste Management and Recycling), Chapter 10.04 (General Provisions), and Title 12 (Water & Sewers).

Director of Environmental Services John Stufflebean provided the staff report.
Director of Finance Grace Leung provided additional information.

Public Hearing opened at 11:09 p.m.
No speakers.
Public Hearing closed at 11:09 p.m.

MOTION: Councilmember Davis moved and Vice Mayor Martin-Milius seconded the motion to approve Alternative 1: Introduce the proposed Ordinance to Amend Sunnyvale Municipal Code Chapter 8.16 (Solid Waste Management and Recycling), Chapter 10.04 (General Provisions), and Title 12 (Water & Sewers).

AMENDMENT: Councilmember Meyering moved to amend the motion to, at the moment, delete the resetting in section 12.24.230 and postpone a determination about changing the meter resetting charge until we have more concrete information as to what the new charge will be.
The motion to amend died due to lack of a second.

City Clerk Kathleen Franco Simmons read the three ordinance titles.

The motion carried by the following vote:

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

No: 1 - Councilmember Meyering

- 6** [15-0818](#) Adopt Memorandum of Understanding between the City of Sunnyvale and the Communication Officers Association and the Corresponding Resolution to Amend the City's Salary Resolution and the Resolution for Paying and Reporting the Value of Employer Paid Member Contributions for CalPERS Retirement

Director of Human Resources Teri Silva provided the staff report.

Public Hearing opened at 11:15 p.m.

No speakers.

Public Hearing closed at 11:15 p.m.

MOTION: Councilmember Davis moved and Councilmember Larsson seconded the motion to approve Alternative 1: Adopt the Memorandum of Understanding between the City of Sunnyvale and the Communication Officers Association, and the corresponding Resolution amending the City's Salary Resolution and the Resolution for Paying and Reporting the Value of CalPERS Employer Paid Member Contributions.

The motion carried by the following vote:

- Yes: 5 -** Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson
- No: 2 -** Councilmember Whittum
Councilmember Meyering

- 7 [15-0852](#) Consider a Request for Funding from Urban Systems Laboratories for an Automated Transit Network Development Partnership and Approval of Budget Modification No. 6

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 11:22 p.m.

No speakers.

Public Hearing closed at 11:22 p.m.

MOTION: Councilmember Davis moved and Councilmember Hendricks seconded the motion that the City of Sunnyvale, contingent upon other communities joining in the partnership with additional funds, and that any partnership agreement that is drafted, it is understood that we are interested in pursuing the concept, not buying in to the development or building of the structure.

The motion failed by the following vote:

- Yes: 3 -** Councilmember Whittum
 Councilmember Davis
 Councilmember Hendricks
- No: 4 -** Mayor Griffith
 Vice Mayor Martin-Milius
 Councilmember Meyering
 Councilmember Larsson

MOTION: Councilmember Hendricks moved and Councilmember Whittum seconded the motion to proceed with the remaining agenda items.

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

No: 0

8 [15-0369](#) Cast Vote as Member City for the League of California Cities
Peninsula Division 2016 Election of Officers

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 11:56 p.m.

No speakers.

Public Hearing closed at 11:56 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Martin-Milius seconded the motion to ratify the list in the report:

President: Liz Kniss, Councilmember, Palo Alto

Vice President: Alicia Aguirre, Council Member, Redwood City

Secretary-Treasurer: Marilyn Librers, Councilmember, Morgan Hill

Board Director (Two-Year Term): Kirsten Keith, Council Member, Menlo Park

San Mateo County: Larry Moody, Councilmember, East Palo Alto

Santa Clara County: Jim Davis, Councilmember, Sunnyvale

The motion carried by the following vote:

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

No: 0

9 [15-0773](#) Approve City Position on Proposed League of California Cities' 2015 Annual Resolutions

Assistant City Manager Kent Steffens provided the staff report.

Public Hearing opened at 11:59 p.m.

No speakers.

Public Hearing closed at 11:59 p.m.

MOTION: Councilmember Hendricks moved and Councilmember Davis seconded the motion to approve resolution positions:

1. League Bylaw Amendment - Support
2. Overconcentration of Alcohol & Drug Treatment Facilities - Support
3. Residential Rentals, Support for SB 593 (McGuire) - Support
4. Compensation for Prolonged Electrical Power Outages - Take No Position

AMENDMENT: Councilmember Meyering moved to amend the motion to take no action on Resolution #2.

The motion to amend died due to lack of a second.

FRIENDLY AMENDMENT: Councilmember Whittum offered a friendly amendment to take no position on Resolution #2 pending clarification on the item. Councilmember Hendricks declined to accept the friendly amendment.

The motion carried by the following vote:

- Yes:** 5 - Mayor Griffith
Vice Mayor Martin-Milius
Councilmember Davis
Councilmember Hendricks
Councilmember Larsson
- No:** 2 - Councilmember Whittum
Councilmember Meyering

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Councilmember Whittum reported his attendance at meetings of the El Camino Real Bus Rapid Transit Policy Advisory Committee and a VTA Board meeting.

Vice Mayor Martin-Milius reported her attendance at the CALAFCO conference.

NON-AGENDA ITEMS & COMMENTS**-Council**

Councilmember Whittum reported the comments he made earlier on the water rates study are available on the dais or electronically.

Mayor Griffith reported on the State of the City Address and Community Awards event held on September 12.

-City Manager

Assistant City Manager Kent Steffens reported SB588 passed the legislature and is on Governor's desk for signature.

INFORMATION ONLY REPORTS/ITEMS

- | | |
|--------------------------------|--|
| <u>15-0769</u> | Tentative Council Meeting Agenda Calendar |
| <u>15-0701</u> | Information/Action Items |
| <u>15-0759</u> | \$15 by 2018 Regional Minimum Wage Goal Update
(Information Only) |
| <u>15-0831</u> | Study Session Summary of August 25, 2015 - Sunnyvale
Clean Water Program - Master Plan Update |
| <u>15-0073</u> | Board/Commission Meeting Minutes |

ADJOURNMENT

Mayor Griffith adjourned the meeting at 12:22 a.m.



City of Sunnyvale

Agenda Item

15-0855

Agenda Date: 9/29/2015

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
781	09/06/15 through 09/12/15	\$3,047,966.29
782	09/13/15 through 09/19/15	\$5,388,394.28

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: Jane Chambers, Interim Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

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

9/21/2015

City of Sunnyvale

LIST # 781

Page 1

List of All Claims and Bills Approved for Payment
For Payments Dated 9/6/2015 through 9/12/2015

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
100272661	9/9/15	3G PRODUCTIONS	6763	Audio Visual Products	28,745.78	0.00	28,745.78	\$28,745.78
100272662	9/9/15	AT&T	0601927045	Utilities - Telephone	372.31	0.00	372.31	\$372.31
100272663	9/9/15	AT&T	08/11-09/10/15	Comm Equip Maintain & Repair - Materials 2	721.01	0.00	721.01	\$721.01
100272664	9/9/15	AT&T	000006960774	Utilities - Telephone	640.31	0.00	640.31	\$640.31
100272665	9/9/15	ACE FIRE EQUIPMENT & SERVICE CO INC	2515	Facilities Maint & Repair - Labor	120.00	0.00	120.00	\$181.99
			2515	Facilities Maint & Repair - Materials	61.99	0.00	61.99	
100272666	9/9/15	AMFASOFT CORP	LARRYYP-02	DED Services/Training - Training	327.50	0.00	327.50	\$1,245.00
			LINDACOOK-02	DED Services/Training - Training	327.50	0.00	327.50	
			MINHTHUONG-02	DED Services/Training - Training	590.00	0.00	590.00	
100272667	9/9/15	ANDREAJERIS.COM LLC	R-1278	Graphics Services	850.00	0.00	850.00	\$850.00
100272668	9/9/15	AREA TRUCK DRIVING SCHOOL	7323	DED Services/Training - Training	1,098.75	0.00	1,098.75	\$11,719.75
			7346	DED Services/Training - Training	5,310.50	0.00	5,310.50	
			7348	DED Services/Training - Training	5,310.50	0.00	5,310.50	
100272669	9/9/15	BILL WILSON CENTER	JULY2015	Long Term Rent - Sunnyvale Office Center	-2,400.00	0.00	-2,400.00	\$52,568.05
			JULY2015	Contracts/Service Agreements	54,968.05	0.00	54,968.05	
100272670	9/9/15	CALIFORNIA WORKFORCE ASSN	CWA-9410	Membership Fees	4,500.00	0.00	4,500.00	\$4,500.00
100272671	9/9/15	CENTURY GRAPHICS	42567	Inventory Purchase	1,602.76	0.00	1,602.76	\$1,602.76
100272672	9/9/15	CHRISP CO	SNYVLBKLNES #04	Construction Services	895.47	0.00	895.47	\$895.47
100272673	9/9/15	CITY & COUNTY OF SAN FRANCISCO	JULY2015	Contracts/Service Agreements	17,439.90	0.00	17,439.90	\$17,439.90
100272674	9/9/15	CROP PRODUCTION SERVICES INC	28240050	Materials - Land Improve	843.90	0.00	843.90	\$843.90
100272675	9/9/15	D & M TRAFFIC SERVICES INC	44427	Inventory Purchase	721.01	0.00	721.01	\$721.01
100272676	9/9/15	EBSCO SUBSCRIPTION SERVICES	0098850	Library Periodicals/Databases	3.30	0.00	3.30	\$3.30
100272677	9/9/15	ENVIRONMENTAL ROOFING & WATERPROOFING	352/15	Misc Equip Maint & Repair - Labor	100.00	0.00	100.00	\$170.00
			352/15	Misc Equip Maint & Repair - Materials	70.00	0.00	70.00	
100272678	9/9/15	FEDERAL EXPRESS CORP	5-141-75069	Mailing & Delivery Services	12.63	0.00	12.63	\$12.63
100272679	9/9/15	FERGUSON ENTERPRISES INC	1109104	Inventory Purchase	1,868.33	17.18	1,851.15	\$3,291.55
			1112249	Inventory Purchase	1,062.27	9.77	1,052.50	

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Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			1112343	Inventory Purchase	234.90	2.16	232.74	
			1113133	Inventory Purchase	156.60	1.44	155.16	
100272680	9/9/15	FITGUARD INC	0000103961	Misc Equip Maint & Repair - Labor	125.00	0.00	125.00	\$252.24
			0000103961	Misc Equip Maint & Repair - Materials	127.24	0.00	127.24	
100272681	9/9/15	GARDA	10134905	Financial Services	2,782.00	0.00	2,782.00	\$2,782.00
100272682	9/9/15	GOLDEN GATE PETROLEUM	664717	Inventory Purchase	1,765.43	0.00	1,765.43	\$6,681.04
			665059	Inventory Purchase	4,915.61	0.00	4,915.61	
100272683	9/9/15	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1088597	Inventory Purchase	405.88	0.00	405.88	\$405.88
100272684	9/9/15	GUERRA CONSTRUCTION GROUP	BYLNDSRKEQ #R	Construction Project Contract Retainage	7,915.13	0.00	7,915.13	\$7,915.13
100272685	9/9/15	INDEPENDENT ELECTRIC SUPPLY INC	S102451421.001	Bldg Maint Matls & Supplies	21.88	0.00	21.88	\$21.88
100272686	9/9/15	INTERACTIVE DATA PRICING	04396085	Financial Services	115.52	0.00	115.52	\$115.52
100272687	9/9/15	JAMES DESROSIER	189208	DED Services/Training - Books	299.00	0.00	299.00	\$337.69
			70465-6677022	DED Services/Training - Books	38.69	0.00	38.69	
100272688	9/9/15	JOBTRAIN	FY16-1	DED Services/Training - Training	4,140.00	0.00	4,140.00	\$53,615.00
			FY16-2	DED Services/Training - Training	5,113.00	0.00	5,113.00	
			FY16-3	DED Services/Training - Training	5,113.00	0.00	5,113.00	
			JULY2015	DED Services/Training - Training	18,000.00	0.00	18,000.00	
			JULY2015	Contracts/Service Agreements	21,249.00	0.00	21,249.00	
100272689	9/9/15	KENNEDY JENKS CONSULTANTS	95117	HazMat Disposal - Hazardous Waste Disposal	1,197.80	0.00	1,197.80	\$1,197.80
100272690	9/9/15	KOHLWEISS AUTO PARTS INC	01OL1499	Inventory Purchase	11.88	0.24	11.64	\$11.64
100272691	9/9/15	L N CURTIS & SONS INC	1363852-00	General Supplies	12,586.09	0.00	12,586.09	\$12,586.09
100272692	9/9/15	LESLIE ZELLERS	2015-021	Consultants	6,750.00	0.00	6,750.00	\$6,750.00
100272693	9/9/15	LOS ALTOS CHAMBER OF COMMERCE	104252	Membership Fees	200.00	0.00	200.00	\$200.00
100272694	9/9/15	MORRISONS SCHOOL SUPPLY	37088-0	General Supplies	142.55	0.00	142.55	\$158.95
			37088-0	Special Events	16.40	0.00	16.40	
100272695	9/9/15	MOUNTAIN VIEW CHAMBER OF COMMERCE	15MVMEM837	Membership Fees	350.00	0.00	350.00	\$350.00
100272696	9/9/15	MOUNTAIN VIEW GARDEN CENTER	78771	Materials - Land Improve	73.68	0.00	73.68	\$381.10
			78918	Materials - Land Improve	86.38	0.00	86.38	

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			78966	Materials - Land Improve	73.68	0.00	73.68	
			79013	Materials - Land Improve	73.68	0.00	73.68	
			79041	Materials - Land Improve	73.68	0.00	73.68	
100272697	9/9/15	NEXTEL COMMUNICATIONS	223865314-165	Utilities - Mobile Phones - City Mobile Phones	582.74	0.00	582.74	\$582.74
100272698	9/9/15	ON ASSIGNMENT LAB SUPPORT	LAB5500103897	Salaries - Contract Personnel	1,800.00	0.00	1,800.00	\$6,885.00
			LAB550097185	Salaries - Contract Personnel	1,665.00	0.00	1,665.00	
			LAB550097186	Salaries - Contract Personnel	1,620.00	0.00	1,620.00	
			LAB550099424	Salaries - Contract Personnel	1,800.00	0.00	1,800.00	
100272699	9/9/15	PAYFLEX SYSTEMS USA INC	000236338	Miscellaneous Payment	975.00	0.00	975.00	\$975.00
100272700	9/9/15	PAYFLEX SYSTEMS USA INC	128934-708512	Insurances - Depend Care & Health Care Rmb Admin Fees	639.50	0.00	639.50	\$639.50
100272702	9/9/15	PACIFIC COAST TRANE CONTROLS	S75017	Facilities Maint & Repair - Labor	835.00	0.00	835.00	\$835.00
100272703	9/9/15	PERISCOPE INTERMEDIATE CORP	SI-222	Miscellaneous Services	525.00	0.00	525.00	\$525.00
100272704	9/9/15	READYREFRESH BY NESTLE	15H0023360647	General Supplies	5.43	0.00	5.43	\$39.33
			15H5740153001	General Supplies	29.56	0.00	29.56	
			15H5740154009	General Supplies	4.34	0.00	4.34	
100272705	9/9/15	REED & GRAHAM INC	842415	Materials - Land Improve	1,222.66	0.00	1,222.66	\$1,222.66
100272706	9/9/15	SAFEWAY INC	404347-081815	Professional Services	34.62	0.00	34.62	\$64.84
			800919-082915	Food Products	30.22	0.00	30.22	
100272707	9/9/15	SARAH GRAVES	SG2015AUG	Rec Instructors/Officials	945.63	0.00	945.63	\$945.63
100272708	9/9/15	SHRED WORKS INC	110620	Recycling Services	1,800.00	0.00	1,800.00	\$1,800.00
100272709	9/9/15	SIERRA CHEMICAL CO	SLS10024799	Chemicals	3,338.80	0.00	3,338.80	\$3,338.80
100272710	9/9/15	SMART & FINAL INC	155097-082715	General Supplies	103.64	0.00	103.64	\$134.42
			155097-082715	Special Events	30.78	0.00	30.78	
100272711	9/9/15	SOUTHERN FOLGER DETENTION EQUIPMENT CO	206286	Facilities Maint & Repair - Labor	6,988.00	0.00	6,988.00	\$6,988.00
100272712	9/9/15	SPORTS TURF MANAGEMENT	87975	Professional Services	400.00	0.00	400.00	\$400.00
100272713	9/9/15	STEVENS CREEK QUARRY INC	608960	General Supplies	1,345.76	0.00	1,345.76	\$2,975.65
			609220	General Supplies	1,134.09	0.00	1,134.09	
			610147	General Supplies	495.80	0.00	495.80	
100272714	9/9/15	STUDIO EM GRAPHIC DESIGN	15799	Advertising Services	462.19	0.00	462.19	\$734.07

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Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			15800	Advertising Services	271.88	0.00	271.88	
100272715	9/9/15	SUNNYVALE CHAMBER OF COMMERCE	21714	Membership Fees	206.00	0.00	206.00	\$206.00
100272716	9/9/15	SUNNYVALE PUBLIC SAFETY OFFICERS ASSN	DISABILITY0915	Insurances - Long Term Disability	3,838.00	0.00	3,838.00	\$3,838.00
100272717	9/9/15	SUNNYVALE PUBLIC SAFETY OFFICERS ASSN	DENTAL0915	Insurances - Dental	28,953.30	0.00	28,953.30	\$28,953.30
100272718	9/9/15	SUREPATH FINANCIAL SOLUTIONS	063014-279	Professional Services	175.00	0.00	175.00	\$175.00
100272719	9/9/15	TMT ENTERPRISES INC	80287	Materials - Land Improve	1,650.28	0.00	1,650.28	\$3,949.69
			80288	Materials - Land Improve	1,238.59	0.00	1,238.59	
			80535	Materials - Land Improve	1,060.82	0.00	1,060.82	
100272720	9/9/15	THE US CONFERENCE OF MAYORS	26875	Membership Fees	825.00	0.00	825.00	\$825.00
100272721	9/9/15	TOGOS EATERY	203	Training and Conferences	150.00	0.00	150.00	\$150.00
100272722	9/9/15	TRI DIM FILTER CORP	1654126-1	Bldg Maint Matls & Supplies	640.79	0.00	640.79	\$640.79
100272723	9/9/15	TURF & INDUSTRIAL EQUIPMENT CO	IV12939	Inventory Purchase	48.94	0.00	48.94	\$48.94
100272724	9/9/15	UNIVAR USA INC	SJ701672	Chemicals	3,918.96	0.00	3,918.96	\$7,009.13
			SJ704245	Chemicals	3,090.17	0.00	3,090.17	
100272725	9/9/15	KEECH PROPERTIES LLC	SPN-2014-00284	Permit Fees	255,000.00	0.00	255,000.00	\$255,000.00
100272726	9/9/15	PACIFIC GAS & ELECTRIC CO	00328522410815	Utilities - Electric	10.72	0.00	10.72	\$8,862.67
			00697062300815	Utilities - Electric	10.72	0.00	10.72	
			03958470700815	Utilities - Electric	4,151.70	0.00	4,151.70	
			100023460915	Utilities - Electric	1,354.20	0.00	1,354.20	
			24528699500815	Utilities - Electric	9.86	0.00	9.86	
			25900730020815	Utilities - Electric	74.29	0.00	74.29	
			36207652980815	Utilities - Electric	127.18	0.00	127.18	
			43357992720815	Utilities - Electric	22.31	0.00	22.31	
			45039216730815	Utilities - Electric	12.12	0.00	12.12	
			53350770050815	Fuel, Oil & Lubricants	718.34	0.00	718.34	
			63004478110815	Utilities - Electric	70.22	0.00	70.22	
			65170651530815	Utilities - Electric	1,599.61	0.00	1,599.61	
			81703231610815	Utilities - Electric	17.36	0.00	17.36	
			89805160050815	Utilities - Electric	4.44	0.00	4.44	
			91290311060815	Utilities - Electric	75.01	0.00	75.01	

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			94639783770815	Utilities - Electric	46.79	0.00	46.79	
			96226804090815	Utilities - Electric	409.92	0.00	409.92	
			97322830180815	Utilities - Electric	134.16	0.00	134.16	
			97322834740815	Utilities - Electric	13.72	0.00	13.72	
100272729	9/9/15	SUNNYVALE HOST LIONS	092515VANFEE	Special Events	195.00	0.00	195.00	\$195.00
100272730	9/9/15	APPLETREE UNIFORMS	166511-19668	Refund Utility Account Credit	20.31	0.00	20.31	\$20.31
100272731	9/9/15	DON FREITAS	151043-8418	Refund Utility Account Credit	19.52	0.00	19.52	\$19.52
100272732	9/9/15	GDSTA LLC	BL069929	Business License Tax	69.27	0.00	69.27	\$69.27
100272733	9/9/15	JYOTI KALA MANDIR	8000009237	Deposits Payable - Facility Rental	500.00	0.00	500.00	\$500.00
100272734	9/9/15	PRASENJIT SENGUPTA	284666	Refund Recreation Fees	350.00	0.00	350.00	\$350.00
100272735	9/9/15	SHIRAZ ARTS ACADEMY	8000009233	Deposits Payable - Facility Rental	350.00	0.00	350.00	\$350.00
100272736	9/9/15	SYCAMORE HOMES	M#313133	Deposits Payable - Hydrant Meter	2,262.00	0.00	2,262.00	\$1,825.55
			M#313133	Water Sales - Metered	-436.45	0.00	-436.45	
100272737	9/9/15	TOWNE PLACE SUITES BY MARRIOTT	BL047168-2016	Business License Tax	1,113.02	0.00	1,113.02	\$1,113.02
100272738	9/11/15	ADVANCED CHEMICAL TRANSPORT INC	83437	HazMat Disposal - Hazardous Waste Disposal	400.00	0.00	400.00	\$400.00
100272739	9/11/15	ALPINE AWARDS INC	292325	Clothing, Uniforms & Access	248.82	0.00	248.82	\$248.82
100272740	9/11/15	BADGER METER INC	1057255	Water Meters	10,956.60	0.00	10,956.60	\$12,498.40
			1057636	General Supplies	1,541.80	0.00	1,541.80	
100272741	9/11/15	BAY AREA NEWS GROUP DIGITAL FIRST MEDIA	0004764790CR	Advertising Services	-197.16	0.00	-197.16	\$317.84
			0005514231	Advertising Services	268.00	0.00	268.00	
			0005542556	Advertising Services	52.00	0.00	52.00	
			0005547857	Advertising Services	52.00	0.00	52.00	
			0005552490	Advertising Services	143.00	0.00	143.00	
100272742	9/11/15	BAY PRO LANDSCAPE SERVICES INC	E1544	Services Maintain Land Improv	500.00	0.00	500.00	\$2,111.00
			E1545	Services Maintain Land Improv	900.00	0.00	900.00	
			M3339	Services Maintain Land Improv	711.00	0.00	711.00	
100272743	9/11/15	CALIFORNIA COOKING INC	8749	Miscellaneous Services	150.08	0.00	150.08	\$150.08
100272744	9/11/15	CENTURY GRAPHICS	42466	Clothing, Uniforms & Access	186.72	0.00	186.72	\$186.72
100272745	9/11/15	CORIX WATER PRODUCTS (US) INC	17513024486	Construction Services	130.50	0.00	130.50	\$130.50
100272746	9/11/15	ENNIS PAINT INC	293213	Materials - Land Improve	8,221.50	0.00	8,221.50	\$8,221.50

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100272747	9/11/15	ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE	93023223	Software As a Service	15,100.00	0.00	15,100.00	\$15,100.00
100272748	9/11/15	FEDERAL EXPRESS CORP	5-142-90818	Mailing & Delivery Services	4.69	0.00	4.69	\$4.69
100272749	9/11/15	FERGUSON ENTERPRISES INC	1115905	Construction Services	836.14	0.00	836.14	\$836.14
100272750	9/11/15	GALE ASSOC INC	1507377	Engineering Services	2,443.21	0.00	2,443.21	\$2,443.21
100272751	9/11/15	GOLDFARB LIPMAN ATTORNEYS	116794	Legal Services	6,862.00	0.00	6,862.00	\$7,674.50
			116795	Legal Services	812.50	0.00	812.50	
100272752	9/11/15	GRANITEROCK CO	895647	Materials - Land Improve	-119.28	0.00	-119.28	\$9,858.63
			906796	Materials - Land Improve	1,039.35	0.00	1,039.35	
			908161	Materials - Land Improve	1,073.60	0.00	1,073.60	
			912013	Materials - Land Improve	1,580.98	0.00	1,580.98	
			912724	Materials - Land Improve	289.95	0.00	289.95	
			913529	Materials - Land Improve	5,994.03	0.00	5,994.03	
100272753	9/11/15	H & R PLUMBING AND DRAIN CLEANING INC	1565	Construction Services	26,480.00	0.00	26,480.00	\$26,480.00
100272754	9/11/15	HOWARD ROME MARTIN & RIDLEY LLP	33843	Legal Services	1,775.91	0.00	1,775.91	\$2,167.74
			33844	Legal Services	391.83	0.00	391.83	
100272755	9/11/15	HUMANE SOCIETY SILICON VALLEY	76507	Contracts/Service Agreements	35,912.00	0.00	35,912.00	\$75,912.00
			76508	Contracts/Service Agreements	40,000.00	0.00	40,000.00	
100272756	9/11/15	INDEPENDENT ELECTRIC SUPPLY INC	S102459250.001	Electrical Parts & Supplies	88.62	0.00	88.62	\$88.62
100272757	9/11/15	JWC ENVIRONMENTAL	70221	Water/Wastewater Treat Equip	39,512.14	0.00	39,512.14	\$39,512.14
100272758	9/11/15	KATHEY FYKE	7614/7615	DED Services/Training - Books	43.43	0.00	43.43	\$43.43
100272759	9/11/15	KELLY PAPER CO	7468901	General Supplies	482.64	0.00	482.64	\$482.64
100272760	9/11/15	KOHLWEISS AUTO PARTS INC	01OL3335	Inventory Purchase	44.70	0.89	43.81	\$43.81
100272761	9/11/15	L N CURTIS & SONS INC	1367716-00	Inventory Purchase	595.20	0.00	595.20	\$595.20
100272762	9/11/15	LEILANI OSTROM	AUG2015	DED Services/Training - Books	86.22	0.00	86.22	\$86.22
100272763	9/11/15	LONG LI	002249281706	DED Services/Training - Support Services	180.00	0.00	180.00	\$180.00
100272764	9/11/15	M & R REPAIR CO	10578	Facilities Maint & Repair - Labor	160.00	0.00	160.00	\$1,235.67
			10578	Facilities Maint & Repair - Materials	429.56	0.00	429.56	
			10579	Facilities Maint & Repair - Labor	160.00	0.00	160.00	
			10579	Facilities Maint & Repair - Materials	486.11	0.00	486.11	
100272765	9/11/15	MGT OF AMERICA INC	27071	Mandated Cost SB 90	4,350.00	0.00	4,350.00	\$4,350.00

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100272766	9/11/15	MALLORY SAFETY & SUPPLY LLC	3978089	Inventory Purchase	190.31	0.00	190.31	\$190.31
100272767	9/11/15	MCLAUGHLIN PAINTING	7120785	Facilities Maint & Repair - Labor	3,654.00	0.00	3,654.00	\$4,400.00
			7120785	Facilities Maint & Repair - Materials	746.00	0.00	746.00	
100272768	9/11/15	MIDWEST TAPE	93189300	Library Technology Services	1,065.56	0.00	1,065.56	\$1,065.56
100272769	9/11/15	MOBILE ART ACADEMY	024	Rec Instructors/Officials	315.90	0.00	315.90	\$315.90
100272770	9/11/15	MOUNTAIN VIEW GARDEN CENTER	78968	Materials - Land Improve	162.85	0.00	162.85	\$759.75
			79040	Materials - Land Improve	110.38	0.00	110.38	
			79101	Materials - Land Improve	259.13	0.00	259.13	
			79118	Materials - Land Improve	110.76	0.00	110.76	
			79216	Materials - Land Improve	116.63	0.00	116.63	
100272771	9/11/15	ORACLE AMERICA INC	42948729	Software Licensing & Support	9,656.61	0.00	9,656.61	\$9,656.61
100272772	9/11/15	P&R PAPER SUPPLY CO INC	30048390-00	Inventory Purchase	1,181.29	0.00	1,181.29	\$1,212.52
			30048739-00	Inventory Purchase	800.23	0.00	800.23	
			30048748-00	Inventory Purchase	31.23	0.00	31.23	
			30049018-00	Inventory Purchase	-800.23	0.00	-800.23	
100272773	9/11/15	R E P NUT N BOLT GUY	26821	Inventory Purchase	312.55	0.00	312.55	\$609.87
			26842	Inventory Purchase	297.32	0.00	297.32	
100272774	9/11/15	RAFT RESOURCE AREA FOR TEACHERS	2015-9-1756	Membership Fees	15.00	0.00	15.00	\$15.00
100272775	9/11/15	READYREFRESH BY NESTLE	15H5727863002	General Supplies	108.49	0.00	108.49	\$108.49
100272776	9/11/15	REED & GRAHAM INC	842647	Materials - Land Improve	3,387.09	0.00	3,387.09	\$4,839.13
			842648	Materials - Land Improve	1,311.54	0.00	1,311.54	
			842845	Materials - Land Improve	140.50	0.00	140.50	
100272777	9/11/15	SCS ENGINEERS	0259855A	Engineering Services	717.50	0.00	717.50	\$6,217.50
			0259855B	Engineering Services	5,500.00	0.00	5,500.00	
100272778	9/11/15	SAFEWAY INC	438572-082615	General Supplies	46.43	0.00	46.43	\$46.43
100272779	9/11/15	SANDERSON SAFETY SUPPLY CO	8085466-01	Inventory Purchase	182.54	1.68	180.86	\$180.86
100272780	9/11/15	SANTA CLARA VALLEY WATER DISTRICT	GM012728	Taxes & Licenses - Misc	12,301.44	0.00	12,301.44	\$12,301.44
100272781	9/11/15	SILICON VALLEY POLYTECHNIC INSTITUTE	08262015-272	DED Services/Training - Training	2,700.00	0.00	2,700.00	\$5,400.00
			08272015-274	DED Services/Training - Training	2,700.00	0.00	2,700.00	
100272782	9/11/15	STUDIO EM GRAPHIC DESIGN	15817	Graphics Services	435.00	0.00	435.00	\$435.00
100272783	9/11/15	SUPERIOR PRESS	3166735	Printing & Related Services	121.14	0.00	121.14	\$312.12

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			3166833	Printing & Related Services	190.98	0.00	190.98	
100272784	9/11/15	SUPPLYWORKS	1675766-00	Inventory Purchase	1,256.67	12.28	1,244.39	\$2,295.89
			1690139-00	Inventory Purchase	1,091.50	10.92	1,080.58	
			1690881-00	Inventory Purchase	-29.08	0.00	-29.08	
100272785	9/11/15	THOMSON REUTERS WEST	832444846	Software Licensing & Support	1,511.82	0.00	1,511.82	\$1,972.40
			832554720	Books & Publications	460.58	0.00	460.58	
100272786	9/11/15	UNITED ROTARY BRUSH CORP	CI175131	Inventory Purchase	1,550.19	0.00	1,550.19	\$1,550.19
100272787	9/11/15	UNIVERSITY OF CALIFORNIA SANTA CRUZ	56409	DED Services/Training - Training	570.50	0.00	570.50	\$23,948.00
			56773	DED Services/Training - Training	4,644.00	0.00	4,644.00	
			56797	DED Services/Training - Training	4,500.00	0.00	4,500.00	
			56815	DED Services/Training - Training	5,400.00	0.00	5,400.00	
			56832	DED Services/Training - Training	4,014.00	0.00	4,014.00	
			56836	DED Services/Training - Training	4,819.50	0.00	4,819.50	
100272788	9/11/15	W A KRAUSS & CO INC	201508	Facilities Maint & Repair - Labor	196.25	0.00	196.25	\$449.66
			201508	Facilities Maint & Repair - Materials	9.38	0.00	9.38	
			201508	Professional Services	244.03	0.00	244.03	
100272789	9/11/15	WATERTRAX USA INC	4006 50536	Software As a Service	15,446.19	0.00	15,446.19	\$15,446.19
100272790	9/11/15	WILSEY HAM	10154	Consultants	7,429.76	0.00	7,429.76	\$7,429.76
100272791	9/11/15	YAMAHA GOLF CAR CO	967948	Facilities Maint & Repair - Materials	120.13	0.00	120.13	\$528.01
			968019	Facilities Maint & Repair - Materials	407.88	0.00	407.88	
100272792	9/11/15	ACKERLY ENTERTAINMENT	15-0916-SVY	Employee Recognition Expenses	250.00	0.00	250.00	\$250.00
100272793	9/11/15	D-PREP INC	72902265014004	Training and Conferences	1,920.00	0.00	1,920.00	\$1,920.00
100272795	9/11/15	141 CASPIAN COURT INVESTORS	IN000064401	Refund Over/Duplicate Payment	500.00	0.00	500.00	\$500.00
100272796	9/11/15	ATLANTIS REAL ESTATE INC	IN000067192	Refund Over/Duplicate Payment	318.00	0.00	318.00	\$318.00
100272797	9/11/15	AVALONBAY COJMMUNITIES INC	IN000064703	Refund Over/Duplicate Payment	200.00	0.00	200.00	\$200.00
100272799	9/11/15	CHRISTOPHER LEE	143681-75736	Refund Utility Account Credit	70.56	0.00	70.56	\$70.56
100272800	9/11/15	COLIN LUMLEY	2015-7635	Minor Permit Application Fees - Other	139.00	0.00	139.00	\$139.00
100272801	9/11/15	GO DADDY	IN000064289	Refund Over/Duplicate Payment	263.60	0.00	263.60	\$263.60
100272802	9/11/15	HELEN YOUNG	IN000065476	Refund Over/Duplicate Payment	70.00	0.00	70.00	\$70.00
100272803	9/11/15	JEMICO LLC	2015-2463	Permit - Building	18.00	0.00	18.00	\$18.00
100272804	9/11/15	KINDLY MASSAGE	BL069567-2016	Business License Tax	58.58	0.00	58.58	\$58.58

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100272805	9/11/15	MANCINI'S SLEEPWORLD - RANDY MANCINI	IN000064370	Refund Over/Duplicate Payment	100.00	0.00	100.00	\$100.00
100272806	9/11/15	SHIRAZ ARTS ACADEMY	285888	Refund Recreation Fees	1,582.00	0.00	1,582.00	\$1,582.00
100272807	9/11/15	STEPHANIE'S STRENGTH SHAPING FITNESS	BL068848-2016	Business License Tax	42.64	0.00	42.64	\$42.64
100272808	9/11/15	STRATFORD SCHOOL	IN000065056	Refund Over/Duplicate Payment	200.00	0.00	200.00	\$200.00
100272809	9/11/15	THERMOFISHER SCIENTIFIC	IN000064906	Refund Over/Duplicate Payment	649.17	0.00	649.17	\$649.17
400000498	9/8/15	ACCLAMATION INSURANCE MANAGEMENT	2015-07	Workers' Compensation - Claims	78,337.80	0.00	78,337.80	\$78,337.80
950002416	9/8/15	PERS DEFERRED COMPENSATION PLAN 457	950002416	Retirement Benefits - Deferred Comp - City Portion	1,351.81	0.00	1,351.81	\$1,351.81
950002417	9/8/15	PUBLIC EMPLOYEES RETIREMENT SYSTEM	950002417	Retirement Benefits - Misc Tier 1 & 2 Employer Required Cont.	460,737.34	0.00	460,737.34	\$1,147,684.56
			950002417	Retirement Benefits - Misc Tier 1&2 Employer Paid Member Cont.	75,385.14	0.00	75,385.14	
			950002417	Retirement Benefits - Misc PEPRA Employer Required Cont.	71,179.67	0.00	71,179.67	
			950002417	Retirement Benefits - Safety Tier 1&2 Employer Required Cont.	423,035.30	0.00	423,035.30	
			950002417	Retirement Benefits - Safety Tier 1&2 Emplpyr Paid Member Cont	94,452.75	0.00	94,452.75	
			950002417	Retirement Benefits - Safety PEPRA Employer Required Cont.	22,894.36	0.00	22,894.36	
950100534	9/11/15	BAY COUNTIES WASTE SERVICES	JULY2015	Curbside Revenues - Sunnyvale Portion	-45,642.87	0.00	-45,642.87	\$937,690.97
			JULY2015	Host Fees - SMaRT Station - Public Haul Fees	-6,906.95	0.00	-6,906.95	
			JULY2015	MRF Revenues - SMaRT	-30,428.58	0.00	-30,428.58	
			JULY2015	Kirby Canyon SMaRT Operator	-87,845.82	0.00	-87,845.82	
			JULY2015	Yardwaste - Mountain View	6,377.42	0.00	6,377.42	
			JULY2015	Yardwaste - Palo Alto	52.52	0.00	52.52	
			JULY2015	Yardwaste - Sunnyvale	11,370.11	0.00	11,370.11	
			JULY2015	Facilities Equipment	10,241.75	0.00	10,241.75	
			JULY2015	General Supplies	1,603.16	0.00	1,603.16	

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			JULY2015	HazMat Disposal - Hazardous Waste Disposal	17,252.63	0.00	17,252.63	
			JULY2015	SMaRT Contractor Payment	1,061,617.60	0.00	1,061,617.60	
Grand Total Payment Amount								<u>\$3,047,966.29</u>

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100272810	9/16/15	A T & T	AUG2015	Utilities - Telephone	106.41	0.00	106.41	\$106.41
100272811	9/16/15	ACCLAMATION INSURANCE MANAGEMENT	107769	Workers' Compensation - Administration	24,583.33	0.00	24,583.33	\$24,583.33
100272812	9/16/15	ACUSHNET CO	300017555	Inventory Purchase	-118.00	0.00	-118.00	\$4,652.26
			9000028822REV	Inventory Purchase	-307.54	0.00	-307.54	
			900028822FRE	Inventory Purchase	-3.54	0.00	-3.54	
			900862374	Inventory Purchase	179.00	0.00	179.00	
			900921311	Inventory Purchase	95.00	0.00	95.00	
			900945174RE	Inventory Purchase	-43.20	0.00	-43.20	
			901183872	Inventory Purchase	76.24	0.00	76.24	
			901249112	Inventory Purchase	2,770.88	186.69	2,584.19	
			901249398	Inventory Purchase	2,190.11	0.00	2,190.11	
100272813	9/16/15	ADVANCED CHEMICAL TRANSPORT INC	83736	Materials - Land Improve	147.90	0.00	147.90	\$147.90
100272814	9/16/15	ADVANCED FUEL SERVICES INC	902971	Auto Maint & Repair - Labor	225.00	0.00	225.00	\$322.43
			902971	Auto Maint & Repair - Materials	97.43	0.00	97.43	
100272815	9/16/15	AIR COOLED ENGINES INC	76832	Parts, Vehicles & Motor Equip	89.41	0.00	89.41	\$89.41
100272816	9/16/15	ALL STAR GLASS	ISJ037212	Auto Maint & Repair - Labor	139.50	0.00	139.50	\$1,122.63
			ISJ037212	Auto Maint & Repair - Materials	387.23	0.00	387.23	
			ISJ037213	Auto Maint & Repair - Labor	103.50	0.00	103.50	
			ISJ037213	Auto Maint & Repair - Materials	182.35	0.00	182.35	
			ISJ037214	Auto Maint & Repair - Labor	126.00	0.00	126.00	
			ISJ037214	Auto Maint & Repair - Materials	184.05	0.00	184.05	
100272817	9/16/15	APPLEONE EMPLOYMENT SERVICES	01-3752011	Contracts/Service Agreements	4,815.81	0.00	4,815.81	\$17,464.57
			01-3755414	Contracts/Service Agreements	6,433.63	0.00	6,433.63	
			01-3763416	Contracts/Service Agreements	6,215.13	0.00	6,215.13	
100272820	9/16/15	ATLAS COPCO COMPRESSORS LLC	527419	Fuel, Oil & Lubricants	565.04	0.00	565.04	\$565.04
100272821	9/16/15	AVERY ASSOC INC	1429	Professional Services	5,000.00	0.00	5,000.00	\$5,000.00
100272822	9/16/15	B & A FRICTION MATERIALS INC	544426	Parts, Vehicles & Motor Equip	182.70	0.00	182.70	\$182.70
100272823	9/16/15	BASCOM TRIM & UPHOLSTERY	166942	Auto Maint & Repair - Labor	403.75	0.00	403.75	\$545.13

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			166942	Auto Maint & Repair - Materials	141.38	0.00	141.38	
100272824	9/16/15	BAY AREA NEWS GROUP DIGITAL FIRST MEDIA	0005542571	Advertising Services	200.00	0.00	200.00	\$397.00
			0005555283	Advertising Services	197.00	0.00	197.00	
100272825	9/16/15	BAY-VALLEY PEST CONTROL INC	0191727REV	Facilities Maint & Repair - Labor	-86.00	0.00	-86.00	\$702.00
			0192027	Facilities Maint & Repair - Labor	86.00	0.00	86.00	
			0193063	Services Maintain Land Improv	58.00	0.00	58.00	
			0193757	Facilities Maint & Repair - Labor	120.00	0.00	120.00	
			0194933	Facilities Maint & Repair - Labor	59.00	0.00	59.00	
			0194934	Facilities Maint & Repair - Labor	59.00	0.00	59.00	
			0194935	Facilities Maint & Repair - Labor	59.00	0.00	59.00	
			0194936	Facilities Maint & Repair - Labor	59.00	0.00	59.00	
			0194937	Facilities Maint & Repair - Labor	59.00	0.00	59.00	
			0194946	Facilities Maint & Repair - Labor	42.00	0.00	42.00	
			0195232	Facilities Maint & Repair - Labor	95.00	0.00	95.00	
			0195297	Facilities Maint & Repair - Labor	92.00	0.00	92.00	
100272826	9/16/15	BERT S ESPINOSA	BLAUG2015	Medical Services	3,960.00	0.00	3,960.00	\$3,960.00
100272827	9/16/15	BUCHANAN AUTO ELECTRIC INC	C50876	Parts, Vehicles & Motor Equip	1,377.90	0.00	1,377.90	\$1,377.90
100272828	9/16/15	CB RICHARD ELLIS INC	2013-684861006	Professional Services	10,000.00	0.00	10,000.00	\$10,000.00
100272829	9/16/15	CDW-GOVERNMENT INC	XS18509	Computer Software	14,544.00	0.00	14,544.00	\$14,544.00
100272830	9/16/15	CWEA-TCP	WDWORTH-2015	Training and Conferences	200.00	0.00	200.00	\$200.00
100272831	9/16/15	CALCON SYSTEMS INC	36330	Misc Equip Maint & Repair - Labor	1,618.00	0.00	1,618.00	\$1,618.00
100272832	9/16/15	CALIFORNIA COOKING INC	8750	Equipment Rental/Lease	216.41	0.00	216.41	\$216.41
100272833	9/16/15	CALLAWAY GOLF CO	926023527	Inventory Purchase	-139.05	0.00	-139.05	\$976.43
			926051480	Inventory Purchase	100.06	0.00	100.06	
			926069573	Inventory Purchase	-357.00	0.00	-357.00	
			926111156	Inventory Purchase	-180.00	0.00	-180.00	
			926158737	Inventory Purchase	125.57	0.00	125.57	
			926158737RE	Inventory Purchase	-125.57	0.00	-125.57	
			926158737REV	Inventory Purchase	-125.57	0.00	-125.57	
			926187240	Inventory Purchase	-196.00	0.00	-196.00	

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			926201707	Inventory Purchase	352.56	0.00	352.56	
			926209093	Inventory Purchase	176.28	0.00	176.28	
			926234375	Inventory Purchase	231.96	0.00	231.96	
			926269742	Inventory Purchase	100.06	0.00	100.06	
			926276788	Inventory Purchase	1,013.13	0.00	1,013.13	
100272835	9/16/15	CARBOLINE CO	21268797	Chemicals	261.08	0.00	261.08	\$261.08
100272836	9/16/15	CENTURY GRAPHICS	42560	Clothing, Uniforms & Access	297.53	0.00	297.53	\$620.85
			42597	Clothing, Uniforms & Access	46.55	0.00	46.55	
			42607	Clothing, Uniforms & Access	121.80	0.00	121.80	
			42611	Clothing, Uniforms & Access	154.97	0.00	154.97	
100272837	9/16/15	CITY CANVAS	14850	Miscellaneous Services	5,640.21	0.00	5,640.21	\$5,640.21
100272838	9/16/15	COAST PERSONNEL SERVICES INC	240458	Contracts/Service Agreements	870.48	0.00	870.48	\$9,529.05
			240459	Contracts/Service Agreements	652.86	0.00	652.86	
			240460	Contracts/Service Agreements	828.67	0.00	828.67	
			240461	Contracts/Service Agreements	832.00	0.00	832.00	
			240525	Contracts/Service Agreements	773.76	0.00	773.76	
			240526	Contracts/Service Agreements	870.48	0.00	870.48	
			240527	Contracts/Service Agreements	832.00	0.00	832.00	
			240528	Contracts/Service Agreements	1,934.40	0.00	1,934.40	
			240529	Contracts/Service Agreements	967.20	0.00	967.20	
			240586	Contracts/Service Agreements	0.00	0.00	0.00	
			240587	Contracts/Service Agreements	967.20	0.00	967.20	
100272841	9/16/15	COASTAL TRACTOR	1V74359	Parts, Vehicles & Motor Equip	1,059.48	0.00	1,059.48	\$1,059.48
100272842	9/16/15	COMCAST	09/07-10/06/15	Miscellaneous Services	71.22	0.00	71.22	\$71.22
100272843	9/16/15	COMPRESSED AIR SUPPLY LLC	3284	Auto Maint & Repair - Labor	574.90	0.00	574.90	\$1,049.99
			3284	Auto Maint & Repair - Materials	475.09	0.00	475.09	
100272844	9/16/15	CONSOLIDATED PARTS INC	5026364	Electrical Parts & Supplies	403.88	0.00	403.88	\$403.88
100272845	9/16/15	COUNTY OF SANTA CLARA FINANCE DEPT	1800049013	Communication Equipment	421,201.00	0.00	421,201.00	\$421,201.00
100272846	9/16/15	DENNYS RESTAURANT	454494	Prisoner Meals	41.03	0.00	41.03	\$41.03
100272847	9/16/15	DU-ALL SAFETY	17213	Occupational Health and Safety Services	375.00	0.00	375.00	\$3,394.79

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			17214	Occupational Health and Safety Services	3,019.79	0.00	3,019.79	
100272848	9/16/15	EOA INC	SU54-0715	Professional Services	501.02	0.00	501.02	\$501.02
100272849	9/16/15	EMPIRE SAFETY & SUPPLY	0074655-IN	Inventory Purchase	675.90	0.00	675.90	\$675.90
100272850	9/16/15	ENNIS PAINT INC	293401	Materials - Land Improve	11,228.44	0.00	11,228.44	\$11,228.44
100272851	9/16/15	ESBRO	17607	Chemicals	1,059.97	0.00	1,059.97	\$1,059.97
100272852	9/16/15	FAMCON PIPE & SUPPLY INC	172306	Materials - Land Improve	130.35	0.00	130.35	\$130.35
100272853	9/16/15	FAST RESPONSE ON-SITE TESTING INC	12116	Medical Services	605.00	0.00	605.00	\$1,265.00
			12116	Contracts/Service Agreements	660.00	0.00	660.00	
100272854	9/16/15	FEDERAL EXPRESS CORP	5-142-02025	Postage	4.69	0.00	4.69	\$82.31
			5-149-02705	Mailing & Delivery Services	5.91	0.00	5.91	
			5-149-35607	Postage	66.79	0.00	66.79	
			5-150-16125	Postage	4.92	0.00	4.92	
100272855	9/16/15	FISHER SCIENTIFIC CO LLC	7393639	General Supplies	261.09	0.00	261.09	\$261.09
100272856	9/16/15	FLYERS ENERGY LLC	475163	Fuel, Oil & Lubricants	84.63	0.00	84.63	\$7,535.29
			477235	Fuel, Oil & Lubricants	7,485.32	0.00	7,485.32	
			477235CREDIT	Fuel, Oil & Lubricants	-7,485.32	0.00	-7,485.32	
			477235REBILL	Fuel, Oil & Lubricants	7,450.66	0.00	7,450.66	
100272857	9/16/15	FOSTER BROS SECURITY SYSTEMS INC	272313	Bldg Maint Matls & Supplies	16.97	0.00	16.97	\$16.97
100272858	9/16/15	GARY M BAUM	00036	Legal Services	159.00	0.00	159.00	\$159.00
100272859	9/16/15	GOLDEN GATE TRUCK CENTER	F005662535:01	Parts, Vehicles & Motor Equip	-132.66	0.00	-132.66	\$540.78
			F005665320:01	Parts, Vehicles & Motor Equip	96.37	0.00	96.37	
			F005665418:01	Parts, Vehicles & Motor Equip	333.91	0.00	333.91	
			F005667030:01	Parts, Vehicles & Motor Equip	243.16	0.00	243.16	
100272860	9/16/15	GOLDFARB LIPMAN ATTORNEYS	116792	Legal Services	53.00	0.00	53.00	\$53.00
100272861	9/16/15	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1088449	Parts, Vehicles & Motor Equip	369.45	0.00	369.45	\$802.02
			189-1088450	Auto Maint & Repair - Labor	18.32	0.00	18.32	
			189-1088450	Auto Maint & Repair - Materials	7.07	0.00	7.07	
			189-1088477	Auto Maint & Repair - Labor	31.29	0.00	31.29	
			189-1088477	Auto Maint & Repair - Materials	305.89	0.00	305.89	
			189-1088559	Auto Maint & Repair - Labor	70.00	0.00	70.00	
100272862	9/16/15	GRANITE CONSTRUCTION CO	859215	Materials - Land Improve	492.53	0.00	492.53	\$6,032.90

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			860089	Materials - Land Improve	464.36	0.00	464.36	
			860958	Materials - Land Improve	2,502.99	0.00	2,502.99	
			860982	Materials - Land Improve	1,777.52	0.00	1,777.52	
			863725	Materials - Land Improve	795.50	0.00	795.50	
100272863	9/16/15	GRANITEROCK CO	911313	Materials - Land Improve	24,241.57	0.00	24,241.57	\$21,069.65
			912163	Materials - Land Improve	-3,171.92	0.00	-3,171.92	
100272864	9/16/15	HACH CO INC	9515537	General Supplies	77.27	0.00	77.27	\$205.75
			9519460	General Supplies	128.48	0.00	128.48	
100272865	9/16/15	HI TECH EMERGENCY VEHICLE SERVICE INC	150853	Parts, Vehicles & Motor Equip	100.27	0.00	100.27	\$100.27
100272866	9/16/15	HI-TECH OPTICAL INC	632894	Benefits and Incentives - Prescription Safety Glasses	84.50	0.00	84.50	\$1,060.00
			632897	Benefits and Incentives - Prescription Safety Glasses	141.00	0.00	141.00	
			633086	Benefits and Incentives - Prescription Safety Glasses	184.50	0.00	184.50	
			634787	Benefits and Incentives - Prescription Safety Glasses	100.00	0.00	100.00	
			634788	Benefits and Incentives - Prescription Safety Glasses	192.50	0.00	192.50	
			634811	Benefits and Incentives - Prescription Safety Glasses	157.50	0.00	157.50	
			636187	Benefits and Incentives - Prescription Safety Glasses	200.00	0.00	200.00	
100272867	9/16/15	HYDROSCIENCE ENGINEERS INC	262013012	Engineering Services	6,740.00	0.00	6,740.00	\$48,097.25
			262015009	Engineering Services	41,357.25	0.00	41,357.25	
100272868	9/16/15	IBM CORP	7520291	Software Licensing & Support	15,954.21	0.00	15,954.21	\$15,954.21
100272869	9/16/15	INDEPENDENT ELECTRIC SUPPLY INC	S102461174.001	Bldg Maint Matls & Supplies	8.16	0.00	8.16	\$8.16
100272870	9/16/15	INDUSTRIAL MEDICAL SUPPLY	57208	Inventory Purchase	4,670.81	0.00	4,670.81	\$4,670.81
100272871	9/16/15	IRVINE & JACHENS INC	1074	Clothing, Uniforms & Access	1,852.40	0.00	1,852.40	\$1,852.40
100272872	9/16/15	JANA SOKALE ENVIRONMENTAL PLANNING	1	Professional Services	1,175.00	0.00	1,175.00	\$1,175.00
100272873	9/16/15	JOHNSON ROBERTS & ASSOC INC	126434	Investigation Expense	26.00	0.00	26.00	\$26.00
100272874	9/16/15	KME FIRE APPARATUS	CA533339	Parts, Vehicles & Motor Equip	175.55	0.00	175.55	\$175.55

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100272875	9/16/15	KOHLWEISS AUTO PARTS INC	01OK4747	Parts, Vehicles & Motor Equip	27.13	0.00	27.13	\$261.53
			01OK5010	Parts, Vehicles & Motor Equip	19.66	0.00	19.66	
			01OK5011	Parts, Vehicles & Motor Equip	4.92	0.00	4.92	
			01OK5363	Parts, Vehicles & Motor Equip	17.00	0.00	17.00	
			01OK5554	Parts, Vehicles & Motor Equip	12.27	0.00	12.27	
			01OK5715	Parts, Vehicles & Motor Equip	27.73	0.00	27.73	
			01OK5933	Parts, Vehicles & Motor Equip	7.28	0.00	7.28	
			01OK8217	Parts, Vehicles & Motor Equip	17.91	0.00	17.91	
			01OK8218	Parts, Vehicles & Motor Equip	32.12	0.00	32.12	
			01OK8811	Parts, Vehicles & Motor Equip	44.57	0.00	44.57	
			01OL0418	Parts, Vehicles & Motor Equip	13.45	0.00	13.45	
			01OL0420	Parts, Vehicles & Motor Equip	13.45	0.00	13.45	
			01OL1041	Parts, Vehicles & Motor Equip	12.02	0.00	12.02	
			01OL1044	Parts, Vehicles & Motor Equip	12.02	0.00	12.02	
100272877	9/16/15	LAW OFFICES OF CRAIG LABADIE	1039-090815	Legal Services	2,881.00	0.00	2,881.00	\$2,881.00
100272878	9/16/15	LAWSON PRODUCTS INC	9303520086	Miscellaneous Equipment Parts & Supplies	541.44	0.00	541.44	\$933.56
			9303544345	Miscellaneous Equipment Parts & Supplies	392.12	0.00	392.12	
100272879	9/16/15	LEHR AUTO ELECTRIC	01 114742	Parts, Vehicles & Motor Equip	326.32	0.00	326.32	\$539.05
			01 114821	Vehicles & Motorized Equip	36.49	0.00	36.49	
			01 115010	Parts, Vehicles & Motor Equip	72.27	0.00	72.27	
			01 115200	Vehicles & Motorized Equip	93.97	0.00	93.97	
			01 115424	Vehicles & Motorized Equip	10.00	0.00	10.00	
100272880	9/16/15	LEVEL 3 COMMUNICATIONS LLC	39696746	Comm Equip Maintain & Repair - Materials 2	4,318.67	0.00	4,318.67	\$4,318.67
100272881	9/16/15	LIEBERT CASSIDY WHITMORE	1408839	City Training Program	4,233.42	0.00	4,233.42	\$4,233.42
100272882	9/16/15	LOS ALTOS BUSINESS MACHINES	12723	Misc Equip Maint & Repair - Labor	150.00	0.00	150.00	\$242.43
			12723	Misc Equip Maint & Repair - Materials	92.43	0.00	92.43	
100272883	9/16/15	MSI FUEL MANAGEMENT INC	3766	Auto Maint & Repair - Labor	570.00	0.00	570.00	\$1,140.00
			3783	Auto Maint & Repair - Labor	570.00	0.00	570.00	
100272884	9/16/15	MUFG UNION BANK NA	053015-053115	Financial Services	649.64	0.00	649.64	\$17,251.43
			060115-083115	Financial Services	16,601.79	0.00	16,601.79	

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100272885	9/16/15	MCMASTER CARR SUPPLY CO	37459968	Miscellaneous Equipment Parts & Supplies	132.61	0.00	132.61	\$537.48
			38390732	Miscellaneous Equipment Parts & Supplies	18.19	0.00	18.19	
			38403136	Miscellaneous Equipment Parts & Supplies	19.29	0.00	19.29	
			38446288	Miscellaneous Equipment Parts & Supplies	367.39	0.00	367.39	
100272886	9/16/15	MEDINAS CATERING	277	Employee Recognition Expenses	870.00	0.00	870.00	\$870.00
100272887	9/16/15	MITCHELL 1	3961243	Software Licensing & Support	2,220.00	0.00	2,220.00	\$2,220.00
100272888	9/16/15	MOTOROLA	41212973	Comm Equip Maintain & Repair - Materials 2	6,128.80	0.00	6,128.80	\$6,128.80
100272889	9/16/15	MUNICIPAL MAINTENANCE EQUIPMENT INC	0103086-IN	Parts, Vehicles & Motor Equip	210.77	0.00	210.77	\$4,544.46
			0103144-IN	Parts, Vehicles & Motor Equip	953.24	0.00	953.24	
			0103207-IN	Parts, Vehicles & Motor Equip	139.47	0.00	139.47	
			0103419-IN	Auto Maint & Repair - Labor	230.00	0.00	230.00	
			0103419-IN	Auto Maint & Repair - Materials	1,256.25	0.00	1,256.25	
			0103740-IN	Parts, Vehicles & Motor Equip	767.27	0.00	767.27	
			0103765-IN	Parts, Vehicles & Motor Equip	208.79	0.00	208.79	
			0103780-IN	Parts, Vehicles & Motor Equip	778.67	0.00	778.67	
100272890	9/16/15	NAPA AUTO PARTS	181607	Parts, Vehicles & Motor Equip	54.06	0.00	54.06	\$558.29
			192982	Parts, Vehicles & Motor Equip	44.41	0.00	44.41	
			193239	Parts, Vehicles & Motor Equip	10.35	0.00	10.35	
			193243	Parts, Vehicles & Motor Equip	41.05	0.00	41.05	
			193408	Parts, Vehicles & Motor Equip	9.44	0.00	9.44	
			193409	Parts, Vehicles & Motor Equip	10.71	0.00	10.71	
			193571	Parts, Vehicles & Motor Equip	128.55	0.00	128.55	
			193899	Parts, Vehicles & Motor Equip	42.91	0.00	42.91	
			194650	Parts, Vehicles & Motor Equip	57.54	0.00	57.54	
			194651	Parts, Vehicles & Motor Equip	175.58	0.00	175.58	
			195558	Parts, Vehicles & Motor Equip	-16.31	0.00	-16.31	
100272891	9/16/15	NET TRANSCRIPTS INC	0003813-IN	Investigation Expense	157.50	0.00	157.50	\$157.50
100272892	9/16/15	OCLC INC	0000413676	Lib Database Services (OCLC)	2,086.50	0.00	2,086.50	\$2,086.50
100272893	9/16/15	ON ASSIGNMENT LAB SUPPORT	LAB5500103897	Salaries - Contract Personnel	-1,800.00	0.00	-1,800.00	\$1,380.00
			R					
			LAB550096536	Salaries - Contract Personnel	660.00	0.00	660.00	

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			LAB550100042	Salaries - Contract Personnel	720.00	0.00	720.00	
			LAB550103897	Salaries - Contract Personnel	1,800.00	0.00	1,800.00	
100272894	9/16/15	ORLANDI TRAILER INC	144963	Parts, Vehicles & Motor Equip	93.29	0.00	93.29	\$93.29
100272895	9/16/15	PAYFLEX SYSTEMS USA INC	130534-710716	Professional Services	198.00	0.00	198.00	\$258.00
			130536-710718	Professional Services	60.00	0.00	60.00	
100272896	9/16/15	PRN ERGONOMIC SERVICES	0000013	Occupational Health and Safety Services	2,090.00	0.00	2,090.00	\$2,090.00
100272897	9/16/15	PANKEYS RADIATOR SHOP INC	227159	Auto Maint & Repair - Labor	175.00	0.00	175.00	\$175.00
100272898	9/16/15	PAPE MACHINERY	9611717	Parts, Vehicles & Motor Equip	63.44	0.00	63.44	\$94.52
			9615210	Parts, Vehicles & Motor Equip	31.08	0.00	31.08	
100272899	9/16/15	PETROLEUM MARKETING EQUIPMENT	263673	Parts, Vehicles & Motor Equip	42.59	0.00	42.59	\$42.59
100272900	9/16/15	PRIORITY 1 PUBLIC SAFETY EQUIPMENT	5258	Vehicles & Motorized Equip	5,693.75	0.00	5,693.75	\$5,693.75
100272901	9/16/15	RANKIN STOCK HEABERLIN	32973	Legal Services	1,947.83	0.00	1,947.83	\$1,947.83
100272902	9/16/15	ROYAL BRASS INC	769644-001	Parts, Vehicles & Motor Equip	79.96	0.00	79.96	\$1,132.17
			769645-001	Parts, Vehicles & Motor Equip	22.68	0.00	22.68	
			769646-001	Parts, Vehicles & Motor Equip	86.27	0.00	86.27	
			770958-001	Parts, Vehicles & Motor Equip	554.24	0.00	554.24	
			771349-001	Parts, Vehicles & Motor Equip	104.66	0.00	104.66	
			771768-001	Parts, Vehicles & Motor Equip	68.46	0.00	68.46	
			771888-001	Parts, Vehicles & Motor Equip	148.52	0.00	148.52	
			772210-001	Parts, Vehicles & Motor Equip	35.57	0.00	35.57	
			772266-001	Parts, Vehicles & Motor Equip	31.81	0.00	31.81	
100272903	9/16/15	SC FUELS	2864018	Inventory Purchase	19,734.10	0.00	19,734.10	\$19,734.10
100272904	9/16/15	SSA LANDSCAPE ARCHITECTS INC	5172	Engineering Services	2,922.25	0.00	2,922.25	\$2,922.25
100272905	9/16/15	SAFETY KLEEN SYSTEMS INC	67633293	Chemicals	292.43	0.00	292.43	\$307.13
			67919524	Auto Maint & Repair - Labor	14.70	0.00	14.70	
100272906	9/16/15	SAFEWAY INC	435538-090915	General Supplies	88.94	0.00	88.94	\$92.93
			723155-090915	Food Products	3.99	0.00	3.99	
100272907	9/16/15	SAN FRANCISCO BAY BIRD OBSERVATORY	846	Water Lab Services	1,569.00	0.00	1,569.00	\$1,569.00
100272908	9/16/15	SANDERSON SAFETY SUPPLY CO	8085570-01	Inventory Purchase	223.16	2.05	221.11	\$221.11
100272909	9/16/15	SANTA CLARA COUNTY CITIES MANAGERS ASSN	CHAMBERS091	Meetings	32.00	0.00	32.00	\$32.00

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100272910	9/16/15	SANTA CLARA COUNTY TRAINING OFFICERS ASN	07-08-2015	Membership Fees	150.00	0.00	150.00	\$150.00
100272911	9/16/15	SCHAAF & WHEELER	26162	Engineering Services	2,440.40	0.00	2,440.40	\$2,440.40
100272912	9/16/15	SHAWN SPANO	07212015	Consultants	6,050.00	0.00	6,050.00	\$6,050.00
100272913	9/16/15	SMART & FINAL INC	145192-081215	General Supplies	662.01	0.00	662.01	\$1,049.25
			150510-082015	General Supplies	47.55	0.00	47.55	
			154291-082615	General Supplies	125.70	0.00	125.70	
			167281-091415	Special Events	213.99	0.00	213.99	
100272914	9/16/15	ST FRANCIS ELECTRIC INC	46658	Services Maintain Land Improv	51,900.00	0.00	51,900.00	\$51,900.00
100272915	9/16/15	STEVENS CREEK CHRYSLER JEEP DODGE	324838	Parts, Vehicles & Motor Equip	144.70	0.00	144.70	\$551.16
			324839	Parts, Vehicles & Motor Equip	119.91	0.00	119.91	
			324840	Parts, Vehicles & Motor Equip	183.42	0.00	183.42	
			325175	Parts, Vehicles & Motor Equip	103.13	0.00	103.13	
100272916	9/16/15	STRATEGIC ENERGY INNOVATIONS	2275	Professional Services	33,000.00	0.00	33,000.00	\$33,000.00
100272917	9/16/15	SUNNYVALE BUILDING MAINTENANCE	98244	Professional Services	1,400.00	0.00	1,400.00	\$1,835.00
			98245	Professional Services	435.00	0.00	435.00	
100272918	9/16/15	SUNNYVALE DOWNTOWN ASSN	0815JAZZ&BYD	Miscellaneous Services	5,300.00	0.00	5,300.00	\$5,300.00
100272919	9/16/15	SUNNYVALE FORD	449100	Parts, Vehicles & Motor Equip	384.39	0.00	384.39	\$5,566.05
			449219	Parts, Vehicles & Motor Equip	71.49	0.00	71.49	
			449323	Parts, Vehicles & Motor Equip	84.05	0.00	84.05	
			449421	Parts, Vehicles & Motor Equip	361.78	0.00	361.78	
			449550	Parts, Vehicles & Motor Equip	87.01	0.00	87.01	
			449723	Parts, Vehicles & Motor Equip	1,494.36	0.00	1,494.36	
			449723-1	Parts, Vehicles & Motor Equip	186.03	0.00	186.03	
			449790	Parts, Vehicles & Motor Equip	149.02	0.00	149.02	
			450411	Parts, Vehicles & Motor Equip	294.50	0.00	294.50	
			450566	Parts, Vehicles & Motor Equip	152.80	0.00	152.80	
			450567	Parts, Vehicles & Motor Equip	152.80	0.00	152.80	
			450571	Parts, Vehicles & Motor Equip	89.91	0.00	89.91	
			450576	Parts, Vehicles & Motor Equip	280.56	0.00	280.56	
			450610	Parts, Vehicles & Motor Equip	248.57	0.00	248.57	

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			450611	Parts, Vehicles & Motor Equip	248.57	0.00	248.57	
			450979	Parts, Vehicles & Motor Equip	956.33	0.00	956.33	
			451195	Parts, Vehicles & Motor Equip	217.03	0.00	217.03	
			451205	Parts, Vehicles & Motor Equip	8.74	0.00	8.74	
			451376	Parts, Vehicles & Motor Equip	98.11	0.00	98.11	
100272921	9/16/15	SUNNYVALE TOWING INC	286969	Vehicle Towing Services	350.00	0.00	350.00	\$895.00
			287669	Vehicle Towing Services	35.00	0.00	35.00	
			288784	Vehicle Towing Services	35.00	0.00	35.00	
			289609	Vehicle Towing Services	40.00	0.00	40.00	
			294640	Vehicle Towing Services	35.00	0.00	35.00	
			296559	Vehicle Towing Services	40.00	0.00	40.00	
			296565	Vehicle Towing Services	40.00	0.00	40.00	
			296566	Vehicle Towing Services	40.00	0.00	40.00	
			296569	Vehicle Towing Services	40.00	0.00	40.00	
			296570	Vehicle Towing Services	40.00	0.00	40.00	
			296573	Vehicle Towing Services	40.00	0.00	40.00	
			296574	Vehicle Towing Services	40.00	0.00	40.00	
			296577	Vehicle Towing Services	40.00	0.00	40.00	
			296585	Vehicle Towing Services	40.00	0.00	40.00	
			296803	Vehicle Towing Services	40.00	0.00	40.00	
100272923	9/16/15	SUNNYVALE WINDUSTRIAL CO INC	648380 00	General Supplies	869.03	0.00	869.03	\$1,265.53
			648693 00	Miscellaneous Equipment Parts & Supplies	210.72	0.00	210.72	
			648734 00	General Supplies	59.27	0.00	59.27	
			648735 00	Bldg Maint Matls & Supplies	126.51	0.00	126.51	
100272924	9/16/15	THE LIGHTHOUSE	0165433	Parts, Vehicles & Motor Equip	62.72	0.00	62.72	\$62.72
100272925	9/16/15	TURF & INDUSTRIAL EQUIPMENT CO	IV12797	Parts, Vehicles & Motor Equip	346.99	0.00	346.99	\$793.69
			IV12911	Parts, Vehicles & Motor Equip	446.70	0.00	446.70	
100272926	9/16/15	TURF STAR INC	6907654-00	Parts, Vehicles & Motor Equip	59.14	0.00	59.14	\$571.72
			6908078-00	Parts, Vehicles & Motor Equip	209.86	0.00	209.86	
			6911028-00	Parts, Vehicles & Motor Equip	302.72	0.00	302.72	
100272927	9/16/15	USA BLUEBOOK	733398	Miscellaneous Equipment Parts & Supplies	1,329.43	0.00	1,329.43	\$1,329.43

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100272928	9/16/15	V & A CONSULTING ENGINEERS	15506	Professional Services	6,090.00	0.00	6,090.00	\$6,090.00
100272929	9/16/15	VWR INTERNATIONAL LLC	8042297661	General Supplies	139.90	0.00	139.90	\$449.63
			8042363786	General Supplies	309.73	0.00	309.73	
100272930	9/16/15	VALLEY OIL CO	31041	Fuel, Oil & Lubricants	556.96	0.00	556.96	\$556.96
100272931	9/16/15	VALLEY POWER SYSTEMS NORTH INC	K22076	Parts, Vehicles & Motor Equip	618.12	0.00	618.12	\$618.12
100272932	9/16/15	VERIZON WIRELESS	9000010501	Communication Equipment	13.12	0.00	13.12	\$52.48
			9000010502	Communication Equipment	13.12	0.00	13.12	
			9000010503	Communication Equipment	13.12	0.00	13.12	
			9000010504	Communication Equipment	13.12	0.00	13.12	
100272933	9/16/15	VERMEER PACIFIC	P55496	Parts, Vehicles & Motor Equip	425.56	0.00	425.56	\$699.44
			P55625	Parts, Vehicles & Motor Equip	15.09	0.00	15.09	
			P55679	Parts, Vehicles & Motor Equip	258.79	0.00	258.79	
100272934	9/16/15	WAUKESHA PEARCE INDUSTRIES	09115836	Misc Equip Maint & Repair - Labor	1,738.00	0.00	1,738.00	\$16,145.58
			09115836	Misc Equip Maint & Repair - Materials	399.48	0.00	399.48	
			30106991	Miscellaneous Equipment Parts & Supplies	13,910.74	0.00	13,910.74	
			30107019	Miscellaneous Equipment Parts & Supplies	97.36	0.00	97.36	
100272935	9/16/15	WECK LABORATORIES INC	W5H0806-COSV	Water Lab Services	142.11	0.00	142.11	\$142.11
100272936	9/16/15	WEST COAST COMPRESSOR	0049963-IN	Miscellaneous Equipment Parts & Supplies	196.76	0.00	196.76	\$196.76
100272937	9/16/15	WAITER.COM INC	F0901560674	Food Products	78.09	0.00	78.09	\$78.09
100272938	9/16/15	ALAMEDA COUNTY SHERIFFS OFFICE	09/28-30/2015	Training and Conferences	660.00	0.00	660.00	\$660.00
100272939	9/16/15	ARMADILLO WILLYS BAR-B-QUE	E17582	Food Products	1,776.14	0.00	1,776.14	\$1,776.14
100272940	9/16/15	CALIFORNIA DEPT OF PARKS & RECREATION	SEPT/22/2015	Excursions	50.00	0.00	50.00	\$50.00
100272941	9/16/15	EMERGENCY MEDICAL SERVICES AUTHORITY	27680-1411	Training and Conferences	112.00	0.00	112.00	\$408.00
			27680-1501	Training and Conferences	296.00	0.00	296.00	
100272942	9/16/15	H K AVERY CONSTRUCTION	1133	Miscellaneous Services	3,440.00	0.00	3,440.00	\$7,820.00
			1134	Miscellaneous Services	4,380.00	0.00	4,380.00	
100272943	9/16/15	JASON GRIGGS	CLAIM#1516-011	Liability Claims Paid	239.38	0.00	239.38	\$239.38
100272944	9/16/15	MEDINAS CATERING	274	Miscellaneous Services	2,671.87	0.00	2,671.87	\$2,671.87
100272945	9/16/15	PINKBERRY	01	Employee Recognition Expenses	366.75	0.00	366.75	\$366.75
100272946	9/16/15	RESERVE ACCOUNT	11927647-0915	Inventory Purchase	20,000.00	0.00	20,000.00	\$20,000.00

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100272947	9/16/15	UNITED STATES POSTAL SERVICE	P#190-091615	Postage	9,901.88	0.00	9,901.88	\$9,901.88
100272948	9/16/15	SACHIKO MASUDA	BL012479-2016	Business License Tax	34.77	0.00	34.77	\$34.77
100272949	9/18/15	AAA SPEEDY SMOG TEST ONLY STATION	019653	Auto Maint & Repair - Labor	40.00	0.00	40.00	\$40.00
100272950	9/18/15	ACOM SOLUTIONS INC	0278985-IN	Printing & Related Services	654.65	0.00	654.65	\$654.65
100272951	9/18/15	ADVANCED CHEMICAL TRANSPORT INC	81713	HazMat Disposal - Hazardous Waste Disposal	2,923.60	0.00	2,923.60	\$2,913.60
			95041	HazMat Disposal - Hazardous Waste Disposal	-10.00	0.00	-10.00	
100272953	9/18/15	AHMED ALAWI	0022-7610-1855	DED Services/Training - Support Services	183.75	0.00	183.75	\$183.75
100272954	9/18/15	AIR COOLED ENGINES INC	76874	Parts, Vehicles & Motor Equip	242.19	0.00	242.19	\$242.19
100272955	9/18/15	ALPINE AWARDS INC	292399	Clothing, Uniforms & Access	62.53	0.00	62.53	\$62.53
100272956	9/18/15	AMFASOFT CORP	JEANMOLI-01	DED Services/Training - Training	5,310.00	0.00	5,310.00	\$5,310.00
100272957	9/18/15	AREA TRUCK DRIVING SCHOOL	7355	DED Services/Training - Training	5,310.50	0.00	5,310.50	\$15,931.50
			7357	DED Services/Training - Training	5,310.50	0.00	5,310.50	
			7359	DED Services/Training - Training	5,310.50	0.00	5,310.50	
100272958	9/18/15	ASSOCIATED INFRASTRUCTURE MGMT SERVICES	2015-009	Engineering Services	4,775.16	0.00	4,775.16	\$4,775.16
100272959	9/18/15	BAKER & TAYLOR	4011316124	Library Acquisitions, Books	726.92	0.00	726.92	\$2,716.07
			4011316124	Library Materials Preprocessing	11.27	0.00	11.27	
			4011328513	Library Acquisitions, Books	242.35	0.00	242.35	
			4011328513	Library Materials Preprocessing	6.35	0.00	6.35	
			4011328656	Library Acquisitions, Books	1,652.16	0.00	1,652.16	
			4011328656	Library Materials Preprocessing	77.02	0.00	77.02	
100272960	9/18/15	BARG COFFIN LEWIS & TRAPP LLP	35192	Legal Services	411.60	0.00	411.60	\$411.60
100272961	9/18/15	BAY AREA NEWS GROUP DIGITAL FIRST MEDIA	0005500266-RE	Advertising Services	600.00	0.00	600.00	\$600.00
100272962	9/18/15	BEE FRIENDLY	4903	Services Maintain Land Improv	250.00	0.00	250.00	\$250.00
100272963	9/18/15	BOETHING TREELAND FARMS INC	SI-1031494	Materials - Land Improve	1,047.26	0.00	1,047.26	\$1,687.84
			SI-1031495	Materials - Land Improve	640.58	0.00	640.58	
100272964	9/18/15	CALTRONICS BUSINESS SYSTEMS	1837291	Misc Equip Maint & Repair - Labor	95.00	0.00	95.00	\$95.00
100272965	9/18/15	COAST PERSONNEL SERVICES INC	240586	Contracts/Service Agreements	832.00	0.00	832.00	\$1,702.48
			240588	Contracts/Service Agreements	870.48	0.00	870.48	

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100272967	9/18/15	CORIX WATER PRODUCTS (US) INC	17513017831	Construction Services	279.11	0.00	279.11	\$3,163.43
			17513025316	Inventory Purchase	2,911.09	26.77	2,884.32	
100272968	9/18/15	DISCOUNT SCHOOL SUPPLY	W22962500101	General Supplies	96.66	0.00	96.66	\$367.47
			W23459350101	General Supplies	270.81	0.00	270.81	
100272970	9/18/15	ESPINOZA TREE SERVICE	121	Professional Services	3,300.00	0.00	3,300.00	\$4,000.00
			122	Professional Services	700.00	0.00	700.00	
100272971	9/18/15	FERGUSON ENTERPRISES INC	1109104-1	Inventory Purchase	2,136.51	19.65	2,116.86	\$2,116.86
100272972	9/18/15	FOSTER BROS SECURITY SYSTEMS INC	271874	Misc Equip Maint & Repair - Materials	94.00	0.00	94.00	\$94.00
100272973	9/18/15	FREMONT UNION HIGH SCHOOL DISTRICT	15-629	Construction Services	518,777.06	0.00	518,777.06	\$518,777.06
100272974	9/18/15	GARDENLAND POWER EQUIPMENT	308804	Parts, Vehicles & Motor Equip	78.59	0.00	78.59	\$1,736.84
			309940	Auto Maint & Repair - Labor	36.75	0.00	36.75	
			309940	Auto Maint & Repair - Materials	17.10	0.00	17.10	
			309941	Vehicles & Motorized Equip	1,482.36	0.00	1,482.36	
			311167	Parts, Vehicles & Motor Equip	95.00	0.00	95.00	
			311168	Parts, Vehicles & Motor Equip	20.66	0.00	20.66	
			313184	Parts, Vehicles & Motor Equip	6.38	0.00	6.38	
100272975	9/18/15	GLOBAL ACCESS INC	14013	Software As a Service	236.00	0.00	236.00	\$236.00
100272976	9/18/15	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1088477	Auto Maint & Repair - Labor	3.71	0.00	3.71	\$3,349.64
			189-1088477	Auto Maint & Repair - Materials	36.29	0.00	36.29	
			189-1088596	Parts, Vehicles & Motor Equip	183.68	0.00	183.68	
			189-1088628	Parts, Vehicles & Motor Equip	181.87	0.00	181.87	
			189-1088674	Parts, Vehicles & Motor Equip	99.60	0.00	99.60	
			189-1088744	Inventory Purchase	2,844.49	0.00	2,844.49	
100272977	9/18/15	GRAYBAR ELECTRIC CO INC	980650544	Comm Equip Maintain & Repair - Materials 2	118.50	0.00	118.50	\$118.50
100272978	9/18/15	HAO EXPRESSION	SRC559806	Rec Instructors/Officials	3,405.50	0.00	3,405.50	\$3,405.50
100272980	9/18/15	HEXAGON TRANSPORTATION CONSULTANTS INC	9068	Consultants	6,500.00	0.00	6,500.00	\$10,350.00
			9080	Consultants	3,850.00	0.00	3,850.00	
100272981	9/18/15	HINDERLITER DE LLAMAS & ASSOC	0024431-IN	Sales And Use Tax	10,928.49	0.00	10,928.49	\$13,178.49
			0024431-IN	Financial Services	2,250.00	0.00	2,250.00	
100272982	9/18/15	HYBRID COMMERCIAL PRINTING INC	25450	Printing & Related Services	4,906.35	0.00	4,906.35	\$4,906.35

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100272983	9/18/15	IMAGEX	202392	Printing & Related Services	2,157.80	0.00	2,157.80	\$2,157.80
100272984	9/18/15	INFORMATION SERVICES DEPT	ISD-37122	Software As a Service	10,937.19	0.00	10,937.19	\$10,937.19
100272985	9/18/15	INTERSTATE SALES	11339	Materials - Land Improve	343.06	0.00	343.06	\$343.06
100272986	9/18/15	KMVT COMMUNITY TELEVISION	6738	Engineering Services	3,750.00	0.00	3,750.00	\$3,750.00
100272987	9/18/15	KPM CONSULTING LLC	AUG15R-STA5	Construction Services	84.53	0.00	84.53	\$12,184.53
			AUG15-STA5	Construction Services	12,100.00	0.00	12,100.00	
100272988	9/18/15	KIMLEY HORN & ASSOC INC	097318012-0715	Consultants	8,093.70	0.00	8,093.70	\$8,093.70
100272989	9/18/15	LC ACTION POLICE SUPPLY	335315	Clothing, Uniforms & Access	678.04	0.00	678.04	\$11,251.40
			335315	Ballistic Equipment - Body Armor/Vests	110.40	0.00	110.40	
			335345	Clothing, Uniforms & Access	119.67	0.00	119.67	
			335345	Ballistic Equipment - Body Armor/Vests	19.48	0.00	19.48	
			336033	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336033	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336036	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336036	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336037	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336037	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336038	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336038	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336039	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336039	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336040	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336040	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336041	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336041	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336042	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336042	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336126	Clothing, Uniforms & Access	-5.22	0.00	-5.22	
			336127	Clothing, Uniforms & Access	46.28	0.00	46.28	
			336127	Ballistic Equipment - Body Armor/Vests	7.54	0.00	7.54	
			336144	Clothing, Uniforms & Access	37.40	0.00	37.40	

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			336144	Ballistic Equipment - Body Armor/Vests	6.10	0.00	6.10	
			336145	Clothing, Uniforms & Access	37.40	0.00	37.40	
			336145	Ballistic Equipment - Body Armor/Vests	6.10	0.00	6.10	
			336146	Clothing, Uniforms & Access	37.40	0.00	37.40	
			336146	Ballistic Equipment - Body Armor/Vests	6.10	0.00	6.10	
			336147	Clothing, Uniforms & Access	37.40	0.00	37.40	
			336147	Ballistic Equipment - Body Armor/Vests	6.10	0.00	6.10	
			336148	Clothing, Uniforms & Access	37.40	0.00	37.40	
			336148	Ballistic Equipment - Body Armor/Vests	6.10	0.00	6.10	
			336149	Clothing, Uniforms & Access	37.40	0.00	37.40	
			336149	Ballistic Equipment - Body Armor/Vests	6.10	0.00	6.10	
			336150	Clothing, Uniforms & Access	37.40	0.00	37.40	
			336150	Ballistic Equipment - Body Armor/Vests	6.10	0.00	6.10	
			336151	Clothing, Uniforms & Access	37.40	0.00	37.40	
			336151	Ballistic Equipment - Body Armor/Vests	6.10	0.00	6.10	
			336181	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336181	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336188	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336188	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336189	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336189	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336190	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336190	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336191	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336191	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336192	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336192	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336193	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336193	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336194	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336194	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	

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			336195	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336195	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336459	Clothing, Uniforms & Access	44.99	0.00	44.99	
			336459	Ballistic Equipment - Body Armor/Vests	7.32	0.00	7.32	
			336460	Clothing, Uniforms & Access	44.99	0.00	44.99	
			336460	Ballistic Equipment - Body Armor/Vests	7.32	0.00	7.32	
			336479	Clothing, Uniforms & Access	123.51	0.00	123.51	
			336479	Ballistic Equipment - Body Armor/Vests	20.12	0.00	20.12	
			336480	Clothing, Uniforms & Access	249.39	0.00	249.39	
			336480	Ballistic Equipment - Body Armor/Vests	40.60	0.00	40.60	
			336481	Clothing, Uniforms & Access	272.13	0.00	272.13	
			336481	Ballistic Equipment - Body Armor/Vests	44.32	0.00	44.32	
			336482	Clothing, Uniforms & Access	350.67	0.00	350.67	
			336482	Ballistic Equipment - Body Armor/Vests	57.10	0.00	57.10	
			336483	Clothing, Uniforms & Access	249.75	0.00	249.75	
			336483	Ballistic Equipment - Body Armor/Vests	40.66	0.00	40.66	
			336484	Clothing, Uniforms & Access	352.98	0.00	352.98	
			336484	Ballistic Equipment - Body Armor/Vests	57.48	0.00	57.48	
			336503	Clothing, Uniforms & Access	12.10	0.00	12.10	
			336503	Ballistic Equipment - Body Armor/Vests	1.98	0.00	1.98	
			336520	Clothing, Uniforms & Access	386.34	0.00	386.34	
			336520	Ballistic Equipment - Body Armor/Vests	62.90	0.00	62.90	
			336695	Clothing, Uniforms & Access	678.04	0.00	678.04	
			336695	Ballistic Equipment - Body Armor/Vests	110.40	0.00	110.40	
			336699	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336699	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336700	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336700	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336701	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336701	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336702	Clothing, Uniforms & Access	280.57	0.00	280.57	

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			336702	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336703	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336703	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336704	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336704	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336705	Clothing, Uniforms & Access	280.57	0.00	280.57	
			336705	Ballistic Equipment - Body Armor/Vests	45.68	0.00	45.68	
			336707	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336707	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336708	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336708	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336709	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336709	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336710	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336710	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336711	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336711	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
			336712	Clothing, Uniforms & Access	91.66	0.00	91.66	
			336712	Ballistic Equipment - Body Armor/Vests	14.92	0.00	14.92	
100273010	9/18/15	LEXISNEXIS RISK DATA MANAGEMENT INC	1409790-150831	Financial Services	131.50	0.00	131.50	\$131.50
100273011	9/18/15	LIEBERT CASSIDY WHITMORE	1409943	Legal Services	98.00	0.00	98.00	\$224.00
			1409944	Legal Services	126.00	0.00	126.00	
100273012	9/18/15	MALLORY SAFETY & SUPPLY LLC	3980122	Inventory Purchase	125.28	0.00	125.28	\$125.28
100273013	9/18/15	MIDWEST TAPE	93150262	Library Acquis, Audio/Visual	630.56	0.00	630.56	\$4,361.32
			93150264	Library Acquis, Audio/Visual	76.07	0.00	76.07	
			93157581	Library Acquis, Audio/Visual	1,786.15	0.00	1,786.15	
			93157583	Library Acquis, Audio/Visual	1,189.62	0.00	1,189.62	
			93208358	Library Technology Services	678.92	0.00	678.92	
100273014	9/18/15	MIKE DAVIS LANDSCAPE SERVICES	1004	Services Maintain Land Improv	2,003.00	0.00	2,003.00	\$2,003.00
100273015	9/18/15	MORRISONS SCHOOL SUPPLY	37187-0	General Supplies	76.51	0.00	76.51	\$76.51

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100273016	9/18/15	MOUNTAIN VIEW GARDEN CENTER	78875	Materials - Land Improve	517.22	0.00	517.22	\$1,080.16
			78930	Materials - Land Improve	321.68	0.00	321.68	
			78984	Materials - Land Improve	241.26	0.00	241.26	
100273017	9/18/15	MOUNTAIN VIEW LOS ALTOS ADULT SCHOOL	090815	DED Services/Training - Training	540.00	0.00	540.00	\$1,707.00
			090815-A	DED Services/Training - Training	345.00	0.00	345.00	
			090815-C	DED Services/Training - Training	540.00	0.00	540.00	
			090915-B	DED Services/Training - Training	282.00	0.00	282.00	
100273018	9/18/15	MUNICIPAL MAINTENANCE EQUIPMENT INC	0103767-IN	Parts, Vehicles & Motor Equip	139.13	0.00	139.13	\$139.13
100273019	9/18/15	NI GOVERNMENT SERVICES INC	5081017955	Miscellaneous Services	78.77	0.00	78.77	\$78.77
100273020	9/18/15	NEXLEVEL INFORMATION TECHNOLOGY INC	20150831	Computer Software	1,455.00	0.00	1,455.00	\$1,455.00
100273021	9/18/15	OTIS ELEVATOR COMPANY	SJ31766001	Facilities Maint & Repair - Labor	602.00	0.00	602.00	\$602.00
100273023	9/18/15	PR DIAMOND PRODUCTS INC	0037826-IN	Miscellaneous Equipment Parts & Supplies	260.00	0.00	260.00	\$260.00
100273024	9/18/15	PACIFIC JANITORIAL SUPPLY CO	30032338	Inventory Purchase	130.50	0.00	130.50	\$130.50
100273025	9/18/15	POLLARDWATER.COM	0023599	Miscellaneous Equipment Parts & Supplies	197.20	0.00	197.20	\$333.20
			0023600	Miscellaneous Equipment Parts & Supplies	136.00	0.00	136.00	
100273026	9/18/15	RANKIN STOCK HEABERLIN	32972	Legal Services	3,658.44	0.00	3,658.44	\$7,945.84
			32986	Legal Services	4,287.40	0.00	4,287.40	
100273027	9/18/15	READYREFRESH BY NESTLE	05H0028805083	General Supplies	24.23	0.00	24.23	\$377.58
			05I0029664380	Food Products	62.76	0.00	62.76	
			15H0023249071	General Supplies	20.48	0.00	20.48	
			15H0025819772	General Supplies	46.73	0.00	46.73	
			15H5736476002	General Supplies	24.23	0.00	24.23	
			15H5740156004	General Supplies	8.69	0.00	8.69	
			15I5740146005	Miscellaneous Services	190.46	0.00	190.46	
100273028	9/18/15	REED & GRAHAM INC	843387	Materials - Land Improve	1,312.87	0.00	1,312.87	\$1,312.87
100273029	9/18/15	REFRIGERATION SUPPLIES DISTRIBUTOR	38309115-00	Bldg Maint Matls & Supplies	85.15	0.00	85.15	\$85.15
100273030	9/18/15	ROYAL BRASS INC	773016-001	Parts, Vehicles & Motor Equip	93.46	0.00	93.46	\$93.46
100273031	9/18/15	SC FUELS	0405585-IN	Inventory Purchase	546.04	0.00	546.04	\$546.04
100273032	9/18/15	SFO REPROGRAPHICS	24252	Printing & Related Services	983.10	0.00	983.10	\$1,020.08
			24404	Printing & Related Services	36.98	0.00	36.98	

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100273033	9/18/15	SAFEWAY INC	805566-091115	Food Products	37.98	0.00	37.98	\$46.92
			809653-091515	Inventory Purchase	8.94	0.00	8.94	
100273034	9/18/15	SANTA CLARA VALLEY HEALTH & HOSPITAL SYS	H5443854100	Medical Services	1,718.00	0.00	1,718.00	\$1,718.00
100273035	9/18/15	SHRED-IT USA LLC	9407297645	Records Related Services	45.00	0.00	45.00	\$45.00
100273036	9/18/15	SIERRA PACIFIC TURF SUPPLY INC	0459610-IN	Materials - Land Improve	346.25	0.00	346.25	\$346.25
100273037	9/18/15	SILICON VALLEY SECURITY & PATROL INC	2023746	Miscellaneous Services	453.56	0.00	453.56	\$453.56
100273038	9/18/15	SIMPLEX GRINNELL	78094434	Facilities Maint & Repair - Labor	235.74	0.00	235.74	\$8,751.20
			78094435	Facilities Maint & Repair - Labor	430.16	0.00	430.16	
			78094436	Facilities Maint & Repair - Labor	805.22	0.00	805.22	
			78094437	Facilities Maint & Repair - Labor	796.74	0.00	796.74	
			78094438	Facilities Maint & Repair - Labor	692.20	0.00	692.20	
			78094439	Facilities Maint & Repair - Labor	1,275.16	0.00	1,275.16	
			78094440	Facilities Maint & Repair - Labor	1,315.20	0.00	1,315.20	
			78094441	Facilities Maint & Repair - Labor	1,502.38	0.00	1,502.38	
			78095310	Facilities Maint & Repair - Labor	1,698.40	0.00	1,698.40	
100273039	9/18/15	SMART & FINAL INC	163581-090915	General Supplies	26.08	0.00	26.08	\$161.99
			167056-091415	General Supplies	135.91	0.00	135.91	
100273040	9/18/15	SPORTS TURF MANAGEMENT	91867	Services Maintain Land Improv	350.00	0.00	350.00	\$350.00
100273041	9/18/15	STATCOMM INC	104276	Facilities Maint & Repair - Labor	267.75	0.00	267.75	\$267.75
100273042	9/18/15	SUN MOUNTAIN	272453	Inventory Purchase	429.75	21.49	408.26	\$679.60
			275936	Inventory Purchase	285.62	14.28	271.34	
100273043	9/18/15	SUNNYVALE BUILDING MAINTENANCE	98264	Professional Services	190.00	0.00	190.00	\$190.00
100273044	9/18/15	SUNNYVALE FORD	451698	Inventory Purchase	425.08	0.00	425.08	\$425.08
100273045	9/18/15	SUNNYVALE WINDUSTRIAL CO INC	648113 00	Bldg Maint Matls & Supplies	302.23	0.00	302.23	\$697.78
			648221 02	Bldg Maint Matls & Supplies	205.21	0.00	205.21	
			648829 00	Bldg Maint Matls & Supplies	31.09	0.00	31.09	
			649159 00	Water Backflow Valves	159.25	0.00	159.25	
100273046	9/18/15	TAYLORMADE-ADIDAS GOLF CO	31099974	Inventory Purchase	245.90	0.00	245.90	\$245.90
100273047	9/18/15	THOMPSON INFORMATION SERVICES	6088399-091515	Books & Publications	686.99	0.00	686.99	\$686.99
100273048	9/18/15	TRICOR AMERICA INC	M621287	Contracts/Service Agreements	704.00	0.00	704.00	\$704.00

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100273049	9/18/15	TURF & INDUSTRIAL EQUIPMENT CO	IV13104	Inventory Purchase	217.50	0.00	217.50	\$217.50
100273050	9/18/15	UNITED RENTALS	129288920-003	Equipment Rental/Lease	2,458.85	0.00	2,458.85	\$3,199.99
			129343117-002	Equipment Rental/Lease	446.64	0.00	446.64	
			129476059-002	Equipment Rental/Lease	294.50	0.00	294.50	
100273051	9/18/15	UNITED SITE SERVICES INC	114-3271822	Equipment Rental/Lease	159.81	0.00	159.81	\$159.81
100273053	9/18/15	UNIVERSITY OF CALIFORNIA SANTA CRUZ	56371	DED Services/Training - Training	572.50	0.00	572.50	\$8,488.00
			56846	DED Services/Training - Training	2,713.50	0.00	2,713.50	
			56852	DED Services/Training - Training	5,202.00	0.00	5,202.00	
100273054	9/18/15	WEISS & LEFFORGE	WL-8212015	Graphics Services	65.00	0.00	65.00	\$65.00
100273055	9/18/15	YAN JUN LANG	002267538424	DED Services/Training - Support Services	180.00	0.00	180.00	\$180.00
100273056	9/18/15	KIRBY CANYON RECYCLING & DISPOSAL FAC	AUG2015	Landfill Fees to be Allocated	816,574.21	0.00	816,574.21	\$816,574.21
100273057	9/18/15	OFFICEMAX CONTRACT INC	14979108282015	Supplies, Office 1	-38.11	0.00	-38.11	\$8,464.34
			30338108212015	Supplies, Office 1	-601.67	0.00	-601.67	
			36697508172015	Supplies, Office 1	234.24	0.00	234.24	
			41472708212015	Supplies, Office 1	-109.66	0.00	-109.66	
			44108508182015	Supplies, Office 1	110.75	0.00	110.75	
			44886208172015	Supplies, Office 1	266.22	0.00	266.22	
			45290308172015	Supplies, Office 1	95.20	0.00	95.20	
			46095808212015	Supplies, Office 1	-135.45	0.00	-135.45	
			46151908182015	Supplies, Office 1	119.29	0.00	119.29	
			46166608182015	Supplies, Office 1	245.25	0.00	245.25	
			46219008182015	Supplies, Office 1	34.70	0.00	34.70	
			46225208182015	Supplies, Office 1	6.79	0.00	6.79	
			46396708182015	Supplies, Office 1	35.82	0.00	35.82	
			46397808212015	Supplies, Office 1	-183.52	0.00	-183.52	
			46400408212015	Supplies, Office 1	-17.01	0.00	-17.01	
			46416708182015	Supplies, Office 1	202.91	0.00	202.91	
			46489708182015	Supplies, Office 1	77.78	0.00	77.78	
			46674108202015	Supplies, Office 1	168.17	0.00	168.17	
			46836408182015	Supplies, Office 1	54.90	0.00	54.90	

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			47152408192015	Supplies, Office 1	69.24	0.00	69.24	
			47174908192015	Supplies, Office 1	73.55	0.00	73.55	
			47708708192015	Inventory Purchase	672.51	0.00	672.51	
			48434608192015	Supplies, Office 1	170.29	0.00	170.29	
			48443508192015	Supplies, Office 1	16.51	0.00	16.51	
			48499008192015	Supplies, Office 1	84.52	0.00	84.52	
			48538508192015	Supplies, Office 1	119.81	0.00	119.81	
			48586608202015	Supplies, Office 1	135.88	0.00	135.88	
			48625108202015	Supplies, Office 1	60.10	0.00	60.10	
			48984908252015	Supplies, Office 1	-234.24	0.00	-234.24	
			49476208202015	Supplies, Office 1	97.06	0.00	97.06	
			49610808202015	Supplies, Office 1	135.79	0.00	135.79	
			49625508202015	Supplies, Office 1	8.04	0.00	8.04	
			50710908212015	Supplies, Office 1	49.20	0.00	49.20	
			51059308272015	Supplies, Office 1	37.80	0.00	37.80	
			51173508212015	Supplies, Office 1	37.91	0.00	37.91	
			51181408212015	Supplies, Office 1	157.06	0.00	157.06	
			51238408212015	Supplies, Office 1	275.89	0.00	275.89	
			51310008262015	Supplies, Office 1	400.09	0.00	400.09	
			51331208212015	Supplies, Office 1	124.91	0.00	124.91	
			51335708212015	Supplies, Office 1	39.97	0.00	39.97	
			51954908242015	Supplies, Office 1	83.38	0.00	83.38	
			52368608242015	Supplies, Office 1	104.43	0.00	104.43	
			52675208262015	Supplies, Office 1	53.60	0.00	53.60	
			53280208252015	Supplies, Office 1	438.73	0.00	438.73	
			53422808252015	Supplies, Office 1	12.88	0.00	12.88	
			53436508252015	Supplies, Office 1	5.19	0.00	5.19	
			53504808252015	Supplies, Office 1	168.17	0.00	168.17	
			54087608252015	Supplies, Office 1	15.96	0.00	15.96	
			54219308252015	Supplies, Office 1	174.69	0.00	174.69	
			54221708252015	Supplies, Office 1	200.35	0.00	200.35	

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			54227408262015	Supplies, Office 1	14.90	0.00	14.90	
			54794308262015	Supplies, Office 1	91.72	0.00	91.72	
			55190208262015	Supplies, Office 1	98.19	0.00	98.19	
			55228408262015	Supplies, Office 1	5.67	0.00	5.67	
			55480608262015	Supplies, Office 1	57.26	0.00	57.26	
			55701008262015	Supplies, Office 1	44.34	0.00	44.34	
			56411008272015	Supplies, Office 1	91.15	0.00	91.15	
			56579208272015	Supplies, Office 1	129.65	0.00	129.65	
			57212808272015	Supplies, Office 1	377.30	0.00	377.30	
			57227708272015	Supplies, Office 1	15.77	0.00	15.77	
			57277208272015	Supplies, Office 1	161.97	0.00	161.97	
			57424508282015	Supplies, Office 1	20.52	0.00	20.52	
			57424608312015	Supplies, Office 1	29.38	0.00	29.38	
			57930508282015	Supplies, Office 1	188.82	0.00	188.82	
			58076908282015	Supplies, Office 1	455.09	0.00	455.09	
			58110508282015	Supplies, Office 1	164.83	0.00	164.83	
			58170108282015	Supplies, Office 1	57.10	0.00	57.10	
			58556608282015	Supplies, Office 1	117.77	0.00	117.77	
			58932208312015	Supplies, Office 1	72.09	0.00	72.09	
			59391208312015	Supplies, Office 1	1,801.27	0.00	1,801.27	
			59794908312015	Supplies, Office 1	86.98	0.00	86.98	
			60702308262015	Supplies, Office 1	26.70	0.00	26.70	
100273064	9/18/15	ANDERSON PACIFIC ENGINEERING CONST INC	M#10607569	Deposits Payable - Hydrant Meter	2,262.00	0.00	2,262.00	\$2,198.88
			M#10607569	Water Sales - Metered	-63.12	0.00	-63.12	
100273065	9/18/15	DANIEL HE OR ZHOU XIE	BL069961	Business License Tax	115.48	0.00	115.48	\$115.48
100273066	9/18/15	DRYCO CONSTRUCTION INC	M#10562906	Deposits Payable - Hydrant Meter	2,262.00	0.00	2,262.00	\$2,186.29
			M#10562906	Water Sales - Metered	-11.87	0.00	-11.87	
			M#10562906	Damage to City Property	-63.84	0.00	-63.84	
100273067	9/18/15	GLORIA SALAS	286921	Refund Recreation Fees	500.00	0.00	500.00	\$500.00
100273068	9/18/15	SUSAN KOWALSKI	287901	Refund Recreation Fees	34.00	0.00	34.00	\$47.00
			287902	Refund Recreation Fees	13.00	0.00	13.00	

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100273069	9/18/15	VIRGINIA KIEPERT	287741	Refund Recreation Fees	124.00	0.00	124.00	\$124.00
400000499	9/14/15	CALIFORNIA PUBLIC EMP RETIREMENT SYSTEM	14597827	Insurances - Medical	1,112,467.12	0.00	1,112,467.12	\$1,503,829.26
			14597827	Insurances - Retiree Medical - PERS	391,362.14	0.00	391,362.14	
950100535	9/15/15	SFPUC WATER DEPARTMENT	080315-090115	Water for Resale	1,295,475.00	0.00	1,295,475.00	\$1,424,899.00
			080315-090115	Purchased Water Related Expenses - Meter Charges	22,939.00	0.00	22,939.00	
			080315-090115	BAWSCA Surcharge	106,485.00	0.00	106,485.00	
Grand Total Payment Amount								<u>\$5,388,394.28</u>



City of Sunnyvale

Agenda Item

15-0809

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Award of Contract for Design and Construction Support Services for Pavement Rehabilitation 2016 (F15-99)

REPORT IN BRIEF

Approval is requested to award a contract to NCE Engineering and Environmental Services, Inc. of Port Richmond in the amount of \$247,700 for design and construction support services for Pavement Rehabilitation 2016 (Public Works Project No. ST-14/09-16). Approval is also requested for a 10% design contingency in the amount of \$24,770.

EXISTING POLICY

Consistent with the provisions of Chapter 2.08 of the Sunnyvale Municipal Code, civil engineering design contracts are awarded pursuant to a Request for Proposals (RFP) process, unless otherwise exempt from the competitive bidding process.

In addition, the City evaluates civil engineering design proposals in conjunction with the Qualification Based Selection (QBS) process established in California Government Code section 4525 et. seq.

ENVIRONMENTAL REVIEW

It is expected that the CEQA determination for construction of this project will be a categorical exemption pursuant to Class 1 Section 15301(c) and (d) for existing streets involving no expansion, but the consultant will review all CEQA documentation as part of their design review.

BACKGROUND AND DISCUSSION

Capital Project 825290 (Pavement Rehabilitation) provides funding for ongoing roadway infrastructure rehabilitation. Over the past several years, the funding has been increased to accelerate street repairs to return the average Pavement Condition Index (PCI) of City streets to a level of 80+. The PCI measures the condition of city streets on a scale of 0-100, and is based on a physical survey of street surfaces assessing conditions like cracking, asphalt failures, tree root issues, crack sealing status, etc. Prior to 2006, the City's PCI was 85. Due to the economic recession in 2008 and resulting service level impacts, annual spending on pavement maintenance was reduced with a corresponding drop in the PCI index to below 80. Council approved increased budgets in 2011 to return the PCI index to 80+. While the FY 2015/16 Budget returns pavement funding to more normalized levels, there remains some carryover funds from prior fiscal years that are available to complete the increased level of effort.

Every year Department of Public Works (DPW) Pavement Operations staff surveys one half of the City's streets and inputs the data in the City's pavement management system. The system produces a list of deteriorated streets and plans are made to repair, slurry seal, double chip seal overlay, or

reconstruct the streets as needed. For this pavement project, approximately 1.2 million square feet of City streets have been identified as needing reconstruction/rehabilitation.

The scope of work for the engineering design contract will be to evaluate and recommend the most cost effective rehabilitation treatments for the streets identified, design the project and prepare specifications suitable for construction bidding in summer 2016. Additional work will include design related to sign relocation, traffic loop replacement, crack sealing and repair, traffic striping and the adjustment of utility boxes to grade.

Request for Proposals No. F15-99 was directly distributed to several known Bay Area pavement design firms, posted on the Onvia Demandstar public procurement network and published on the City's website. Eight firms requested RFP documents. Sealed proposals were received on June 10, 2015. Four responsive proposals were received as follows:

Bellecci & Associates, of Pleasanton	\$157,583
CSG Consultants, of San Mateo	\$188,890
NCE Engineering & Environmental Services Inc., of Port Richmond	\$209,800
BKF Engineers, of San Jose	\$222,000

Proposals were evaluated on qualifications, experience and programmatic approach by an evaluation team consisting of DPW Engineering and Operations staff (consistent with State law regarding QBS selection, pricing is not initially considered by the evaluation team). Following the evaluation process, NCE was identified as the highest ranked proposer by a significant margin, and was selected based on their extensive experience in pavement rehabilitation programs and processes (a key area of specialty for the firm); a thorough understanding of the City's pavement management software program; an innovative approach to construction phasing for the project; and proposed pavement preservation recommendations. None of the other firms recommended such techniques, which ultimately will result in a better overall value to the City, as explained below. Additionally, while the other proposing firms are qualified general engineering companies, none of them demonstrated the same level of pavement rehabilitation expertise as NCE.

NCE's original proposal included a recommendation to slurry seal 60% of the streets identified by the City for pavement rehabilitation (a less expensive option than pavement overlay), which will result in lower construction costs and preserve the selected roadways for several more years. These savings provided staff the opportunity to considerably increase the number of streets for pavement overlay (from 107,000 to 193,000 square feet) and spot repair areas (from 930,000 to 2,300,000 square feet). The increases require adding scope and cost to the design contract, from \$209,800 to \$247,700, but the increase is nominal given the amount of work the City anticipates completing within the available budget.

FISCAL IMPACT

Budgeted funds are available in Capital Project 825290 (Pavement Rehabilitation). Project costs are as follows:

Project design (including construction support)	\$247,700
Design contingency (10%)	\$24,770
Total cost	\$272,470

Funding Source

This project is funded by the General Fund, the SB83 VRF Road Improvement Fund, and the Gas Tax 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.

RECOMMENDATION

1) Award a contract, in substantially the same format as Attachment 1 to the report and in the amount of \$247,700 to NCE Engineering and Environmental Services Inc., for the subject project, and authorize the City Manager to execute the contract when all the necessary conditions have been met; and 2) Approve a 10% design contingency in the amount of \$24,770.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Timothy J. Kirby, Assistant Director, Finance

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Jane Chambers, Interim Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENT

1. Draft Consultant Services Agreement

DRAFT
CONSULTANT SERVICES AGREEMENT BETWEEN CITY OF SUNNYVALE
AND NCE ENGINEERING AND ENVIRONMENTAL SERVICES, INC. FOR PAVEMENT
REHABILITATION 2016

THIS AGREEMENT dated _____ is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY"), and NCE ENGINEERING AND ENVIRONMENTAL SERVICES, INC. ("CONSULTANT").

WHEREAS, CITY desires to secure professional services necessary for design, preparation of bid documents, services during construction and other services for a project known as "Pavement Rehabilitation 2016"; and

WHEREAS, CONSULTANT represents that it, and its sub-consultants, if any, possess the professional qualifications and expertise to provide the required services and are licensed by the State of California to practice engineering in the required disciplines;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AGREEMENT.

1. Services by CONSULTANT

CONSULTANT shall provide services in accordance with Exhibit "A" entitled "Scope of Work." All exhibits referenced in this Agreement are attached hereto and are incorporated herein by reference. To accomplish that end, CONSULTANT agrees to assign Ryan Schafer to this project, to act in the capacity of Project Manager and personally direct the professional services to be provided by CONSULTANT.

Except as specified in this Agreement, CONSULTANT shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise to perform all operations necessary and required to satisfactorily complete the services required in this Agreement.

2. Notice to Proceed/Completion of Services

- (a) CONSULTANT shall commence services upon receipt of a Notice to Proceed from CITY. Notice shall be deemed to have occurred three (3) calendar days after deposit in the regular course of the United States mail.
- (b) When CITY determines that CONSULTANT has satisfactorily completed the services defined in Exhibit "A," CITY shall give CONSULTANT written Notice of Final Acceptance, and CONSULTANT shall not incur any further costs hereunder. CONSULTANT may request this determination of completion when, in its opinion, it has satisfactorily completed the Scope of Work (Exhibit "A"), and if so requested, CITY shall make this determination within fourteen (14) days of such request.

3. Project Schedule

The Project Schedule is set forth in the attached Exhibit "A-1".

4. Payment of Fees and Expenses

Payments shall be made to CONSULTANT on a monthly basis as set forth in the attached Exhibit "B" entitled "Compensation Schedule." All compensation will be based on monthly billings as provided in Exhibit "B." Compensation will not be due until said detailed billing is submitted to CITY within a reasonable time before payment is expected to allow for normal CITY processing. An estimate of the percent of total completion associated with the various categories of the services shall be furnished by CONSULTANT with said billing. When applicable, copies of pertinent financial records will be included with the submission of billing(s) for all direct reimbursables. Compensation shall not exceed the amounts set forth in Exhibit "B" for each phase, and shall include services as identified in Exhibit "A". In no event shall the total amount of compensation payable under this agreement exceed the sum of Two Hundred Forty Seven Thousand Seven Hundred and No/100 Dollars (\$247,700.00) unless upon written modification of this Agreement. All invoices, including detailed backup, shall be sent to City of Sunnyvale, attention Accounts Payable, P.O. Box 3707, Sunnyvale, CA 94088-3707.

5. No Assignment of Agreement

CONSULTANT bind themselves, their partners, successors, assigns, executors, and administrators to all covenants of this Agreement. Except as otherwise set forth in this Agreement, no interest in this Agreement or any of the work provided for under this Agreement shall be assigned or transferred, either voluntarily or by operation of law, without the prior written approval of CITY. However, claims for money due to or to become due to CONSULTANT from CITY under this Agreement may be assigned to a bank, trust company or other financial institutions, or to a trustee in bankruptcy, provided that written notice of any such assignment or transfer shall be first furnished to CITY. In case of the death of one or more members of CONSULTANT's firm, the surviving member or members shall complete the services covered by this Agreement. Any such assignment shall not relieve CONSULTANT from any liability under the terms of this Agreement.

6. Consultant is an Independent Contractor

CONSULTANT is not an agent or employee of CITY but is an independent contractor with full rights to manage its employees subject to the requirements of the law. All persons employed by CONSULTANT in connection with this Agreement will be employees of CONSULTANT and not employees of CITY in any respect. CONSULTANT is responsible for obtaining statutory Workers' Compensation coverage for its employees.

7. Consultant's Services to be Approved by a Registered Professional

All reports, costs estimates, plans and other documents which may be submitted or furnished by CONSULTANT shall be approved and signed by a qualified registered professional in the State of California. The title sheet for calculations, specifications and reports, and each sheet of plans, shall bear the professional seal, certificate number, registration classification, expiration date of certificate and signature of the professional responsible for their preparation.

8. Standard of Workmanship

CONSULTANT represents and maintains that it is skilled in the professional calling necessary to perform the services and its duties and obligations, expressed and implied, contained herein, and CITY expressly relies upon CONSULTANT's representations regarding its skills and knowledge. CONSULTANT shall perform such services and duties in conformance to and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations reports and other documents furnished under the Scope of Work (Exhibit "A") shall be of a quality acceptable to CITY. The criteria for acceptance of the work

provided under this Agreement shall be a product of neat appearance, well-organized, technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by CITY for similar projects.

9. Responsibility of CONSULTANT

CONSULTANT shall be responsible for the professional quality, technical accuracy and the coordination of the services furnished by it under this Agreement. Neither CITY's review, acceptance nor payment for any of the services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and CONSULTANT shall be and remain liable to CITY in accordance with applicable law for all damages to CITY caused by CONSULTANT's negligent performance of any of the services furnished under this Agreement.

Any acceptance by CITY of plans, specifications, calculations, construction contract documents, reports, diagrams, maps and other material prepared by CONSULTANT shall not, in any respect, absolve CONSULTANT for the responsibility CONSULTANT has in accordance with customary standards of good engineering practice in compliance with applicable Federal, State, County and/or municipal laws, ordinances, regulations, rules and orders.

10. Right of CITY to Inspect Records of CONSULTANT

CITY, through its authorized employees, representatives, or agents, shall have the right, at any and all reasonable times, to audit the books and records including, but not limited to, invoices, vouchers, canceled checks, time cards of CONSULTANT for the purpose of verifying any and all charges made by CONSULTANT in connection with this Agreement. CONSULTANT shall maintain for a minimum period of three (3) years from the date of final payment to CONSULTANT or for any longer period required by law, sufficient books and records in accordance with generally accepted accounting practices to establish the correctness of all charges submitted to CITY by CONSULTANT. Any expenses not so recorded shall be disallowed by CITY.

11. Confidentiality of Material

All ideas, memoranda, specifications, plans, calculations, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for CONSULTANT and all other written information submitted to CONSULTANT in connection with the performance of this Agreement shall be held confidential by CONSULTANT and shall not, without the prior written consent of CITY be used for any purposes other than the performance of the Project services, nor be disclosed to an entity not connected with the performance of the Project services. Nothing furnished to CONSULTANT which is otherwise known to CONSULTANT or is or becomes generally known to the related industry shall be deemed confidential. CONSULTANT shall not use CITY's name, insignia or distribute exploitative publicity pertaining to the services rendered under this Agreement in any magazine, trade paper, newspaper or other medium without the express written consent of CITY.

12. No Pledging of CITY's Credit

Under no circumstances shall CONSULTANT have the authority or power to pledge the credit of CITY or incur any obligation in the name of CITY.

13. Ownership of Material

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared, under this Agreement shall be the property of CITY, but CONSULTANT may retain and use copies thereof.

CITY shall not be limited, in any way, in its use of said material, at any time, for work associated with Project. However, CONSULTANT shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to the release of this material to third parties for work other than on Project.

14. Hold Harmless/Indemnification

To the extent permitted by law (including, without limitation, California Civil Code section 2782.8), CONSULTANT agrees to indemnify, defend and hold harmless CITY, its officers and employees from any and all claims, demands, actions, causes of action, losses, damages, liabilities, known or unknown, and all costs and expenses, including reasonable attorneys' fees in connection with any injury or damage to persons or property to the extent arising out of any negligence, recklessness or willful misconduct of CONSULTANT, its officers, employees, agents, contractor, subcontractors or any officer, agent or employee thereof in relation to CONSULTANT's performance under this Agreement. Such defense and indemnification shall not apply in any instance of and to the extent caused by the sole negligence, recklessness or willful misconduct of CITY, its officers, employees, agents or representatives.

15. Insurance Requirements

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 and/or endorsements as specified in Exhibit "C."

16. No Third Party Beneficiary

This Agreement shall not be construed or deemed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action hereunder for any cause whatsoever.

17. 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: Craig Mobeck, City Engineer
Department of Public Works
CITY OF SUNNYVALE
P. O. Box 3707
Sunnyvale, CA 94088-3707

To CONSULTANT: NCE ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
Attn: Ryan Schafer
501 Canal Blvd., Suite 1
Pt. Richmond, CA 94804

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, by 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 three 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.

18. Waiver

CONSULTANT agrees that waiver by CITY of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

19. Amendments

No alterations or changes to the terms of this Agreement shall be valid unless made in writing and signed by both parties.

20. Integrated Agreement

This Agreement embodies the agreement between CITY and CONSULTANT and its terms and conditions. No verbal agreements or conversation with any officer, agent or employee of CITY prior to execution of this Agreement shall affect or modify any of the terms or obligations contained in any documents comprising this Agreement. Any such verbal agreement shall be considered as unofficial information and in no way binding upon CITY.

21. Conflict of Interest

CONSULTANT shall avoid all conflicts of interest, or appearance of conflict, in performing the services and agrees to immediately notify CITY of any facts that may give rise to a conflict of interest. CONSULTANT is aware of the prohibition that no officer 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.

22. California Agreement

This Agreement has been entered into in the State of California and this Agreement shall be governed by California law.

23. Records, Reports and Documentation

CONSULTANT shall maintain complete and accurate records of its operation, including any and all additional records required by CITY in writing. CONSULTANT shall submit to CITY any and all reports concerning its performance under this Agreement that may be requested by CITY in writing. CONSULTANT agrees to assist CITY in meeting CITY's reporting requirements to the state and other agencies with respect to CONSULTANT's work hereunder. All records, reports and documentation relating to the work performed under this Agreement shall be made available to City during the term of this Agreement.

24. Termination of Agreement

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 CONSULTANT. 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. CONSULTANT shall present CITY with any work product completed at that point in time.

25. Subcontracting

None of the services covered by this Agreement shall be subcontracted without the prior written consent of CITY. Such consent may be issued with notice to proceed if subcontract consultants are listed in the project work plan.

26. Fair Employment

CONSULTANT shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, condition of physical handicap, religion, ethnic background or marital status, in violation of state or federal law.

27. Changes

CITY or CONSULTANT may, from time to time, request changes in the terms and conditions of this Agreement. Such changes, which are mutually agreed upon by CITY and CONSULTANT, shall be incorporated in amendments to this Agreement.

28. Other Agreements

This Agreement shall not prevent either Party from entering into similar agreements with others.

29. Severability Clause

In case any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions which shall remain in full force and effect.

30. Captions

The captions of the various sections, paragraphs and subparagraphs, of the contract are for convenience only and shall not be considered nor referred to for resolving questions of interpretation.

31. 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.

32. 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

NCE ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
("CONSULTANT")

By _____

APPROVED AS TO FORM:

Name/Title

City Attorney

By _____

Name/Title

EXHIBIT A

DETAILED SCOPE OF WORK Pavement Rehabilitation 2016 Public Works Project #ST-14/09-16

I. General

The City of Sunnyvale is seeking proposals from licensed Engineering firms to provide professional services for design and preparation of bid documents and construction support for the Pavement Rehabilitation Project 2016. The scope of work generally includes preparation of: preliminary design, design development, bid documents, and bidding/construction support for Public Works competitive bidding. Ancillary work includes: agency coordination, compliance with the statewide NPDES General Permit for Construction Activities, permit procurement, construction cost estimating, schedule monitoring, preparation of reports and recommendations, and project management.

The Consultant shall also prepare “as-built” record drawings, based upon plans marked up by the Contractor and the Consultant’s field visits. Reports, recommendations, and design shall comply with all applicable rules, regulations, codes, law and good practice, for public facilities.

II. Project Information

A. Description

This project is to rehabilitate the existing street segments, as identified in Table 1, Updated Street List with Preliminary Treatments. The improvements will consist of pavement rehabilitation, resurfacing, and/or spot reconstruction (base repairs). Consultant shall recommend feasible treatments with consideration given to mill and pave, wedge grind and overlay, slurry seal, microsurfacing, and/or pavement recycling such as cold-in-place, hot-in-place, and full depth recycling. Improvements shall also include construction of missing and/or damaged concrete curbs, gutters, traffic signal video detection, and the installation of ADA compliant curb ramps at intersections within the Project limits.

Consultant shall perform the necessary civil engineering work, visual inspections, land surveying, geotechnical core sampling, testing, and related work necessary to recommend the most effective and cost efficient treatment.

B. Location

The project is located on various street segments in the City of Sunnyvale, California. The street selection list is available in Table 1, at the end of this document.

C. Existing Conditions

The Project sites are City maintained roadways in a variety of conditions, from very good to poor. Consultant shall evaluate the existing condition as further explained in section III. Consultant Scope of Services, part C - Design Development

The pavement conditions generally ranged from poor to fair, more typical of the rehabilitation streets, to relatively fair to good for surface seal and spot reconstruction street candidates. These conditions are typically consistent with the treatments considered in the City’s RFP. The attached revised street list with preliminary treatments reflects the original street list included in the City’s RFP with Consultant’s preliminary pavement treatments. The changes are as follows:

- 1) Coachella Avenue and Iowa Avenue was removed from the street list as the street recently received a chip seal and will receive a chip seal in 2016, respectively.
- 2) Streets highlighted in green in the attached street list were added by the City.

- 3) Based on field observation and calibration with City staff, preliminary pavement treatments that were originally identified for less aggressive pavement treatments such as surface seal by Consultant were changed to overlays based on the City's desire to achieve a longer pavement treatment life with less disruption to the public from future maintenance.
- 4) Saba Court had sections of curb and gutter replaced that resulted in sections of gutter pan being higher than the adjacent pavement. Based on the pavement condition the street is eligible for a slurry seal, however the grade difference at the gutter pan will necessitate an overlay. It was also noted by the City that drainage is possibly an issue in this street section particularly in front of 949 San Saba Court, where the City indicated water from the street may flow back into the resident's driveway. A topographic survey will be completed to assess drainage within this street section.

III. Consultant Scope of Services

The consultant will perform all engineering and project management related work necessary to prepare plans and specifications suitable for Public Works bidding.

Consultant services shall include, but are not limited to: Project management, preliminary design, design development, bid documents, bidding support, and construction support services, as further detailed below.

Assumptions:

Pavement Testing and Design:

- Pavement design will be based on Caltrans Standards with a combination of pavement coring and pavement condition surveys. Because street sections observed in the field appear to only likely require thin overlays and surface seals, do not readily exhibit evidence of subgrade problems or extensive base failures, and are not anticipated to require reconstruction, additional investigation with laboratory testing of subgrade and deflection testing are not anticipated. Streets scheduled for rehabilitation also are residential in nature with likely lower traffic demands and needs, also making these streets not as cost effective candidates for deflection testing.
- "Spot reconstruction" locations refer to localized base repair locations.
- Pavement coring will be performed with spacing on all streets identified for rehabilitation as follows:
 - a. Pavement cores will be obtained approximately every 1,500 feet and a minimum of 2 cores per street section, except on shorter street (less than 500 feet)
 - b. Only one core will be obtained on streets that we have identified as likely candidates for surface seals.
 - c. No bulk samples of subgrade will be obtained for laboratory testing.
 - d. Due to the relatively few base repairs observed in the "spot reconstruction" street list, base repair depths can be assumed based on City's institutional knowledge of their pavement sections. If coring is still desired to estimate pavement thickness for base repairs this can be completed for additional scope and fee.
- Base repairs will be measured in length and width to estimate base repair bid quantities for all street sections. It is the intent that base repair quantities will be for bidding quantity purposes only, and that actual locations will be marked by Consultant with City inspectors prior to construction.
- A no fee encroachment permit will be pulled with the City for pavement coring.
- Pavement coring will be completed outside of Caltrans Right of Way and Santa Clara County Right of Way.

Topographic Surveying and Base Maps:

- In order to provide a cost-effective design, scope assumes rehabilitation and “spot reconstruction” plan sheets will be placed onto City aerial base maps.
- Design sheet information will be based on field inventories and approximate field measurements to verify items such as utility covers, cross-slope, street widths and lengths, medians, repair candidates for curb & gutter and sidewalk, and striping.
- Scope does not include any topographic surveys with the assumption that the project will not include drainage improvements, complex changes in street geometry or intersection improvements or reconstruction. The exception to this will be completion of a topographic survey at San Saba Court, where drainage issues need to be assessed. Scope will also include surveys to locate Caltrans Right of Way for Bernardo Avenue, Cezanne Drive, and Mathilda Avenue where they intersect El Camino Real, Caltrans Right of Way for Caribbean Drive where it intersects State Route 237, and Santa Clara County Right of Way for Titan Way and Duane Avenue at its intersection with Lawrence Expressway. It is assumed that all other paving and improvements will be made with the City’s right of way based on parcel lines provided by the City. Should it be determined that City base maps are not sufficient and topographic information is required for developing drainage improvements and/or for more complex pavement geometries and/or streets that may need to be reconstructed, topographic survey work will be provided at an additional cost.
- Surveying work include location of utility markings by a private utility locator within the two intersections of Washington Avenue and Sunnyvale Avenue and Olive Avenue at Fair Oaks Avenue (approximately 25 feet beyond curb return) for planned traffic signal plans that may include possible new poles for video detection systems and/or video conduits.

Utility Location:

- Ground penetrating radar (GPR) and up to two potholes will be utilized to locate existing utilities at the intersections of Washington Avenue and Sunnyvale Avenue and Olive Avenue at Fair Oaks Avenue (approximately 25 feet beyond curb return) for planned traffic signal plans that may include possible new poles for video detection systems and/or video conduits.
- No other utility location will be completed, however, utility covers will be inventoried (located on plans) for the purpose of developing bid quantities for adjusting of utility covers.

Traffic Striping:

- Traffic striping is assumed to match existing striping.
- No significant traffic striping changes or design requiring traffic studies or assessment of traffic impacts is planned or included in scope.
- Striping plans will be developed and striping types and quantities will be inventoried for the purposes of developing bid quantities.

Traffic Engineering:

- Scope includes preparation of traffic signal plans, specifications, and cost estimate at the signalized intersections of Washington Avenue at Sunnyvale Avenue and Olive Avenue at Fair Oaks Avenue.
- Submittals on the traffic signal plans will be provided at the 75% and 100% PS&E completion levels.
- It is assumed that the existing PG&E service point for the signals will remain, and that the City can provide as-built drawings of the existing traffic signal systems.
- It is also assumed that street lighting will not need to be modified for this project.

- It is assumed advance video detection is only required along Sunnyvale Avenue and Fair Oaks Avenue.
- The intersection of Mathilda and Iowa Avenue will remain on loop detection.

Curb Ramps:

- It is assumed that all non-compliant curb ramps will be replaced or retrofitted (i.e., detectable warning surface embedded in concrete) in accordance with Caltrans standards.
- Curb ramps will be field verified to determine the appropriate standard case ramp and curb ramp details will be developed for custom curb ramps. Curb ramp details will not be to survey accuracy and not contain elevations, and therefore some adjustments may be required during construction.

Drainage:

- The project will, to the extent possible and within the context of proposed rehabilitation, address visible drainage issues. However, it should be noted that no topographic survey data will be obtained (except at San Saba Court), and therefore drainage improvements will not include detailed flow line surveys.
- No major drainage improvements are assumed for this project requiring significant stormwater drain and pipe alteration and/or reconstruction.

Encroachment Permits:

- If based on right of way surveys completed, the limits of “spot reconstruction” locations limits are found to extend into Caltrans Right of Way or Santa Clara County Right of Way, near El Camino Real and State Route 237 and Lawrence Expressway, respectively, required Caltrans and Santa Clara County Encroachment Permits for construction will be obtained and completed.
- A Caltrans encroachment permit fee will be secured as needed the fee is not anticipated to exceed \$492.00 (\$82.00 per hour x 6 hour review). If fees exceed this amount, additional fees will be reimbursed by the City.
- Based upon initial conversations with Steve DeMattei, Permit Technician for the Roads & Airports Department at Santa Clara County, an encroachment permit would be required for traffic control with a minimum \$1000.00 deposit plus additional fees for staff and inspector review time.
- A no-fee City encroachment permits for all field work including coring and utility location work will be secured as needed.

Construction General Permit

- Preliminary SWPPP and NOI documents (including submission to SMARTS) will be completed based on an assumption the project will not exceed Risk Level 2.
- The Contractor will be responsible for implementing the SWPPP during construction.
- The City or the Contractor will submit a notice of completion at the end of the project.
- The Contractor will be responsible for completing inspection and monitoring requirements that are specified in the SWPPP.
- The City will be responsible for permit application fees.

NEPA Documents

1. The documentation required for CEQA is assumed to be a Categorical Exemption.

A. *Project Management*

The consultant will be the primary responsible party for managing the project’s schedule and consultant contract budget. In addition, the consultant is expected to attend a Project kick-off meeting and three progress review meetings with the City and prepare action item logs for subsequent follow-up. Consultant shall prepare meeting agendas and meeting minutes. Project

kick-off meeting shall cover the scope of work, schedule, budget, and all work related to the Project. Consultant shall bring copies of any City review comments, along with return of mark-ups, completed plans, specifications, estimates, updated schedule, and budget at each progress meeting. The Consultant is expected maintain frequent and timely communication with City staff throughout the duration of the project.

All project schedules shall be prepared in Gantt chart format, utilizing Microsoft Project software. Three weeks for each City review shall be included. Schedule updates shall be provided at all progress meetings.

Consultant's own team should have provisions for quality assurance/quality control over work product prepared for the City. A statement of peer review will be required for overall constructability, coordination, and reasonable reduction in errors and omissions.

The consultant shall host an FTP site throughout the project's duration for electronic file sharing.

B. Preliminary Design and Pavement Evaluation

The consultant is expected to perform a detailed field evaluation of the existing pavement condition and vehicular detection system. Consultant shall communicate their findings and recommendations to the City:

- Pavement condition assessment: Consultant shall assess each roadway segment and outline the existing pavement condition. Consultant shall note areas with structural damage, base failure, cracking, and concrete improvement deficiencies; remedies to address deficiencies and recommended resurfacing treatment(s) shall be presented to the City for review and approval.
- Detection system: Consultant shall assess the existing vehicular detection system at Washington Avenue/Sunnyvale Avenue and Olive Avenue/Fair Oaks Avenue and determine if the incorporation of a video detection system is feasible. Consultant shall evaluate whether existing conduits are sufficient for video detection, verify if traffic signal poles/arms have space for video detection equipment, and outline recommended modifications. Mathilda Avenue/Iowa Avenue shall remain on loop detection.
- Preliminary cost estimate for improvements shall be included

Consultant may not proceed with design development until the City has reviewed and approved their preliminary findings.

Consultant shall prepare two (2) individual traffic signal plans at the signalized intersections on Washington Avenue at Sunnyvale Avenue and Olive Avenue at Fair Oaks Avenue for the City's review and approval. Modifications to the existing traffic signal and street light hardware shall be utilized, where practical, for the installation of the video detection equipment. This will minimize the number of new poles required for this Project. If a new pole is required for the video detection equipment, Consultant shall design the new pole(s) per City standards; new conduits shall be designed for a maximum 26% fill. The re-use of existing conduits is not permitted.

The Consultant's recommendations and design shall be fully compliant with all applicable federal, state, and local rules, regulations, codes, and laws including, but not limited to, the California Manual on Uniform Traffic Control Devices (CA-MUTCD), Americans with Disabilities Act (ADA), City of Sunnyvale standards, County of Santa Clara standards, 2006 Caltrans Standard Plans

and Specifications for design elements, 2010 Caltrans Standard Plans and Specifications for traffic signal related design elements, California Highway Design Manual (HDM) standards, and the FHWA guidance on the installation of green bike lanes.

Consultant shall conduct necessary analyses and investigations to provide sound recommendations for pavement rehabilitation options and associated requirements. This will include the following:

- a. Obtain pavement analysis through geotechnical cores and testing. Consultant shall determine the appropriate number of cores and tests to perform so the existing conditions can be documented; core samples shall be retrieved from the travel lanes. The consultant shall record the pavement thicknesses and determine whether or not reinforcing fabric exists in sections recommended for grinding.
- b. Assess data and evaluate methods for rehabilitation.
- c. Consider pavement recycling rehabilitation strategies and recommend to the City the most feasible and cost effective strategies.
- d. Prepare alternatives analysis with the cost breakdowns for pavement rehabilitation alternatives, including comparisons based on projected life.
- e. Present and discuss recommendations with City.

1. Preliminary Design Data Gathering:

Consultant will review relevant available data and records from the City as listed in the previous section, public and private utility providers, and other sources that may be appropriate to support the preparation of project contract documents. These may include, but are not limited to, the City drainage structure inventory maps, aerial photographs of the City; as-built street improvement and infrastructure plans, striping and markings, as-built plans from utility providers, including any preliminary plans for future work that may conflict with this project. The gathered information will be compiled and included in the base map used for design. It shall be noted that available record data (e.g., utilities, right of way) used to prepare the base map for streets undergoing rehabilitation will only be shown in their approximate location and that the depth of utilities will not be indicated except at the two intersections with traffic signal plans, where utility information will be obtained as will be detailed in the subsequent utility location task. Right of Way will be located by the surveyor in the right of way and topographic survey task for those streets near or within Caltrans and Santa Clara County Right of Way. Based on our review we will identify any data gaps or missing information and provide this information to the City for review and discussion.

Consultant will field inventory utility covers for rehabilitation street candidates, which will be used to establish bid quantities for adjustment of utility covers during construction, utility alignments and depths will not be provided (except again at the two intersections with traffic signal plans).

2. Utility and Governmental Agency Coordination:

Consultant will coordinate with utility agencies early in the design process to avoid potential construction delays and unnecessary disruptions to public services. Utility coordination will be a

critical item to keep utility providers informed about the project and schedule to allow for proper notification and planning should utility providers need have planned maintenance projects within the subject street section or to lower/adjust their utilities to accommodate street rehabilitation. One of the first and earliest items that Consultant will complete is sending notification letters to applicable utility providers with a preliminary project schedule for street rehabilitation. This will allow for the earlier notification to allow utility providers to assess their utilities and the possible need to lower/adjust their facilities. Requests will be made to utility as-builts and record drawings at the two planned traffic signal plan intersections and provide utility location information that will be obtained in the utility location task to all affected utility providers for their review and consideration. Coordination will be completed with utility providers on any necessary potholing they may need direct and complete to locate their lines sufficiently with respect to planned project improvements. Consultant will further coordinate with VTA and US Postal Service regarding potential construction impacts or issues regarding existing bus and mail routes.

Deliverables: *Utility and governmental agency notification letters.*

3. Utility Location

Consultant's utility locator PDM will field locate using Ground Penetrating Radar (GPR) utility alignments and depths for utility mains and laterals for utilities at within the subject two intersections (approximately 25 feet beyond the curb returns) with planned traffic signal plans to the extent that GPR methods can detect utilities. If GPR cannot establish utility alignments and or depths, potholing may need to be completed, we have assumed up to two pothole locations (if required) for the purposes of this scope and fee. GPR along utility mains will be marked at various locations within the subject intersections, and the accuracy for the electronic depths will depend on the soil conditions and utility material. Traffic control will consist of a 1-man crew with traffic control arrow board and signs. Items excluded from work are as follows:

- Cost of permits and inspection of any kind on this project
- Night shift or overtime
- Certified or stamped traffic control plans
- Pressure washing paint marks

Deliverables: *Marked utility depth and alignments and electronic and pothole (if required) collection of utility information.*

4. Right of Way, Limited Topographic, and Utility Marking Survey

Mountain Pacific Surveying (MPS), will locate Caltrans Right of Way for Bernardo Avenue, Cezanne Drive, and Mathilda Avenue where they intersect El Camino Real, Caltrans Right of Way for Caribbean Drive where it intersects State Route 237, and Santa Clara County Right of Way for Titan Way and Duane Avenue at its intersection with Lawrence Expressway. MPS will perform a records research (City, County, and Caltrans records), office calculations, and field work necessary to determine the location right of limits for Caltrans and Santa Clara County. The final product of this task will be a simple boundary exhibit indicating the subject right of way lines location on the NAD83 datum.

Based on recent information provided by the City on San Saba Court, our surveyor will also gather topographic survey data and site features along Saba Court sufficient to assess potential drainage issues. The mapping area shall be a corridor along each of the street sections between the existing back of walk to opposite back of walk, starting and stopping at the designated locations and including through the returns of the terminating street. In the absence of an existing sidewalk, the survey will extend to 5 feet behind the curb or edge of pavement, or up to the first

substantial barrier (wall, fence, etc.), whichever occurs first. Lastly, the mapping will extend 25 feet beyond the curb return up each intersecting side street. The mapping shall be compiled at an agreed upon scale with a 1' contour interval and will be based on the City Datum.

The surveyor will also survey utility markings provided by our private utility locator within the two intersections of Washington Avenue and Sunnyvale Avenue and Olive Avenue at Fair Oaks Avenue (approximately 25 feet beyond curb return) for planned traffic signal plans that may include possible new poles for video detection systems and/or video conduits.

Deliverables: Caltrans and Santa Clara County right of way information, limited topographic survey, and utility markings survey.

5. Site Evaluations and Preliminary Findings

Preliminary site evaluations will be performed following the kickoff meeting to gather all available information and perform field inspections to verify site conditions, identify pavement areas in need of structural repairs, identify pavement areas requiring surface treatments, identify damaged curbs, gutters and curb ramps to be repaired or improved and maintain a photo log of project areas.

This task also includes an initial field assessment by the traffic engineering subconsultant, F&P, for the feasibility of a video detection at the two subject intersections. This will include a detailed field reconnaissance of the intersections noting pertinent features such as existing signal, street lighting equipment, pavement markings, roadway signs, utilities, adjacent land uses, driveways, pedestrian/bicycle facilities, bus stops, and landscaping. F&P will verify as-built information at the intersections, assess existing conduit condition, and verify if existing traffic signal poles have space for video detection equipment. Photographs of the project site will be taken for design reference.

Consultant will perform detailed pavement condition surveys of each street section using the MTC's Distress Identification Manual concurrent with the deflection testing. The condition surveys will generally cover the travel and parking lanes. Pavement condition surveys will serve the purpose of further refining the appropriate pavement rehabilitation treatments that are developed based on pavement deflection testing and coring.

The condition surveys will generally note the presence of load related and environmental distresses, such as alligator cracking, longitudinal and transverse cracking, rutting, patches and utility cuts, distortions and depressions as they pertain to developing appropriate pavement treatments. Consultant will also identify base repair locations for both rehabilitation and "spot reconstruction" street sections and tabulate for bidding purposes. Base repair locations will be marked in white paint and then recorded in the field on our mobile tablet device using Trimble's Terraflex software, recording length, width, and GPS location (accurate +/- 2 to 3 meters). Our scope of work and condition surveys do not address issues including but not limited to traffic, safety and road hazards, geometric issues, road shoulders, or short term maintenance. The results of this condition survey will be used in the analysis and included in the Pavement Design Report.

Consultant will also establish with the City appropriate condition criteria for assessment and replacement of curbs and gutters. A brief visual survey of curb and gutters will be performed to identify areas where drainage or the adjacent pavement has been compromised. The scope will limit repair recommendations to only those sections of curb and gutter to the extent that they affect pavement rehabilitation (e.g., tree root damage extending into pavement). At the request of the City, the consultant will also obtain a photo of each damaged curb and gutter section and the

tree if tree root uplift is involved and summarize in a tabular data format so the City can evaluate which curb and gutter sections are to be replaced. For those sections of curb and gutter uplifted by tree roots, City staff will consult with their arborist regarding tree root pruning and/or tree removal and provide decisions to Consultant for inclusion in contract documents. If damaged curb and gutter and sidewalk areas are more extensive than anticipated, it may require additional time to design, and we will notify the City if more time is required to complete these surveys.

Finally, Consultant will then summarize our preliminary site evaluations and findings for pavements and the video detection system in a technical memorandum complete with applicable design alternatives with preliminary costs. Consultant will not proceed to design development until the City has reviewed and provided direction on the preferred preliminary design alternative(s).

Deliverables: *Preliminary design technical memorandum and/or summary, tabular curb and gutter repair section data*

6. Pavement Evaluation and Review/Design

Consultant will perform the investigations and evaluations necessary to provide recommendations for pavement rehabilitation options and other associated requirements. Repair recommendations will be considered and compared with the results of the condition surveys performed.

Pavement Coring - Consultant will collect pavement section core samples (4" – 8" diameter cores) on streets identified under key assumptions at locations determined by Consultant. All coring locations (including optional core locations should field conflicts such as utilities or traffic be present) will be marked with white paint for utility location by Underground Service Alert (USA). The fee estimate assumes up to 23 core locations that estimate will take 2 days to complete.

For each core sample, Consultant will measure and record the thickness and material type of each layer encountered in the pavement section, including the presence of any pavement reinforcing fabric. The presence of aggregate base (AB) will be noted at all core locations, but the thickness of AB will not be measured as bulk samples of subgrade are not planned.

The core holes will penetrate through the pavement section, and will then be backfilled with the excavated materials and capped with AC cold patch on asphalt streets. Consultant will then compile the coring and laboratory data and append it to its Pavement Design Report. Each core sample will be logged and stored at Consultant's office and retained through the duration of the project including construction before they are disposed. Additionally, Consultant will apply for and obtain a no-fee Encroachment Permit from the City prior to starting the coring. Consultant will arrange for traffic control services during coring to minimize any inconvenience to traffic, parking and public access. Traffic control will conform to the latest standards contained within the Manual of Uniform Traffic Control Devices (MUTCD) as well as any local requirements that exist.

Pavement Design Recommendations - Using the data obtained from pavement coring, we will perform pavement analysis and design services, and develop pavement rehabilitation recommendations for the subject rehabilitation street sections. Consultant will perform its analysis in accordance with the Caltrans Highway Design Manual. Consultant will develop pavement structural section recommendations for one design period, expressed in the form of a Traffic Index (TI) for each street that will be provided by the City.

The coring data will be analyzed and pavement rehabilitation strategies developed in accordance with the City's objectives. Consultant will develop recommendations for resurfacing treatments

(pavement overlays) in accordance with the design procedures in the Caltrans Highway Design Manual. Additionally, Consultant will develop recommendations including, but not limited to, the following:

- Conventional Hot Mix Asphalt (HMA)
- Rubberized Hot Mix Asphalt (RHMA)
- Warm Mix Asphalt (WMA)
- Alternative rehabilitation methods if feasible (in-place recycling, mill & fill treatments, etc.)
- Locations and treatments of failed pavement sections (base repairs)
- Full-width milling and wedge grinding requirements
- Surface seal treatment including both slurry and rubberized cape seals

Consultant will then summarize its recommendations in a Pavement Design Technical Memorandum to the City that, at a minimum, will include the following:

- Results of coring activities
- Results of laboratory analyses and descriptions of testing procedures
- Description of analysis performed for the project
- Recommended alternatives for pavement rehabilitation and preventive maintenance

Consultant will submit two (2) copies of its draft pavement design technical memorandum to the City for initial review. Consultant will meet with City staff to present its draft pavement design technical memorandum and review the findings and recommendations contained therein. Upon receipt of any comments from the City, Consultant will then prepare its final pavement design technical memorandum, which will be signed and stamped by Consultant's pavement engineer. Two (2) copies of the final pavement design technical memorandum will then be provided to the City within 2 weeks of receipt of comments on the draft pavement design technical memorandum.

Deliverables: Draft & Final Pavement Technical Memorandums.

C. Design Development

Consultants shall be the Engineer of Record and responsible for design and preparation of complete plans, technical specifications, and recommended revisions to the City's special provisions for the project. The consultant must perform an adequate field investigation to confirm existing conditions.

All work is to be in compliance with all applicable rules, regulations, code, law, and good practice for public facilities. When possible, the Consultant shall incorporate "green" building/construction practices, sustainability, energy efficiency, and low operations and maintenance costs into recommendations and subsequent design.

Plans and specifications shall provide sufficient detail to result in a good quality product while allowing competitive pricing where possible and appropriate, and provide options to the contractor where appropriate to obtain the same good level of quality for the best bid price. Plans and specifications shall not specify proprietary products or services. Specifications shall be prepared in CSI 2012 format. All plans sheets shall incorporate the City's title block.

Coordination and preparation of documentation to facilitate permits and outreach with utility companies, regulatory agencies, and other stakeholders will also be consultant responsibility. If the proposed improvements interfere with the existing utilities, consultant will arrange for potholing by the utility. Consultant will obtain agency or utility as-builts for design and required permits for construction. A Caltrans encroachment permit is anticipated for work near El Camino

Real and a Santa Clara County encroachment permit is anticipated for work near Lawrence Expressway. Consultant shall verify permits needed for this work. Consultant shall also coordinate the design and construction schedule with utility companies.

Additionally, Consultant shall coordinate with the Santa Clara Valley Transportation Authority (VTA), the US Postal Service, Sunnyvale School District, and Specialty Solid Waste for construction impacts or issues on existing bus, mail, and refuse collection route services.

Cover Sheet will include project title, vicinity map, general notes, benchmark with basis of coordinates, dig alert information and legend of symbols.

Typical Cross Sections will show right-of-way lines, dimensions between curbs, existing pavement surface and curb/gutter, existing roadbed, proposed improvements and grading/cross slope. Pavement cross slope should be kept at 2% optimal; however, cross slope may be greater and shall be reviewed with the City.

Construction notes related to proposed improvements shall be included on this sheet. Cross sections will be discussed with the City at the 30% and 75% submittal to identify potential problems.

Roadway Rehabilitation Plan will show all existing improvements including all at grade and above grade manholes, vault boxes, utility covers, meter boxes, survey monuments, traffic signal poles, street lights, etc. Proposed work will indicate limits of removals and replacements, cold planing limits, street overlay and rehabilitation areas, adjustment of manholes, vaults and valves to grade, and proposed detector handholes. Plans also shall indicate removal/replacement of curbs, gutters, sidewalks, access ramps, driveways, concrete pads, parkway/curb drains where necessary and protection of existing facilities. Consultant shall consider and determine the need and location for the preservation of existing control monumentation and the placement of new control monumentation. At a minimum each sheet shall contain a north arrow, scale, match lines with station and sheet reference, plan and profile construction notes for all improvements on the sheet. Show existing tops of curbs elevations with corresponding station and slope of curb between each grade break. For corner access ramps, provide station and elevation at Beginning of Curb Return (BCR) and End of Curb Return (ECR). Elevations also should be provided at quarter points. Dimension the distance between each quarter point and the length of the curve.

Striping Plans will be prepared for the listed locations and intersecting streets within the proposed street improvement limits. The plans shall be segmented to minimize the number of plan sheets and shall be prepared in accordance to City Standards and design criteria, Caltrans, CA MUTCD and Standard Plans and Specifications (latest edition).

Spot Reconstruction Plans will be prepared for the listed locations and intersecting streets within the proposed street improvement limits. The plans shall show the location and depth of the identified spot reconstruction.

Plans will show: proposed pavement delineation, pavement legends/arrows, chatter bars, signage, and traffic control signage within the project limits. Consultant shall include those areas on intersecting side streets that are within the project limits. Centerline stationing shall be shown on the plans.

All submittals shall include hardcopies (number specified below) and digital copies (PDF and native format) of all documents.

Permitting and Regulatory Compliance:

CEQA Determination - Projects that are subject to the discretionary approval of a government agency must comply with California Environmental Quality Act (CEQA) regulations and procedures. Based on our experience fulfilling CEQA requirements for road rehabilitation similar to what is proposed in the RFP, this project will likely qualify for a Categorical Exemption as described at California Code of Regulations *in Article 19, § 15301 - Existing Facilities* or *Article 19, § 15302 – Replacement or Reconstruction*.

In order to meet CEQA requirements for this project, Consultant will conduct a CEQA determination, City will file a Notice of Exemption (NOE) with the State Clearinghouse. Consultant will conduct a succinct but complete review to verify whether the project qualifies for a Categorical Exemption. Consultant will then prepare an NOE for the City to review and sign. Consultant will address any comments and submit a signed NOE form to the State Clearinghouse. The NOE form will be completed at the same time as the 75% design submittal. At this stage, the project is well defined and there is still ample time for the 30-day public notice period to be completed before the project goes out for bid. The City's responsibilities related to the CEQA determination include reviewing and signing the Notice of Completion (NOC) form. Information that supports the CEQA determination will be provided to the City for their review and records, but are not required to be included in the submittal to the State Clearinghouse. If for any reason the project does not qualify for a Categorical Exemption, Consultant can prepare and provide support for CEQA compliance for additional scope and fee.

Encroachment Permits - The RFP anticipates a Caltrans encroachment permit is needed for spot reconstruction work near El Camino Real and State Route 237, and a Santa Clara County encroachment permit for rehabilitation and/or spot reconstruction near Lawrence Expressway. During preliminary design, Consultant will confirm with Caltrans and the County which encroachment permits are required to conduct the proposed work. Consultant will assess whether spot reconstruction must occur in the right-of-way, in order to save the City the cost and fees associated with obtaining encroachment permits, if at all possible.

In initial conversations with Steve DeMattei, Permit Technician for the Roads & Airports Department at Santa Clara County, an encroachment permit would be required for traffic control with a minimum \$1000.00 deposit plus fees for staff and inspector review time. In initial conversations with Rhonda Weber at the Caltrans Encroachment Permit office, an encroachment permit would be required for spot reconstruction, and the fee is not anticipated to exceed \$492.00 (\$82.00 per hour x 6 hour review).

To obtain the encroachment permits, Consultant would continue consultation with the County and Caltrans to verify permit application requirements. Consultant would then complete an encroachment permit application, provide the required materials and submit to the City for the review prior to filing the applications with the County and Caltrans. The encroachment permit application(s) will be submitted 4 weeks prior to the estimated start date for construction for the County, and 10 weeks prior to the start of construction for Caltrans. Based on our conversations with the above staff, this allows enough time for the permits to be granted to the City, traffic control notifications to be submitted, and contractor encroachment permits to be obtained, prior to the start of construction.

NPDES Construction General Permit - Consultant will assess if proposed project requires coverage under the NPDES Construction General Permit, and if so, will prepare a brief memo outlining the requirements. This task does not include preparation of any

permitting documents or a stormwater pollution prevention plan (SWPPP). A SWPPP can be prepared for additional scope and fee should one be required.

Deliverables:

- Draft and Final Notice of Exemption Form
- Supporting information for CEQA finding
- Encroachment permit application for Santa Clara County, Department of Roads & Airports
- Encroachment permit application for Caltrans District 4
- NPDES construction general permit requirements memo

Traffic Engineering Design:

The traffic subconsultant, F&P, will develop two 20-scale preliminary plan sheets and schedules for the traffic signal plans. This plan will depict the following conditions:

- Location and type of the existing and proposed traffic signal poles, signal heads, luminaires, detectors, pull boxes, conduits, conductors, and traffic signal cabinets.
- Proposed video detection camera locations.
- Existing signal phasing diagram.
- Existing pedestrian and bicycle traffic signal equipment.
- Locations of the existing intersection/crosswalk safety lighting (connected to the traffic signal system).

Preliminary construction cost estimates based on the field review can be developed at the 30% level. It is not anticipated that traffic signal modification plans would be submitted at the 30% submittal. F&P will prepare and submit an engineer's estimate for the construction costs of the traffic signal system as shown on the 75% plans. Technical special provisions for the traffic signal system will be prepared in City of Sunnyvale 2012 (CSI) format

F&P will submit the 75% traffic signal plans, and engineer's construction cost estimates to Consultant in PDF format and technical specifications in Word format for submittal to City of Sunnyvale. Following concurrence on the 75% PS&E review comments, F&P will prepare a memorandum with a summary of response to comments. F&P will incorporate the appropriate review comments into the 100% design plans. The plans will also incorporate any minor geometric or utility revisions from the City. This scope assumes F&P will receive one set of comments from the City.

The F&P team will conduct an internal quality assurance review of the plans and specifications, concurrent with review of the 75% submittal to City of Sunnyvale. F&P's quality assurance program provides for independent checking of individual tasks as well as an independent review by experienced senior staff. The purpose of this review is to provide oversight to specific project details by professionals who are not closely involved in the design, and to review the constructability, cost-effectiveness and completeness of design features relative to the normal standard of professional care.

All 100% PS&E will be reviewed by a California registered civil engineer and submitted to the City as PDF files for final review and approval. 100% PS&E and response to comments memorandum will be submitted in the same manner as the previous submittal for final approval.

Following concurrence on the 100% PS&E review comments, F&P will prepare a memorandum with a summary of our response to comments. F&P will incorporate the appropriate review comments into the bid package design plans. This scope assumes we will receive one set of comments from the City. The bid plans and specification cover sheet will be stamped and signed by a California registered civil engineer. F&P will also submit AutoCAD files to Consultant for submittal to the City of Sunnyvale. Bid package PS&E and response to comments memorandum will be submitted to the City in the same manner as the previous submittal. Any comments beyond this submittal will be responded to on a time-and-materials basis.

Deliverables: Cost estimate at 30% completion level and Traffic Signal Plan PS&E at 75%, 100% and Final completion levels.

The 100% PS&E will include additional design information and details such as utility facilities (storm drain and sanitary sewer manholes, water and gas valves, survey monuments, and traffic signal loop detectors and handholes) that will require adjustments to grade, traffic striping and pavement legends, and traffic control plans, typical pavement cross sections from curb to curb including typical cross slopes, and appropriate details.

Plan sets for both will include cover sheet with project title, vicinity map, general notes, dig alert information and legend of symbols. Plans sheets will be prepared in AutoCAD format on 24" x 36" sheets, drawn at a scale of 1"=40', or some other scale to ensure clarity of the plans. To allow for more cost effective design on "spot reconstruction" street sections, simple plan sheets depicting base repairs will be prepared and will show any replacement of striping as required.

Plan sheets for rehabilitation streets will include all existing improvements and the limits of work. These plans will depict all localized repair (digout) areas both on the plans and in tabular format, as well as all conform grind locations at intersecting side streets and limits of work, and ADA ramp, and curb and gutter repair locations. Rehabilitation plan sheets will also include, as needed, typical cross sections with approximate right of way lines, dimensions between curbs, existing pavement section, curb/gutter, proposed improvements and cross slopes. Construction notes related to rehabilitation or proposed improvements will be included on the appropriate plan sheets. Rehabilitation plans will include the locations of existing control monumentation and provisions for preservation or restoration. All rehabilitation plan sheets will include north arrow, scale, match lines with station and sheet reference, and plan and profile construction notes for all improvements. Separate striping and signing plans will also be included for rehabilitation streets.

The Special Provisions and Technical Specifications will be prepared in MS Word format following the City of Sunnyvale, Caltrans, and MUTCD latest standard plans and specifications. Because of our past work for the City on similar projects and on projects near these sections of roads, Consultant is very familiar with the City of Sunnyvale Standard Specifications for Public Works Construction and with the latest Caltrans and MUTCD standards.

Preliminary construction quantities and cost estimates will be submitted at the 75% and 100% completion stages. The Engineer's Cost Estimate will be prepared in MS Excel format and will be based on the most recent construction cost data available to Consultant for projects of this type. Because of Consultant's involvement in the design and construction of numerous similar projects throughout the Bay Area, we are confident in our ability to accurately estimate the construction cost of the City's project. This initial estimate will then be updated and refined as the design effort progresses.

An efficient yet thorough Quality Control/Quality Assurance program is essential for getting the maximum value out of every dollar spent on construction. Projects designed by Consultant therefore, contain technical specifications that attempt to optimize the balance between using rigid, but time-tested, specifications and meeting local agency needs, with the ultimate goal of obtaining the very best value for its clients. In accordance with the RFP, Consultant will submit a certification of peer review at the 100% completion stage. Final plans and specifications will be revised to incorporate any comments received during the peer review. An additional statement of acceptance, in accordance with the RFP, will be included on the title of sheet of the Final Plans. A final quantity calculation will be tabulated and this will be entered into the final Engineer's Cost Estimate for the project. All final documents will be reviewed, stamped and signed by Consultant's Civil Engineer, and the final PS&E will be delivered to the City in both hard copy and electronic formats.

1. 30% Submittal: Submit six (6) 24" x 36" hardcopies.
 - a. 30% plans: Cover sheet and plan sheet with base mapping and preliminary details. Plans to be submitted on blacklined bond paper.
 - b. Cut sheets for equipment/appurtenances
 - c. Documentation of outreach with franchise utility companies for facilities needed to be relocated or adjusted to grade as a result of the proposed construction activities
 - d. Information regarding necessary permits and R.O.W. issues
 - e. Project schedule update
 - f. 30% construction cost estimate
 - g. Brief memorandum of determination if the project's construction activities are within the NPDES Construction General Permit. Include project type and risk level.
 - h. Table of Contents list for technical specifications.

2. 75% Submittal: All major issues shall have been resolved prior to this stage. The intent of this submittal is to provide plans and project documents in sufficient detail to allow for thorough and complete review. Submit two (2) 24" x 36" and four (4) half size hardcopies.

- a. 75% Plans: All subcontracted work shall be accounted for in this submittal. All project details shall have been accounted for. Plans to be submitted on blacklined bond paper.
- b. 75% specifications:
 - Technical specifications
 - Table of contents shall include a space for the Engineer of Record to sign and stamp. If there is more than one Engineer of Record, sign and stamp the table of contents sheet for the section(s) that apply to each engineering discipline.
 - Headers and footers shall be formatted per the example provided in the City's standard "boiler plate" specifications
 - Special provisions, with recommended revisions in track changes format, to include the following:
 - Bid item descriptions and measurement and payment provisions
 - A list of minimum required submittals during construction
 - List of information available to Bidders, with disclaimer

- A table listing all inspections (including any special inspections and materials testing) and associated responsibility
- A table list of materials requiring warranties, and associated warranty periods
- A list of required tests for the project
- c. Project schedule update
- d. 75% construction cost estimate in the form of the bid schedule
- e. Utility conflicts shall have been resolved or a timeline for resolution of issues has been determined.
- f. Responses to the City's review comments on the 30% submittal, along with return of mark-ups.
- g. Other supporting documentation as necessary.

3. 100% Submittal: All issues, prior comments, and concerns must be addressed in this submittal. Submit two (2) 24" x 36" hardcopies and four (4) half-size hardcopy.

- a. 100% plans on blacklined bond paper
 - Peer review shall have been accomplished by this stage, with the statement and signature on the cover sheet. The professional shall sign, date and seal the following Certification of Peer Review on a letterhead document with the transmittal of the final plans and specifications:

"The undersigned hereby certifies that a professional peer review of these plans and the required designs was conducted by me, a professional engineer with expertise and experience in the appropriate fields of engineering equal to or greater than the Engineer of Record, and that appropriate corrections have been made."
 - The Assistant Director of Public Works/City Engineer statement on the plans shall be on the title sheet of the project plans:

"The City of Sunnyvale hereby accepts these plans for construction, as being in general compliance with plans preparation requirements of this agency. Responsibility for the completeness and accuracy of the plans and related designs resides with the Engineer and Engineering Firm of Record."
- b. 100% specifications
 - Reviewed bid instructions
 - Include Invitation for Bids number, to be provided by City
 - Finalized special provisions including required submittals
 - Finalized technical specifications
- c. Project schedule update
- d. 100% construction cost estimate
- e. Responses to the City's review comments on the 75% submittal, along with return of mark-ups.
- f. Other supporting documentation as necessary

D. Bid Package

The bid package shall be finalized upon incorporation of the City's final comments from the 100% submittal. Peer Review Statement shall be on the coversheet of this submittal.

Submit copies and digital format (PDF and native format) of each of the documents listed below:

1. One hard copy of full sized plans (24" x 36"), stamped and signed on each sheet by the Engineer of Record and by discipline. Original plans on bond paper
2. One hard copy of the specifications, printed single-sided only.
 - a. Special provisions.
 - b. Technical specifications, with cover sheet stamped and signed by all necessary disciplines.
3. Electronic copy of all final AutoCAD drawings (with x-refs and plot configuration files) in native format and pdf files on a CD-ROM
4. Final project schedule update.
5. Final construction cost estimate

E. Bidding Support Services

Consultant will respond to all bidder's requests for information (RFIs), and support the City's coordination efforts to inform plan-holders of significant responses to RFIs and prepare addenda as necessary. During bidding, all proposers' communications will be directed through the City's Purchasing Officer.

Consultant will be available to provide assistance during the advertisement and bidding periods. This will include attendance at pre-bid meetings, preparation of verbal and written responses to questions received about the project design, and preparation of any addenda and/or clarifications to the PS&E that are deemed necessary.

Consultant can also assist the City in determining the responsiveness of bids received, with checking and tabulating bid results, and with developing recommendations for award of a construction contract to the City Council. Included is up to 30 hours of staff time for bidding support, and any effort beyond that will be on a time and materials basis at an additional cost.

Deliverables:

- Attend pre-bid meetings
- Prepare responses to questions received regarding project design
- Prepare bid addenda as necessary

F. Construction Support Services

Consultant will provide support services to the City during the construction phases of the project. As a minimum, these services are anticipated to include attendance at an internal handoff meeting from the design team to the construction management team to address potential construction issues and scheduling considerations and attendance at pre-Construction Conferences, reviewing Contractor submittals and responding to Contractor requests for information, providing recommendations for any necessary construction changes due to unforeseen field conditions, assisting with the review of Contract Change Orders, participate in the final inspection and assistance with identifying punch list items, preparation of Record Drawings from marked as-built plans supplied by the City's Contractor, and participation in a lessons learned meeting. The City has also requested this include up to 3 periodic construction progress meetings. The Record Drawings will be furnished to the City in both printed and electronic formats. If effort beyond the estimated 100 hours is necessary, Consultant staff time will be delivered on a time and materials basis at an additional cost.

Additional construction support services that Consultant can provide for additional fees include attendance at periodic construction progress meetings, occasional or full-time on-site inspection and documentation of the Contractor's work to verify compliance with the plans, specifications, and contract documents, sub-contracted materials testing services, including review of test reports, to verify that the test methods and frequencies are in accordance with the project QC/QA requirements, and reviewing and providing recommendations on the Contractor's construction schedule and/or work progress.

Deliverables:

- Prepare information and attend internal hand off meeting
- Attend pre-Construction Conferences
- Assist with review of Contractor Submittals and RFIs as necessary
- Provide recommendations for any necessary construction changes due to unforeseen conditions
- Assist with review of Contract Change Orders
- Participate in final inspections and prepare punch lists as needed
- Prepare and submit record drawings based upon the Contractor's representation of actual construction (one printed copy and one electronic copy in AutoCAD and PDF formats)
- Participate in a "Lessons Learned Meeting" at the end of project with all parties.

The City's construction management staff will have primary responsibility for construction management and inspection. The consultant's point of contact will be the City's construction manager, not the contractor. Consultant shall provide post design services to the City during Project bidding, award, and throughout construction.

The following is a minimum list of services and submittals required.

1. Attend and prepare information for an internal handoff meeting from the design team to the construction management team. Consultant shall be prepared to address: possible construction pitfalls, items for the construction management team to be aware of (special working hours, shortened timelines for submittal reviews, etc.).
2. Attend the pre-construction meeting.
3. Attend 3 periodic construction progress meetings.
4. Participate in the final inspection and development of punch lists.
5. Respond to RFIs, which includes clarifying or providing revisions or additional detail where necessary on the plans and specifications. Response to RFIs shall be timely in order to avoid construction delays and claims.
6. Review and respond to all submittals within the period allocated in the contract documents and as necessary to avoid construction delays and claims.
7. Review proposed substitutions, if any, for conformance to plans and technical specifications.
8. Review and make recommendations on proposed changes to the contract (Request for Quotations and Contract Change Orders).
9. Prepare Record Drawings based upon red-lines provided by the contractor and field reviews. The Record Drawings shall be prepared digitally, using AutoCAD. Final Record Drawings shall be submitted electronically, in PDF and CAD format.
10. Participate in the "Lessons Learned Meeting" with all parties at the end of the project.

IV. Available Documents

The list below is available for information only. The City does not guarantee the accuracy or completeness of record drawings.

- Utility block maps for City sanitary sewer, storm drain, and water facilities.
- Bench marks for vertical control are listed on the City's website: <http://sunnyvale.ca.gov/Departments/PublicWorks/BenchMarks,RecordMapsandRecordDrawings.aspx>
- City standard specifications and details are available on the City's website: <http://sunnyvale.ca.gov/Departments/PublicWorks/CityStandardDetailsandSpecifications.aspx>
- City's standard "boiler plate" specifications

The below information will be provided during design to the consultant.

- GIS data for property lines, street center lines, and two (2) foot contours
- Aerial photographs from 2011 (ArcGIS format)
- City standard plan cover sheet

Consultant shall identify the following optional services in their proposal; these services shall be included as separate line items in the cost proposal. Consultant may propose additional optional services, to be evaluated by the City.

1. Potholing services for any new traffic signal pole location.

EXHIBIT A-1

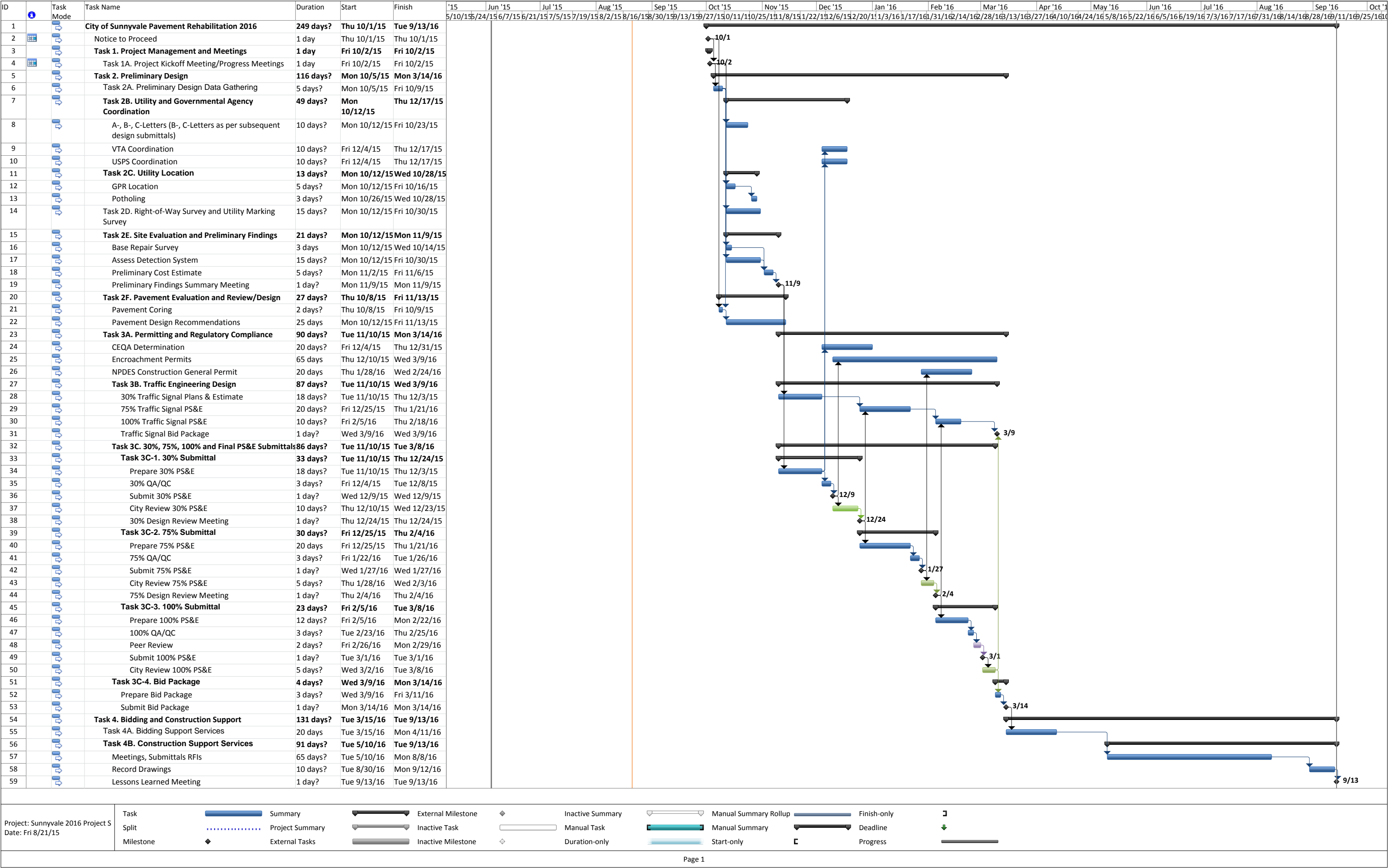


EXHIBIT B

City of Sunnyvale
Pavement Rehabilitation 2016 Project (ST-14/09-16)
Fee Estimate
August 5, 2015

Task Description	Project Manager	QC/QA Manager	Associate Engineer	Project Engineer	Senior Designer	Technician	Clerical	Total Hours by Task	Total Labor Costs	Coring	Traffic Control	Utility Location - PDM	Surveying - Mountain Pacific Surveys	Traffic Engineering - Fehr & Peers	Caltrans/ County Permit Fees	Reimbursable Expenses (Other Direct Costs)	Total Cost
	Ryan Shafer	Jack Norberg	Franz Haidinger	Marcy K., Shahram M., Jenny Crow	Alex Paez	Mike Esposito and Rich LaValley	Mimi Lao										
Rate	\$185	\$225	\$185	\$130	\$125	\$85	\$70										
1. Project Management & Meetings																	
1A. Project Kick-Off Meeting/Progress Meetings	30		12	20				62	\$ 10,370					\$ 3,018			\$ 13,400
2. Preliminary Design and Pavement Evaluation																	
2A. Preliminary Design Data Gathering	1		2	14			2	19	\$ 2,515								\$ 2,500
2B. Utility and Governmental Agency Coordination	1	2	4	14			8	29	\$ 3,755							\$ 100	\$ 3,900
2C. Utility Location	1			2			2	5	\$ 585			\$ 6,710					\$ 7,300
2D. Right of Way, Limited Topographic, and Utility Marking Survey		2	2	2			1	7	\$ 1,150				\$ 19,668				\$ 20,800
2E. Site Evaluations and Preliminary Findings	2	2	4	12		72	2	94	\$ 9,380					\$ 3,322		\$ 600	\$ 13,300
2F. Pavement Evaluation and Review/Design								0									
i. Pavement Coring	2	1		10		8	2	23	\$ 2,715	\$ 9,000	\$ 2,970						\$ 14,700
ii. Pavement Design Recommendations	4	2	16	30			4	56	\$ 8,330							\$ 100	\$ 8,400
Sub-Totals	11	9	28	84	0	80	21	233	\$ 28,430	\$ 9,000	\$ 2,970	\$ 6,710	\$ 19,668	\$ 3,322		\$ 800	\$ 70,900
3. Design Development and Bid Package																	
3A. Permitting and Regulatory Compliance	2	4	6	84			4	100	\$ 13,580						\$ 1,641	\$ 100	\$ 15,300
3B. Traffic Engineering Design	1		2	8			2	13	\$ 1,735					\$ 27,694			\$ 29,400
3C. 30%, 75%, 100% and Final Plans, Specifications & Estimates (PS&E)								0									
i. Preliminary Design (30%)	8	2	16	24	60		4	114	\$ 15,790							\$ 1,000	\$ 16,800
ii. 75% PS&E	6	6	40	90	120		4	266	\$ 36,840							\$ 1,000	\$ 37,800
iii. 100% PS&E	6	4	30	60	80		8	188	\$ 25,920							\$ 1,000	\$ 26,900
iv. Final PS&E	2	2	6	16	30		8	64	\$ 8,320							\$ 1,000	\$ 9,300
Sub-Totals	25	18	100	282	290	0	30	745	\$ 102,185	\$ -	\$ -	\$ -	\$ -	\$ 27,694		\$ 4,000	\$ 135,500
4. Bidding and Construction Support																	
4A. Bidding Support Services	2		8	20				30	\$ 4,450					\$ 1,661		\$ 200	\$ 6,300
4B. Construction Support Services	8		20	40		32		100	\$ 13,100					\$ 8,305		\$ 200	\$ 21,600
Sub-Totals	10		28	60	0	32		130	\$ 17,550	\$ -	\$ -	\$ -	\$ -	\$ 9,966		\$ 400	\$ 27,900
Total	76	27	168	446	290	112	51	1170	\$ 158,535	\$ 9,000	\$ 2,970	\$ 6,710	\$ 19,668	\$ 44,000		\$ 5,200	\$ 247,700



EXHIBIT "C"

INSURANCE REQUIREMENTS FOR CONSULTANTS

Consultant shall procure and maintain for the duration of the contract 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 the Consultant, his 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 and \$2,000,000 aggregate for bodily injury, personal injury and property damage. ISO Occurrence Form CG 0001 or equivalent is required.
2. **Automobile Liability**: \$1,000,000 per accident for bodily injury and property damage. ISO Form CA 0001 or equivalent is required.
3. **Workers' Compensation** Statutory Limits and **Employer's Liability**: \$1,000,000 per accident for bodily injury or disease.
4. **Errors and Omissions** Liability Insurance appropriate to the 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 the City of Sunnyvale. The 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** policy 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 Consultant; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant. 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 Consultant'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 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 the City of Sunnyvale, its officers, officials, employees, agents or volunteers.
4. The 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 the City of Sunnyvale.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of not less than A:VII, unless otherwise acceptable to the City of Sunnyvale.

Verification of Coverage

Consultant shall furnish the City of Sunnyvale with original a 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.



City of Sunnyvale

Agenda Item

15-0816

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Amend an Existing Contract for Ammunition and Miscellaneous Safety Items (F16-16)

REPORT IN BRIEF

Approval is requested to amend an existing contract with Adamson Police Products for the purchase of ammunition and miscellaneous safety items required by the Department of Public Safety (DPS). A contract in the amount of \$157,000 was awarded by Council in October 2014 (RTC 14-0982), with an option to renew for two additional one-year periods. The miscellaneous items obtained from Adamson include specific training gear for police academy recruits.

Due to the receipt of backordered ammunition and the increase in recruiting and, therefore the demand in police academy gear, it is necessary to increase the Adamson contract by \$10,000. The contract amount will increase to \$167,000.

EXISTING POLICY

Council approval is required to amend existing Council-approved contracts absent delegated authority to the City Manager to make such modification.

ENVIRONMENTAL REVIEW

N/A

BACKGROUND AND DISCUSSION

The Department of Public Safety provides ammunition in a variety of calibers for handguns, rifles, and shotguns for Public Safety Officers for use in training, practice, and firearms qualification. The preferred brand of ammunition selected by DPS is Winchester, of which Adamson Police Products is the distributor for this area.

Public Safety recruits attend the Alameda County Sheriff's Office Police Academy, for which specific training gear and clothing are required. Adamson is the sole local distributor for these items. The increased number of recruits attending the police academy, coupled with receipt of the backordered ammunition, requires a contract amendment in the amount of \$10,000 to cover expenses through the end of October 2015. Two successive annual renewal periods, not to exceed budgeted amounts, were authorized by Council in 2014, therefore action on the contract extension is not required.

FISCAL IMPACT

Funds are budgeted in special projects for Recruitment, Selection, and Training of Public Safety Officers and in DPS operating programs.

Funding Source

Funding for Public Safety programs is provided by 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.

RECOMMENDATION

Amend an existing contract with Adamson Police Products for the purchase of ammunition by increasing the not-to-exceed value from \$157,000 to \$167,000.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Timothy J. Kirby, Assistant Director, Finance

Reviewed by: Frank Grgurina, Chief of Public Safety

Reviewed by: Jane Chambers, Interim Assistant City Manager

Approved by: Kent Steffens, Assistant City Manager
for Deanna J. Santana, City Manager

ATTACHMENT

1. Draft Blanket Purchase Order



City of Sunnyvale
California

Draft Revised Blanket Purchase Order NO BL005798

ORDERED FROM 10833 - 002 (800) 777-5211 Adamson Police Products Div of Professional Police Supply 3290 Arden Rd Hayward, CA 94545	ORDER DATE	BILL TO: City of Sunnyvale Finance Department Accounts Payable PO Box 3707 Sunnyvale, CA 94088-3707
	EFFECTIVE DATE 10/29/2014	
	EXPIRATION DATE 10/31/2015	
	CONTRACT AMOUNT \$167,000.00	
REQUISITIONING DEPARTMENT (8000) DPS/Admin	FOB DEST ADD	FREIGHT CHARGES Destination, freight prepaid and added
	PAYMENT TERMS N/30	BID NO

ITEM	DESCRIPTION	UNIT	UNIT COST
1	Blanket order for the purchase of Winchester ammunition as required by the Sunnyvale Department of Public Safety. This order may be renewed for two (2) additional one-year periods. Ammunition must be Premium Law Enforcement Duty Grade. 1. The .40 Caliber must be in a 180 grain jacketed hollow point. 2. The .45 Caliber must be in a 230 grain jacketed hollow point. 3. The 9mm Caliber must be in a 120 to 147 grain jacketed hollow point. 4. The .223 must be in at least a 55 grain soft point. Miscellaneous items not listed may be purchased under this purchase order. Requisition No. RQ013366 This purchase order replaces BL004886. Awarded by Council 10/28/2014, RTC No. 14-0982. Change Order No. 1: Increase contract amount by \$10,000.00. Requisition No. RQ014858 Amended by Council 9/22/2015, RTC No. 15-0816.	DLR	\$1.0000

AUTHORIZED DEPARTMENT(S)		
NO	DEPT NAME	RELEASE AMT
8000	DPS/Admin	\$157,000.00



DOCUMENT TERMS

This purchase order is subject to the City of Sunnyvale Standard Terms and Conditions for the Purchase of Goods, dated 10/8/2010, a copy of which is attached and incorporated by reference (Form #TCBPO-G). Invoices must be sent directly to Accounts Payable by mail to the address above or by e-mail to accountspayable@sunnyvale.ca.gov and must reference the purchase order number. Failure to comply will result in a delay in payment processing.

BUYER:

Dietz, Noel

PHONE (408) 730-7399

FAX (408) 730-7710



City of Sunnyvale

Agenda Item

15-0817

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Renew Contract with Bill Wilson Center to Provide Limited 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 the 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.

In August 2013, Council approved the award of a contract of up to \$600,000 to the Bill Wilson Center to provide workforce development services to young people in the NOVA area. In September 2014, Council approved the renewal of the contract in an amount not to exceed \$500,000, effective October 1, 2014 through September 30, 2015.

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 the Bill Wilson Center to provide services to at-risk youth beginning in October 2013. Bill Wilson Center has 38 years of experience in serving at-risk youth, and their program proposed to recruit youth through their existing network of youth service providers, and to provide comprehensive services to youth including counseling, mentoring, housing assistance, and work experience. The initial term was for one year, with an option to renew the contract for up to two additional years dependent on satisfactory performance. The funding for FY 2013/14 was not to exceed \$506,041. On September 16, 2014, Council approved the renewal of the agreement in the amount of \$500,000 for comprehensive youth services through September 30, 2015.

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 and continues to work with their staff for ongoing performance monitoring and grant compliance.

The Workforce Innovation and Opportunity Act (WIOA), effective July 1, 2015, mandated changes in youth service provisions by shifting the primary program focus of the youth program to support the educational and career success of out-of-school youth. Programs must be designed so that a minimum of 75 percent of contract funds are expended on services to out-of-school youth. By comparison, the requirement under the Workforce Investment Act was 30 percent. In light of the changes, Bill Wilson Center has requested not to renew their agreement for full program operations, but to operate a limited program for FY 2015/16 in order to complete services only for those youth already enrolled in the current contract and those receiving follow-up services. They have submitted a budget of \$121,914 for services through June 30, 2016, and a draft contract in that amount has been prepared for Council approval (Attachment 1)

In terms of services to youth new to the program, NOVA staff will operate the full youth program for the remainder of the fiscal year. NOVA will be working on a regional procurement of youth program operations under WIOA for the fiscal year beginning July 2016.

The NOVA Youth Committee is responsible for advising the NOVA Workforce Board on matters pertaining to youth and, at their August 26 meeting, they recommended approval of a limited contract with the Bill Wilson Center. The NOVA Workforce Board will be taking action on September 23 and is expected to approve the Committee's recommendations.

FISCAL IMPACT

The source of funds for the services in this contract is WIOA funds. Since funds are obligated to programs only based upon appropriations dedicated to NOVA, sufficient WIOA 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

Renew the contract with Bill Wilson Center in an amount not to exceed \$121,914 to provide youth workforce development services from October 1, 2015 through June 30, 2016.

Prepared by: Jeanette Langdell, Employment Training Manager
Reviewed by: Kris Stadelman, Director, NOVA Workforce Services
Reviewed by: Jane Chambers, Interim Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENT

1. Draft Agreement

Original to:

____ City Clerk
____ NOVA
____ Bill Wilson Center

AGREEMENT BETWEEN
CITY OF SUNNYVALE AND BILL WILSON CENTER
FOR YOUTH WORKFORCE DEVELOPMENT SERVICES

This Agreement is made on the ____ day of October, 2015 between the City of Sunnyvale, a California municipal corporation (hereinafter referred to as "City"), on behalf of the NOVA Workforce Board, and **Bill Wilson Center** (hereinafter referred to as "Subrecipient").

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

Whereas, under this Agreement, Subrecipient is participating in the operation of such youth services as a subrecipient of funds; and

Whereas, City and Subrecipient 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: Subrecipient 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 and Method of Payment – Exhibit D;

- (e) Request for Payment – Exhibit E; and
- (f) 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, 2015 through June 30, 2016
- 3. Funding Limit: \$121,914
- 4. Agreement Number: 001-301-16
- 5. State of California Subgrant No.: K698377
- 6. CFDA #: 17.259

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

BILL WILSON CENTER

BY: _____

BY: _____

NAME: **Deanna J. Santana**

NAME: **Sparky Harlan**

TITLE: **City Manager**

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 Innovation and Opportunity Act (WIOA) affirms the Department of Labor's commitment to providing high quality services for youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, and culminating with a good job along a career pathway or enrollment in post-secondary education.

Per WIOA, the design framework services of local youth programs must provide an objective assessment of the academic and occupational skill levels and service needs of each participant, including a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs, for the purpose of identifying appropriate services and career pathways for participants and informing the individual service strategy.

Youth programs must provide activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential; preparation for postsecondary educational and training opportunities; strong linkages between academic instruction and occupational education that lead to the attainment of recognized postsecondary credentials; preparation for unsubsidized employment opportunities, in appropriate cases; and effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets.

This Agreement is to operate a WIOA Title I Youth program to serve WIOA-eligible in- and out-of-school youth ages 14–24 residing or attending school in the cities of Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, Santa Clara and Sunnyvale.

B. SCOPE OF SERVICES

Subrecipient is responsible for providing the following services and activities to participants enrolled under the previous Agreement. No new participants are to be enrolled.

- **Objective assessment of the academic and occupational skill levels and service needs of each participant** – Using approved assessment tools, Bill Wilson Center (BWC) staff will complete an assessment of needs for each youth and create an individualized service strategy.
- **One-on-one case management, including development and ongoing implementation of an individualized service strategy directly linked to one or more of the**

performance indicators¹ – BWC staff will meet regularly with each youth to develop and implement an individualized service strategy. 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. Each contact will be documented in the appropriate database(s).

- **Activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential.**
- **Preparation for postsecondary educational and training opportunities.**
- **Strong linkages between academic instruction and occupational education that lead to the attainment of recognized postsecondary credentials.**
- **Preparation for unsubsidized employment opportunities, in appropriate cases.**
- **Effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets.**
- **Follow-up services** – Follow-up services must be provided for a minimum of 12 months following a youth's exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.
- **Maintenance of records, data entry and report preparation as required in the approved WIOA automated case management system** – BWC will comply with data submission requirements. 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. NOVA will maintain the original MIS/eligibility file.

Required Program Elements

Additionally, WIOA regulations require the following 14 services be readily available to eligible youth. BWC will provide access to all of the required program elements, whether through direct services or partner arrangements. The required program elements (WIOA section 129(c)(2)) are:

1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
2. Alternative secondary school services, or dropout recovery services, as appropriate;

¹ The WIA performance measures, which will remain in effect through PY 15-16, include 1) Placement in employment or education; 2) Attainment of a degree or certificate; and 3) Literacy and Numeracy Gains. The WIOA performance measures take effect 7/1/16 and include: 1) Placement in employment/training or education (Q2 and Q4 after exit); 2) Median earnings, 3) Credential rate, and 4) Measurable skills gain. Guidance will be provided to Subrecipient on these measures.

3. Paid and unpaid work experiences that have as a component academic and occupational education, which may include:
 - a) summer employment opportunities and other employment opportunities available throughout the school year;
 - b) pre-apprenticeship programs;
 - c) internships and job shadowing; and
 - d) on-the-job training opportunities
 - e) Occupational skill training, which may include priority
4. Occupational skill training, which may include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area;
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
6. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
7. Supportive services;
8. Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. Follow-up services for not less than 12 months after the completion of participation, as appropriate;
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;
11. Financial literacy education;
12. Entrepreneurial skills training;
13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
14. Activities that help youth prepare for and transition to postsecondary education and training.

Services Required for Specific Populations

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

Out-of-School Youth

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

- Coordination of a comprehensive service plan to support dropouts in re-engaging in the process of attaining their high school diploma or equivalent.
- Development of 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.

In-School Youth

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.

Youth Incentives

WIOA allows for payments of incentives to youth who have achieved established goals as a result of program participation. Subrecipient will adhere to NOVA's *WIOA Youth Incentives Policy* for criteria for award of incentives.

B. PROJECT RESULTS:

BWC will continue to serve an estimated **[will insert number when known]** youth to be carried in from the PY 14–15 Agreement. The participant plan and performance goals and outcomes that apply to this Agreement are included in Attachment 1.

BWC shall endeavor to meet the goals to the best of its ability. NOVA 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.

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

II. REPORTING AND DATA COLLECTION REQUIREMENTS

A. BWC Responsibilities

BWC will use Contractor's reporting database to input all WIOA 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. NOVA Responsibilities

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. NOVA's Manager of Job Seeker Services, or her designee, shall be the Program Manager for the City and shall render overall supervision of the progress and performance of this Agreement by City. All services agreed to be performed by City shall be under the overall direction of the Program Manager.
2. Subrecipient 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, Subrecipient shall notify City immediately of such occurrence. Program Manager and Subrecipient staff will fully cooperate with City 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:

City: 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

Subrecipient: Deborah Pell, Chief Program Officer
Bill Wilson Center
3490 The Alameda
Santa Clara, CA 95050
Telephone: (408) 850-6146
Email: dpell@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.

[participant plans to be inserted here]

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

Subrecipient shall submit its request for changes in writing to the City'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

Subrecipient shall defend, indemnify, and hold harmless City, 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 Subrecipient, or its officers, employees, agents or representatives. Subrecipient further agrees to reimburse City for all costs, reasonable attorneys' fees, expenses and liabilities incurred in any legal action arising out of any obligation of Subrecipient to be performed under this Agreement or arising from any negligence or willful misconduct of Subrecipient, 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 Subrecipient and City for third-party claims in accordance with applicable provisions of California law. City shall notify Subrecipient 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 Subrecipient's obligations under this Section.

S5 LEGAL RELATIONSHIP

- 5.1 It is understood and agreed that Subrecipient is an independent contractor and that no relationship of employer-employee exists between the parties hereto; that Subrecipient shall not be entitled to any benefits available to employees of City; that City is not required to make any deductions from the compensation payable to Subrecipient under the provisions of this Agreement; that as an independent contractor, Subrecipient thereby holds City harmless from any and all claims that may be made against City 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 Subrecipient has no authority to act for or on behalf of City other than acting as Subrecipient 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 City and Subrecipient.
- 5.3 All powers not explicitly vested in the Subrecipient by this Agreement remain with City.
- 5.4 Subrecipient, without additional expense to City, 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. Subrecipient shall be similarly responsible for all damages to persons or property that occur as a result of Subrecipient fault or negligence. Subrecipient shall take adequate precautions to protect the work, the workers, the public, and the property of others. Failure to do so shall place Subrecipient 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 City hereunder constitute or be construed to be a waiver by City of any breach of covenants or conditions of this Agreement or any default which may then exist on the part of the Subrecipient. The making of any such payment shall not prejudice any right or remedy available to City with respect to such breach or default.
- 5.7 In no event shall a waiver by City of any of the provisions herein invalidate the remainder of the Agreement.

S6 CONFLICT OF INTEREST

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

S7 PERSONNEL

- 7.1 Subrecipient 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 City.
- 7.2 All of the services hereunder will be performed by Subrecipient 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 INTELLECTUAL PROPERTY

8.1 Federal Funding

If this Agreement is funded in whole or in part by the federal government, City may acquire and maintain the intellectual property rights, title, and ownership which result directly or indirectly from the Agreement, except as provided in 37 CFR Part 401.14. However, pursuant to *Uniform Guidance* 2 CFR Part 200 and DOL Exceptions 2 CFR Part 2900, 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 in any manner for governmental purposes and to permit others to do so.

8.2 Ownership

a. Except where City has agreed in a signed writing to accept a license, City shall be and remain without additional compensation, the sole owner of any and all rights, title and interest in all intellectual property, from the moment of creation, whether or not jointly conceived, that are made, conceived, derived from, or reduced to practice by Subrecipient or City and which result directly or indirectly from this Agreement.

b. For the purposes of this Agreement, intellectual property means recognized protectable rights and interest such as: patents (whether or not issued), copyrights, trademarks, service marks, applications for any of the foregoing, inventions, trade secrets, trade dress, logos, insignia, color combinations, slogans, oral rights, right of publicity, author's rights, contract and licensing rights, works, mask works, industrial design rights, rights of priority, know how, design flows, methodologies, devices, business processes, developments, innovations, goodwill, any data or information maintained, collected or stored in the ordinary course of business by City, and all other legal rights protecting intangible proprietary information as may exist now and/or hereafter come into existence, and all renewals and extensions, regardless of whether those rights arise under the laws of the United States, or any other state, country or jurisdiction.

(1) For the purposes of the definition of intellectual property, "works" means all literary works, writings and printer matter including the medium by which they are recorded or reproduced, photographs, art work, pictorial and graphic representations and works of a similar nature, film, motion pictures, digital images, animation cells, and other audiovisual works including positives and negatives thereof, sounds recordings, tapes, educational materials, interactive videos, computer software and any other materials or products created, produced, conceptualized and fixed in a tangible medium of

- expression. It includes preliminary and final products and any materials and information developed for the purpose of producing those final products. "Works" does not include article submitted to peer review or reference journals or independent research projects.
- c. In the performance of this Agreement, Subrecipient may exercise and utilize certain of its intellectual property in existence prior to the effective date of this Agreement. In addition, under this Agreement, Subrecipient may access and utilize certain of City's intellectual property in existence prior to the effective date of this Agreement. Except as otherwise set forth herein, Subrecipient shall now use any of City's intellectual property now existing or hereafter existing for any purposes without the prior written permission of City. Except as otherwise set forth herein, neither the Subrecipient nor City shall give any ownership interest or rights to its intellectual property to the other party. If, during the term of this Agreement, Subrecipient accesses any third-party intellectual property that is licensed to City, Subrecipient agrees to abide by all license and confidentiality restrictions applicable to City in the third party's license agreement.
 - d. Subrecipient agrees to cooperate with City in establishing or maintaining City's exclusive rights in the intellectual property and to assure City's sole rights against third parties with respect to the intellectual property. If the Subrecipient enters into any agreements or subcontracts with other parties in order to perform this Agreement (other than for customized or on-the-job training), Subrecipient shall require the terms of the agreement(s) to include all intellectual property provisions of this Agreement.
 - e. Subrecipient further agrees to assist and cooperate with City in all reasonable respects, and execute all documents and, subject to reasonable availability, give testimony and take all further acts reasonably necessary to acquire, transfer, maintain, and enforce City's intellectual property rights and interests.

8.3 Retained Rights/License Rights

- a. Except for intellectual property made, conceived, derived from, or reduced to practice by Subrecipient or City and which result directly or indirectly from this Agreement, Subrecipient shall retain title to all of its intellectual property to the extent such intellectual property is in existence prior to the effective date of this Agreement. Subrecipient hereby grants to City, without additional compensation, a permanent, non-exclusive, royalty free, paid-up, worldwide, irrevocable, perpetual, non-terminable license to use, reproduce, manufacture, sell, offer to sell, import, export, modify, publicly and privately display/perform, distribute, and dispose of Subrecipient's intellectual property with the right to sublicense through multiple layers, for any purpose whatsoever, to the extent it is incorporated in the intellectual property as set forth herein.
- b. Nothing in this provision shall restrict, limit, or otherwise prevent Subrecipient from using any ideas, concepts, know-how, methodology or techniques related to its performance under this Agreement, provided that Subrecipient's use does not infringe the patent, copyright, trademark rights, license or other intellectual property rights of City or third party, or result in a breach or default of any provisions of this section of Agreement or result in a breach of any provisions of law relating to confidentiality.

8.4 Copyright

a. Subrecipient agrees that for purposes of copyright law, all works of authorship made by or on behalf of Subrecipient in connection with Subrecipient's performance of this Agreement shall be deemed "works made for hire." Subrecipient further agrees that the work of each person utilized by Subrecipient in connection with the performance of this Agreement will be a "work made for hire." Subrecipient shall enter into a written Agreement with any such person that: (i) all work performed for Subrecipient shall be deemed a "work made for hire" under the Copyright Act, and (ii) that person shall assign all right, title, and interest to City to any work product made, conceived, derived from, or reduced to practice by Subrecipient or City and which results directly or indirectly from this Agreement.

b. 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 Subrecipient or City and which result directly or indirectly from this Agreement may not be reproduced or disseminated without prior written permission from City.

8.5 Patent Rights

With respect to inventions made by Subrecipient in the performance of this Agreement, which did not result from research and development specifically included in Subrecipient's scope of work, Subrecipient hereby grants to City 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 Subrecipient's scope of work, then Subrecipient agrees to assign to City, without additional compensation, all its right, title, and interest in and to such inventions and to assist City in securing United States and foreign patents with respect thereto.

8.6 Third-Party Intellectual Property

Except as provided herein, Subrecipient agrees that its performance of this Agreement shall not be dependent upon or include any intellectual property of Subrecipient or third party without first: 1) obtaining City's prior written approval; and 2) granting to obtaining for City, without additional compensation, a license of any of Subrecipient's or third-party's intellectual property in existence prior to the effective date of this Agreement. If such a license upon these terms is unattainable, and City determines that the intellectual property should be included in or is required for Subrecipient's performance of the Agreement, Subrecipient shall obtain a license under terms acceptable to City.

8.7 Warranties

a. Subrecipient represents and warrants that:

- 1) It has secured and will secure all rights and licenses necessary for its performance of this Agreement.
- 2) Neither Subrecipient's performance of this Agreement, nor the exercise by either party of the rights grant in this Agreement, nor any use, reproduction, manufacture, sale, offer to sell, import, export, modification, public and private display/performance, distribution, and disposition of the intellectual property made, conceived, derived from,

or reduced to practice by Subrecipient or City and which result directly or indirectly from this Agreement will infringe upon or violate any intellectual property right, non-disclosure obligation, or other proprietary right or interest of any third-party or entity now existing under the laws of, or hereafter existing or issued by any state, the United States, or any foreign country.

- 3) Neither Subrecipient's performance nor any part of its performance will violate the right of privacy of, or constitute a libel or slander against any person or entity.
 - 4) It has secured and will secure all rights and licenses necessary for intellectual property including but not limited to consents, waivers or releases from all authors of music or performances used, and talent (radio, televisions and motion picture talent), owners of any interest in and to real estate, site locations, property or props that may be used or shown.
 - 5) It has not granted and shall not grant to any person or entity any right that would or might derogate, encumber, or interfere with any of the rights grant to City in this Agreement.
 - 6) It has appropriate systems and controls in place to ensure that state and federal funds will not be used in the performance of this Agreement for the acquisition, operation or maintenance of computer software in violation of copyright laws.
 - 7) It has no knowledge of any outstanding claims, licenses or other charges, liens, or encumbrances of any kind or nature whatsoever that could affect in any way Subrecipient's performance of this Agreement.
- b. City makes no warranty that the intellectual property resulting from this Agreement does not infringe upon any patent, trademark, copyright or the like now existing or subsequently issued.

8.8 Intellectual Property Indemnity

a. Subrecipient shall indemnify, defend and hold harmless City and its licensees and assignees, and its officers, directors, employees, agents, representatives, successors, and users of its products ("indemnities") from and against all claims, actions, damages, losses, liabilities (or actions or proceedings with to any thereof), whether or not rightful, arising from any and all actions of claims by any third party or expenses related thereto (including but not limited to all legal expenses, court costs, and attorney's fees incurred in investigating, preparing, serving as a witness in, or defending against, any such claim action or proceeding commenced or threatened) to which any of the Indemnities may be subject, whether or not Subrecipient is a party to any pending or threatened litigation, which arise out of or are related to (i) the incorrectness or breach of any of the representations, warranties, covenants or agreements of Subrecipient pertaining to intellectual property; or (ii) any intellectual property infringement, or any other type of actual or alleged infringement claim, arising out of City's use, reproduction, manufacture, sale, offer to sell, distribution, import, export, modification, public and private performance/display, license, and disposition of the intellectual property made, conceived, derived from, or reduced to practice by Subrecipient or City and which result directly or indirectly from this Agreement. This indemnity obligation shall apply irrespective of whether the infringement claim is based on a patent, trademark or copyright registration that was issued after the effective date of this Agreement. City reserves the right to

participate in and/or control, at Subrecipient's expense, any such infringement action brought against City.

b. Should any intellectual property license by the Subrecipient to City under this Agreement become the subject of an intellectual property infringement claim, Subrecipient will exercise its authority reasonably and in good faith to preserve City's right to use the licensed intellectual property in accordance with this Agreement at no expense to City. City shall have the right to monitor and appear through its own counsel (at Subrecipient's expense) in any such claim or action. In the defense or settlement of the claim, Subrecipient may obtain the right for City to continue using the license intellectual property or replace or modify the licensed intellectual property so that the replaced or modified intellectual property becomes non-infringing provided that such replacement or modification is functionally equivalent to the original licensed intellectual property. If such remedies are not reasonably available, City may be entitled to a refund of all monies paid under this Agreement, without restriction or limitation or any other rights and remedies available at law or in equity.

c. Subrecipient agrees that damages alone would be inadequate to compensate City for breach of any term of these intellectual property provisions of this Section by Subrecipient. Subrecipient acknowledges City would suffer irreparable harm in the event of such breach and agrees City shall be entitled to obtain equitable relief, including without limitation an injunction, from a court of competent jurisdiction, without restriction or imitation of any other rights and remedies available at law or in equity.

8.9 Survival

The provisions set forth herein shall survive any termination or expiration of this Agreement or any project schedule

S9 SUBCONTRACTING/ASSIGNMENT

9.1 Subrecipient's duties under this Agreement shall not be delegated by Subrecipient 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 City. Third-party subcontractors identified in this Agreement shall be deemed to have been approved by City. Subrecipient shall perform oversight of such third-party subcontractors to ensure compliance with WIOA regulations, including requirements related to confidentiality, records retention, allowable costs, and other requirements applicable to this program.

S10 COMPLAINTS/GRIEVANCES

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

S11 PUBLIC ACCESS TO RECORDS

As a condition of receiving WIOA (Workforce Innovation and Opportunity Act) funds, the independent auditor or monitor of the City, 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 Subrecipient which are directly pertinent to charges under this Agreement to assure compliance with the terms of the Agreement and the WIOA statutes, regulations, and directives, and to make excerpts, transcripts, and photocopies. This right also includes timely and reasonable access to Subrecipient'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.

S12 INSURANCE AND BONDS

Subrecipient 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 Subrecipient, its agents, representatives, or employees.

12.1 Minimum Scope and Limits of Insurance

Subrecipient 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.

12.2 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.

12.3 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 Subrecipient; products and completed operations of the Subrecipient; premises owned, occupied or used by the Subrecipient; or automobiles owned, leased, hired or borrowed by the Subrecipient. 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 Subrecipient'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 Subrecipient'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 Subrecipient'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.

12.4 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.

12.5 Verification of Coverage

Subrecipient 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 Subrecipient that meets the above requirements.

12.6 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 City's officers and employees involved in the performance of the contract.

S13 FISCAL AND RECORDKEEPING RESPONSIBILITIES

- 13.1 Subrecipient shall comply with OMB CFR Chapter II, Part 200, et al., *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: Final Rule* and the Department of Labor's (DOL) exceptions at 2 CFR Chapter II, Part 2900 et al. 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.
- 13.2 Subrecipient 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.
- 13.3 Subrecipient shall submit reports of fiscal data in accordance with City'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 City and DOL. Such financial information reported must be taken directly or linked by worksheet to books of original entry and traceable to source documents. Subrecipient shall maintain a cost allocation plan for distribution of shared costs. Fiscal records must provide a clear audit trail.
- 13.4 Subrecipient shall separately account for WIOA funds on deposit. All funding under this agreement will be made by check or wire transfer for deposit in Subrecipient's bank account.
- 13.5 Under this Agreement Subrecipient shall use funds allocated exclusively for costs related to employment and training services as defined in Exhibit A, Program Design and Standards.
- 13.6 Subrecipient shall not be allowed to recover costs incurred before and after the effective dates of this Agreement.
- 13.7 All records pertaining to this Agreement shall be retained for five (5) years from the date of City'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.
- 13.8 For any Agreement in which unexpended funds resulting from cash advances remain upon completion or termination of this Agreement, Subrecipient shall return such funds to the City within sixty (60) days of the termination of Agreement.
- 13.9 Subrecipient 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 Subrecipient to underwrite additional training or training related services pursuant to the Agreement and/or grant which generated them as approved by City; or the funds shall be returned to City. 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.

S14 PROPERTY MANAGEMENT

- 14.1 The Subrecipient must obtain City's approval prior to charging this Agreement for any portion of the cost of the following:
- The purchase of property with a per-unit single cost totaling \$5,000 or more.
 - The purchase, rent, licensing, maintenance fee, or subscription of information-technology applications/software/services with a per-unit single or cumulative cost totaling \$5,000 or more within a twelve-month period.
- The Subrecipient shall consult with the City prior to disposing of equipment purchased with WIOA funds.
- 14.2 The Subrecipient shall allow the City to make on-site verification that authorized non-expendable property has been purchased and is being used for the purposes of this Agreement. Subrecipient must maintain accurate inventory records of all equipment purchased with federal funds.
- 14.3 Subrecipient 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.
- 14.4 Funds provided under the Agreement shall not be used for the purchase of real property or options to purchase.

S15 RIGHT TO REALLOCATE FUNDS

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

S16 REPORTS

- 16.1 Subrecipient shall prepare and submit all required documents and reports as specified by the City. In addition, special reports necessary for program operation and evaluation may be required.

- 16.2 Subrecipient shall submit a monthly performance report, within 10 days of the end of a month, to City. 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.

S17 TERMINATION OF AGREEMENT

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

17.1 Termination for Convenience

In the event that either the Subrecipient or the City 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 Subrecipient or City 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. Subrecipient shall be compensated pursuant to the terms of this Agreement for all funds earned up to the point of termination.

17.2 Termination for Cause

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

17.3 Insufficient Funding

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

S18 SUSPENSION OF FUNDS

City may suspend payments to Subrecipient under the following circumstances:

- 18.1 Failure to comply in any respect with either the terms and/or conditions of this Agreement.
- 18.2 Submittal by Subrecipient of reports which are incorrect or incomplete in any substantial and material respect.
- 18.3 Failure of Subrecipient 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.

S19 WITHHOLDING OF PAYMENTS/REIMBURSEMENTS

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

- 19.1 Subrecipient, with or without knowledge, shall have made any misrepresentation of a substantial and material nature with respect to any information furnished to City;
- 19.2 There is pending litigation with respect to the performance by Subrecipient 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;
- 19.3 Subrecipient is in default under any provision of this Agreement.

S20 DISPUTES

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

S21 DISALLOWED COSTS

Except to the extent that the City determines it will assume liability, Subrecipient will be liable for and will repay to City, or deduct from a future Request for Payment, any amounts expended under this Agreement found not to be in accordance with WIOA including, but not limited to, disallowed costs. Such repayment will be from funds (non-federal) other than those received under WIOA. Any such sum shall be deemed delinquent which remains unpaid thirty (30) days following written demand by City for payment.

S22 PAYMENT TO SUBCONTRACTOR

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

S23 PROGRAM AGENT POLICIES AND PROCEDURES

- 23.1 Subrecipient shall comply with City's policies and procedures, and any directive or other bulletin issued which clarify or modify City policies and procedures.
- 23.2 If the Subrecipient conducts eligibility determination, Subrecipient shall assure that only eligible participants are enrolled in the program funded under this Agreement. Failure of this condition shall entitle City to recovery of disallowed costs incurred by any ineligible participant.

S24 COORDINATION WITH PROGRAMS UNDER TITLE IV OF THE HIGHER EDUCATION ACT

- 24.1 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.
- 24.2 If the Subrecipient is a recipient of Title IV funding, then the Subrecipient shall institute the following procedures: Subrecipient 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 training plan and shall be incorporated into this Agreement as appropriate. Any financial assistance funds received by Subrecipient on behalf of participants under this Agreement for the specific purposes of tuition, fees, books, and/or supplies shall be immediately reported to City. If payment for such expenses has already been made by City to Subrecipient, Subrecipient shall reimburse City 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.
- 24.3 Subrecipient shall identify all Title IV monies made available to the participant, and inform the City of the amount and disposition of HEA Title IV awards and other types of financial aid given to each participant.
- 24.4 If Pell Grants are utilized, the proper mix of Workforce Innovation and Opportunity Act funds and Pell resources shall be documented.
- 24.5 Subrecipient shall demonstrate its capacity for monitoring and providing necessary reports relative to this section as part of the normal monitoring conducted by the City.

S25 AUDIT REQUIREMENTS

- 25.1 Non-Federal subrecipients that expend \$750,000 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 City 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 contractor, Subrecipient is not subject to these audit requirements.

S26 RECEIPT OF ADDITIONAL FUNDS

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

S27 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.

S28 INCIDENT REPORTING

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

S29 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: \$183,300 as of 1/15), except as provided for under section 101 of Public Law 109-149. This limitation shall not apply to contractors providing goods and services as defined in *Uniform Guidance* 2 CFR Part 200 and Part 2900. 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 Subrecipient assures and certifies that it will in performing its responsibilities as a subrecipient under this Agreement hereby fully comply with the provisions of:

- **The Workforce Innovation and Opportunity Act of 2014 (WIOA);**
- The Office of Management and Budget (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: Final Rule*, at 2 Code of Federal Regulations (CFR) Chapter II, Part 200, et al; and the Department of Labor's (DOL) exceptions at 2 CFR Chapter II, Part 2900 et al; and
- All regulations, legislation, directives, policies, procedures and amendments issued pursuant hereto.

Other Requirements:

- All State legislation and regulations to the extent permitted by federal law and all policies, directives, and/or procedures which implement the WIOA.
- The provisions of Public Law 107-288, Jobs for Veterans Act, as the law applies to DOL job training programs.

2. **NONDISCRIMINATION**

Subrecipient assures and certifies it will comply with the nondiscrimination and equal opportunity provisions of the following laws:

- Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), 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 WIOA 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 WIOA 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.
- Subrecipient shall also comply with *Uniform Guidance* 2 CFR Part 200 and Part 2900 and all other regulations implementing the laws listed above.

Subrecipient agrees to comply with the Americans with Disabilities Act (ADA) of 1990, as well as all applicable regulations and guidelines issued pursuant to ADA (42 USC 12101 et seq).

Subrecipient shall include the nondiscrimination and compliance provisions of this section in all subcontracts to perform work under this Agreement.

3. **CONFIDENTIALITY**

The City, State of California, and Subrecipient 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 California Department of Corrections and Rehabilitation, 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.

City and Subrecipient agree 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 security sufficient to ensure protection of confidential information from improper use and disclosures, including sufficient administrative, physical, and technical safeguards to protect this information from reasonable unanticipated threats to the security or confidentiality of the information.
- c. The Subrecipient agrees that information obtained under this Agreement will not be reproduced, published, sold or released in original or in any other form for any purpose other than those specifically identified in this Agreement.
 - 1) Aggregate Summaries: All reports and/or publications developed by the Subrecipient based on data obtained under this Agreement shall contain confidential data in aggregated or statistical summary form only. "Aggregated" refers to a data output that does not allow identification of an individual or employer unit.
 - 2) Publication: Prior to publication, Subrecipient shall carefully analyze aggregated data outputs to ensure the identity of individuals and/or employer units cannot be inferred pursuant to Unemployment Insurance Code Section 1094(c). Personal identifiers must be removed. Geographic identifiers should be specified only in large areas and as needed, and variable should be recorded in order to protect confidentiality.
 - 3) Minimum Data Cell Size: The minimum data cell size or derivation thereof shall be three participants for any data table released to outside parties or to the public.
- d. Each party agrees that no disaggregate data, identifying individuals or employers, shall be released to outside parties or the public.

- e. The Subrecipient shall notify City's designated data security representative (see below) by telephone of any actual or attempted information security incidents within 24 hours of initial detection. Information security incidents include but are not limited to any event (intentional or unintentional) that causes the loss, damage, or destruction, or unauthorized access, use, modification, or disclosure of information assets. Subrecipient shall cooperate with City in any investigation of security incidents. The system or device affected by an incident and containing confidential data obtained in the administration of this program shall be immediately removed from operation upon confidential data exposure or a known security breach. It shall remain removed from operation until correction and mitigation measures are applied. If Subrecipient learns of a breach in the security of the system which contains confidential data obtained under this Agreement, then Subrecipient must provide notification to individuals pursuant to Civil Code Section 1798.82.
- f. The Subrecipient shall provide for the management and control of physical access to information assets (including personal computer systems, computer terminals, mobile computing devices, and various electronic storage media) used in performance of this Agreement. This shall include but is not limited to security measures to physically protect data, systems, and workstations from unauthorized access and malicious activity; the prevention, detection, and suppression of files; and the prevention, detection, and minimization of water damage.
- g. At no time will confidential data obtained pursuant to this agreement be placed on a mobile computing device, or on any form of removable electronic storage media of any kind unless the data are fully encrypted.
- h. Each party shall provide its employees with access to confidential information with written instructions fully disclosing and explaining 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.
- i. Each party shall (where appropriate) store and process information in electronic format in such a way that unauthorized persons cannot reasonably retrieve the information by means of a computer.
- j. 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.
- k. If the Subrecipient enters into an Agreement with a third party to provide services, Subrecipient 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.
- l. 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. As of this date, the following are those individuals:

For the City:

Cindy Stahl, Manager of Job Seeker Services, (408) 730-7236

For the Subrecipient:

(insert name, title, phone number)

4. Subrecipient makes the following further assurances and certifications:
 - a. Subrecipient certifies, by executing this Agreement, that neither it nor its principals are listed on the government-wide Excluded Parties List System in the System for Award Management (SAM). The list in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority.
 - b. Subrecipient, by signing this Agreement, does swear under penalty of perjury that it has not failed to satisfy any major condition in a current or previous agreement with the Department of Labor, State of California, or City and has not failed to satisfy conditions relating to the resolution of a final finding and determination, including repayment of debts.
 - c. Subrecipient 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 Subrecipient's drug-free statement; and
 - (b) will agree to abide by the terms of the Subrecipient's statement as a condition of employment on the Agreement.
 - d. 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.

- e. It will comply with the provisions of the Hatch Act, which limits the political activity of certain State and local government employees as appropriate.
- f. It will comply with the requirements that no program under the Act involve political activities.
- g. 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.
- h. Subrecipient certifies that this agreement does not provide for the advancement or aid to any religious sect, church or creed, or sectarian purpose nor to any institution controlled by same. 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.
- i. 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.
- j. If the amount of the Agreement exceeds \$100,000, the Subrecipient hereby assures and certifies to the lobbying restrictions at *Uniform Guidance* 2 CFR Part 200 and 2 CFR Part 2900:

No Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, 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 Subrecipient 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.

- k. Subrecipient 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 (42 USC 6201).
- l. If the amount of the Agreement exceeds \$150,000, the Subrecipient agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 USC 7401-7471q), and the Federal Water Pollution Control Act as amended (33 USC 1251-1387).
- m. If Subrecipient is a corporation, certifies it is registered with the Secretary of State of the State of California.
- n. 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.
- o. 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.
- p. It possesses legal authority to apply for the subaward; that a resolution, motion, or similar action has been duly adopted or passed as an official act of the Subrecipient'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 Subrecipient to apply for the subaward shall be provided to the City upon demand.
- q. Appropriate standards for health and safety in work and training situations will be maintained.
- r. 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.

- s. Institutional skill training and training on-the-job shall only be for occupations in which the City has determined there is reasonable expectation for employment.
- t. 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.
- u. 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.
- v. 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.
- w. No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- x. No participant who is engaged in this program may be charged a fee for placement or referral services.
- y. 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.
- z. Subrecipient shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

BUDGET

The Subrecipient 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 \$121,914 as detailed in Attachment 1.

Any changes requested for the budget shall be submitted by written request to the City and are subject to City's written approval.

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

Matching funds² are not required for this Agreement but are encouraged in order to leverage grant funds. They may be reported on the Request for Payment. Documentation must be maintained for matching fund expenditures reported.

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 and supporting documentation of cost allocation must be submitted with each payment request. Failure to submit required documentation and forms may cause a delay in payment.

² The definition of cash match is a contribution of funds made available to the contractor, to be used specifically for these project activities and consistent with the allowable activities of the fund source. The contractor has control over and disburses these funds. Examples include: money received from employers, foundation, private entities, or local governments. The definition of in-kind match is a contribution of non-cash resources used specifically for project activities. Examples include donated personnel, services, or use of equipment or space.

[planned budget to be inserted here]

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. Administrative Costs			
g. 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: **dgamble@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

15-0885

Agenda Date: 9/29/2015

SUBJECT

Adopt Ordinance Nos. 3060-15 Repealing and Reenacting Chapter 8.16 (Solid Waste Management And Recycling) of Title 8 (Health And Sanitation); 3061-15 Amending Certain Sections of Chapter 10.04 (General Provisions) of Title 10 (Vehicles And Traffic); and 3062-15 Amending Certain Sections of Title 12 (Water And Sewers) of the Sunnyvale Municipal Code.

On September 15, 2015, Ordinance Nos. 3060-15 (Health and Sanitation), 3061-15 (Vehicles and Traffic), and 3062-15 (Water and Sewers) were introduced by Council, and are now scheduled for adoption. In finalizing Ordinance No. 3062-15 entitled "Amending Certain Sections of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code" for adoption, a clerical error in the section numbering was discovered. Section 12.28.050 was incorrectly numbered, and is now renumbered to Section 12.28.197 to reflect the correct section number. There were no substantive changes to the language of the provision; nor any changes to the other ordinances.

RECOMMENDATION

Adopt Ordinance Nos. 3060-15, 3061-15, and 3062-15.

ATTACHMENT

1. Ordinance No. 3060-15
2. Ordinance No. 3061-15
3. Ordinance No. 3062-15

ORDINANCE NO. 3060-15

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE REPEALING AND REENACTING
CHAPTER 8.16 (SOLID WASTE MANAGEMENT AND
RECYCLING) OF TITLE 8 (HEALTH AND SANITATION)
OF THE SUNNYVALE MUNICIPAL CODE**

WHEREAS, the City of Sunnyvale desires to amend provisions of the Sunnyvale Municipal Code relating to solid waste management and recycling.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 8.16 REPEALED AND REENACTED. Chapter 8.16 (Solid Waste Management and Recycling) of Title 8 (Health and Sanitation) of the Sunnyvale Municipal Code is hereby repealed and reenacted to read as follows:

CHAPTER 8.16
SOLID WASTE MANAGEMENT AND RECYCLING

- 8.16.010. Purpose.
- 8.16.020. Definitions.
- 8.16.030. Solid waste container requirements.
- 8.16.040. Solid waste removal.
- 8.16.050. Solid waste containers.
- 8.16.060. Solid waste—Deposit—Where prohibited.
- 8.16.070. Solid waste burning.
- 8.16.080. Recyclable waste oil.
- 8.16.090. Collection and disposal—Issuance of franchises or licenses.
- 8.16.100. Collection rates—Liability—Penalty for nonpayment.
- 8.16.110. Collection stations—Number and location.
- 8.16.120. Removal by disposal service operator—Interference unlawful.
- 8.16.130. Solid waste property of franchise holder or licensee.
- 8.16.140. Destroying, scattering or collecting recyclables without the consent of owner unlawful.
- 8.16.150. Collecting or hauling without franchise or license unlawful.
- 8.16.160. Exclusions.
- 8.16.170. Impounding of receptacles placed in violation of chapter.
- 8.16.180. Vehicles, conveyances and containers—Applicable regulations.
- 8.16.190. General penalties and administrative penalties.
- 8.16.200. Civil penalties.
- 8.16.210. Remedies cumulative.

8.16.010. Purpose.

It is the purpose of this chapter to set forth terms and conditions pursuant to which authorization may be granted by the city council to provide solid waste and residential recyclable materials handling services and, on occasion, to provide certain recycling services to commercial and industrial facilities; and to promote the public health, welfare and safety of the community by establishing reasonable regulations relating to the storage, accumulation, collection and disposal of garbage, trash, rubbish, debris and other discarded matter, goods and material, and recyclable materials.

8.16.020. Definitions.

(a) "City licensed disposal service operator" means a disposal service operator who has been granted a city license or franchise by the city pursuant to Section 8.16.090.

(b) "Collection station" means the location at which solid waste or recyclable materials are placed in containers for collection by the city licensed disposal service operator.

(c) "Compostable materials" means vegetative matter, such as leaves, separated and stored in such a way as to promote its controlled aerobic decomposition into compost or mulch.

(d) "Director" means the director of environmental services or designee.

(e) "Disposal area" means the premises or site where the disposal of solid waste not produced on such premises or site is permitted or occurs.

(f) "Disposal service operator" means any person hauling solid waste and/or recyclable materials in the city of Sunnyvale whether such hauling is done with or without compensation. Disposal service operator does not include or mean an individual hauling solid waste from his own home for purposes of disposing of same at an established disposal area as provided for in Section 8.16.160; provided, however, such solid waste is not produced, created or accumulated in the course of any business operations.

(g) "Garbage" means the putrescible animal, fish, food, fowl, fruit or vegetable matter, or any portion thereof, resulting from the preparation, storage, handling, or consumption of such substances.

(h) "Hazardous waste" means waste defined as hazardous by Public Resources Code Section 40141 as it now exists or may subsequently be amended, namely, a waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may do either of the following: (i) cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (ii) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazardous waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency ("EPA") or other agency of the United States Government, or by the California Legislature or any agency of

the state of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

(i) "Person" includes any person, firm, association, organization, partnership, business trust, joint venture, corporation, or company, and includes the United States, the state of California, and the county of Santa Clara, special purpose districts, and any officer or agency thereof.

(j) "Receptacle" means every type of container used in connection with collection and removal of solid waste and/or recycling materials, including compactors, bins and boxes, used in every zoning district of the city, which is not provided by the city or by a city licensed disposal service operator.

(k) "Recyclable materials" means solid domestic, commercial or industrial by-products of some potential economic value, separated, handled, packaged or offered for collection in a manner different from solid waste.

(l) "Recyclable waste oil" means recycled oil, as defined in subdivision (c) of Section 25250.1 of the California Health and Safety Code.

(m) "Recycling container" means a container provided by the city or by a city licensed disposal service operator for receiving and holding recyclable materials.

(n) "Solid waste" means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, compostable materials, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other semisolid wastes. Solid waste does not include hazardous waste or household hazardous waste, medical waste, radioactive waste, sewage, abandoned vehicles and parts thereof, or restaurant grease and tallow.

(o) "Solid waste container" means a plastic or metallic can with close-fitting cover, cover handle and side bails of thirty-two gallons or less in gross capacity, or a container provided by the city or by a city licensed disposal service operator for receiving and holding solid waste.

(p) "Source separated recyclable materials" means any recyclable materials, whether or not combined with other solid recyclable materials, source separated for collection, not containing more than an incidental amount of contamination by solid waste, but in no circumstances to exceed ten percent by volume of such solid waste.

(q) "Waste" means the useless, unused, unwanted, or discarded material and debris resulting from normal community or business activities, or materials which by their presence may injuriously affect the health, safety and comfort of persons and depreciate property values in the vicinity thereof.

8.16.030. Solid waste container requirements.

(a) It is unlawful for any person occupying or maintaining any premises within the city, where any solid waste is created, produced or accumulated upon the premises, to fail or neglect to procure a container or containers for receiving and holding, without leakage or escape of odors, all solid

waste which is produced, created or accumulated upon the premises and all persons shall deposit all solid waste in a container.

(b) Solid waste containers shall not exceed thirty-two gallons in volume or seventy pounds weight when filled for removal, except when such container or containers are furnished by a city licensed disposal service operator pursuant to regulations prescribed by the city.

(c) All containers shall be maintained at all times in a sanitary and tidy condition. All materials shall be placed inside the containers and shall not be placed outside nor allowed to spill out of such containers. Where containers are equipped with lids, all lids shall be maintained closed when waste is in the container.

(d) All containers shall be clearly identified with the name and telephone number of the disposal service operator servicing it.

8.16.040. Solid waste removal.

All solid waste, other than compostable materials, created, produced or accumulated in or about dwelling houses situated anywhere in the city shall be disposed of or removed from the premises at least once each week. All solid waste, other than compostable materials, created, produced or accumulated on all other premises shall be disposed of or removed from such premises at least once each week, or oftener, if necessary, except for containers of seven or more cubic yards capacity containing only nonputrescible solid waste. Containers of seven or more cubic yards capacity shall be maintained only so long as in active use for purposes as neighborhood cleanup, collection of construction debris, etc., and shall not remain without removal for excessive periods of time. Upon a determination by the director that a container has been maintained for an excessive period of time, the person responsible for the container shall, upon written notice, cause it to be removed.

8.16.050. Solid waste containers.

It is unlawful to permit any solid waste or recycling container to remain in public view from any public right-of-way in any R-0, R-1, R-1.5, R-1.7/PD or R-2 district unless the container is stored in the side yard of the premises behind the face of the house. For scheduled curbside pick-up, containers are permitted in public view during the fifty-four-hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at six a.m. on the day following such pick-up.

8.16.060. Solid waste—Deposit—Where prohibited.

(a) It is unlawful for any person to throw or deposit, or cause to be thrown or deposited, any solid waste, or recyclable materials or abandoned vehicle parts, or allow any collection of same to remain, in or upon any public right-of-way, watercourse, waterway, levees or banks of watercourses or waterways, or upon any premises whatsoever except an approved disposal area.

(b) It is unlawful to dispose of solid waste in a container owned or rented by a person other than the generator of such solid waste, without

permission from the owner or renter of the container to deposit solid waste in the container.

8.16.070. Solid waste burning.

It is unlawful for any person to burn solid waste within the city, except that dry waste may be burned by owners or producers thereof on privately owned property, when the hours and conditions of such burning have been approved in advance by the Bay Area Air Quality Management District.

8.16.080. Recyclable waste oil.

(a) Recyclable waste oil which is placed in a designated recycling collection location for collection under the city's waste oil collection program shall be placed in containers not exceeding one gallon in capacity with a screw top lid. Containers shall be maintained so that recyclable waste oil may be contained without leakage.

(b) Recyclable waste oil which is placed in a designated recycling collection location for collection under the city's waste oil collection program shall remain the property of the waste oil generator until such waste oil is collected by the city or city licensed disposal service operator.

(c) Upon the collection of recyclable waste oil, the recyclable waste oil shall become the property of the city licensed disposal service operator, as set forth in the agreement for collection of waste oil between the city and the licensed disposal service operator.

8.16.090. Collection and disposal—Issuance of franchises or licenses.

The city council shall provide for the collection and disposal of solid waste and recyclable materials generated from residences within the city by the issuance of a franchise or license, or franchises and licenses, to disposal service operators. The terms and conditions under which the disposal service operators are required to collect and dispose of solid waste and residential recyclable materials shall be specified in the applicable franchise or license and the rates for such collection and disposal operations shall be established by resolution of the city council.

8.16.100. Collection rates—Liability—Penalty for nonpayment.

The city council finds that the periodic collection and disposal of solid waste from all places in the city benefits all places and premises in the city and therefore all persons occupying or maintaining any premises within the city are made liable for the solid waste collection rates established by resolution of the city council in connection with any franchise or license, issued pursuant to this chapter and the Charter of the city, for the collection and disposal of solid waste. All such collection rates imposed as herein provided shall be a civil debt owing the city from the occupant of the property receiving the services; provided, however, that where this code provides that such collection rates shall be a civil debt owing the city from the owner of the property receiving the service, such provision shall govern liability to the city for such service. The presence of active

water service shall be the primary method of determining occupancy and liability of solid waste collection rates. As to customers to whom the city provides water service, all such collection rates shall be included as a part of the municipal water bills and shall be due and payable at the same time as municipal water bills. Failure or refusal to pay the rates when due shall subject the person obliged to pay the same to discontinuance of solid waste and water service provided by the city pursuant to Chapter 12.50 of this code.

8.16.110. Collection stations—Number and location.

The collection station for single-family, two-family, and three-family residential uses shall be the street curb line adjacent to such premises and solid waste and recycling containers shall be placed in that location by the occupant of the premises for collection by the city licensed disposal service operator(s). The number and location of collection stations for other classes of uses shall be determined by the occupant of the premises and shall be easily accessible to the city licensed disposal service operator(s) for collection of the solid waste or recyclable materials accumulated at such location for collection.

8.16.120. Removal by disposal service operator—Interference unlawful.

Removal, transportation and disposal of solid waste from all premises within the city shall be completed only by a disposal service operator to whom a franchise or license to do so has been granted by the city of Sunnyvale. It is unlawful for any person to interfere in any manner with the lawful operations of such authorized disposal service operator.

8.16.130. Solid waste property of franchise holder or licensee.

All solid waste upon being removed from the premises where produced or accumulated shall become and be the property of the franchise holder or licensee authorized by the city to remove the same until it has been properly delivered to the disposal area.

8.16.140. Destroying, scattering or collecting recyclables without the consent of owner unlawful.

It is unlawful for any person to burn, break, destroy, scatter, collect or take any recyclable materials without the consent of the owner of such materials. Consent to collection of such materials may be either oral or written, or may be, manifested by a practice or arrangement between the owner and a donee or donees, whereby recyclable materials are placed in a particular place, area or distinctive container, for regular collection by the done.

8.16.150. Collecting or hauling without franchise or license unlawful.

(a) It is unlawful for any person to engage in the business of collecting solid waste within the city, or to haul the same through any street or public right-of-way in the city, unless such person has been granted a franchise or license to do so by the city.

(b) It is unlawful for the occupant of a premises to engage the services of a person for collecting solid waste within the city unless such person has been granted a franchise or license to do so by the city.

8.16.160. Exclusions.

(a) Residential Householders. No provision of this chapter shall prevent a residential householder from collecting and disposing of occasional loads of solid waste generated in or on his or her residential premises, or from composting yard trimmings, or from selling, donating or disposing of recyclable materials generated in or on his or her residential premises to other than the city's licensed disposal service operator. However, the containers provided by the city or the city's licensed disposal service operator may not be used for activities authorized by this paragraph.

Notwithstanding the foregoing, no residential householder shall employ or engage any solid waste enterprise, other than the city's licensed disposal service operator, to haul or transport solid waste or recyclable materials to a disposal or processing facility.

(b) Gardeners. No provision of this chapter shall prevent a gardener, tree trimmer or person engaged in a similar trade from collecting and disposing of grass cuttings, prunings, and similar material not containing other solid waste when incidental to providing gardening, tree trimming or similar services.

(c) Collection of Source Separated Recyclable Materials. No provision of this chapter shall prevent a recycler, junk dealer or other enterprise engaged in the business of buying and marketing source separated recyclable materials in the stream of commerce and which buys such materials for marketing and not for disposition in a landfill or transfer station (as defined in Public Resources Code Section 40200) from buying recyclable materials for a monetary or other valuable consideration; nor shall any provision of this chapter prevent a recycler, junk dealer or enterprise which buys the materials from removing and transporting the materials to a destination for marketing in the stream of commerce.

(d) Renovation, Rebuilding, Repairs. No provision of this chapter shall prevent a commercial/industrial business owner from arranging for any worn, spent, or defective equipment, or part thereof, used in a commercial business and requiring renovation, rebuilding, recharging, regeneration or repair, to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to such commercial/industrial business owner; nor shall any provision of this chapter prevent any person engaged in the business of renovating, rebuilding, recharging, regenerating, or otherwise restoring or repairing equipment or part thereof, from transporting the same from or returning it to the commercial business, or from removing, transporting or disposing of any equipment, or part thereof, replaced in connection with an equipment repair or service contract.

(e) Contractors. No provision of this chapter shall prevent a licensed contractor having a contract for the demolition or reconstruction of a building, structure, pavement, or concrete installation from marketing any saleable items salvaged from demolition or reconstruction, or from causing salvageable items or

construction or demolition waste to be removed and transported from the premises on which the waste is generated, pursuant to the provisions of the demolition or construction contract, subject to the following:

(1) Collection, removal and disposal activity shall be only by the licensed contractor having the contract for the construction or demolition work that generated salvageable items or construction or demolition waste, or by regularly employed personnel carried on the licensed contractor's payroll records as an employee.

(2) All vehicles used in carrying out collection, removal and disposal activities shall be owned by or under the exclusive control of the licensed contractor and shall meet all of the requirements of this chapter and all other laws, statutes, rules, regulations and ordinances of the state of California and the city.

(f) Document Destruction Service. No provision of this chapter shall prevent any person engaged in the business of destroying or disposing of secret, confidential or sensitive documents from transporting or disposing of documents, as a part of such document destruction or disposal service.

(g) Upon request by the city, any person claiming to be exempt under the provisions of this section shall submit credible evidence such as contracts, invoices, sales orders, statements signed under penalty of perjury, or other documentation sufficient to verify that such person qualifies for the exemption. The failure to provide such evidence may be used as evidence of a violation.

8.16.170. Impounding of receptacles placed in violation of chapter.

(a) Any person who violates Section 8.16.150(a) shall be notified in writing that the prompt and permanent removal is required of any receptacle placed on the premises for collection by a person who is not a city licensed disposal service operator. Written notice shall be posted prominently upon the receptacle. If the receptacle is identified with the name and address or telephone number of the person operating it, notice shall be provided by mail or telephone. Failure to notify any person by phone or by mail shall not invalidate the notice.

(b) The notice shall inform the person who places or operates the receptacle that the city intends to impound any receptacle which is placed in violation of Section 8.16.150 within the time set forth in the notice, which shall not be less than twenty-four hours after posting of the notice, or not less than six hours after telephonic notification.

(c) The city may impose fees, costs, charges, and penalties in the amount set forth by city council resolution, unless, within ten city working days from the date of notice, the person who places or operates the receptacle has requested a hearing on removal and impoundment by filing a written request for a hearing with the department of environmental services, attention solid waste programs. A hearing on impoundment shall be scheduled within three city working days after request.

(d) Any person who violates this section shall be liable to the city for all penalties. That person or persons shall also be liable for any fees, costs and charges in connection with impounding, collection, transportation, storage and

handling of such receptacle by the city, as well as cost recovery pursuant to the applicable utility fee schedule in effect on the date of hearing. The receptacle impounded by the city shall be retrieved by the owner upon proof of ownership of the receptacle after all applicable fees, penalties, costs and charges have been paid, including but not limited to fees for unloading the material at the Sunnyvale Materials Recovery and Transfer Station and any costs related to disposal of hazardous materials. Fees, penalties, costs and charges shall not apply if any person prevails in any hearing adjudicating the matter. In all cases, a receptacle not retrieved after three months shall be deemed abandoned.

(e) Upon posting of a written notice of violation upon the unauthorized receptacle, no person using the unauthorized receptacle shall place solid waste and recyclable materials therein, or that person will be subject to fees, penalties, costs and charges in the amount set forth in city council resolution.

8.16.180. Vehicles, conveyances and containers—Applicable regulations.

(a) All vehicles, conveyances or containers used for hauling solid waste within the city shall be of such construction as to comply fully with all laws, rules and regulations of the state of California pertaining thereto, and shall be of a type and construction to prevent leakage, spillage or overflow. This chapter is intended to implement the requirements of Vehicle Code Section 23114, or its successor statute.

(b) Any operator of an uncovered open bed truck hauling waste and recyclables for disposal at the SMaRT station shall be subject to payment of a fee for which the operator shall receive a tarp to be used for covering debris and solid waste. The fee for the truck tarp shall be established from time to time by resolution of the city council.

8.16.190. General penalties and administrative penalties.

Failure to comply with the provisions of this chapter shall make the person violating its provisions subject to general penalties in accordance with Chapter 1.04 and also subject to administrative citations in accordance with Chapter 1.05 of this code.

8.16.200. Civil penalties.

Any person who violates any provision of this chapter shall be civilly liable to the city in the sum not less than fifty dollars, nor more than five hundred dollars per day for each day in which such violation occurs. The city attorney may petition the superior court to impose, assess, and recover such sums.

8.16.210. Remedies cumulative.

The remedies provided for in this chapter shall be cumulative and not exclusive, and shall be in addition to any and all other remedies available to the city.

SECTION 2. 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 3. 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 September 15, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 3061-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING CERTAIN SECTIONS OF
CHAPTER 10.04 (GENERAL PROVISIONS) OF TITLE 10
(VEHICLES AND TRAFFIC)

WHEREAS, the City of Sunnyvale desires to amend certain sections of Chapter 10.04 (General Provisions) to the Sunnyvale Municipal Code Title 10 (Vehicles and Traffic).

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 10.04.090 AMENDED. Section 10.04.090 of Chapter 10.04 (General Provisions) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended as follows:

10.04.090. Traffic direction by unauthorized person prohibited.

No person other than an officer of the public safety department or a person deputized by the director of public safety, or other person authorized by law, including but not limited to certain trained employees of the department of public works and the department of environmental services, as referenced in Section 10.04.092, shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate when and as herein provided any mechanical pushbutton signal erected by order of the city traffic engineer.

SECTION 2. SECTION 10.04.092 AMENDED. Section 10.04.092 of Chapter 10.04 (General Provisions) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended as follows:

10.04.092. Emergency traffic direction by public works and department of environmental services employees.

Provided that employees of the department of public works and employees of the department of environmental services meet the following qualifications set forth below, they shall be authorized to regulate traffic at the scene of an accident or other disaster, or in the event that any official traffic control device is disabled or otherwise inoperable, or in cases of other emergencies, until a public safety officer or other person authorized by Section 10.04.090 is able to come to the scene and take over the direction of traffic:

(a) The public works or environmental services employee shall have completed a course of training for traffic control, which course of training has received the written approval of the director of public safety;

(b) The public works or environmental services employee is driving, at the time he or she arrives at, or is sent to, the scene of the accident, disaster, or

inoperative traffic signal or device, a vehicle equipped with two way radio and with flashing emergency lights.

SECTION 3. 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 4. 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 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 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 September 15, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 3062-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING CERTAIN SECTIONS OF
TITLE 12 (WATER AND SEWERS) OF THE SUNNYVALE
MUNICIPAL CODE

WHEREAS, the City of Sunnyvale desires to amend and add certain sections to the Sunnyvale Municipal Code Title 12 (Water and Sewers).

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES
ORDAIN AS FOLLOWS:

SECTION 1. SECTION 12.04.010 AMENDED. Section 12.04.010 of Chapter 12.04 (Sewerage System) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.04.010. Purpose.

(a) Chapters 12.04 through 12.18 set forth uniform requirements for users of the publicly owned treatment works (POTW) for the city of Sunnyvale and enables the city to comply with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of these chapters are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

(2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

(3) To protect both the POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To enable the reuse and recycling of wastewater and sludge from the POTW;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvements of the POTW; and

(6) To enable the city to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge reuse and disposal requirements, and any other federal or state laws to which the POTW is subject.

(b) Chapters 12.04 through 12.18 shall apply to all users of the POTW. These chapters:

(1) Authorize the issuance of wastewater discharge permits;
(2) Provide for monitoring, compliance and enforcement activities;

(3) Establish administrative review procedures;

- (4) Require user reporting; and
- (5) Provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(c) Chapters 12.04 through 12.18 apply to the city of Sunnyvale and to persons outside the city who are, by contract or agreement with the city, users of the city POTW. Except as otherwise provided herein, the director of environmental services or, where applicable, the director of public works shall administer, implement and enforce the provisions of these chapters. Any powers granted to or duties imposed upon the director may be delegated by the director to other city personnel.

SECTION 2. SECTION 12.04.030 AMENDED. Section 12.04.030 of Chapter 12.04 (Sewerage System) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.04.030. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this title, shall have the meaning hereinafter designated.

(1)-(12) [Text unchanged]

(13) “Director” means the director of environmental services or, where applicable, the director of public works of the city, or designees.

(14)-(60) [Text unchanged]

SECTION 3. SECTION 12.08.010 AMENDED. Section 12.08.010 of Chapter 12.08 (Sewer Connections) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.08.010. Sewer connection required.

The owner of every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a city sanitary sewer, is required to install, at his or her own expense and as soon as practicable, suitable toilet facilities and to connect, without any undue delay, and, in no event, at a date later than ninety days following official notice from the city, such facilities directly with the proper city sanitary sewer in accordance with the provisions of this chapter and Chapters 12.12 and 12.16; provided, that the city sanitary sewer is within three hundred feet of the building.

Notwithstanding the foregoing, where residential property is annexed into the city, on which a functioning septic tank system is located, a sewer connection to the city sanitary sewer shall not be required so long as the existing septic tank system is functioning in good order. At any time the county health official determines the septic tank system is failing, and/or at any time the septic tank system is to be repaired or replaced, or upon further development of the property affecting wastewater discharge, the property owner shall apply for and install a connection to the city sanitary sewer system as set forth above.

SECTION 4. SECTION 12.18.090 AMENDED. Section 12.18.090 of Chapter 12.18 (Enforcement) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.18.090. Administrative civil penalties.

(a) [Text unchanged]

(b) Hearing. Unless the person charged with the violation(s) waives his or her right to a hearing, the director of environmental services or designee ("hearing officer") shall conduct a hearing within thirty days. If the hearing officer finds that the person has violated any reporting or discharge requirement of Chapters 12.04 through 12.18, he or she may assess administrative penalties against the person. In determining the amount of the civil penalty, the hearing officer may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger. Civil penalties that may be imposed pursuant to Government Code Section 54740.5 are as follows:

(1)-(4) [Text unchanged]

(c)-(d) [Text unchanged]

SECTION 5. CHAPTER 12.20 AMENDED. Chapter 12.20 (Water Department) Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

Chapter 12.20
WATER

12.20.010. Purpose and Intent.

12.20.010. Purpose and intent.

(a) The city council finds and determines that the regulation of water service and use contained in this title are for the purpose and intent of:

- (1) Providing water for the benefit of the city;
- (2) Securing and promoting the public health, safety, and welfare of its present and future residents;
- (3) Conserving the water supplies of the city;
- (4) Facilitating the enforcement of the city's water use restrictions and prohibitions and best management practices;
- (5) Recognizing that the state of California has declared that the use of recycled water is in the public's interest and that a substantial portion of the future water requirements of the state may be met by the utilization of recycled water; and
- (6) Providing an orderly and adequate means of protecting the city's water system from backflow.

(b) Responsible parties. Every property owner, tenant, person or organization (herein “customer”) supplied with water service by the city shall be considered as having given express consent to be bound by the city’s rules and regulations for water service and use.

(c) Responsibility for enforcement. The primary responsibility for enforcement of the provisions of the city’s regulations for water service and use shall be vested in the director of environmental services and his or her designees or other city officials or staff designated by the city manager.

SECTION 6. SECTION 12.24.020 AMENDED. Section 12.24.020 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.020. Meter reading—Payment of bills—Service discontinuance—Special service charges.

All meters shall be read as nearly as possible once every other month, with the exception of meters with commercial or industrial rating, which shall be read monthly. Billing periods shall as nearly as possible be bimonthly for nonindustrial meters, and monthly for industrially rated meters. Billing periods shall be staggered among the customers rather than on a uniform calendar monthly or bimonthly system for all customers. All bills for service are due and payable upon presentation. All bills must be paid to the Finance Department, 650 West Olive Avenue, Sunnyvale, on or before the twenty-fifth day after presentation. The procedure set forth in Chapter 12.50 of this code shall govern any discontinuation of service for failure to pay bills. A special services charge, at the rates hereafter fixed from time to time by resolution of the city council, shall be made for restoring said service.

SECTION 7. SECTION 12.24.070 AMENDED. Section 12.24.070 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.070. Consumer responsible for appliances—Right to refuse service.

(a) The city shall have the right of refusing to, or ceasing to deliver water to a consumer, if any part of the consumer’s service appliances or apparatus shall at any time be unsafe, or if the utilization of water by means thereof shall be prohibited or forbidden under the authority of any law or municipal ordinance or regulation, and may refuse to serve until the consumer shall put such part in good and safe condition and comply with all the laws, ordinances and regulations applicable thereto.

(b) The city does not assume the duty of inspecting the consumer’s service appliances or apparatus or any part thereof and assumes no liability therefor. The owners of premises taking water must keep their service pipe, stopcocks and all apparatus connected therewith on said premises in good repair at their own expense; and no claim shall be made against the city of Sunnyvale by

reason of bursting or any other disarrangement of any service pipe or any apparatus or any appliance connected therewith.

(c) The consumer shall at his own risk and expense, furnish, install and keep in good safe condition, all apparatus and appliances which may be required for receiving, controlling, applying and utilizing such water and the city of Sunnyvale shall not be responsible for loss or damage caused by the improper installation of such apparatus or appliances, negligence, want of proper care, or wrongful act of the consumer or any of his agents, employees, or licensees on the part of the consumer in installing, maintaining, using, operating or interfering with any such apparatus or appliances.

SECTION 8. SECTION 12.24.080 AMENDED. Section 12.24.080 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.080. Meters and appliances—Installation—Liability for damages.

(a) All meters shall be installed by or under the supervision of the city. Such meters, wherever practicable, shall be placed in suitable meter boxes, located in the sidewalk. When it is not practicable to place meters in the sidewalk, or in other words between the curb and property line, the meters shall be installed in some convenient place approved by the water department upon the consumer's premises, and so placed as to be at all times accessible for inspection, reading and testing.

(b) The city shall, at its own expense, furnish and install service pipe of suitable capacity, from its mains to the meter for service of premises abutting upon a public street, along which it has a water main. The necessity and convenience of constructing new mains and service therefrom shall be determined by the city council.

(c) All meters and appliances installed by the city at its expense, whether in a public street or upon the consumer's premises, for the purpose of delivering water to the consumer, shall continue to be the property of the city, and may be repaired, replaced or removed by the city at any time. The consumer shall exercise reasonable care to prevent the meters and appliances installed upon the premises, from being injured or destroyed, and shall refrain from interfering with same, and in case any defect therein shall be discovered, shall notify the water department thereof.

(d)-(e) [Text unchanged]

SECTION 9. SECTION 12.24.100 AMENDED. Section 12.24.100 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.100. Employees to connect or disconnect service—Acceptance of gratuities prohibited.

(a) Only duly authorized employees of the city are allowed to connect the consumer's service to, or disconnect the same from the city water mains, or supply pipes.

(b) All employees of the city are strictly forbidden to demand or accept any personal compensation or gratuity for services rendered any consumer.

SECTION 10. SECTION 12.24.110 AMENDED. Section 12.24.110 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.110. Tampering with equipment prohibited.

No person or persons shall, without a written permit from the city, open or in any way tamper with or make any addition or alteration whatever to any street main, service connection, meter, stopcock, valve or aircock connected with the water mains.

SECTION 11. SECTION 12.24.120 AMENDED. Section 12.24.120 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.120. Vacation of premises—Notice to discontinue service.

Each consumer about to vacate any premises supplied with service shall give notice of his intended removal in writing or as determined by the city at least two days prior thereto, specifying the date desired for service to be discontinued; otherwise he will be held responsible for all water furnished to such premises until the city has notice of such removal.

SECTION 12. SECTION 12.24.130 AMENDED. Section 12.24.130 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.130. Meter tests.

(a) Any consumer may, upon not less than five days notice, require the city to test his or her water meter. A deposit to cover the reasonable cost of the test may be required as established from time to time by resolution of the city council. The amount of the deposit will be returned to the consumer if the meter is found to register outside of acceptable accuracy standards as established by American Water Works Association (AWWA) under conditions of normal operation, otherwise the amount of deposit will be retained by the city. A consumer shall have the right to require that the meter be tested in his or her presence, or if he or she so desires, in the presence of an expert or other representative appointed by the consumer. The consumer will be notified in advance of the time and place the test will be made.

(b) A report giving the name of the consumer, date of request, location of premises, the type, make, size and number of the meter, the date of removal,

the date tested and the result of the test, will be supplied to the consumer within a reasonable time after the completion of the test.

(c) All meters will be tested at the time of installation, and no meter will be placed in service or allowed to remain in service which has an error in registration outside of acceptable accuracy standards established by American Water Works Association (AWWA) under conditions of normal operation.

SECTION 13. SECTION 12.24.140. AMENDED. Section 12.24.140 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.140. Meter test—Refund or rebilling.

(a) When a meter is found to be more than two percent fast, the city shall refund to the consumer the overcharge, based on the corrected meter readings for the period in which the meter was in use, not exceeding six months, unless it can be shown that the error was due to some cause, the date of which can be fixed, in this case, the overcharge shall be computed back to, but not beyond, such date.

(b) If, in the case of domestic or residential use, the meter upon test is found not to register, or to register less than seventy-five percent of the actual consumption, an average bill, or a bill for the water consumed, but not covered by the bill previously rendered for a period not to exceed three billing periods, may be rendered by the city to the consumer.

(c) If a meter for commercial service, upon test as herein provided, is found to register more than two percent slow, the water department may render a bill for water consumed, but not covered by bills previously rendered for a period not exceeding three billing periods.

SECTION 14. SECTION 12.24.150. AMENDED. Section 12.24.150 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.150. Service failures or shortages—Nonliability of city—Notice of service interruption.

(a) The city will exercise reasonable care and diligence to furnish and deliver a continuous and sufficient supply of water to the consumer, and to avoid any shortage or interruption of delivery. The city will not be liable for the failure, interruption, shortage or insufficiency of supply, or any loss or damage occasioned thereby, during a fire or at any other time.

(b) The city, whenever it finds it necessary for the purpose of making repairs or improvements to its system, will have the right to suspend temporarily the delivery of water, but in all cases as reasonable notice thereof as circumstances will permit will be given to the consumers.

SECTION 15. SECTION 12.24.170. AMENDED. Section 12.24.170 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.170. Fire—Water shut-off—Use of hydrants—Right of ingress and egress.

(a) In case of fire or an alarm of fire, the city shall have the right to shut off water from any consumer or any number of consumers, without notice and to keep it shut off as long as it may be necessary.

(b) In case of fire or an alarm of fire, the use of fountains or yard or street sprinklers or house faucets is prohibited.

(c) No person shall, except in case of fire, use water from or tamper with any city hydrant without a permit from the city.

(d) Any duly authorized agent or employee of the city shall at all times have the right of ingress to and egress from the consumer's premises at all reasonable hours for any purpose reasonably connected with the furnishing of water and the exercise of any and all rights secured to the city by law.

SECTION 16. SECTION 12.24.180. AMENDED. Section 12.24.180 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.180. Turning on water officially shut off deemed misdemeanor.

Only duly authorized employees of the city are allowed to turn on water to any consumer's premises. It shall constitute a misdemeanor for any person, other than an employee of the city, to turn on any water service that has been officially shut off for the violation of any of the rules and regulations of the city.

SECTION 18. SECTION 12.24.190. AMENDED. Section 12.24.190 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.190. Right to limit amount of water.

The city shall have the right to limit the amount of water furnished to any consumer should circumstances seem to warrant such action, although no limit may be stated in the application or permit for such use.

SECTION 19. SECTION 12.24.220. AMENDED. Section 12.24.220 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.220. Fire service pipe rules.

In all cases the city shall decide the size of the fire service pipe required, which shall be determined by the size of the street main, the available pressure on the main and the nature and capacity of the fire protection equipment within the building. In all cases where underwriter's pumps are to be installed, a suction pipe

of sufficient internal area to deliver a quantity of water equal to the full rated capacity of the service pipe will be allowed, and no enlargement of said suction pipe inside the premises will be permitted.

SECTION 19. SECTION 12.24.230. AMENDED. Section 12.24.230 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.230. Meter removal for non-use—Resetting charge.

Where a service has not been used for a period of six months the meter may be removed and a fee may be required for resetting the meter as established by resolution of the city council.

SECTION 20. SECTION 12.24.240. AMENDED. Section 12.24.240 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.240. Special water contracts.

If any sale of water should be made under conditions such that the rates herein set forth are not applicable, the city may, with the approval of the city council, enter into a special contract with the consumer.

SECTION 21.SECTION 12.24.250. AMENDED. Section 12.24.250 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.250. Damage to city property.

If any person destroys or damages any fire hydrant, water main or any other property owned by the city which is part of the city's system for water use and delivery,, he shall be held responsible for the entire cost of replacing or repairing the same and the bill shall be due and payable on presentation. If said person is a consumer of city water, the bill for such costs may be added to his bill for water service and collected under the same rules and regulations.

SECTION 22. SECTION 12.24.260. AMENDED. Section 12.24.260 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.260. Right to test privately owned meter.

If the director of environmental services has any reason to believe that any privately owned meter is not registering correctly, the city shall have the right to test such meter or require the owner to test the meter in the presence of city staff, as may be determined by the owner.

SECTION 23. SECTION 12.24.280 AMENDED. Section 12.24.280 of Chapter 12.24 (Water System Regulations) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.24.280. Water, sewer and utility service—Refusal—Grounds.

The city may, in its discretion, refuse to supply water and sewage service to any applicant therefor, or may refuse to certify any applicant to the Pacific Gas and Electric Company for gas and/or electric service, who has not first obtained any permit, license or other clearance required to be obtained, in connection with the improvement for which service is sought by any ordinance of this city, the county of Santa Clara, or the laws of the state of California.

SECTION 24. SECTION 12.28.040 AMENDED. Section 12.28.040 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.040. Approved backflow prevention assembly defined.

“Approved backflow prevention assembly” means an assembly which has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated its competency to perform such tests to the State Water Resources Control Board.

SECTION 25. SECTION 12.28.060 AMENDED. Section 12.28.060 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.060. Approved water supply defined.

“Approved water supply” means any water supply approved by, or under the public health supervision of, a public health agency of the state of California, the county of Santa Clara, or the city of Sunnyvale. In determining what constitutes an approved water supply, the State Water Resources Control Board shall have the final judgment as to its safety and potability.

SECTION 26. SECTION 12.28.110 AMENDED. Section 12.28.110 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.110. Consumer defined.

“Consumer” means any person to whom water is sold or furnished from the city water supply by the city of Sunnyvale.

SECTION 27. SECTION 12.28.115 ADDED. Section 12.28.115 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.115. Owner defined.

“Owner” means the person, firm or corporation in which title in the underlying land is vested, or a duly authorized agent of such owner.

SECTION 28. SECTION 12.28.140 AMENDED. Section 12.28.140 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.140. Director defined.

“Director” means the director of environmental services of the city of Sunnyvale, or his authorized representatives.

SECTION 29. SECTION 12.28.260 AMENDED. Section 12.28.260 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.170. Protective device defined.

“Protective device” means any of the following devices:

(a)-(b) [Text unchanged]

SECTION 30. SECTION 12.28.175 ADDED. Section 12.28.175 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.175. Reduced-pressure principle detector assembly (RPDA).

An assembly composed of a line-size, approved reduced-pressure principle backflow prevention assembly with a bypass containing a city specific water meter and an approved reduced-pressure principle backflow prevention assembly. The city meter shall register accurately for only very low flow rates, up to 3 gallons per minute, and shall show a registration for all rates of flow.

SECTION 31. SECTION 12.28.180 AMENDED. Section 12.28.180 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.180. Service connection defined.

“Service connection” means the terminal end of a service connection from the city water supply at its point of delivery to the consumer or owner. If a meter is installed “service connection” means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or approved backflow protective device located at the point of delivery to the consumer or owner shall be permitted.

SECTION 32. SECTION 12.28.185 ADDED. Section 12.28.185 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.185. Types of Protection Required

The type of assembly required to prevent backflow into the city's water system shall be of this type: Reduced Principle Backflow Prevention Assembly (RP), Reduced Principle Detector Backflow Prevention Assembly (RPDA), and Air-Gap Separation Installations (AG).

SECTION 33. SECTION 12.28.190 AMENDED. Section 12.28.190 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.190. Where protection required – Auxiliary water supply and multiple service connections

(a) Each service connection from the city water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the city water supply, unless the auxiliary water supply is an approved water supply or is accepted as an additional source by the director and is approved by the State Water Resources Control Board.

(b) If the auxiliary water supply is not an approved water supply, or if it is not accepted as an additional source and approved in the manner specified above, and the auxiliary water supply is handled in a separate piping system with no known cross-connection, the city water supply shall be protected by an approved reduced pressure principle backflow prevention assembly installed at the service connection to the premises. When the auxiliary water supply may be contaminated, the director may order the city water supply protected by an air gap separation or an approved reduced pressure principle backflow prevention device installed at the service connection.

(c) Premises where the water system has more than one service connection.

When the auxiliary water supply may be contaminated, the director may order the city water supply protected by an air gap separation installed at the service connection.

SECTION 34. SECTION 12.28.195 ADDED. Section 12.28.195 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.195. Where protection required—Existing water services without backflow protection

City will inspect the premises of existing service connections which in the opinion of the director may require backflow prevention. If it is determined by the director that a backflow prevention device is required, the installation of a backflow prevention device shall be a condition of continued water service.

SECTION 35. SECTION 12.28.196 ADDED. Section 12.28.196 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.196. Where protection required—Upgrading of existing backflow protection devices

An existing backflow prevention device which, in the opinion of the director, is a type that does not provide adequate protection for the degree of potential hazard from backflow shall be upgraded. Upgrading may include complete replacement and relocation of the backflow prevention device, installation of additional devices, and or correction of any on-site cross-connection hazards.

Please note Section 36 below, correctly rennumbers originally numbered Section 12.28.050 from the introduction of this Ordinance on September 15, 2015, to Section 12.28.197.

SECTION 36. **SECTION 12.28.197 ADDED.** Section 12.28.197 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby added as follows:

12.28.197. Responsibility.

The City of Sunnyvale shall be responsible for implementing and enforcing the Cross-Connection Control Program Policies and Regulations. If, in the judgment of the director or his authorized representatives an approved Backflow Prevention Assembly is required (at the customer's or owner's water service connection or within the private water system) the City of Sunnyvale shall give notice in writing to said customer or owner. The appropriate Backflow Prevention Assembly shall be immediately installed by and at the expense of the customer or owner at each connection where required to prevent backflow from the customer's or owner's premises to the public potable water system. It shall be the customer's or owner's responsibility to comply with the City of Sunnyvale's requirements and failure to do so shall constitute grounds for the termination of water service until such requirements have been met.

SECTION 37. **SECTION 12.28.210 AMENDED.** Section 12.28.210 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.210. Where protection required—Toxic or hazardous substances not under pressure.

At the service connection to any premises on which any material dangerous to health or toxic substance in toxic concentration is not handled under pressure but is otherwise handled in such a manner as to constitute a cross-connection, the city water supply shall be protected by an approved reduced pressure principle backflow prevention device, unless such cross-connection is abated to the satisfaction of the director and approved by the city health officer.

SECTION 38. **SECTION 12.28.220 AMENDED.** Section 12.28.220 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.220. Where protection required—Nonhazardous substances.

At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the city water supply is handled in such a manner as to constitute a cross-connection, the city water supply shall be protected by a reduced pressure principle prevention assembly unless such cross-connection is abated to the satisfaction of the director and approved by the city health officer.

SECTION 39. SECTION 12.28.230 AMENDED. Section 12.28.230 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.230. Where protection required—Sewage treatment plants and pumping stations.

At the service connection to any sewage treatment plant or sewage pumping station, the city water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service cock and all piping between the service cock and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the city water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing this alternative is acceptable to both the director and the city health officer. A final decision in this matter shall be made by the State Water Resources Control Board.

SECTION 40. SECTION 12.28.260 AMENDED. Section 12.28.260 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.260. Where protection required—Consumer or Owner responsibility.

It shall be the responsibility of each consumer or owner at his own expense to furnish, install, and keep in good working order and safe condition any and all protective devices required in this chapter. The city shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of, or interfering with, any protective device by any consumer or any other person.

SECTION 41. SECTION 12.28.270 AMENDED. Section 12.28.270 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.270. Where protection required—Conflicts.

Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this chapter, the consumer or owner shall be required only to install the protective device which, in the opinion

of the director and city health officer, affords the maximum protection to the city water supply.

SECTION 42. SECTION 12.28.280 AMENDED. Section 12.28.280 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.280. Inspections—Required—Repair or replacement—Records—Cost.

The consumer or owner on whose premises any protective device is installed shall have each such device inspected annually. If successive inspections disclose repeated failures in the operation of any device, the director may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer or owner whenever it is found to be defective. Records of such tests, repairs, and overhauls shall be kept and made available to the director. The director shall have the duty of determining that the inspections required herein are performed properly. If following demand therefor the consumer or owner fails to have any of the inspections made as required herein or to make the above-described records available, the director shall have the right to inspect the device and the consumer or owner shall pay the cost thereof. The cost of any inspection made by the director may be included as a part of the next ensuing municipal water bill presented to the consumer.

SECTION 43. SECTION 12.28.290 AMENDED. Section 12.28.290 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.290. Noncompliance—Protection required for service connection.

No water service connection shall be installed on the premises of any consumer or owner unless the city water supply is protected as required by this chapter.

Approval must be obtained from the city before a backflow prevention assembly can be installed, removed, relocated or replaced, and an Inspection Permit must be obtained from the city before any work can be started.

It is prohibited to install, remove, relocate, replace, or tamper with a backflow prevention assembly or if the director finds evidence that an installed backflow prevention assembly has been by-passed, modified, made, or allowed to remain ineffective.

It is prohibited for any consumer or owner, company, corporation or association, who fails to install, or permit to be installed, backflow prevention assemblies as required by this ordinance, the Cross-Connection Control Program Policies and Regulations, or who by-passes, alters or refuses to maintain a backflow prevention assembly.

Failure to adhere to any portion of this section, if said person is a consumer of city water, the bill for such costs may be added to his bill for water service and collected under the same rules and regulations.

SECTION 44. SECTION 12.28.300 AMENDED. Section 12.28.300 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.300. Noncompliance—Discontinuance of service.

Delivery of water to the premises of any consumer or owner may be discontinued by the director if any protective device required by this chapter has not been installed, inspected, tested and maintained, or is defective, or has been removed or bypassed.

SECTION 45. SECTION 12.28.310 AMENDED. Section 12.28.310 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.310. Noncompliance—Discontinuance without notice when.

Delivery of water shall be discontinued immediately and without notice to the consumer or the owner if the director or city health officer determines that:

(a) The city water supply is being contaminated or is in immediate danger of contamination;

(b) A protective device required by this chapter has not been installed, or is defective, or has been removed or bypassed; and

(c) The consumer or owner cannot immediately be located. Delivery of water shall not be resumed until any protective device required by this chapter and approved by the director has been properly installed, or until conditions at the consumer's or owner's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the director and the city health officer.

SECTION 46. SECTION 12.28.320 AMENDED. Section 12.28.320 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.320. Noncompliance—Discontinuance—Notice.

(a) Except as provided in Section 12.28.310, delivery of water shall not be discontinued until written notice thereof has been given to the consumer owner.

(b) [Text unchanged]

(1)-(3) [Text unchanged]

(c) The city may grant the consumer or owner an extension of an additional period not to exceed ninety days if he determines the consumer or owner has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(d) The notice shall be given by delivering the same to the consumer, owner, manager or agent thereof, or to any person in charge of, or employed in the place of business of the consumer or owner; or, if the consumer has no place of business, then at the place of residence of the consumer or owner if known, or

by leaving the notice at either the place of business or the residence of the consumer or owner. If the consumer or owner cannot be found and service of the notice cannot be made in the manner provided herein, then a copy of the notice shall be mailed, postage fully prepaid, addressed to the consumer or owner at the place of business or residence set forth in the application of consumer for water service in the records of the city.

(e) Once discontinued, delivery of water shall not be resumed until any protective device required by this chapter and approved by the director has been properly installed, or until the conditions at the consumer's or owner's premises creating the need for a protective device have been abated or corrected to the satisfaction of the director and the city health officer.

SECTION 47. SECTION 12.28.330 AMENDED. Section 12.28.330 of Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.28.330. Noncompliance—Right of entry for inspections.

For the purpose of making any inspections or discharging the duties imposed by this chapter, the director and city health officer shall have the right to enter upon the premises of any consumer or owner. Each consumer or owner as a condition of the continued delivery to his premises of water from the city water supply shall be considered as having stated his consent to the entry upon his premises of the director and city health officer for the purposes stated herein.

SECTION 48. SECTION 12.28.340 ADDED. Section 12.28.340 is hereby added to Chapter 12.28 (Cross Connections and Backflow Protection) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code as follows:

12.28.340. City requirements for approved backflow prevention assembly testers and installers.

In order to ensure that the testing and installation of backflow prevention devices are performed by technically competent individuals who are personally responsible and, are employed by persons and/or organizations which are also responsible, the city is authorized to establish and implement procedures set forth in the Cross-Connection Control Program Policies and Regulations consistent with this Ordinance for the approval by city of backflow prevention testers and installers.

(a) No person shall perform tests or install backflow prevention devices in the city unless he or she has been approved to do so by the city. No person, firm, corporation or other form of business organization shall permit an employee to perform tests or installations of backflow prevention devices in the city unless such employee has been approved to do so by the city.

(b) The approval procedures shall require each prospective tester and installer to submit an application to the city providing such information as the city may determine to be reasonably necessary to establish the applicant's technical competence and personal responsibility.

(c) The city shall review each application and may make such other investigation of the applicant, and the applicant's employer, as the city considers appropriate to determine the responsibility of the applicant and the applicant's employer, including but not limited to, verifying information submitted by the applicant.

(d) The city shall compile, and update no less frequently than annually, a list of the names, business addresses and telephone numbers of all approved testers and installers and shall make the current version of such list available to city customers.

(e) The city may require an approved tester to (1) demonstrate backflow prevention device testing procedures in the field, and (2) provide advance notice to the city of scheduled backflow prevention device testing, installation or repair work so that it may be observed by the city.

(f) The city may use backflow prevention assembly testers and installers who have been approved by the American Water Works Association (AWWA) and that have: (i) either a C36, A or B Contractors License, issued by the state of California Contractors License Board, (ii) evidence that they are bonded for a minimum of \$1,000,000.00, (iii) the ability to legally perform all required work within the City limits and (iv) submitted a statement to the Director swearing under oath that all work performed within the City shall be undertaken consistent with the "Cross-Connection Control Program Policies and Regulations".

(g) Each backflow prevention assembly tester and installer may be permitted for a period not to exceed one year. However, permits may be revoked, suspended, or not renewed by the city, at the Director's discretion, for improper testing, repairs, or reporting; failure to maintain a AWWA backflow certificate or their state of California contractor's license, failure to maintain the appropriate level of bonding; violation of the Cross-Connection Control Program Policies and Regulations, or installs, repairs or tests the devices in a negligent manner or any other reason deemed appropriate by the director.

SECTION 49. SECTION 12.40.080 AMENDED. Section 12.40.080 of Chapter 12.40 (Wastewater Capacity Allocation) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.40.080. Issuance of declaration of restrictions.

In the event that any baseline limit for any of the wastewater capacity allocation categories is reached, and a Declaration of Need for Wastewater Capacity Evaluation is declared, and in the further event that the ensuing study indicates that the new baseline limit has already been exceeded, then the director of community development, or his or her designate, shall cause to be filed with the city clerk, a Declaration of Restrictions. The city clerk shall cause such Declaration of Restrictions to be published within ten (10) days in the official newspaper of the city. The Declaration of Restrictions shall state that the following restrictions shall go into effect within ten days from the date of publication:

(a)-(b) [Text unchanged]

(c) When required by the director of environmental services, discharge rates for purposes of this section shall be measured by a water inflow meter, installed at a location approved by the city, permitting measurement of all water capable of being discharged directly into the city's sewerage system, or by an effluent meter directly measuring discharge flows. Installation and maintenance of such meters when so required shall be at the expense of the users.

SECTION 50. SECTION 12.50.010 AMENDED. Section 12.50.010 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.010. Notice to utility customers included in billings.

Within each invoice, statement, or billing for water, sewer, or garbage service, or any combination thereof, there shall be attached, enclosed, or included a notice reading substantially as follows:

NOTICE TO CUSTOMERS: If you believe that you have been overcharged for water, sewer service, or garbage collection service rendered, or that you have been charged for service not rendered, please telephone the number designated for such purposes in this notice and you will be given an explanation of how the amount you were charged was computed. If you are not satisfied with this explanation and still wish to dispute the matter you have the right to have the matter heard by an employee of the city of Sunnyvale who has the power to resolve the dispute. To arrange for an informal hearing please telephone the following number: _____ no later than fifteen (15) days after the date mentioned on your statement, or submit your request in writing to the following address: _____, postmarked or received not later than fifteen (15) days after that date. Failure to request a hearing before the deadline will result in the loss of a right to a hearing on this matter. Failure to pay the amount of your bill not later than (a) 15 days from the date of the hearing; or (b) 25 days from the date of your statement, whichever occurs later, may result in the discontinuation of your water, sewer, or garbage service.

SECTION 51. SECTION 12.50.030 AMENDED. Section 12.50.030 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.030. Hearing—Procedure.

Upon receipt of a request for hearing, a hearing shall be scheduled not later than ten days from the date of the request. The hearing shall be conducted in an informal manner by an employee of the city designated by the director of finance to conduct such a hearing. At the hearing evidence may be presented and shall be considered bearing on whether the correct amount has been charged for the service which has been rendered. Following the hearing, the person

conducting the hearing shall make a decision based upon the evidence and shall have the authority to adjust the amount due in a fair and equitable manner.

SECTION 52. SECTION 12.50.040 AMENDED. Section 12.50.040 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.040. When utility service may be discontinued.

- (a) [Text unchanged]
- (b) If a hearing shall have been requested and conducted and the person in charge of conducting of the hearing shall have determined the amount to be due thereafter, and the amount determined to be due is not paid in full within fifteen days of the date of such decision, or 25 days from the date of the statement, whichever is later, the city shall have the right to discontinue the service or services for which billing was rendered provided that any procedures required for discontinuance of service required by this chapter are followed.

SECTION 53. SECTION 12.50.060 AMENDED. Section 12.50.060 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.060. Discontinuation of service—Nonpayment.

- (a)-(b) [Text unchanged]
- (c) The director of finance shall make a reasonable, good faith effort to contact an adult person managing, in charge of, or residing at the premises of the customer by telephone or in person at least 10 days prior to any termination of service. The director of finance shall maintain records documenting any such telephone or personal contacts or attempts thereat. If a successful contact is made, the person contacted shall be given the information set forth in paragraphs (1), (2), (3), (6), and (7) of subsection (d).
- (d) [Text unchanged]
 - (1)-(7) [Text unchanged]
- (e) No water, sewer, or garbage collection service shall be terminated for nonpayment in any of the following situations:
 - (1)-(2) [Text unchanged]
 - (3) On the written certification of a licensed physician that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the city pursuant to subsection (h) with respect to all charges that the customer is unable to pay prior to delinquency.
- (f)-(i) [Text unchanged]

SECTION 54. SECTION 12.50.070 AMENDED. Section 12.50.070 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.070. Deposits—When required.

(a) The director of finance may require any customer to whom water, sewer, and/or garbage service has been discontinued two or more times within a twelve month period for failure to pay the amounts due for water, sewer, or garbage collection service billings from the city, or any combination thereof, to pay to the city a deposit as a condition to receiving continued service at the same location or new service at a different location. When the customer is presently receiving such service, the customer shall be given a notice that such deposit is required with his or her bill for service. Failure to pay such deposit within the time required shall be treated in the same manner as other nonpayments of amounts due for purposes of this chapter.

(b) The director of finance may require all customers who are receiving or have applied or requested receipt of garbage collection service and are not receiving or will not receive water service from the city to pay to the city a deposit. Payment of such deposit by persons not receiving garbage service shall be a condition precedent to receipt of such service. The customer shall be given a notice that such deposit is required with his or her next bill for service. Failure to pay such deposit within the time required shall be treated in the same manner as other nonpayments of amounts due for purposes of this chapter.

(c)-(d) [Text unchanged]

SECTION 55. SECTION 12.50.080 DELETED. Section 12.50.080 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 56. SECTION 12.50.090 DELETED. Section 12.50.090 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 57. SECTION 12.50.110 AMENDED. Section 12.50.110 of Chapter 12.50 (Procedures for Processing Delinquent Utility Accounts) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.50.110. Delinquent bills—Lien and tax roll procedure.

(a) The director of finance may cause charges for water service, sewer service, and/or garbage collection service which are delinquent for not less than sixty days to be collected on the tax roll in the same manner, by the same persons and at the same time as, together with and not separate from, its general taxes.

(b)-(e) [Text unchanged]

(f) After the final determination of each charge the city clerk shall file with the director of finance a copy of the report prepared pursuant to this section with a statement endorsed of the report over his or her signature that the report

has been finally adopted by the city council. The director of finance shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. If the property is not described on the roll, the auditor may enter the description on the roll together with the amounts of the charges, as shown in the report.

(g)-(h) [Text unchanged]

SECTION 58. **SECTION 12.60.030 AMENDED.** Section 12.60.030 of Chapter 12.60 (Stormwater Management) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.60.030. Administration.

This chapter shall be administered jointly by the director of community development, the director of public works, and the department of environmental services. Any powers granted to or duties imposed upon these individuals to administer, implement and enforce the provisions of this chapter may be delegated to other city personnel.

SECTION 59. **SECTION 12.60.040 AMENDED.** Section 12.60.040 of Chapter 12.60 (Stormwater Management) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

12.60.040. Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings given to them in this section. Words and phrases not defined in this chapter shall have the definitions set forth in the permit or by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and Division 7 of the California Water Code, as they currently exist or may be amended.

(a) [Text unchanged]

(b) “Authorized enforcement official” means the director of public works, the director of community development, or the director of environmental services and their designees.

(c) [Text unchanged]

(1)-(3) [Text unchanged]

(d) [Text unchanged]

(e) “BMP Guidance Manual” as revised means the manual approved by the city of Sunnyvale directors of the public works, ~~and~~ community development, and environmental services departments, as amended from time to time, that sets forth guidance, design standards and best management practices for stormwater treatment measures, which shall be utilized by developers and property owners to comply with this chapter. A copy of the BMP Guidance Manual may be obtained from the city’s planning division.

(f)-(l) [Text unchanged]

(m) “Director” means either the director of public works, community development, or environmental services departments.

(n)-(w) [Text unchanged]
(x) [Text unchanged]
(1)-(2) [Text unchanged]
(y)-(mm) [Text unchanged]
(nn) [Text unchanged]
(1)-(2) [Text unchanged]
(oo)-(rr) [Text unchanged]

SECTION 60. 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 61. 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 62. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 63. 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 September 15, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, 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

15-0889

Agenda Date: 9/29/2015

SUBJECT

Adopt Ordinance No. 3059-15 Adding Chapter 19.76 (Short-Term Rental of Residential Property) to Title 19 (Zoning) of the Sunnyvale Municipal Code

Modify ordinance based on Council direction.

RECOMMENDATION

Adopt Ordinance No. 3059-15.

ATTACHMENT

1. Ordinance No. 3059-15

ORDINANCE NO. 3059-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ADDING CHAPTER 19.76 (SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY) TO TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE

WHEREAS, the City of Sunnyvale desires to add a chapter to the Sunnyvale Municipal Code Title 19 (Zoning) relating to short-term rental of residential property.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 19.76 ADDED. Chapter 19.76 (Short-Term Rental of Residential Property) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

Chapter 19.76

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY

- 19.76.010. Purpose and intent.**
- 19.76.020. Definitions.**
- 19.76.030. Short-term rentals prohibited.**
- 19.76.040. Hosted short-term rentals - General requirements.**
- 19.76.050. Hosted short-term rentals - Approval required.**
- 19.76.060. Revocation of approval.**
- 19.76.070. Fees.**
- 19.76.080. Violations a public nuisance; penalties, nuisance abatement, and other remedies.**

19.76.010. Purpose and intent.

The purpose of this chapter is to establish regulations governing the short-term rental of residential property within the city of Sunnyvale. The establishment of these regulations will help maintain adequate housing stock for permanent residents while ensuring that short-term rental activities do not become a nuisance or threaten the public health, safety, or welfare due to excessive noise, disorderly conduct, overcrowding, traffic congestion, illegal parking, the accumulation of refuse, and other effects related to short-term rentals.

19.76.020. Definitions.

For purposes of this chapter, the following definitions apply:

(a) “Host” means the person who is responsible for conducting the short-term rental activity and who is identified as the host in the application for approval submitted pursuant to this chapter.

(b) “Hosted short-term rental” means to provide transient lodging in a dwelling unit, for compensation, for a period of thirty consecutive calendar days or less, while the host resides on-site throughout the lodger’s stay. “Hosted short-term rentals” do not include transient lodging in city-approved hotels and motels.

(c) “Hosting platform” means a marketplace in whatever form or format which facilitates short term rentals through advertising, match-making or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

(d) “Short-term rental” means to provide transient lodging in a dwelling unit, for compensation, for a period of thirty consecutive calendar days or less. “Short-term rental” does not include transient lodging in city-approved hotels and motels.

19.76.030. Short-term rentals prohibited.

The short-term rental of residential property is a prohibited use in every zoning district in the city, with the exception of approved hosted rentals permitted pursuant to this chapter.

19.76.040. Hosted short-term rentals - General requirements.

(a) Hosted short-term rentals are allowed in any zoning district where residential uses are permitted with the exception of mobile home parks. Hosted short-term rentals are subject to the following requirements:

(1) The short-term rental activity must be approved by the director pursuant to section 19.76.050.

(2) A maximum of four overnight lodgers are allowed per night in any single family dwelling or any single dwelling unit in a multi-family dwelling. The limit of four overnight lodgers does not include minor children who are accompanied by an adult.

(3) Rental to unaccompanied minors under the age of 18 is prohibited.

(4) The host shall reside on-site throughout the lodgers’ stay. To reside on-site means that the property being used for short-term rentals is the host’s primary residence and the host uses the property for purposes of eating, sleeping, and other activities of daily living during the time periods that lodgers are present. Lodgers may stay in an accessory dwelling unit if the host resides in the primary dwelling. Lodgers may also stay in one dwelling unit of a two-family dwelling if the host resides in the other dwelling unit.

(5) The host shall comply with all permit conditions and applicable local, state, and federal laws including but not limited to health, safety, fire, and building codes, as amended from time to time.

(6) The host must provide all lodgers with facilities for sleeping, bathing, and toileting inside of a permanent dwelling that is suitable for human occupancy. Rental of sleeping space in or on balconies, porches, tents, sheds, vehicles or outdoor areas is prohibited.

(7) The host shall obtain a business license, if required by chapter 5.04 of this code.

(8) The host shall collect and remit transient occupancy tax, in coordination with any hosting platform if utilized, pursuant to chapter 3.16 of this code.

(9) The host is responsible for ensuring the property does not become a nuisance due to the short-term rental activity.

(10) All advertising for the short-term rental must include the Host Identification Number issued by the city.

19.76.050. Hosted short-term rentals - Approval required.

(a) No person shall undertake, maintain, authorize, aid, facilitate or advertise any hosted or short-term rental activity that does not comply with the provisions of this code.

(b) The application for approval of short-term rental shall include the following:

(1) Name, address and contact information of the host.

(2) Name, address and contact information of the owner of the property where the short-term rental activity will occur. In the event that the applicant is not the legal owner of the property, the application shall be signed by the property owner consenting to the use of the property for short-term rentals.

(3) If the property is part of a common interest development, the application shall include a letter of authorization from the homeowner's association indicating that use of the property for short-term rentals meets the property's requirements.

(4) Any additional information or supporting materials to describe existing property conditions and the proposed operations as required by the director.

(c) The director shall not approve the short-term rental application unless he or she finds that the use will comply with the requirements of this code and other applicable law. The decision of the director shall be final.

(d) Upon approval of the short-term rental, the director shall provide a unique Host Identification Number to the applicant.

19.76.060. Revocation of approval.

The approval of short-term rental may be revoked or modified by the director as follows:

(a) Notice and Hearing. Notice shall be mailed to the host at the address specified in the approval application. The notice shall specify the reasons for the revocation and shall designate a time and place of an administrative hearing with the director of community development no sooner than the sixth business day following the mailing date of the notice. The host shall be given the opportunity to present written and oral evidence at the hearing. Failure to appear at the hearing shall constitute a waiver of any objections to the proposed revocation.

(b) Revocation. Following the hearing, the director may revoke the approval if the director makes one or more of the following findings:

(1) The approval was obtained by fraud;
(2) The short-term rental activity has been or is being conducted in violation of any provision of this code or other applicable law;

(3) The conditions of approval have been or are being violated;

(4) The short-term rental activity constitutes a public nuisance.

(c) Notice of decision. A written notice of the director's decision shall be prepared and mailed to the host at the address specified in the application for approval. If the approval is revoked, the notice shall contain a statement directing the host to immediately cease using the property for short-term rental, and that failure to cease such use may be subject to further legal action or enforcement.

(d) Appeal. The decision of the director is final. The decision may be appealed to the Superior Court.

19.76.070. Fees.

The city council may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this chapter.

19.76.080. Violations a public nuisance; penalties, nuisance abatement, and other remedies.

Any short-term rental operated, conducted, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance which the city attorney may seek to abate, remove, and enjoin in any manner provided by law. Such remedies shall be in addition to any other remedies available to the city under this code or under state law.

SECTION 2. 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 3. 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 September 15, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, 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

15-0923

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Request for City Council Endorsement and Local Match Commitment for a Metropolitan Transportation Commission Grant Application from the City of Sunnyvale and Santa Clara Valley Transportation Authority for the Peery Park Rides Program

BACKGROUND

The Metropolitan Transportation Commission (MTC) issued a Call of Interest on June 1, 2015, for funding available through the Climate Initiatives Parking Management and Transportation Demand Management (TDM) Grant Program. This program provides \$6 million to support parking management strategies, park and ride lots, first/last mile transportation solutions and other TDM strategies. The grant can pay for direct project costs, including staff and project management. A minimum 15 percent local match is required. Only public agencies may apply for the grant, but business, non-profit or community organizations can apply if they partner with a public agency as the sponsor.

Sunnyvale staff contacted VTA staff to consider a joint grant application for this grant program. After reviewing the grant guidelines and evaluating different options, a proposal was developed entitled the "Peery Park Rides Program." This proposal is an innovative transportation project that would combine a dynamic and flexible transit service with aggressive trip reduction targets for Peery Park to yield measurable reductions in greenhouse gases and vehicle trips. The proposed program is a two-year pilot project to purchase two buses and to use the latest software technology to operate a flexible shuttle bus service to meet the transit needs in Peery Park and adjacent neighborhoods. The estimated cost for the two-year program is \$1.9 to \$2.2 million, which includes purchasing two buses and the costs for project development and operations. The success of the pilot program is predicated on establishing mandatory TDM goals to induce a commitment to alternative transportation modes. A mandatory TDM program is an essential element of the policy framework for the Peery Park Specific Plan.

The MTC grant would create a unique public/private partnership between the City of Sunnyvale, VTA, and Peery Park property owners and businesses. This partnership opportunity offers synergies and efficiencies that would not likely be achievable if each party pursued trip reduction strategies independently. With over seven million square feet of existing office/R&D space and additional projects under review, Peery Park is an ideal candidate for the pilot program because of its large existing and planned employment base and its "last mile" proximity to nearby Caltrain and VTA transit stations. Peery Park property owners have committed to forming a transportation management association (TMA) to facilitate the TDM goals of businesses within Peery Park. A TMA would be instrumental for providing information on the travel patterns and needs of employees to operate a successful flexible shuttle program. Property owners have also discussed studying the feasibility of a private shuttle bus service to serve employers and residents in the Peery Park area.

EXISTING POLICY**General Plan:**

POLICY LT-5.5. Support a variety for transportation modes.

- Action LT-5.5h. Work to improve bus service within the City, including linkages to rail.

POLICY LT-5.6. Minimize expansion of the current roadway system, while maximizing opportunities for alternative transportation systems and related programs.

Policy Framework for Peery Park Specific Plan:

GOAL 9. Place priority on TDM and alternative transportation.

- Work with VTA to identify and implement changes or additions to bus routes in order to better serve the district and increase headways.
- Outline a plan to implement a private/public district shuttle including early phase pilot program, feasibility study, and potential funding/implementation strategies.
- Seek grants to assist with financing and implementing TDM programs and tools.

ENVIRONMENTAL REVIEW

The submittal of a grant application is not subject to environmental review. However, if the project is funded, implementation of the project will be subject to CEQA review with VTA acting as the lead agency.

DISCUSSION

The MTC grant application is a two-step process with the first step consisting of a Letter of Interest. The City of Sunnyvale and VTA submitted a joint Letter of Interest to MTC on July 17, 2015 to fund the proposed Peery Park Rides Program with the first step consisting of Letter of Interest. The City of Sunnyvale and VTA submitted a joint Letter of Interest to MTC on July 17, 2015 to fund the proposed Peery Park Rides Program (see Attachment A for more details on the proposal.) This MTC submittal included letters of support from Peery Park property owners (Lane Partners, Irvine Company and JP DiNapoli.) A grant of \$1.2 million was requested with the additional project costs covered by a combined local match from VTA and the City of 36 percent to implement and operate the two-year pilot program. While the pilot program will initially focus on the Peery Park area, the program could eventually be expanded to serve a larger area such as Moffett Park and the downtown.

After reviewing all Letters of Interest, the second step involves MTC inviting a limited number of applicants to submit a formal proposal for further evaluation. The City of Sunnyvale's and VTA's proposal has been selected to participate in step two of the application process. VTA staff is taking the lead to prepare the formal proposal, which will include an expanded project description, more detailed scope of work, and a project budget and schedule. As part of step two, local support and a preliminary commitment to the proposed local match are required. VTA and City staffs are recommending a 50/50 split of the proposed local match, which translates to an approximately 18 percent local match from each agency. Based on the latest cost estimate, the local match for each agency is expected to range from \$340,000 to \$400,000. Project readiness is an important criterion, and it is expected that the pilot program could be initiated in late 2016 or early 2017.

VTA is currently finalizing a formal application for submittal to MTC by the deadline of October 2, 2015. Staff recommends including a letter of endorsement from the City that expresses local support

for the project as well as a preliminary commitment to Sunnyvale's proposed local match. Peery Park property owners are critical to the success of the flexible shuttle program in terms of forming a supporting TMA and contributing to the City's local match. Staff will be meeting with Peery Park property owners on September 28 to discuss their potential contribution to the City's local match. Contributions to the Peery Park Rides Program could be included in the community benefits program for Peery Park and available as zoning incentives for future developments.

When the City Council considered the policy framework for Peery Park in April 2015, staff suggested that the Council consider contributing up to \$100,000 to assist in funding the creation of a TMA or other TDM measures such as a feasibility study for a shuttle bus program. While City funds were not allocated by the Council for these purposes, Peery Park property owners are proceeding to form the TMA without City assistance in advance of adoption of the Peery Park Specific Plan. Staff suggests that a portion of the \$100,000 could be programmed for the local match for the MTC grant, with the remainder coming from Peery Park property owners and businesses.

FISCAL IMPACT

A budget modification is required for the grant local match but does not have to be approved by the Council at this time. If the City and VTA are successful in being awarded a MTC grant, staff will bring forward for Council approval the grant agreement along with a budget modification for the City's local match, which at this time is estimated to range from \$340,000 to \$400,000. These funds would need to be allocated from the General Fund Budget Stabilization Reserve Fund, if there is no other appropriate fund to match this grant. Future contributions from Peery Park property owners and businesses would offset this amount. The timing for expenditure of these funds would be subject to the implementation schedule for the pilot program.

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. Authorize the City Manager to issue a letter to MTC to endorse the proposed Peery Park Rides Program and to preliminarily commit up to \$400,000 as the City's recommended local match for the program; direct staff to work with Peery Park property owners and businesses to participate in the program and contribute to the local match.
2. Do not authorize the City Manager to endorse the program or commit to a local match.

STAFF RECOMMENDATION

Alternative 1: Authorize the City Manager to issue a letter to MTC to endorse the proposed Peery Park Rides Program and to preliminarily commit up to \$400,000 as the City's recommended local match for the program; direct staff to work with Peery Park property owners and businesses to participate in the program and contribute to the local match.

The Peery Park Rides Program offers a unique opportunity for an on-going public/private partnership between the City of Sunnyvale, VTA and Peery Park property owners and businesses to create an innovative flexible shuttle bus service. Combined with aggressive TDM goals, a Peery Park TMA, and smart software technology, the program is an extremely promising proposal. The program would

serve a large existing and planned employment base in the Peery Park area with potential service to nearby residents. The ultimate community and environmental benefits would be reductions in greenhouse gas emissions and vehicle trips.

Prepared by: Hanson Hom, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENT

1. Letter of Interest for Peery Park Rides Program, July 17, 2015



July 17, 2015

Ms. Stefanie Hom, Project Manager
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Re: Application for Parking Management and TDM Grant Program

Dear Ms. Hom:

In response to the Metropolitan Transportation Commission's (MTC) June 1, 2015 call for Letters of Interest for funding available through the Climate Initiatives Parking Management and TDM Grant Program, the Santa Clara Valley Transportation Authority (VTA) and the City of Sunnyvale are submitting this request to implement the "Peery Park Rides" program. Details regarding this project are provided below.

Project Title: Peery Park Rides
Applicant Name: Santa Clara Valley Transportation Authority and the City of Sunnyvale
(see letter from Sunnyvale Mayor Jim Griffith in Attachment A)
Project Partners: Irvine Company, JP DiNapoli Companies Inc., Lane Partners, and future Peery Park property owners to be determined
Project Manager: Ying Smith
Contact Information: 3331 North First Street, San Jose, CA 95134
(408) 321-5770 (Direct) ying.smith@vta.org (Email)

Project Description

The Peery Park Rides program is an innovative transportation project that would combine a flexible transit service with aggressive trip reduction targets in Sunnyvale's Peery Park to attract commuters to transit and yield measurable greenhouse gas reductions (see map of the project area in Attachment B). As such, this 2-year project will address both alternative trip supply and demand elements. We will use aggressive trip reduction targets to induce demand for alternative trips, and then apply technology to supply dynamic and flexible transit services to meet that demand. This unique partnership approach will generate synergies beyond what could be achieved by each agency on an individual basis.

Sunnyvale's Peery Park is a prime candidate for an innovative alternative commute solution. Peery Park is a 446 acre industrial business park in central Sunnyvale, in a location where there is high demand for redeveloping older Class 'C' buildings into higher density Class 'A' office and tech-based industrial buildings. The City is developing a Specific Plan to guide Peery Park redevelopment and is studying a net increase in allowable square footage of 2.2 million of commercial retail/office/R&D space and approximately 215 residential units. Like many urbanizing employment nodes throughout the Bay Area, Peery Park is situated near a major transit hub but just beyond walking distance – Peery Park is ½- to 1½-miles from the Sunnyvale Caltrain Station (and similarly-distant from the VTA Moffett Park light rail station) – which creates a last mile gap in transit trips. The Peery Park Rides program is a solution targeted at this last mile problem.

The City of Sunnyvale has been a leader in trip reduction strategies, providing a model for trip reduction in areas where driving is the norm. While the local market does not seem suitable for parking pricing, the City is utilizing other strategies to induce demand for alternative trips. The Council-adopted Peery Park policy framework is an example of the City's inclusive trip reduction philosophy, as it features a number of aggressive elements for new developments:

Ms. Stefanie Hom
July 16, 2015
Page 2

- Parking maximums, with incentives for shared/flexible parking
- Pedestrian and bicycle facility improvements
- Aggressive trip reduction targets of 20% to 35%
- Annual third-party driveway count verifications
- Employer penalties for non-compliance

Taken together, these elements will induce demand for alternative trip solutions, and the Peery Park Rides program combines these aggressive demand-side elements with an innovative supply-side solution that we believe can serve as a model for similarly urbanizing auto-oriented employment clusters throughout the Bay Area.

The flexible shuttle component of the program will operate weekdays all day, providing short-trip transit service throughout a predetermined zone. The software back end of the service will identify clusters of trip requests and provide a hybrid style service in between traditional fixed service and door-to-door demand response service. While the service will generally operate without a schedule in order to adapt to trip requests, it may have a limited number of predetermined scheduled stops (to meet Caltrain trains, for example). The service will be open to the public, the vehicles will be ADA compliant, the vehicles will be outfitted with bicycle racks, and a fare will be paid by the rider (or their employer) via a mobile application.

Other unique features of the Peery Park Rides program will include:

Dynamically Routed and Scheduled Shuttle. Unlike traditional fixed transit services, the flexible shuttle will be demand-driven, utilizing technology to dynamically route the service based on real-time customer trip needs. This market-oriented approach will make the service more responsive to the unique and changing needs of Peery Park area residents and commuters.

User-Friendly Trip Making Process. To make the service easy to use, VTA has contracted with RideCell, a leading provider of fleet automation software, to provide the technology for the front and back end of the service. The service's entire trip making process will be designed with the customer in mind, leveraging technology to automate and consolidate the trip request, booking, confirmation, and payment processes. Riders will use their computer or smartphone for the process, with telephone operators as a backup.

Comfortable, Specialized Flexible Shuttle Vehicles. VTA will operate the service with specialized vehicles that fit the premium nature and innovative character of the service. The vehicles will be procured following the identification of the appropriate vehicle type (currently being studied by VTA).

Peery Park Transportation Management Association (TMA) as a Resource. The property owners within Peery Park have already agreed to form (and fund) a TMA to help facilitate the trip reduction targets for Peery Park. One potential role of the TMA could be to act as a planning resource for this shuttle service by providing data and guidance for shuttle planning purposes. The Irvine Company, the major property owner in Peery Park, has already committed \$100,000 to establish the TMA for Peery Park.

Service for a Variety of Trips. The flexible shuttle will serve a wide variety of travel markets throughout the day. In addition to serving the Peery Park commuter market, the shuttle will serve additional markets such as mid-day non-commute trips for residents and workers (such as between Peery Park and downtown for lunch) and non-commute trips for residents living in the neighborhoods in the vicinity of Peery Park. The dynamic nature of the shuttle will allow it to adapt in real-time to serve to a wider variety of travel markets than could be served by traditional transit services.

Project Type

As a TDM transit solution to bridge the first/last mile gap in the commute to work market, this project falls under the grant program's Tier 3 Other TDM Strategies class of projects. The service area would include the Sunnyvale Downtown & Caltrain Station Priority Development Area.

Ms. Stefanie Hom
July 16, 2015
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Project Impacts

The project's unique supply- and demand-side strategy to attract users to transit will provide a very attractive transit option for Sunnyvale commuters and residents, yielding measurable trip reduction and emission reduction benefits. We estimate the project will yield a net reduction of 65.69 metric tons of CO₂ over the life of the project or 0.000055 metric tons of GHG reduction per dollar requested (using the EMFAC2011 GHG estimation model).

Project Readiness

We will implement the Peery Park Rides program's shuttle service in 2016, concurrent with the completion of a number of office employment developments currently in the approval pipeline. Planning work to be conducted in the interim has already begun, such as developing a specialized brand and vehicle livery for the service, procuring new vehicles, stakeholder outreach, service and operations planning, and developing the service fare structure.

Local Support

The program has already gained significant local support. VTA and the City of Sunnyvale are happy to already have the support of several existing Peery Park employers (see Attachment A). We anticipate strong ongoing support from new developments as they seek solutions to meet their aggressive trip reduction targets. VTA and the City will continue to engage our private sector partners in implementing the program.

Funding

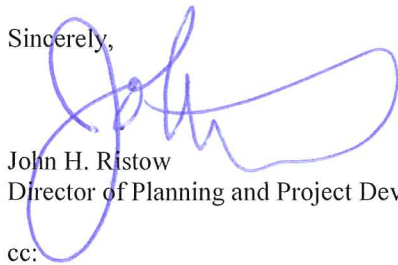
The total project cost is \$1,861,000, including both capital (specialized vehicle procurement) and operating costs for the flexible shuttle service. A total of \$1,200,000 in grant funding is requested. The proposal includes VTA and the local business partners collectively providing \$661,000 of matching funds (36% of the total project cost).

Data Collection and Evaluation

Service and implementation planning for the program is currently being conducted by VTA as part of the agency's larger effort to implement several new dynamic transit service solutions throughout Santa Clara County. The Peery Park TMA will help collect data on trip patterns and commute needs for the ongoing service planning process.

We are very excited about the opportunity to implement an innovative and meaningful program that will utilize technology and market-driven strategies to bring measurable greenhouse gas reductions for the Bay Area. Please do not hesitate to contact me or Ying Smith at (408) 321-5770 should you have any questions.

Sincerely,



John H. Ristow
Director of Planning and Project Development, Santa Clara Valley Transportation Authority

cc:

Deanna Santana, City Manager, City of Sunnyvale
Hanson Hom, Director of Community Development, City of Sunnyvale

Attachments:

Attachment A – Program Area Map
Attachment B – Letters of Support

Attachment A

Letters of Support

CITY OF SUNNYVALE

The Heart of Silicon ValleySM

456 WEST OLIVE AVENUE SUNNYVALE, CALIFORNIA 94086 (408) 730-7473

July 15, 2015

Jim Griffith
Mayor

Tara Martin-Milius
Vice Mayor

David Whittum
Councilmember

Pat Meyering
Councilmember

Jim Davis
Councilmember

Glenn Hendricks
Councilmember

Gustav Larsson
Councilmember

Ms. Stefanie Hom
Project Manager
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Dear Ms. Hom:

The City of Sunnyvale is excited to partner with the Santa Clara Valley Transit Authority (VTA) to submit a letter of interest for the Climate Initiatives Parking Management and Transportation Demand Management (TDM) Grant Program.

The City of Sunnyvale is aware that a successful transportation demand management program is a key component for creating successful development and for reducing traffic congestion, and we are striving to find innovative ways to reduce transportation impacts associated with increased development. Peery Park is a prime employment center in the City, and a Specific Plan is currently being prepared to outline policies and strategies to guide future growth in this area. The Specific Plan, scheduled for adoption in March 2016, will have aggressive TDM goals for businesses, and the property owners have committed to forming a Transportation Management Association (TMA) to serve the business park.

A grant from the Metropolitan Transportation Commission (MTC) will provide VTA and the City with critical funding to launch a pilot program to establish VTA's Dynamic Transit Service to serve the Peery Park employment center and surrounding neighborhood. The pilot program will demonstrate a tangible solution for reducing peak hour trips and greenhouse gas emissions. This conceptual proposal is supported by Peery Park property owners, which provides an excellent opportunity to build a three-way partnership between the City, VTA and property owners. Additionally, the TMA will be instrumental in contributing to the success of the pilot program.

Stefanie Hom, Metropolitan Transportation Commission
July 15, 2015
Page 2

We hope that we will be chosen to submit a formal application and look forward to working with the Metropolitan Transportation Commission and the VTA to increase transportation options for employees and residents of Sunnyvale.

Sincerely,

A handwritten signature in blue ink, appearing to read "James R. Griffith". The signature is fluid and cursive, with the first name "James" and last name "Griffith" clearly distinguishable.

Jim Griffith
Mayor

Stefanie Hom
Project Manager
Metropolitan Transportation Commission
101 Eighth Street, Oakland California

July 16, 2015

VIA E-MAIL

Re: **Climate Initiatives Parking Management and TDM Grant Program**

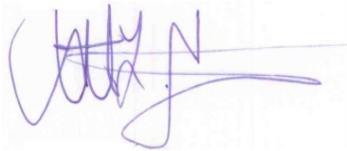
Dear Stefanie:

I write to support the City of Sunnyvale's application to participate in the Climate Initiatives Management and TDM Grant Program. My firm, Lane Partners, currently owns and operates 9 office and research and development properties in the Peery Park district of Sunnyvale and is in the process of entitling a 10th project.

The Peery Park district of Sunnyvale is one of dynamic economic activity from technology and other firms. In addition, the area seems poised for further growth in the near future and would be a very appropriate area to which to allocate grant funds for this program. We are highly supportive of the City's application and would continue to support the City's efforts should it receive grant funds, including but not limited to contributing to the City's proposed matching of grant funds.

Please let me know if we can provide anything further to support the City of Sunnyvale's application.

Sincerely,



Scott L. Smithers
Managing Principal
Lane Partners



July 15, 2015

Stephanie Hom, Project Manager
Metropolitan Transportation Commission
101 Eighth Street, Oakland, CA 94607

Re: MTC Climate Initiatives Parking Management and TDM Grant Program

Dear Ms. Hom:

On behalf of The Irvine Company, this letter confirms our support for the efforts of the City of Sunnyvale and the Valley Transportation Authority as co-applicants for the above-referenced Program. Based on our discussion with City staff, we understand funds from this Program may be targeted for innovative transportation solutions to the benefit of VTA, the City and property/business owners within Peery Park in the City of Sunnyvale. This opportunity comes at a strategic time as the City is preparing a Specific Plan and EIR for Peery Park and we believe the Program could be instrumental in achieving the transportation demand management (TDM) goals proposed in the specific plan.

The Irvine Company has a significant ownership stake in Peery Park, and together with the other major property owners, plan on forming a Transportation Management Association (TMA) to meet the TDM goals of the Peery Park Specific Plan. The Irvine Company has taken a lead role by publicly committing to a \$100,000 contribution to fund a TMA which will assist in the success of a TMA Program for Peery Park.

We will remain engaged in this process and recommend the Metropolitan Transportation Commission support Sunnyvale and the VTA as beneficiaries of the Grant Program under consideration. Should you have any questions, please do not hesitate to contact me.

Regards,

Carlene Matchniff,
Vice President, Entitlements & Public Affairs

cc: Amber El-Hajj, City of Sunnyvale



JP DINAPOLI
COMPANIES INC.

July 15, 2015

Stefanie Hom
Project Manager
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

RE: **Application for Parking Management and TDM Grant Program**
City of Sunnyvale

Dear Stefanie,

As property owners in the City of Sunnyvale, and more specifically, in the Peery Park district, we feel strongly that the City of Sunnyvale would be an ideal candidate for the Climate Initiatives Parking Management and TDM Grant Program.

The Peery Park district is currently undergoing a transformation process in which outdated and obsolete buildings are being replaced with modern, open space oriented yet higher density R & D campuses. A natural result is that these projects demand less surface parking but also require careful trip management. This rejuvenation will redefine the transportation and traffic of not just Sunnyvale but the much larger Santa Clara, Sunnyvale, Mountain View Corridor for the next 50 years or more.

Sunnyvale is also an ideal candidate because of its proximity to a variety of public transportation options as well as major traffic thoroughfares. Light rail, bus and CalTrain service are within a short distance but are currently under utilized. Centered between I280 and I101, with Highways 237 and 87 on its northern and western borders respectively, Sunnyvale experiences a great deal of through traffic, further complicating TDM issues with a high volume of traffic not directly related to Sunnyvale jobs or housing.

All of these circumstances taken together provide a unique opportunity for a program such as the Climate Initiatives Parking Management and TDM Grant to have a real, lasting and measurable impact. We hope that the Evaluation Committee will give strong consideration to the City of Sunnyvale's application. Please let us know if there is any additional information we can provide.

Regards,
JP DINAPOLI COMPANIES, Inc.

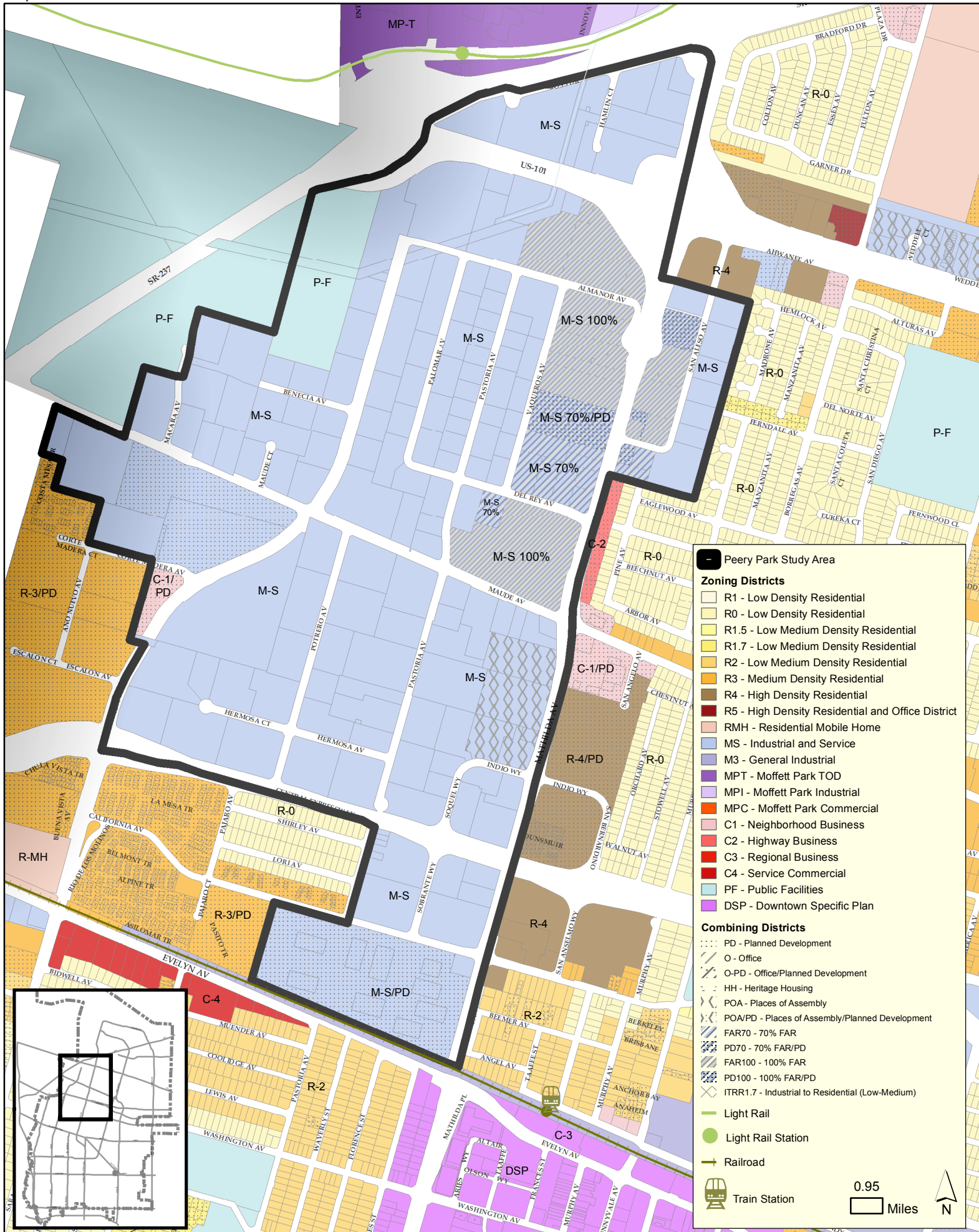
John B. DiNapoli
President

Attachment B Program Area Map



PEERY PARK SPECIFIC PLAN STUDY AREA

ATTACHMENT 1
Page 11 of 11





City of Sunnyvale

Agenda Item

15-0857

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Approve a License Agreement with the County of Santa Clara to Allow Use of Parcel A of the City's Onizuka Site for a Temporary County Cold Weather Shelter for the 2015-16 Winter Season, and Find that the Project is Categorically Exempt pursuant to CEQA Guideline Section 15304(e)

BACKGROUND

On September 1, City Council directed staff to work with the County of Santa Clara to consider establishing a temporary County cold weather shelter (CWS) for the 2015-16 winter season at one of the City's Onizuka parcels. The City owns two parcels at the Onizuka site:

- Parcel A is an approximately one-acre site located at Innovation Way/Mathilda Avenue, south of the City's existing Fire Station 5 and north of the Department of Veterans Affairs (VA) parcel.
- Parcel D/E is an approximately 4.6-acre site located at Innovation Way/Moffett Park Drive, south of the education center that is currently being constructed by Foothill-De Anza Community College District (FHDA).

Council expressed a preference for locating the temporary County CWS on Parcel A. Staff indicated that approval at either of the Onizuka parcels could be authorized through a limited term license agreement. Council also requested that County staff provide monthly status reports on finding a permanent CWS location and on the operations at the temporary County CWS.

Following the September 1 meeting, City and County staff have been meeting weekly to collaborate on selecting a preferred site for the temporary County CWS. County staff has investigated both city-owned Onizuka parcels (A and D/E) to determine the feasibility of each site for the proposed shelter facility. Issues considered include pedestrian and transit accessibility, emergency vehicle access, utility connections, and related site design and engineering issues. Both City and County staff concluded that Parcel A was preferable, primarily due to better pedestrian/transit access, and fewer logistical concerns related to the adjacent Foothill-DeAnza construction project

On September 10, City and County staff held two public outreach meetings (one in the morning and the second in the evening), at Detati Digital Marketing in Moffett Park, to receive input on the new shelter proposal. County staff provided a presentation on the CWS program and the proposed temporary facility. City staff assisted in answering questions about city policy or programs.

Approximately 22 members of the public, including several representatives of the Moffett Park Business and Transportation Association (MPBTA) attended these meetings. Concerns expressed were primarily regarding potential off-site impacts such as loitering and minor crimes in the shelter vicinity, particularly in nearby parks and/or small businesses. Attendees also inquired about provisions for the shelter clients, such as intake procedures, meals, and volunteer opportunities.

City and County staff also met with representatives of the Veteran's Administration (VA) on

September 10 to discuss the project and site coordination issues such as fencing, site access and utilities. City and County staff also contacted the Foothill-De Anza Community College District to discuss the project and any potential concerns. Neither agency raised any major concerns that could not be addressed through continued staff collaboration on site improvements and shelter operations.

EXISTING POLICY

General Plan: Housing Element

Policy E.6. Participate in the County Continuum of Care to support its efforts to prevent and end homelessness. Facilitate and sponsor the provision of permanent supportive housing for homeless people. Support local service providers that offer facilities and support services to homeless individuals and families, and persons at risk of homelessness.

ENVIRONMENTAL REVIEW

Temporary use of the Parcel A site as a cold weather shelter is exempt from CEQA review to CEQA Guidelines Section 15304(e): Minor temporary use of land having negligible or no permanent effects on the environment.

DISCUSSION

Following an update to Council on September 15 indicating that Parcel A had been identified as the superior option, staff has focused on working with County staff to finalize the plans for placing the temporary County CWS on Parcel A. Staff has also prepared a draft limited-license agreement that would authorize the County to use the City's property for a temporary County CWS for the 2015-16 winter season. The shelter is scheduled to operate from November 30, 2015, to March 31, 2016, with the understanding that it may extend a few days beyond March 31 in the event of inclement weather. The License Agreement would allow the County to use the property from the date of approval of the license agreement through April 30, 2016, by which date that County is required to have surrendered possession to the City, with all County property removed and the site restored to its original condition. This period of time allows the County to make the necessary site improvements in October-November 2015, and to disassemble the facility in April after the shelter closes. The draft License Agreement is included as Attachment 1.

A detailed description of the proposed operations program and site improvements for the temporary County CWS facility is outlined in Exhibit B of the Agreement. This exhibit describes anticipated shelter staffing, security provisions, hours of operations, support services, shuttle bus services and temporary site improvements, and includes a site plan for Parcel A.

FISCAL IMPACT

Approval of this agreement will not have any immediately quantifiable fiscal impact. The City is not charging a fee for the County to license the property. It is unknown as yet what impact this project may have on the need for city services in the area, such as public safety and/or park maintenance services, which could have some fiscal impacts. However, since the project is temporary, such impacts will not be long-term.

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.

In addition, notices about the proposed facility were mailed to all addresses within 2,000 feet of the Onizuka site, as well as all local businesses on the City's Economic Development mailing list, prior to the September 1, 2015 Council hearing. A second mailing was sent to the same mailing list, inviting the addressees to attend the public outreach meetings on September 10. The meeting flyer was also posted on the City Manager's Biweekly Blog and shared on NextDoor.

ALTERNATIVES

1. Approve the License Agreement in substantially the same form as shown in Attachment 1.
2. Find that the project is categorically exempt pursuant to CEQA Guideline Section 15304(e).
3. Approve the License Agreement with modifications.

STAFF RECOMMENDATION

Alternatives 1 and 2: 1) Approve the License Agreement in substantially the same form as shown in Attachment 1 to the report; and 2) Find that the project is categorically exempt pursuant to CEQA Guideline Section 15304(e).

The License Agreement has been prepared consistent with Council direction on September 1 and September 15, and County Board of Supervisors direction provided on August 25 and September 15.

Prepared by: Suzanne Isé, Housing Officer

Reviewed by: Hanson Hom, Director, Community Development Department

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENT

1. Draft License Agreement

**LIMITED-TERM LICENSE AGREEMENT FOR COUNTY TO USE CITY PROPERTY FOR
TEMPORARY COLD WEATHER SHELTER
(2015/16 WINTER SEASON)**

THIS LIMITED-TERM LICENSE AGREEMENT FOR COUNTY TO USE CITY PROPERTY FOR TEMPORARY COLD WEATHER SHELTER ("Agreement") is made and entered into this _____, 2015 ("Effective Date") by and between the City of Sunnyvale, a chartered California municipal corporation ("City") and Santa Clara County, a political subdivision of the State of California ("County"). City and County are sometimes hereinafter individually referred to as "Party" and collectively as "Parties."

RECITALS

A. County maintains an Office of Supportive Housing that develops policies and coordinates services benefiting the homeless population throughout Santa Clara County, including a Cold Weather Shelter Program (CWSP) that provides emergency shelter to homeless individuals and families during the cold weather months, generally from the first Monday after Thanksgiving through the end of the following March ("the winter season").

B. For many years, County subleased property in the City of Sunnyvale from the National Guard Armory and funded a temporary night-time shelter with capacity for approximately 125 individuals during the winter months (the "Armory Shelter"). In recent years, the County or its contractor leased the armory directly from the City of Sunnyvale. The Armory Shelter closed in 2013. During the 2014/15 winter season, County did not operate one large cold weather shelter in the northern part of the county as in prior years; rather, it implemented several alternative programs to provide winter shelter to homeless individuals and families in north County through the use of motel vouchers and case management services provided by several non-profit agencies, and by expanding shelter capacity at several facilities in Palo Alto, East Palo Alto, and San Jose. County has stated its objective is to establish one or more cold weather shelters in the northern part of the County rather than the alternative programs used last year. County states that it is engaged in a county-wide search for available property to purchase or lease for a permanent cold-weather shelter for the County's homeless population, but that the search has not yet yielded a suitable property. In the meantime, County has identified a time-sensitive and critical need for a temporary cold weather shelter during the 2015/16 winter season, and would like to find a site in Sunnyvale.

C. County has determined that it is possible to shelter homeless individuals in a temporary, moveable modular structure for the upcoming winter season and is seeking feasible sites on which to locate such a structure.

D. City is owner in fee of certain vacant real property located at 1100 Innovation Way, Sunnyvale California, 94085 (the "Licensed Property"), commonly referred to as Parcel A of the former Onizuka Air Force Base.

E. County desires to use the Licensed Property for the purpose of operating a temporary cold weather shelter as part of the County CWSP during the 2015/16 winter season. County acknowledges the Licensed Property is a temporary site and represents that it will continue to search for a permanent site, and will provide City, during the Term of this Agreement, with monthly updates about the shelter operation and the status of the search for a permanent site.

F. Based upon the representations made by County, and in acknowledgment of County's immediate need to find a temporary site for a cold weather shelter, City is willing to allow County to use the Licensed Property for the 2015/16 winter season for temporary shelter purposes, subject to the terms and conditions of this Agreement.

TERMS

1. **General Grant.** Subject to the terms and conditions hereinafter set forth, City hereby grants County a non-possessory, limited-term license to enter onto and use the property depicted in Exhibit A, attached hereto and incorporated herein, for the sole purpose of operating a temporary cold weather shelter at the Licensed Property in order to provide homeless individuals and families shelter during the winter season, and for additional days thereafter, if needed, due to weather conditions (but not beyond the Term), with the opening of the shelter beginning no earlier than November 30, 2015, consistent with the site plan and program description set forth in Exhibit B, attached hereto and incorporated herein. County accepts the Property "as is" and City makes no warranty or guarantee as to the suitability of the site for shelter purposes.

2. **Term.** The term of this Agreement shall commence on the Effective Date and shall expire no later than 5:00 pm on April 30, 2016 (the "Term"), unless amended or sooner terminated as provided herein. The parties anticipate that the cold weather shelter will operate from November 30, 2015 through March 31, 2016, and may extend for additional days depending on weather (but not beyond the Term). County agrees to restore the property and surrender possession, as set forth in Section 9, as soon as practicable after the shelter closes, but in no event later than April 30, 2016.

3. **Termination.** This Agreement may be immediately terminated by the City Manager or her designee, for cause, by notifying the County in writing of City's intent to terminate the Agreement. County's failure to comply with any of the material terms of this Agreement shall constitute cause. This Agreement may be immediately terminated by County, with or without cause, if County notifies the City Manager in writing of County's desire to terminate this Agreement. Whether the Agreement is terminated by the City or County under this Section, the County shall have 30 days from the date of notification to surrender the Licensed Property in the same condition as received, clear of all structures, facilities, equipment and property of the County.

4. **Responsibility for Installation and Maintenance of Temporary Facilities.** County has, at its own cost, all responsibilities for the installation of all temporary facilities proposed by the County, including responsibility over its contractors and costs associated with construction, operation and maintenance. All facilities installed by County (or its contractors) at the site pursuant to this Agreement are subject to and must be made in compliance with all codes, ordinances and laws applicable to County. By virtue of the license granted by this Agreement, County, acting through itself or its authorized agents or contractors, is exempt from the City's local building and zoning requirements. County is the governmental authority responsible for compliance with applicable laws and codes. The right to access and use of the Property during planning, construction and installation is a right granted not only to County but also to its contractors.

5. **Utilities; Encroachments.** County shall, at its own cost, apply for and obtain from City any necessary permits for utility hook-ups and right-of-way encroachments. County shall pay for any and all utility charges that may apply to the Licensed Property, including but not limited to water utilities,

waste water and stormwater charges, sanitation, electric and gas. County shall place any such utility accounts in its name.

6. Operation and Maintenance of Cold Weather Shelter. County shall be responsible for the operation of the cold weather shelter at the Licensed Property, but may provide on-site management through non-profit organizations. County shall at all times maintain the Licensed Property and the area immediately surrounding the Licensed Property free of litter, trash and other debris, except to the extent the same are present at the commencement of this Agreement or caused by anyone other than County, County agents or shelter occupants or shelter visitors. County shall conduct its cold weather shelter operations in a safe and reasonable manner so as not to cause injury to persons or property.

7. Security. County shall provide security for the cold weather shelter at the Licensed Property by employing (or contracting) at least one uniformed security officer with a current and valid security guard card or utilizing County law enforcement personnel. The security officer shall be at the Licensed Property at least one hour before the shelter opens and remain until one hour after the shelter closes the following morning. The security officer shall have access to a telephone (or other communication device), provided by the on-site management, for calling the appropriate law enforcement agency, should it be necessary. Security personnel and shelter staff shall have a communication device which allows them to communicate instantly with each other during all operating hours. Prior to leaving the Licensed Property, the security officer shall advise on-site management of his or her departure. A documented safety and security plan shall be presented for review and approval by the Sunnyvale Department of Public Safety prior to opening of the shelter, which review and approval shall not be unreasonably denied and such approval shall be deemed granted if such approval or denial is not provided at least ten (10) days before shelter opening. If it is determined that additional security personnel are needed at any point during the operation of the cold weather shelter, County and City staff shall meet to identify additional security staffing needs. All costs related to security shall be borne by the County.

8. Loitering Outside Dates and Times of Use. County shall take whatever steps are necessary to ensure that cold weather shelter clients are not at the Licensed Property or in the immediate vicinity of the Licensed Property outside the dates and times specified in Exhibit B. If at any time the City has reason to believe the efforts of County in this regard are less than what is necessary, County shall meet with City to explore additional steps to comply with this condition. County shall provide a contact name and phone number where community members may call to report any concerns with how the program is being operated. The contact person shall be part of and familiar with the operation, and shall respond to phone calls within 24-48 hours.

9. Surrender of Possession; Removal of Property; Restoration. Upon the expiration or termination of this Agreement, County's right to occupy the Licensed Property and exercise the privileges and rights granted under this Agreement shall cease, and County shall surrender and leave the Licensed Property in the same condition as received, clear of all structures, facilities, equipment and property of the County. Unless the date is extended by mutual agreement evidenced in writing between the parties, if County fails to remove any structures, facilities, equipment or property by 5:00 pm on April 30, 2016, City reserves the right to dispose of, or remove and store, at County's expense, anything remaining on the site. County agrees to pay any costs incurred by City for such removal, disposal, and storage. County's obligations under this Section shall survive the cancellation, expiration, or termination of this License Agreement.

10. Insurance. County is self-insured. County will maintain self-insurance in an amount of not less than \$2,000,000 per occurrence covering potential claims for personal injury, bodily injury or death, and in amount of not less than \$1,000,000 for property damage during the Term. County shall provide City with evidence of self-insurance.

11. Indemnification.

(a) To the fullest extent permitted by law, County shall (1) immediately defend and (2) indemnify City, its City Council, each member thereof, and its directors, officers, and employees (the "Indemnified Party") from and against all liabilities regardless of nature, type, or cause, arising out of or resulting from or in connection with City's issuance of this Agreement, County's performance of this Agreement, County's failure to comply with any of its obligations contained in this Agreement, or in connection with County's use of the Licensed Property. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. County's obligation to indemnify applies unless and until it is adjudicated that any of the liabilities covered by this Section are the result of the sole negligence or willful misconduct of the Indemnified Party.

(b) The duty to defend is a separate and distinct obligation from County's duty to indemnify. Subject to the limitations or requirements stated in this Agreement, County shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel reasonably approved by the Indemnified Party immediately upon tender to County, which shall be made to County promptly upon it becoming known to the Indemnified Party. An allegation or determination of the sole negligence or willful misconduct by the Indemnified Party shall not relieve County from its separate and distinct obligation to defend the Indemnified Party. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes the obligation to provide independent defense counsel if County asserts that liability is caused in whole or in part by the sole negligence or willful misconduct of the Indemnified Party. If it is finally adjudicated that liability was caused by the sole negligence or willful misconduct of the Indemnified Party, County may submit a claim to City for reimbursement of its reasonable attorneys' fees and defense costs.

(c) This Section shall survive the termination of this License Agreement. The provisions of this Section shall not be restricted by and do not affect the provisions of this License Agreement relating to insurance.

12. Hazardous Materials. County shall not produce, dispose, transport, treat, use or store any hazardous waste or toxic substances upon or about the Licensed Property, in violation of any federal, state or local law pertaining to hazardous waste or toxic substances. County shall indemnify, defend and hold harmless City, its officers, employees, agents or invitees, against any claim, liability, loss, expense or damage, including reasonable attorney's fees and costs, with respect to the presence or remediation of hazardous materials to the extent caused by County, its officers, employees, agents or invitees. This indemnity shall survive the termination or expiration of this Agreement.

13. Notices. All notices required to be given hereunder, or which either party may wish to give, shall be in writing and shall be served either by personal delivery, email, or by certified or registered mail, postage prepaid, addressed as follows:

To City:
City of Sunnyvale
Comm. Dev. Dept.
Attn: Comm. Dev. Director
456 W. Olive Avenue
Sunnyvale, CA 94086

To County:
County of Santa Clara
Facilities and Fleet Department
Attn: Real Property Manager
2310 N 1st St, Suite 200
San Jose, CA 95131

Or to such other place as either party may designate by written notice.

14. Successors and Assigns. All the covenants and provisions of this Agreement shall be binding upon and inure to the benefit of successors, legal representatives and assigns of City and County to the same extent and effect as the same are binding upon and inure to the benefit of the parties hereto.

15. Assignment. This Agreement and the license granted herein are personal to the County. County shall not assign or transfer (whether voluntary or involuntary) this Agreement in whole or in part, or permit any other person or entity to use the rights or privileges hereby conveyed, without the prior written consent of City, which may be withheld in City's sole and absolute discretion. Any attempted act in violation of this section shall be void and without effect and give City the right to immediately terminate this Agreement.

16. Amendments and Modification. This Agreement may be amended, modified or supplemented only by a written agreement signed by all of the parties hereto.

17. Compliance with All Laws. The parties shall comply with all applicable federal, State, City or County statutes, laws, ordinances and rules and regulations, which pertain to the County's use of the Licensed Property or any provision of this Agreement.

18. Governing Law. This Agreement shall be governed by the laws of the State of California.

19. Venue. Any dispute between the parties to this Agreement concerning the subject matter of this Agreement shall be submitted to a court of competent jurisdiction in Santa Clara County, California.

20. Attorneys' Fees. In the event of a dispute between the parties with respect to the terms and conditions of this Agreement, the prevailing party shall be entitled to collect from the other its reasonable attorneys' fees as established by the judge presiding over such dispute.

21. Severability. If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions, or provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

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22. Entire Agreement This Agreement and the exhibits referenced or attached hereto constitute the entire agreement between the parties with respect to the subject matter hereof and shall supersede all prior agreements, understandings and negotiations, both written and oral, between the parties with respect to the subject matter hereof. This Agreement is not intended to confer upon any person other than the parties hereto any rights and remedies hereunder.

CITY OF SUNNYVALE

COUNTY OF SANTA CLARA

Deanna J. Santana
City Manager

Jeff Draper, Director,
Facilities and Fleet Department

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Joan A. Borger
City Attorney

Shirley R. Edwards, Deputy County Counsel

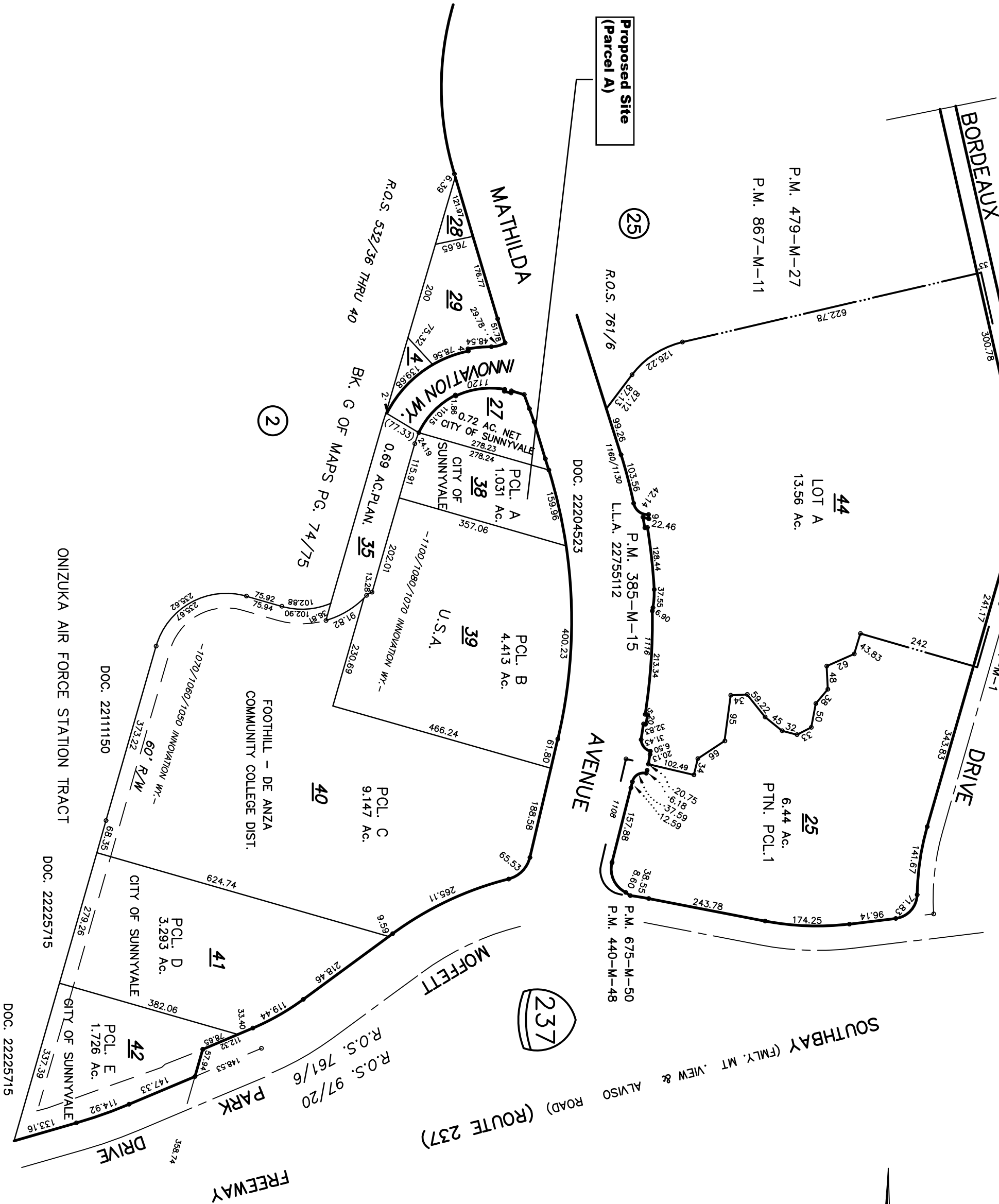
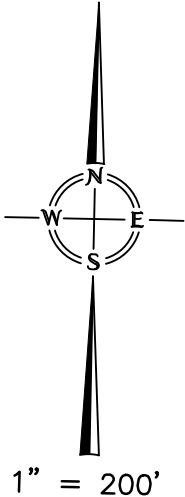


EXHIBIT A

TRA DET. MAP 82
LAWRENCE E. STONE – ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2015–2016

Exhibit B

County of Santa Clara Cold Weather Shelter (CWS) Program Operational Summary: Sunnyvale Temporary Site at Onizuka Parcel A

The County anticipates operating the Cold Weather Shelter at the Onizuka Parcel A site according to the guidelines and parameters set forth below. The County reserves the right, in its discretion, to modify these guidelines and parameters from time to time to address any operational concerns that might arise while the shelter is in use.

1. Basic Operations:

The Sunnyvale Temporary CWS facility will provide emergency shelter and related services for up to 100 persons per night (or for up to 125 persons per night during episodes of inclement weather, as defined below). The related services include: hot meals, access to shower and restroom facilities, storage lockers, shelter from the elements, transportation facilitation, and supplemental services, as described below. The shelter structure will be divided into three separate sleep areas, one each for families, single adult males, and single adult females.

Clients will not be charged any fee to stay at the shelter. Individuals or families wishing to stay at the shelter must be homeless and meet the following requirements:

- Be 18 years or older (or accompanied by a parent or legal guardian);
- Reside (or have last resided) in one of the “North County” cities: Cupertino, Los Altos, Los Altos Hills, Milpitas, Mountain View, Palo Alto or Sunnyvale;
- Be willing to abide by basic rules of the shelter; and
- Be referred by one of the service provider agencies listed in the Sunnyvale CWS program description.

All of the shelter beds will be reserved for clients in advance by referrals from local service providers to the shelter operator (HomeFirst). This procedure has been designed both for the convenience of the clients and in order to avoid (to the extent possible) attracting more clients to the site than the available shelter capacity and/or the need for extensive client queuing on-site each night. Clients, once referred and admitted into the shelter, may reserve and occupy a bed at the CWS for the entire winter season (approximately 120 days), provided they abide by the shelter rules and continue to appear nightly to occupy a bed. Clients who fail to appear to occupy their reserved bed for three consecutive nights will lose their reservation for the remainder of the CWS season.

If clients with a reservation do not show up at the CWS by 7:00 p.m. on any given night, the bed(s) reserved for those clients will be filled by first contacting the referring agencies, which shall contact the clients on their waitlists for the Sunnyvale location, to announce that bed(s) are available that night. If no waitlisted clients respond and appear onsite within one hour of receiving notice that a bed is available, the available bed(s) may be offered to any prospective clients without a reservation, on a first-come, first-served basis. Clients accepted into the shelter will be able to keep some of their possessions on site in the designated storage area during the daytime.

Inclement Weather Episodes:

Exhibit B

County of Santa Clara Cold Weather Shelter (CWS) Program

Operational Summary: Sunnyvale Temporary Site at Onizuka Parcel A

Inclement weather episodes will be declared by the County Office of Supportive Housing (OSH) and are defined as those days on which:

- There is a forecasted overnight low of 38 degrees or lower with a probability of rain less than 50%; OR
- There is a forecasted overnight low of 42 degrees or lower with a probability of rain of 50% or greater.

These weather conditions are less severe than conditions that would trigger the State to declare a weather-related state of emergency. These conditions may also be less severe than conditions that would warrant the County's Public Health Officer from declaring a "local emergency." However, these conditions present significant risk to unsheltered homeless persons, especially those who are ill or injured. The recommended thresholds are the same conditions that trigger San Mateo County's inclement weather programs. As noted above, during OSH-declared inclement weather episodes, the Sunnyvale CWS facility may be used to shelter up to 125 persons per night.

Daily Schedule:

4:00 p.m.	Staff, including security staff, arrives at the shelter to set up for the night: 3 Shelter Workers, 1 Manager, and 1 Security Guard.
5:00 p.m.	Shelter opens and begins to admit clients.
6:30 – 7:30 p.m.	Dinner is served.
6:00 – 10:00 p.m.	Showers and donated clothing are available.
10:00 p.m. – 5:30 a.m.	"Lights Out"
5:30 – 7:30 a.m.	Showers are reopened and breakfast is available.
9:00 a.m.	Shelter closes to clients for the day; any cleaning / maintenance activities by staff may continue.
9:00 am – 5:00 p.m.	Additional staff remains on site to ensure security, monitor the neighborhood, and allow ad-hoc client access to the facility (short-term access as needed to access restrooms, at site manager's discretion): 1 Shelter Worker, 1 Security Guard, 2 Outreach Workers, 1 Manager

2. Services Offered:

The following services are typically provided during the hours when the shelter is open to clients (between 5:00 p.m. and 10:00 p.m. nightly). These services, except the Security/Outreach Work and to some extent Transportation Assistance, will not typically be provided during the daytime hours (approximately 9:00 a.m. to 5:00 p.m.) unless warranted by an emergency, inclement weather episode, or other urgent need to use the facility at such times.

A. Basic Services (Provided by Shelter Staff/Contractors)

Exhibit B

County of Santa Clara Cold Weather Shelter (CWS) Program Operational Summary: Sunnyvale Temporary Site at Onizuka Parcel A

- **Meal Service:** Two meals per day are served: dinner and breakfast (meals may be donated by community groups).
- **Assessment, Information, and Referrals:** Staff members provide appropriate information and make referrals to other agencies/services as needed.
- **Distribution of Supplies:** Staff distributes donated goods (i.e., toiletries and clothing) to clients.
- **Transportation Assistance:** To help clients get to and from the CWS, staff will assist clients as needed in accessing nearby transit stops (light rail, bus) and will provide limited fixed-route shuttle service for clients with daytime destinations not on regular transit routes, but within the vicinity of the site (i.e., nearby social services agencies, etc.). Staff will also have a limited supply of bus tokens/transit passes available that may be provided to clients/prospective clients in accordance with CWS policies.
- **Security and Outreach Work:** Staff will monitor the clients' comings and goings throughout the adjacent neighborhoods (Moffett Park, Orchard Gardens, and other areas within ½ mile of the site) in order to ensure the safety of both the clients and the surrounding neighborhoods, address any shelter-related community concerns, and to minimize client loitering in the area. A uniformed security officer with a current and valid security guard card shall provide security services at the site during the hours in which the facility is open to clients and during the daytime, as noted in the Daily Schedule, above. Security services for the site and vicinity shall be provided consistent with the terms of the License Agreement, Sections 7 and 8.

B. Supplemental Services (Provided by Volunteer Groups or Other Agencies)

- **Medical Care:** Valley Homeless Healthcare and Gardner Health Services provide clients with various health care services including: basic health screening, primary care, dental care, immunizations, TB screening, routine acute care, medication monitoring, referrals and/or follow-up appointments. These agencies may bring a mobile health care unit (medical/dental van) on site up to twice a week to facilitate provision of these services.
- **Additional Services:** Haircuts, tutoring, consultations or special workshops are offered on occasion (when service providers, individuals or community groups volunteer to provide them).

3. Facility Description and Site Improvements:

The temporary CWS facility will consist of a 7,200 sq. ft. modular building to be installed on the site by the County of Santa Clara. The site, known as "Parcel A" of the former Onizuka Air Force Base, now owned by the City of Sunnyvale, is approximately 1 acre in area and is located at 1100 Innovation Way in Sunnyvale. The site consists of a portion of an existing large surface parking lot and is fully paved with asphalt. Please see Site Plan, below.

Exhibit B

County of Santa Clara Cold Weather Shelter (CWS) Program

Operational Summary: Sunnyvale Temporary Site at Onizuka Parcel A

Site Improvements:

Site work will include installation of the following:

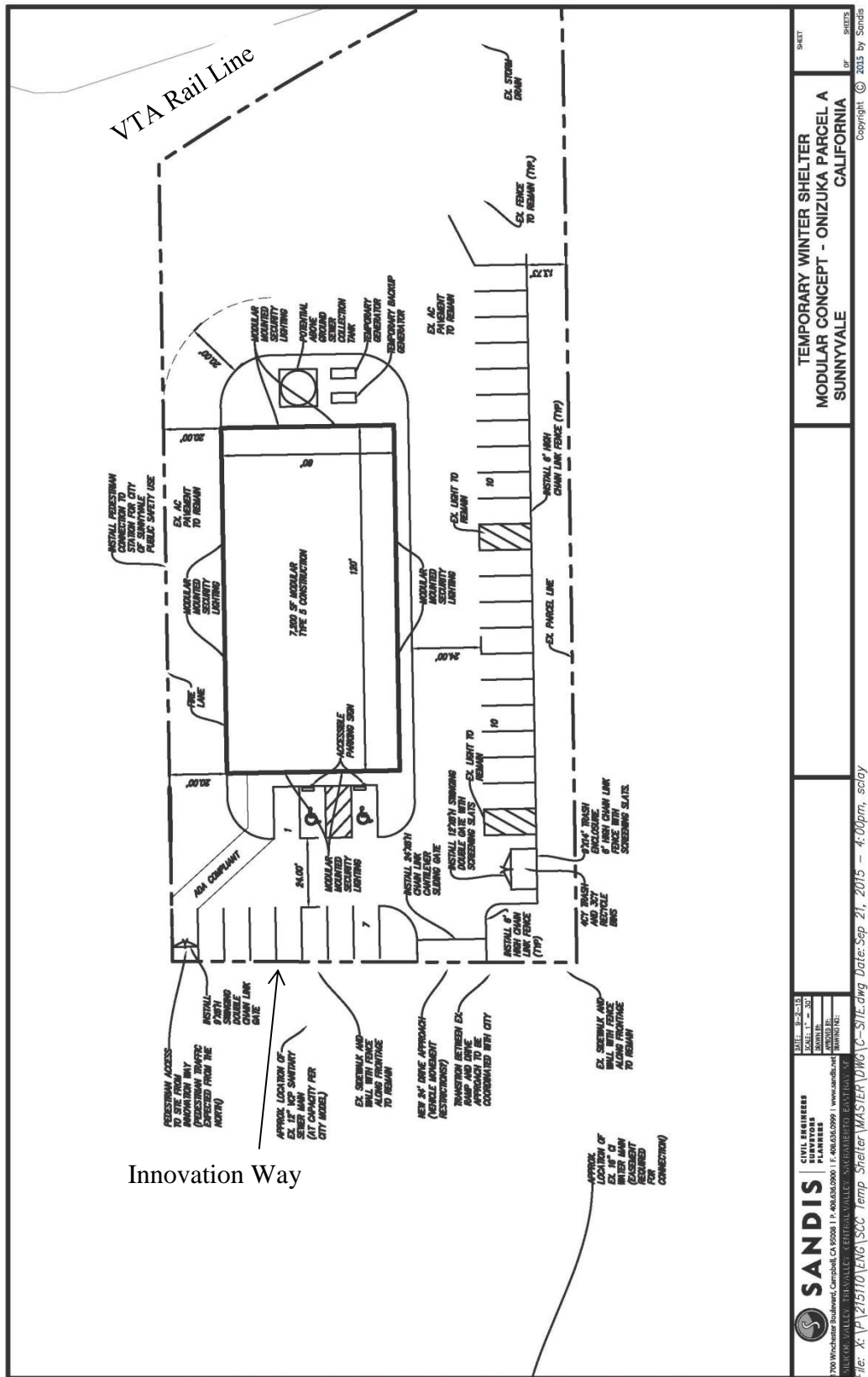
- A 60 foot x 120 foot modular building, which is ADA compliant and approximately 15 feet in height. Depending on the height of the foundation (footings) above grade, the top of the building could be up to 20 feet above existing grade. The modular building is HCD rated for R-1 Occupancy (sleeping units primarily transient in nature), but the fire sprinkler system is R-2 capacity or equivalent. The building will contain men's/women's bathrooms and shower rooms and a small kitchen for handling and distributing catered food (no cooking will take place at the facility). The modular building will have exterior lighting to illuminate the associated parking lot areas.
- A 60 kw diesel generator and a second backup generator on-site (for emergency purposes) leased from a certified BAAQMD vendor, to provide electric power to the facility.
- Installation of an above-ground temporary septic tank to serve the restroom and shower facilities.
- Water lines connections to the City water lines available at the street frontage, to provide water supply to the facility.
- A 6-foot tall fence around the perimeter of the shelter site for security.
- A new driveway along Innovation Way to provide vehicle access to the site.
- Parking lot re-striping, signage and other minor site clearing activities as needed.

Construction Activities and Schedule:

Site improvements will begin in October and be completed by late November to allow the shelter to open by November 30th. The work may involve minor site clearing and leveling to provide space for the modular building foundation, ancillary equipment (e.g. generators and septic tank) and parking spaces. The project will be subject to the Sunnyvale Municipal Code requirements for construction noise and designated construction hours (MCS 16.08.030). The building and other site improvements will be installed in October 2015 and will be removed by April 2016.

SITE PLAN ON THE FOLLOWING PAGE

County of Santa Clara Cold Weather Shelter (CWS) Program
Operational Summary: Sunnyvale Temporary Site at Onizuka Parcel A





City of Sunnyvale

Agenda Item

15-0247

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Adopt the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue as approved by Planning Commission Resolution 1-15; Introduce an Ordinance to Adopt Official Plan Lines; and Find that CEQA Review is Complete

BACKGROUND

The Sunnyvale Municipal Code (SMC) authorizes the adoption of “Official Plan Lines” to implement the City’s circulation plan (SMC Chapter 19.06). Official Plan Lines are “the boundaries and limits of a planned right-of-way, including the future-right-of way of an existing street as it is proposed to be widened and including all lands necessary for the building, widening or maintenance of any road, street, highway, or any other type of public way, which planned right-of-way is based on the general plan.” (SMC §19.12.160(3).) The development of Official Plan Lines is one of the City’s key means of implementing its transportation network. The City designates future build-out of roadway segments by delineating planned right-of-way, which in turn allows the City to require land dedications and limit future building locations and other physical improvements as related to the planned right-of-way line.

SMC Chapter 19.06 describes the process for Official Plan Line adoption: the Planning Commission is required to adopt a resolution recommending approval of official plan lines for designated areas, the City Council then reviews the Planning Commission Resolution and adopts the Official Plan Lines and amends the Municipal Code to reference the adopted Official Plan Line. (SCM §19.06.050).

The City has adopted Official Plan Lines for 58 roadway segments, including “Mathilda Avenue: Official Plan Lines for that Portion of State Route No. 114 Within the City Limits of Sunnyvale (known as Mathilda Avenue), El Camino Real (U.S.101) to the Most Northerly City Limits”.¹ (SMC §19.06.050.) The proposed Mathilda Avenue Plan Line project would amend the portion of the existing Mathilda Avenue Official Plan Line between El Camino Real and Washington Avenue; the remaining portion would stay the same.

In mid-2014, the City was notified that it was the recipient of a Priority Development Area (PDA) Planning Program Grant to develop an updated Plan Line for Mathilda Avenue between El Camino Real and Washington Avenue (the “Mathilda Avenue Plan Line Project”). The PDA Planning Program is administered by the Metropolitan Transportation Commission (MTC), which funds comprehensive planning in PDAs for land uses around public transit hubs and bus and rail corridors in the nine-county San Francisco Bay Area. Two of the key goals of this program are: boost transit ridership and thereby reduce vehicle miles traveled by PDA residents, employees and visitors; and promote multimodal connections for residents, employees and visitors within the PDA.

The existing Plan Line for this segment of Mathilda Avenue is 120 feet wide. It serves as the westerly border of the Sunnyvale Downtown Specific Plan Area. The Downtown Specific Plan (DSP) was

adopted in 2003, and recently updated in 2013 to remove a planned carriage road on Mathilda Avenue, and to add bike lanes. Since then, the Mathilda Apartments project by Summerhill Homes was conditioned to make modifications to Mathilda Avenue to include a bike lane across its frontage. Both the DSP and the Mathilda Apartments projects have made progress towards helping define the vision for Mathilda Avenue. The Mathilda Avenue Plan Line Project analyzes Mathilda Avenue from a more comprehensive approach and lays out a plan for future build-out.

The DSP identifies this corridor of Mathilda Avenue as needing a Plan Line for identification of roadway widths to implement traffic mitigation. In addition, the City's 2006 Bicycle Plan notes that widening is required to accommodate bicycle lanes on Mathilda Avenue specifically between El Camino Real and Washington Avenue.

EXISTING POLICY

Council Policy 1.2.3 - Bicycle Facilities on City Streets: The first paragraph of the policy statement says "It is the policy of the City to provide adequate bicycle facilities on arterial streets through the combined efforts of the City in street widening projects and private developments which have been required to participate in off-site improvements".

General Plan, Chapter 3, Policy LT-1.9 - Support flexible and appropriate alternative transportation modes and transportation system management measures that reduce reliance on the automobile and serve changing regional and City-wide land use and transportation needs.

General Plan, Chapter 3, Policy LT-5.5 - Support a variety of transportation modes.

- Subsection LT-5.5d - Maximize the provision of bicycle and pedestrian facilities
- Subsection LT-5.5 - Implement the City of Sunnyvale Bicycle Plan

General Plan, Chapter 3, Policy LT-5.8 - Provide a safe and comfortable system of pedestrian and bicycle pathways.

General Plan, Chapter 3, Policy LT-5.9 - Appropriate accommodations for motor vehicles, bicycles, and pedestrians shall be determined for city streets to increase the use of bicycles for transportation and to enhance the safety and efficiency of the overall street network for bicyclists, pedestrians and motor vehicles.

General Plan, Chapter 3, Policy LT-5.14 - Historical precedence for street space dedicated for parking shall be a lesser consideration than providing street space for transportation uses when determining the appropriate future use of street space.

General Plan, Chapter 3, Policy LT-5.18 - The City Council shall make the final decision on roadway space reconfiguration when reconfiguration will result in changes to existing accommodations.

General Plan, Chapter 3, Policy LT-5.19 - Public input on roadway space reconfiguration shall be encouraged and presented independently of technical engineering and planning analyses.

Downtown Specific Plan, Goal C - Promote a balanced street system that serves all users well regardless of their mode of travel.

ENVIRONMENTAL REVIEW

A draft and final Program Environmental Impact Report ("Program EIR") was prepared in 2003 when the DSP was adopted by the City Council, and changes amending the streetscape and design standards of the DSP were analyzed in an Addendum to the Program EIR, adopted by the City Council on October 22, 2013 when it modified the DSP to eliminate the frontage road requirement on a portion of Mathilda Avenue (Resolution No. 617-13). The proposed Official Plan Lines are consistent with the project analyzed in the Addendum; no further review is required.

DISCUSSION

Mathilda Avenue between El Camino Real and Washington Avenue has been identified in both the DSP and the City's 2006 Bicycle Plan documents as a corridor in need of a plan for ultimate build-out. The intent of the Mathilda Avenue Plan Line Project is to master-plan the ultimate build-out for this section of roadway and lay out the geometry, number of lanes, lane widths, accessible ramp and crosswalk locations, and bike lanes. In addition, the Plan Line identifies future right-of-way required to complete the build-out.

The existing Plan Line width for Mathilda Avenue is 120 feet. Based on the updates to the City's standards regarding sidewalks and bike lanes, this is no longer sufficient to support the City's vision for this area. The proposed Plan Line width varies between 132.5 feet to 142.5 feet, (Attachment 1) depending upon whether there are single or dual left turn pockets at the intersections.

Existing Conditions:

Currently, Mathilda Avenue in the project area provides three vehicular travel lanes in both the northbound and southbound directions. In the northbound direction, a fourth travel lane starts at Iowa Avenue, but terminates into a dedicated right turn lane at Washington Avenue. The roadway is divided, with a raised landscaped median island separating the through movements and defining the left turn pockets. Sidewalks are primarily 6' in width. On-street parking currently exists on the east side of Mathilda Avenue for the one-block segment of El Camino Real to Olive Avenue. Bicycle lanes do not exist along the corridor.

The Town Center project has widened the roadway and constructed wide sidewalks along its frontage. The Summerhill - Mathilda Apartments project has also provided dedication for roadway widening to accommodate bike lanes and will construct the wider sidewalk along its frontage. The Mathilda Villas project at 538 S Mathilda Avenue has similarly dedicated right-of-way for future street improvements.

Concept Design Considerations:

A number of considerations have been taken into account during the development of the Plan Lines: 1) Safety for all modes of travel, 2) Protection of existing mature landscaping in the median island, and 3) Minimization of right of way needs and impacts to adjacent properties. Roadway layout and cross sections for Mathilda Avenue are shown in Attachments 2 and 3.

Within the Plan Lines, vehicular through-lane widths are minimized to eleven feet, which is the minimum width governed by the existing speeds and volumes along Mathilda Avenue. Left turn pockets widths are similarly reduced to the minimum width of ten feet. Bike lane widths follow the City's minimum standards of six feet, and the three foot buffered area provides additional safety clearance between bicyclists and vehicles.

Intersection corners have been analyzed to straighten pedestrian paths of travel crossing the street and minimize crossing lengths when possible. The existing median island is kept largely in its current configuration, with slight modifications to facilitate pedestrian crosswalks at the intersections. A wider 13' sidewalk width with street trees is provided for pedestrian connectivity between downtown and commercial/retail uses at Mathilda/El Camino Real.

Bicycle Network:

Developing a Plan Line which includes bicycle lanes between El Camino Real and Washington Avenue completes the planning for the City's bicycle network along Mathilda Avenue. North of Washington Avenue, the roadways are identified on the current bicycle map as for advanced users (bicyclists share the roadway with vehicles), with dedicated bicycle lanes planned for installation via redevelopment projects and grant-funded capital improvement projects. South of El Camino Real to the City border limits at Homestead Road, dedicated bicycle lanes currently exist.

Right-of-Way Requirements:

The proposed buffered bike lanes and widened sidewalks will be accomplished through dedication of additional right-of-way when adjacent properties are redeveloped and via elimination of on-street parking for the one block between El Camino Real and Olive Avenue in the northbound direction of travel. Attachment 4 shows which properties have already dedicated right-of-way as part of their development projects and where right-of-way is still needed from other properties to implement the Mathilda Plan Line.

It is important to note that only major redevelopment applications for discretionary permits such as a change in use or change in zoning would trigger the requirement for right-of-way dedication and Plan Line frontage improvements. Minor renovations such as tenant or façade improvements for commercial buildings or a room addition to a single family home would not trigger the Plan Line implementation. The Plan Line lays out conceptual design; final design would be completed in the future by developers, likely when an aggregate of properties such as a full block redevelopment has occurred.

The Vision:

The proposed Plan Line envisions a modern roadway corridor that accounts for many modes of travel. The pedestrian way is made more comfortable through the use of wider 13' sidewalks that include a parkstrip or tree well. Street trees are provided as a visual and physical buffer to soften the feel of the corridor and to provide shade to both bicyclists and pedestrians. Buffered bike lanes with possible green texturized treatment help define a zone specifically for bicyclists travelling along the roadway corridor, and provide connectivity to an already existing bicycle network. However, green bike lanes would only be implemented if appropriate additional maintenance funds are identified.

The approval process requires a Resolution from the Planning Commission (Attachment 5) and an Ordinance by the City Council to modify the Mathilda Plan Line in Municipal Code Section 19.06.050 (Attachment 6). Once approved, the plan line will be submitted to City Clerk for filing in the office of the County recorder.

Commission Review

The Bicycle and Pedestrian Advisory Commission (BPAC) reviewed this item at their July 16, 2015 meeting (RTC 15-0246) and had specific discussion with respect to the following (for excerpt of draft minutes see Attachment 7):

- Lane widths for vehicles making left turns.
 - Staff responded that there the median island was held as-is in width due to not wanting to lose the mature landscaping within the median island, and this caused some deviations in the widths of the left turn pockets at the intersections.
- Clarification on the bicycle lane and buffer widths.
 - Staff responded that for most of the Plan Line bicycle lane widths were conceptually designed at 6 feet with a 3 foot buffer zone, however, at the southbound right turn lane at Mathilda/El Camino Real, the bike lane was reduced to 5 feet in width without a buffer zone.
 - Staff further clarified to the BPAC Commissioners that the Plan Line document to be considered by City Council would only set the outside right-of-way (property lines), and that concept designs for vehicular and bicycle lanes were provided for information only.

The Planning Commission reviewed this item at their August 10, 2015 (RTC 15-0719) and had specific discussion with respect to the following (for excerpt of minutes see Attachment 8):

- Need to reevaluate the other existing Official Plan Lines for updating to include multi-modal travel provisions.
 - Staff responded that it has been over 20 years since the last plan line was adopted, due to the City's roadway network being mostly built-out. As redevelopment occurs, the evaluation of the roadway for non-vehicular modes of travel is happening on an informal project-by-project basis.
- Other positive items which may stem from adopting the plan line.
 - Staff responded that having an Official Plan Line could be helpful in obtaining future roadway or bicycle lane grants along this project.
- Clarification on plan line adoption affecting property lines.
 - Staff responded that conditions of approval requiring dedication of property to support plan line implementation would effectively reduce the amount of developable lot area.
- Discussion on colored bike lanes.
 - Staff responded that determination of whether the bike lane would receive color surface treatment would be analyzed and reviewed further at the time of implementation.

FISCAL IMPACT

There is no fiscal impact to the City associated with creating the Plan Line document. The MTC procured the services of Fehr and Peers Transportation Consultants to perform the Plan Line study. All invoices by Fehr and Peers are sent directly to MTC. City matching funds were not required for this grant.

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. Find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP;

- Adopt the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; and introduce an Ordinance to amend SMC Section 19.06.050 to incorporate the revised Official Plan Lines, and direct that the Plan Line map be filed with the County Recorder's Office.
2. Do not adopt the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue, and provide direction to staff for next steps.

RECOMMENDATION

Alternative 1: Find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP; Adopt the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; and introduce an Ordinance to amend SMC Section 19.06.050 to incorporate the revised Official Plan Lines, and direct that the Plan Line map be filed with the County Recorder's Office.

Adoption of the Mathilda Plan Line will create a master plan for the segment of Mathilda Avenue between El Camino Real and Washington Avenue that identifies roadway widths to implement bike lanes and wide sidewalks with street trees, delineate right-of-way dedication requirements, and complete the vision for Mathilda Avenue.

The BPAC and Planning Commission (with one Planning Commissioner absent) voted unanimously to recommend that Council approve the Mathilda Plan Line, direct staff to update Municipal Code Section 19.06.050 to reflect this plan line, and file the plan line map with the County Recorder's Office. For minutes of those meetings see Attachments 7 and 8, respectively. The Planning Commission recommendation included that Council find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP;

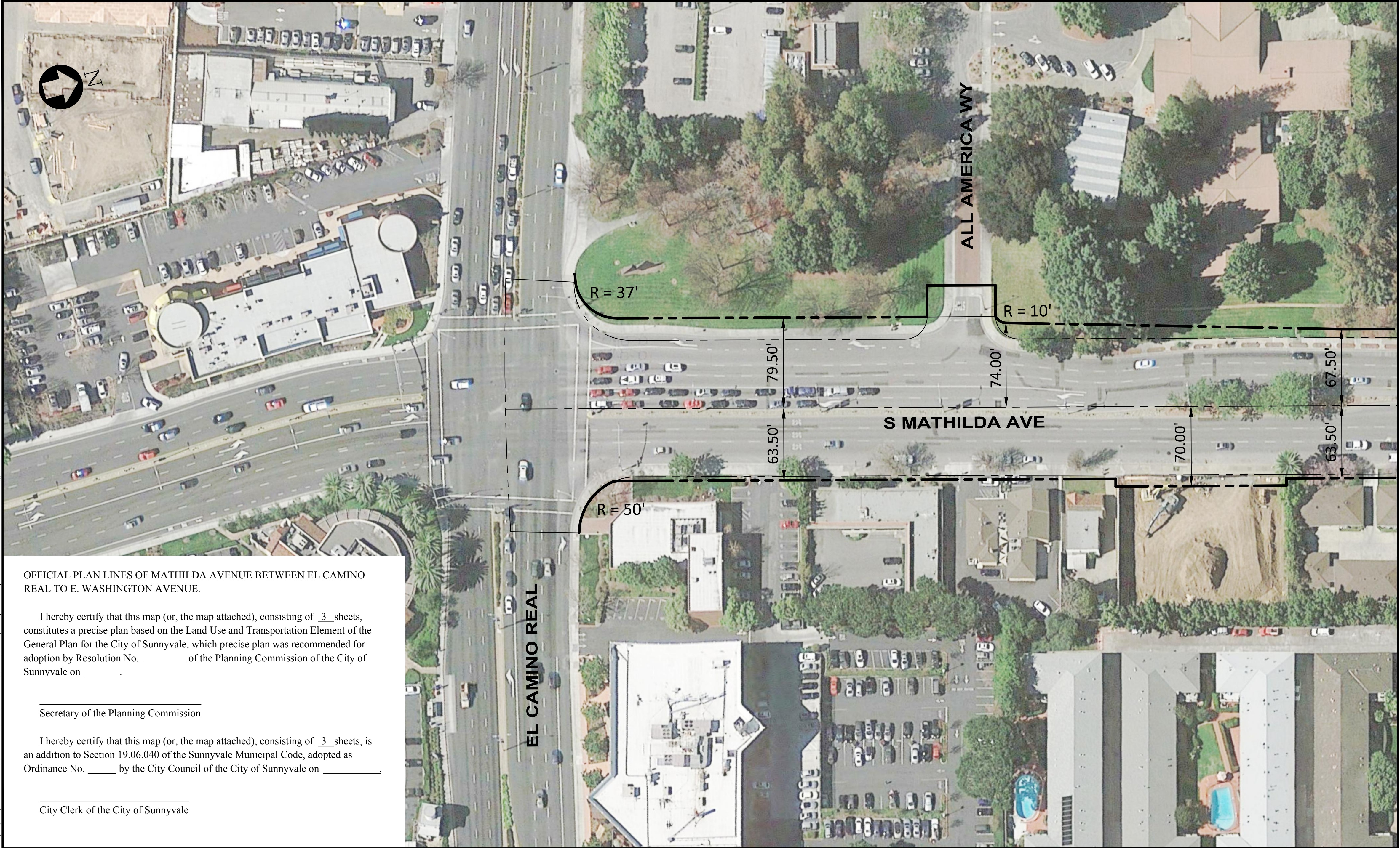
Prepared by: Jennifer Ng, Assistant City Engineer
Reviewed by: Manuel Pineda, Director of Public Works
Reviewed by: Kent Steffens, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Mathilda Avenue Plan Line
2. Mathilda Avenue Plan Line - Conceptual Layout and Cross Sections
3. Mathilda Avenue Plan Line - Typical Section Enlargement
4. Mathilda Avenue Plan Line - Right of Way
5. Planning Commission Resolution 1-15
6. Draft Ordinance
7. Excerpt of Draft BPAC Minutes of July 16, 2015
8. Excerpt of Planning Commission Minutes of August 10, 2015

ENDNOTES

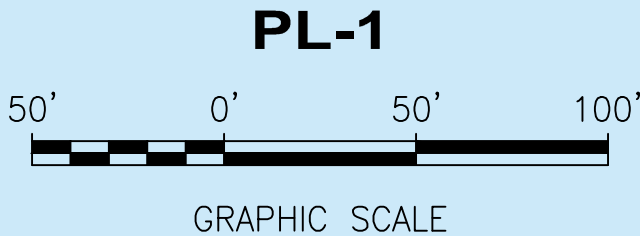
1. In the 1960's designated State Route 114 included Mathilda Avenue and contemplated a connector to 280. That designation was later changed and no longer includes Mathilda Avenue. State Route 114 is now a connector road between Highway 84 and U.S. 101, commonly known as "Willow Road" in Menlo Park)



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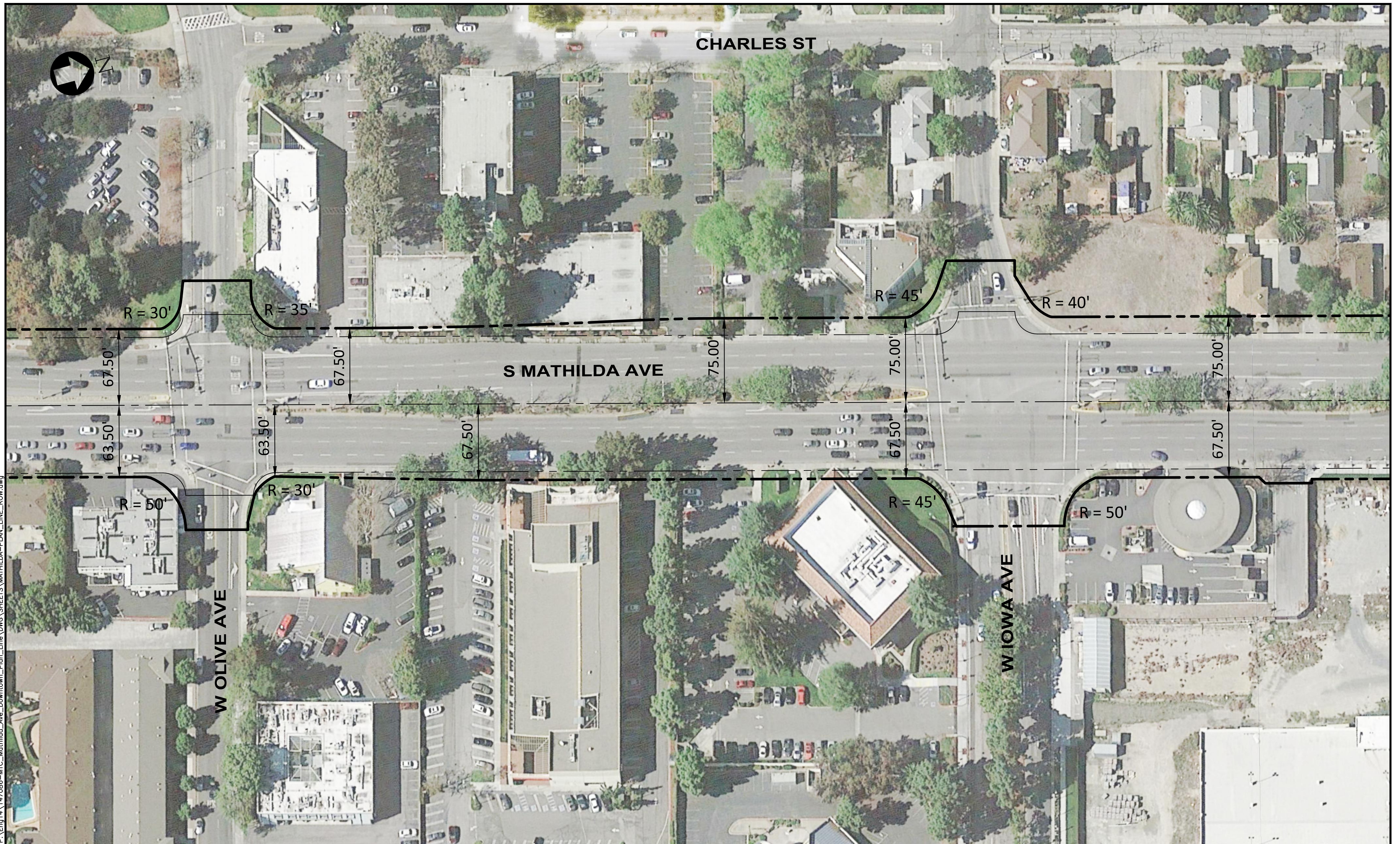


MATHILDA AVENUE PLAN LINE
EL CAMINO REAL TO WASHINGTON AVENUE



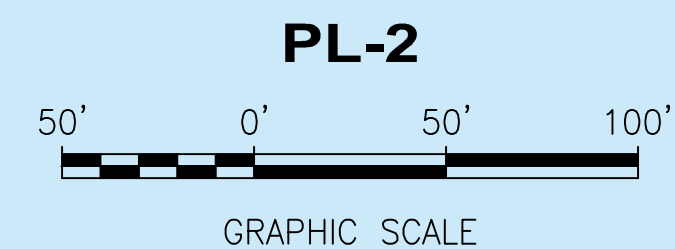
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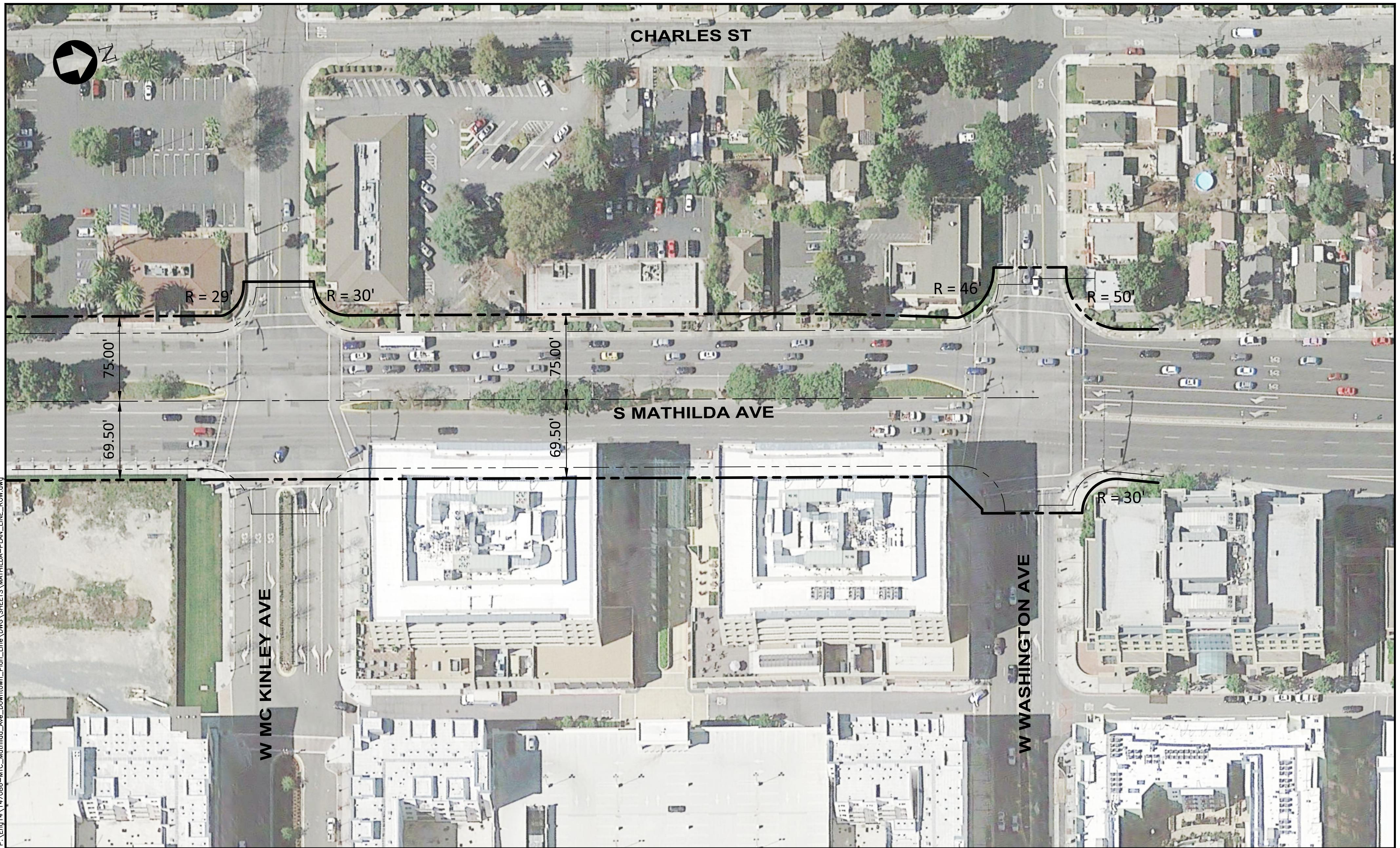
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EL CAMINO REAL TO WASHINGTON AVENUE



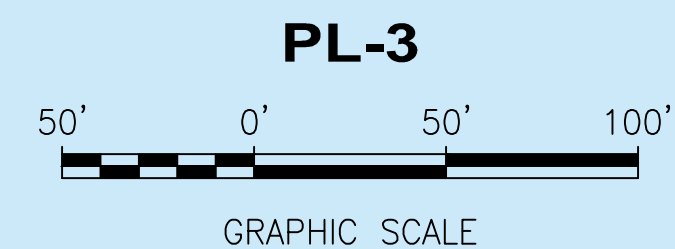
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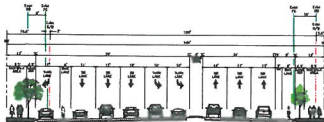
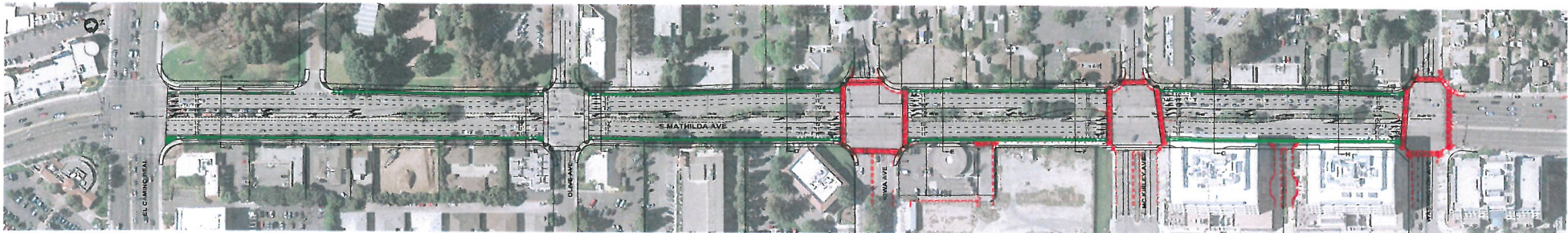


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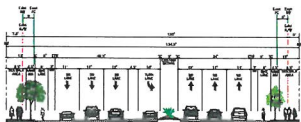
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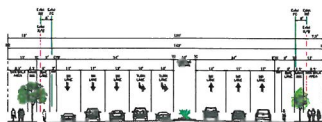
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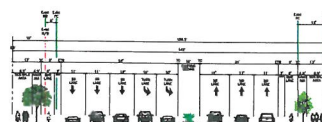
PROPOSED SECTION A-A



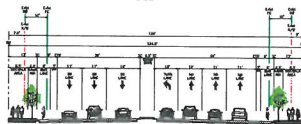
PROPOSED SECTION C-C



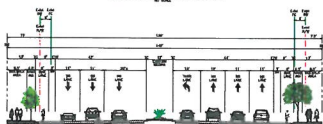
PROPOSED SECTION E-E



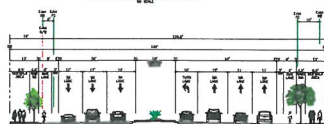
PROPOSED SECTION G-G



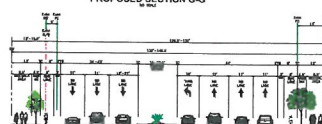
PROPOSED SECTION B-B



PROPOSED SECTION D-D



PROPOSED SECTION F-F



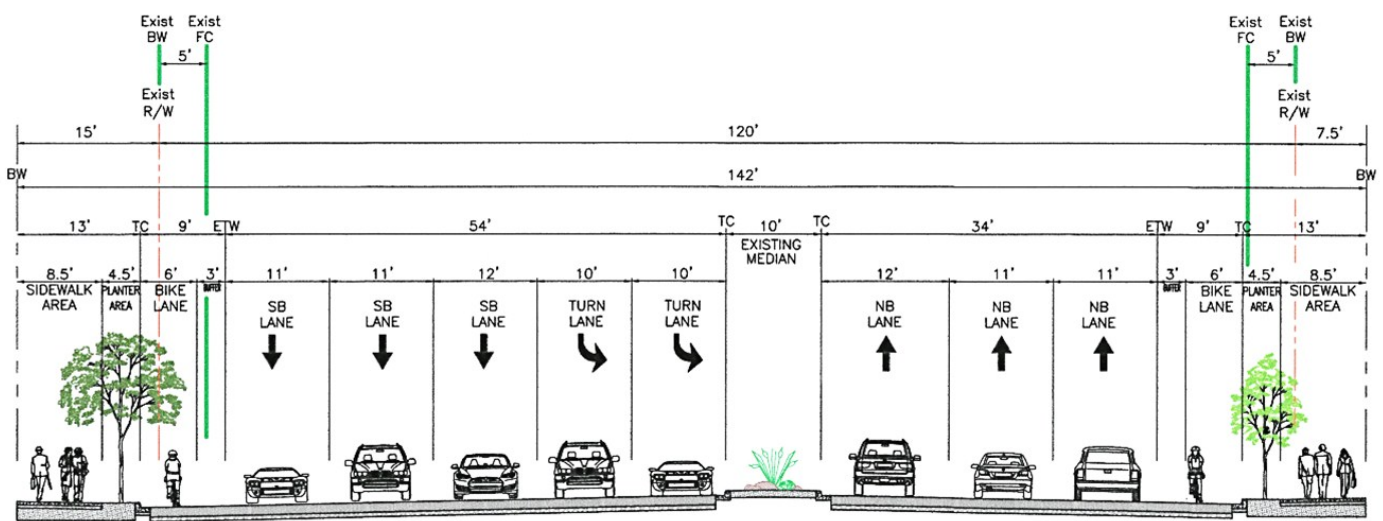
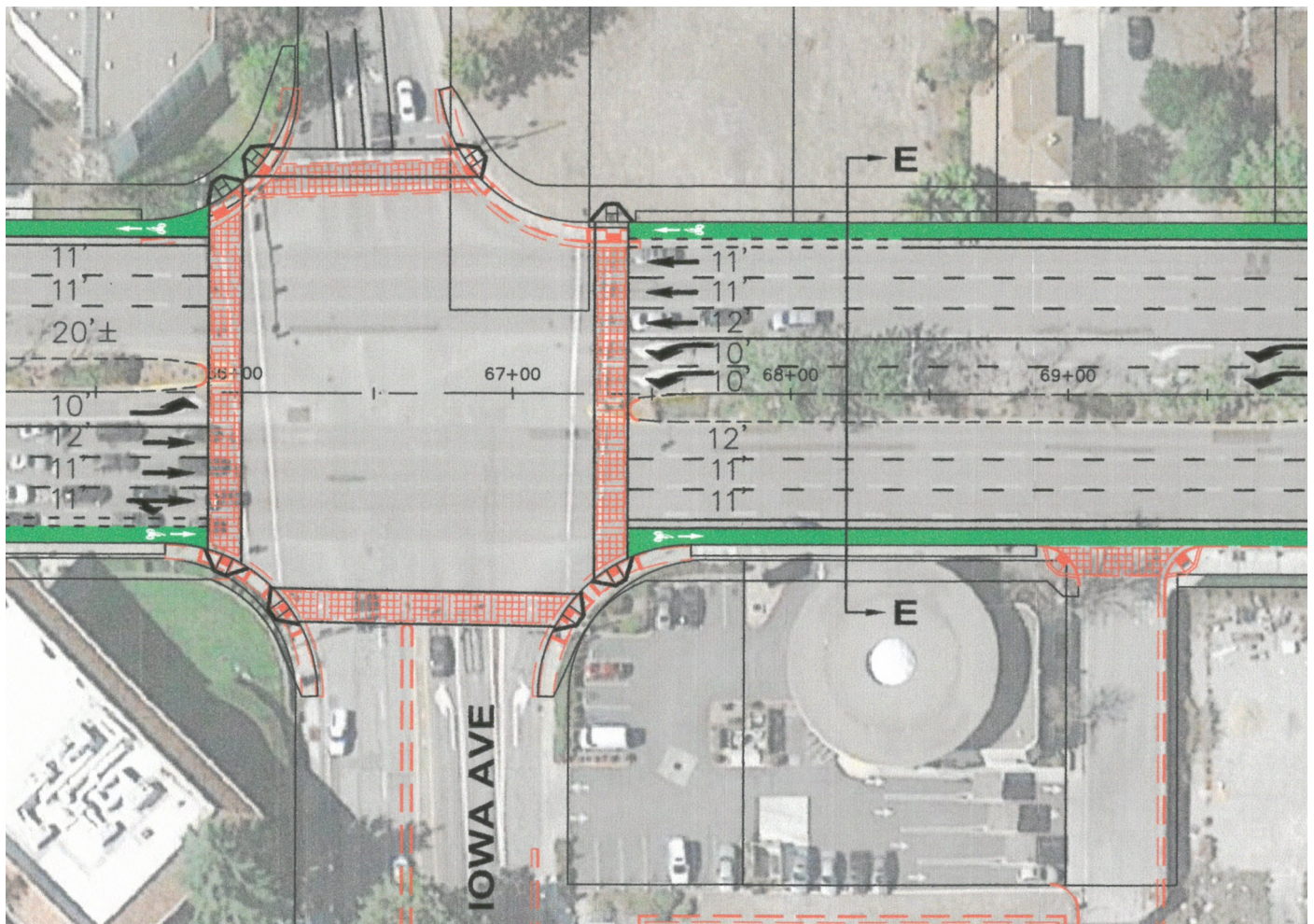
PROPOSED SECTION H-H

EXHIBIT A
MATHILDA AVENUE - DOWNTOWN
EL CAMINO REAL TO WASHINGTON AVENUE PLAN LINE STUDY



July 15, 2015 - Mathilda Avenue - Downtown - Plan Line Study - 05/28/2015 - 05/28/2015

Typical Section Enlargement



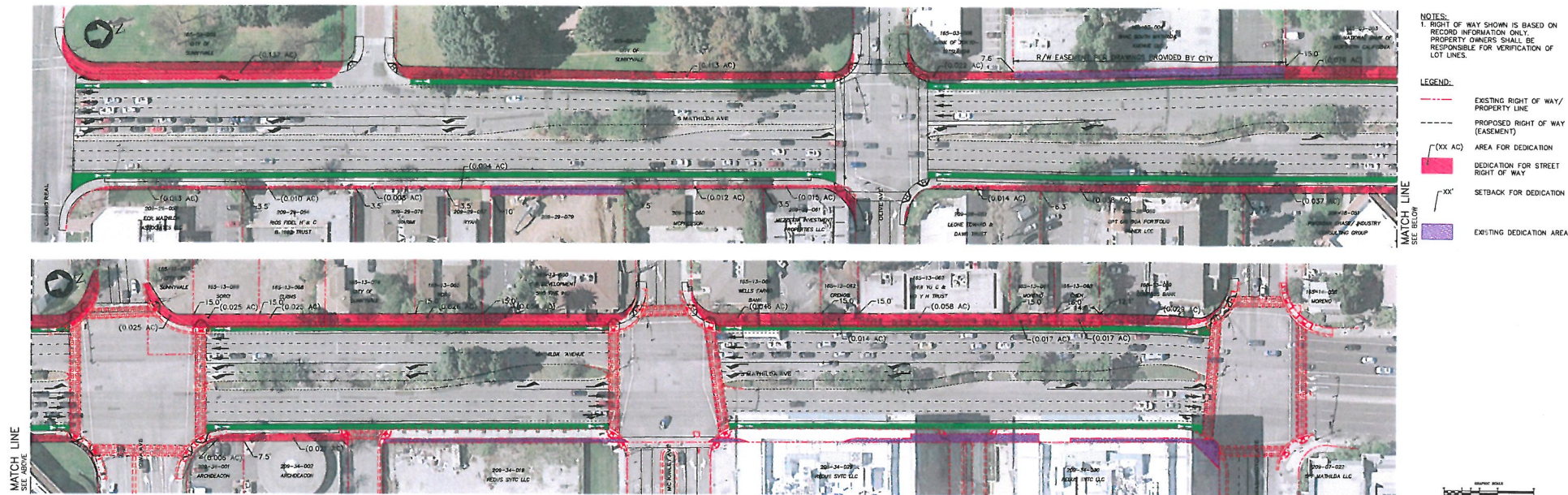


EXHIBIT E

MATHILDA AVENUE - DOWNTOWN

EL CAMINO REAL TO WASHINGTON AVENUE PLAN LINE STUDY



PLANNING COMMISSION RESOLUTION NO. 1-15

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SUNNYVALE RECOMMENDING
ADOPTION OFFICIAL PLAN LINES FOR MATHILDA
AVENUE BETWEEN EL CAMINO REAL AND
WASHINGTON AVENUE PURSUANT TO SUNNYVALE
MUNICIPAL CODE SECTION 19.06.050**

WHEREAS, The Downtown Specific Plan (“DSP”) was adopted in 2003 and contained requirements for dedication of right-of-way and installation of a frontage road on Mathilda Avenue between Washington Avenue and Olive Avenue as part of the urban design of the DSP; and

WHEREAS, on October 22, 2013, the City Council amended the DSP requirements by eliminating the frontage road and approving an alternative design; and

WHEREAS, as part of the process of modifying the DSP right-of-way requirements an Addendum to the 2003 Program Environmental Impact Report for the DSP was approved pursuant to Public Resources Code section 15070 and CEQA Guideline 15164, which evaluated the impacts of the DSP frontage road amendment on the environment; and

WHEREAS, the City has prepared an update for the Official Plan Lines for the portion of Mathilda Avenue between El Camino Real and Washington Avenue to implement the streetscape design standards envisioned by the DSP, attached hereto as Attachment A; and

WHEREAS, Sunnyvale Municipal Code Chapter 19.06 sets forth the requirements for adoption of Official Plan Lines, and provides that the Planning Commission shall review proposed Plan Lines and recommend by resolution that they be adopted; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 10, 2015, and considered the reports and the proposed Mathilda Avenue Official Plan Lines, and the written and oral comments presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SUNNYVALE THAT:

1. The proposed Mathilda Avenue Official Plan Lines are consistent with the project analyzed in the Addendum to the Program EIR related to DSP streetscape design and no further review is required.
2. The proposed Mathilda Avenue Official Plan Lines described in Attachment A are consistent with the existing terms of the Downtown Specific Plan and General Plan of the City of Sunnyvale.

3. The Planning Commission recommends adoption of the Official Plan Lines for Mathilda Avenue between at El Camino Real and Washington Avenue, as described in Attachment A.

Adopted by the Planning Commission at a regular meeting held on August 10, 2015, by the following vote:

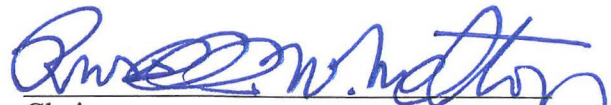
AYES: MELTON, OLEVSON, HARRISON, KLEIN, RHEAUME
NOES: NONE
ABSTAIN: NONE
ABSENT: SIMONS
RECUSAL: NONE

ATTEST:



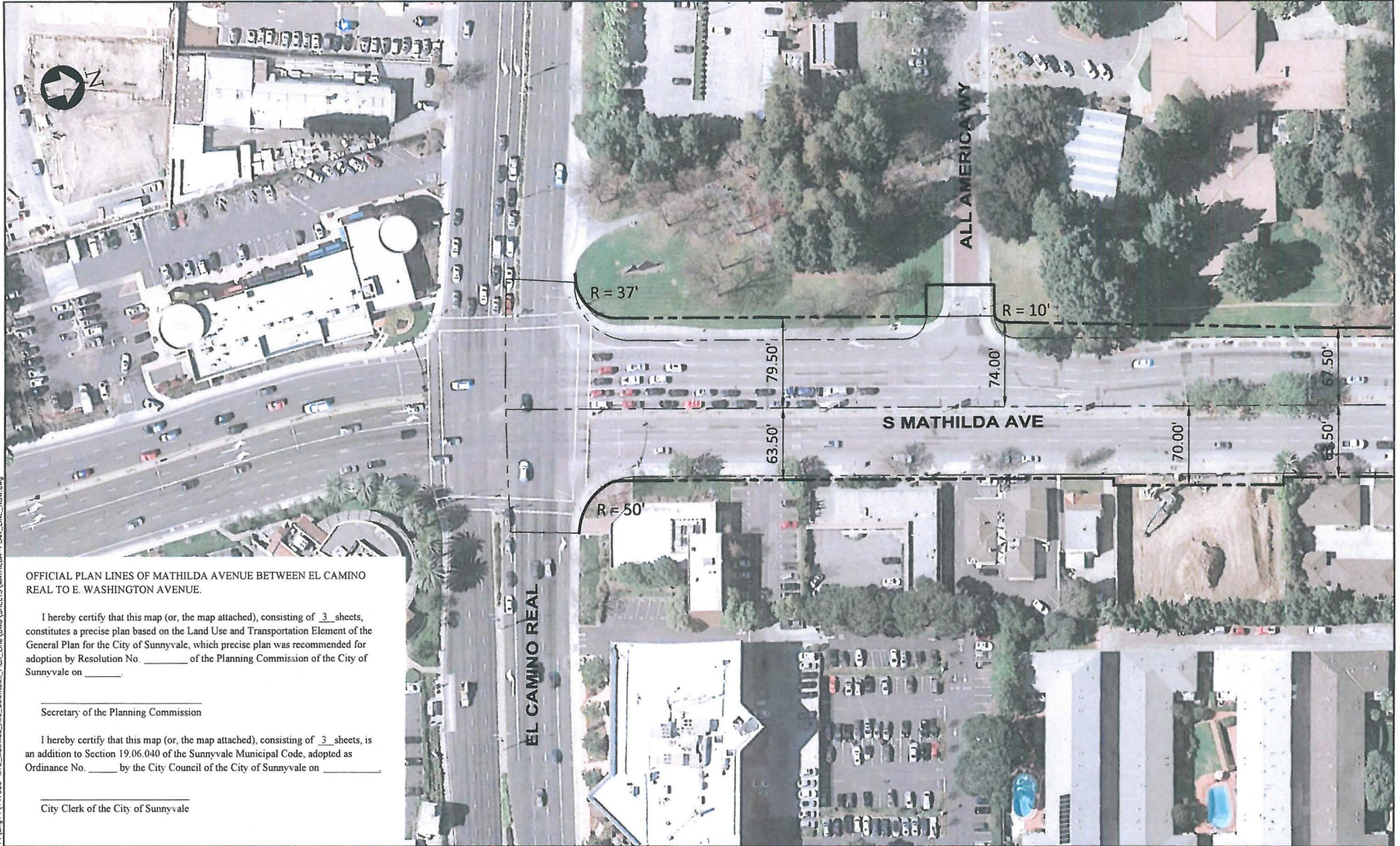
Planning Commission Secretary
(SEAL)

APPROVED:



Chair

EXHIBIT A



OFFICIAL PLAN LINES OF MATHILDA AVENUE BETWEEN EL CAMINO REAL TO E. WASHINGTON AVENUE.

I hereby certify that this map (or, the map attached), consisting of 3 sheets, constitutes a precise plan based on the Land Use and Transportation Element of the General Plan for the City of Sunnyvale, which precise plan was recommended for adoption by Resolution No. _____ of the Planning Commission of the City of Sunnyvale on _____.

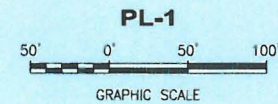
Secretary of the Planning Commission

I hereby certify that this map (or, the map attached), consisting of 3 sheets, is an addition to Section 19.06.040 of the Sunnyvale Municipal Code, adopted as Ordinance No. _____ by the City Council of the City of Sunnyvale on _____.

City Clerk of the City of Sunnyvale

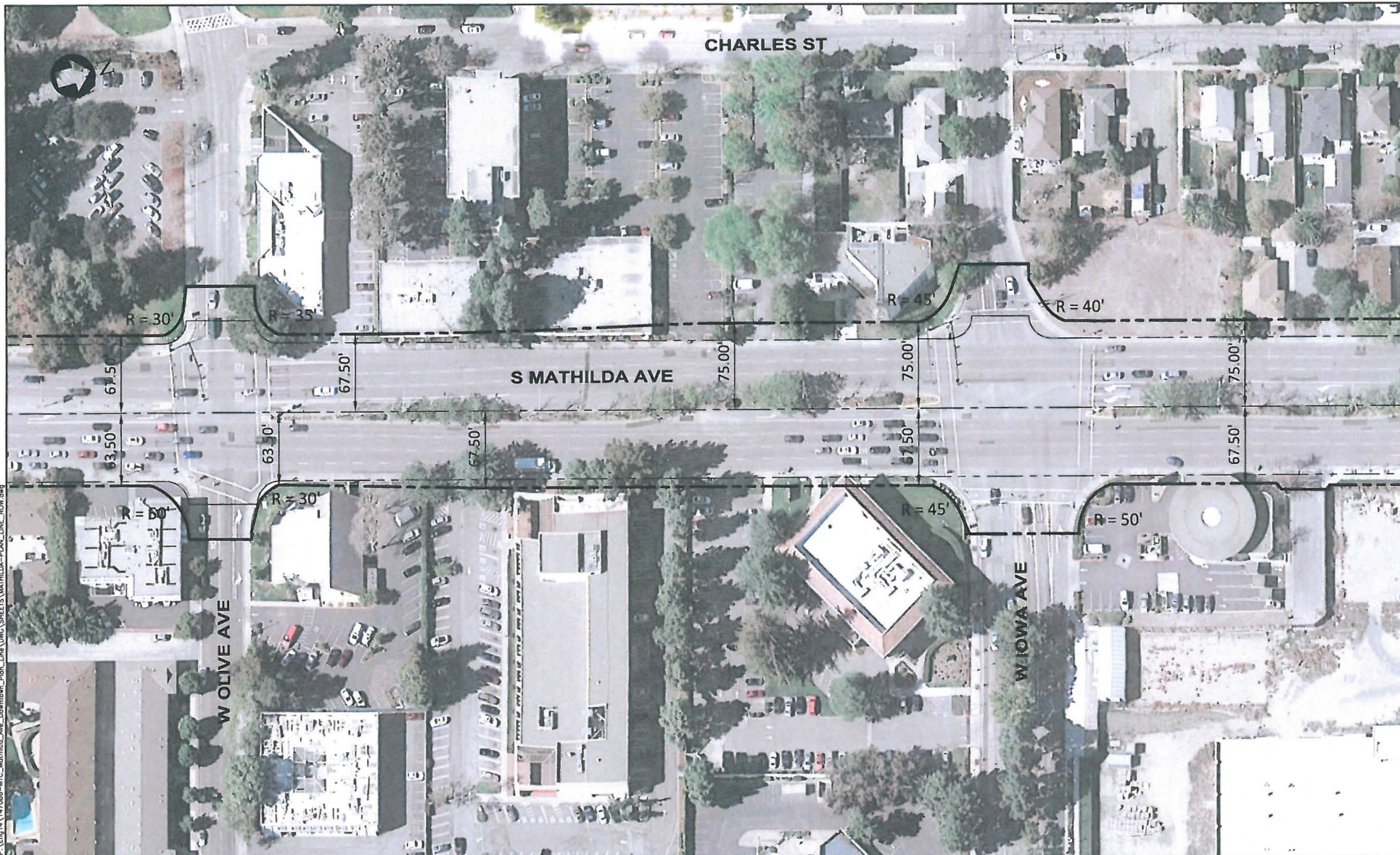


MATHILDA AVENUE PLAN LINE EL CAMINO REAL TO WASHINGTON AVENUE



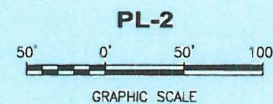
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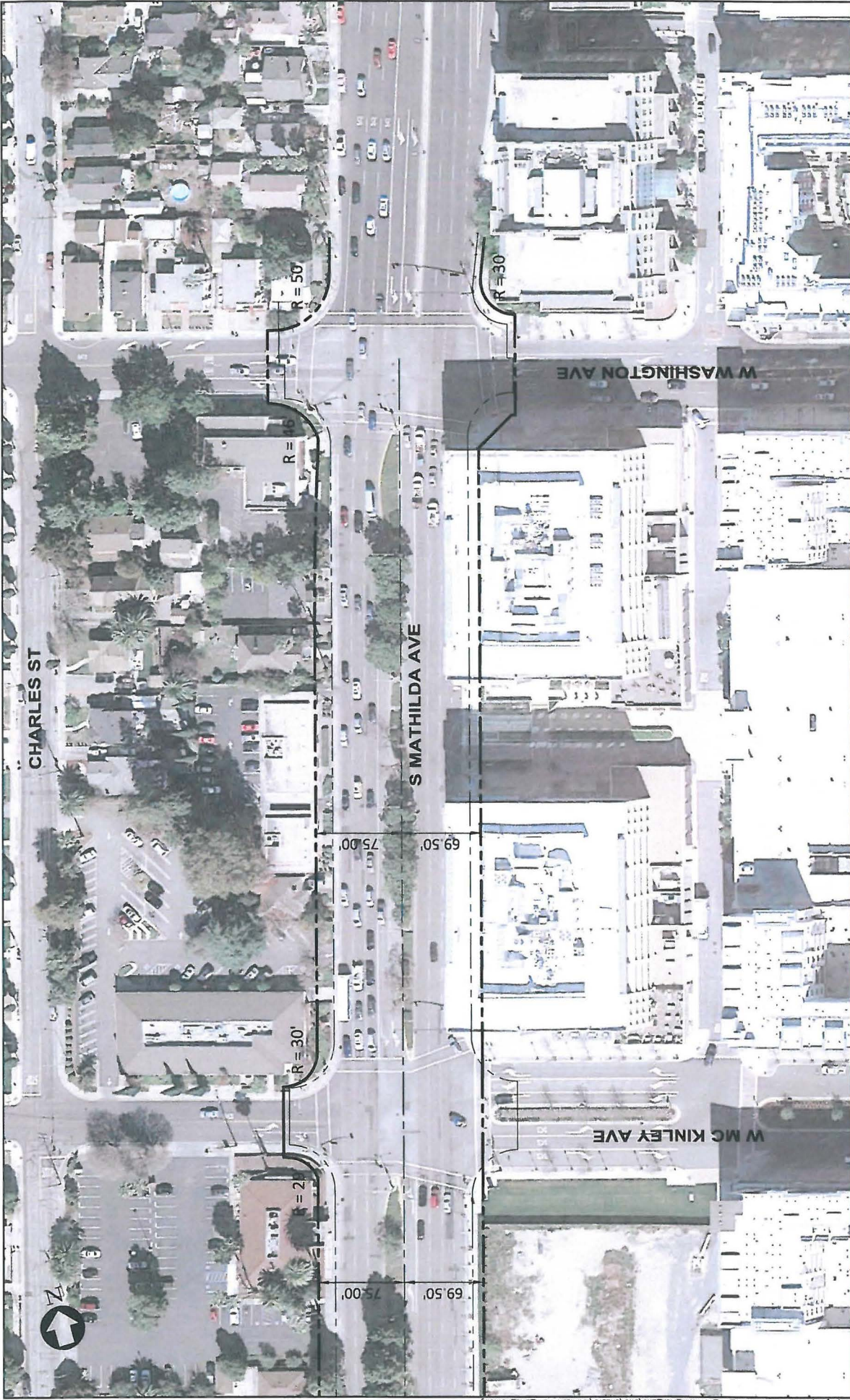


MATHILDA AVENUE PLAN LINE

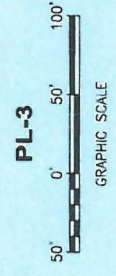
EL CAMINO REAL TO WASHINGTON AVENUE



07/28/2015



07/28/2015



MATHILDA AVENUE PLAN LINE

EL CAMINO REAL TO WASHINGTON AVENUE



ORDINANCE NO. ____-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE LIST OF OFFICIAL PLAN LINE MAPS IN SECTION 19.06.050 (MAPS-ADOPTED-DESIGNATION) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO AMEND A PORTION OF THE MATHILDA AVENUE PLAN LINE

WHEREAS, the City of Sunnyvale adopted the Official Plan Lines for Mathilda Avenue per Ordinance No. 856, on September 27, 1960; and

WHEREAS, the City has prepared an update for the Official Plan Lines for the portion of Mathilda Avenue between El Camino Real and Washington Avenue to implement the streetscape design standards envisioned by the Downtown Specific Plan (DSP); and

WHEREAS, the Official Plan Lines for the portion of Mathilda Avenue between Washington Avenue and the Northerly City Limits shall remain the same; and

WHEREAS, as part of the process of updating the DSP right-of-way requirements an Addendum to the 2003 Program Environmental Impact Report for the DSP was approved pursuant to Public Resources Code section 15070 and CEQA Guideline 15164, which evaluated the environmental impacts of the proposed changes; and

WHEREAS, Sunnyvale Municipal Code Chapter 19.06 sets forth the requirements for adoption of Official Plan Lines, and provides that the Planning Commission shall review proposed Plan Lines and recommend by resolution that they be adopted; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 10, 2015, and considered the reports and the proposed Mathilda Avenue Official Plan Lines, and the written and oral comments presented at the public hearing, and by Planning Commission Resolution No. 1-15 recommended adoption of the new Mathilda Avenue Plan Lines that run from El Camino Real to Washington Avenue; and

WHEREAS, the City Council held a duly noticed public hearing on _____, 2015, and considered the reports and the proposed Mathilda Avenue Official Plan Lines, and the written and oral comments presented at the public hearing, and the adopted Planning Commission Resolution No. 1-15 that recommends adoption of the Mathilda Avenue Official Plan Lines that run from El Camino Real to Washington Avenue; and

WHEREAS, the City Council hereby approves and adopts the revised Official Plan Lines for the subject portion of Mathilda Avenue and now desires to amend the Sunnyvale Municipal Code to reflect the revised plan lines.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.06.050 AMENDED. Section 19.06.050 of Chapter 19.06 (General Plan) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended and inserted alphabetically the following map:

Section 19.06.050. Maps-Adopted-Designation.

Official plan lines shall be clearly delineated on maps which, together with all data and information indicated thereon, shall upon adoption by the planning commission and the city council, be made a part of this chapter. The maps are:

[list of maps remains unchanged except as modified below:]

Mathilda Avenue: The Official Plan Lines for Mathilda Avenue are divided into two segments:

(a) Mathilda Avenue: “Official Plan Lines for that portion of Mathilda Avenue between El Camino Real and Washington Avenue” superseding the former Official Plan Line for that portion adopted by Ordinance 856 in 1960; and

(b) Mathilda Avenue: Official Plan Lines for that portion of Mathilda Avenue between Washington Avenue and the Most Northerly City Limits, as established in “Official Plan Lines for that portion of State Route No. 114 Within the City Limits of Sunnyvale (known as Mathilda Avenue), El Camino Real (U.S. 101) to the Most Northerly City Limits.”

SECTION 2. CEQA. The City Council finds that the proposed Mathilda Avenue Official Plan Lines are consistent with the project analyzed in the Addendum to the Program EIR related to DSP streetscape design and no further review is required.

SECTION 3. RECORDING. Upon City Council adoption of this ordinance, the City Clerk shall record the map for Mathilda Avenue Official Plan Lines for that portion of Mathilda Avenue between El Camino Real and Washington Avenue map with the Santa Clara County Recorder’s Office.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 _____, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney

2. [15-0246](#) Approval of the Mathilda Avenue Plan Line

Alternative 1: Recommend that Council Approve the Mathilda Plan Line, direct staff to update Municipal Code Section 19.06.050 to reflect this plan line and file the plan line map with the County Recorder's Office.

Jennifer Ng, Assistant City Engineer, presented the Mathilda Avenue Plan Line. The grant funded plan aims to identify both the limits of the right of way needed to build the roadway and how bike lanes can fit in the roadway. The goals of the plan include providing safety, comfort, and convenience for all types of users and modes of transport as well as increasing livability and quality of life. Marcelo Cosentino, Technical Consultant, provided technical details.

Commissioners expressed concern regarding lane widths for both vehicles and bicycles. Assistant City Engineer Ng informed Commissioners that the typical sections presented are conceptual alignments and that Council will be approving the east and west right of way limits of Mathilda.

Dave Simons, representative for the Valley Transportation Authority (VTA) BPAC, expressed concern regarding the planter widths in relation to the speed limit and stated that the plan should meet the VTA's Pedestrian Technical Guidelines. Mr. Simons also recommended that planter boxes have large trees and engineered fill to ensure that the trees have a long life and that their roots do not uplift the sidewalk.

Vice Chair Jackson expressed concern that the existing policy section of the plan does not include the Street Space Allocation policies. Mr. Jackson recommended looking at Land Use Transportation Element (LUTE) policies LT-5.9 through 5.21 and picking out appropriate policies to be included in the plan. Jackson also voiced his disagreement with the wording of the plan as it states it completes the bicycle network on Mathilda.

Commissioner Cordes suggested extending the northern limit of the plan from Washington Ave to Evelyn Ave for connectivity to the train station.

Vice Chair Jackson moved and Commissioner Okuzumi seconded the motion to accept the staff recommendation with the additional points of clarification that were raised. The motion carried by the following vote:

Yes 7 - Chair Jones
Vice Chair Jackson
Commissioner Cordes
Commissioner Kolber
Commissioner Okuzumi
Commissioner Rausch
Commissioner Welch

No 0

3. [15-0714](#) Election of Officers
4. [15-0715](#) Proposed Study Issues Vote

NON-AGENDA ITEMS & COMMENTS

Commissioner Comments

Staff Comments

INFORMATION ONLY REPORTS/ITEMS

[15-0716](#) Active Items List

ADJOURNMENT

- 2 [15-0719](#) Adopt a Resolution Recommending Approval of the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; Refer to City Council for Approval and Introduction of Ordinance to Adopt Plan Lines

Jennifer Ng, Assistant City Engineer in the Department of Public Works, and Marcelo Cosentino with BKF Engineers, presented the staff report.

Vice Chair Harrison and Ms. Ng discussed Comm. Simons' comments during the Bicycle and Pedestrian Advisory Commission (BPAC) meeting, and confirmed that the current plan line meets the City's approved standard details. Vice Chair Harrison confirmed with Ms. Ng that implementation of bike lanes and movement of the curbs and sidewalks would not occur until an aggregate of property owners decide to redevelop or until a significant portion, such as a blocks worth of properties, have completed the dedication.

Comm. Olevson confirmed with Ms. Ng that decisions regarding using color to indicate bike lanes would occur at implementation time, and Ms. Ng added that the City's bicycle plan will be revisited in 2016.

Comm. Klein and Trudi Ryan, Planning Officer, discussed an overview of plan lines in the City and why it is now appropriate to implement the plan line on Mathilda Avenue. Comm. Klein confirmed with Ms. Ryan that the process to prioritize plan lines and determine the locations for street widening occurs when properties are redeveloped. Comm. Klein also confirmed with Ms. Ng that parking will be removed on northbound Mathilda Avenue between Olive Avenue and El Camino Real. Comm. Klein discussed with Ms. Ryan who would cover the costs of project completion in the future, and confirmed with Ms. Ng that levels of service for turn signals at individual intersections were not analyzed as part of the official plan project, but that they will be looked at as properties redevelop.

Comm. Rheame confirmed with Ms. Ng that adoption of a plan line for roadway wide enough to support bike lanes could allow the City to apply for grant funding. Comm. Rheame commented on bike lanes that start and stop along roads and discussed with Ms. Ng how the City determines when enough dedications have been done on a certain plan line. Comm. Rheame verified with Ms. Ryan that approval of elements of the right-of-way configuration would not be given by the Planning Commission, and discussed with Ms. Ng that the plan line does not go all the way to train station as the intent of grant was to look at the segment connecting downtown to El Camino Real. In response to Comm. Rheame's inquiry, Ms. Ryan explained that redevelopment of a site includes the demolition of existing buildings and that before construction of a new building the City would then ask for a

right-of-way dedication.

Chair Melton confirmed with Ms. Ryan adoption of official plan lines does decrease the size of a parcel until dedication occurs.

Chair Melton opened the public hearing, and upon seeing no speakers for this item, closed the public hearing.

Comm. Klein moved to recommend to City Council Alternative 1: Find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP; Adopt a Resolution Recommending Approval of the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; and Recommend that City Council Approve the Resolution and Introduce an Ordinance to Amend SMC Section 19.06.050 to incorporate the revised Official Plan Lines, and direct that the Plan Line map be filed with the County Recorder's Office.

Comm. Olevson seconded.

Comm. Klein said this is an easy and unique item to review, and that the more we can do for bike lanes along major arterial roads in the City, that even experienced bicyclists have trouble riding on, is a positive thing. He said as the downtown area is redeveloped and the City looks at sidewalk widths, which should have been done in 2003, and we determine what we want the vision of downtown and this gateway through Sunnyvale to be, the plan lines will put in place a much better path for pedestrians and bicyclists. He said this is step one toward that vision, that hopefully we will have the funding to look at the other 57 plan lines and that he is hoping staff can provide that info to City Council.

Comm. Olevson said he will be supporting the motion, that this is the first of many steps to improve the safety for bicyclists as he sees more sharing the roads with cars. He said as he drives down the road at the speed limit and passes by 5,000 pound trucks going much faster than that, he is hoping that giving more leeway to pedestrians and bicyclists will encourage the City to find a way to slow down the rest of the cars. He added that he cannot see speed bumps on Mathilda Avenue but would support them at this point.

Chair Melton said staff has done a great job, and he hopes everything goes well with their presentation to City Council.

MOTION: Comm. Klein moved to recommend to City Council Alternative 1: Find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP; Adopt a Resolution Recommending Approval of the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; and Recommend that City Council Approve the Resolution and Introduce an Ordinance to Amend SMC Section 19.06.050 to incorporate the revised Official Plan Lines, and direct that the Plan Line map be filed with the County Recorder's Office.

Comm. Olevson seconded. The motion carried by the following vote:

Yes: 5 - Chair Melton
Commissioner Olevson
Vice Chair Harrison
Commissioner Klein
Commissioner Rheaume

No: 0

Absent: 1 - Commissioner Simons



City of Sunnyvale

Agenda Item

15-0564

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance Amending Chapter 9.41 (Massage Establishments and Massage Therapists) and Title 19 (Zoning) of the Sunnyvale Municipal Code; Adopt a Resolution Amending Related Fees, Rates and Charges; and Find CEQA Exemption per Guideline 15061(b)(3)

BACKGROUND

The City of Sunnyvale has a long history of regulating massage establishments and massage therapists under Sunnyvale Municipal Code (SMC) Chapter 9.41. SMC Chapter 9.41 was last amended in FY 2010/11 (RTC 10-021, Ordinance No. 2913-10) to comply with Senate Bill 731, the Massage Therapy Act (SB 731), which established uniform State and local regulation of massage businesses and massage professionals and imposed limitations on the power of cities and counties to regulate massage professionals. A private, non-profit organization, now known as the California Massage Therapy Council (CAMTC), was established to certify massage professionals on a Statewide level, conduct background checks, and investigate schools offering massage degrees.

The regulatory plan envisioned by SB 731 was not entirely successful; in response, the Legislature passed Assembly Bill 1147, Massage Therapy (AB 1147), effective January 1, 2015, to restore local governmental authority to regulate massage establishments and business through ordinances that govern zoning, business licensing, and reasonable health and safety requirements. In summary, AB 1147 (Attachment 3) institutes the following key changes:

1. It reconstitutes the CAMTC's board, adding public members as well as a position for a police chief.
2. It raises professional standards for massage professionals, and clarifies that CAMTC certified massage professionals can practice in any jurisdiction without being required to meet additional background check requirements or obtain any further training and education.
3. It provides protection for consumers to help ensure their privacy, safety, and protection, including revocation of CAMTC certificates for registered sex offenders.
4. It authorizes local governments to adopt and enforce local ordinances that govern zoning, business licensing, and reasonable health and safety requirements.

Currently, there are 32 active massage establishment permits in the City of Sunnyvale; of these, 25 establishments are operated by CAMTC-certified owners. There are no current active City-issued licenses to individuals practicing massage therapy.

EXISTING POLICY

General Plan

Chapter 6: Safety and Noise (SN), 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

and prevention and education services.

Chapter 3: Land Use and Transportation (LT):

Goal LT-4 Quality Neighborhoods and Districts - Preserve and enhance the quality character of Sunnyvale's industrial, commercial and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

Policy LT-4.1 Protect the integrity of the City's Neighborhoods; whether residential, industrial or commercial.

ENVIRONMENTAL REVIEW

Amending the massage ordinance and revising zoning definitions for consistency does not require environmental review because it can be seen with certainty that there is no possibility that these actions will have a significant effect on the environment. (CEQA Guidelines Section 15061(b)(3).)

DISCUSSION

The ordinance (Attachment 1) is being proposed to comply with AB 1147, and consists of amendments to SMC Chapter 9.41 of Title 9 (Public Peace, Safety or Welfare), and to Title 19 (Zoning).

Chapter 9.41. Massage Establishments and Massage Therapists

The proposed ordinance re-titles this chapter "Massage Establishments and Professionals," and makes amendments to clarify standards and definitions, and rearranges, deletes and adds provisions. The most significant changes are highlighted below.

1. CAMTC Certification. The current code offers provisions for a non-CAMTC certified person to apply for and obtain a massage therapist license from the City. The revised code eliminates this provision and requires that all massage professionals doing business in the city be CAMTC certified.
 - a. Massage establishment operators or owners will be responsible for ensuring that all employees and contractors providing massage are CAMTC certified, and will be provided six months after the City's ordinance revisions are approved to come into compliance.
 - b. CAMTC certified massage professionals will have met the requisite standards of preparation and education (500 hours of massage education and training from a CAMTC approved school) to merit their designation and will have undergone an extensive background check and fingerprinting.
 - c. CAMTC certified massage professionals are required to post their original certification credentials and wear state-issued identification badges at all times while practicing massage.
 - d. The CAMTC can investigate complaints made against a certified massage professional and take action when appropriate.
2. Massage Establishment Permit. Under the revised code, all owners of a massage establishment will be required to file a permit application accompanied by the established application and/or renewal fee. If the establishment owner is not CAMTC certified, the individual will be required to undergo a background check by the Department of Public Safety (DPS).
3. Exceptions. The current code provides exceptions to permit requirements for massage professionals working for a doctor, chiropractor, acupuncturist, or other licensed healing

professionals. While doctors, chiropractors, and other licensed healing professionals themselves will continue to be exempt from having a massage establishment permit under the revised code, all massage professionals employed by the doctor, chiropractor, etc. are required to be CAMTC certified.

4. Limited Exception to CAMTC Certification. A limited exception was developed in response to input received during the public outreach process. The exception will allow those individuals who have worked for multiple years for a doctor, chiropractor, acupuncturist, or other licensed healing professional to apply for a limited duration exception from the CAMTC certification requirement upon meeting specific criteria. These criteria include, but are not limited to: evidence of five years of ongoing employment as a massage therapist by a professional listed in SMC section 9.41.050 (a)(1); proof of training or certification prior to establishment of current CAMTC requirements; and evidence that the therapist had attempted to obtain certification from CAMTC but failed to meet the current prerequisites related to education and training. This exception would sunset January 2017.
5. Posting requirements. A provision will be added requiring massage establishments to comply with CA Civil Code Section § 52.6 related to the posting of information for victims of human trafficking.
6. Violations. The current code provides that any individual found to be in violation of any provision in the chapter is subject to enforcement remedies. The revised code will additionally hold all owners and operators of the massage establishment jointly and severally responsible for the conduct of all massage establishment employees, agents, independent contractors, or other representatives while such persons are on the premises of the massage establishment and/or providing outcall massage services on behalf of the massage establishment.

Title 19. Zoning

The proposed changes to the Zoning Code are to clarify and amend sections relating to massage. The Planning Commission reviewed the proposed amendments to Title 19 on September 14, 2015.

1. Adult Businesses. A local jurisdiction may no longer define a massage establishment as an adult entertainment business, or otherwise regulate a massage establishment as adult entertainment. Chapter 19.60 (Adult Businesses and Massage Establishments) and Section 19.60.010 have been revised to eliminate the reference to massage establishments.
2. Home Occupations. Home occupations are allowed by Section 19.42.010 as long as the use complies with certain requirements. Consistent with how the City treats other home occupations, CAMTC certified massage professionals who wish to provide massage in their homes may do so if they obtain a massage establishment permit and if they comply with Section 19.42.010. Among other requirements, the home business may not employ any persons to work on the premises and cannot generate more than three vehicle trips per day, including vehicles used by customers, vendors or delivery services. In addition to the above conditions, applicants who wish to obtain a massage establishment permit for any massage business including a home occupation must provide proof that this activity is permitted by their landlord and/or Homeowners Association (HOA), if applicable. Although concerns have been raised that some home massage businesses may engage in illegal activities, staff believes that allowing and encouraging home-based massage professionals to obtain a massage establishment permit will facilitate oversight and enforcement.

3. Additional definitions have been added to Chapter 19.12 (Definitions), Section 19.12.140 M to clarify that granting a permit for a massage establishment as a home occupation will not permit a store-front massage establishment office or clinic in a residential zone. The revision is also reflected in Table 19.18.030.

FISCAL IMPACT

New associated massage establishment permit fees represent full cost recovery; therefore the fiscal impact would be negligible. A proposed resolution amending the City's FY 2015/2016 Fee Schedule is attached (Attachment 2) and summarized as follows:

1. Massage Establishment Licenses: The proposed changes to SMC Chapter 9.41 will require the addition of a new fee for permits issued to Massage Establishments where the owner is CAMTC Certified (Section 7.06D). Staff conducted an analysis of the current cost basis for a Massage Establishment permit (Section 7.06B) and determined that a revision of that fee is also necessary.

The proposed fee includes administrative time for processing an application, finger-printing, and background check for one owner and officer time required to perform an initial inspection of the premises plus two follow up inspections. The cost for an owner who is not CAMTC-Certified is \$1,060; if the owner is CAMTC Certified, the cost would be \$999, the difference being the cost of finger-printing and background check. The cost for each additional owner is unchanged: the current published fee is \$110.

2. Amendment Fee: The proposed amendment to SMC Chapter 9.41 includes a provision for notification and processing of amendments to Massage Establishment Permits that will require some staff time. A new fee is proposed that will offset the cost of this activity: Sections 7.06B and 7.06D of the proposed fee revision include the new Amendment Fee of \$30.
3. Non-CAMTC Certified Therapist Exemption Application: The proposed amendment to SMC Chapter 9.41 includes a provision for a massage therapist who is currently not CAMTC certified to apply for an exemption from the new certification requirements, provided certain conditions are met. A new fee is proposed to offset the cost of fingerprinting, background check, and processing an application for exemption. Section 7.06C of the proposed fee revision contains the new fee, which is \$94 per applicant.

PUBLIC CONTACT

Public contact was made through posting of the City Council agenda on the City's official-notice bulletin board, a posting of the Planning Commission agenda on the City's official-notice bulletin board, on the City's website, a notice in the newspaper, and the availability of the agenda and report in the City of Sunnyvale's Public Library. Additionally, over 200 potentially affected businesses were invited to attend informational meetings on May 26 and 27. A total of twenty seven members of the community attended these meetings. The Planning Commission reviewed proposed amendments to the Zoning Code on September 14, 2015.

ALTERNATIVES

1. Introduce an Ordinance Repealing and Reenacting Sunnyvale Municipal Code SMC Chapter 9.41 (Massage Establishments and Massage Therapists) of Title 9 (Public Peace Safety and Welfare) and amending Title 19 (Zoning), Sections 19.12.140 (Definitions-"M"), 19.18.030 (Table-

Permitted, Conditionally Permitted Uses in Residential Districts), and 19.60.010 (Adult Businesses) of the Sunnyvale Municipal Code.

2. Adopt a Resolution Amending Resolution 704-15, the City's Fees, Rates and Charges Resolution, pertaining to Adult Entertainment and Massage Establishments Licensing and Permitting Fees to reflect the changes in SMC Chapter 9.41.
3. Find that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).
4. Do not introduce the Ordinance or related changes.
5. Other actions as determined by Council.

RECOMMENDATION

Alternatives 1, 2 and 3: 1) Introduce an Ordinance Repealing and Reenacting Sunnyvale Municipal Code Chapter 9.41 (Massage Establishments and Massage Therapists) of Title 9 (Public Peace Safety and Welfare) and amending Title 19 (Zoning), Sections 19.12.140 (Definitions-"M"), 19.18.030 (Table-Permitted, Conditionally Permitted Uses in Residential Districts), and 19.60.010 (Adult Businesses) of the Sunnyvale Municipal Code; 2) Adopt a Resolution Amending Resolution No. 704-15, the City's Fees, Rates and Charges Resolution, Pertaining to Adult Entertainment and Massage Establishments Licensing and Permitting Fees; and 3) Find that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Staff recommends this change in order that the Sunnyvale Municipal Code be in full compliance with existing California law. Regulation of massage establishments and massage therapists provides a benefit to the community, while achieving City General Plan goals of ensuring a safe and secure environment for people and property and preserving the quality character of Sunnyvale's neighborhoods.

The Planning Commission reviewed the Title 19 (Zoning) changes on September 14, 2015 and unanimously recommended that Council adopt them.

Prepared by: Elaine Ketell, Management Analyst
Reviewed by: Chief Frank J. Grgurina, Director, Public Safety
Reviewed by: Hanson Hom, Director, Community Development
Reviewed by: Joan Borger, City Attorney
Reviewed by: Kent Steffens, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Draft Ordinance Amending Chapter 9.41 and Title 19 (Zoning)
2. Resolution Amending the Massage Establishment Permitting fees
3. Assembly Bill 1147 (AB 1147)

ORDINANCE NO. ____-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE REPEALING AND RENACTING CHAPTER 9.41 (MESSAGE ESTABLISHMENTS AND MESSAGE THERAPISTS) OF TITLE 9 (PUBLIC PEACE, SAFETY OR WELFARE) AND AMENDING SECTIONS 19.12.140 (DEFINITIONS-"M"), 19.18.030 (TABLE-PERMITTED, CONDITIONALLY PERMITTED AND PROHIBITED USES IN RESIDENTIAL ZONING DISTRICTS), AND 19.60.010 (ADULT BUSINESSES) OF THE SUNNYVALE MUNICIPAL CODE

WHEREAS, the City of Sunnyvale desires to amend provisions of the Sunnyvale Municipal Code relating to massage establishments and professionals.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 9.41 REPEALED AND REENACTED. Chapter 9.41 (Massage Establishments and Massage Therapists) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 9.41
MESSAGE ESTABLISHMENTS AND PROFESSIONALS

- 9.41.010. Purpose and intent.
- 9.41.020. Definitions.
- 9.41.030. Business license required.
- 9.41.040. Other permits and authorizations required.
- 9.41.050. Exemptions.
- 9.41.060. CAMTC certification required.
- 9.41.070. Limited exception from CAMTC certification requirement.
- 9.41.080. Massage establishment permit required; prohibited conduct.
- 9.41.090. Permit application.
- 9.41.100. Permit issuance.
- 9.41.110. Permit denial.
- 9.41.120. Notice of denial-appeal.
- 9.41.130. Amendments to permit.
- 9.41.140. Requirements for all massage establishment facilities and operations.
- 9.41.150. Massage establishment inspections.
- 9.41.160. Violations; moratorium.
- 9.41.170. Revocation or suspension.
- 9.41.180. Hearing for revocation or suspension.

9.41.190. Hearing rules.

9.41.200. Violations a public nuisance; penalties, nuisance abatement, and other remedies.

9.41.010. Purpose and intent.

It is the purpose and intent of this chapter to provide for the orderly regulation of offices and establishments providing massage therapy services, and to prevent and discourage the misuse of massage therapy as a front for human trafficking, prostitution, and related activities in violation of state law, all in the interests of the public health, safety, and welfare, by providing certain minimum building, sanitation, and operation standards for such businesses, and by requiring certain minimum qualifications for the operators and practitioners of such businesses. It is the further intent of this chapter to streamline local massage therapy permitting procedures, while still facilitating and advancing the ethical practice of massage therapy, by relying upon the uniform statewide regulations enacted by the Legislature in 2008 as Business and Professions Code sections 4600 et seq., known as the Massage Therapy Act, as subsequently amended, and by restricting the commercial practice of massage in the city to those persons duly certified to practice by the California Massage Therapy Council formed pursuant to those statutes.

9.41.020. Definitions.

For the purpose of this chapter, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this section shall have the meanings that are given them in this section:

(a) "Authorized massage professional" means a massage professional who is identified in a permit issued pursuant to this chapter as a person employed or retained by a massage establishment to practice massage.

(b) "California Massage Therapy Council" or CAMTC means the massage therapy organization formed pursuant to Business and Professions Code section 4600 et seq.

(c) "CAMTC-certified massage professional" means any individual currently certified by the California Massage Therapy Council as a massage therapist or massage practitioner pursuant to Business and Professions Code section 4600 et seq.

(d) "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

(e) "Director" means the director of public safety or his or her designee charged with the administration of this chapter.

(f) "Inspector" means the person or persons designated by the city to conduct any inspections required or permitted under this chapter.

(g) "Massage," "massage therapy," and/or "bodywork" for purposes of this chapter mean the skillful application of touch, including but not limited to, pressure, stroking, kneading, compression on or movement of the external

surfaces of the body by a practitioner to produce increased awareness, relaxation, pain relief, injury rehabilitation, or neuromuscular reeducation.

(h) "Massage establishment" means any business that offers massage therapy, baths or health treatments including, but not limited to, aromatherapy, vapor, shower, electric tub, sponge, hot towels, mineral fermentation, sauna, steam or any other type of bath, involving massages or baths in exchange for compensation. Home-based massage businesses and businesses that provide outcall massage services are also considered to be massage establishments. For purposes of this chapter, the term "massage establishment" may be applied to include establishments which offer or advertise themselves as providing "relaxation" or "tanning" where the essential nature of the interaction between the employee and the customer involves "massage" as defined herein. The terms, names or phrases listed on business license or fictitious name application forms are not necessarily conclusive as to the nature of the business.

(i) "Owner" or "massage establishment owner" means any of the following persons:

(1) The sole proprietor of a sole proprietorship operating a massage establishment.

(2) Any general partner of a general or limited partnership that owns a massage establishment.

(3) Any person who has a ten (10) percent or greater ownership interest in a corporation that owns a massage establishment.

(4) Any person who is a member of a limited liability company that owns a massage establishment.

(5) All owners of any other type of business association that owns a massage establishment.

(j) "Operator" or "massage establishment operator" means any person who is an owner or manager of a massage establishment.

(k) "Outcall massage service" means the engaging in or carrying on of massage therapy for compensation at locations other than a massage establishment at a fixed location.

(l) "Patron" means an individual on the premises of a massage establishment for the purpose of receiving massage therapy.

(m) "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.

(n) "Reception and waiting area" means an area immediately inside the main entry door of the massage establishment dedicated to the reception and waiting of patrons or visitors of the massage establishment and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

(o) "Sole proprietorship" means a massage establishment where the owner owns 100 percent of the business, is the only person who provides massage services for compensation, and has no other employees or independent contractors.

(p) "Visitor" means any individual not retained or employed by the massage establishment and not receiving or waiting to receive massage therapy services, but excluding law enforcement personnel or governmental officials performing governmental business.

9.41.030. Business license required.

The requirements of this chapter are in addition to any business license and business license tax requirements imposed pursuant to chapter 5.04 of this code.

9.41.040. Other permits and authorizations required.

The requirements of this chapter are in addition to any permits or authorizations that may be required under other applicable laws including but not limited to the city's building, fire, zoning, and health regulations.

9.41.050. Exemptions.

This chapter shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

(a) Physicians, surgeons, chiropractors, osteopaths, podiatrists, physical therapists, nurses, acupuncturists or any other person licensed to practice any healing art under the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code when engaging in such practice within the scope of his or her license.

(b) Trainers of any amateur, semi-professional, or professional athlete or athletic team, so long as such persons do not practice massage therapy as their primary occupation at any location where they provide such services in the city.

(c) Barbers, estheticians, and cosmetologists who are duly licensed under the laws of the State of California, while engaging in practices within the scope of their licenses.

(d) Individuals administering massages or health treatments involving massage to persons participating in single-occurrence athletic, recreational, or educational events such as road races, track meets, triathlons, educational events, or conferences, provided that the event is open to the public or to a significant segment of the public such as employees of sponsoring or participating corporations, and the massage services are provided at the site of the event during, immediately preceding, or immediately following the event.

(e) Somatic practitioners who use no physical touch of any kind at any time in their practice.

(f) Enrolled students of a school of massage when they are performing massage within the city as part of a formal supervised internship or training program operated by the school, without compensation other than school credit, on the premises of a massage establishment duly authorized to operate pursuant to the terms of this chapter; and provided that the operator of the massage establishment has first notified the director in writing of the name, residence address, and school of the students and the dates of the trainings.

9.41.060. CAMTC certification required.

On or after April 30, 2016, it shall be unlawful for any individual to practice massage therapy for compensation within the city unless that individual is a CAMTC-certified massage professional.

9.41.070. Limited exception from CAMTC certification requirement.

(a) The city recognizes that some massage therapists and massage practitioners currently practicing in Sunnyvale may not meet the current requirements set forth by the CAMTC due to changes in educational or other requirements, particularly changes in requirements concerning hours of schooling, although the person has been in practice for a significant period. The city will therefore allow individuals who were working in Sunnyvale prior to the passage of this Chapter and meet the requirements of this section to practice massage under this exception without certification from the CAMTC.

(b) Individuals who do not submit an initial application on or before April 30, 2016, for the exception described in this section shall be ineligible to qualify for the exception.

(c) An individual seeking this exception must demonstrate the following to the satisfaction of the city's public safety department:

(1) Evidence that he or she worked as a massage therapist or massage practitioner in the city for a professional listed in section 9.41.050(a)(1) of this ordinance on an ongoing basis for at least five (5) years prior to October 30, 2015, and is currently employed with that professional; and

(2) Evidence that he or she has certification or proof of training in the field of massage from a school or another entity comparable to the CAMTC and has been working as a massage therapist or massage practitioner for a period of at least five (5) years; and

(3) Evidence that he or she attempted to obtain certification from the CAMTC but was denied and the reasons for the denial to show that despite existing training and experience, he or she was not able to qualify for certification from CAMTC; and

(4) Compliance with other terms of this chapter for massage establishment owners that are not certified by the CAMTC, including but not limited to the background check described in section 9.41.090(k) of this ordinance.

(d) An individual granted an exception from the CAMTC certification requirement is required to display, in the same manner this chapter requires the display of CAMTC certification, a statement from the city showing that the person met the requirements of this exception.

(e) This exception must be renewed annually. Failure to submit an application for renewal on or before the annual renewal date shall make the individual ineligible for a continued exception.

(f) Approved exceptions shall apply only to a massage practitioner's ongoing practice with the professional(s) stated in section 9.41.070(c)(1). Approved exceptions shall become invalid and CAMTC certification shall be required pursuant to section 9.41.060 when an individual changes employment

and/or accepts employment with new, additional professionals or massage establishments within the city.

(g) The city may establish a non-refundable fee to recover costs associated with initial applications and annual renewals.

(h) This section shall remain in effect only until January 1, 2017. All massage practitioners must comply with section 9.41.060 beginning January 1, 2017.

9.41.080. Massage establishment permit required; prohibited conduct.

(a) It is unlawful for any person to operate a massage establishment within the city without first obtaining a massage establishment permit from the Department of Public Safety.

(b) On or after April 30, 2016, it shall be unlawful for a massage establishment operator to employ or retain any person to practice massage therapy for compensation, or to allow any person to perform massage therapy for compensation on the premises of a massage establishment, unless that person is a CAMTC-certified massage professional and unless that person is identified as an authorized massage professional on the permit issued pursuant to this chapter. For purposes of this chapter, a massage establishment operator "employs or retains" a person to practice massage therapy for compensation when:

(1) That person is a directly paid employee of the massage establishment; or

(2) That person's association with a massage establishment is that of an independent contractor who receives compensation for massage therapy provided to patrons of the massage establishment; or

(3) That person receives a referral of patrons from the massage establishment and, at any time before or after the referral, arranges in any way for compensation to flow to the massage establishment operator.

(c) It is unlawful for a massage establishment to operate under any name or conduct business under any designation not specified in the massage establishment permit issued pursuant to this chapter.

(d) It is unlawful for a massage establishment to continue to operate following the sale or transfer of any interest in the massage establishment to a person who was not identified as an owner in the massage establishment permit application.

9.41.090. Permit application.

The owners of the massage establishment shall file an application for a permit on a form provided by the director. The application shall be accompanied by the fee established by the city's fee schedule. The application shall include the following information:

(a) The name, address, and telephone number of the massage establishment.

(b) The name, residence address and telephone number, and business address and telephone number of each owner of the massage establishment.

(c) The form of business under which the applicant will be conducting the massage establishment, i.e., corporation, general or limited partnership, limited liability company, or other form. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each shareholder holding more than ten percent (10%) of the stock of the corporation. If the applicant is a general or limited partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one (1) or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply. If the applicant is a limited liability company, the application shall set forth the name and residence address of each of the members. If one (1) or more of the members is a partnership, limited liability company, or corporation, the provisions of this section pertaining to a partnership, limited liability company, or corporate applicant shall apply, as applicable.

(d) The name, address, and telephone number of the owner of the real property upon, in, or from which the certified massage establishment is to be operated. In the event the applicant is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the applicant and the property owner authorizing use of the premises for a massage establishment, or, alternatively, if there is no written lease, then a written, notarized acknowledgment from the property owner that the property owner has been advised that a massage establishment will be operated by the applicant upon, in, or from the property owner's property.

(e) If the massage establishment will be located on a property in a residential or commercial condominium or other common interest development, the applicant shall submit a notarized statement from the homeowner's association or condominium owner's association acknowledging that the association has been advised that a massage establishment will be operated by the applicant and that such use of the property is allowed by the property's covenants, codes, and restrictions.

(f) A description of the proposed massage establishment, including the type of treatments to be administered.

(g) The name of each individual who the massage establishment employs or retains to perform massage therapy for compensation, whether on or off the massage establishment premises.

(h) The name of each individual who is regularly employed or retained by the massage establishment to perform services on the premises other than massage therapy, and the nature of their services.

(i) For each individual who the massage establishment does or will employ or retain to perform massage therapy for compensation, whether on or off the massage establishment premises, a copy of that individual's current certification from the CAMTC as a certified massage practitioner or certified massage therapist, and a copy of his or her current CAMTC-issued identification card.

(j) For each owner of the massage establishment who is a CAMTC-certified massage professional, a copy of his or her current certification from the CAMTC as a certified massage practitioner or as a certified massage therapist and a copy of his or her current CAMTC-issued identification card.

(k) For each owner of the massage establishment who is not a CAMTC-certified massage professional, the following information:

(1) Whether any owner of the massage establishment has within the five (5) years immediately preceding the date of application been convicted of any felony in any state.

(2) Whether any owner of the massage establishment is currently required to register under the provisions of Section 290 of the California Penal Code.

(3) The business, occupation, and employment history of each owner of the massage establishment for five (5) years preceding the date of application, and the inclusive dates of same.

(4) One (1) set of fingerprints to be taken at the permit authority, and any required fee for such fingerprinting shall be paid by the applicant.

(l) Whether any license or permit has ever been issued to the applicant by any jurisdiction under the provisions of any ordinance or statute governing massage or somatic practice, and as to any such license or permit, the name and address of the issuing authority, the effective dates of such license or permit, whether such license or permit was ever suspended, revoked, withdrawn, or denied; and copies of any documentary materials relating to such suspension, revocation, withdrawal, or denial.

(m) Such other information as may be required by the permit authority to determine compliance with any other eligibility requirements for issuance of the permit as specified by federal, state, or local law.

9.41.100. Permit issuance.

(a) The director shall issue a massage establishment permit if the applicant meets the requirements of this chapter and no grounds for denial exist under section 9.41.110. The director may impose conditions on the permit consistent with this chapter and applicable law.

(b) Notice to property owner. If the applicant is not the record owner of the property where the massage establishment is located, the director may send a written notice to the property owner advising of the issuance of the permit and of the regulations applicable to the massage establishment. The director may also provide the property owner with copies of any other notices or communications with the applicant sent at any time before or after issuance of the permit.

(c) Term. A massage establishment permit issued pursuant to the terms of this chapter shall be valid for a term of one (1) year from the date of issuance, and, unless suspended or revoked, must be renewed by the massage establishment operator annually so long as the massage establishment is operating within the city.

9.41.110. Permit denial.

The director may deny an application for a massage establishment permit on any of the following grounds:

(a) The massage establishment, as proposed by the applicant, would not comply with the requirements of this chapter.

(b) The massage establishment, as proposed by the applicant, would not comply with any applicable law, including, but not limited to the city's building, fire, zoning, and health regulations.

(c) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for a massage establishment permit.

(d) Any owner of the massage establishment, within five (5) years immediately preceding the date of filing of the application, has been convicted in a court of competent jurisdiction of any offense that relates directly to the operation of a massage establishment whether as a massage establishment owner or operator or as a person practicing massage for compensation, or as an employee of either; or has at any time been convicted in a court of competent jurisdiction of any felony the commission of which occurred on the premises of a massage establishment.

(e) Any owner of the massage establishment is currently required to register under the provisions of Section 290 of the California Penal Code.

(f) Any owner of the massage establishment, within five (5) years of the date of application, has been convicted in a court of competent jurisdiction of any violation of Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22 of the California Penal Code, or conspiracy or attempt to commit any such offense, or any offense in a jurisdiction outside of the State of California that is the equivalent of any of the aforesaid offenses.

(g) Any owner of the massage establishment has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Section 11225 through 11235 of the California Penal Code, or any similar provision of law in a jurisdiction outside the State of California.

(h) Any owner of the massage establishment, within five (5) years of the date of application, and as established by clear and convincing evidence, has engaged in acts prohibited under California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22.

(i) Any owner of the massage establishment who is an individual has not attained the age of eighteen (18) years.

(j) Any owner of the massage establishment, within five (5) years immediately preceding the date of filing of the application, has had a permit or license to practice massage for compensation or to own and/or operate a massage establishment revoked or denied in any jurisdiction.

(k) Any owner of the massage establishment currently owns or operates a massage establishment in the city of Sunnyvale that is not in good standing due to the existence of uncorrected violations or unpaid fines or fees.

9.41.120. Notice of denial – appeal.

(a) If an application for a massage establishment permit is denied, the director shall give written notice to the applicant specifying the grounds for denial.

(b) The applicant may appeal the decision to deny a massage establishment permit by filing a written notice of appeal with the city manager or designee within fifteen days after deposit of the decision in the mail, specifying in detail the grounds for such appeal.

(c) The city manager or designee shall set a time and place for the hearing on the appeal not less than fifteen days after the date the appeal was received by the city manager, and shall give written notice by mail to the applicant of the date, time, and place for the hearing. The hearing shall be conducted in accordance with section 9.41.180.

(d) After the hearing on the appeal, the city manager or designee may refer the matter back to the director for a new investigation and decision, may affirm the decision of the director, or may direct the director to issue the license. The decision of the city manager or designee upon such appeal shall be final and shall be subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

9.41.130. Amendments to permit.

(a) Whenever the information provided in the application for a certified massage establishment on file with the city changes, the operator shall file an application, provided by the director, to amend the permit to reflect such change. An application to amend a massage establishment permit shall be made by submitting an application on a form provided by the director. The application shall be accompanied by the fee established by the city's fee schedule.

(b) The application shall not be approved unless the director determines that the terms of the amended permit comply with all requirements of this chapter and all other local, state, and federal laws, and the massage establishment has no outstanding violations or unpaid citations or fees. Inspection of the massage establishment may be required prior to approval of the amendment.

(c) An amendment shall not be used to change the location or owners of a massage establishment. Instead, a new permit application is required.

(d) A denial of an application to amend a massage establishment permit may be appealed in the same manner as a denial of an application for a permit under section 9.41.120.

9.41.140. Requirements for all massage establishment facilities and operations.

(a) Operational requirements. Except as otherwise specifically provided in this chapter, the following operational requirements shall be applicable to all massage establishments located within the city:

(1) No massage establishment shall be kept open for business between the hours of ten p.m. (10:00 p.m.) of one (1) day and eight a.m. (8:00

a.m.) of the following day. A massage begun any time before ten p.m. (10:00 p.m.) must nevertheless terminate at ten p.m. (10:00 p.m.).

(2) The hours of operation of the massage establishment shall be displayed in a conspicuous public place in the reception and waiting area and in any front window clearly visible from outside of the massage establishment.

(3) Patrons and visitors shall be permitted in the massage establishment only during the hours of operation.

(4) During the hours of operation, patrons shall be permitted in massage therapy rooms only if at least one (1) duly authorized certified massage professional is present on the premises of the massage establishment. Patrons shall not be permitted in any employee break room on the premises.

(5) During the hours of operation, visitors shall not be permitted in massage therapy rooms except as follows:

(A) the parents or guardian of a patron who is a minor child may be present in the massage therapy room with that minor child;

(B) the minor child of a patron may be present in the massage therapy room with the patron when necessary for the supervision of the child; or

(C) the conservator, aid, or other caretaker of a patron who is elderly or disabled may be present in the massage therapy room with that elderly or disabled person.

(6) During the hours of operation, except as otherwise provided herein, no visitors shall be permitted in massage therapy rooms, break rooms, dressing rooms, showers, or any other room or part of the massage establishment premises other than the reception and waiting area or toilet rooms.

(7) Except for a patron who is inside a massage therapy room for the purpose of receiving a massage, no patrons or visitors shall be permitted in or on the massage establishment premises at any time who are less than fully clothed in outer garments of nontransparent material, or who display or expose themselves in underclothing or similar intimate apparel.

(8) A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. The services shall be described in English and may also be described in such other languages as may be convenient. No massage establishment operator shall permit, and no person employed or retained by the massage establishment shall offer to perform any services or request or demand fees other than those posted.

(9) The massage establishment shall keep on the premises a complete and current roster of all owners, operators, and managing employees of the massage establishment and all massage professionals and other persons employed or retained by the massage establishment. The roster shall include the name, residence address, and phone number of each individual. The roster shall be available for inspection by city officials charged with the enforcement of this chapter.

(b) Physical facility and building and fire code requirements. Except as otherwise specifically provided in this chapter, the following physical facility

and building code requirements shall be applicable to all massage establishments located within the city:

(1) Main entry door and reception and waiting area required. One (1) main entry door shall be provided for patron entry to the massage establishment, which shall open to an interior patron reception and waiting area immediately. All patrons and any persons other than individuals employed or retained by the massage establishment shall be required to enter and exit through the main entry door. Unless the massage establishment is a sole proprietorship or a home occupation, the main entry door shall be unlocked at all times during business hours.

(2) No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

(3) All interior doors, including massage therapy rooms or cubicles, but excluding individual dressing rooms, showers, and toilet rooms, shall be incapable of being locked and shall not be blocked to prevent opening. Draw drapes, curtain enclosures, or accordion-pleated closures in lieu of doors are acceptable on all inner massage therapy rooms or cubicles.

(4) Minimum lighting equivalent to at least one (1) 40-watt light shall be provided in each massage therapy room or cubicle.

(5) A massage table shall be used for all massage therapy, with the exception of "Thai," "Shiatsu," and similar forms of massage therapy, which may be provided on a padded mat on the floor, provided the patron is fully attired in loose clothing, pajamas, scrubs, or similar style of garment. Massage tables shall have a minimum height of eighteen (18) inches.

(6) Beds, floor mattresses, and waterbeds are not permitted on the premises of the massage establishment, and no massage establishment shall be used for residential or sleeping purposes, which may be shown by circumstantial evidence such as the presence of bedding, pillows, sleeping bags, suitcases, clothing, toiletries or other personal belongings, cooking appliances, utensils or food in excess of a business establishment's normal requirements.

(7) All locker facilities that are provided for the use of patrons shall be fully secured for the protection of the patrons' valuables, and each patron shall be given control of the key or other means of access.

(8) The massage establishment shall comply with all applicable state and local building and fire codes as adopted in Title 16 of this code.

(9) Home occupation--exemptions. Where a certified massage establishment is a home occupation, and the operator has complied with the provisions of section 19.42.010 of this code pertaining to home occupations, the provisions of subsections 9.41.200(a)(2) and 9.41.200(b)(1)-(3) and (b)(6) shall not apply, and the portions of the residence subject to the requirements of subsections 9.41.200(b) and (c) shall be only those portions that are used at any time by the patron of the massage establishment.

(c) Health and safety requirements. Except as otherwise specifically provided in this chapter, the following health and safety requirements shall be applicable to all massage establishments located within the city:

(1) The massage establishment shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens, and all massage tables shall be covered with a clean sheet or other clean covering for each patron. After a towel, covering, or linen has been used once, it shall be deposited in a closed receptacle and not used again until properly laundered and sanitized. Towels, coverings, and linens shall be laundered either by regular commercial laundering, or by a noncommercial laundering process that includes immersion in water at least one hundred forty (140) degrees Fahrenheit for not less than fifteen (15) minutes during the washing or rinsing operation. Clean towels, coverings, and linens shall be stored in closed, clean cabinets when not in use. A certified massage professional engaged in the practice of outcall massage shall carry a sufficient quantity of clean and sanitary towels, sheets, and linens to comply with the requirements.

(2) All massage therapy rooms or cubicles, wet and dry heat rooms, toilet rooms, shower compartments, hot tubs, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each business day when the premises has been or will be open and such facilities in use. All bathtubs shall be thoroughly cleaned and disinfected after each use.

(3) All liquids, creams, or other preparations used on or made available to patrons shall be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream, or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

(4) No invasive procedures shall be performed on any patron. Invasive procedures include, but are not limited to:

- (A) Application of electricity that contracts the muscle;
- (B) Penetration of the skin by metal needles;
- (C) Abrasion of the skin below the nonliving, epidermal layers;
- (D) Removal of skin by means of any razor-edged instrument or other device or tool;
- (E) Use of any needle-like instrument for the purpose of extracting skin blemishes; and
- (F) Other similar procedures.

(5) All bathrobes, bathing suits, and/or other garments that are provided for the use of patrons shall be either fully disposable and not used by more than one (1) patron, or shall be laundered after each use pursuant to subsection (C)(1) of this section.

(6) All combs, brushes, and/or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and not used by more than one (1) patron, or shall be fully disinfected after each use.

(7) No patrons shall be allowed to use any shower facilities of the massage establishment unless such patrons are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-flops that are provided for the use of patrons either shall be fully disposable and not used by more than one (1) patron, or shall be fully disinfected after each use.

(8) The patron's genitals, pubic area, anus, and areola must be fully draped at all times while any individual employed or retained by the massage establishment is in the massage room or cubicle with the patron. No massage shall be provided to a patron that results in intentional contact, or occasional and repetitive contact, with the genitals, pubic area, anus, or areola of a patron.

(9) No alcoholic beverages shall be sold, served, or furnished to any patron; nor shall any alcoholic beverages be kept or possessed on the premises of a massage establishment.

(d) Attire and physical hygiene requirements. The following attire and physical hygiene requirements shall be applicable to all employees and any other persons who work permanently or temporarily on the premises of a massage establishment within the city, including, but not limited to, all persons who are employed or retained to practice massage for the massage establishment:

(1) No person shall dress in:

(A) attire that is transparent, see-through, or substantially exposes the person's undergarments;

(B) swim attire, unless providing a water-based massage modality approved by the CAMTC;

(C) a manner that exposes the person's chest, breasts, buttocks, or genitals;

(D) a manner that constitutes a violation of Section 314 of the California Penal Code.

(2) No massage establishment operator, employee, or visitor shall, while on the premises of a massage establishment or while performing any outcall massage service, and while in the presence of any patron, customer, employee or visitor, expose his or her chest, breast, buttocks, or genitals.

(3) All persons shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before providing massage to a patron. No massage shall be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g., abraded or cut), or where a skin infection or eruption is present.

(e) Display of permit and certifications.

(1) The massage establishment permit shall be displayed in an open and conspicuous place on the premises visible from the main entry door and/or reception and waiting area of the massage establishment.

(2) Each person employed or retained by a massage establishment to perform massage in or on the premises or through an outcall massage service shall display on his or her person the valid current photograph-bearing identification card issued to that employee by the CAMTC. A copy of

each such identification card and the person's original CAMTC certificate shall also be displayed in an open and conspicuous place visible from the main entry door and/or reception and waiting area of the massage establishment. The home address of any employee need not be displayed.

(f) Display of human trafficking notices.

(1) The massage establishment shall comply with the requirements in California Civil Code Section 52.6 related to the posting of information for victims of human trafficking.

9.41.150. Massage establishment inspections.

(a) The inspector shall have the right to enter any massage establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter.

(b) The massage establishment operator shall take immediate action to correct each violation noted by the inspector. A reinspection will be performed to ensure that each violation noted by the inspector has been corrected.

9.41.160. Violations; moratorium.

(a) For the purpose of enforcing the requirements of this chapter, all owners and operators of the massage establishment shall be jointly and severally responsible for the conduct of all massage establishment employees, agents, independent contractors, or other representatives while such persons are on the premises of the massage establishment or providing outcall massage services on behalf of the massage establishment.

(b) In addition to any other remedy available to the city under applicable law, a massage establishment permit may be suspended or revoked as provided in Sections 9.41.170 and 9.41.180. Upon issuance of a final order by the director or city manager to revoke the massage permit, the massage establishment shall immediately cease operation, and, if so ordered by the hearing officer, no other massage establishment shall be permitted to operate at that location by any person for a period of not less than five (5) years ("the moratorium period"). If the operator is not also the legal owner of the real property on which the massage establishment is situated, notice of such revocation and the five-year prohibition shall be provided by the permit authority to the owner of record of the property as shown on the latest county assessment roll.

(c) In addition to any other remedy available to the city under applicable law, a massage establishment permit may not be renewed or amended unless and until all due and unpaid citations issued pursuant to this chapter are paid in full, and all outstanding violations have been corrected.

(d) Notwithstanding any other provision of this chapter, where a Notice of Revocation or Suspension has been issued to the operator of a massage establishment pursuant to Section 9.41.180 of this chapter, the director shall not process or grant an application for a massage establishment permit for a new massage establishment at the same premises unless and until such Notice of Revocation or Suspension is dismissed; or a final determination is made pursuant

to that section that the current operator's massage establishment permit is not or should not be revoked; or any moratorium period imposed pursuant to this chapter has expired.

9.41.170. Revocation or suspension.

All massage establishment operators shall be deemed to know and understand the requirements and prohibitions of this chapter. Any massage establishment permit issued pursuant to this chapter may be suspended or revoked by the director after a hearing, where the director finds that any of the following have occurred on even a single occasion:

(a) The permittee or any person employed or retained by the massage establishment has violated any provision of this chapter.

(b) The permittee or any person employed or retained by the massage establishment has been convicted in a court of competent jurisdiction of having violated, or has engaged in conduct constituting a violation of, any of the following: California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22, or conspiracy or attempt to commit any such offense, or any offense in a jurisdiction outside of the State of California that is the equivalent of any of the aforesaid offenses.

(c) The permittee or any person employed or retained by the massage establishment is required to register under Section 290 of the California Penal Code.

(d) The permittee has been subject to a permanent injunction against the conducting or maintaining of a nuisance pursuant to this code, or Section 11225 through 11235 of the California Penal Code, or any similar provision of law in any jurisdiction outside the State of California.

(e) The permittee or any person employed or retained by the massage establishment has engaged in fraud or misrepresentation or has knowingly made a misstatement of material fact while working in or for the massage establishment.

(f) The permittee has continued to operate the massage establishment after the massage establishment permit has been suspended.

(g) Massage has been performed on the premises of the massage establishment, with or without the permittee's actual knowledge, by any person who is not a duly authorized CAMTC-certified massage professional.

(h) A person who is not a duly authorized CAMTC-certified massage professional has provided outcall massage services through or on behalf of the massage establishment.

(i) There have been one (1) or more acts prohibited under California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22 taking place on the premises of the massage establishment, whether or not any criminal prosecution has been pursued or conviction obtained for such acts, and whether or not they occurred with or without the actual knowledge of the permittee.

(j) The permittee or any person employed or retained by the massage establishment or any other person on the premises of the massage establishment has engaged in conduct or committed acts that a reasonable person in the patron's

position would understand as an offer to perform on or engage in with the patron acts that are sexual in nature or that involve touching of the patron's genitals, pubic area, anus, and areola.

(k) The permittee or any person employed or retained by the massage establishment has engaged in sexually suggestive advertising related to massage services on the premises of the massage establishment, including but not limited to displaying photographs of individuals clothed in swim attire, or attire that is transparent, see-through or substantially exposes the individual's undergarments, breasts, buttocks, or genitals, describing massage services as "erotic," "sensual" or similarly sexual in nature, listing advertisements in adult media, or describing the appearance or age of massage providers.

9.41.180. Hearing for revocation or suspension.

(a) The director shall give written notice of a hearing for the revocation or suspension of any permit granted pursuant to this chapter to the permittee. The notice shall set forth the time and place of the hearing, the ground or grounds upon which the hearing is based, the pertinent code sections, and a brief statement of the factual issues in support thereof. The notice shall be mailed, postage prepaid, addressed to the permittee at the last known address of the permittee, or it shall be delivered to the permittee personally, at least ten days prior to the hearing date.

(b) Within ten days of the hearing the director shall render his or her decision in writing, stating his or her findings and the action taken, if any. The decision letter shall be mailed, postage prepaid, addressed to the permittee at the last known address of the permittee, or it shall be delivered to the permittee personally.

(c) Within ten days from the deposit of the decision letter in the mail or its receipt by the permittee, whichever occurs first, the permittee may appeal the decision in writing to the city manager or designee, setting forth with particularity the ground or grounds for the appeal.

(d) The city manager or designee shall give written notice of the hearing on the appeal not less than ten days from the date the appeal was received by the city manager or designee. The hearing shall be conducted in accordance with section 9.41.190.

(e) After the hearing on the appeal, the city manager or designee may refer the matter back to the director for a new investigation and decision, may affirm the decision of the director, may dismiss the disciplinary action, or may revoke or suspend the permit. The decision of the city manager or designee upon such appeal shall be final and shall be subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

(f) The notices provided to the massage establishment pursuant to this section may also be sent to the owner of the premises where the massage establishment is located. However, failure to provide notice to the property owner shall not invalidate any actions taken by the city.

9.41.190. Hearing rules.

The following rules shall apply to any hearing required by this chapter. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this chapter may be continued for a reasonable time for the convenience of a party or witness.

9.41.200. Violations a public nuisance; penalties, nuisance abatement, and other remedies.

Any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the city under this code or under state law.

SECTION 2. CHAPTER 19.12, SECTION 19.12.140 AMENDED. Section 19.12.140 of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.140. “M”

(1) [Text unchanged]

(2) “Massage establishment” means any business that offers massage therapy, baths, or health treatments involving massages or baths in exchange for compensation, as defined in chapter 9.41 of this code.

(3) “Massage establishment office or clinic” means any massage establishment other than a permitted home occupation pursuant to section 19.42.010.

~~(24)~~-(~~108~~) [Renumbered; text unchanged]

SECTION 3. CHAPTER 19.18, TABLE 19.18.030 AMENDED. Table 19.18.030 in Section 19.18.030 of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.18.030

Permitted, Conditionally Permitted and Prohibited Uses in Residential Zoning Districts

Residential Zoning Districts	R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
1.-6.	[Text unchanged]							
7. Other uses								
7A.-7D.	[Text unchanged]							
7E. Massage establishment office or	N	N	N	N	N	N	N	N

<u>clinic</u>								
7F.-70	[Text unchanged]							

SECTION 4. TITLE OF CHAPTER 19.60 AMENDED. The title of Chapter 19.60 is hereby amended to read as follows:

**Chapter 19.60. ADULT BUSINESSES ~~AND MASSAGE~~
ESTABLISHMENTS**

SECTION 5. SECTION 19.60.010 AMENDED. Section 19.60.010 of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.60.010. Permitted uses—Zoning districts—M-S and M-3.

(a) Adult business establishments, as defined in Chapter 9.40, shall be allowed in addition to other uses permitted in the M-S and M-3 zoning districts, subject to the requirements of this chapter.

(b) Adult business establishments are prohibited uses in all other zoning districts.

~~(c) _____ Massage establishments, as defined in Chapter 9.41, may be allowed in all zoning districts except in residential zoning districts, provided they comply with the requirements of Chapter 9.41. Massage establishments are prohibited uses in all residential zoning districts.~~

~~(d)~~ For purposes of this chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this chapter shall have the same meanings given them in Chapters 9.40 and 9.41 of this code.

SECTION 6. 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 7. 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 8. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 9. 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 _____, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. ____-15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING RESOLUTION NO. 704-15, THE
CITY'S FEES, RATES AND CHARGES RESOLUTION,
PERTAINING TO ADULT ENTERTAINMENT AND MASSAGE
ESTABLISHMENTS LICENSING AND PERMITTING FEES**

WHEREAS, the City Council of the City of Sunnyvale ("City") adopted Resolution No. 704-15, the Master Fee Schedule, on June 23, 2015; and

WHEREAS, the City Council is empowered to impose reasonable fees, rates, and charges to offset the costs for municipal services; and

WHEREAS, the City Council approved Ordinance No. ____ updating and reenacting Chapter 9.41 (Massage Establishments and Professionals) of the Sunnyvale Municipal Code

WHEREAS, to ensure consistency with Ordinance No. ____, the City desires to implement updated Licensing and Permitting Fees for Massage Establishments as set forth in Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. Section 7.06, "Adult Entertainment and Massage Establishments" of the Master Fee Schedule, is hereby adopted as set forth in Exhibit "A", attached hereto and incorporated herein.
2. The establishment of fees herein is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code 15378(b)(4) because it is related to the creation of government funding mechanisms or other fiscal activities which do not involve any commitment to any specific project.
3. This resolution shall be effective on the effective date of ordinance number ____ (Repealing and Reenacting Chapter 9.41 (Massage Establishments and Professionals) of the Sunnyvale Municipal Code.
4. All other provisions of Resolution No. 704-15 shall remain in effect.

Adopted by the City Council at a regular meeting held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

	<u>Current Fiscal Year 2015/16</u>	<u>Proposed Fiscal Year 2015/16</u>	<u>Charge Code</u>	<u>Object Level 3 & 4</u>	<u>Title (Obj. Lvl. 3)</u>	<u>Title (Obj. Lvl. 4)</u>
<u>SECTION 7.06 ADULT ENTERTAINMENT AND MESSAGE ESTABLISHMENTS</u>						
(SMC Ch. 9.40 and Ch. 9.41 and CA Business & Professions Code 4612)						
A. Adult Establishment License						
Application (includes background for first owner)	<u>\$4,675.00</u>	<u>\$4,675.00</u>	799583	1373	Adult Entertainment Permits	
Annual Renewal (includes background for first owner)	<u>\$4,587.00</u>	<u>\$4,587.00</u>	799583	1373	Adult Entertainment Permits	
Additional Owner(s) (Each)	<u>\$110.00</u>	<u>\$110.00</u>	799583	1373	Adult Entertainment Permits	
Non-Compliance Penalty	<u>20% of Amt Due</u>	<u>20% of Amt Due</u>	799583	1373	Adult Entertainment Permits	
B. Massage Establishment Permit (Not Certified with CAMTC)						
Application (includes background for first owner)	<u>\$1,149.00</u>	<u>\$1,060.00</u>	799583	1371	Misc. DPS Permits & Services	
Annual Renewal (includes background for first owner)	<u>\$1,060.00</u>	<u>\$999.00</u>	799583	1371	Misc. DPS Permits & Services	
Additional Owner (Each)	<u>\$110.00</u>	<u>\$110.00</u>	799583	1371	Misc. DPS Permits & Services	
Amendment Fee	<u>NEW</u>	<u>\$30.00</u>	799583	1371	Misc. DPS Permits & Services	
Non-Compliance Penalty	<u>\$250.00</u>	<u>\$250.00</u>	799583	1371	Misc. DPS Permits & Services	
C. Massage Establishment License						
(CA Massage Therapy Council Certified)						
The fees for massage establishment license and						
massage therapist licenses are set in California						
Business & Professions Code 4612 and became						
effective January 1, 2012.						
	<u>See</u>	<u>See</u>				
	<u>Attachment D</u>	<u>Attachment D</u>				
C. Non-CAMTC Certified Therapist Exemption Application	<u>NEW</u>	<u>\$94.00</u>	799583	1371	Misc. DPS Permits & Services	
D. Massage Establishment Permit (CAMTC Certified)						
Application	<u>NEW</u>	<u>\$999.00</u>	799583	1371	Misc. DPS Permits & Services	
Annual Renewal	<u>NEW</u>	<u>\$999.00</u>	799583	1371	Misc. DPS Permits & Services	
Additional Owner (Each)	<u>\$110.00</u>	<u>\$110.00</u>	799583	1371	Misc. DPS Permits & Services	
Amendment Fee	<u>NEW</u>	<u>\$30.00</u>	799583	1371	Misc. DPS Permits & Services	
Non-Compliance Penalty	<u>\$250.00</u>	<u>\$250.00</u>	799583	1371	Misc. DPS Permits & Services	

City of Sunnyvale
Fiscal Year 2015/2016

Proposed Fee Schedule - Massage Establishment Permits

Section 7.06: Adult Entertainment and Massage Establishments

B. Massage Establishment License (Not Certified with CAMTC)

Application (includes background for first owner)	\$ 1,060.00
Annual Renewal (includes background for first owner)	\$ 999.00
Additional Owner (each)	\$ 110.00
Non-Compliance Penalty	\$ 250.00

D. Massage Establishment License (CAMTC Certified)

Application	\$ 999.00
Annual Renewal	\$ 999.00
Additional Owner (each)	\$ 49.00
Non-Compliance Penalty	\$ 250.00

APPLICATIONS AND RENEWAL PROCESSING

DIRECT COSTS

Personnel	Rate	Specialty Pay	Total Hrly	Hours	Unit Cost	Total Cost
Public Safety Officer II **	\$ 148.00	\$ 6.69	\$ 154.69	2.00	\$ 309.37	
Public Safety Lieutenant **	\$ 172.50	\$ 7.77	\$ 180.27	2.00	\$ 360.54	
Dir. of Public Safety	\$ 235.34	\$ -	\$ 235.34	0.25	\$ 58.84	
Sr. Office Assistant	\$ 61.48	\$ -	\$ 61.48	1.00	\$ 61.48	
Management Analyst	\$ 92.27	\$ -	\$ 92.27	0.25	\$ 23.07	
Other	Rate per each			Units	Unit Cost	
Fingerprinting - DPS charge (Penal Code 13300 (e))	\$ 10.00			1.0	\$ 10.00	
Fingerprinting - DOJ cost	\$ 32.00			1.0	\$ 32.00	
Fingerprinting - FBI cost	\$ 19.00			1.0	\$ 19.00	
Finance/Banking Fee (DPS invoices)	\$ 2.97			1.0	\$ 2.97	

TOTAL DIRECT COSTS **\$ 877.27**

INDIRECT COSTS

Program 475 - Investigation Services	\$ Budget	Hrs Budget	Hrs Applied	Ratio of Hours	Cost	
Purchased Goods & Services	\$ 39,520	32,029	4.00	0.0001248868	\$ 4.94	
Internal Service Charges	\$ 136,878	32,029	4.00	0.0001248868	\$ 17.09	
						22.02986543
Program 477 - DPS Administration	\$ Budget	Hrs Budget	Hrs Applied	Ratio of Hours	Cost	
DEPARTMENT WIDE ADMIN	\$ 5,132,548	539,739	5.500	0.0000101901	\$ 52.30	
DEPARTMENT WIDE ISC	\$ 4,531,807	539,739	5.500	0.0000101901	\$ 46.18	
						98.48086391

TOTAL INDIRECT COSTS **\$ 120.51**

Subtotal - Direct + Indirect \$ 997.78

Plus: City-Wide Overhead 6.21% 61.96

TOTAL FEE BASIS: **\$ 1,059.74**

PROPOSED FEE: **\$ 1,060.00**

ADDITIONAL OWNER PROCESSING

DIRECT COSTS

Personnel	Rate	Specialty Pay	Total Hrly	Hours	Unit Cost	Total Cost
Sr. Office Assistant	\$ 61.48	\$ -	\$ 61.48	0.50	\$ 30.74	
Other	Rate per each			Units	Unit Cost	
Fingerprinting - DPS charge (Penal Code 13300 (e))	\$ 10.00			1.0	\$ 10.00	
Fingerprinting - DOJ cost	\$ 32.00			1.0	\$ 32.00	
Fingerprinting - FBI cost	\$ 19.00			1.0	\$ 19.00	
Finance/Banking Fee (DPS invoices)	\$ 2.97			1.0	\$ 2.97	

TOTAL DIRECT COSTS **\$ 94.71**

INDIRECT COSTS

Program 477 - DPS Administration	\$ Budget	Hrs Budget	Hrs Applied	Ratio of Hours	Cost	
DEPARTMENT WIDE ADMIN	\$ 5,132,548	539,739	0.500	0.0000009264	\$ 4.75	
DEPARTMENT WIDE ISC	\$ 4,531,807	539,739	0.500	0.0000009264	\$ 4.20	
						8.95280581

TOTAL INDIRECT COSTS **\$ 8.95**

Subtotal - Direct + Indirect \$ 103.66

Plus: City-Wide Overhead 6.21% 6.44

TOTAL FEE BASIS: **\$ 110.10**

PROPOSED FEE: **\$ 110.00**

Notes:

** PSOII/LT: Officer time based on a two-person team performing an initial 1 hour review and 2 followup inspections at 1/2 hour each
Sr. Office Asst. reviews background and assembles all documentation.
Fee calculations includes background and fingerprinting for first owner. Each additional owner is required to pay fingerprinting and processing fee

City of Sunnyvale
Fiscal Year 2015/2016

Proposed Fee: Massage Therapist Exemption Fee

Section 7.06 - C Massage Therapist Exemption Application

For existing non-CAMTC Certified Therapist who qualify for the exemption \$ 94.00

TOTAL FEE BASIS							\$ 94.40
PROPOSED FEE							\$ 94.00
DIRECT COSTS							
	Personnel	Rate	Specialty Pay	Total Rate	Total Hrs	Unit Cost	Total Cost
	Sr. Office Assistant	\$ 61.48	\$ -	\$ 61.48	0.50	\$ 30.43	\$ 30.43
Other				Rate per each	Units	Unit Cost	
	Fingerprinting - DPS charge (Penal Code 13300 (e))			\$ 10.00	1.0	\$ 10.00	
	Fingerprinting - DOJ cost			\$ 32.00	1.0	\$ 32.00	
	Fingerprinting - FBI cost			\$ 19.00	1.0	\$ 19.00	
	Finance/Banking Fee (DPS invoices)			\$ 2.97	1.0	\$ 2.97	\$ 63.97
TOTAL DIRECT COSTS					4.50		\$ 94.40
INDIRECT COSTS: Program 477 - DPS Administration							
	DEPARTMENT WIDE ADMIN	\$ 5,132,548	539,739	4.495	0.0000083281	\$ 42.74	
	DEPARTMENT WIDE ISC	\$ 4,531,807	539,739	4.495	0.0000083281	\$ 37.74	
							0.00
TOTAL INDIRECT COSTS							\$ -
Subtotal - Direct + Indirect							\$ 94.40
Plus: City-Wide Overhead							6.21% \$ -
TOTAL FEE BASIS							\$ 94.40
PROPOSED FEE							\$ 94.00

City of Sunnyvale
Fiscal Year 2015/2016

Proposed Fee: Amendment to Massage Establishment Permit

Section 7.06 - B Amendments to Massage Establishment License

- | | | |
|---|----|-------|
| (a.) Any change to the name or telephone number of the massage establishment | \$ | 30.00 |
| (b.) Any change to the name, residence address or phone number, business address or phone number of any owner of the massage establishment | \$ | 30.00 |
| (c.) Any change to the name(s) of each individual who the massage establishment employs or retains to perform massage therapy for compensation, whether on or off the massage establishment premises. New (additional) employees must be added before they may commence work for the establishment. | \$ | 30.00 |
| (d.) Any change to the description of the proposed massage establishment, including types of treatments to be administered* | \$ | 30.00 |

**If site inspection is required, additional fees may apply*

						TOTAL FEE BASIS	\$ 30.43
						PROPOSED FEE	\$ 30.00
DIRECT COSTS							
	Personnel	Rate	Specialty Pay	Total Rate	Total Hrs	Unit Cost	Total Cost
	Sr. Office Assistant	\$ 61.48	\$ -	\$ 61.48	0.50	\$ 30.43	\$ 30.43
TOTAL DIRECT COSTS					0.50		\$ 30.43
INDIRECT COSTS: Program 477 - DPS Administration							
	DEPARTMENT WIDE ADMIN	\$ 5,132,548	539,739	0.495	0.0000009171	\$ 4.71	
	DEPARTMENT WIDE ISC	\$ 4,531,807	539,739	0.495	0.0000009171	\$ 4.16	
							0.00
TOTAL INDIRECT COSTS							\$ -
Subtotal - Direct + Indirect							\$ 30.43
Plus: City-Wide Overhead						6.21%	\$ -
TOTAL FEE BASIS							\$ 30.43
PROPOSED FEE							\$ 30.00

Assembly Bill (AB 1147) is available online at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1147



City of Sunnyvale

Agenda Item

15-0776

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Approve the Vision Statement, Success Criteria, and Needs Assessment for the Civic Center Modernization Project

BACKGROUND

On February 24, 2015, Council approved a Community Engagement Plan for the Civic Center Project (RTC 15-0111). The Engagement Plan outlines a series of engagement activities including interviews, focus groups, community workshops, online surveys and City Council meetings that will be used to gather input before making decisions on land use alternatives and a financing strategy for the project. The Engagement Plan also identifies specific work products that will be developed during the process including space plans, a market analysis, costs estimates and land use scenarios.

Engagement activities for the project were used to help develop the draft Vision Statement, Success Criteria and Needs Assessment. Prior to developing these documents, outreach activities included interviews with all Councilmembers, five focus group meetings, a community workshop, and outreach to staff in every City department. In addition, two topics were posted on the City's Open City Hall online forum to get feedback on library facilities and the vision and success criteria for the Civic Center. All of the input received was considered in developing the draft Vision Statement, Success Criteria, and Needs Assessment. With literally hundreds of comments received, the drafts reflect a high-level summary of themes that were heard during the outreach process.

On May 19, 2015 Council approved draft versions of the Vision Statement, Success Criteria, and Needs Assessment and directed staff to conduct additional community outreach and return to Council for final approval (RTC 15-0114).

EXISTING POLICY

Council Policy 7.1C Capital Improvement Policies

C.1.3 High priority should be given to replacing capital improvements prior to the time that they have deteriorated to the point where they are hazardous, incur high maintenance costs, negatively affect property values, or no longer serve their intended purposes.

C.1.5 Priority will be given to the repair and replacement of existing infrastructure as compared to the provision of new or expanded facilities

C. 1.The decision on whether to repair or to replace an existing capital asset will be based on which alternative is most cost-effective or provides the best value to the City.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) Guidelines Section 15262 exempts projects involving

only feasibility or planning studies from environmental review. Appropriate CEQA review will be conducted prior to construction of any facilities under the Civic Center Modernization Project.

DISCUSSION

After Council adoption of the draft Vision Statement, Success Criteria and Needs Assessment, staff posted three new topics on Open City Hall so the community could indicate their level of support for the documents as written and make suggestions for improvements. The feedback received for each of the topics is discussed below. Overall support for the draft documents was high, so there are no significant changes proposed. In reviewing suggestions for improvement, staff tried to identify themes from comments that were made by multiple participants. In some cases these themes seemed to be already covered and no changes are proposed.

Vision

The Vision Statement for the project is intended to help guide the development of project alternatives as the outreach process continues to unfold. It serves as a statement of the City's intentions as the Civic Center Project is developed further. The draft Vision Statement is organized around three themes that emerged through the outreach process. These themes are that the Civic Center will function to: serve, welcome, and lead the community.

The City received 28 total responses on this topic including 23 written comments. A complete copy of all responses is included as Attachment 1. Results for the following survey question are provided below.

Please indicate the level to which you support the draft Vision Statement:

Strongly Support	5
Somewhat Support	8
Neutral	11
Somewhat Oppose	4
Strongly Oppose	0

The strongest themes that were included in the written comments included keeping trees and not selling land at the Civic Center. Attachment 2 is a redline copy of the draft Vision Statement with minor revisions to address these concerns. Other comments that were mentioned multiple times included: sustainable design features, support for the Charles Street Gardens, cost concerns, a desire for lots of open space, and a concern about building scale. Staff feels these topics are already covered in the Vision Statement.

Success Criteria

Success criteria for the project will be used to evaluate project alternatives once they are developed. Having success criteria defined before alternatives are developed will help shape future alternatives, and will also result in a more objective analysis as alternatives are being weighed and considered.

The City received 17 total responses on this topic including 12 written comments. A complete copy of all responses is included as Attachment 3. Results for the following survey question are provided below.

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Strongly Support	7
Somewhat Support	4
Neutral	3
Somewhat Oppose	3
Strongly Oppose	0

The strongest theme that was included in the written comments was not selling land at the Civic Center. Attachment 4 is a redline copy of the draft Vision Statement with minor revisions to address this concern. Other comments that were mentioned multiple times included: sustainable design features and support for the Charles Street Gardens. Staff feels these concerns are already covered in the Success Criteria.

Needs Assessment

A Needs Assessment has been developed to help inform the space planning process. The space plan will define how much building space is needed to continue to deliver high-quality services to the Community as well as to help quantify site needs such as parking, open space and community gathering spaces. The Needs Assessment was developed to not only consider current service delivery methods, but to try and identify opportunities for improved service delivery in the future.

The City received 19 total responses on this topic including 16 written comments. A complete copy of all responses is included as Attachment 5. Results for the following survey question are provided below.

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic center space plan?

Strongly Support	6
Somewhat Support	5
Neutral	2
Somewhat Oppose	4
Strongly Oppose	1

The strongest themes that were included in the written comments were not selling land at the Civic Center and more open space. The need for more open space is already covered in the need assessment. Not selling land is unrelated to developing a building space program so no changes are proposed. Other comments that were mentioned multiple times included support for the Charles Street Gardens, and concerns about planning for too much parking. Staff feels the concern about the Charles Street Garden is already covered in the Needs Assessment. Attachment 6 is a redline copy of the draft Needs Assessment with a minor revision to address the concern about parking needs.

FISCAL IMPACT

N/A

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. Approve the final Vision Statement, Success Criteria, and Needs Assessment documents as presented in Attachments 2, 4 and 6.
2. Approve a modified version of the Vision Statement, Success Criteria, and Needs Assessment documents as directed by Council.
3. Other action as directed by City Council.

STAFF RECOMMENDATION

Alternative 1: Approve the final Vision Statement, Success Criteria, and Needs Assessment documents as presented in Attachments 2, 4 and 6 to the report.

Prepared by: Kent Steffens, Assistant City Manager

Reviewed by: Jane Chambers, Interim Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Open City Hall Summary for the Draft Vision Statement
2. Vision Statement Recommended Changes
3. Open City Hall summary for the Draft Success Criteria
4. Success Criteria Recommended Changes
5. Open City Hall Summary for the Draft Needs Assessment
6. Needs Assessment Recommended Changes

Open City Hall Summary for the Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

All On Forum Responses sorted chronologically

As of September 15, 2015, 4:35 PM



As with any public comment process, participation in Open City Hall is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Open City Hall Summary for the Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Introduction

Topic

Please help us finalize a Vision Statement for the Civic Center Project

Background

Sunnyvale has started an exciting process to re-imagine the Civic Center located at the corner of El Camino Real and Mathilda. The existing Civic Center includes Sunnyvale's Library, City Hall, and Public Safety Department Headquarters. After holding a community workshop and considering input from a variety of stakeholders, on May 18, 2015, City Council approved the following draft Vision Statement:

Draft Vision Statement

The Sunnyvale Civic Center will:

Serve the Community by:

Providing efficient, functional, and flexible facilities to support innovative service delivery and sharing resources to support the community's needs.

Welcome the Community by:

Reflecting the identity of Sunnyvale and creating an environment that inspires community pride, promotes civic engagement, and offers a wide range of indoor and outdoor services, to accommodate our diverse community.

Lead the Community by:

Supporting participatory governance and being a model of fiscal and environmental sustainability.

Workshop attendees

A community workshop was held in April to get input on the Vision and Success Criteria. To review a workshop summary please check our website.

The Vision Statement for the project is intended to help guide the development of project alternatives as the outreach process continues to unfold. It serves as a statement of the City's intentions as the Civic Center Project is developed further.

Open City Hall Summary for the Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

As of September 15, 2015, 4:35 PM, this forum had:

Attendees: 200

On Forum Responses: 28

Hours of Public Comment: 2.1





This topic started on June 29, 2015, 12:05 PM.

Civic Center Modernization Project - Draft Vision Statement





Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Responses

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

		%	Count
Strongly Agree		17.9%	5
Somewhat Agree		35.7%	10
Neutral		32.1%	9
Somewhat Disagree		14.3%	4

Please indicate the level to which you support the draft Vision Statement:

		%	Count
Strongly Support		17.9%	5
Somewhat Support		28.6%	8
Neutral		39.3%	11
Somewhat Oppose		14.3%	4

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Answered 23

Skipped 5

- **all** also any **buildings center** civic community
current **do green** how keep land library **like** money more much need
new one open other **parking** public **see** sell **so** some **space**
statement sunnyvale t take **use** very **vision** well what

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

September 9, 2015, 12:55 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Strongly Agree

Please indicate the level to which you support the draft Vision Statement:

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

August 26, 2015, 1:38 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Disagree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Given that the project is a big step, it makes sense for Sunnyvale to use this opportunity to be inspiring and show vision. There are so many architectural advancements and designs that are very efficient, eco-friendly and would greatly reduce energy usage by this centre, simultaneously making the layout more functional and aesthetic. What better example to other cities and the people of the city to set. There are ways to integrate native plants, green rooftops, demonstrate how beautiful a place can look when it recycles it's own water, uses skylights well instead of electric lights, and faces windows inward facing a green plant environment to prevent external heating, reducing the need for the use of airconditioning. I see this as a great opportunity to take from the most advanced architects in constructing a true marvel that is inspiring to work in, use and walk by. Making the area around it greener with bike parking and aesthetic landscapes to walk in and relax would also set the tone for biking, walking or using transit to approach the centre, and reduce car traffic. Parking takes up far too much space and there is nothing appealing about a parking lot.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

August 26, 2015, 6:36 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Disagree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

I am disappointed that the words "environmental sustainability" only show up at the very end of the vision statement. Sustainability/restoration must be emphasized. I believe that at this point in history, with the ecosystem on which we all depend under serious threat, a primary function of this new civic center must be to provide environmental leadership. This project MUST be a model and inspiration for the community and region of cutting-edge restorative environmental design. Zero net energy at least, net positive is preferable. It must restore habitat, maximizing natives. Green roofs would be good. The new civic center must be highly water-efficient, maximizing catchment, reuse and infiltration. It should site buildings to maximize passive solar for heating. District heating and cooling and even solid waste processing should be seriously considered. A community garden should be a key part. All the green features should be called out with signage as in the Mitchell Park Library Complex in Palo Alto. Natives should be labeled so that community members can get ideas for their home gardens.

The complex should also encourage visitors and employees to get to the civic center in a sustainable way. Employees need an effective traffic demand management plan to reduce the number of parking slots needed. It would be far cheaper to reduce the number of car trips employees make to the civic center than to pay for the needed underground or structured parking. And of course we should plan for ample and convenient bike parking, some of it secure. Employees biking to work should have access to showers.

It is also important that buildings housing basic services be built to continue to safely function after emergencies such as earthquakes and perhaps flooding. Perhaps we should also plan that some of the buildings serve as cooling centers in cases of extreme heat.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

August 22, 2015, 7:51 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

August 18, 2015, 11:41 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Buildings should have designated uses and stick with them. The library is for promoting literacy, education and civic understanding. That is for borrowing books. Having many copies of major film DVDs, which can be rented many other ways (not do books), wastes space, money, and other resources.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

August 7, 2015, 7:49 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Strongly Agree

Please indicate the level to which you support the draft Vision Statement:

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Margaret Lawson inside Sunnyvale

August 5, 2015, 9:38 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Sunnyvale need a state of the art, sustainable, exciting, innovative, LEED platinum or above Civic Center for a modern Silicon Valley city. Disruptive innovation for the Civic Center.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Joel Sisk inside Sunnyvale

July 29, 2015, 1:48 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

I approve/support the vision statement. Overall, it works well. The specifics in the plan and course of action for the City are the important part, however.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

July 24, 2015, 5:21 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Disagree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Need to include Charles Street Garden. Sunnyvale does not need a new library. It is a waste of money.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

July 24, 2015, 9:58 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Disagree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

TERRIBLE SURVEY FORMAT - The feed back I'm getting from others who have attempted to take the survey is its not easy to take because the Vision Statement are not on the same page as the questions . . VERY DIFFICULT to take and there VERY FEW PEOPLE WILL TAKE THE TIME TO FINISH and therefore waste of tax payer money.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

July 21, 2015, 5:40 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

The vision statement is nice, but it leaves me with an uneasy feeling about what will really happen. Here are some of my thoughts with regards to the new envisioned civic center:

- Keep the civic center and library at their current location. I like that all these buildings are close to each other.
- I also like the open feel of the community center and would not like to see it become more crowded with other buildings.
- Please justify with hard numbers why you would want to completely build new buildings. Give me numbers as to costs of current buildings (maintenance, utilities, etc) and costs of new buildings (cost to build, and then utilities, etc). I, as a homeowner, have an older house and my plan is to remodel as necessary, and maintain the building. I do not see any reason to tear my house down after 50 years or so and build a new one. I believe the same should be true for my city government. Let's use our money wisely.
- Whatever you do, do NOT sell our city land for a private use. Land is very valuable, as is any open space that the city has. Keep all public land for public use.
- Tree preservation is important. Please keep the trees that are there.
- I hope that the Charles Street Community Garden remains; it is a treasure to the city and its residents, and a wonderful place to encourage connection to the land and residents who love gardening, as well as the food we eat.

Thanks for listening.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

July 20, 2015, 8:50 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

It is hard for me to project from the Mission Statement, to what is actually envisioned. I like the campus style of the existing civic center, with low buildings, lots of trees, and the community garden. I would like to preserve that kind of ambiance, since I think that Sunnyvale is building up in too many areas. What ever happened to views of the sky, and mountains?

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Don Krafft inside Sunnyvale

July 15, 2015, 12:46 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

I suggest that the vision statement reflect a city objective of sustainable living and support for local production of food and commodities wherever possible

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Martin Landzaat inside Sunnyvale

July 13, 2015, 10:30 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

July 9, 2015, 12:10 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

The draft fails to adequately address the community's most contentious topics: new build vs renovations, financing without selling any of the existing footprint, building height of any new structures, tree preservation. I'm also concerned that the outreach efforts thus far have not produced anything close to a significant impact on public awareness of the project or of the outreach opportunities.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Terry Fowler inside Sunnyvale

July 7, 2015, 12:50 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Strongly Agree

Please indicate the level to which you support the draft Vision Statement:

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Deborah Marks inside Sunnyvale

July 6, 2015, 11:54 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

I'm thinking of a Vision Statement such as: "The heart of Sunnyvale where residents and services, the past and the present, meet in a beautiful, tree-shaded green environment." A Vision Statement should be an idealized description of a desired outcome and it should inspire and energize. As I understand it, it should be more of a statement....not a list of things.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Paul King inside Sunnyvale

July 5, 2015, 8:41 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

I don't see much reason for separate comments on the Draft Needs Assessment, the Draft Vision Statement and the Draft Success Criteria. At this point they are all nearly meaningless until some meat is put on the bones.

I do have a comment on the process of the April 25 2015 community workshop. The participants were guided to re-imagine the library in a brainstorming format and there were a lot of ideas expressed. The facilitators targeted the session at about a fourth grade level. With no consideration of costs, with numerous diametrically opposed views expressed, and with essentially no adult supervision, everyone could still be promised his or her pony. So now we read in the Sunnyvale Sun that the input has been boiled down and the "residents have indicated that they want to see more space added for activities and events as well as more extensive children's section." Given the way the meeting was cast isn't more of something the obviously manipulated outcome? I for one don't think the library is broken and don't want to see significant changes.

(There are 7 PDFs on the city web site detailing the public input from the community workshop. You certainly will not see a community speaking with one voice.)

The rub will come at the next public meeting where proposals to sell part of the city property to pay for all that the residents "demand". So do be careful what you ask for. See you there.

One last note; I recall hearing only one person out of many dozen express any interest in moving the library to the Sunnyvale community center. The Sunnyvale Sun reported staff saying "there isn't a consensus yet." I will start a count of how many times that monster will raise its head.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

July 5, 2015, 3:06 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Do not sell the land or remove the open green space that currently exists. Remodel current buildings so they continue to be low rise but better space utilization. Keep the trees and an open environment, and keep city services there. Don't overspend or use my taxpayer dollars because of developers and lobbyists.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

July 1, 2015, 9:17 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Remodel the current facilities and keep all City property for public use. No need to sell or lease land for non-city use. City-owned property with ample open space is the greatest inspiration of all.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Vivian Euzent inside Sunnyvale

June 30, 2015, 4:59 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Strongly Agree

Please indicate the level to which you support the draft Vision Statement:

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Too bad you couldn't put that statement in a popup box so we could refer back to it. I like that it says a participatory government.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

June 30, 2015, 3:08 PM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Current location is great and keeping all city services in once place is wonderful (city hall, library, DPS, etc.). I am completely opposed to ANY sale or lease or trade of any piece of that PUBLIC land with developers in exchange for anything! With all the new office buildings sprouting up everywhere in Sunnyvale, there is no way we are in enough financial difficulties to have to give away land to developers or sell them! We need to preserve all the beautiful trees and open space in the area. Buildings currently there are, I believe, no higher than 2 stories. I am willing to go for 3 story-buildings but no higher. There should still be plenty of open space (like in front of the library ... for people to gather and enjoy being outdoors) and parking (maybe underground parking so the ground level can offer lots of pedestrian-friendly spaces for people to walk around and hang out--like Plaza del Sol on W. Evelyn & N. Frances in downtown SV).

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

June 30, 2015, 11:39 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

The new area needs to preserve green open space and trees. I would prefer the buildings to be low rise rather than high rise.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

June 30, 2015, 10:58 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Neutral

Please indicate the level to which you support the draft Vision Statement:

Neutral

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

I would like to see some data showing how fiscally un-sustainable our current civic center is. How much is heating, cooling, water, maintenance/repairs cost Sunnyvale per year over the last 10 years? Then show us an estimate for those costs after a new civic center is built. How much money will be saved per year?

I have been to many of the talks about the new civic center, but have not seen hard data on this topic -- only a blanket statement that 50-70 year old buildings are old and "need to be replaced" -- which I'm not sure I agree with, since my wonderful home is 61 years old.

Once we know how much money will be saved per year, then we can calculate the break-even point (number of years) for the cost of a new civic center.

Without this data, you can't seriously deliver on the goal of "Supporting participatory governance and being a model of fiscal and environmental sustainability."

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Ken Olevson inside Sunnyvale

June 30, 2015, 8:59 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Strongly Agree

Please indicate the level to which you support the draft Vision Statement:

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Any new or modernized existing civic center should achieve a lower total cost for using and maintaining the facilities compared to other viable alternatives.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Chris Wiegel inside Sunnyvale

June 30, 2015, 8:34 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

I would value efficiency above innovation. I also believe the centrality, character, and ease of access of the current location are very high on the vision list. Having a "one-stop shop" for all things Sunnyvale government related is important to the vision as I see it, meaning keeping the library, city hall and public safety co-located at roughly Mathilda and El Camino. In addition, in keeping with other developments in the area, mid-rise (i.e. 4-6 floors) should be the highest new buildings envisioned and the current landscaping (i.e. redwoods and open green space) should be preserved to help preserve the existing character of Sunnyvale while at the same time modernizing.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Ann Andersen inside Sunnyvale

June 30, 2015, 8:31 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

I am curious why the City is planning to sell this property. Is it to save money on upkeep, insurance liability or is it to make a few privileged citizens rich.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Vision Statement

Tell us what you think about the draft Vision Statement for the Civic Center Modernization Project

Name not shown inside Sunnyvale

June 30, 2015, 7:38 AM

Please indicate the level to which you agree or disagree with the following: The draft Vision Statement reflects my priorities for the Civic Center Modernization Project.

Somewhat Agree

Please indicate the level to which you support the draft Vision Statement:

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Vision Statement for the Civic Center Modernization Project....

Plenty of well maintained outdoor space is required. Too many buildings would create a crowded look.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project

Vision Statement

The Sunnyvale Civic Center will:

Serve the Community by:

Providing efficient, functional, and flexible facilities to support innovative service delivery and sharing resources to support the community's needs.

Welcome the Community by:

Reflecting the identity of Sunnyvale and creating an environment that inspires community pride, promotes civic engagement, [preserves open space and trees](#), and offers a wide range of indoor and outdoor services, to accommodate our diverse community.

Lead the Community by:

Supporting participatory governance and being a model of fiscal and environmental sustainability.

Open City Hall Summary for the Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

All On Forum Responses sorted chronologically

As of September 15, 2015, 4:28 PM



As with any public comment process, participation in Open City Hall is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Open City Hall Summary for the Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Introduction

Topic

Please help us finalize the Success Criteria for the Civic Center Project

Background

Sunnyvale has started an exciting process to re-imagine the Civic Center located at the corner of El Camino Real and Mathilda. The existing Civic Center includes Sunnyvale's Library, City Hall, and Public Safety Department Headquarters. After holding a community workshop and considering input from a variety of stakeholders, on May 18, 2015, City Council approved the following draft Success Criteria:

Draft Success Criteria

Improve the Quality of Services – Leaders in New Service Innovation

Preserve or Enhance Current City Service Levels

Create Flexibility for Future City Needs

Improve Technology to Expand Service Capabilities and Improve Efficiencies

Fiscally Responsible

Consider Lifecycle Costs: Balance Ongoing Operational/Maintenance Costs With Initial Construction Costs

Balance Short Term Costs with Long Term Value

Strategic Use of Land and Resources

Accessible to All Members of Our Diverse Community

Improve Access to City Services

Improve Connectivity Between City Services on the Civic Center Campus

Create an Attractive, Welcoming, and Well-Used Environment for the Community

Civic and Community Engagement

Flexible and Adaptable Spaces for Civic and Community Use – Meeting and Gathering Space

Provide Cultural and Community Resources

Increase Usability of Open Space

Provide a Walkable, Safe Environment

Maintain a Balance between Built Structures and Open Space

Make Sure Spaces Can Accommodate Multiple Uses – Indoor and Outdoor

Outdoor Space that is Open and Used by the Community

Combine Active and Passive Space to Meet a Range of User Needs

Leaders in Sustainability

Open City Hall Summary for the Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Civic Model of Sustainability

Reduce Water and Energy Consumption

Workshop attendees

A community workshop was held in April to get input on the Vision and Success Criteria. To review a workshop summary please check our website.

Workshop attendees

Success criteria for the project will be used to evaluate project alternatives once they are developed. Having success criteria defined before alternatives are developed will help shape future alternatives, but also result in a more objective analysis as alternatives are being weighed and considered.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

As of September 15, 2015, 4:28 PM, this forum had:

Attendees: 84

On Forum Responses: 17

Hours of Public Comment: 1.1

This topic started on June 29, 2015, 12:05 PM.

Responses

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

		%	Count
Strongly Agree	<div></div>	47.1%	8
Somewhat Agree	<div></div>	23.5%	4
Neutral	<div></div>	17.6%	3
Somewhat Disagree	<div></div>	11.8%	2

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

		%	Count
Strongly Support	<div></div>	41.2%	7
Somewhat Support	<div></div>	23.5%	4
Neutral	<div></div>	17.6%	3
Somewhat Oppose	<div></div>	17.6%	3

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

Answered	12
Skipped	5

agree all building buildings center civic community
could criteria current efficiency energy from future greater just land
like listed make need neighborhood new only project rather reflect
residents S see site six state structures success

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

sunnyvale sustainability than **uses** want

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

September 9, 2015, 12:47 AM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

August 26, 2015, 7:33 AM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Somewhat Disagree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

Again, environmental sustainability is listed six of six, appearing to be an afterthought, rather than a primary criterion of success. If this project does not exemplify bleeding or at least cutting-edge practices in terms of green building, energy efficiency, renewable energy, habitat restoration and water conservation, it will not be counted as a success by me or future generations. I see all the other criteria as "nice to have" wants, rather than as absolute necessities. Also I hope "balancing" future maintenance costs means that we give them full or even greater weight compared to up-front costs.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

August 7, 2015, 7:54 AM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Joel Sisk inside Sunnyvale

July 29, 2015, 5:00 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

Overall, the success criteria make good sense. We'll need to get more details to know for sure how this project will take shape.

I agree with an earlier comment that the project will be successful if no City land is sold or leased to private interests.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

July 24, 2015, 10:42 AM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Somewhat Disagree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

With only twelve response there is some thing wrong with this process.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

July 20, 2015, 9:09 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

While in general, I like the success criteria, they are vague, and not quantified. For me success would be maintaining the current feel of the civic center, and not turning some of the property over to a developer. Keeping the Charles Street Garden to me is an important statement of the city's commitment to sustainability and environmental responsibility. Also, building for the future, so that these facilities will not be obsolete 10 years from now.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Don Krafft inside Sunnyvale

July 15, 2015, 12:53 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

The selection of uses for the Civic Center should reflect Sunnyvale's commitment to education and practice of sustainability of the food we eat and the resources that we consume

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

George Hamma inside Sunnyvale

July 14, 2015, 10:09 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

I want to encourage more outdoor spaces that provide a positive environment, support multiple uses, and welcome our diverse community, like Charles Street Garden.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Martin Landzaat inside Sunnyvale

July 13, 2015, 10:37 AM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Neutral

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Neutral

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

Project will be successful if no City land is sold or leased to private interests.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

July 9, 2015, 12:27 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Neutral

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Neutral

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

The statements are all too generic and don't have numerical targets. For example - technology should be made "state of the art". "Flexibility for future City Needs" should specify the time frame/lifespan. Fiscal section should reflect community's wish to not sell any city owned civic center land. "Engagement" should have a numeric target for the project's outreach - not just proposed use of the completed project. "Outdoor space" should reflect community's desire to maintain the trees and the woodsy feel.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Deborah Marks inside Sunnyvale

July 6, 2015, 12:22 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Neutral

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Neutral

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

The real question as to whether the Modernization Project will be a success or not for many residents in Sunnyvale is not being asked. The overwhelming majority of the residents at the Community Workshop on April 25th felt "success" was to leave the Civic Center pretty much as it is, i.e. with 1 to 2 story buildings, the same layout and perhaps additions to buildings or one new building on the site. Many residents are happy with the CC "as is" and would just like to see improvements for greater efficiency and service! A few of the success criteria items as presently listed could later be interpreted as ONLY obtainable by constructing new buildings. If I state that I agree with the criteria, I (and anyone else) could indirectly (without knowing it) agree to all new construction on the site. This I definitely do not want.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

July 5, 2015, 2:52 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

Any building structures need to be compatible with the surrounding neighborhood and set back from the streets. Additionally, building structures should NOT be box-like or obscure the current skyline or make the neighborhood look dense.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

July 1, 2015, 9:22 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

The construction of denser residential and commercial uses is not consistent with the success criteria,

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Vivian Euzent inside Sunnyvale

June 30, 2015, 5:04 PM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Name not shown inside Sunnyvale

June 30, 2015, 11:44 AM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Ken Olevson inside Sunnyvale

June 30, 2015, 9:05 AM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Success Criteria

Please help us finalize the Success Criteria for the Civic Center Project

Chris Wiegel inside Sunnyvale

June 30, 2015, 8:57 AM

Please indicate the level to which you agree or disagree with the following: The draft Success Criteria will be helpful in evaluating project alternatives for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Success Criteria as a way to help rank project alternatives once they are developed?

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Success Criteria for the Civic Center Modernization Project....

I would add that the new civic center should be someplace where the residents of Sunnyvale can muster safely during and after an emergency. That means the buildings are earthquake and fire resistant and able to provide shelter to people who are displaced by a local disaster.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Vision Statement and a draft Needs Assessment. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

ATTACHMENT 4

Civic Center Modernization Project

Success Criteria

Improve the Quality of Services – Leaders in New Service Innovation

- Preserve or Enhance Current City Service Levels
- Create Flexibility for Future City Needs
- Improve Technology to Expand Service Capabilities and Improve Efficiencies

Fiscally Responsible

- Consider Lifecycle Costs: Balance Ongoing Operational/Maintenance Costs With Initial Construction Costs
- Balance Short Term Costs with Long Term Value
- Strategic Use of Land and Resources

Accessible to All Members of Our Diverse Community

- Improve Access to City Services
- Improve Connectivity Between City Services on the Civic Center Campus
- Create an Attractive, Welcoming, and Well-Used Environment for the Community

Civic and Community Engagement

- Flexible and Adaptable Spaces for Civic and Community Use – Meeting and Gathering Space
- Provide Cultural and Community Resources

Increase Usability of Open Space

- Provide a Walkable, Safe Environment
- Maintain a Balance between Built Structures and Open Space
- Make Sure Spaces Can Accommodate Multiple Uses – Indoor and Outdoor
- Outdoor Space that is Open and Used by the Community
- Combine Active and Passive Space to Meet a Range of User Needs
- [Preserve Open Space and City Ownership of Land](#)

Leaders in Sustainability

- Civic Model of Sustainability
- Reduce Water and Energy Consumption

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Open City Hall Summary for the Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

All On Forum Responses sorted chronologically

As of September 15, 2015, 4:31 PM



As with any public comment process, participation in Open City Hall is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Open City Hall Summary for the Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Introduction

Topic

Please help us finalize the Needs Assessment for the Civic Center Project

Background

Sunnyvale has started an exciting process to re-imagine the Civic Center located at the corner of El Camino Real and Mathilda. The existing Civic Center includes Sunnyvale's Library, City Hall, and Public Safety Department Headquarters. After holding a community workshop and considering input from a variety of stakeholders, on May 18, 2015, City Council approved the following draft Needs Assessment:

Draft Needs Assessment

Site

- High Percentage of Green Space
- Safe Pedestrian Pathways
- Support a Variety of Community Use and Gathering in Outdoor Space
- Adequate Parking for Peak Usage
- Library

- Additional Meeting Space for Small Groups, Programs, and Events
- Bigger and More Robustly Shelved Collections and Areas for Teens, Tweens, and Children
- More Effective Space Layout
- More Robust and Appropriate Technology
- City Hall

- Innovative 21st Century Services
- More Effective Space Layout and Allocation
- More Meeting Space
- Improved Security
- More Robust and Appropriate Technology in Council Chambers and Meeting Rooms
- Public Safety

- More Effective Space Layout
- Dedicated Space for Emergency Operations Center
- Additional Space for Evidence Storage and Processing
- Upgrade Crime Lab Facilities
- Additional Secure Parking
- Workshop attendees

A community workshop was held in April to get input on the Vision and Success Criteria. To review a workshop

Open City Hall Summary for the Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

summary please check our website.

A Needs Assessment has been developed to help inform the space planning process that is currently in progress. The space plan will define how much building space is needed to continue to deliver high-quality services to the community as well as to help quantify site needs such as parking, open space and community gathering spaces.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

As of September 15, 2015, 4:31 PM, this forum had:

Attendees:	94
On Forum Responses:	19
Hours of Public Comment:	1.3

This topic started on June 29, 2015, 12:05 PM.

Civic Center Modernization Project - Draft Needs Assessment






Please help us finalize the Needs Assessment for the Civic Center Project

Responses

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

		%	Count
Strongly Agree		36.8%	7
Somewhat Agree		36.8%	7
Somewhat Disagree		21.1%	4
Strongly Disagree		5.3%	1

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

		%	Count
Strongly Support		33.3%	6
Somewhat Support		27.8%	5
Neutral		11.1%	2
Somewhat Oppose		22.2%	4
Strongly Oppose		5.6%	1

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

Answered 16

Skipped 3

also assessment available building buildings center civic
community current do green hopefully how include land library methods
more need needs other parking peak people perhaps

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

plan public s so some **space** staff sunnyvale than them think
usage **USE** what why

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

September 9, 2015, 12:54 AM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Disagree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

I agreed with almost everything listed in the draft Needs Assessment; primary area of disagreement was line item for "Adequate Parking for Peak Usage." Providing parking specifically for PEAK usage is likely to result in significantly more space being devoted to parking than needed. This conflicts with other goals listed - walkability, green/open space, cost effectiveness. Parking should not trump these other goals, and should be balanced with them; perhaps "Adequate parking for typical usage" would be a better formulation.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

August 26, 2015, 8:19 AM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Disagree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

At this point in history, it is definitely a NEED that all buildings and open space in the complex model environmental sustainability and educate the public about green features such as zero net energy building techniques; bioswales and permeable pavement; water efficiency, capture, and re-use; renewable energy; habitat restoration; native plants; perhaps even solid waste processing and district heating and cooling...I believe this need to model and educate about environmental sustainability should be explicitly identified as such.

Another need is making the buildings that house basic services resilient for times of emergency such as earthquakes or perhaps flash floods, so that staff can continue to function. Perhaps the civic center also needs to plan that some buildings be available as cooling centers for the vulnerable in case of extreme heat.

I strongly disagree that the City provide enough parking for PEAK usage. Parking is expensive, especially structured parking. Parking prevents the land's use for other purposes, including open space. Excess parking--and if we build for peak usage slots would be empty most of the time--invites more driving, less biking, walking and transit use. The younger generation drives less than the boomers do and even boomers will be driving less as we age. I urge the city NOT to build parking for PEAK periods. And I encourage the city to charge for parking because it is not actually free. It is only fair for those who use the expensive parking to pay for at least some of its cost. I don't think the City would even consider subsidizing bus riders or cyclists who frequent city hall. Why subsidize drivers? Besides, my understanding is that the City is moving away from requiring retail to provide parking for peak periods because it is so inefficient. Why would the city not follow its own policies for hopefully a model civic center complex?

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

August 12, 2015, 12:01 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

In the suggestion of needs (the 21st century needs) I would highly recommend including spaces that are inclusive of a changing workforce (and a workforce you want to attract and retain), including private mother's nursing rooms <http://www.dol.gov/whd/nursingmothers/faqBTNM.htm> . There are not enough private rooms close to people's work areas to comfortably allow blocks of time for this. Also, spaces that are more attractive to younger workers will help attract and retain them, which would help with the succession planning issues that are affecting the graying municipal workforce population right now.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

August 3, 2015, 3:33 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Joel Sisk inside Sunnyvale

July 29, 2015, 2:32 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Neutral

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

I support the City's need to modernize the Civic Center.

Someone online remarked that the city shouldn't need to modernize so soon, as the buildings are "only 70 to 80 years old", and yet their 60 year-old house works just fine. Well, you may or may not have 2000 people a day coming over to your house, expecting to use your massive book and media collection, plugging in their smart phones and getting access to your state of the art internet wi-fi and other systems. This is just part of what the Sunnyvale library experiences every day.

70 years of continual use in a constantly growing city means improvements must be made now and then. And other City Service departments also need improvements in facilities, whether that be more space, better technology access, or strengthened security.

The question is, how should this modernization be done (taking into account the top interests of the residents and City staff), and how should it be paid for?

Priorities should be:

- 1) NOT leasing or selling city land to pay for modernization/improvements. Methods are available which are BOTH fiscally and civically responsible.
- 2) Maintaining/expanding green space
- 3) Keeping building heights 2 stories, maybe 3 stories, max
- 4) Making hard choices of whether some buildings can be just remodeled or expanded, rather than needing replacement.

As a general overview, the draft Needs Assessment seems to be a decent starting place, with good topics included. Some Sunnyvale resident input is missing and these items should be discussed in the Workshops and online.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

July 24, 2015, 10:18 AM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Disagree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

There is no mention of community garden which I think is worth including in the Civic Center Modernization Plan.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

July 20, 2015, 9:05 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

I would like to see a priority on maintaining green space, and buildings as short as possible. Also, I disagree with the idea of partnering with a developer to sell of some of the land. I have seen no justification for why this is necessary, and will only lead to more building, which is already making Sunnyvale a less desirable place to live.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Don Krafft inside Sunnyvale

July 15, 2015, 12:57 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

The high percentage of green space should include an expansion of the community gardens and the many purposes that it serves.

Also, please note that the needs to not include reducing the land available by selling some of it to developers in order to pay for the beneficial development. This concept is very short-sighted and would short-change the citizens of Sunnyvale

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

George Hamma inside Sunnyvale

July 14, 2015, 10:03 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

I want to encourage more available outdoor green space, possibly by collaborative use of garden/library areas, use of outdoor green space for gathering and meeting, like is now used at Charles Street Gardens.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

July 9, 2015, 1:19 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

It should be useful as a starting point. Hopefully the next phase of outreach will include an opportunity to discuss what methods can be used to identify and quantify the specific needs, methods for prioritizing them, and methods for increasing community input. How much of the wish list for a building or service is being complied by the staff, by volunteers, or by public users? Is there a way to measure the strength of support for a given item from each constituency? Hopefully the City has taken census reports of the usage of the various public meeting rooms and canvassed the users as to their preferences for location, size, amenities and can share that information at the community meeting. Are there trends in the size or type of rooms needed? Have library users been asked to provide input about their experiences - more chairs, more tables, more stroller space, more check out stations? If those kinds of things haven't been done yet, is there a timeline for getting them done? Also, we still need to get at how the existing public uses at the Civic Center and the Community Center might fit together. For instance, do all the items on the wish list need to be accommodated at the Civic Center or might some of them be moved to other City owned lands? The process needs to include demographic data so that we can fine tune the wish lists. For instance, what is the peak demographic for walk-in library use versus ebooks? How does that line up with the expected demographic trends in the community by age or language? Do we really need more floor space or do we need to allocate it differently? Do we need a whole lot more books for a particular language? Does a particular neighborhood need more free computer access provided at a more convenient location? My fear is that the next outreach workshop will not supply us with the kind of detail we need to make meaningful input and that it will be time wasted and someone will tick a box saying "workshops were held".

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

July 8, 2015, 6:44 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Neutral

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

Here are two very important issues that I feel need to be clearly addressed: traffic congestion and building height. Please do not allow buildings over three stories in that area.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Deborah Marks inside Sunnyvale

July 6, 2015, 1:19 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Oppose

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

The "Needs Assessment" was put together primarily after talking to residents/staff (Site and Library) and staff (City Hall and Public Safety). These are the "needs", perhaps better stated as "wishes", for an ideal Civic Center. The "needs/wishes" can only be fulfilled as the finances allow. Many, many residents do NOT want to revert to a public/private partnership in order to fulfill all these "needs/wishes" all at once because that would mean sacrificing some of the land at the Civic Center. They could be prioritized as the financing allows by a bond measure or other means. The "needs/wishes" could be taken care of over a planned period of time as the finances allow without losing land at the Civic Center.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

July 5, 2015, 3:01 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

While I think the current infrastructure is somewhat adequate, the issue is the current over-development of Sunnyvale under the guise of "affordable housing." Other nearby cities have put a halt to overdevelopment -- why not Sunnyvale? We need to halt the overdevelopment of Sunnyvale while ensuring our current infrastructure can accommodate the already increased density of people.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

July 4, 2015, 8:29 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Strongly Disagree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Strongly Oppose

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

Since Sunnyvale populaiton will not increase by much over the next few decades, I see no reason to increase our "efficiency" since the current city government facilities serve our citizens well enough. this whole new plan looks to me like a "developer's dream project" than something the city citizens really needs. I am ashamed by the blatantly self-serving aspects of this plan to benefit those who contributed to the election campaign of many of the current city council members..

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

July 1, 2015, 9:33 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Somewhat Disagree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

No Response

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

This is not a needs assessment, it is an objectives statement. The City should prepare a detailed needs statement that quantify City needs before proceeding any further with the project. The needs assessment should list and prioritize city activities and quantify their facility needs.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Vivian Euzent inside Sunnyvale

June 30, 2015, 5:02 PM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

Hopefully, flex-type spaces will be incorporated into the design so that facilities can be used in more than one way depending on the need at the time.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Name not shown inside Sunnyvale

June 30, 2015, 11:43 AM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Somewhat Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Ken Olevson inside Sunnyvale

June 30, 2015, 9:04 AM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

No Response

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project - Draft Needs Assessment

Please help us finalize the Needs Assessment for the Civic Center Project

Chris Wiegel inside Sunnyvale

June 30, 2015, 8:53 AM

Please indicate the level to which you agree or disagree with the following: The draft Needs Assessment will be helpful in developing a more detailed space plan for the Civic Center Modernization Project.

Strongly Agree

Do you support the draft Needs Assessment as a way to reflect community needs in the Civic Center space plan?

Strongly Support

Please list other ideas or suggestions you would like to see reflected in the Needs Assessment for the Civic Center Modernization Project....

My opinion is that most of the points look good. I do question the need for outdoor gathering space - we have Washington Park nearby for that. Maybe upgrade the common use building there? Also the library should be careful in investing in tech since it becomes obsolete so quickly. It might be more efficient to supply fixed (i.e. desktop) computers for common use while encouraging people to bring their own devices and connect to the library via Wi-fi. I think the library should not be supplying tablets and laptops and other easy to steal and/or break devices. As for the city hall tech upgrade, I am not sure exactly what is envisioned, but I think it needs to be reasonable in terms of scope and cost.

Thank you for taking the time to share your opinion. We've posted two other related topics on the Civic Center Project to get your feedback on draft Success Criteria and a draft Vision Statement. Please take a few moments and share your opinions on these topics also. To be notified about future topics on the Civic Center Project including future community workshops, please join the interested parties e-list by simply sending an e-mail to: MyCivicCenter@sunnyvale.ca.gov. More information about the Civic Center Modernization Project is available on our project web page at: CivicCenter.inSunnyvale.com.

Civic Center Modernization Project

Needs Assessment

Site

- High Percentage of Green Space
- Safe Pedestrian Pathways
- Support a Variety of Community Use and Gathering in Outdoor Space
- Adequate Parking for **Peak Facility** Usage

Library

- Additional Meeting Space for Small Groups, Programs, and Events
- Bigger and More Robustly Shelved Collections and Areas for Teens, Tweens, and Children
- More Effective Space Layout
- More Robust and Appropriate Technology

City Hall

- Innovative 21st Century Services
- More Effective Space Layout and Allocation
- More Meeting Space
- Improved Security
- More Robust and Appropriate Technology in Council Chambers and Meeting Rooms

Public Safety

- More Effective Space Layout
- Dedicated Space for Emergency Operations Center
- Additional Space for Evidence Storage and Processing
- Upgrade Crime Lab Facilities
- Additional Secure Parking



City of Sunnyvale

Agenda Item

15-0777

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Approve Budget Modification No. 8 to Appropriate \$25,000 to Fund Consultant Services Related to the Civic Center Modernization Project with Funding from the Future Infrastructure Projects Set Aside in the Infrastructure Fund

BACKGROUND

On October 28, 2014 Council appropriated \$400,000 for consulting services and expenses related to the Civic Center Modernization Project (RTC 14-0746). The City Manager was authorized to enter into and amend individual service agreements exceeding \$100,000, up to the budgeted amount. The City subsequently awarded a contract to Anderson Brule Architects in the amount of \$374,660 to provide services in three key areas - community outreach, market analysis, and space planning. Work in these areas is progressing well and scheduled to be completed by the end of 2015.

ENVIRONMENTAL REVIEW

This action is not a project within the meaning of CEQA because it involves funding for outreach, organizational, and administrative activities that will not result in direct physical changes to the environment (CEQA Guidelines 15378(b)(5)).

DISCUSSION

The current scope of the market analysis for the Civic Center project is limited to the existing City-owned property located at the Civic Center. The market analysis will evaluate current market conditions for alternative land uses at the Civic Center such as housing, hotel, retail, or office and estimate an approximate value of land if sold or leased for private uses. This is one way the City could potentially offset the cost of improvements needed at the Civic Center.

During the community outreach process numerous concerns were raised about the impacts of converting land at the Civic Center to private uses. It has been suggested that the City consider other City-owned properties, not currently being used to deliver City services. Staff has identified two properties owned by the City that have never been used to provide City services: 1) Parcels D and E located at the former Onizuka Air Force Station (4.6 acres); and 2) 1455 Kifer Road, a property that has been leased to a private party for many years but is now vacant (4.7 acres).

Additional consulting services would be needed to perform appraisals and incorporate the findings in the Civic Center market analysis work. This would provide a broader range of alternatives to consider as options for financing the Civic Center project are being developed for Council consideration.

Additional funding is also needed to augment community outreach efforts for an upcoming community workshop. Two community workshops on the Civic Center have already been held with 60 to 80 community members participating in each workshop. A third workshop is planned for early

October. The next workshop will feature a site planning exercise that requires facilitators for small groups that will develop alternatives site plans. In order to accommodate as many participants as possible, several staff members will be trained to facilitate the exercise. This will require a modest amount of additional consulting services for training and materials for the workshop.

FISCAL IMPACT

Since FY 2012/13, the City's General Fund reflects an annual transfer of \$1.5 million for investment in the City's administrative infrastructure. Through FY 2014/15, the Infrastructure Fund accumulated \$6 million for future infrastructure projects. \$400,000 was appropriated in FY 2014/15 for the Civic Center Modernization Project.

Budget Modification No. 8 has been prepared to appropriate an additional \$25,000 to the Civic Center Modernization project to fund the additional appraisals and augment the community outreach efforts. The funding source for this additional appropriation would be the same source used in the initial appropriation. To date, \$5.6 million is set aside and available.

Budget Modification No. 8 FY 2015/16

	Current	Increase/ (Decrease)	Revised
Infrastructure Fund			
<u>Expenditures</u>			
831340 - Civic Center Modernization	\$400,000	\$25,000	\$425,000
FY 2016/17 - Future Infrastructure Projects	\$5,600,000	(\$25,000)	\$5,575,000

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. Approve Budget Modification No. 8 to Appropriate \$25,000 to Fund Consultant Services Related to the Civic Center Modernization Project with Funding from the General Fund Capital Program Reserve.
2. Authorize the City Manager to amend the service agreement with Anderson Brule Architects, up to the new appropriation limit.
3. Other action as directed by Council.

STAFF RECOMMENDATION

Alternatives 1 and 2: 1) Approve Budget Modification No. 8 to appropriate \$25,000 to fund consultant services related to the Civic Center Modernization Project with funding from the Future Infrastructure Projects Set Aside in the Infrastructure Fund; and 2) Authorize the City Manager to amend the service agreement with Anderson Brule Architects, up to the new appropriation limit.

Additional funding for the Civic Center project will provide for a broader range of options to be analyzed as part of the market analysis. This will give the City more flexibility in developing a range of financing alternatives for the Civic Center project.

Prepared by: Kent Steffens, Assistant City Manager

Reviewed by: Grace Leung, Director, Finance Department

Reviewed by: Jane Chambers, Interim Assistant City Manager

Approved by: Deanna J. Santana, City Manager



City of Sunnyvale

Agenda Item

15-0810

Agenda Date: 9/29/2015

REPORT TO COUNCIL

SUBJECT

Appoint One City Councilmember to Serve as Member and Another to Serve as Alternate on the Valley Transportation Authority State Route 85 Corridor Policy Advisory Board

BACKGROUND

Traditionally, in January of each year, the City Council fills a number of positions for intergovernmental (IGR) assignments. Council appoints members to a variety of IGR agencies in order to represent the City's interests and to influence policies and regulations of other agencies. The City Council also ratifies the appointment of Councilmembers made by other organizations. From time to time, appointments come up that require Council action outside of the normal timeframe.

On August 6, 2015 the Valley Transportation Authority (VTA) established a State Route (SR) 85 Corridor Policy Advisory Board (PAB). The PAB was established to ensure that stakeholder cities on the SR 85 corridor are involved in projects that affect the corridor and have the opportunity to provide input and recommendations to the VTA Board of Directors. The mission of the PAB is to study the long-term transit and transportation plan to serve the SR 85 corridor.

EXISTING POLICY

Council Policy 7.4.12 Council Appointments to Intergovernmental Agencies. The City Council appoints members to a variety of intergovernmental agencies in order to represent the City's interests and to influence policies and regulations of other agencies.

ENVIRONMENTAL REVIEW

N/A

DISCUSSION

VTA has provided for one seat for a Sunnyvale City Councilmember to serve as a member of the PAB. In addition, VTA has requested the appointment of an alternate to ensure that Sunnyvale has representation on the PAB if the appointed member cannot attend. A letter from VTA requesting the appointment is included as Attachment 1. VTA expects the PAB to meet quarterly. Given the timing of the appointment, staff suggests the appointees serve through the 2016 calendar year.

FISCAL IMPACT

There is no fiscal impact to making an appointment to the Policy Advisory Board.

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 a Councilmember to serve as member and another to serve as alternate on the Valley Transportation Authority State Route 85 Corridor Policy Advisory Board.
2. Do not appoint a Councilmember and alternate Councilmember to serve on the State Route 85 Corridor Policy Advisory Board.
3. Take no action at this time.

STAFF RECOMMENDATION

Alternative 1: Appoint a Councilmember to serve as member and another to serve as alternate on the Valley Transportation Authority State Route 85 Corridor Policy Advisory Board.

Prepared by: Manuel Pineda, Director of Public Works

Approved by: Kent Steffens, Assistant City Manager

for Deanna J. Santana, City Manager

ATTACHMENT

1. VTA Letter



August 12, 2015

Mayor Jim Griffith
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94088

Dear Mayor Griffith:

We respectfully request that the City of Sunnyvale appoint one (1) member and one (1) alternate member of the City of Sunnyvale Council to serve on the State Route (SR) 85 Corridor Policy Advisory Board (PAB).

The SR 85 Corridor PAB was established by the Santa Clara Valley Transportation Authority (VTA) Board of Directors on August 6, 2015, to ensure the stakeholder cities in the SR 85 corridor are involved in the development of existing and potential transportation capital projects along the corridor and have the opportunity to provide input and recommendations to the VTA Board of Directors.

The mission of the SR 85 Corridor PAB is to study the long-term transit and transportation plans to serve the SR 85 Corridor. The PAB will advise the VTA Board of Directors on the scope, funding and construction of both near and long-term transit and transportation improvement projects for this corridor.

The composition of the SR 85 Corridor PAB will include two Santa Clara County Supervisors representing the affected area; one governing board member each from the affected jurisdictions in the corridor, which are: Campbell, Cupertino, Los Altos, Los Gatos, Monte Sereno, Mountain View, San Jose, Saratoga, and Sunnyvale; and one Ex-Officio (non-voting) member representing Caltrans. Members and alternates will serve at the pleasure of their respective appointing authority.

It is anticipated that the SR 85 Corridor PAB will meet on a quarterly basis.

Thank you and please contact me at (408) 321-5680 if you have any questions regarding the appointment.

Sincerely,

A handwritten signature in blue ink that reads "Elaine F. Baltao".

Elaine F. Baltao, Board Secretary
Santa Clara Valley Transportation Authority

cc: Kathleen Franco Simmons, City Clerk



City of Sunnyvale

Agenda Item

15-0186

Agenda Date: 9/29/2015

Tentative Council Meeting Agenda Calendar



City of Sunnyvale

Tentative Council Meeting Agenda Calendar

Tuesday, October 13, 2015 - City Council

Closed Session

- 15-0517** 6 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager
Employee organization: Communication Officers Association (COA)
Employee organization: Public Safety Managers Association (PSMA)
Employee organization: Public Safety Officers Association (PSOA)
Employee organization: Sunnyvale Employees Association (SEA)
Employee organization: Sunnyvale Managers Association (SMA)

Special Order of the Day

- 15-0471** SPECIAL ORDER OF THE DAY - Annual Fire Safety Poster Contest Awards Presentation

Presentation

- 15-0888** PRESENTATION - 11th Annual Silicon Valley Turkey Trot and Mayor's Cup 5K Challenge

Public Hearings/General Business

- 15-0373** Discussion and Direction on Study Issue and Report Related to Car/Ride Share Impacts on Taxicab Franchises and Review of Taxicab Franchise Regulations. (Study Issue DPS 15-0102)
- 15-0185** FILE #: 2015-7636
Location: 838 Azure Street and 842 Sunnyvale-Saratoga Road (APNs: 211-18-030)
Proposed Project:
General Plan Amendment Initiation request to study changing the General Plan from Low Density Residential to Low Medium Density Residential.
Applicant/Owner:
Project Planner: Gerri Caruso, (408) 730-7591, gcaruso@sunnyvale.ca.gov
- 15-0788** Sunnyvale Golf Course Concession License Agreement
- 15-0821** Adopt a Resolution to Approve the Annexation of the Butcher Property and

Find the Project Categorically Exempt under the California Environmental Quality Act

15-0864 Adopt the City's Investment Policy for Fiscal Year 2015/16 and Receive the Annual Performance Report for Fiscal Year 2014/15

Tuesday, October 27, 2015 - City Council

Closed Session

15-0827 5 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT
Title: City Attorney

15-0518 6 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager
Employee organization: Communication Officers Association (COA)
Employee organization: Public Safety Managers Association (PSMA)
Employee organization: Public Safety Officers Association (PSOA)
Employee organization: Sunnyvale Employees Association (SEA)
Employee organization: Sunnyvale Managers Association (SMA)

Special Order of the Day

15-0891 SPECIAL ORDER OF THE DAY - Santa Clara Valley Science and Engineering Fair 2015 Award Recipients

Public Hearings/General Business

15-0757 Introduce an Ordinance to Amend various sections of the Sunnyvale Municipal Code Title 19 (Zoning) Related to Child Care Facilities (CDD 15-11); Approve Guidelines for Commercial Child Care; and Finding of CEQA Exemption Pursuant to CEQA Guideline 15061(b)(3). (Planning File: 2015-7149) (Continued from August 25, 2015)

15-0865 File #: 2015-7259
Location: 423 E. Maude Ave. (APN: 204-21-006)
Zoning: R-3 (Medium Density Residential)
Proposed Project: Call for Review by the City Council of a decision by the Planning Commission approving related applications on a 0.59-acre site:
DESIGN REVIEW to allow 11 townhome units;
VESTING TENTATIVE MAP to subdivide one lot into 11 lots plus one common lot, and
VARIANCE to allow an average front yard setback along Maude Ave. of 18 feet 10 inches, where 20 feet average is required.
Applicant / Owner: Classic Communities / Robert Alonso Trustee

Tuesday, November 10, 2015 - City Council

Closed Session

- 15-0832** 8 A.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE APPOINTMENT
Title: City Attorney
- 15-0519** 5 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager
Employee organization: Communication Officers Association (COA)
Employee organization: Public Safety Managers Association (PSMA)
Employee organization: Public Safety Officers Association (PSOA)
Employee organization: Sunnyvale Employees Association (SEA)
Employee organization: Sunnyvale Managers Association (SMA)

Study Session

- 15-0078** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews

Public Hearings/General Business

- 15-0511** Policies Regarding Private Security Cameras (Study Issue)

Tuesday, November 17, 2015 - City Council

Closed Session

- 15-0520** 5 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager
Employee organization: Communication Officers Association (COA)
Employee organization: Public Safety Managers Association (PSMA)
Employee organization: Public Safety Officers Association (PSOA)
Employee organization: Sunnyvale Employees Association (SEA)
Employee organization: Sunnyvale Managers Association (SMA)

Study Session

- 15-0166** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Discussion of Council 2016 Intergovernmental Relations Assignments

Public Hearings/General Business

- 15-0079** Appoint Applicants to Boards and Commissions
- 15-0491** Approve Changes to Council Policies 7.4.5, 7.4.6, 7.4.7, and 7.4.8 in Council Policy Manual Chapter 7, Section 4 Regarding Council Support and Processes
- 15-0912** File #: 2014-7416 and 2014-7417
Location: 915 DeGuigne Drive and 936 E. Duane Avenue (APNs: 205-21-001 and 2015-21-002)
Proposed Project: General Plan Amendment to change from Industrial to Medium Density Residential for 915 DeGuigne Drive and from Industrial to Parks for 936 E. Duane Avenue; Rezoning from M-S to R-3/PD for 915 DeGuigne Drive and M-S to PF for 936 E. Duane Avenue; and discussion of Sense of Place Plan, Fiscal Impact Analysis, and Environmental Impact Report.
Applicant/Owner: Watt Investments at Sunnyvale, LLC

Tuesday, December 1, 2015 - City Council

Closed Session

- 15-0521** 4 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager
Employee organization: Communication Officers Association (COA)
Employee organization: Public Safety Managers Association (PSMA)
Employee organization: Public Safety Officers Association (PSOA)
Employee organization: Sunnyvale Employees Association (SEA)
Employee organization: Sunnyvale Managers Association (SMA)
- 15-0098** 5 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: City Council Compensation Subcommittee
Unrepresented Employee: City Manager

Study Session

- 15-0860** 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Review Potential for Utility Users Tax Ballot Measure (Study Issue)

Special Order of the Day

15-0359 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members (as necessary)

Public Hearings/General Business

15-0603 Lawrence Station Area Plan and Final Environmental Impact Report

Tuesday, December 15, 2015 - City Council

Closed Session

15-0522 5 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Teri Silva, Director of Human Resources; Deanna J. Santana, City Manager
Employee organization: Communication Officers Association (COA)
Employee organization: Public Safety Managers Association (PSMA)
Employee organization: Public Safety Officers Association (PSOA)
Employee organization: Sunnyvale Employees Association (SEA)
Employee organization: Sunnyvale Managers Association (SMA)

15-0099 6 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney

Closed Session held pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: City Council Compensation Subcommittee
Unrepresented Employee: City Attorney

Study Session

15-0853 6:50 P.M. SPECIAL COUNCIL MEETING (Study Session)
Discussion of Upcoming Selection of 2016 Mayor and Vice Mayor

Public Hearings/General Business

15-0383 Prohibit Smoking inside All Units and in Common Areas of Multi-Family Residences and Expand Smoking Regulations to Prohibit Smoking near Doorways and Outdoor Areas of Retail and Commercial Businesses (Study Issue)

15-0392 Evaluate Timing of Park Dedication In-Lieu Fee Calculation and Payment (Study Issue)

15-0445 Civic Center Land Use and Financing Strategies

Tuesday, January 5, 2016 - City Council

Public Hearings/General Business

- 16-0001** Select Mayor for 2016
- 16-0002** Select Vice Mayor for 2016
- 16-0009** Approve the 2016 City Council Meeting Calendar
- 16-0003** Annual Public Hearing - Discussion of Potential Council Study Issues and Budget Issues for Calendar Year 2016
- 16-0004** City Council 2016 Appointments to Intergovernmental and Internal Assignments, Council Subcommittees, and Community Member Appointments
- 16-0005** Approve the Proposed 2016 Priority Issues and Short and Long-term Legislative Advocacy Positions (LAPs)
- 16-0006** 2016 Seating Arrangements for City Council

Tuesday, January 12, 2016 - City Council

Special Order of the Day

- 16-0007** SPECIAL ORDER OF THE DAY - Recognition of Outgoing Mayor
- 16-0008** SPECIAL ORDER OF THE DAY - Recognition of Outgoing Vice Mayor
- 16-0010** SPECIAL ORDER OF THE DAY - Ceremonial Oath for Incoming Mayor
- 16-0011** SPECIAL ORDER OF THE DAY - Ceremonial Oath for Incoming Vice Mayor

Thursday, January 14, 2016 - City Council

Public Hearings/General Business

- 16-0013** 8:30 A.M. SPECIAL COUNCIL MEETING
Council Budget Overview, Update and Prioritization Session

Friday, January 29, 2016 - City Council

Public Hearings/General Business

- 15-0084** 8:30 A.M. SPECIAL COUNCIL MEETING

Tuesday, February 9, 2016 - City Council

Public Hearings/General Business

15-0085 Agenda items pending - To be scheduled

Tuesday, February 23, 2016 - City Council

Public Hearings/General Business

15-0086 Agenda items pending - To be scheduled

Date to be Determined - City Council

Study Session

15-0444 SPECIAL COUNCIL MEETING (Study Session)
Review Civic Center Community Workshop Results and Land Use
Opportunities and Constraints

Public Hearings/General Business

14-0035 Pilot Bicycle Boulevard Project on East-West and North-South Routes
(Study Issue)

14-0273 Optimization of Wolfe Road for Neighborhood and Commuters via
Reconfiguration and Signalization (Study Issue)

14-0429 Resolution Forming Homestead Road Underground Utility District - Public
Hearing

15-0588 Peery Park Specific Plan and Environmental Impact Report

15-0605 Land Use and Transportation Element and Environmental Impact Report
(February 2016)

15-0717 Consider Multi-family Residential Transportation Demand Management
Programs

15-0785 File #: 2015-7266
Location: 825 Tamarack Lane (APN: 213-29-053)
Zoning: R0
Proposed Project:
Appeal by the applicant of a Planning Commission decision denying a
Design Review Permit for a new two-story single-family home resulting in
3,117 square feet (2,717 square feet of living area and a 400 square-foot
two-car garage) and 56% floor area ratio. The existing 1,374 square foot
one-story single-family home will be demolished.

Applicant / Owner: Arsen Avagyan
Environmental Review: Categorical Exemption, Class 3



City of Sunnyvale

Agenda Item

15-0765

Agenda Date: 9/29/2015

Information/Action Items

2015 INFORMATION/ACTION ITEMS **COUNCIL DIRECTIONS TO STAFF**

No.	Date Assigned	Directive/Action Required	Dept	Due Date	Date Completed
1.	1/6/15	When presenting Investment Policy to Council this coming fall, include option to preclude direct investment in fossil fuels	FIN	10/13/15	
2.	6/9/15	Ensure future presentation/discussion regarding golf operations includes analysis and process for determining golf fees	DPW	9/29/15	
3.	8/18/15	Prepare an Information Only Report to Council to explain how the Mary Avenue extension project is referenced in the adopted General Plan LUTE and Moffett Park Specific Plan	DPW	TBD	
4.	8/18/15	Check with VTA to see if the City should submit a project for the Lawrence Expressway Grade Separation project, or whether it will be covered by the County. (Included in Valley Transportation Plan 2040)	DPW		8/28/15
5.	8/18/15	Look for potential matching funds for the Lawrence/Wildwood project and adjust TIF assumptions as needed	DPW	March 2016	

NEW STUDY/BUDGET ISSUES SPONSORED BY COUNCIL IN 2015

No.	Date Requested	Study Issue Title	Requested By	Dept	Issue Paper Approved by City Manager
		No new Council-sponsored Study Issues.			



City of Sunnyvale

Agenda Item

15-0739

Agenda Date: 9/29/2015

Study Session Summaries of August 18, 2015:

Item A: 15-0671 Transportation Initiatives, Proposed Ballot Measure, and Upcoming Update to the Transportation Impact Fee and Project Prioritization

Item B: 15-0606 Update on Draft Land Use and Transportation Element and Consideration of Land Use Alternatives for Environmental Impact Report

Item C: 15-0631 Peery Park Specific Plan - Consideration of Land Use Alternatives for the Environmental Impact Report and Community Benefits Program

Item D: 15-0797 Transportation Impact Fees: (1) Review of Projects and Funding, (2) Discussion of an Updated Fee

Call to Order:

Mayor Griffith called the meeting to order at 6:05 p.m.

City Councilmembers Present:

Mayor Jim Griffith

Vice Mayor Jim Davis

Councilmember David Whittum

Councilmember Pat Meyering

Councilmember Tara Martin-Milius

Councilmember Glenn Hendricks

Councilmember Gustav Larsson

City Councilmembers Absent:

None.

Item A: 15-0671 Transportation Initiatives, Proposed Ballot Measure, and Upcoming Update to the Transportation Impact Fee and Project Prioritization

Public Comment:

John McAlister

Lenny Siegel

Andrew Boone

Chris Lepe

Varsha Srivastava

John Cordes

Tom Dougherty

Adina Levin

Ralph Durham

Study Session Summary:

Director of Public Works Manuel Pineda provided a slide presentation on the upcoming process for

the proposed ballot measure, City priorities, and the North County process.

Councilmembers offer comments and questions on:

General Topics

- What are the timeframes for the ballot measure
- How are the preferred projects going to be selected
- What will be the VTA process
- Concern about how much funding San Jose will receive for BART
- Discussion on the North County process and signing the support letter
- Discussion on the City's priorities and how they were selected
- Discussion of adding the Lawrence Expressway grade separations as City

Members of the Public provided comments:

- Support for the proposed priorities
- Concern about the transportation priorities being focused on automobiles
- Request to support a transit project for the North County area
- Concerns about the amount of funding required for the Lawrence Expressway grade separations
- Support for multimodal funding

Council recessed at 8:13 p.m.

Council reconvened at 8:28 p.m. with all Councilmembers present.

Item B: 15-0606 Update on Draft Land Use and Transportation Element and Consideration of Land Use Alternatives for Environmental Impact Report

Public Comment:

John Cordes
Adina Levin
Dave Jones
Mike Serrone
Gerry Glaser

Study Session Summary:

Planning Officer Trudi Ryan provided a slide presentation of the Land Use and Transportation Element (LUTE) update providing a examples of mixed use development, updated policies, community outreach and EIR alternatives.

Councilmembers offer comments and questions on:

General Topics

- Is there statutory schedule to update the LUTE?
- We should find a way to talk about change with the community

- Outreach and review should note that the City is not an island
- City should find ways to deal with conflict before it is a major issue
- Discussion of impacts on schools, parks, sewer and water is needed
- What are the trends with the General Plan?
- Concern that the economy is not sufficiently diversified - that Sunnyvale is putting all its "economic eggs" into one basket--which is tech
- Is the LUTE a place to be spending time on Transportation Demand Management (TDM)?
- Is consolidation of private driveways for properties along transit corridors addressed in LUTE, because this is important to accommodate transit and alternative modes on corridors?
- The trends in the LUTE suggest that things are not getting better, but getting worse
- Concerned that LUTE presents one perspective and dismisses community opposition

Mixed Use and Villages

- Parking reductions for mixed use: is that a viable business model?
- More information is needed on the design and appearance of the villages (e.g. guidelines on setback, terracing, building entrances). Concerns with mixed expectations between community and property owners
- Need to think about communicating to the public that transition is and will be evaluated by staff and the council whenever new development is considered, especially in mixed use areas near single-family home neighborhoods.

Jobs/Housing Ratio (J/H Ratio)

- The Council does not have an agreed upon definition of Jobs/housing balance that is desirable or how we measure this
- Selecting an specific J/H ratio to evaluate seems premature
- What is the range of J/H ratios for cities in the area?
- How do we know what J/H ratio we should seek?
- J/H ratio does not directly control the issues of where people will work and where people will live. The best we can do is create the most livable community we can.
- Concerns that a higher jobs to housing ratio than current conditions will result in more expensive housing and more traffic.
- The average residents want a vision that is pursuing solutions to traffic and housing costs.
- Sees J/H ratio as a knob to push trends one way or the other and thinks the current LUTE will enforce current negative trends toward unaffordable housing and lots of commuter traffic
- Concerned that the assumptions used in the LUTE to estimate jobs is too low.

Balanced Growth Profile (BGP)

- BGP needs update and its use needs to be more clearly defined.
- BGP should not be prescriptive

EIR Alternatives

- EIR alternatives are appropriate
- Alternative 3 and the redistribution of growth to north south transit corridors is potentially desirable
- Interested in development in relation to trails

- Consider an EIR alternative that lessens the amount of development on the ground today and that has a stricter requirements for level of infrastructure (water, parks, schools) required before new development is allowed

Members of the Public provided comments:

- We should not be looking at a jobs/housing ratio as high as 1.5 let alone 1.7
- Consider that as we have a larger retired community, the housing availability for workers will be even lower
- We should evaluate a jobs/housing ratio of 1.1
- Consider evaluating alternatives using vehicle miles traveled (VMT) per capita
- Studies by Silicon Valley and Downtown Palo Alto indicate a ratio of 200-250 square feet per worker
- Need to consider addressing the trend of lower and middle income individuals being priced out of housing in the city
- Should consider villages in ITR areas
- Land is too valuable to use for parking-should be housing

Item C: 15-0631 Peery Park Specific Plan - Consideration of Land Use Alternatives for the Environmental Impact Report and Community Benefits Program

Councilmember Whittum reported he is a consultant for a tenant of the location, recused himself, and left the room.

Councilmember Meyering reported his residence is within 500 feet of the location, recused himself, and left the room.

Public Comment:

Richard Kolber

Ann Davis

Adina Levin

Dave Jones

Dwight Davis

Study Session Summary:

Director of Community Development Hanson Hom presented information on the potential alternatives for the Peery Park draft Environmental Impact Report (DEIR) and discussed several advantages and disadvantages of each of the alternatives. The three alternatives presented were:

1. No project/existing General Plan;
2. Mixed-Use Housing; and
3. Higher Intensity Buildout with 30% TDM Goal.

The Councilmembers raised concern with potential alternative 2 (increased housing units in the plan area); however, they agreed that it should be studied as an alternative in the DEIR because it had been requested by several members of the community in various Community Workshops and Public Hearings. Councilmembers also expressed the need for convenient retail uses, open space and other amenities within Peery Park to serve employees. It was noted that Alternative 3 could generate

more community benefits. The Council directed staff to proceed on the DEIR with the three alternatives mentioned above.

After discussion on the project alternatives for the DEIR, Director Hom explained the concept of community benefits and incentive zoning. Teifion Rice-Evans, consultant from Economic and Planning Systems (EPS), explained the findings of the market analysis that they prepared for the City to determine the level of financial benefits that could be considered for Peery Park projects. Director Hom then laid out the framework for the proposed community benefits program for the Peery Park Specific Plan.

Councilmembers asked questions of staff regarding the community benefits concept. Questions were raised about the maximum development potential that could be allowed on a property with community benefits. Questions were also raised about the voluntary versus mandatory aspects of a community benefits program. Councilmembers commented that community benefits should extend beyond Peery Park, and interest was expressed for an infrastructure fee and a community benefits fund.

Councilmembers Whittum and Meyering returned to the room and took their seats at the dias.

Item D: 15-0797 Transportation Impact Fees: (1) Review of Projects and Funding, (2) Discussion of an Updated Fee

Public Comment:

Dave Jones

Study Session Summary:

Director of Public Works Manuel Pineda presented a slide presentation on the priority projects as part of the Traffic Impact Fee program and the upcoming Traffic Impact Fee update

Councilmembers offer comments and questions on:

General Topics

- Question regarding how the priorities were selected
- Questions regarding how we expect to fund the projects
- Discussion and question of nexus requirements related to the fee
- Support regarding 101/237/Mathilda as first priority
- Support for the Lawrence grade separations as a priority
- Discussion of the Bernardo Undercrossing and support for the project
- Concern regarding Mary Avenue Overcrossing and discussion of whether it should be removed from the General Plan or if it should be considered last as part of all transportation priorities

Members of the Public provided comments:

- Supporting multimodal projects

Adjournment:

Mayor Griffith adjourned the meeting at 1:33 a.m.



City of Sunnyvale

Agenda Item

15-0808

Agenda Date: 9/29/2015

Board/Commission Meeting Minutes



City of Sunnyvale

Meeting Minutes - Draft Arts Commission

Wednesday, September 16, 2015

7:00 PM

Neighborhood Room - Recreation Center,
Sunnyvale Community Center, 550 E.
Remington Drive, Sunnyvale, CA 94087

CALL TO ORDER

Chair Park called the meeting to order at 7 p.m. in the Neighborhood Room.

SALUTE TO THE FLAG

Chair Park led the salute to the flag.

ROLL CALL

Present: 3 - Chair Misuk Park
Commissioner Roberta Kiphuth
Commissioner Robert Lawson
Absent: 1 - Commissioner David Koppel

Commissioner Koppel's absence is excused.
Council Liaison Larsson (present)

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

1A [15-0867](#) Approve the Draft Minutes of 8/19/15.

Commissioner Lawson moved and Commissioner Kiphuth seconded the motion to approve the minutes of 8/19/15. The motion carried by the following vote:

Yes: 3 - Chair Park
Commissioner Kiphuth
Commissioner Lawson

No: 0

Absent: 1 - Commissioner Koppel

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS**2 STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

Commissioners discussed an idea for a study issue, an art contest. Chair Park provided an example of an art contest event held in the City of Mountain View. Staff committed to bring back information about the Mountain View art contest and about Art Commission Associations to help them generate additional ideas. Staff provided clarification about how AIPD funds may be used, the Brown Act regulations regarding email correspondence, and a review of the Study Issue process and timeline.

NON-AGENDA ITEMS & COMMENTS**-Commissioner Comments**

Chair Park announced a public meeting on October 3 for the Civic Center Redevelopment project. She also commended staff on the State of the City event, indicated she was very impressed with the Public Safety Officers supporting the event, the quality of information at the booths, and the outreach provided by the Departments.

-Staff Comments

Superintendent of Community Services Daniel Wax provided information about the following:

- A Special Order of the Day will be presented to City Council on September 29 celebrating Arts and Humanities Month.
- A mandatory training for the new Vice Chair will be held on September 22, 6-7:30 p.m. in the West Conference Room.
- Evening of Cultural Arts presents The Kathy Kallick Band on October 24, 8 p.m., at the Sunnyvale Theatre.
- Sunnyvale Community Players present Sweet Charity and Evita this season.
- California Theater Center present Peter Rabbit and Cinderella this season.
- The scheduled replacement of a pottery kiln was completed, paid by the equipment replacement fund.
- A mural, created by children in conjunction with Euphrat museum, will be installed at the Fair Oaks Park Building later this year.

ADJOURNMENT

Chair Park adjourned the meeting at 7:50 p.m.



City of Sunnyvale

Meeting Minutes - Draft Parks and Recreation Commission

Wednesday, September 9, 2015

7:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

CALL TO ORDER

Chair Pasqua called the meeting to order at 7:04 p.m. in the Council Chambers.

SALUTE TO THE FLAG

Chair Pasqua led the salute to the flag.

ROLL CALL

Present: 3 - Chair Craig Pasqua
Vice Chair Ralph Kenton
Commissioner Robert Pochowski
Absent: 1 - Commissioner Henry Alexander III

Commissioner Alexander's absence is unexcused.
Council Liaison Davis (present)

PRESENTATION

[15-0845](#) Aquatics Program Overview

Community Services Manager Nancy Grove presented an overview of the City's Aquatics Programs held at Washington Park, Sunnyvale Middle School, Columbia Middle School and Fremont High School pools. The only city owned pool is at Washington Park. She detailed the agreements between the City and local School Districts related to maintenance and use of School District pools. She provided information about the City's use of each pool including the services provided, operating hours, number of participant hours and staffing at each pool. She answered Commissioner's questions regarding the contract with California Sports Center to operate the programs at Fremont Pool; the status of the pool at Lakewood; and fiscal impact of pool operations.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR**1.A. [15-0844](#) Draft Minutes of 8/12/15.**

Commissioner Pochowski moved and Vice Chair Kenton seconded the motion to approve the minutes of August 12, 2015. The motion carried by the following vote:

Yes: 3 - Chair Pasqua
 Vice Chair Kenton
 Commissioner Pochowski

No: 0

Absent: 1 - Commissioner Alexander III

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS**2 STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

NON-AGENDA ITEMS & COMMENTS**-Commissioner Comments**

Chair Pasqua announced the Eight Annual American Indian Heritage Celebration at the Santa Clara County Fairgrounds, Pavilion Hall on Saturday, September 12, from noon -10 p.m.

Chair Pasqua commended City Staff for their work to make Sunnyvale Parks beautiful. He conveyed the appreciation expressed by numerous people he met enjoying Raynor Park.

-Staff Comments

Interim Superintendent of Parks and Golf James Stark announced a public meeting on Thursday, September 17, 7-8:30 p.m. at the Recreation Center Community Room, to discuss changes to Orchard Heritage Park master plan. He encouraged Commissioners to attend.

Superintendent of Community Services Daniel Wax amended the Commission's Master Work Plan, and moved the item "Orchard Heritage Park Improvements Conceptual Plan" from November, and tentatively scheduled it for January 2016.

This change is based on a timeline he was provided by the City's Senior Engineer.

ADJOURNMENT

Chair Pasqua adjourned the meeting at 7:35.



City of Sunnyvale

Meeting Minutes - Draft

Board of Library Trustees

Monday, September 14, 2015

7:00 PM

Library Program Room A, Sunnyvale
Public Library, 665 W. Olive Ave.,
Sunnyvale, CA 94086

CALL TO ORDER

The meeting was called to order at 7:01 p.m.

ROLL CALL

Present: 4 - Chair Jill Shanmugasundaram
Board Member Daniel Bremond
Board Member Carey Wingyin Lai
Board Member Erika Torres

Council Liaison Jim Griffith (present).

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

1 [15-0834](#) Approval of Draft Minutes of June 1, 2015

Board Member Bremond moved and Board Member Lai seconded the motion to approve. The motion carried by the following vote:

Yes: 4 - Chair Shanmugasundaram
Board Member Bremond
Board Member Lai
Board Member Torres

No: 0

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS**2 [15-0835](#) New Member Introduction**

Chair Shanmugasundaram welcomed Board Member Erika Torres. Board Member Torres provided a brief overview of her background. Chair Shanmugasundaram welcomed Interim Director Anne Cain. Interim Director Cain provided a brief overview of her background.

Chair Shanmugasundaram opened the public hearing, and there being no public testimonies, closed the public hearing.

3 [15-0836](#) Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials

Chair Shanmugasundaram provided the Board with an overview of the 2015 Code of Ethics and Conduct for Elected and Appointed Officials.

Chair Shanmugasundaram opened the public hearing, and there being no public testimonies, closed the public hearing.

Board Member Bremond moved, and Board Member Lai seconded, to approve the Code of Ethics and Conduct for Elected and Appointed Officials. The motion carried by the following vote:

Yes: 4 - Chair Shanmugasundaram
 Board Member Bremond
 Board Member Lai
 Board Member Torres

No: 0

4 [15-0837](#) Preliminary Discussion of 2016 Work Plan Calendar

Chair Shanmugasundaram presented the Board with the draft 2016 work plan calendar. Final work plan calendar will be presented to the Board at their February meeting.

Chair Shanmugasundaram opened the public hearing, and there being no public testimonies, closed the public hearing.

5 [15-0838](#) Election of Officers

Nominations were opened for Chair to the Board of Library Trustees. Board Member Bremond nominated Chair Shanmugasundaram who accepted the nomination. Chair Shanmugasundaram called for further nominations. No further nominations were presented.

Chair Shanmugasundaram opened the public hearing, and there being no public testimonies, closed the public hearing.

Vote on nomination for Chair:

Yes: 4 - Chair Shanmugasundaram
 Board Member Bremond
 Board Member Lai
 Board Member Torres

No: 0

Nominations were opened for Vice Chair to the Board of Library Trustees. Board Member Bremond nominated Board Member Lai who accepted the nomination. Chair Shanmugasundaram called for further nominations. No further nominations were presented.

Chair Shanmugasundaram opened the public hearing, and there being no public testimonies, closed the public hearing.

Vote on nomination for Vice Chair:

Yes: 4 - Chair Shanmugasundaram
 Board Member Bremond
 Board Member Lai
 Board Member Torres

No: 0

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS & COMMENTS

-Board Member Comments

Board Member Bremond mentioned the Library will be hosting a Repair Cafe Program on Sunday, September 27 from noon to 4 p.m. He also provided the Board with an overview of the State of the City event held on Saturday, September 12.

-Staff Comments

Interim Director Cain noted the following:

- A Community Workshop regarding the Civic Center Modernization Project was held on Saturday, August 22 and a Board and Commission Workshop was held on Tuesday, August 26. Council Liaison Griffith provided the Board with an overview of the workshops. The next Community Workshop is scheduled for Saturday, October 3.
- Interviews for the Library & Community Services Director are scheduled for Wednesday, September 23.
- The Sunnyvale Public Library Pops Up events have been a great success. The next Pops Up is scheduled for Tuesday, September 15 from 11 a.m. to 1 p.m. at Philz Coffee.

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INFORMATION ONLY ITEMS

None.

ADJOURNMENT

The meeting was adjourned at 7:36 p.m.