

RESPONSE(S) TO COUNCIL QUESTION(S) - REVISED

RE: 1/24/2017 AGENDA

Agenda Item #: 1B

Title: Claims and Bills

Question(s): On the payment for \$294,169.07 to Anderson Pacific Engineering, please describe the nature of the payment and the work performed by the vendor. Further, please describe the internal financial control regimen to ensure the payment was duly authorized and properly accounted for.

Staff Response(s): On May 17, 2016, City Council awarded a construction contract in the amount of \$6,168,500 to Anderson Pacific Engineering for the Primary Treatment Facility Project Package #1 at the Water Pollution Control Plant. This payment was made to Anderson Pacific Engineering (APE) for construction work performed during the month of October 2016 which included monitoring wells, sheet piles, piping, earthwork, and pumping. Construction Progress Payments like these are paid based upon the bid amounts received during the bid opening. Each month the contractor and the City review all the progress that has been completed and the contractor generates a payletter application according to the construction contract's payment schedule. The City (including the City's construction inspector) and the City's Construction Manager for this project (The Covello Group) receive and review the payment request and ensure that it aligns with the work performed and the contract. After any discrepancies are resolved it is reviewed again and ultimately approved by the Department of Public Works in accordance with established approval levels and sent to Finance for payment. Budgetary control is set by Council. In this case, the FY 2016/17 Council Appropriation for this project is in Project 824771 – Primary Process Design and Construction and totals \$26.2 million. Council will continue to see large progress payments like this one.

Agenda Item #: 1C

Title: Modify Contract to Provide Employment and Training Services for NOVA Ready to Work Grant

Question(s): Does the total award of \$5,293,884 from the U.S. Department of Labor remain unchanged? To clarify, is the increase of \$300,000 going to the City of San Francisco (Office of Economic and Workforce Development), or to some other organization? Is the decrease coming from NOVA, or one of the several other organizations providing services under the grant?

Staff Response(s): The total award from the U.S. Department of Labor remains unchanged. At the mid-point of the grant (two years), funds were de-obligated from two contracts that were both underspent and re-allocated to San Francisco and to NOVA who were performing on target.

Agenda Item #: 1F

RESPONSE(S) TO COUNCIL QUESTION(S) - REVISED

RE: 1/24/2017 AGENDA

Title: Resolution: Execute an Agreement for Purchase of Property Rights and Acceptance of Two Temporary Construction Easements and Two Aerial Easement Deeds in Relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project

Question(s): What would happen to the Project if the City and Home Depot are unable to come to agreement on the necessary easements?

Staff Response(s): The City continues to work with Home Depot and is optimistic an agreement will be reached. If the City and Home Depot are unable to come to agreement, the City would need to explore taking the necessary steps to acquire the easements through the condemnation process.

Agenda Item #: 1F

Title: Resolution: Execute an Agreement for Purchase of Property Rights and Acceptance of Two Temporary Construction Easements and Two Aerial Easement Deeds in Relation to the Fair Oaks Avenue Overhead Bridge Rehabilitation Project

Question(s): From the Staff Report, a portion of Hendy is closed for up to several months. Is this just a lane closure, so that emergency and other traffic could still traverse the full length of Hendy? From a project timeline standpoint, does demolition of the existing POC happen before or after the bridge changes are complete? Will there be pedestrian access over the Fair Oaks Bridge (or POC) during the entire construction period?

Staff Response(s): The portion of Hendy Avenue which lies underneath the existing Fair Oaks Bridge will be closed for several months during construction activities. Emergency vehicles will be able to traverse from the easterly end of Hendy Avenue (by Northrup Grumman) to Kifer Road via crossing the Home Depot parking lot. Other traffic would be detoured around the closure; the contractor will be responsible for implementing the detour plan. Demolition of the existing POC is anticipated to occur closer to the end of the project. Pedestrians will be able to utilize the existing POC until it is demolished; after demolition, the pedestrians will be able to utilize the new sidewalk on the bridge.

Agenda Item #: 1G

Title: Approve the Second Amendment to Outside Counsel Agreement with Burke, Williams & Sorensen LLP for Litigation Services

Question(s): Page 1 of Staff Report. Last Paragraph on Page omission "...then on January 17 the Court dissolved the stay of the injunction until 5:00 p.m on January XX 2017."

Staff Response(s): January 27, 2017

Agenda Item #: 1K

RESPONSE(S) TO COUNCIL QUESTION(S) - REVISED

RE: 1/24/2017 AGENDA

Title: Award of Contract for Electric Golf Car Lease for the Sunnyvale and Sunken Gardens Golf Courses (F17-054)

Question(s): Council Question: In going through the equipment schedule attachment (Exhibit A), I see that lessor (Sunnyvale) has to perform any maintenance or service. It's good to see that the longterm cost of the contract is cheaper, but could maintenance costs increase in 4th year to make the contract more expensive? From earlier in the Staff Report, I see that Sunnyvale is supposed to pay for Sales Tax, but I don't see any mention of the cost of the Interest (4.2%) listed in Exhibit A, totally another \$37K. Yamaha listed a 4.2% interest rate (while EZGo listed 3.65%). Can you clarify how the interest is accounted for in the contract?

Staff Response(s): The key maintenance costs related to golf cars are battery life/replacement, tire replacements and damage by patrons. Staff reviewed the number of amp hours (battery usage) that are used to drive around the course as well as the percentage of players who walk compared to ride. Based on the amount of use and the life of the battery we don't anticipate any additional costs for batteries. Tires will be replaced as needed (but this should not result in significantly increased costs), and vehicle damage will be addressed as it occurs. Major vehicle systems are covered under the manufacturer's warranty. Sales tax is not included in the monthly cost and will be invoiced to the City. Vehicle interest is included in the monthly lease of \$5,480. Although EZgo's leasing interest rate was less, its cart rental is higher resulting in higher total lease cost monthly than Yamaha.

Agenda Item #: 2

Title: Make Required Findings and Approve Conversion Impact Report for Blue Bonnet Mobile Home Park, Located at 617 E. Evelyn Avenue in Sunnyvale

Question(s): I didn't see what the conversion of Blue Bonnet takes [away from] the acreage of mobile home parks in Sunnyvale. How close are we to the 400 acre minimum after removing the 3.4 acres for the Blue Bonnet conversion?

Staff Response(s): The Blue Bonnet Mobile Home Park site is zoned R-3/PD; therefore, there would be no change to the current total of 413 acres of zoned Mobile Home Park (MHP).

Agenda Item #: 2

Title: Make Required Findings and Approve Conversion Impact Report for Blue Bonnet Mobile Home Park, Located at 617 E. Evelyn Avenue in Sunnyvale

Question(s): Attachment 11 - Letter from William Constantine, Attorney. In several places he makes the statement that the CIR is unlawful. Can OCA confirm that what we are doing and the CIR is lawful?

Office of the City Attorney Response(s): Attorney Constantine's letter cites Government Code Section 66427.4 several times. This statute is not applicable to the

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Blue Bonnet Mobile Home Park ("Blue Bonnet") for the reasons discussed below. With respect to Blue Bonnet, Government Code Section 65863.7 applies as the Applicant is seeking City Council approval of the Conversion Impact Report before closure of the park and before submission of the development application/approval of subdivision map. Government Code Section 66427.4 would apply if the Applicant were filing a tentative or parcel map for a subdivision, which they have not applied for; though they may make such an application in the future. The Applicant is complying with the appropriate state statute. In addition to complying with state law, the Applicant is required to comply with Sunnyvale Municipal Code Chapter 19.72. In a review of the state law and Sunnyvale Municipal Code ("SMC") requirements, the City Attorney's Office has determined that the Applicant is complying with state law and that the Conversion Impact Report submitted for City Council's consideration complies with the City's requirements under SMC Chapter 19.72. In fact, the Applicant has voluntarily exceeded the relocation benefits required under the SMC Chapter 19.72 with respect to the lump sum amounts and early incentive bonuses. In summary, the Applicant has complied with all laws

Agenda Item #: 3

Title: Authorize the City Manager to Execute a First Amendment to the Agreement Between the City of Sunnyvale and the Valley Transportation Authority for the State Route 237/US 101/Mathilda Avenue Interchange Improvement Project

Question(s): I was looking for an update on the project on the cities website, all I could find was the old VTA website: <http://www.vta.org/projects-and-programs/highway/mathilda-avenue-improvements-at-sr-237-and-us-101>. Is there more info on the City Website on the latest designs estimate? There is talk in the Staff Report of starting to move the utilities in mid-2017, prior to the design being completed. Is there any risk in this, since the design is not complete?

Staff Response(s): There is no additional information on the City website, however the VTA website includes the full EIR including the design for the project. Now with the Project Report and Environmental Document signed by Caltrans last week, the project will move to final design. For major projects it is typical to have early utility relocation (prior to completed designs) to avoid delays during construction, however the utility relocation is coordinated with the final design as it progresses.

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Question(s): Please confirm there is no Conflict of Interest or other issues with a Councilmember voting on this item if they are appointed to represent the City on the VTA Board of Directors.

Staff Response(s): Staff has coordinated with the Attorney's Office and confirmed there is no conflict of interest.

Agenda Item #: 4

Title: Proposed Project: Introduction of Ordinance to Rezone 54 Contiguous Lots from R-0 to R-0/S (Low Density Residential/Single-Story)

Question(s): What are the dimensions of the Cal Water Property? Was split property zoning (e.g. dual zoning of each half of the property) as was done with another SSCD proposal last year considered? Please also forward a link of Eichler Design Guidelines to the new Councilmembers.

Staff Response(s): The Cal Water site is 0.77 acres (200 feet by 169 feet) and owned by a private utility company, which is considerably smaller than the three parcels on Hollenbeck. Staff recommended exclusion or split zoning of properties on Hollenbeck as they have a higher potential for redevelopment. The split zoning concept approved by Council in December 2016 affects three parcels totaling 2.17 acres. It is unlikely that the entire Cal Water site would be sold for redevelopment as there is an active water tank on the property. Also, the size and configuration of the Cal Water property would limit the actual redevelopment potential. State laws regarding private utilities would allow equipment (such as a water tank) to exceed the seventeen foot limit of the single-story zoning, but would not allow a two-story building. Here is the link to the Eichler Design Guidelines: [Eichler Design Guidelines](#)
