



City of Sunnyvale

Notice and Agenda City Council

Tuesday, March 26, 2019

5:30 PM

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

**Special Meeting: Study Session - 5:30 PM | Regular Meeting - 7 PM | Special Meeting
immediately following Regular Council meeting: Joint City Council and Redevelopment
Successor Agency**

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

1 Call to Order in the Council Chambers (Open to the Public)

2 Roll Call

3 Public Comment

4 Study Session

[19-0262](#)

Climate Action Plan 2.0

Location: Council Chambers

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

ORAL COMMUNICATIONS

This category provides an opportunity for members of the public to address the City Council on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Mayor) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Council to take action on an item not listed on the agenda. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please submit a speaker card to the City Clerk prior to the start of the meeting or before approval of the consent calendar.

- 1.A** [19-0214](#) 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.B** [19-0219](#) Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2018/19; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2019/20

Recommendation: Approve the Fiscal Year 2018/19 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2019/20, and schedule the public hearing for May 7, 2019.

- 1.C** [19-0425](#) Adopt Ordinance No. 3143-19 to add Chapter 1.07 (Administrative Subpoenas) of Title 1 (General Provisions) of the Sunnyvale Municipal Code relating to Administrative Subpoenas

Recommendation: Adopt Ordinance No. 3143-19.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearing/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 [19-0364](#) Approve Study Issue Presentation Dates for Recommended Studies in 2019

Recommendation: Alternative 1: Approve the Proposed Presentation Dates for 2019 Council-ranked Study Issues as noted in Attachment 2 in the report.

- 3 [19-0206](#) Award of Bid No. PW19-11 to Anderson Pacific Engineering Construction, Inc. for Storm Pump Station No. 1 Rehabilitation Re-Bid, Waiver of Minor Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 21 in the amount of \$1,016,000, and Approve the Third Amendment to Consultant Services Agreement with Infrastructure Engineering Corporation (F14-049)

Recommendation: Alternative 1: Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Sections 15301(b) and 15378 (b)(5)
- Make a determination to waive the minor bid irregularity for Anderson Pacific Engineering Construction, Inc.
- Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,947,400 to Anderson Pacific Engineering Construction, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met
- Approve Budget Modification No. 21 in the amount of \$1,016,000
- Approve a 10% construction contingency in the amount of \$194,740.
- Authorize the City Manager to execute the Third Amendment, in substantially the same form as Attachment 3 to the report, to extend the term through June 30, 2027 and to increase the not-to-exceed contract amount by \$119,636 for a new not to exceed amount of \$383,225
- Approve an increase to the design contingency in the amount of \$20,364.
- Authorize the City Manager to extend the term of the Consultant Services Agreement with Infrastructure Engineering Corporation, if operationally necessary, until post construction biological monitoring and reporting is completed.

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**NON-AGENDA ITEMS & COMMENTS**

-Council

-City Manager

INFORMATION ONLY REPORTS/ITEMS

[19-0347](#) Tentative Council Meeting Agenda Calendar

[19-0348](#) Information/Action Items

- [19-0349](#) Board/Commission Meeting Minutes
- [19-0396](#) Boards and Commissions Semi-Annual Attendance Report,
July - December 2018 (Information Only)
- [19-0397](#) Board/Commission Resignation (Information Only)

ADJOURNMENT

*Adjourn to Special Joint Meeting of the City Council and Redevelopment
Successor Agency*

**SPECIAL JOINT CITY COUNCIL AND REDEVELOPMENT SUCCESSOR AGENCY
MEETING (immediately following the Regular Council Meeting)****1 Call To Order****2 Roll Call****3 Public Comment****4 Consent Calendar**

- 4.A** [19-0290](#) Approve the Third Amendment to Outside Counsel Agreement
with Goldfarb Lipman for Town Center Development Matters

Recommendation: Redevelopment Successor Agency:
Authorize the Agency Counsel to execute a Third Amendment,
in substantially the same form as Attachment 1 to the report, to
the Outside Counsel Agreement with the law firm of Goldfarb
Lipman to increase the not-to-exceed amount by \$75,000, for a
new not-to-exceed contract amount of \$275,000 and extend
the term to December 31, 2022.

- 4.B** [19-0292](#) Approve the Fifth Amendment to Outside Counsel Agreement
with Goldfarb Lipman for Litigation Services Pertaining to the
Three Lawsuits Related to the Dissolution of the
Redevelopment Agency

Recommendation: City Council:

Authorize the City Attorney to execute a Fifth Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$320,000.

Redevelopment Successor Agency:

Authorize the Agency Counsel to execute a Fifth Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$320,000.

ADJOURNMENT**NOTICE TO THE PUBLIC**

The agenda reports to council (RTCs) may be viewed on the City's website 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 35.160 (b) (1))

Planning a presentation for a City Council meeting?

To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" available on the City website at sunnyvale.ca.gov.

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 <https://sunnyvaleca.legistar.com> for upcoming Council, board and commission meeting information.



City of Sunnyvale

Agenda Item

19-0262

Agenda Date: 3/26/2019

Climate Action Plan 2.0
Location: Council Chambers



City of Sunnyvale

Agenda Item

19-0214

Agenda Date: 3/26/2019

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.

<u>List No.</u>	<u>Date</u>	<u>Total Disbursements</u>
963	03-03-19 through 03-09-19	\$1,269,726.79

Payments made by the City are controlled in a variety of ways. In general, payments are reviewed by the appropriate City staff for compliance with the goods or services provided. Any discrepancies are resolved and re-submitted for payment. Different levels of dollar amounts for payments require varying levels of approval within the organization. Ultimately payments are reviewed and processed by the Finance Department. Budgetary control is set by Council through the budget adoption resolution.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

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: Timothy J. Kirby, Director of Finance

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

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

3/11/2019

City of Sunnyvale

LIST # 963

Page 1

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx311510	3/5/19	ACE FIRE EQUIPMENT & SERVICE CO INC	12921	Inventory Purchase	883.34	0.00	883.34	\$883.34
xxx311511	3/5/19	ADAM CLARKE	SMS-B3-AC	Rec Instructors/Officials	1,000.00	0.00	1,000.00	\$1,000.00
xxx311512	3/5/19	AFFORDABLE TURF & SPECIALTY TIRE	4029723	Misc Equip Maint & Repair - Materials	236.92	0.00	236.92	\$236.92
xxx311513	3/5/19	AMFASOFT CORP	JOALON-02	DED Services/Training - Training	550.00	0.00	550.00	\$550.00
xxx311514	3/5/19	BAE URBAN ECONOMICS	2276-JAN19	Consultants	6,102.80	0.00	6,102.80	\$6,102.80
xxx311516	3/5/19	BAY-VALLEY PEST CONTROL INC	0253439	Facilities Maintenance & Repair Labor	59.00	0.00	59.00	\$726.00
			0253440	Facilities Maintenance & Repair Labor	59.00	0.00	59.00	
			0253441	Facilities Maintenance & Repair Labor	59.00	0.00	59.00	
			0253442	Facilities Maintenance & Repair Labor	59.00	0.00	59.00	
			0253443	Facilities Maintenance & Repair Labor	72.00	0.00	72.00	
			0253444	Facilities Maintenance & Repair Labor	56.00	0.00	56.00	
			0253446	Facilities Maintenance & Repair Labor	32.00	0.00	32.00	
			0253447	Facilities Maintenance & Repair Labor	56.00	0.00	56.00	
			0253449	Facilities Maintenance & Repair Labor	42.00	0.00	42.00	
			0253450	Facilities Maintenance & Repair Labor	42.00	0.00	42.00	
			0253454	Facilities Maintenance & Repair Labor	42.00	0.00	42.00	
			0253455	Facilities Maintenance & Repair Labor	86.00	0.00	86.00	
			0253483	Services Maintain Land Improv	62.00	0.00	62.00	
xxx311518	3/5/19	BELKORP AG LLC	512630	Parts, Vehicles & Motor Equip	399.30	0.00	399.30	\$1,264.19
			514670	Parts, Vehicles & Motor Equip	-382.97	0.00	-382.97	
			521780	Parts, Vehicles & Motor Equip	514.36	0.00	514.36	
			523008	Parts, Vehicles & Motor Equip	706.60	0.00	706.60	
			523475	Parts, Vehicles & Motor Equip	43.23	0.00	43.23	
			524571	Parts, Vehicles & Motor Equip	-16.33	0.00	-16.33	
xxx311519	3/5/19	BOUND TREE MEDICAL LLC	83122855	Inventory Purchase	653.57	0.00	653.57	\$653.57
xxx311520	3/5/19	BUCKLES-SMITH ELECTRIC CO	3124662-00	Electrical Parts & Supplies	244.60	0.00	244.60	\$313.97
			3127762-00	Electrical Parts & Supplies	9.16	0.00	9.16	
			3127970-00	Electrical Parts & Supplies	60.21	0.00	60.21	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx311521	3/5/19	CALIFORNIA BUILDING STANDARDS COMMISSION	OCT-DEC2018	Permit - Building - State Special Revolving Fund(Green Bldg)	9,782.10	0.00	9,782.10	\$9,782.10
xxx311522	3/5/19	CALIFORNIA RESOURCE RECOVERY ASSN	07067	Membership Fees	200.00	0.00	200.00	\$200.00
xxx311523	3/5/19	CALIFORNIA SCIENCE AND TECH UNIVERSITY	108	DED Services/Training - Training	5,400.00	0.00	5,400.00	\$5,400.00
xxx311524	3/5/19	CAREER DEVELOPMENT SOLUTIONS LLC	1540	DED Services/Training - Training	3,150.00	0.00	3,150.00	\$8,723.00
			1566	DED Services/Training - Training	5,125.50	0.00	5,125.50	
			1747	DED Services/Training - Training	447.50	0.00	447.50	
xxx311525	3/5/19	CENTRAL LABOR COUNCIL PARTNERSHIP	19	Contracts/Service Agreements	54,183.03	0.00	54,183.03	\$54,183.03
xxx311526	3/5/19	CENTURY GRAPHICS	50993	Inventory Purchase	320.13	0.00	320.13	\$320.13
xxx311527	3/5/19	CITY & COUNTY OF SAN FRANCISCO	REGP-06	Contracts/Service Agreements	12,312.67	0.00	12,312.67	\$12,312.67
xxx311528	3/5/19	CITY OF SAN JOSE - WORK2FUTURE	0006	Contracts/Service Agreements	5,548.00	0.00	5,548.00	\$5,548.00
xxx311529	3/5/19	CORIX WATER PRODUCTS US INC	17913004277	Inventory Purchase	838.61	7.69	830.92	\$12,512.82
			17913004394	Inventory Purchase	11,927.58	109.43	11,818.15	
			17915000396	Inventory Purchase	-136.25	0.00	-136.25	
xxx311530	3/5/19	DNV GL ENERGY SERVICES USA INC.	875010003503	Consultants	10,025.00	0.00	10,025.00	\$10,025.00
xxx311531	3/5/19	DEPARTMENT OF CONSERVATION	OCT-DEC2018	Permit - Building - State Strong Motion Implementation Fee	69,497.33	0.00	69,497.33	\$69,497.33
xxx311532	3/5/19	ECONOMIC ADVANCEMENT RESEARCH INSTITUTE	SEPT-DEC2018	Contracts/Service Agreements	6,525.00	0.00	6,525.00	\$6,525.00
xxx311533	3/5/19	EMPIRE SAFETY & SUPPLY	0098675-IN	Inventory Purchase	44.14	0.00	44.14	\$75.20
			0098779-IN	Inventory Purchase	31.06	0.00	31.06	
xxx311534	3/5/19	EXAMINETICS INC	247911	Occupational Health and Safety Services - Other	6,060.00	0.00	6,060.00	\$6,060.00
xxx311535	3/5/19	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1100717	Inventory Purchase	701.35	0.00	701.35	\$701.35
xxx311536	3/5/19	GRAINGER	9095065703	Inventory Purchase	61.37	0.00	61.37	\$100.40
			9095196193	Inventory Purchase	39.03	0.00	39.03	
xxx311537	3/5/19	HACK THE HOOD	1044	Contracts/Service Agreements	3,201.00	0.00	3,201.00	\$7,074.77
			1045	Contracts/Service Agreements	3,873.77	0.00	3,873.77	
xxx311538	3/5/19	HYBRID COMMERCIAL PRINTING INC	26756	Printing & Related Services	463.25	0.00	463.25	\$861.10
			26757	Printing & Related Services	397.85	0.00	397.85	

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For Payments Dated 3/3/2019 through 3/9/2019

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Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx311539	3/5/19	IMAGEX	217483	Postage	3,496.90	0.00	3,496.90	\$3,496.90
xxx311540	3/5/19	JOBTRAIN	YOUTHFY1907	Contracts/Service Agreements	28,414.00	0.00	28,414.00	\$28,414.00
xxx311541	3/5/19	KME FIRE APPARATUS	CA547317	Parts, Vehicles & Motor Equip	305.69	0.00	305.69	\$305.69
xxx311542	3/5/19	KANOPY INC	149473-PPU	Library Periodicals/Databases	1,332.00	0.00	1,332.00	\$1,332.00
xxx311543	3/5/19	KIMLEY HORN & ASSOC INC	13098068	Consultants	6,589.80	0.00	6,589.80	\$9,683.35
			13204820	Professional Services	3,093.55	0.00	3,093.55	
xxx311544	3/5/19	L N CURTIS & SONS INC	INV258228	General Supplies	477.42	0.00	477.42	\$477.42
xxx311545	3/5/19	LTI ELECTRIC INC	3234	Facilities Maintenance & Repair Labor	285.00	0.00	285.00	\$1,727.00
			3267	Facilities Maint & Repair - Labor	1,140.00	0.00	1,140.00	
			3267	Facilities Maint & Repair - Materials	17.00	0.00	17.00	
			3268	Facilities Maintenance & Repair Labor	285.00	0.00	285.00	
xxx311546	3/5/19	LANCE WEISSER	Y5A	Graphics Services	825.00	0.00	825.00	\$825.00
xxx311547	3/5/19	LANCESOFT, INC.	LR-2019-89323	Professional Services	3,520.00	0.00	3,520.00	\$3,520.00
xxx311548	3/5/19	LEIGHTON STONE CORP	1199713	Miscellaneous Equipment Parts & Supplies	3,990.10	0.00	3,990.10	\$3,990.10
xxx311549	3/5/19	LIVE OAK ADULT DAY SERVICES	1819-819720 #1	Outside Group Funding	10,000.00	0.00	10,000.00	\$10,000.00
xxx311550	3/5/19	LORI NEUMANN	LN2019JF	Rec Instructors/Officials	1,108.80	0.00	1,108.80	\$1,108.80
xxx311551	3/5/19	MSI FUEL MANAGEMENT INC	4635	Equipment Maintenance & Repair Labor	570.00	0.00	570.00	\$570.00
xxx311552	3/5/19	MALLORY SAFETY & SUPPLY LLC	4603809	Inventory Purchase	855.43	0.00	855.43	\$855.43
xxx311553	3/5/19	MANSFIELD OIL CO	357521	Inventory Purchase	17,960.43	0.00	17,960.43	\$17,960.43
xxx311554	3/5/19	MCNABB CONSTRUCTION INC	WPCP-08	Services Maintain Land Improv	3,521.00	0.00	3,521.00	\$3,521.00
xxx311555	3/5/19	MICROBIZ SECURITY COMPANY	57350	Bldg Maint Matls & Supplies	4,796.00	0.00	4,796.00	\$4,796.00
xxx311556	3/5/19	MIDWEST TAPE	97056801	Library Periodicals/Databases	2,207.08	0.00	2,207.08	\$2,207.08
xxx311557	3/5/19	MUNICIPAL MAINTENANCE EQUIPMENT INC	0135061-IN	Parts, Vehicles & Motor Equip	519.44	0.00	519.44	\$2,018.28
			0135395-IN	Parts, Vehicles & Motor Equip	1,498.84	0.00	1,498.84	
xxx311558	3/5/19	NAPA AUTO PARTS	5983-450692	Parts, Vehicles & Motor Equip	9.93	0.00	9.93	\$619.76
			5983-450902	Parts, Vehicles & Motor Equip	33.07	0.00	33.07	
			5983-450944	Parts, Vehicles & Motor Equip	31.48	0.00	31.48	
			5983-451028	Parts, Vehicles & Motor Equip	33.73	0.00	33.73	
			5983-451128	Parts, Vehicles & Motor Equip	34.82	0.00	34.82	
			5983-451130	Parts, Vehicles & Motor Equip	113.61	0.00	113.61	
			5983-451284	Parts, Vehicles & Motor Equip	2.07	0.00	2.07	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			5983-451346	Parts, Vehicles & Motor Equip	15.78	0.00	15.78	
			5983-451680	Parts, Vehicles & Motor Equip	11.71	0.00	11.71	
			5983-451893	Parts, Vehicles & Motor Equip	104.29	0.00	104.29	
			5983-452102	Parts, Vehicles & Motor Equip	10.32	0.00	10.32	
			5983-452103	Parts, Vehicles & Motor Equip	19.75	0.00	19.75	
			5983-452108	Parts, Vehicles & Motor Equip	164.87	0.00	164.87	
			5983-452145	Parts, Vehicles & Motor Equip	21.00	0.00	21.00	
			5983-452160	Parts, Vehicles & Motor Equip	13.33	0.00	13.33	
xxx311560	3/5/19	NRG CLEAN POWER INC	R1718-1(L) #3	Customer Loans Disbursed	6,612.00	0.00	6,612.00	\$6,612.00
xxx311561	3/5/19	NORTHERN CALIFORNIA NURSING ACADEMY LLC	0029	DED Services/Training - Training	5,400.00	0.00	5,400.00	\$5,400.00
xxx311562	3/5/19	OCCUPATIONAL TRAINING INSTITUTE	WIA-1433	DED Services/Training - Training	1,318.91	0.00	1,318.91	\$3,096.42
			WIL-1429	DED Services/Training - Training	1,777.51	0.00	1,777.51	
xxx311563	3/5/19	OMEGA ENGRAVING	2008	Customized Products	131.75	0.00	131.75	\$186.50
			2024	General Supplies	54.75	0.00	54.75	
xxx311564	3/5/19	OVERDRIVE INC	910DA19036788	Library Periodicals/Databases	282.96	0.00	282.96	\$282.96
xxx311565	3/5/19	P&A ADMINISTRATIVE SERVICES INC	459649	Miscellaneous Payment	4,989.47	0.00	4,989.47	\$5,189.47
			459653	Miscellaneous Payment	200.00	0.00	200.00	
xxx311566	3/5/19	P&R PAPER SUPPLY CO INC	30241855-00	Inventory Purchase	2,887.41	0.00	2,887.41	\$2,887.41
xxx311567	3/5/19	PACIFIC COAST TRANE CONTROLS	S94563	Facilities Maintenance & Repair Labor	478.00	0.00	478.00	\$478.00
xxx311568	3/5/19	PACIFIC WEST SECURITY INC	16860	Alarm Services	177.00	0.00	177.00	\$177.00
xxx311569	3/5/19	PETERSON	PC240033432	Miscellaneous Equipment Parts & Supplies	2,033.00	0.00	2,033.00	\$5,527.64
			PC240033488	Miscellaneous Equipment Parts & Supplies	2,002.25	0.00	2,002.25	
			PR240005394	Miscellaneous Equipment Parts & Supplies	-389.85	0.00	-389.85	
			PR240005423	Fuel, Oil & Lubricants	-25,789.40	0.00	-25,789.40	
			R324417	Equipment Rental/Lease	8,569.14	0.00	8,569.14	
			SW240153857	Misc Equip Maint & Repair - Labor	1,572.00	0.00	1,572.00	
			SW240153857	Misc Equip Maint & Repair - Materials	2,234.68	0.00	2,234.68	
			SW240153994	Misc Equip Maint & Repair - Labor	3,796.58	0.00	3,796.58	
			SW240153994	Misc Equip Maint & Repair - Materials	2,586.57	0.00	2,586.57	
			SW240154939	Misc Equip Maint & Repair - Labor	4,396.04	0.00	4,396.04	

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Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			SW240154939	Misc Equip Maint & Repair - Materials	2,241.91	0.00	2,241.91	
			SW240154965	Misc Equip Maint & Repair - Labor	1,553.00	0.00	1,553.00	
			SW240154965	Misc Equip Maint & Repair - Materials	721.72	0.00	721.72	
xxx311571	3/5/19	PINE CONE LUMBER CO INC	799099	Inventory Purchase	652.24	6.52	645.72	\$645.72
xxx311572	3/5/19	POWER PLAN - OIB	11315288	Parts, Vehicles & Motor Equip	108.49	0.00	108.49	\$712.64
			11330327	Parts, Vehicles & Motor Equip	124.33	0.00	124.33	
			11333677	Parts, Vehicles & Motor Equip	479.82	0.00	479.82	
xxx311573	3/5/19	PREFERRED BENEFIT INSURANCE ADMIN INC	EIA27439	Insurances - Dental	55,206.00	0.00	55,206.00	\$66,714.00
			EIA27439	Insurances - Vision	11,508.00	0.00	11,508.00	
xxx311574	3/5/19	QUALITY GLASS AND TINT	15785	Automotive Maintenance & Repair Labor	285.00	0.00	285.00	\$570.00
			15818	Automotive Maintenance & Repair Labor	285.00	0.00	285.00	
xxx311575	3/5/19	R E P NUT N BOLT GUY	30338	Inventory Purchase	92.93	0.00	92.93	\$235.60
			30345	Inventory Purchase	142.67	0.00	142.67	
xxx311576	3/5/19	RADGOV INC	CSV19020101	Professional Services	560.00	0.00	560.00	\$11,200.00
			CSV19021001	Professional Services	2,800.00	0.00	2,800.00	
			CSV19021701	Professional Services	2,800.00	0.00	2,800.00	
			CSV19022401	Professional Services	2,240.00	0.00	2,240.00	
			CSV19030301	Professional Services	2,800.00	0.00	2,800.00	
xxx311577	3/5/19	RFSIGNALMAN	1075	Contracts/Service Agreements	31,625.00	0.00	31,625.00	\$31,625.00
xxx311578	3/5/19	RACY MING ASSOC LLC	JAN/FEB2019	Contracts/Service Agreements	18,000.00	0.00	18,000.00	\$23,175.00
			JAN19-FEB19	Contracts/Service Agreements	5,175.00	0.00	5,175.00	
xxx311579	3/5/19	RAYVERN LIGHTING SUPPLY CO INC	60680-0	Inventory Purchase	117.20	0.00	117.20	\$117.20
xxx311580	3/5/19	READYREFRESH BY NESTLE	19B0023956113	Food Products	32.91	0.00	32.91	\$231.33
			19B0029664380	Food Products	198.42	0.00	198.42	
xxx311581	3/5/19	REED & GRAHAM INC	938471	Materials - Land Improve	508.10	0.00	508.10	\$508.10
xxx311582	3/5/19	ROBIN PICKEL	RP2019JF	Rec Instructors/Officials	2,457.00	0.00	2,457.00	\$2,457.00
xxx311583	3/5/19	SASE CO INC	INV215383	Parts, Vehicles & Motor Equip	31.44	0.00	31.44	\$64.80
			INV216079	Parts, Vehicles & Motor Equip	33.36	0.00	33.36	
xxx311584	3/5/19	SAFEWAY INC	721177-021319	Food Products	11.12	0.00	11.12	\$115.69
			807308-022219	Food Products	87.16	0.00	87.16	
			809377-022719	General Supplies	17.41	0.00	17.41	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx311585	3/5/19	SANTA CLARA COUNTY FIRE CHIEFS ASSN	070118-063019	Membership Fees	500.00	0.00	500.00	\$500.00
xxx311586	3/5/19	SIERRA PACIFIC TURF SUPPLY INC	0544958-IN	Materials - Land Improve	1,246.80	0.00	1,246.80	\$2,197.50
			0544959-IN	Materials - Land Improve	950.70	0.00	950.70	
xxx311587	3/5/19	SILICON VALLEY TOW	79750	Vehicle Towing Services	2,590.00	0.00	2,590.00	\$7,465.00
			79751	Vehicle Towing Services	2,675.00	0.00	2,675.00	
			79752	Vehicle Towing Services	2,200.00	0.00	2,200.00	
xxx311588	3/5/19	STUDIO EM GRAPHIC DESIGN	17414	General Supplies	6,213.00	0.00	6,213.00	\$6,976.00
			17433	Graphics Services	163.50	0.00	163.50	
			17435	Graphics Services	599.50	0.00	599.50	
xxx311589	3/5/19	SUNNYVALE TOWING INC	302950	Vehicle Towing Services	45.00	0.00	45.00	\$545.00
			303641	Vehicle Towing Services	500.00	0.00	500.00	
xxx311590	3/5/19	SUPPLYWORKS	4709979999	Inventory Purchase	241.54	2.22	239.32	\$592.31
			479751067	Inventory Purchase	356.26	3.27	352.99	
xxx311591	3/5/19	THE ARCANUM GROUP	000922	Professional Services	156.18	0.00	156.18	\$156.18
xxx311592	3/5/19	TOGOS SUNNYVALE	11	Food Products	300.00	0.00	300.00	\$385.25
			8	Food Products	85.25	0.00	85.25	
xxx311593	3/5/19	TURF & INDUSTRIAL EQUIPMENT CO	IV29055	Parts, Vehicles & Motor Equip	81.75	0.00	81.75	\$3,404.31
			IV29068	Parts, Vehicles & Motor Equip	-24.53	0.00	-24.53	
			IV29118	Parts, Vehicles & Motor Equip	127.85	0.00	127.85	
			IV29119	Parts, Vehicles & Motor Equip	165.25	0.00	165.25	
			IV29120	Parts, Vehicles & Motor Equip	128.02	0.00	128.02	
			IV29150	Parts, Vehicles & Motor Equip	400.35	0.00	400.35	
			IV29151-2019	Parts, Vehicles & Motor Equip	400.35	0.00	400.35	
			IV29173	Parts, Vehicles & Motor Equip	177.29	0.00	177.29	
			IV29180	Parts, Vehicles & Motor Equip	21.95	0.00	21.95	
			IV29181	Parts, Vehicles & Motor Equip	82.01	0.00	82.01	
			IV29205	Parts, Vehicles & Motor Equip	1,730.83	0.00	1,730.83	
			IV29305	Parts, Vehicles & Motor Equip	113.19	0.00	113.19	
xxx311595	3/5/19	TURF STAR INC	7048286-00	Parts, Vehicles & Motor Equip	49.37	0.00	49.37	\$466.55
			7048287-00	Parts, Vehicles & Motor Equip	42.01	0.00	42.01	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			7049233-00	Parts, Vehicles & Motor Equip	375.17	0.00	375.17	
xxx311596	3/5/19	UC REGENTS	1018226-184	DED Services/Training - Training	533.00	0.00	533.00	\$533.00
xxx311597	3/5/19	US HEALTHWORKS MEDICAL GROUP PC	3469245-CA	Pre-Employment Testing	325.50	0.00	325.50	\$325.50
xxx311598	3/5/19	UNIVERSITY OF CALIFORNIA SANTA CRUZ	57779	DED Services/Training - Training	695.00	0.00	695.00	\$33,134.00
			577963	DED Services/Training - Training	600.00	0.00	600.00	
			577973	DED Services/Training - Training	574.00	0.00	574.00	
			577978	DED Services/Training - Training	396.00	0.00	396.00	
			57816	DED Services/Training - Training	421.00	0.00	421.00	
			58038	DED Services/Training - Training	434.00	0.00	434.00	
			58061	DED Services/Training - Training	576.00	0.00	576.00	
			58111	DED Services/Training - Training	466.50	0.00	466.50	
			58158	DED Services/Training - Training	572.00	0.00	572.00	
			58423	DED Services/Training - Training	5,310.00	0.00	5,310.00	
			58437	DED Services/Training - Training	5,400.00	0.00	5,400.00	
			58439	DED Services/Training - Training	2,632.50	0.00	2,632.50	
			58441	DED Services/Training - Training	4,842.00	0.00	4,842.00	
			58443	DED Services/Training - Training	4,815.00	0.00	4,815.00	
			58445	DED Services/Training - Training	5,400.00	0.00	5,400.00	
xxx311600	3/5/19	V & A CONSULTING ENGINEERS	18206	Engineering Services	275.00	0.00	275.00	\$275.00
xxx311601	3/5/19	VALLEY OIL CO	43858	Fuel, Oil & Lubricants	526.86	0.00	526.86	\$3,721.49
			43868	Fuel, Oil & Lubricants	541.57	0.00	541.57	
			43894	Fuel, Oil & Lubricants	143.88	0.00	143.88	
			43902	Fuel, Oil & Lubricants	1,885.70	0.00	1,885.70	
			43934	Fuel, Oil & Lubricants	623.48	0.00	623.48	
xxx311602	3/5/19	VERITIV OPERATING COMPANY	035-32256581	General Supplies	-64.91	0.00	-64.91	\$671.21
			035-32290115	General Supplies	298.06	0.00	298.06	
			035-32301595	General Supplies	438.06	0.00	438.06	
xxx311603	3/5/19	WATER ONE INDUSTRIES INC	115519	Facilities Maintenance & Repair Labor	1,300.00	0.00	1,300.00	\$1,300.00
xxx311604	3/5/19	WAUKESHA PEARCE INDUSTRIES	720572	Miscellaneous Equipment Parts & Supplies	280.25	0.00	280.25	\$280.25
xxx311605	3/5/19	WEST VALLEY STAFFING GROUP	247357	Salaries - Contract Personnel	1,226.24	0.00	1,226.24	\$5,824.64
			247880	Salaries - Contract Personnel	1,532.80	0.00	1,532.80	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			248611	Salaries - Contract Personnel	1,532.80	0.00	1,532.80	
			249560	Salaries - Contract Personnel	1,532.80	0.00	1,532.80	
xxx311606	3/5/19	WINSUPPLY OF SILICON VALLEY	698213 00	Water Meters	128.16	0.00	128.16	\$128.16
xxx311607	3/5/19	WITMER TYSON IMPORTS INC	T12983	Canine Program Expenditures	3,300.00	0.00	3,300.00	\$3,300.00
xxx311608	3/5/19	WAITER.COM INC	J0226740839	Food Products	133.85	0.00	133.85	\$133.85
xxx311609	3/5/19	CITY OF MOUNTAIN VIEW	AR192000	Services Maintain Land Improv	4,000.00	0.00	4,000.00	\$4,000.00
xxx311610	3/5/19	PACIFIC GAS & ELECTRIC CO	11008300870119	Utilities - Electric	277.82	0.00	277.82	\$112,627.17
			11023476280119	Utilities - Electric	453.08	0.00	453.08	
			11023824480119	Utilities - Electric	615.32	0.00	615.32	
			11054204050119	Utilities - Electric	4,674.21	0.00	4,674.21	
			11059220090119	Utilities - Electric	2,346.61	0.00	2,346.61	
			11059220250119	Utilities - Gas	2,634.83	0.00	2,634.83	
			11059220400119	Utilities - Gas	945.36	0.00	945.36	
			11059220450119	Utilities - Gas	2,758.25	0.00	2,758.25	
			11059220500119	Utilities - Gas	257.16	0.00	257.16	
			11059220550119	Utilities - Electric	600.20	0.00	600.20	
			11059220600119	Utilities - Gas	5,483.17	0.00	5,483.17	
			11059220640119	Utilities - Electric	1,186.31	0.00	1,186.31	
			11059220750119	Utilities - Gas	4,293.20	0.00	4,293.20	
			11059220900119	Utilities - Gas	441.56	0.00	441.56	
			11059220930119	Utilities - Electric	309.05	0.00	309.05	
			11059221020119	Utilities - Electric	468.61	0.00	468.61	
			11059221050119	Utilities - Gas	274.77	0.00	274.77	
			11059221060119	Utilities - Electric	865.89	0.00	865.89	
			11059221080119	Utilities - Electric	499.00	0.00	499.00	
			11059221150119	Utilities - Gas	324.66	0.00	324.66	
			11059221180119	Utilities - Electric	4,053.24	0.00	4,053.24	
			11059221280119	Utilities - Electric	858.88	0.00	858.88	
			11059221350119	Utilities - Gas	368.37	0.00	368.37	
			11059221400119	Utilities - Gas	4,401.99	0.00	4,401.99	
			11059221600119	Utilities - Gas	241.83	0.00	241.83	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			11059221680119	Utilities - Electric	270.34	0.00	270.34	
			11059221700119	Utilities - Gas	434.24	0.00	434.24	
			11059221730119	Utilities - Electric	1,394.86	0.00	1,394.86	
			11059221930119	Utilities - Electric	6,604.31	0.00	6,604.31	
			11059222190119	Utilities - Electric	0.46	0.00	0.46	
			11059222630119	Utilities - Electric	1,208.27	0.00	1,208.27	
			11059222720119	Utilities - Electric	533.05	0.00	533.05	
			11059224060119	Utilities - Electric	7,323.68	0.00	7,323.68	
			11059224270119	Utilities - Electric	11.28	0.00	11.28	
			11059224730119	Utilities - Electric	258.36	0.00	258.36	
			11059225100119	Utilities - Gas	1,104.29	0.00	1,104.29	
			11059225290119	Utilities - Electric	514.06	0.00	514.06	
			11059225550119	Utilities - Electric	1,519.97	0.00	1,519.97	
			11059225650119	Utilities - Gas	4,141.54	0.00	4,141.54	
			11059226380119	Utilities - Electric	4,731.46	0.00	4,731.46	
			11059226470119	Utilities - Electric	502.83	0.00	502.83	
			11059226810119	Utilities - Electric	5,260.74	0.00	5,260.74	
			11059227030119	Utilities - Electric	449.06	0.00	449.06	
			11059227060119	Utilities - Electric	2,118.65	0.00	2,118.65	
			11059227230119	Utilities - Electric	3,209.13	0.00	3,209.13	
			11059227650119	Utilities - Electric	298.28	0.00	298.28	
			11059227850119	Utilities - Electric	2,569.64	0.00	2,569.64	
			11059228050119	Utilities - Electric	3,918.65	0.00	3,918.65	
			11059228580119	Utilities - Electric	6,448.64	0.00	6,448.64	
			11059228670119	Utilities - Electric	288.62	0.00	288.62	
			11059229250119	Utilities - Electric	3,318.06	0.00	3,318.06	
			11059229470119	Utilities - Electric	2,672.81	0.00	2,672.81	
			11059229910119	Utilities - Electric	5,304.10	0.00	5,304.10	
			11059229990119	Utilities - Electric	2,037.36	0.00	2,037.36	
			11082505320119	Utilities - Electric	151.62	0.00	151.62	
			35642593051118	Utilities - Electric	34.00	0.00	34.00	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			35692937871118	Utilities - Electric	17.08	0.00	17.08	
			61266000050119	Utilities - Gas	4,344.36	0.00	4,344.36	
xxx311615	3/5/19	ARCO #7084	073263	Business License Tax	247.67	0.00	247.67	\$247.67
xxx311616	3/5/19	BO DING	366	Misc Public Safety Permits & Services	67.00	0.00	67.00	\$67.00
xxx311617	3/5/19	CONKLIN BROS OF SAN JOSE INC	054127	Business License Tax	130.32	0.00	130.32	\$130.32
xxx311618	3/5/19	DPM PROPERTY MANAGEMENT INC	192187-75134	Refund Utility Account Credit	4,313.53	0.00	4,313.53	\$4,313.53
xxx311619	3/5/19	J P J	056384	Business License Tax	35.93	0.00	35.93	\$35.93
xxx311620	3/5/19	LISIA ORTEGA PILO	419264	Refund Recreation Fees	1,300.00	0.00	1,300.00	\$1,300.00
xxx311621	3/5/19	MIRIAM CATER	187409-75920	Refund Utility Account Credit	184.31	0.00	184.31	\$184.31
xxx311622	3/5/19	PACIFIC HEAT TREATING	BL010205 19-20	Business License Tax	521.28	0.00	521.28	\$521.28
xxx311623	3/5/19	PERMIT SERVICES INC	2019-0320	Permit - Building	210.40	0.00	210.40	\$210.40
xxx311624	3/5/19	ROBIN S MEADOWS	179861-27878	Refund Utility Account Credit	80.53	0.00	80.53	\$80.53
xxx311625	3/5/19	SANDRA RODRIGUEZ	419638	Refund Recreation Fees	350.00	0.00	350.00	\$350.00
xxx311626	3/5/19	SIERRA PACIFIC TURF SUPPLY INC	BL059571 19-20	Business License Tax	123.94	0.00	123.94	\$123.94
xxx311627	3/7/19	AAA SPEEDY SMOG TEST ONLY STATION	028557	Automotive Maintenance & Repair Labor	40.00	0.00	40.00	\$200.00
			028562	Automotive Maintenance & Repair Labor	40.00	0.00	40.00	
			028567	Automotive Maintenance & Repair Labor	40.00	0.00	40.00	
			028595	Automotive Maintenance & Repair Labor	40.00	0.00	40.00	
			028600	Automotive Maintenance & Repair Labor	40.00	0.00	40.00	
xxx311628	3/7/19	ADIDAS AMERICA INC.	6177019621	Inventory Purchase	306.00	45.90	260.10	\$606.90
			6177144987	Inventory Purchase	408.00	61.20	346.80	
xxx311629	3/7/19	AIR EXCHANGE INC	43768	Facilities Maint & Repair - Labor	937.50	0.00	937.50	\$1,210.00
			43768	Facilities Maint & Repair - Materials	272.50	0.00	272.50	
xxx311630	3/7/19	AMY RUTHERFORD-FETZER	CK REQ 19-136	DED Services/Training - Books	275.44	0.00	275.44	\$333.44
			CK REQ 19-136	DED Services/Training - Support Services	58.00	0.00	58.00	
xxx311631	3/7/19	APPLEONE EMPLOYMENT SERVICES	01-5151194	Salaries - Contract Personnel	11,340.55	0.00	11,340.55	\$11,359.28
			01-5151194	Travel Expenses - Mileage	18.73	0.00	18.73	
xxx311633	3/7/19	ASCENT ENVIRONMENTAL	18010084.01-4	Developer Passthroughs-Downtown Projects	37,637.97	0.00	37,637.97	\$37,637.97
xxx311634	3/7/19	ASTRA RADIO COMMUNICATIONS	88534	General Supplies	1,257.60	0.00	1,257.60	\$1,257.60
xxx311635	3/7/19	ATLASSIAN PTY LTD	AT-72406455	Software As a Service	3,250.00	0.00	3,250.00	\$3,250.00
xxx311636	3/7/19	BAKER & TAYLOR						\$148.83

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			4012470312	Library Acquisitions, Books	144.35	0.00	144.35	
			4012470312	Library Materials Preprocessing	4.48	0.00	4.48	
xxx311637	3/7/19	BAUER COMPRESSORS INC	0000244745RE	Safety Equipment Maintenance & Repair	976.14	0.00	976.14	\$976.14
xxx311638	3/7/19	BAY AREA CHILDREN'S THEATRE	1349	Rec Instructors/Officials	7,222.20	0.00	7,222.20	\$7,222.20
xxx311639	3/7/19	BAY AREA NEWS GROUP DIGITAL FIRST MEDIA	0006273384	Advertising Services	202.00	0.00	202.00	\$1,320.00
			0006277232	Advertising Services	980.00	0.00	980.00	
			0006277829	Advertising Services	39.00	0.00	39.00	
			0006280499	Advertising Services	99.00	0.00	99.00	
xxx311640	3/7/19	BAY COUNTIES WASTE SERVICES	025922REV	Recycling Services	-55,546.62	0.00	-55,546.62	\$1,968.69
			027584	Recycling Services	57,515.31	0.00	57,515.31	
xxx311641	3/7/19	BAY-VALLEY PEST CONTROL INC	0253472	Services Maintain Land Improv	62.00	0.00	62.00	\$638.00
			0253482	Services Maintain Land Improv	62.00	0.00	62.00	
			0254739	Facilities Maintenance & Repair Labor	514.00	0.00	514.00	
			0254739	Services Maintain Land Improv	0.00	0.00	0.00	
xxx311642	3/7/19	BELKORP AG LLC	523478	Parts, Vehicles & Motor Equip	309.41	0.00	309.41	\$309.41
xxx311643	3/7/19	BOUND TREE MEDICAL LLC	83122856	Inventory Purchase	1,167.39	0.00	1,167.39	\$1,167.39
xxx311644	3/7/19	BRANDON TRAN	CK REQ 19-133	DED Services/Training - Books	85.54	0.00	85.54	\$85.54
xxx311645	3/7/19	BUCKLES-SMITH ELECTRIC CO	3132221-00	Miscellaneous Equipment Parts & Supplies	737.28	0.00	737.28	\$737.28
xxx311646	3/7/19	COSIPA	APR/11/2019	Membership Fees	125.00	0.00	125.00	\$125.00
xxx311647	3/7/19	CALIFORNIA SPORTS CENTER	CSC0119	Rec Instructors/Officials	63,610.01	0.00	63,610.01	\$63,610.01
xxx311648	3/7/19	CALLANDER ASSOC	18054-3	Consultants	6,759.48	0.00	6,759.48	\$6,759.48
xxx311649	3/7/19	CALTEST ANALYTICAL LABORATORY	595204	Water Lab Services	700.00	0.00	700.00	\$873.49
			595211	Water Lab Services	57.83	0.00	57.83	
			595295	Water Lab Services	115.66	0.00	115.66	
xxx311650	3/7/19	CALTRONICS BUSINESS SYSTEMS	2702971	Misc Equip Maint & Repair - Labor	442.50	0.00	442.50	\$537.50
			2707225	Misc Equip Maint & Repair - Labor	95.00	0.00	95.00	
xxx311652	3/7/19	CAREER DEVELOPMENT SOLUTIONS LLC	1520	DED Services/Training - Training	210.00	0.00	210.00	\$210.00
xxx311653	3/7/19	CATHOLIC CHARITIES OF SANTA CLARA COUNTY	1	Outside Group Funding	5,444.89	0.00	5,444.89	\$5,444.89
xxx311654	3/7/19	CLEAN HARBORS ENVIRONMENTAL SERVICES INC	1002698170	HazMat Disposal - Hazardous Waste Disposal	2,196.55	0.00	2,196.55	\$2,196.55
xxx311655	3/7/19	CYBERSOURCE CORP	235901168064	Software As a Service	75.00	0.00	75.00	\$150.00

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			235927395617	Software As a Service	75.00	0.00	75.00	
xxx311656	3/7/19	DKS ASSOC	0069159	Consultants	1,360.00	0.00	1,360.00	\$1,360.00
xxx311657	3/7/19	DANCE FORCE LLC	1143	Rec Instructors/Officials	3,606.00	0.00	3,606.00	\$3,606.00
xxx311658	3/7/19	DELL MARKETING LP	10300081170	Computer Hardware	2,105.98	0.00	2,105.98	\$21,697.83
			10300174593	Computer Hardware	2,138.04	0.00	2,138.04	
			10300174606	Computer Hardware	12,828.19	0.00	12,828.19	
			10300643499	Computer Hardware	1,081.49	0.00	1,081.49	
			10301011151	General Supplies	725.45	0.00	725.45	
			10301534200	DED Equipment Replacement	2,622.07	0.00	2,622.07	
			10301722198	Computer Hardware	196.61	0.00	196.61	
xxx311659	3/7/19	E-Z-GO TEXTRON INC	91718575	Parts, Vehicles & Motor Equip	902.92	0.00	902.92	\$902.92
xxx311660	3/7/19	EOA INC	SU58-1218	Consultants	21,817.67	0.00	21,817.67	\$21,817.67
xxx311661	3/7/19	ECONOLITE SYSTEMS INC	26798	Services Maintain Land Improv	4,317.30	0.00	4,317.30	\$50,863.11
			26799	Services Maintain Land Improv	6,875.72	0.00	6,875.72	
			26812	Services Maintain Land Improv	116.91	0.00	116.91	
			26839	Services Maintain Land Improv	392.24	0.00	392.24	
			26879	Services Maintain Land Improv	30,482.36	0.00	30,482.36	
			26906	Services Maintain Land Improv	8,678.58	0.00	8,678.58	
xxx311662	3/7/19	FAST RESPONSE ON-SITE TESTING INC	151477	Medical Services	96.92	0.00	96.92	\$180.00
			151477	Contracts/Service Agreements	83.08	0.00	83.08	
xxx311663	3/7/19	FEDEX	6-364-72439	Postage	71.38	0.00	71.38	\$109.61
			6-448-56114	Postage	32.48	0.00	32.48	
			6-462-25226	Mailing & Delivery Services	5.75	0.00	5.75	
xxx311664	3/7/19	FEHR & PEERS	127921	Professional Services	2,616.38	0.00	2,616.38	\$2,616.38
xxx311665	3/7/19	FIRE & RISK ALLIANCE LLC	132-001-32	Miscellaneous Services	56,257.55	0.00	56,257.55	\$56,257.55
xxx311666	3/7/19	FITGUARD INC	0000152914	Facilities Maintenance & Repair Labor	1,700.00	0.00	1,700.00	\$2,340.70
			0000155103	Misc Equip Maint & Repair - Labor	195.00	0.00	195.00	
			0000155103	Misc Equip Maint & Repair - Materials	68.67	0.00	68.67	
			0000155104	Misc Equip Maint & Repair - Labor	195.00	0.00	195.00	
			0000155104	Misc Equip Maint & Repair - Materials	182.03	0.00	182.03	
xxx311667	3/7/19	GALE/CENGAGE LEARNING	66573504	Library Acquisitions, Books	40.10	0.00	40.10	\$190.03

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			66626276	Library Acquisitions, Books	27.89	0.00	27.89	
			66626595	Library Acquisitions, Books	28.77	0.00	28.77	
			66640267	Library Acquisitions, Books	93.27	0.00	93.27	
xxx311668	3/7/19	GARDENLAND POWER EQUIPMENT	647549	Parts, Vehicles & Motor Equip	36.88	0.00	36.88	\$36.88
xxx311669	3/7/19	GOLDEN GATE MECHANICAL INC	33290	Facilities Maintenance & Repair Labor	883.52	0.00	883.52	\$883.52
xxx311670	3/7/19	GOLDEN GATE TRUCK CENTER	F005900654:01	Parts, Vehicles & Motor Equip	54.01	0.00	54.01	\$107.89
			F005901683:01	Parts, Vehicles & Motor Equip	53.88	0.00	53.88	
xxx311671	3/7/19	GOODYEAR COMMERCIAL TIRE & SERVICE CTR	189-1100670	Auto Maint & Repair - Labor	251.52	0.00	251.52	\$12,828.32
			189-1100670	Auto Maint & Repair - Materials	31.67	0.00	31.67	
			189-1100751	Inventory Purchase	1,247.91	0.00	1,247.91	
			189-1100754	Auto Maint & Repair - Labor	251.52	0.00	251.52	
			189-1100754	Auto Maint & Repair - Materials	4.57	0.00	4.57	
			189-1100770	Inventory Purchase	1,486.10	0.00	1,486.10	
			189-1100776	Auto Maint & Repair - Labor	750.05	0.00	750.05	
			189-1100776	Auto Maint & Repair - Materials	5,999.56	0.00	5,999.56	
			189-1100780	Inventory Purchase	2,805.42	0.00	2,805.42	
xxx311672	3/7/19	GRAINGER	9098213896	Inventory Purchase	156.94	0.00	156.94	\$156.94
xxx311673	3/7/19	HAUTE CUISINE INC	130-2019	Excursions	327.00	0.00	327.00	\$387.00
			131-2019	Food Products	60.00	0.00	60.00	
xxx311675	3/7/19	HULA HALAU'O PI'ILANI	02222019	Rec Instructors/Officials	1,027.00	0.00	1,027.00	\$1,027.00
xxx311676	3/7/19	HYDROSCIENCE ENGINEERS INC	262013054	Professional Services	2,000.00	0.00	2,000.00	\$6,090.00
			262013055	Professional Services	720.00	0.00	720.00	
			262013056	Professional Services	3,370.00	0.00	3,370.00	
xxx311677	3/7/19	INGRAM LIBRARY SERVICES INC	38762880	Library Acquisitions, Books	-25.28	0.00	-25.28	\$33,467.75
			39069411	Library Acquisitions, Books	1,478.86	0.00	1,478.86	
			39069411	Library Materials Preprocessing	1,406.14	0.00	1,406.14	
			39069412	Library Acquisitions, Books	2,713.95	0.00	2,713.95	
			39069412	Library Materials Preprocessing	1,029.31	0.00	1,029.31	
			39069413	Library Acquisitions, Books	299.16	0.00	299.16	
			39069414	Library Acquisitions, Books	7,778.32	0.00	7,778.32	
			39069414	Library Materials Preprocessing	407.99	0.00	407.99	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			39069415	Library Acquisitions, Books	7,099.57	0.00	7,099.57	
			39069415	Library Materials Preprocessing	403.62	0.00	403.62	
			39069416	Library Acquisitions, Books	6,668.40	0.00	6,668.40	
			39069416	Library Materials Preprocessing	1,209.85	0.00	1,209.85	
			39069417	Library Acquisitions, Books	2,283.71	0.00	2,283.71	
			39069417	Library Materials Preprocessing	714.15	0.00	714.15	
xxx311679	3/7/19	INTERSTATE SALES	2008	Materials - Land Improve	1,684.05	0.00	1,684.05	\$1,684.05
xxx311680	3/7/19	IRVINE & JACHENS INC	2645	Miscellaneous Services	69.95	0.00	69.95	\$69.95
xxx311681	3/7/19	JAKES OF SUNNYVALE	22619	General Supplies	130.58	0.00	130.58	\$130.58
xxx311682	3/7/19	JUMBO SHRIMP VOLLEYBALL LLC	TV2019JF	Rec Instructors/Officials	3,376.00	0.00	3,376.00	\$3,376.00
xxx311683	3/7/19	KAMAL MAHMOUD	CK REQ 19-089	DED Services/Training - Books	120.48	0.00	120.48	\$120.48
xxx311684	3/7/19	KENNEDY JENKS CONSULTANTS	128277	HazMat Disposal - Hazardous Waste Disposal	3,046.40	0.00	3,046.40	\$3,046.40
xxx311686	3/7/19	L N CURTIS & SONS INC	INV253834	Inventory Purchase	663.65	0.00	663.65	\$1,154.15
			INV260828	Inventory Purchase	490.50	0.00	490.50	
xxx311687	3/7/19	LPAS INC	33282	Engineering Services	5,820.30	0.00	5,820.30	\$5,820.30
xxx311688	3/7/19	LANCESOFT, INC.	LR-2019-89239	Professional Services	1,593.75	0.00	1,593.75	\$1,593.75
xxx311689	3/7/19	LANGUAGE SELECT LLC	78639	Miscellaneous Services	335.26	0.00	335.26	\$335.26
xxx311690	3/7/19	LAW OFFICES OF GARY M BAUM	001140	Legal Services	6,502.66	0.00	6,502.66	\$6,502.66
xxx311691	3/7/19	LEAGUE OF CALIFORNIA CITIES	1469	Council Travel Expenses - Seat #6	35.00	0.00	35.00	\$35.00
xxx311692	3/7/19	LIFEMOVES	1819-827550 #2	Outside Group Funding	9,237.84	0.00	9,237.84	\$9,237.84
xxx311693	3/7/19	MACIAS GINI AND OCONNELL LLP	256846	Financial Services	2,500.00	0.00	2,500.00	\$26,633.00
			256847	Financial Services	5,394.00	0.00	5,394.00	
			259919	Financial Services	3,733.00	0.00	3,733.00	
			259920	Financial Services	2,256.00	0.00	2,256.00	
			259921	Financial Services	12,750.00	0.00	12,750.00	
xxx311695	3/7/19	MALLORY SAFETY & SUPPLY LLC	4597452	Inventory Purchase	90.25	0.00	90.25	\$1,842.10
			4603155	Inventory Purchase	1,373.40	0.00	1,373.40	
			4604886	Inventory Purchase	-90.25	0.00	-90.25	
			4606270	Inventory Purchase	468.70	0.00	468.70	
xxx311696	3/7/19	MCLAUGHLIN PAINTING	7122915	Facilities Maint & Repair - Labor	520.00	0.00	520.00	\$1,864.00

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx311697	3/7/19	MIDWEST TAPE	7122915	Facilities Maint & Repair - Materials	64.00	0.00	64.00	\$9,623.07
			7122944	Facilities Maintenance & Repair Labor	1,280.00	0.00	1,280.00	
			96987904	Library Acquis, Audio/Visual	3,736.41	0.00	3,736.41	
			96987906	Library Acquis, Audio/Visual	428.78	0.00	428.78	
			96987934	Library Acquis, Audio/Visual	2,320.47	0.00	2,320.47	
			97019739	Library Acquis, Audio/Visual	562.22	0.00	562.22	
			97020597	Library Acquis, Audio/Visual	2,454.29	0.00	2,454.29	
			97020599	Library Acquis, Audio/Visual	120.90	0.00	120.90	
xxx311698	3/7/19	MOTT MACDONALD LLC	304781-52	Engineering Services	106.50	0.00	106.50	\$106.50
xxx311699	3/7/19	NAPA AUTO PARTS	5983-451192	Parts, Vehicles & Motor Equip	56.57	0.00	56.57	\$142.76
			5983-451229	Parts, Vehicles & Motor Equip	16.42	0.00	16.42	
			5983-452290	Parts, Vehicles & Motor Equip	69.77	0.00	69.77	
xxx311700	3/7/19	NIELSEN MERKSAMER PARRINELLO	186868	Legal Services	8,738.47	0.00	8,738.47	\$8,738.47
xxx311701	3/7/19	GROSS & O'DELL ENGINEERING	3524005	Engineering Services	3,607.75	0.00	3,607.75	\$3,607.75
xxx311702	3/7/19	OCCUPATIONAL TRAINING INSTITUTE	WIA-1429	DED Services/Training - Training	1,777.51	0.00	1,777.51	\$2,226.67
			WIA-1430	DED Services/Training - Training	1,323.43	0.00	1,323.43	
			WIA-1431	DED Services/Training - Training	903.24	0.00	903.24	
			WIL-1429REV	DED Services/Training - Training	-1,777.51	0.00	-1,777.51	
xxx311703	3/7/19	OMEGA ENGRAVING	2007	Miscellaneous Services	93.25	0.00	93.25	\$93.25
xxx311704	3/7/19	OPTONY INC	190406	Consultants	359.75	0.00	359.75	\$359.75
xxx311705	3/7/19	PACIFIC COAST TRANE CONTROLS	S94359	Facilities Maintenance & Repair Labor	940.00	0.00	940.00	\$940.00
xxx311706	3/7/19	PALO ALTO PLUMBING HEATING AND AIR	15756	Facilities Maint & Repair - Labor	303.75	0.00	303.75	\$336.46
			15756	Facilities Maint & Repair - Materials	32.71	0.00	32.71	
xxx311707	3/7/19	PAN ASIAN PUBLICATIONS INC	U-15926	Library Acquisitions, Books	1,740.07	0.00	1,740.07	\$4,485.38
			U-15927	Library Acquis, Audio/Visual	700.43	0.00	700.43	
			U-15930	Library Acquisitions, Books	1,244.57	0.00	1,244.57	
			U-15931	Library Acquisitions, Books	800.31	0.00	800.31	
xxx311708	3/7/19	PETERSON	R3224417	Equipment Rental/Lease	8,569.14	0.00	8,569.14	\$9,496.30
			R324417REV	Equipment Rental/Lease	-8,569.14	0.00	-8,569.14	
			SW240153962	Misc Equip Maint & Repair - Labor	1,067.00	0.00	1,067.00	

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
			SW240153962	Misc Equip Maint & Repair - Materials	2,165.98	0.00	2,165.98	
			SW240155442	Equipment Maintenance & Repair Labor	1,174.74	0.00	1,174.74	
			SW240155488	Misc Equip Maint & Repair - Labor	4,396.04	0.00	4,396.04	
			SW240155488	Misc Equip Maint & Repair - Materials	692.54	0.00	692.54	
xxx311709	3/7/19	PETERSON TRUCKS	405212P	Parts, Vehicles & Motor Equip	27.03	0.00	27.03	\$27.03
xxx311710	3/7/19	POWERMOON ENTERPRISES LTD	1806 14223	General Supplies	589.00	0.00	589.00	\$589.00
xxx311711	3/7/19	PRIORITY 1 PUBLIC SAFETY EQUIPMENT	7179	Auto Maint & Repair - Labor	3,285.00	0.00	3,285.00	\$13,549.78
			7179	Auto Maint & Repair - Materials	9,744.78	0.00	9,744.78	
			7209	Automotive Maintenance & Repair Labor	520.00	0.00	520.00	
xxx311712	3/7/19	RDO EQUIPMENT CO	P82937	Parts, Vehicles & Motor Equip	1,023.30	0.00	1,023.30	\$2,278.70
			P82938	Parts, Vehicles & Motor Equip	-1,023.30	0.00	-1,023.30	
			W16157	Auto Maint & Repair - Labor	906.25	0.00	906.25	
			W16157	Auto Maint & Repair - Materials	1,372.45	0.00	1,372.45	
xxx311713	3/7/19	READYREFRESH BY NESTLE	19B0023360647	General Supplies	1.08	0.00	1.08	\$95.05
			19B5727863002	General Supplies	62.13	0.00	62.13	
			19B5740153001	General Supplies	1.08	0.00	1.08	
			19B5740154009	General Supplies	27.50	0.00	27.50	
			19B5740156004	General Supplies	3.26	0.00	3.26	
xxx311714	3/7/19	ROYAL BRASS INC	888451-001	Parts, Vehicles & Motor Equip	247.54	0.00	247.54	\$302.36
			889649-001	Parts, Vehicles & Motor Equip	54.82	0.00	54.82	
xxx311715	3/7/19	ROYAL COACH TOURS INC	15361	Excursions	906.88	0.00	906.88	\$906.88
xxx311716	3/7/19	SAFEWAY INC	438701-022619	Food Products	18.08	0.00	18.08	\$94.10
			800262-022819	Food Products	76.02	0.00	76.02	
xxx311717	3/7/19	SENIOR ADULTS LEGAL ASSISTANCE	1819-819720 #1	Outside Group Funding	5,048.89	0.00	5,048.89	\$5,048.89
xxx311718	3/7/19	SHRIKANTH KATTEMALVADI	CK REQ 19-138	DED Services/Training - Books	43.59	0.00	43.59	\$43.59
xxx311719	3/7/19	SMARSH INC	INV00470206	Software As a Service	835.39	0.00	835.39	\$835.39
xxx311720	3/7/19	SONSRAY MACHINERY LLC	P10566-12	Parts, Vehicles & Motor Equip	1,803.20	0.00	1,803.20	\$2,272.85
			P10623-12	Parts, Vehicles & Motor Equip	469.65	0.00	469.65	
xxx311721	3/7/19	SRIXON GOLF	5587971 SO	Inventory Purchase	531.62	0.00	531.62	\$531.62
xxx311722	3/7/19	STATE WATER RESOURCES CONTROL BOARD	OP#44401D5EX AM	Membership Fees	155.00	0.00	155.00	\$155.00

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx311723	3/7/19	STUDIO EM GRAPHIC DESIGN	17422	Advertising Services	109.00	0.00	109.00	\$109.00
xxx311724	3/7/19	SUPERIOR AUTOMATIC SPRINKLER CO INC	41001	Facilities Maintenance & Repair Labor	1,888.00	0.00	1,888.00	\$1,888.00
xxx311725	3/7/19	TAYLORMADE GOLF CO	33544246	Inventory Purchase	640.80	12.34	628.46	\$2,257.37
			33544681	Inventory Purchase	93.78	1.76	92.02	
			33544858	Inventory Purchase	1,129.26	20.79	1,108.47	
			33547215	Inventory Purchase	170.83	3.17	167.66	
			33549460	Inventory Purchase	265.83	5.07	260.76	
xxx311726	3/7/19	THE CONSULTING TEAM LLC	911	City Training Program	2,400.00	0.00	2,400.00	\$2,400.00
xxx311727	3/7/19	TWIN OAKS MFG	201914	Canine Program Expenditures	2,343.10	0.00	2,343.10	\$2,343.10
xxx311728	3/7/19	UNITED ROTARY BRUSH CORP	CI231163	Parts, Vehicles & Motor Equip	501.34	0.00	501.34	\$501.34
xxx311729	3/7/19	UNITED VETERINARY SPECIALTY & EMERGENCY	580080	Professional Services	116.00	0.00	116.00	\$116.00
xxx311730	3/7/19	UNIVAR USA INC	SJ921769	Chemicals	3,528.79	0.00	3,528.79	\$13,736.56
			SJ926254	Chemicals	3,526.50	0.00	3,526.50	
			SJ926544	Chemicals	3,298.75	0.00	3,298.75	
			SJ927193	Chemicals	3,382.52	0.00	3,382.52	
xxx311731	3/7/19	UNIVERSITY OF CALIFORNIA SANTA CRUZ	58435	DED Services/Training - Training	4,837.50	0.00	4,837.50	\$4,837.50
xxx311732	3/7/19	VMI INC	242221	Misc Equip Maint & Repair - Labor	330.00	0.00	330.00	\$330.00
xxx311733	3/7/19	VIASYN	26824	Utilities - Electric	3,100.00	0.00	3,100.00	\$6,200.00
			26825	Utilities - Electric	3,100.00	0.00	3,100.00	
xxx311734	3/7/19	VINCENT ELECTRIC MOTOR CO	0907260	Misc Equip Maint & Repair - Labor	3,337.50	0.00	3,337.50	\$4,732.05
			0907260	Misc Equip Maint & Repair - Materials	1,394.55	0.00	1,394.55	
xxx311735	3/7/19	WEST VALLEY COLLEGE	032019FAIR	Special Events	75.00	0.00	75.00	\$75.00
xxx311736	3/7/19	WEST VALLEY STAFFING GROUP	247510	Professional Services	2,039.50	0.00	2,039.50	\$7,927.00
			248260	Professional Services	2,236.39	0.00	2,236.39	
			249191	Professional Services	1,743.36	0.00	1,743.36	
			249802	Professional Services	1,907.75	0.00	1,907.75	
xxx311737	3/7/19	WINSUPPLY OF SILICON VALLEY	699196 00	Miscellaneous Equipment	615.25	0.00	615.25	\$637.08
			699502 00	Bldg Maint Matls & Supplies	21.83	0.00	21.83	
xxx311738	3/7/19	YI FENG	20073000	DED Services/Training - Books	96.31	0.00	96.31	\$96.31

List of All Claims and Bills Approved for Payment

For Payments Dated 3/3/2019 through 3/9/2019

Sorted by Payment Number

Payment No.	Payment Date	Vendor Name	Invoice No.	Description	Invoice Amount	Discount Taken	Amount Paid	Payment Total
xxx311739	3/7/19	ZAYO GROUP LLC	2019030027428	Hardware Maintenance	401.09	0.00	401.09	\$401.09
xxx311740	3/7/19	MOLLY'S REVENGE	03162019	Special Events	1,900.00	0.00	1,900.00	\$1,900.00
xxx311741	3/7/19	PACIFIC GAS & ELECTRIC CO	03142830050219	Utilities - Electric	24,671.32	0.00	24,671.32	\$26,324.68
			03153947310219	Utilities - Electric	1,653.36	0.00	1,653.36	
xxx311742	3/7/19	STATE WATER RESOURCES CONTROL BOARD	CHAVEZ-R GR2	Membership Fees	125.00	0.00	125.00	\$125.00
xxx311743	3/7/19	B R FLOORING INC	064369	Business License Tax	134.32	0.00	134.32	\$134.32
xxx311744	3/7/19	CMG TRAVEL AND SERVICES	067002	Business License Tax	64.80	0.00	64.80	\$64.80
xxx311745	3/7/19	DAVID W HEDGES	934062	Lib - Lost & Damaged Circulation	11.30	0.00	11.30	\$11.30
xxx311746	3/7/19	GIBSON TRUST/BENSON TRUST	064074	Business License Tax	347.44	0.00	347.44	\$347.44
xxx311747	3/7/19	QUALITY KITCHEN FABRICATORS INC	BL073670 17-18	Business License Tax	18.33	0.00	18.33	\$18.33
xxx311748	3/7/19	T2 DEVELOPMENT	186097-43734	Refund Utility Account Credit	4,339.80	0.00	4,339.80	\$4,339.80
xxx311749	3/7/19	TWIN CREEK SOFTBALL COM	BL013764 19-20	Business License Tax	130.22	0.00	130.22	\$130.22
xxx311750	3/7/19	WAL-MART STORES INC	BL065933 18-19	Business License Tax	6,371.00	0.00	6,371.00	\$6,371.00
Grand Total Payment Amount								<u>\$1,269,726.79</u>



City of Sunnyvale

Agenda Item

19-0219

Agenda Date: 3/26/2019

REPORT TO COUNCIL

SUBJECT

Approve the Downtown Sunnyvale Business Improvement District Annual Report for Fiscal Year 2018/19; and Adopt Resolution of Intention to Levy and Collect an Annual Assessment and Reauthorize the BID for Fiscal Year 2019/20

BACKGROUND

A Business Improvement District (BID) is a funding tool that provides funding for specific activities that must be reauthorized yearly by the City Council at the request of the BID Board (Board). Businesses pay into the BID based on the benefit they receive as members of the district.

Pursuant to Sunnyvale Municipal Code Section 3.60.050, Establishment of benefit assessments, the formula for calculating the BID assessment amount is determined by the Board and enacted by the City. Business assessments are levied based on relative benefit from the activities to be funded. The City collects the assessment fee and forwards the collected funds to the BID, minus an administrative fee.

Downtown Sunnyvale BID

Approximately 215 businesses are located in the existing BID area, which is divided into three zones: Zone A, Zone B, and Zone C. The current BID boundaries are Sunnyvale, Iowa, Mathilda and Evelyn Avenues (Attachment 1, Page 8). Board members volunteer their time to lead and manage the BID.

The current Board members are:

- Joe Antuzzi, Il Postale, Board Chair
- Dr. Gary Gold, Dr. Gary Gold & Associates & Style Eyes Optique, Board Vice-Chair
- Leigh Odum, Leigh's Favorite Books and Bookasaurus
- Irene Murphy, Fibbar MaGee's
- Amit Rajgarhia, Dish Dash
- Victor Reynoso, Aloft Sunnyvale
- Crystal Zemlin, RiverRock Real Estate Group

The Board communicates with BID businesses to keep them informed about current projects affecting downtown as well as other issues and programs. The BID offers businesses the means to pool their resources by assessing themselves to collectively pay for programs, marketing, and special events which would not be possible on an individual basis. Also, the Board promotes the downtown area by maintaining an active website, social media, and downtown events.

EXISTING POLICY

Municipal Code Sections - Downtown Sunnyvale Business Improvement District:

- 3.60.050. Establishment of benefit assessments.
- 3.60.060. Purpose and use of benefit assessments.
- 3.60.110. Annual budget process.
- 3.60.120. Decisions regarding expenditure of funds.

ENVIRONMENTAL REVIEW

This action is not a project within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it involves the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

DISCUSSION

As part of the annual reauthorization, the Board is presenting the BID Fiscal Year 2018/19 report and budget for Fiscal Year 2019/20. The Board is requesting that Council adopt the Resolution of Intention (ROI) (Attachment 2) to begin the BID renewal process for Fiscal Year 2019/20.

As of January 2019, the BID collected a total of \$35,740 of the \$39,300 due from assessments for Fiscal Year 2018/19. Expenditures are approximately \$225,707 and revenues are approximately \$225,178. The proposed budget for Fiscal Year 2019/20 (Attachment 1, Pages 6 and 7), as approved by the Board, is \$234,800. This proposed budget includes \$36,000 from BID assessments; \$160,000 from special events, such as the Summer Music Series and possible sponsorships; and, \$38,800 from corporate grants, matching funds from the City and other miscellaneous revenues. The Board has requested an increase of the City's matching funds from \$30,000 to \$40,000 increasing the BID's budget by \$10,000. The increase request will be considered at the budget study workshop on March 7, 2019.

In Fiscal Year 2018/19, the BID produced events that drew visitors to Downtown Sunnyvale. Events included the Summer Music Series, Jazz & Beyond Series, Magic of Sunnyvale Wine Stroll and the Holiday Tree Lighting. The events attracted visitors and provided about 65% of the BID's annual revenue. The BID promotes BID businesses on their website (*SunnyvaleDowntown.com*), business directory, Twitter, and Facebook (<https://www.facebook.com/sunnyvaledowntownassociation>) posting highlights of different downtown businesses and events.

For the BID to be reauthorized for Fiscal Year 2019/20, Council must approve the BID's Annual Report (Attachment 1) and adopt the Resolution of Intention (Attachment 2). Notice of the public hearing on the BID will be published in a local newspaper and mailed to all BID members. Pursuant to Sunnyvale Municipal Code Section 3.60.110, the Resolution of Intention sets a public hearing for May 7, 2019 for the Council to consider all oral and written protests received on or before that date regarding the levy and collection of the assessment and reauthorization of the BID for Fiscal Year 2019/20.

FISCAL IMPACT

Staff time from the Department of Finance is provided at an estimated cost of \$3,500 annually for the administration of the assessment. Because these costs are reimbursed by the BID, there is no fiscal impact to the City for providing this service.

PUBLIC CONTACT

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

The BID Board also emailed all BID members the meeting announcement.

STAFF RECOMMENDATION

Approve the Fiscal Year 2018/19 BID Annual Report, adopt the Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Business Improvement District for Fiscal Year 2019/20, and schedule the public hearing for May 7, 2019.

The BID produces events in Downtown Sunnyvale that continue to attract visitors to businesses during and after the events. Over the past several years, the BID has continued to utilize tools that expand outreach. Some of the tools include social media, business directory, and ad placement in the local newspapers and hotel brochures. BID members appreciate the expanded marketing that highlights different businesses on the website and Facebook that helps attract new customers. Through shared resources paid by the BID assessment, the BID can provide additional marketing tools that would otherwise not be available to individual businesses.

Prepared by: Maria Rodriguez, Administrative Analyst

Reviewed by: Connie Verceles, Economic Development Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. BID Annual Report and Budget
2. Resolution of Intention to Levy and Collect an Assessment and Reauthorize the Downtown Sunnyvale Business Improvement District for Fiscal Year 2019/20



February 1, 2019

TO: Mayor and City Councilmembers

City of Sunnyvale
456 W Olive Ave
Sunnyvale, CA 94086

From: Michael Johnson & The SDA/BID Board

Sunnyvale Downtown Association (SDA)

RE: Sunnyvale Downtown Association's 2019/2020 BID Renewal Request

To the Mayor and City Councilmembers of Sunnyvale,

First, I'd like to thank the City of Sunnyvale, the Mayor and City Council for your matching BID funds, support, and attendance of our events last season. We are looking forward to another great year of exciting events for the community, our downtown businesses, and the City of Sunnyvale.

The SDA is requesting that the City reauthorize the BID for Fiscal Year 2019/2020. On January 17, 2019, the Board of Directors approved the 2019/2020 BID Budget. Attached is a copy of the SDA's expense & revenue report for July 1, 2018 through June 30, 2019 actuals along with projections for the 2019/2020 fiscal year.

If you have any questions please do not hesitate to contact me at michael@sunnyvaledowntown.com or (408) 480-5437. Thank you for your continued support.

Sincerely,

Michael Johnson

Executive Director of the SDA



Sunnyvale Downtown Association's 2019/2020 State of the Downtown

What is a BID

A BID (Business Improvement District, authorized by State of California law) is a private sector funding tool that provides funding for the promotion and improvement of a specific area. All business license holders inside the said district are self-assessed an annual fee based on anticipated benefits they receive from the BID. The BID is reauthorized yearly by the City Council at the request of the businesses' Board of Directors. A BID is a tool used by over 200 business areas in California, including Mountain View, Palo Alto, Santa Clara, Morgan Hill, and San Jose.

The BID has legal requirements to be reauthorized. Specifically, the City Council must first approve the Annual Budget and then adopt a Request of Information (ROI) to reauthorize the BID for another year. Once the ROI is adopted, a public hearing must be held during a Council meeting.

Businesses pay into the BID based on the benefit they receive as members of the district. The funds collected can only be used for projects within the BID boundaries. The business community maintains full control of all BID funds collected.

The formula for defining our BID assessment amount is determined by the Board members, and not the City. The Sunnyvale Downtown Association (SDA) Board considers the type, size, and location of the businesses and determines the most equitable formula for each type of business. Assessments are levied on businesses based on relative benefit from the activities to be funded. The City collects the fee on an annual basis. Normally, BID assessments are included as a separate charge on the business license tax bill that every business within the BID boundaries receives. However, because Sunnyvale has a two-year business license tax cycle, a separate billing process is being used. All assessment funds collected by the City are returned to the BID through annual contract agreements. The City does collect a fee for administrative costs associated with this service. The cost is reviewed and adjusted annually as needed.

The current Sunnyvale Downtown Association Board of Directors are: Chair - Joe Antuzzi, Il Postale, Vice Chair - Gary Gold, Dr. Gary Gold & Associates, Secretary - Leigh Odum, Leigh's Favorite Books, Treasurer - Joe Antuzzi, Il Postale, Members At Large – Amit Rajgarhia, Dish Dash, Irene Murphy, Fibbar MaGees, Victor Reynoso, aloft Hotel, Crystal Johnson, RiverRock Real Estate Group, and Michael Johnson, SDA Executive Director.

Mission of the SDA

Sunnyvale Downtown Association (SDA) is a non-profit membership-based organization whose mission is to promote, advocate and enhance the vitality of downtown Sunnyvale. The SDA is funded by the business improvement districts (BID) fees, City grants, sponsorships and revenue producing events.

The Sunnyvale Downtown Association serves as the voice of downtown Sunnyvale by:

- Advocating for policies, programs and events that support the economic growth of the downtown
- Acting as the downtown marketing arm, voice, and ambassador for the City of Sunnyvale
- Producing attractive events for the community
- Promoting downtown as a premier venue for other groups to produce events
- Working with other Community Based Organization's that share in the growth, beautification, and continual vitality of downtown Sunnyvale
- Serving as the primary information portal to all events, attractions and programs stemming from the downtown core

Budget

2018/19 BID fees collected from the businesses totaled \$35,740 (16% of Income) and the City of Sunnyvale contribution (13%) acts as SDA foundational funding. The rest of SDA revenue comes from a combination of support from sponsorships, sales/concessions, and event participant fees. By state law, the BID money can only be used to support general business activities, promote public events, decorate public places, and provide entertainment inside the BID area. BID funds are used for a myriad of projects including: advertising, marketing materials, visitor guides, website, e-letters, street/holiday lighting and events.

On January 29, 2019, the Board of Director's approved the renewal of the BID. Attached is a copy of the SDA's expense & revenue report for July 1, 2018 through June 30, 2019 (forecast) along with projections for the 2019/20 fiscal year. Below we have included a brief overview of some of the major expense areas. I have also attached the full fiscal 2019/20 budget for your review. The SDA has restructured the budget starting with fiscal year 2018/19. The projections submitted for fiscal year 2018/19 have been updated to match the new budget structure.

We were fortunate this year to have received City grant support and a larger level of sponsorship. This helped us in not only reaching but also exceeding our projected budget for this year, and for that we are grateful. We can't always guarantee that we will always have this level of sponsorship support, so we continue to rely on all support channels to ensure fiscal accountability.

Account	2018 / 2019 Actual Forecast	2019 / 2020 Projected
INCOME		
<i>BID Fees</i>	\$35,740	\$36,000
<i>City Contribution</i>	\$30,000	\$30,000
<i>City Grants</i>	\$6,200	\$7,000
<i>CityLine Marketing Support</i>	\$2,100	\$1,800
<i>Event Revenue (Sponsorship, Sales, Fees)</i>	\$151,138	\$160,000
TOTAL INCOME	\$225,178	\$234,800
EXPENSES		
<i>Personnel / Staffing Related</i>	\$86,213	\$97,000
<i>Office/General Admin Expenses</i>	\$29,165	\$29,923
<i>City Fees</i>	\$7,192	\$5,500
<i>Sales Tax</i>	\$10,500	\$15,500
<i>Stage ADA Compliance</i>	\$4,200	\$6,500
<i>Event Expenses</i>	\$88,437	\$88,000
TOTAL EXPENSES	\$225,707	\$242,423
TOTAL PROFIT/LOSS	(\$529)	(\$7,623)

Events

This year the SDA has produced 11 Summer Series Music + Market, 8 Jazz & Beyond, 4 VUDU Movie Nights on Plaza del Sol, the Technology Business Expo in conjunction with the City, and our Annual Holiday Tree Lighting as well as plans are underway for the Magic of Sunnyvale Wine Stroll. Our 2018/19 events will gross \$151K from the sales, sponsorships, and event participation fees.

Additionally, Sunnyvale Downtown was a destination for other community events including: PAL Classic Car Show, Rides for Toys and the Sunnyvale State of the City.

Event Related Financial Breakdown

All events stayed within budget. The focus in 2018/19 has been in operations management and improving the quality of our events. We optimized our contracted labor, used advanced marketing to promote events and improved our operations as well as communication. We attracted new sponsors, which helped balance reductions in sales/concessions and we met attendance expectations as well as increased interest in the Jazz & Beyond.

Account	2018 / 2019 Actual Forecast	2019 / 2020 Projected
INCOME		
<i>Summer Series Music + Market</i>	\$66,861	\$68,000
<i>Jazz & Beyond</i>	\$27,043	\$33,000
<i>Movie Night on Plaza del Sol</i>	\$8,287	\$9,000
<i>Technology Business Expo</i>	\$5,000	\$5,000
<i>Annual Holiday Tree Lighting</i>	\$8,500	\$10,000
<i>Magic of Sunnyvale & Wine Stroll</i>	\$34,547	\$34,000
<i>Classic Car Show</i>	\$900	\$1,000
TOTAL EVENT INCOME	\$151,138	\$160,000
EXPENSES		
<i>Summer Series Music + Market</i>	\$43,368	\$40,000
<i>Jazz & Beyond</i>	\$12,000	\$19,000
<i>Movie Night on Plaza del Sol</i>	\$8,109	\$7,000
<i>Technology Business Expo</i>	\$5,000	\$5,000
<i>Annual Holiday Tree Lighting</i>	\$5,044	\$6,000
<i>Magic of Sunnyvale & Wine Stroll</i>	\$12,316	\$11,000
<i>Marketing / Print / Stage / City Fees / Tax / Misc.</i>	\$24,492	\$27,500
TOTAL EVENT RELATED EXPENSES	\$110,329	\$115,500
TOTAL EVENT PROFIT/LOSS	\$40,809	\$44,500

Our event income is dependent on obtaining event sponsorship. The Wine Stroll is late in the fiscal year and the Summer Series spans both fiscal years. Recent financial challenges include taxes and investment in augmenting our event stage for ADA compliance. We are confident we will achieve final sponsorship commitment but are dependent on City contributions as well. We are also considering requesting payments for hosted guest events downtown for access, basic support and promotion in 2019/20.

Event Sponsorships & City Contribution

We are very grateful for the continued support from the City and many Sponsors who have helped keep our SDA events growing and continuing to serve the community in 2018/19. We'd like to give special thanks to the City of Sunnyvale, CityLine Sunnyvale, Google, VUDU Movies & TV, Walmart Labs, Baidu, Specialty Waste, Meriwest Credit Union, Sand Hill Property Management, Kenneth Rodrigues & Partners, Murphy Square, KettlePop and UFC Gym.

We believe our downtown businesses need City and Sponsorship support for these events more than ever. With ongoing downtown development, the new minimum wage increase, and the high cost to do business in downtown Sunnyvale, the events allow for business owners to maintain some level of profitability and their business livelihood. Since September three businesses have closed and we fear that this is only the beginning as small businesses work to adjust and hopefully survive during these turbulent times.

Without sponsorship as well as City support, we cannot guarantee delivery of the events which are so critical to attracting new people downtown. We currently need to wait each year until mid to late January to have a sense of

the amount of sponsorship support and City Contributions we'll be receiving to ensure if we can put on the events that we currently have scheduled to deliver annually.

We are actively working to secure sponsorship commitments for the late 2018/19 events as well as the 2019/20 events and are thankful for some returning sponsors. We also hope to introduce the Sunnyvale downtown community to new sponsors and provide more sponsorship opportunities.

Future

We believe that keeping the BID Fee assessment, in conjunction with the City contribution, in place provides the foundational funding for our organization. The BID's goal is to continue producing quality events and promoting downtown Sunnyvale as a great place to shop, dine, work and live. These events are especially important to continue to attract new visitors to our vibrant, growing downtown as well as community pride.

Our BID fees are a self-imposed tax of the downtown businesses. Outside of paying their standard fees, taxes and licenses associated with owning and operating a business. These businesses have been and continue to reach into their pockets and come up with additional monies to: promote, market, and create events for the City of Sunnyvale and our downtown community.

We appreciate that you have continued to support the BID and want you to know, we don't take your support for granted. As always, we continued to be good stewards of all funds, grants, and sponsorships that we receive and consider each other partners with common goals for a vibrant downtown.

Our commercial marketing and promotion will continue. These resources for marketing include local and regional news outlets and publications. Expanding the reach of our messaging via our SunnyvaleDowntown.com website and all our social media sites like Facebook, Twitter and YouTube. We continue to maintain a strong local community internet presence with event calendars and sites like Eventbrite to promote Sunnyvale Downtown.

This past year was focused on improving the quality of our events with attention to our operations, financial oversight and strengthening partnerships downtown businesses, CityLine Sunnyvale and our sponsors. In the year ahead, we want to continue to apply our learning, increase financial interest with more sponsorship and expand our event audience. We improved our communications greatly this past year and want to build on that success to ensure our BID members are supported and promoted and the community is informed and proud of our downtown, our city and the direction we are heading.

Overview

The 2018/19 year proved to be very successful for the Sunnyvale Downtown Association. Early in the year, we adjusted our event resources and invested in better financial tools and operational management. We executed an outreach campaign to all BID members and ensured regular contact throughout the year. We executed our reoccurring events, doubled our Movie Nights on Plaza del Sol, and hosted new guest events including the State of the City, PAL Classic Car Show and Rides for Toys. The community truly enjoyed these new additions to our events lineup.

Moving forward in the 2019/20 fiscal year, the SDA continues to host 11 Summer Series + Market concerts, 8 Jazz & Beyond events, 4 VUDU Movie Nights, the Annual Holiday Tree Lighting and the Magic of Sunnyvale & Wine Stroll as well as look forward to collaborating again with the City on the Technology Business Expo. We also are excited to be hosting the PAL Classic Car Show and the return of the Sunnyvale Halloween Pet Parade!

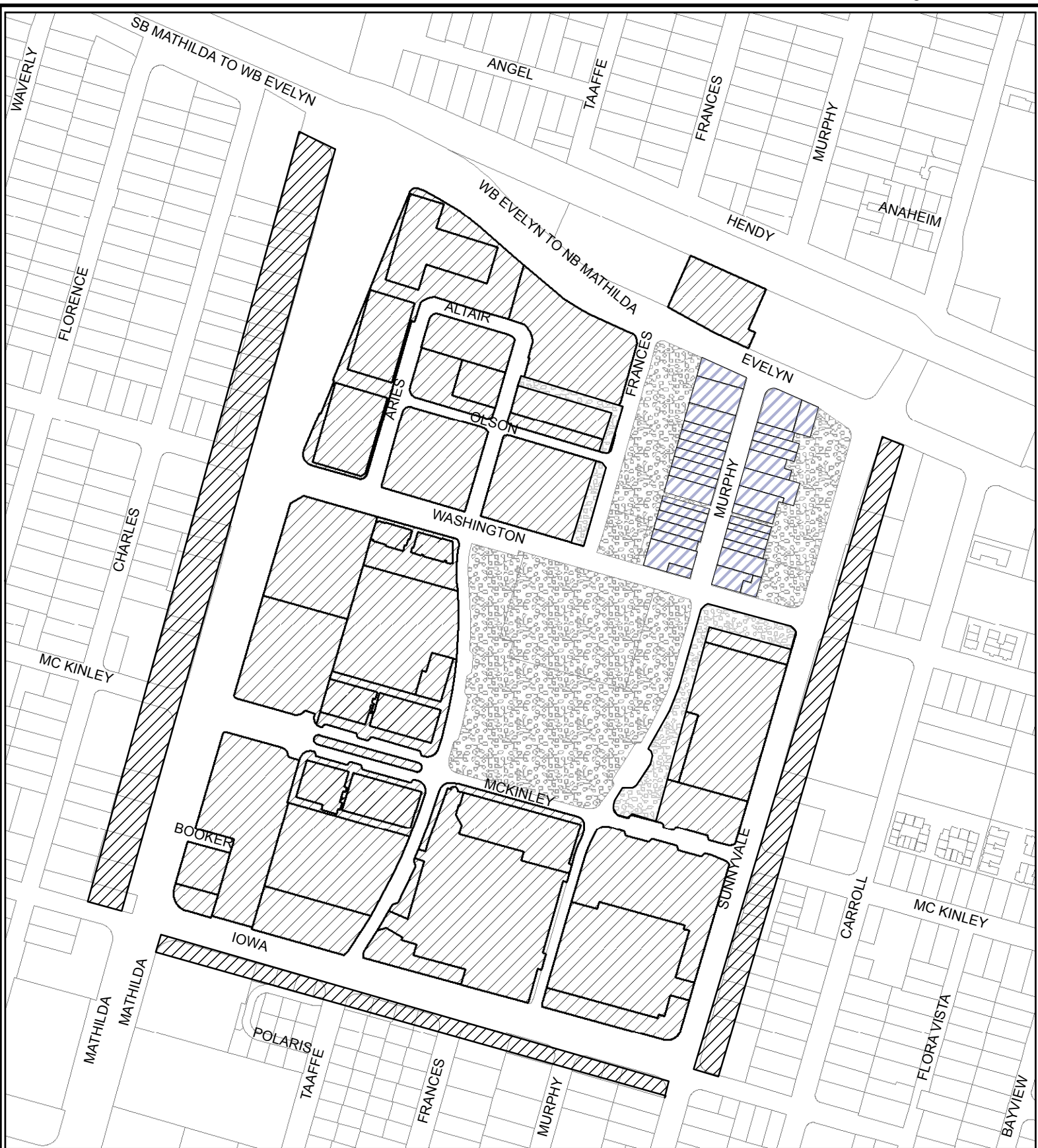
We are continually exploring new events and sponsorship opportunities to draw more attention to our growing business community and vibrant downtown. The SDA will continue to work with CityLine developers, property managers and the City of Sunnyvale to promote cohesion between the existing businesses in Sunnyvale and the expansion of one Sunnyvale downtown.

We want to thank all the Sunnyvale Downtown Businesses, who without their participation and support this would not be possible. We appreciate the many sacrifices that our BID members have endured with the continued growth of our downtown. Moving forward we are excited and optimistic about the future and the possibilities it brings.

If you have any questions, contact Mike Johnson, SDA Executive Director, at 408-480-5437

	Sunnyvale Downtown Association			
	General P&L 2018/2019			
Expenses	Actual		Projected	
FISCAL YEAR	18/19		19/20	
Administrative				
Insurance	\$ 6,565.00		\$ 7,222.00	Events, new Director & Officer Ins., Worker's Compensation, and Pet Parade policy
Marketing & Advertisement	\$ 8,200.00		\$ 8,200.00	Post Cards, Flyers, Banners, Menus, Social Media, Explore Magazine and State of Downtown Outreach
Bookkeeping/Accounting	\$ 5,000.00		\$ 5,000.00	Added New Bookkeeper, additional cost for CPA to reconcile and manage tax information
Office Supplies	\$ 2,000.00		\$ 2,500.00	Paper, Ink for Printer, Stamps & Postage, Pens, Folders, File Cart, Printing of State of Downtown, etc.
POD Rental & Permit Fee	\$ 900.00		\$ 1.00	POD Rental & New City-PW Annual Permit starting 17/18
Telephone & Website	\$ 2,500.00		\$ 2,000.00	2 new phones, phone services, Website and domain renewal, and Constant Contact email account
Visitor Guide	\$ 2,500.00		\$ 3,000.00	New Design, updates & Printing - distribution
Travel Entertainment (CDA Conference)	\$ 1,500.00		\$ 2,000.00	CDA Membership & Conference / Training &
Total Administrative	\$ 29,165.00		\$ 29,923.00	
Event Expenses				
New Stage Ramp-Configuration Cost	\$ 4,200.00		\$ 6,500.00	Stage reconstruct- new ADA ramp requirements - additional stage parts
Building Permit Fees - New 18/19	\$ 3,500.00		\$ 3,500.00	Stage Inspections - City's Estimate
City (event) Permits & Rental Fees	\$ 2,000.00		\$ 2,000.00	Event permits (Planning, Building, PW, Fire, etc)
Holiday Tree Lighting	\$ 5,044.00		\$ 6,000.00	Tree, staff, stage, equipment. Free event for the community.
Magic of Sunnyvale Wine Stroll	\$ 12,000.00		\$ 11,000.00	
Summer Series	\$ 42,268.00		\$ 40,000.00	Supplies, Staff, Bands, Security, Beverage Booth, Stage, Beverages, labor cost increases
Jazz & Beyond	\$ 17,608.00		\$ 19,000.00	Supplies, Staff, Bands, Security, Beverage Booth, Stage, Beverages, labor cost increases
Technology Expo	\$ 5,000.00		\$ 5,000.00	
Movie Night	\$ 8,109.00		\$ 7,000.00	17/18 2 events. Doubled Movie Night events starting 18/19. Free event for community.
Classic Car Show	\$ 100.00			
Sales Tax	\$ 10,500.00		\$ 15,500.00	Current and Unpaid sale taxes - now paying and
Total Event Expenses	\$ 110,329.00		\$ 115,500.00	
Staffing				
Exec. Director Compensation	\$ 70,000.00		\$ 70,000.00	ED wages - increased work hours due to increase in operations, marketing, outreach and events.
Employee Taxes	\$ 6,000.00		\$ 8,000.00	ED was contractor - SDA employee starting FY 18/19
Contract Labor	\$ 10,213.00		\$ 19,000.00	Additional admin staff & part-time Event
Total Staff & ED Compensations/Commission	\$ 86,213.00		\$ 97,000.00	
Total Expense	\$ 225,707.00		\$ 242,423.00	




	Sunnyvale Downtown Association				
	General P&L 2018/2019				
Revenue		Actual		Projected	
	FISCAL YEAR	18/19		19/20	
Community Grants		\$ 6,200.00		\$ 7,000.00	
CityLine Marketing Support		\$ 2,100.00		\$ 1,800.00	
City Contributions		\$ 30,000.00		\$ 30,000.00	The Board requested an increase to \$40,000. Item to be reviewed as part of the City's project budgets.
BID Funds		\$ 35,740.00		\$ 36,000.00	
Total Contributions		\$ 74,040.00		\$ 74,800.00	
Holiday Tree Lighting					
	Sponsorships	\$ 8,500.00		\$ 10,000.00	
Total Holiday Tree Lighting		\$ 8,500.00		\$ 10,000.00	
Magic of Sunnyvale Wine Stroll					
	Sales	\$ 21,547.00		\$ 23,000.00	
	Sponsorships	\$ 13,000.00		\$ 13,000.00	
Total Magic of Sunnyvale Wine Stroll		\$ 34,547.00		\$ 36,000.00	
Summer Series					
	Sales	\$ 32,911.00		\$ 35,000.00	
	Vendors	\$ 7,950.00		\$ 7,000.00	
	Sponsorships	\$ 26,000.00		\$ 26,000.00	
Total Summer Series		\$ 66,861.00		\$ 68,000.00	
Jazz & Beyond					
	Sales	\$ 16,043.00		\$ 20,000.00	Discontinued FY18/19 Bring a bottle & pay a corking fee (per wine bottle)
	Sponsorships	\$ 11,000.00		\$ 11,000.00	
Total Jazz & Beyond		\$ 27,043.00		\$ 31,000.00	
Technology Expo					
	Sponsorships	\$ 5,000.00		\$ 5,000.00	
Technology Expo		\$ 5,000.00		\$ 5,000.00	
Movie Night					
	Sales	\$ 387.00		\$ -	
	Sponsorships	\$ 7,900.00		\$ 9,000.00	
Total Movie Night		\$ 8,287.00		\$ 9,000.00	
Classic Car Show					
	Sales	\$ 900.00		\$ 1,000.00	
	Sponsorships	\$ -			
Total Classic Car Show		\$ 900.00		\$ 1,000.00	
Total Revenue		\$ 225,178.00		\$ 234,800.00	
Total Expense		\$ 225,707.00		\$ 242,423.00	
Budget Profit or Loss		\$ (529.00)		\$ (7,623.00)	



DOWNTOWN BUSINESS IMPROVEMENT DISTRICT ZONES

0 130 260 520 Feet

Legend

-  ZONE A
-  ZONE B
-  ZONE C



**Downtown Sunnyvale Business Improvement District
Proposed Improvements and Activities for Fiscal Year 2019/2020**

Income		
Zone A	39 Businesses paying an average annual benefit fee of \$451.	\$17,100
Zone B	48 Businesses paying an average of \$179.	\$8,800
Zone C	112 Businesses paying an average of \$122.	\$14,100
Total potential BID assessment collections		\$40,000
Projected assessment collections (annual paid average at about 90%)		\$36,000
Revenues from SDA special events and fund-raisers		\$160,000
Grants, event sponsorships and other misc. revenue		\$38,800
Total BID Program annual budget		\$234,800

Expenditures		
Program	Amount	Percent
1) Commercial Marketing Program	\$152,620	65%
a) Advertising and promotion (Ads, social media, etc.)		
b) Theme development		
c) Special events and activities		
d) Visitor attraction		
2) Civic Beautification and Signage Program	\$2,348	1%
a) Streetscape beautification, lighting		
b) Public arts programs		
c) Public-private directional signage		
3) Programs Administration and BID Management	\$79,832	34%
Totals	\$234,800	100%

BID Zones & Fee Breakdown

	ZONE A	ZONE B	ZONE C
Retailers, Restaurants, Bars	\$500	\$300	\$150
Service Businesses	\$300	\$200	\$100
Lodging	\$10/rm.	\$10/rm.	\$10/rm
Professional Services Businesses	\$100	\$100	\$100
Financial Institutions	\$500	\$500	\$500

Business type definitions:

Retail and Restaurant: Businesses that buy and resell goods, examples are clothing stores, shoe stores, office supplies as well as businesses that sell prepared foods and drinks.

Service Businesses: Businesses that sell services. Examples are beauty and barber shops, repair shops, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

Lodging: Includes renting rooms by the day or week to community visitors.

Professional Services Businesses: Includes Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

Financial Institutions: Includes banking and savings and loan institutions as well as credit unions, etc.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE DECLARING CITY COUNCIL'S
INTENTION TO LEVY AND COLLECT AN ASSESSMENT
AND TO REAUTHORIZE THE DOWNTOWN
SUNNYVALE BUSINESS IMPROVEMENT DISTRICT FOR
FISCAL YEAR 2019/2020 AND HOLD A PUBLIC HEARING**

WHEREAS, under California Streets and Highways Code Section 36500, *et seq.*, the City Council of the City of Sunnyvale is authorized to reauthorize an improvement district and to act as the legislative body for an improvement district; and

WHEREAS, the City Council now desires to review the annual report and proceed with the reauthorization of an improvement district in order to finance improvements and/or activities necessary or incident to development in the City of Sunnyvale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Authority. The City Council proposes to conduct proceedings and declares its intention to reauthorize an improvement district pursuant to California Streets and Highways Code Section 36500, *et seq.*
2. Name. The name of the district will continue to be the "Downtown Sunnyvale Business Improvement District" (the "District").
3. Boundaries. No changes are proposed in the boundaries of the Business Improvement District as established in fiscal year 2018-2019.
4. Annual Report. The annual report for the District (the "Report") with a detailed description of the improvements and activities is on file in the office of the City Clerk and is attached to the Report to Council No. 19-0219 and the City Council hereby approves the Report.
5. Improvements. A Report with the types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District is on file in the Office of the City Clerk.
6. Benefit Fee. The City Council intends to levy an annual benefit fee on businesses in the District to pay for selected improvements and activities of the District. All funds of the District shall be expended on improvements and activities within the District. There are no changes proposed for the method and basis of levying the assessments in the Business Improvement District as established in fiscal year 2018-2019.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney



City of Sunnyvale

Agenda Item

19-0425

Agenda Date: 3/26/2019

SUBJECT

Adopt Ordinance No. 3143-19 to add Chapter 1.07 (Administrative Subpoenas) of Title 1 (General Provisions) of the Sunnyvale Municipal Code relating to Administrative Subpoenas

RECOMMENDATION

Adopt Ordinance No. 3143-19.

ATTACHMENT

1. Ordinance No. 3143-19



ORDINANCE NO. 3143-19

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE TO ADD CHAPTER 1.07
(ADMINISTRATIVE SUBPOENAS) OF TITLE 1
(GENERAL PROVISIONS) OF THE SUNNYVALE
MUNICIPAL CODE RELATING TO ADMINISTRATIVE
SUBPOENAS**

WHEREAS, the City of Sunnyvale desires to amend Title 1 (General Provisions) of the Sunnyvale Municipal Code to add a new chapter relating to compelling the production of records pertinent to any matter under investigation pursuant to the Sunnyvale Municipal Code.

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

SECTION 1. CHAPTER 1.07 ADDED. Chapter 1.07 (Administrative Subpoenas) of Title 1 (General Provisions) of the Sunnyvale Municipal Code is hereby added to read as follows:

Chapter 1.07

ADMINISTRATIVE SUBPOENAS

1.07.010. Administrative Subpoena

1.07.010. Administrative Subpoena.

The city manager, or his or her designee, shall have the authority to request the city attorney to subpoena witnesses to compel their attendance and testimony at hearings and to require the production of books, papers, records or other relevant items. Any administrative subpoena pursuant to this section shall be submitted in writing by the city attesting that the city has reasonable belief of a violation of this code and must be related to a specific investigation by the city alleging specific violations of this code. The response must be received within 21 days, or a longer period upon mutual agreement of the parties.

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in 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 March 19, 2019, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 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

19-0364

Agenda Date: 3/26/2019

REPORT TO COUNCIL

SUBJECT

Approve Study Issue Presentation Dates for Recommended Studies in 2019

BACKGROUND

At its Study/Budget Issues Workshop on March 7, 2019, Council reviewed and prioritized the proposed 2019 Study Issues. Upon establishing the inventory of study issues, the next step in the process is for the City Manager to assess the organization's capacity to undertake the Council prioritized study issues, evaluate their connection to the Council policy priorities and operational initiatives, and balance the study issues with the delivery of core services. This report presents, for Council consideration, the proposed start date and tentative Council presentation dates for items recommended for study in 2019.

Budget Issues presented during the workshop with a Council action to "Refer" are evaluated and approved through the budget adoption process.

EXISTING POLICY

Council Policy 7.3.1 *Legislative Management- Goals and Policies*

Policy A1: Utilize the General Plan as the City's principal long-range planning tool; utilize the Resource Allocation Plan and Program Outcome Statements as the City's principal mid-range planning tool; and utilize the Council Study Calendar as the City's principal short-range planning tool.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment and 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

DISCUSSION

At the March 7 Study/Budget Issues Workshop, Council reviewed 38 Study Issues to rank and prioritize for the 2019 Work Plan. Eighteen Study Issues were ranked by Council for City Manager assessment and consideration. This year, there were four Budget Issues presented for Council consideration (Attachment 1). All but one was referred to the budget process for final evaluation.

Since the March 7 workshop, staff has assessed its ability to undertake Council's prioritized issues, taking into consideration departmental workloads and available resources. Attached are the proposed presentation dates for the 2019 Council-ranked Study Issues (Attachment 2). Study Issues not undertaken for study are considered "below the line" and are considered deferred and brought back to Council for consideration at the following year's Study/Budget Issues Workshop. This year three

study issues were identified as “below the line,” and 15 recommended for study, along with the 15 continuing study issues from the 2018 Work Plan. The 2019 Work Plan will therefore include a total of 30 Study Issues, and three Budget Issues pending final approval through the budget adoption process. Every effort will be made to keep study and budget issues on track to meet the approved calendar. The City’s Study/Budget Issues webpage will be updated throughout the year with any changes to dates or completion status. The webpage can be found at <https://sunnyvale.ca.gov/government/council/study/default.htm>.

Revised Study/Budget Issues

During the Study Issues Workshop, Council voted to combine Study Issue *CDD 18-02 Update and Review of the Heritage Resource Inventory*; and *CDD 19-05 Update to the Heritage Resource Inventory to Include Potential Resources Associated with Technological Innovation*. Both study issues aim to study updating the Heritage Resource Inventory list and seek to explore whether additional properties, including non-residential development, should qualify to be added to the inventory list, based on adopted criteria. CDD 19-05 focuses on the history of technological innovation in Sunnyvale and would be a subset of what Study Issue CDD 18-02 would explore in its more general scope and analysis.

Council also gave staff direction to consider providing alternative recommendations in scope and cost for the three referred Budget Issues. Revisions will be made and presented as Budget Supplements in the FY 2019/20 Recommended Budget.

FISCAL IMPACT

The nine Study Issues noted below require funding and, consistent with past practice, will be considered within the context of the City’s overall fiscal condition as Budget Supplements to be considered further in the City Manager’s FY 2019/20 Recommended Budget. Staff has determined that nine Study Issues will require a budget allocation in the total amount of \$795,000. Eight of the Study Issues totaling \$745,000 will require funding from the General Fund. The remaining study issue to establish a Single Use Plastics Strategy (\$50,000) will be funded by the Solid Waste Management Enterprise Fund.

The three referred budget issues will be presented as Budget Supplements for Council consideration with the FY 2019/20 Recommended Budget.

Study Issue	Title	Cost
OCM 19-02	Responsible Construction Ordinance	\$25,000
CDD 19-01	Evaluation of Right -To-Lease Ordinance*	\$60,000
CDD 18-02	Update and Review of the Heritage Resource Inventory and Include Potential Resources Associated with Technological Innovation	\$325,000
DPW 19-07	Ascertain Suitable Location(s) for the Installation of Youth Cricket Batting Cages and Potential Funding Sources	\$25,000
DPW 19-10	Improving Traffic Operations at Fremont/Bernardo/Hwy 85	\$150,000
DPW 19-01	Consider the Feasibility of Establishing an Eruv in Sunnyvale	\$50,000
ESD 19-01	Single Use Plastics Strategy	\$50,000

FIN 19-01	Evaluate Options for Revisions to the Sunnyvale Business License Tax	\$50,000
LCS 19-03	Explore Strategies to Promote Cultural Inclusion in City Programs and Services	\$60,000
Total Cost		\$795,000

*Consideration of a right to lease ordinance will be reviewed as part of the Housing Strategy. As part of the Housing Strategy preparation, a menu of options will be presented to City Council; the final Housing Strategy will include only those measures the City Council wants to implement. If a right to lease ordinance is selected as a priority for implementation, a draft right to lease ordinance and community engagement will follow.

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 Proposed Presentation Dates for 2019 Council-ranked Study Issues as noted in Attachment 2.
2. Approve the Proposed Presentation Dates for 2019 Council-ranked Study Issues a noted in Attachment 2 with modifications as directed by Council.

STAFF RECOMMENDATION

Alternative 1: Approve the Proposed Presentation Dates for 2019 Council-ranked Study Issues as noted in Attachment 2 in the report.

Prepared by: Lupita Alamos, Senior Management Analyst, Office of the City Manager

Reviewed by: Timothy J. Kirby, Director, Department of Finance

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENT

1. Budget Issues Referred to the Budget Approval Process for Evaluation and Approval
2. Proposed Presentation dates for 2019 Council-ranked Study Issues

Council Summary Worksheet

2019 Proposed Budget Issues - Thursday, March 7, 2019

#	Title Estimated Impact to the Budget / Funding Source / Staff Recommendation	Council Action*		
		Refer	Defer	Drop
1	Update City Logo on Signs and Gateways Ongoing cost: \$ - One-time cost: \$856,000 Total (Associated Annual Operating Costs): \$856,000 Source: General Fund and appropriate enterprise funds Staff Recommendation: Refer for consideration in Recommended Budget.			Drop
2	Increase the Service Level Pertaining to City Advocacy in Sacramento and the Regional Area Ongoing cost: \$262,490 One-time cost: \$70,000 Total (Associated Annual Operating Costs): \$332,490 Source: General Fund Staff Recommendation: Refer for consideration in Recommended Budget.	Refer		
3	Increase Community and Neighborhood Grant Funding Ongoing cost: \$17,000 One-time cost: \$ - Total (Associated Annual Operating Costs): \$17,000 Source: General Fund and Budget Stabilization Fund Staff Recommendation: Refer for consideration in Recommended Budget.	Refer		
4	Increase the Planned Contribution to the City's Pension Trust Fund Ongoing cost: \$0M to \$1M per year One-time cost: \$ - Total (Associated Annual Operating Costs): \$0M to \$1M per year** Source: Employee Benefits Internal Service Fund Staff Recommendation: Refer for consideration in Recommended Budget.	Refer		

*Council actions: **Refer** for consideration in Recommended Budget, **defer** to future fiscal year, or **drop** budget issue.

**Ongoing cost for budget issue originally \$1M to \$5M, Council directed staff to reduce cost at Study/Budget Issue Workshop.

ATTACHMENT 2

Proposed Presentation Dates for 2019 Council-ranked Study Issues and Continuing Issues

RANKED 2019 STUDY ISSUES						
Department Line	Start Date <i>If ATL & Bud. Supp. dependent "7/1/19"</i>	Council Meeting Date <i>Month/Year; or if ATL & Bud. Supp. Dependent: TBD - \$</i>	Council Rank	Number	Title	Support Depts. <i>OCM, OCA support for each study</i>
Above the Line	7/1/2019	TBD - \$	1	CDD 19-01	Evaluation of Right-To-Lease Ordinance	-
Above the Line	7/1/2019	TBD - \$	2	CDD 18-02	Update and Review of the Heritage Resource Inventory Including the Potential Addition of Resources Associated with Technological Innovation (Combined w/ CDD 19-05)	-
Above the Line	4/15/2019	December 2019	3	CDD 16-14	Exploring Options for Establishment of a Plaque Program for Heritage Resources	-
Above the Line	4/1/2019	March 2020	1	DPS 19-01	Ban the Sale of Flavored Tobacco Products	-
Above the Line	7/1/2019	TBD - \$	1	DPW 19-07	Ascertain Suitable Location(s) for the Installation of Youth Cricket Batting Cages and Potential Funding Sources	LCS
Above the Line	7/1/2019	TBD - \$	2	DPW 19-10	Improving Traffic Operations at Fremont/Bernardo/Hwy 85	-
Above the Line	7/1/2019	TBD - \$	3	DPW 19-01	Consider the Feasibility of Establishing an Eruv in Sunnyvale	CDD
Above the Line	7/1/2019	TBD - \$	1	ESD 19-01	Single Use Plastics Strategy	-
Above the Line	7/1/2019	TBD - \$	1	FIN 19-01	Evaluate Options for Revisions to the Sunnyvale Business License Tax	-
Above the Line	7/1/2019	December 2019	1	HRD 19-01	Develop a Workforce Initiative That Creates Partnerships to Develop a Pipeline for Students to Enter Public Sector Employment	NOVA
Above the Line	7/1/2019	February 2020	1	LCS 19-01	Options and Benefits of Establishing a Library Foundation	-
Above the Line	7/1/2019	TBD - \$	2	LCS 19-03	Explore Strategies to Promote Cultural Inclusion in City Programs and Services	-
Above the Line	7/1/2019	October 2019	3	LCS 19-02	Consider Options for Establishing an Amnesty Program for Overdue Library Material Fines	FIN
Above the Line	7/1/2019	TBD - \$	1	OCM 19-02	Responsible Construction Ordinance	CDD
Above the Line	8/5/2019	August 2020	2	OCM 19-01	Council Policy on Display of Flags at City Hall	DPW
Below the Line	N/A	N/A	4	CDD 19-04	Update to the Historical Context Statement to Include Historical Contributions Made by Asian Americans and Other Minority Groups	-
Below the Line	N/A	N/A	4	DPW 19-11	Exterior Lighting Dark Sky Ordinance and Standards	CDD
Below the Line	N/A	N/A	2	FIN 19-02	Charter Amendment to Allow Best Value Selection when Contracting for Public Works Projects	DPW

Proposed Presentation Dates for 2019 Council-ranked Study Issues and Continuing Issues

CONTINUING STUDY ISSUES				
Planned Completion Date	Number	Title	Additional Notes	Support Depts.
Spring 2019	OCM 17-01	Storing Outdoor Dining Furniture Overnight on Sidewalks on Murphy Avenue	The City has completed the first phase of the Study, which included evaluation of current maintenance schedule. Meetings with City and Downtown merchants have taken place to discuss potential options and impacts to alternative maintenance schedules. Since the initial input meetings, staff has gone back to further analyze options. The City will be scheduling a meeting with all Downtown merchants via the Downtown Association in early Spring to discuss a potential pilot, maintenance schedule, and compliance regulations. Staff plans to bring this item to Council in late spring 2019.	CDD, DPS, DPW
August 2019	CDD 11-02	Downtown Development Policies for Parking	Phase 1 planned completion date in Aug. 2019. Consultant services have been retained and data collection on existing and planned uses as well as inventory and use of public parking spaces is underway. Public outreach is anticipated for March 2019 and City Council review of alternatives is expected in August 2019.	-
Fall 2019	CDD 14-09	Comprehensive Update of the Precise Plan for El Camino Real	Due to staff vacancies, the schedule for this plan update slipped considerably. Recruitment is underway for Senior Planner who would take over project management. A draft plan and the Draft EIR are expected to be released in summer 2019 with public hearings in the fall. Plan will be presented to the Bicycle and Pedestrian Advisory Commission, Housing and Human Services Commission, Planning Commission, and City Council.	-
June 2019	CDD 14-10	Update to the Murphy Avenue Design Guidelines	Draft guidelines are being reviewed by City staff. Anticipated schedule is Heritage Preservation Commission review in May 2019 and City Council in June 2019.	-
Spring 2020	CDD 17-09	2017 Housing Strategy	Community outreach starting in February 2019. Consultant was hired in 2018. First community outreach held on February 12, 2019. XX community members attended. Additional outreach and stakeholder events will occur in February-April 2019. Policy options and presentations will be presented to City Council in June or July 2019. The inclusionary housing regulations ("Palmer fix") will be presented in summer. Mobile Home Park rent control review will occur in fall 2019 and the final Housing Strategy and report will be presented in early 2020.	-
Fall 2019	DPW 14-13	Scoping of Grade Separations for Caltrain Crossings at Mary Avenue and Sunnyvale Avenue	Traffic analysis and preliminary ROW impacts are under review. Staff will begin community outreach in spring 2019. Staff will identify the preferred alternative and provide a report to Council upon completion.	-
Spring 2019	DPW 16-01	Develop a Vision Zero Plan-Total Elimination of Traffic Fatalities	The study issue commenced in the summer of 2017 with robust community outreach and accumulated 3000 comments from residents. Between 2012 and 2017, Sunnyvale's daily vehicle miles traveled (VMT) increased 9% while the collision rate decreased by 3%. Ten project location were identified by community outreach. The Vision Zero Plan is scheduled for City Council approval in spring 2019.	DPS

Proposed Presentation Dates for 2019 Council-ranked Study Issues and Continuing Issues

CONTINUING STUDY ISSUES				
Planned Completion Date	Number	Title	Additional Notes	Support Depts.
Fall 2019	DPW 17-05	Orchard Heritage Park and Heritage Park Museum - Analysis and Options for the Long-Term Operations and Maintenance of Orchard Heritage Park and Review of the Sunnyvale Historical Society and Museum Association Proposed Expansion of the Sunnyvale Heritage Park Museum Site	The study issue will evaluate the long-term operation and maintenance needs of the Orchard Heritage Park and Heritage Park Museum. The RFP is currently being developed and is expected to be put out to bid March 2019.	-
Summer 2019	DPW 18-07	Feasibility of Acquiring Control of Caltrans Traffic Signals on El Camino Real	The study issue addresses traffic concerns. Staff is assessing the existing conditions and potential costs for improvements. The RFP will be published in spring 2019.	-
December 2019	DPW 18-08	Develop a Dockless Bicycle Share Pilot Program	The City selected LimeBike for a 12-month pilot project. The Pilot Project launched December 2018. An RFP is scheduled for release in summer 2019. The Pilot Project will be evaluated in December 2019. NOTE: LimeBike is discontinuing its bike share program within the company. City Staff is reevaluating next steps.	-
December 2019	DPW 18-11	Analysis of Sunnyvale Golf Program and Property Options	An RFP is being developed and is expected to be put out to bid in summer 2019. The focus of the RFP will be on the subsidy level. Staff is monitoring the new contract with Kemper Sports for the Sunnyvale Golf Course restaurant operations.	-
Novemeber 2019	ESD 13-05C	Eco-district Feasibility and Incentives	Substantial work was completed by staff who have since left the City of Sunnyvale. Preliminary findings were presented during the Council Strategic Session and suggested that Eco-district principles can be integrated into other initiatives rather than a separate program. Staff will present a final report to Council pending recruitment and onboarding to fill vacant position(s), with an expected completed date of November 2019.	CDD
June 2019	ESD 18-01	Encouraging Heat Pump Water and Space Heating	The study was conducted in partnership with Silicon Valley Clean Energy. Study findings were presented to Council at their November 27, 2018, Study Session. Staff will propose Council action as part of Climate Action Playbook, which currently has a planned completion date of June 30, 2019.	CDD
October 2019	LCS 17-02	Potential Membership in the Global Network of Age-Friendly Cities and Communities (GNAFCC)	In September of 2017, The City of Sunnyvale became a member of the World Health Organization (WHO), AARP Network of Age-Friendly States & Communities and was officially designated as an Age-Friendly City. As a member of the network, Sunnyvale is required to develop a three-year action plan identifying current and future age-friendly initiatives. Staff is working on developing the action plan for submittal to AARP and the World Health Organization with a goal of October 2019.	CDD, DPW



City of Sunnyvale

Agenda Item

19-0206

Agenda Date: 3/26/2019

REPORT TO COUNCIL

SUBJECT

Award of Bid No. PW19-11 to Anderson Pacific Engineering Construction, Inc. for Storm Pump Station No. 1 Rehabilitation Re-Bid, Waiver of Minor Bid Irregularity, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, and Approval of Budget Modification No. 21 in the amount of \$1,016,000, and Approve the Third Amendment to Consultant Services Agreement with Infrastructure Engineering Corporation (F14-049)

REPORT IN BRIEF

Approval is requested to award a construction contract in the amount of \$1,947,400 to Anderson Pacific Engineering Construction, Inc. of Santa Clara for Storm Pump Station No. 1 Rehabilitation Re-Bid (Public Works Project No. UY-14/02-15), with a 10% construction contingency in the amount of \$194,740, and for Budget Modification No. 21 in the amount of \$1,016,000 to fully fund the project including the amendment to the consultant services agreement.

Approval is also requested to amend an existing agreement with Infrastructure Engineering Corporation to provide additional construction and post-construction biological monitoring and reporting, increasing the not-to-exceed contract amount by \$119,636 for a new not to exceed amount of \$383,225, increasing the contingency amount by \$20,364 to a new amount of \$46,723 and to extend the contract for an additional six-year period.

EXISTING POLICY

Section 1309 of the City Charter requires public works construction contracts to be awarded to the lowest responsive and responsible bidder.

Pursuant to Section 2.09.040 of the Sunnyvale Municipal Code, City Council approval is required for public works contracts exceeding \$100,000 in any one transaction.

Pursuant to Section 2.08.040 of the Sunnyvale Municipal Code, City Council approval is required for the procurement of goods and/or services exceeding \$100,000 in any one transaction.

Pursuant to Sunnyvale Charter Section 1305, at any meeting after the adoption of the budget, the City Council may amend or supplement the budget by a motion adopted by affirmative votes of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another, or to appropriate available revenue not included in the budget.

ENVIRONMENTAL REVIEW

The California Environment Quality Act (CEQA) determination for the project is a categorical exemption pursuant to CEQA Guidelines Section 15301(b), for existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility service.

The amendment to the consultant agreement is not considered a “project” within the meaning of CEQA pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

BACKGROUND AND DISCUSSION

Sunnyvale operates two storm pump stations to pump accumulated storm water into the San Francisco Bay. These are required to keep areas of the City that are close to sea level free from flooding. Storm Pump Station No. 1 is located between the Water Pollution Control Plant and the SMaRT Station at the north end of the City. The center and north side of Sunnyvale drains to Storm Pump Station No. 1.

Storm Pump Station No. 1 was constructed in 1961 and has been rehabilitated in segments multiple times. The station includes a below-grade inlet structure and above grade concrete masonry pump building that houses two propane-fueled engine driven pumps and one electrical pump. The pumps discharge to the San Francisco Bay through three welded steel pipelines.

All improvements to the pump station were designed in accordance with the recommendations of the comprehensive feasibility study, which was completed in early 2017. The project generally consists of replacement of the discharge piping, manual inlet bar screen, installation of flow meters, and other facility safety and security upgrades.

An Invitation for Bids was issued on March 9, 2018, with one responsive bid received on April 4, 2018. On June 6, 2018, Council rejected the sole bid of \$2,471,200 (RTC No. 18-0467) which was approximately 106% above the engineer’s estimate and exceeded the available budget for the project. The project scope was not reduced for the rebid project; however, staff made a concerted effort to solicit multiple contractors to bid on this project. The project was re-advertised for competitive bidding on the City’s DemandStar public procurement network and distributed to Bay Area Builders Exchange on January 4, 2019, with 15 general contractors requesting bid documents. Sealed bids were opened on January 30, 2019, with two responsive and responsible bids received (Attachment 1).

The bid received from Anderson Pacific Engineering Construction, Inc., the apparent low bidder, contained a math error where the sum of the extended costs of all base bid items did not equal the Total Base Bid Amount indicated on its bid form. In accordance with our Invitation for Bid, the City accounted for this discrepancy by determining “if there is more than one bid item in a bid schedule, and the total of the schedule does not equal the sum of the bid items, the individual amounts of the bid items shall govern.” Therefore, the City adjusted the Total Base Bid Amount from \$1,997,400 to the accurate total of \$1,947,400. Correcting this error does not change the apparent low bidder. Staff is recommending that Council waive the math error as a minor bid irregularity and award the contract to Anderson Pacific Engineering Construction, Inc.

Requirements placed upon the regulatory permits obtained for this project require biological monitoring and reporting during construction and for five years' post-construction. Infrastructure Engineering Corporation (IEC) has the capability of providing these continued services and has provided satisfactory service during the design portion of the project. Staff recommends amending the consultant services agreement to increase the not-to-exceed contract amount by \$119,636 to a new amount of \$383,225, increasing the contingency amount by \$20,364 to a new amount of \$46,723, and extending the contract term for an additional six-year period (one year of construction and five years of post-construction monitoring and reporting).

FISCAL IMPACT

Total funding in the amount of \$2,282,140 is necessary to fund the construction contract award, with a 10% construction and design contingency. A portion of the funding is available in project 822752 (Storm Pump Station Number 1 Rehabilitation).

Staff is expecting the State to return \$4,176,011 in excess educational revenue augmentation funds (ERAF) that can be applied to the FY 2018/19 budget. Staff recommends to use a portion of the ERAF Excess funding to cover the portion of the project costs not yet budgeted.

Budget modification No. 21 has been prepared to recognize Excess ERAF revenue in the amount of \$4,176,011 and to appropriate \$1,156,000 to project 822752.

Budget Modification No. 21 FY 2018/19

	Current	Increase/ (Decrease)	Revised
General Fund			
<u>Revenues</u>			
Property Tax Shift (Excess ERAF)	\$0	\$4,176,011	\$4,176,011
<u>Transfers</u>			
Transfer out to Wastewater Fund to fund Project 822752 - Storm Pump Station Number 1 Rehabilitation	\$0	\$1,156,000	\$1,156,000
Wastewater Fund			
<u>Transfers</u>			
Transfer in from General Fund	\$0	\$1,156,000	\$1,156,000
<u>Expenditures</u>			
Project 822752 - Storm Pump Station Number 1 Rehabilitation	\$1,375,735	\$1,156,000	\$2,531,735

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) Take the following actions:
 - Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Sections 15301(b) and 15378 (b)(5)
 - Make a determination to waive the minor bid irregularity for Anderson Pacific Engineering Construction, Inc.
 - Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,947,400 to Anderson Pacific Engineering Construction, Inc.
 - Authorize the City Manager to execute the contract when all necessary conditions have been met
 - Approve Budget Modification No. 21 in the amount of \$1,016,000
 - Approve a 10% construction contingency in the amount of \$194,740.
 - Authorize the City Manager to execute the Third Amendment to Consultant Services Agreement, in substantially the same form as Attachment 3 to the report, to extend the term through June 30, 2027 and to increase the not-to-exceed contract amount by \$119,636 for a new not to exceed amount of \$383,225
 - Approve an increase to the design contingency in the amount of \$20,364.
 - Authorize the City Manager to extend the term of the Consultant Services Agreement with Infrastructure Engineering Corporation, if operationally necessary, until post construction biological monitoring and reporting is completed.
- 2) Do not Award the Contract or Approve the Third Amendment

RECOMMENDATION

Alternative 1: Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Sections 15301(b) and 15378 (b)(5)
- Make a determination to waive the minor bid irregularity for Anderson Pacific Engineering Construction, Inc.
- Award a contract in substantially the same form as Attachment 2 to the report and in the amount of \$1,947,400 to Anderson Pacific Engineering Construction, Inc.
- Authorize the City Manager to execute the contract when all necessary conditions have been met
- Approve Budget Modification No. 21 in the amount of \$1,016,000
- Approve a 10% construction contingency in the amount of \$194,740.
- Authorize the City Manager to execute the Third Amendment, in substantially the same form as Attachment 3 to the report, to extend the term through June 30, 2027 and to increase the not-to-exceed contract amount by \$119,636 for a new not to exceed amount of \$383,225
- Approve an increase to the design contingency in the amount of \$20,364.
- Authorize the City Manager to extend the term of the Consultant Services Agreement with Infrastructure Engineering Corporation, if operationally necessary, until post construction biological monitoring and reporting is completed.

Prepared by: Gregory S. Card, Purchasing Officer
Reviewed by: Timothy J. Kirby, Director of Finance
Reviewed by: Chip Taylor, Director of Public Works
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Bid Summary
2. Draft General Construction Contract
3. Draft Third Amendment to Consultant Services Agreement

Invitation for Bids No. PW19-11				Anderson Pacific Engineering Construction, Inc. ⁽¹⁾		JMB Construction Inc.	
Storm Pump Station No. 1 Rehabilitation - REBID				1390 Norman Avenue		132 South Maple Ave	
PUBLIC WORKS PROJECT NO. UY-14/02-15				Santa Clara, CA 95054		South San Francisco, CA 94080	
				Pete Anderson		Margaret Burke	
BASE BID		QTY	UOM	Unit Cost	Extended Cost	Unit Cost	Extended Cost
1	Mobilization, Bonds, Permits, Demobilization and other Incidentals	1	LS		\$ 75,000.00		\$ 100,000.00
2	Temporary Erosion Control/SWPPP	1	LS		\$ 15,000.00		\$ 15,000.00
3A	Channel Isolation (Cofferdams - 2 locations)	1	LS		\$ 200,000.00		\$ 230,000.00
3B	Channel/Trench Dewatering (2 locations)	90	DAY	\$ 50.00	\$ 4,500.00	\$ 800.00	\$ 72,000.00
4	18" Pipe Replacement (HDPE & Steel)	1	LS		\$ 175,000.00		\$ 280,000.00
5	30" Pipe Replacement (HDPE & Steel)	1	LS		\$ 275,000.00		\$ 390,000.00
6	36" Pipe Replacement (HDPE & Steel)	1	LS		\$ 375,000.00		\$ 465,000.00
7	Fixed Bar Screen - Coated Steel	1	LS		\$ 60,000.00		\$ 63,000.00
8	Structural Retrofit	1	LS		\$ 75,000.00		\$ 35,000.00
9	Ventilation System	1	LS		\$ 10,000.00		\$ 33,000.00
10	Magnetic Flow Meters (18", 30", 36")	1	LS		\$ 100,000.00		\$ 74,000.00
11	Wet Well Level Sensors	1	LS		\$ 20,000.00		\$ 30,000.00
12A	Part 1: Temporary Bypass Pumping-Mobilization	1	LS		\$ 265,000.00		\$ 16,000.00
12B	Part 2: Temporary Bypass Pumping Operation	12	WK	\$ 200.00	\$ 2,400.00	\$ 42,000.00	\$ 504,000.00
13	Electrical, Instrumentation, Communication	1	LS		\$ 263,000.00		\$ 260,000.00
14	Riprap	180	TONS	\$ 125.00	\$ 22,500.00	\$ 235.00	\$ 42,300.00
15	Environmental Mitigation incl. Hydroseeding	1	LS		\$ 10,000.00		\$ 7,100.00
TOTAL BASE BID AMOUNT					\$ 1,947,400.00		\$ 2,616,400.00

Surety	10% bond		10% bond	
License (Primary Classification)	A		A	
	Subcontractor Name(s)	Work to be Performed	Subcontractor Name(s)	Work to be Performed
	Pac Machine Co.	Provide bypass pumps	Liffey Electric	Electrical and instrumentation
	Redwood Painting	Painting	Rain for Rent	Bypassing
			Jeffco Painting	Painting and coating
			Blocka Construction	HVAC

Notes

- (1) Math error on total base bid amount has been corrected to reflect accurate Total Base Bid.

DRAFT GENERAL CONSTRUCTION CONTRACT

THIS CONTRACT dated _____ is by and between the CITY OF SUNNYVALE, a municipal corporation of the State of California ("Owner") and ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC., a corporation ("Contractor").

RECITALS:

The parties to this Contract have mutually covenanted and agreed, as follows:

1. The Contract Documents. The complete Contract consists of the following documents: Notice Inviting Bids; Instructions to Bidders; Performance Bond and Payment Bond; Guaranty; City of Sunnyvale Standard Specifications for Public Works Construction, 2006 Edition; City of Sunnyvale Standard Details for Public Works Construction, 2006 Edition; Plans and Specifications, "Storm Pump Station No. 1 Rehabilitation RE-BID, Project No. UY-14/02-15, Invitation for Bids No. PW19-11", including Addendum No. 1 and 2; OSHA, and other standards and codes as outlined in the Specifications. These documents are all incorporated by reference. The documents comprising the complete contract are collectively referred to as the Contract Documents.

Any and all obligations of the Owner and the Contractor are fully set forth and described therein.

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

2. The Work. Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete the project in a good and workmanlike manner. The work consist(s) of upgrading the pump station structure with additional wall anchors and continuous diaphragm cross ties, adding grip surfacing on all stair treads, installing of fencing to prevent access to the site from the San Francisco Bay Trail, installing additional security lighting around the pump station building, installing flow meters in the above ground section of the discharge piping, replacing aging and degraded discharge piping with each of the 3 new pipes, and replacing the manual inlet bar screen, as called for, and in the manner designated in, and in strict conformity with, the Plans and Specifications prepared by Infrastructure Engineering Corporation, and adopted by the Owner. These Plans and Specifications are entitled respectively, Storm Pump Station No. 1 Rehabilitation RE-BID, Project No. UY-14/02-15.

It is understood and agreed that the work will be performed and completed as required in the Plans and Specifications under the sole direction and control of the Contractor, and subject to inspection and approval of the Owner, or its representatives. The Owner hereby designates as its representative for the purpose of this contract the Senior Civil Engineer for Construction or an employee of the Owner who will be designated in writing by the Director of Public Works.

3. Contract Price. The Owner agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the sum of One Million Nine Hundred Forty Seven Thousand Four Hundred and No/100 Dollars (\$1,947,400) subject to final determination of the work performed and materials furnished at unit prices per "Exhibit A" attached hereto and incorporated by this reference, and subject to additions and deductions in accordance, as provided in the Documents and in accordance with Contract Documents.

4. Permits; Compliance with Law. Contractor shall, at its expense, obtain all necessary permits and licenses, easements, etc., for the construction of the project, give all necessary notices, pay all fees required by law, and comply with all laws, ordinances, rules and regulations relating to the work and to the preservation of the public health and safety.

5. Inspection by Owner. Contractor shall at all times maintain proper facilities and provide safe access for inspection by the Owner to all parts of the work, and to the shops wherein the work is in preparation. Where the Specifications require work to be specially tested or approved, it shall not be tested

or covered up without timely notice to the Owner of its readiness for inspection and without the approval thereof or consent thereto by the latter. Should any such work be covered up without such notice, approval, or consent, it must, if required by Owner, be uncovered for examination at the Contractor's expense.

6. Extra or Additional Work and Changes. Should Owner at any time during the progress of the work request any alterations, deviations, additions or omissions from the Specifications or Plans or other Contract Documents it shall be at liberty to do so, and the same shall in no way affect or make void the contract, but will be added to or deducted from the amount of the contract price, as the case may be, by a fair and reasonable valuation, agreed to in writing between the parties hereto. No extra work shall be performed or change be made unless in pursuance of a written order from the Director of Public Works or authorized representative, stating that the extra work or change is authorized and no claim for an addition to the contract sum shall be valid unless so ordered.

7. Time for Completion. All work under this contract shall be completed before the expiration one hundred twenty (120) working days from the date specified in the Notice to Proceed.

If Contractor shall be delayed in the work by the acts or neglect of Owner, or its employees or those under it by contract or otherwise, or by changes ordered in the work, or by strikes, lockouts by others, fire, unusual delay in transportation, unavoidable casualties or any causes beyond the Contractor's control, or by delay authorized by the Owner, or by any cause which the Owner shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Owner may decide.

This provision does not exclude the recovery of damages for delay by either party under other provisions.

8. Inspection and Testing of Materials. Contractor shall notify Owner a sufficient time in advance of the manufacture or production of materials, to be supplied under this contract, in order that the Owner may arrange for mill or factory inspection and testing of same, if Owner requests such notice from Contractor.

9. Termination. If Contractor should file a bankruptcy petition and/or be judged bankrupt, or if Contractor should make a general assignment for the benefit of creditors, or if a receiver should be appointed on account of insolvency, or if Contractor or any subcontractors should violate any of the provisions of the Contract, Owner may serve written notice upon Contractor and its surety of Owner's intention to terminate the Contract. The notice shall contain the reasons for such intention to terminate the Contract, and, unless within ten days after serving such notice, such violation shall cease and satisfactory arrangements for correction thereof be made, upon the expiration of the ten days, the Contract shall cease and terminate. In the event of any such termination, Owner shall immediately serve written notice thereof upon the surety and the Contractor, and the surety shall have the right to take over and perform the Contract; provided, however that, if the surety within fifteen days after the serving upon it of notice of termination does not give Owner written notice of its intention to take over and perform the Contract or does not commence performance thereof within thirty days from the date of the serving of such notice, Owner may take over the work and prosecute the same to completion by contract or by any other method it may deem advisable, for the account and at the expense of Contractor, and Contractor and its surety shall be liable to Owner for any excess cost occasioned Owner thereby, and in such event Owner may without liability for so doing take possession of and utilize in completing the work, such materials, appliances, plant and other property belonging to Contractor as may be on the site of the work and necessary therefor.

10. Owner's Right to Withhold Certain Amounts and Make Application Thereof. In addition to the amount which Owner may retain under Paragraph 21 until the final completion and acceptance of all work covered by the Contract, Owner may withhold from payment to Contractor such amount or amounts as in its judgment may be necessary to pay just claims against Contractor or any subcontractors for labor and services rendered and materials furnished in and about the work. Owner may apply such withheld amount or amounts to the payment of such claims in its discretion. In so doing Owner shall be deemed the agent of Contractor and any payment so made by Owner shall be considered as a payment made under the Contract by Owner to the Contractor and Owner shall not be liable to Contractor for any such payment

made in good faith. Such payment may be made without prior judicial determination of the claim or claims.

11. Notice and Service Thereof. All notices required pursuant to this Contract shall be communicated in writing, and shall be delivered in person, by commercial courier or by first class or priority mail delivered by the United States Postal Service. Nothing in this provision shall be construed to prohibit communication by more expedient means, such as by email or fax, to accomplish timely communication. 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 business days after mailing. All notices sent pursuant to this Contract shall be addressed as follows:

Owner: City of Sunnyvale
Department of Public Works
Construction Contract Administrator
P. O. Box 3707
Sunnyvale, CA 94088-3707

Contractor: Anderson Pacific Engineering Construction, Inc.
1390 Norman Avenue
Santa Clara, CA 95054

12. Assignment of Contract. Neither the Contract, nor any part thereof, nor moneys due or to become due thereunder may be assigned by Contractor without the prior written approval of Owner.

13. Compliance with Specifications of Materials. Whenever in the Specifications, any material or process is indicated or specified by patent or proprietary name, or by name of manufacturer, such Specifications must be met by Contractor, unless Owner agrees in writing to some other material, process or article offered by Contractor which is equal in all respects to the one specified.

14. Contract Security. Contractor shall furnish a surety bond in an amount at least equal to 100 percent of the contract price as security for the faithful performance of this Contract. Contractor shall also furnish a separate surety bond in an amount at least equal to 100 percent of the contract price as security for the payment of all persons for furnishing materials, provisions, provender, or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for performing any work or labor thereon of any kind, and for the payment of amounts due under the Unemployment Insurance Code with respect to such work or labor in connection with this Contract, and for the payment of a reasonable attorney's fee to be fixed by the court in case suit is brought upon the bond. Bonds shall be issued by an admitted surety insurer authorized to operate in the state of California.

15. Insurance. Contractor shall not commence work under this Contract until all insurance required under this paragraph has been obtained and such insurance has been approved by the Owner, nor shall Contractor allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor has been so obtained and approved. Contractor shall furnish the Owner with satisfactory proof of the carriage of insurance required, and there shall be a specific contractual liability endorsement extending the Contractor's coverage to include the contractual liability assumed by the Contractor pursuant to this Contract and particularly Paragraph 16 hereof. Any policy of insurance required of the Contractor under this Contract shall also contain an endorsement providing that thirty (30) days' notice must be given in writing to the Owner of any pending change in the limits of liability or of any cancellation or modification of the policy. Insurance carrier shall be California-admitted.

(a) Compensation Insurance and Employer's Liability Insurance. Contractor shall take out and maintain during the life of this Contract Workers' Compensation Insurance and Employer's Liability Insurance for all of employees employed at the site of the project and, in case any work is sublet, Contractor shall require the subcontractor similarly to provide Workers' Compensation Insurance and Employer's Liability Insurance for all of the latter's employees unless such employees are covered by the protection afforded by Contractor.

In signing this Contract, Contractor makes the following certification, required by Section 1861 of the Labor Code:

"I am aware of the provision of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

(b) General and Automobile Liability Insurance. Contractor, at its own cost and expense, shall maintain personal injury liability and property damage insurance for the period covered by the Contract in the amount of Two Million Dollars (\$2,000,000.00) per occurrence and \$4,000,000 annual aggregate combined single limit coverage. Such coverage shall include, but shall not be limited to, protection against claims arising therefrom, and damage to property resulting from activities contemplated under this Contract, use of owned automobiles, products and completed operations, including U, C and X. Such insurance shall be with insurers and under forms of policies satisfactory in all respects to the Owner and shall provide that notice must be given to Owner at least thirty (30) days prior to cancellation or material change. The following endorsements shall be attached to the policy:

Policy shall cover on an "occurrence" basis. Policy must cover personal injuries as well as bodily injuries. Exclusion of contractual liability must be eliminated from personal injury endorsement. Broad form property damage endorsement must be attached. Owner is to be named as an additional insured on any contracts of insurance under this paragraph (b). Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code. The policies of insurance shall be considered primary insurance before any policies of insurance maintained by Owner.

16. Indemnification and Hold Harmless. Contractor agrees to defend, save, indemnify and hold harmless Owner and all its officers, employees, and agents, against any and all liability, claims, judgments, or demands, including demands arising from injuries or death of persons (Contractor's employees included) and damage to property, arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Contractor, save and except claims or litigation arising through the active negligence or willful misconduct of Owner, or of Owner's officials, agents, employees, servants, or independent contractors who are directly responsible to Owner. Contractor shall make good and reimburse Owner for any expenditures, including reasonable attorneys' fees, Owner may make by reason of such claim or litigation, and, if requested by Owner, Contractor shall defend any such suits at the sole cost and expense of Contractor.

17. Hours of Work. Eight hours of labor during any one calendar day and forty hours of labor during any one calendar week shall constitute the maximum hours of service upon all work done hereunder, and it is expressly stipulated that no laborer, worker, or mechanic employed at any time by the Contractor or by any subcontractor or subcontractors under this Contract, upon the work or upon any part of the work contemplated by this Contract, shall be required or permitted to work thereon more than eight hours during any one calendar day and forty hours during any one calendar week, except, as provided by Section 1815 of the Labor Code of the State of California, work performed by employees of contractors in excess of eight hours per day and forty hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate

of pay. It is further expressly stipulated that for each and every violation of Sections 1811-1815, inclusive, of the Labor Code of the State of California, all the provisions whereof are deemed to be incorporated herein, Contractor shall forfeit, as a penalty to Owner, twenty-five dollars (\$25.00) for each laborer, worker, or mechanic employed in the execution of this Contract by Contractor, or by any subcontractor under this Contract, for each calendar day during which the laborer, worker, or mechanic is required or permitted to work more than eight hours in any one calendar day and forty hours in any one calendar week in violation of the provisions of the Sections of the Labor Code.

Contractor, and each subcontractor, shall, in accordance with California Labor Code Section 1776 or as the same may be later amended, keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by him or her in connection with work under this agreement. Each payroll record shall contain or be verified by a written declaration under penalty of perjury, in accordance with Labor Code Section 1776(a). Such payroll records shall be made available at all reasonable times at the Contractor's principal office to the persons authorized to inspect such records pursuant to Labor Code Section 1776. A certified copy of all payroll records shall be made available for inspection or furnished upon request to a representative of the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the Department of Industrial Relations, as well as to the Owner's representative. In the event the Contractor or a Subcontractor fails to comply in a timely manner within ten days to a written notice requesting the records, such contractor or subcontractor shall forfeit one hundred dollars (\$100.00) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated, in accordance with Labor Code Section 1776(h).

18. Wage Rates. Pursuant to the Labor Code of the State of California, or any applicable local law, Owner has ascertained the general prevailing rate per diem wages and rates for holidays, and overtime work in the city, for each craft, classification or type of laborer, worker, or mechanic needed to execute this Contract. Owner has adopted, by reference, the general prevailing rate of wages applicable to the work to be done under the Contract, as adopted and published by the Division of Labor Standards Enforcement and Labor Statistics and Research of the State of California, Department of Industrial Relations, to which reference is hereby made for a full and detailed description. A copy of the prevailing wage rates may be reviewed in the office of the Director of Public Works, City of Sunnyvale, 456 West Olive Avenue, Sunnyvale, California. Wage rates can also be obtained through the California Department of Industrial Relations website at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>

Neither the notice inviting bids nor this Contract shall constitute a representation of fact as to the prevailing wage rates upon which the Contractor or any subcontractor may base any claim against Owner.

It shall be mandatory upon Contractor and upon any subcontractor to pay not less than the specified rates to all laborers, workers, and mechanics employed in the execution of the Contract. It is further expressly stipulated that Contractor shall, as a penalty to Owner, forfeit two hundred dollars (\$200.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic paid less than the stipulated prevailing rates for any work done under this Contract by Contractor or by any subcontractor; and Contractor agrees to comply with all provisions of Section 1775 of the Labor Code.

In case it becomes necessary for Contractor or any subcontractor to employ on the project under this Contract any person in a trade or occupation (except executives, supervisory, administrative, clerical, or other non-manual workers as such) for which no minimum wage rate is herein specified, Contractor shall immediately notify Owner who will promptly thereafter determine the prevailing rate for such additional trade or occupation and shall furnish Contractor with the minimum rate based thereon. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

19. Accident Prevention. Precaution shall be exercised at all times for the protection of persons (including employees) and property. The safety provisions of applicable laws, building and construction codes shall be observed. Machinery, equipment, and other hazards shall be guarded or eliminated in accordance with the safety provisions of the Construction Safety Orders issued by the Industrial Accident

Commission of the State of California.

20. Contractor's Guarantee. Owner shall not, in any way or manner, be answerable or suffer loss, damage, expense or liability for any loss or damage that may happen to the building, work, or equipment or any part thereof, or in, on, or about the same during its construction and before acceptance. Contractor unqualifiedly guarantees the first-class quality of all workmanship and of all materials, apparatus, and equipment used or installed by Contractor or by any subcontractor or supplier in the project which is the subject of this Contract, unless a lesser quality is expressly authorized in the Plans and Specifications, in which event Contractor unqualifiedly guarantees such lesser quality; and that the work as performed by Contractor will conform with the Plans and Specifications or any written authorized deviations therefrom. In case of any defect in work, materials, apparatus or equipment, whether latent or patent, revealed to Owner within one year of the date of acceptance of completion of this Contract by Owner, Contractor will forthwith remedy such defect or defects without cost to Owner.

21. Liquidated Damages. Time shall be the essence of this Contract. If Contractor fails to complete, within the time fixed for such completion, the entire work mentioned and described and contracted to be done and performed, Contractor shall become liable to Owner for liquidated damages in the sum of one thousand and no/100 dollars (\$1,000.00), for each and every calendar day during which work shall remain uncompleted beyond such time fixed for completion or any lawful extension thereof. The amount specified as liquidated damages is presumed to be the amount of damage sustained by Owner since it would be impracticable or extremely difficult to fix the actual damage; and the amount of liquidated damages may be deducted by Owner from moneys due Contractor hereunder, or its assigns and successors at the time of completion, and Contractor, or its assigns and successors at the time of completion, and its sureties shall be liable to Owner for any excess.

22. Governing Law, Jurisdiction and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to conflict of law or choice of law principles. Proper venue for legal actions will be exclusively vested in a state court in the County of Santa Clara. The parties agree that subject matter and personal jurisdiction are proper in state court in the County of Santa Clara, and waive all venue objections.

23. 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.

24. 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.

25. Execution and Counterparts. This Agreement may be executed in multiple counterparts and/or with the signatures of the Parties set forth on different signature sheets and all such counterparts, when taken together, shall be deemed one original.

_____/_____/_____
City Attorney Date

EXHIBIT A

No.	Description	QTY	Unit	Unit Cost
1	Mobilization, Bonds, Permits, Demobilization and other Incidentals	1	LS*	\$75,000.00
2	Temporary Erosion Control/SWPPP	1	LS*	\$15,000.00
3A	Channel Isolation (Cofferdams - 2 locations)	1	LS*	\$200,000.00
3B	Channel/Trench Dewatering (2 locations)	90	DAY	\$50.00
4	18" Pipe Replacement (HDPE & Steel)	1	LS*	\$175,000.00
5	30" Pipe Replacement (HDPE & Steel)	1	LS*	\$275,000.00
6	36" Pipe Replacement (HDPE & Steel)	1	LS*	\$375,000.00
7	Fixed Bar Screen - Coated Steel	1	LS*	\$60,000.00
8	Structural Retrofit	1	LS*	\$75,000.00
9	Ventilation System	1	LS*	\$10,000.00
10	Magnetic Flow Meters (18", 30", 36")	1	LS*	\$100,000.00
11	Wet Well Level Sensors	1	LS*	\$20,000.00
12A	Part 1: Temporary Bypass Pumping-Mobilization	1	LS*	\$265,000.00
12B	Part 2: Temporary Bypass Pumping	12	WK	\$200.00
13	Electrical, Instrumentation, Communication	1	LS*	\$263,000.00
14	Riprap	180	TONS	\$125.00
15	Environmental Mitigation incl \Hydroseeding	1	LS*	\$10,000.00

EXHIBIT B

Utilization of Local Workforce in Construction Projects – The Sunnyvale City Council has adopted a policy which encourages utilization of local workforces, including State-certified apprentices, as a means of supporting economic opportunities for all members of the community. Local workforce is defined as workers residing in Santa Clara County. The lowest responsive and responsible bidder must provide a projection of locally-hired workers utilized for this contract.

Contractor	Projected Number of Locally Hired Workers_____
Subcontractor(s)	Projected Percent of Locally Hired Workers_____ %
	Projected Number of Locally Hired Workers_____
	Projected Percent of Locally Hired Workers_____ %

PERFORMANCE BOND

Invitation for Bids No. PW19-11 Storm Pump Station No. 1 Rehabilitation RE-BID Project No. UY-14/02-15

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, the City of Sunnyvale ("City") has awarded to Anderson Pacific Engineering Construction, Inc. as principal ("Contractor"), a contract for the public work described as follows:

The project entitled "Storm Pump Station No. 1 Rehabilitation RE-BID, Project No. UY-14/02-15" pursuant to the award made to said Principal by the Council of the City of Sunnyvale to do and perform the following work, to wit: furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete in a good and workmanlike manner, the work upgrading the pump station structure with additional wall anchors and continuous diaphragm cross ties, adding grip surfacing on all stair treads, installing of fencing to prevent access to the site from the San Francisco Bay Trail, installing additional security lighting around the pump station building, installing flow meters in the above ground section of the discharge piping, replacing aging and degraded discharge piping with each of the 3 new pipes, and replacing the manual inlet bar screen, as called for, and in the manner designated in, and in strict conformity with, the Plans and Specifications (the "work").

It is acknowledged that the contract provides for a one-year warranty period during which time this Bond remains in full force and effect. The contract and all of its terms and conditions are incorporated into this Bond by reference.

AND WHEREAS, the Contractor is required to furnish a bond in connection with the contract guaranteeing its faithful performance.

AND THEREFORE, we the undersigned Contractor as principal and _____ a _____, admitted and duly authorized to transact business under the laws of the State of California as surety, are held and firmly bound unto the City as obligee in the sum of One Million Nine Hundred Forty Seven Thousand Four Hundred and No/100 Dollars (\$1,947,400) (which amount is not less than 100% of the contract price) to be paid to the City or its successors and assigns; and for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors or assigns, jointly and severally, firmly by these presents.

THE CONDITION of the obligation is such:

That if the Contractor, (or the Contractor's heirs, executors, administrators, successors or assigns) shall in all respects abide by, and well and truly keep and perform all of the covenants, conditions and agreements in the contract (and any alteration made as provided in the contract) at the time and in the manner specified and in all respects according to their true intent and meaning; and if the contractor shall indemnify and save harmless the City, its officers, employees and agents, as stipulated in the contract, then this obligation shall become and be null and void; otherwise this obligation shall be and remain in full force and effect.

As a condition precedent to the satisfactory completion of the contract, the obligation of the Contractor and surety under this Bond shall remain in effect for a period of one (1) year after the completion and acceptance of the work. During that time, if the Contractor (or the Contractor's heirs, executors, administrators, successors or assigns) fails to make full, complete and satisfactory repair and replacement or totally protect the City from any loss or damage made evident during that year which results from or is caused by either defective materials or faulty workmanship in the prosecution of the work, then the obligation shall remain in full force and effect. However, anything in this paragraph to the contrary notwithstanding, the obligation of the Surety shall continue so long as any obligation of the Contractor remains.

No prepayment or delay in payments, and no change, extension, addition or alteration of any provision of the contract or in the specifications agreed to between the Contractor and the City, or any forbearance on the part of the City shall operate to relieve the surety. The surety hereby waives the provisions of Section 2819 of the California Civil Code. The surety waives all rights of subrogation against the City or any person employed by the City. If the contract price increases by the issuance of change orders, the amount specified in this bond shall increase by the same amount.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this
_____ day of _____, 20____.

SURETY (Name):

(Address of Principal Place of Business)

Telephone No.: _____

Facsimile No.: _____

By: _____

Attorney in Fact

CONTRACTOR (Name):

(Address)

By: _____

(Name: print or type)

Title: _____

By: _____

(Name: print or type)

Title: _____

**(Notice: The signatures of the Surety
and Contractor on this bond must be
acknowledged before a notary.)**

PAYMENT BOND

INVITATION FOR BIDS # PW19-11 Storm Pump Station No. 1 Rehabilitation RE-BID PROJECT UY-14/02-15

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, the City of Sunnyvale ("City") has awarded to Anderson Pacific Engineering Construction, Inc. as principal ("Contractor"), a contract for the public work described as follows:

The project entitled "Storm Pump Station No. 1 Rehabilitation RE-BID, Project No. UY-14/02-15" pursuant to the award made to said Principal by the Council of the City of Sunnyvale to do and perform the following work, to wit: furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete in a good and workmanlike manner, the work upgrading the pump station structure with additional wall anchors and continuous diaphragm cross ties, adding grip surfacing on all stair treads, installing of fencing to prevent access to the site from the San Francisco Bay Trail, installing additional security lighting around the pump station building, installing flow meters in the above ground section of the discharge piping, replacing aging and degraded discharge piping with each of the 3 new pipes, and replacing the manual inlet bar screen, as called for, and in the manner designated in, and in strict conformity with, the Plans and Specifications (the "work").

It is acknowledged that the contract provides for a one year warranty period during which time this Bond remains in full force and effect. The contract and all of its terms and conditions are incorporated into this Bond by reference.

AND WHEREAS, the Contractor is required to furnish a bond in connection with the contract guaranteeing payment of persons who provide labor and material;

AND THEREFORE, we the undersigned Contractor as principal and _____ a _____, admitted and duly authorized to transact business under the laws of the State of California, as surety, are held and firmly bound unto the City or its successors and assigns as obligee in the sum of _____; (which amount is not less than 100% of the contract price) and for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors or assigns, jointly and severally, firmly by these presents.

THE CONDITION of the obligation is such:

That if the Contractor, (or the Contractor's subcontractors, heirs, executors, administrators, successors or assigns) fails to pay any of the persons named in Section 3181 of the Civil Code of the State

of California, or the amounts due under the Unemployment Insurance Code of the State of California with respect to work or labor performed under the Contract, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the contractor and subcontractors pursuant to Section 13020 of the Unemployment Insurance Code of the State of California, with respect to such work and labor, that the surety will pay for the same, in an amount not exceeding the sum specified in this bond, and also, in case suit is brought upon the bond, shall pay reasonable attorney's fees, to be fixed by the Court.

This bond shall inure to the benefit of any and all persons, companies, and corporations named in Section 3181 of the Civil Code of the State of California, so as to give a right of action to them or their assigns in any suit brought upon this bond.

No prepayment or delay in payments, and no change, extension, addition or alteration of any provision of the contract or in the specifications agreed to between the Contractor and the City, or any forbearance on the part of the City shall operate to relieve the surety. The surety hereby waives the provisions of Section 2819 of the California Civil Code. The surety waives all rights of subrogation against the City or any person employed by the City. If the contract price increases by the issuance of change orders, the amount specified in this bond shall increase by the same amount.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this
_____ day of _____, 20____.

SURETY (Name):

(Address of Principal Place of Business)

Telephone No.: _____

Facsimile No.: _____

By: _____

Attorney in Fact

CONTRACTOR (Name):

(Address)

By: _____

(Name: print or type)

Title: _____

By: _____

(Name: print or type)

Title: _____

**(Notice: The signatures of the Surety
and Contractor on this bond must be
acknowledged before a notary.)**

**THIRD AMENDMENT TO CONSULTANT SERVICES AGREEMENT
BETWEEN THE CITY OF SUNNYVALE AND
INFRASTRUCTURE ENGINEERING CORPORATION FOR
STORM PUMP STATION NUMBER 1 REHABILITATION FEASIBILITY STUDY AND
DESIGN**

This Third Amendment to Consultant Services Agreement, dated _____, is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY") and INFRASTRUCTURE ENGINEERING CORPORATION ("CONSULTANT").

WHEREAS, on June 4, 2014, CITY and CONSULTANT entered into a Consultant Services Agreement whereby CONSULTANT would provide professional services necessary for design, preparation of bid documents, services during construction and other services for a project known as "Storm Pump Station Number 1 Rehabilitation Feasibility Study and Design"; and

WHEREAS, on July 10, 2017, CITY and CONSULTANT entered into a First Amendment to Consultant Services Agreement whereby the term of the agreement was extended for one year; and

WHEREAS, on July 9, 2018, CITY and CONSULTANT entered into a Second Amendment to Consultant Services Agreement whereby the term of the agreement was extended for one year; and

WHEREAS, the parties now agree that a Third Amendment to said Agreement is advisable;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS THIRD AMENDMENT TO CONSULTANT SERVICES AGREEMENT:

1. Services by CONSULTANT
[Replace the first paragraph with the following:]

CONSULTANT shall provide services in accordance with Exhibit "A-2" entitled "Revised Scope of Work" and Exhibit "A-3" entitled "Revised Project Schedule". All exhibits referenced in this Agreement are attached hereto and are incorporated herein by reference. To accomplish that end, CONSULTANT agrees to assign Aric Gnesa, PE, to this project, to act in the capacity of Project Manager and personally direct the professional services to be provided by CONSULTANT.

2. Notice to Proceed/Completion of Services
[Replace paragraph (b) with the following:]

- (b) When CITY determines that CONSULTANT has satisfactorily completed the services defined in Exhibit "A-2," 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 Revised Scope of Work (Exhibit "A-2"), and if so requested, CITY shall make this determination within fourteen (14) days of such request.

3. Project Schedule

[Replace this section with the following:]

The term of this Agreement shall be from the date of execution through June 30, 2027, unless otherwise terminated.

4. Payment of Fees and Expenses

[Replace this section with the following:]

Payments shall be made to CONSULTANT on a monthly basis as set forth in the attached Exhibit "B-1" entitled "Revised Compensation Schedule." All compensation will be based on monthly billings as provided in Exhibit "B-1." 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 the amount of Two Hundred Ninety Two Thousand Four Hundred Six and No/100 Dollars (\$292,406) for the duration of the contract, as well as optional services in an amount not to exceed Ninety Thousand Eight Hundred Nineteen and No/100 Dollars (\$90,819) for the duration of the contract. In no event shall the total amount of compensation payable under this agreement exceed the sum of Three Hundred Eight Three Thousand Two Hundred Twenty Five and No/100 Dollars (\$383,225) 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.

All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Agreement Amendment.

ATTEST:

CITY OF SUNNYVALE ("CITY")

By _____
City Clerk

By _____
City Manager

APPROVED AS TO FORM:

INFRASTRUCTURE ENGINEERING
CORPORATION ("CONSULTANT")

By _____
City Attorney

By _____

Name and Title

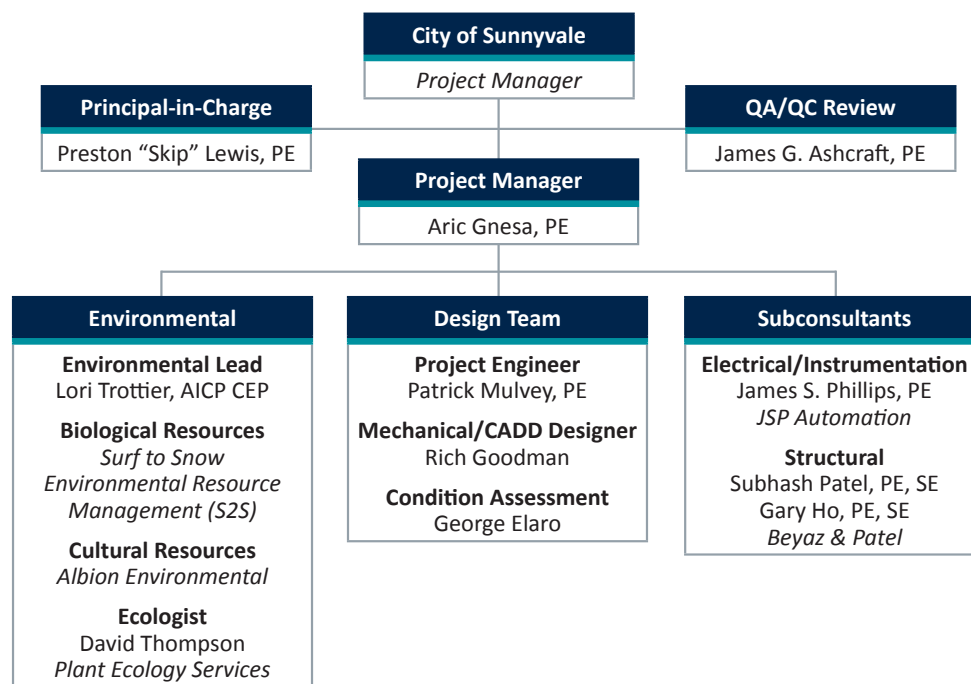
By _____

Name and Title

Proposed Project Management Team

The most critical component in the successful execution of the City's Storm Pump Station Number 1 Rehabilitation Feasibility Study and Design will be the project team. The right mix of experience, enthusiasm, and fresh ideas is critical to not only an outstanding final project, but an outstanding experience during the performance of the project. The proposed project team has worked together on many past pump station projects and will bring that same successful record of past performance to the City's Storm Pump Station Number 1 Rehabilitation Feasibility Study and Design project.

The organization chart below highlights the roles of our proposed team and demonstrates the breadth of our resources as a part of the City of Sunnyvale's Request for Proposal No. F14-49 for Storm Pump Station Number 1 Rehabilitation Feasibility Study and Design. Our proposed team's experience is detailed further in the **References & Experience** Section and resumes for each team member have been included at the end of this section. Assigned personnel will not be substituted without prior City approval.



As Project Manager, **Aric Gnesa, PE**, brings over 13 years of experience in the planning, design, and construction of pump stations. Examples include:

- Del Mar Polytrack Stormwater Pump Station, *Del Mar Thoroughbred Club*
- Libby Lake Stormwater Pump Station Replacement, *City of Oceanside*
- 511 Pump Station, *City of Oceanside*
- Via Ambiente Sewer Pump Station, *Olivenhain Municipal Water District*
- Lift Station No. 4 Replacement, *City of Escondido*
- Connemara Pump Station, *Olivenhain Municipal Water District*

Mr. Gnesa will work with the team to communicate with City staff, provide consistency in the project deliverables that meet City needs and requirements, and coordinate IEC tasks. Our Project Engineer, **Patrick Mulvey, PE**, will coordinate activities within the design team and will be responsible for the development of progress and final submittals, coordination meetings, and status reports.

SUBCONSULTANTS

ELECTRICAL/INSTRUMENTATION

JSP Automation

225 30th Street, Suite 305
Sacramento CA 95816

JSP Automation (JSP) is a Professional Engineering firm that offers a wide variety of technology solutions and has extensive experience in the planning, design, integration and implementation management of Electrical, Instrumentation and Control Systems for the water, wastewater and remediation industries. Based on this foundation of experience, JSP can offer a broad range of Professional Engineering, Integration and Management services. The firm was founded in 2001 to provide specialized Professional Engineering and Integration services for electrical, instrumentation and control systems projects. JSP's experience and client commitment supports an underlying fundamental approach to providing municipalities with advanced SCADA, telecommunications, instrumentation, PLC controls and information systems technical expertise for practical and constructible solutions.

Mr. Jim Phillips, PE carries over 25 years of electrical and instrumentation planning, design and implementation expertise. Mr. Phillips has extensive experience in actual hands on engineering and implementation of over 60 SCADA projects ranging from small scale city to large scale municipal systems and numerous back up generator installations and will provide the City with both a practical and technically advanced electrical and SCADA system design. The past eight years Mr. Phillips has owned and operated JSP Automation, a consulting engineering and integration firm tailored to work directly with municipal clients in the area of electrical and SCADA planning, design and implementation.

STRUCTURAL

Beyaz & Patel, Inc.

1280 Civic Drive, Suite 204
Walnut Creek, CA 94596-7220

Beyaz & Patel specializes in the structural engineering of water, wastewater and transportation infrastructure projects. IEC and Beyaz & Patel have worked on several projects together, including the City's Central and Hamilton Tanks project.

Subhash S. Patel, PE, SE has over 30 years of professional experience in the structural engineering of water and wastewater facilities including pump stations, storage reservoirs, pipelines and appurtenances. His responsibilities have included structural design, managing and coordinating projects, cost estimating, site supervision, and value engineering services.

- Miramar Pump Station Rehabilitation, *San Diego County Water Authority*
- Rehabilitation of Sewer Pump Stations Nos. 21 and 41, *City of San Diego*
- Ocean Outfall Booster Station, *Orange County Sanitation District*
- Lake Merced Pump Station Essential Upgrades, *San Francisco Public Utilities Commission*
- Booster Pump Stations, *City of San Diego*

Gary Ho, PE, SE has over 30 years of experience in structural engineering, structural design, and earthquake engineering on a variety of projects, with particular emphasis on water and wastewater plants, tanks, pump stations and buildings. He has extensive experience in structural evaluation, seismic review, and risk analysis, including probabilistic risk assessments of tank and buildings. Similar projects include the following:

- Gibraltar Pump Station, *City of Milpitas*
- Sum 151 Pump Station and Wet Well Improvements, *City of Sacramento*
- Pump Stations and Reservoirs, Treated Water Service Area Renewal/Replacement Study, *Contra Costa Water District*
- Pump Stations and MCC Building, Digester Upgrade, Phase 2, *East Bay Municipal Utility District*

BIOLOGICAL RESOURCES

Pacific Biology

635 Carmel Ave.
Albany, California 94706

Pacific Biology is a full service biological resources consulting firm that specializes in the preparation of biological resources impact analysis documents, biological permitting, wildlife surveys, and GIS mapping. Pacific Biology has extensive experience analyzing the effects of development and maintenance projects on biological resources. Their comprehensive understanding of the environmental planning process (including CEQA, the state and federal Endangered Species Acts, the federal Clean Water Act, and the California Fish and Game Code), coupled with expertise in the flora and fauna of California, guides their approach to identifying biological resources that may pose a project constraint. Pacific Biology promotes an approach that involves identifying the presence of sensitive biological resources early in the planning process, working closely with the client to understand the regulatory implications of these biological resources, and finding creative solutions that achieve the project goals and that meet the regulatory requirements.

Mr. Joshua Phillips is the owner and Principal Biologist of Pacific Biology. His background combines a strong technical knowledge of California's plants and wildlife with a comprehensive understanding of the environmental planning process, including expertise in CEQA and NEPA, the Endangered Species Act, the Clean Water Act, and the California Fish and Game Code. He has managed and participated in large-scale projects involving complex biological issues throughout northern and southern California, and has extensive experience conducting special-status species surveys, habitat evaluations, wetland/jurisdictional habitat delineations, vegetation mapping, mitigation design, and biological permitting. He regularly conducts surveys for California red-legged frog, California tiger salamander, western burrowing owl, western spadefoot, western pond turtle, nesting birds, and rare plants.

CULTURAL RESOURCES

Albion Environmental, Inc.

1414 Soquel Avenue, Suite 205
Santa Cruz, California 95062

Albion Environmental, Inc. (Albion), incorporated in 1996, offers a broad range of cultural resource management services. Our expertise and experience lie in prehistoric and historic archaeological resource management and Native American consultation. Specifically, we provide

- Federal, State, and local level compliance documents (EIR and EIS components, Programmatic agreements, Memoranda of Agreement and Understanding)

-
- Project planning documents including general and specific treatment plans, mitigation plans, monitoring plans
 - Start to finish management of complex, multiphase projects
 - Full range of field services (archaeological inventory, significance evaluation, mitigation level data recovery, analysis, and reporting)
 - Native American consultation (SB 18 consultation, Traditional Cultural Property studies, ethnographic inventories, resource management and mitigation negotiation)

Albion has been especially active in the South and North Bay Area and the Central Coast and has developed a substantial body of work in San Mateo, Santa Cruz, Santa Clara, San Francisco, Contra Costa, Monterey, and San Luis Obispo counties. Our clients include utilities such as PG&E, institutions such as Santa Clara University, local agencies such as the City of Santa Clara, and federal agencies such as the U.S. Army National Guard. Albion has a particularly strong record in Santa Clara County through its ongoing 12 year relationship with Santa Clara University and recent work with the City of Santa Clara on its General Plan Update. Currently, we are listed as on-call consultants for Planning and environmental Services for the Valley Transit Authority (VTA) and the City of East Palo Alto.

A partial list of recent projects include

- Santa Clara University Ten Year Improvement Plan in Santa Clara County (2003–Present);
- Santa Clara County Young Ranch Planning Area, Archaeological Survey/Evaluation (2014)
- Santa Clara County, Malech Road Water Supply Project, Archaeological Monitoring (2011)
- City of Menlo Park Backup Well Facility, Cultural Studies (with IEC) (2013-present)
- Santa Clara Caltrain Station, Fiber Optic Replacement, Archaeological Monitoring (2013).
- City of Santa Clara General Plan Update, Cultural Resource Components (2010);
- Nacimiento Water Project in San Luis Obispo County, Cultural Studies (2007-2012);
- Statewide On-Call Cultural Resources Services for Pacific Gas and Electric (2007–Present);
- Atascadero, CA, Eagle Ranch Cultural Resources Assessment -Constraints Analysis (2011);
- City of Santa Cruz Bay Street Reservoir System Transmission Project (2005–2008);
- Santa Clara Valley Water District Stream Maintenance Program (2002–2005)

Mr. Clinton Blount is President and cofounder of Albion Environmental, Inc. Trained as a cultural anthropologist, he specializes in Native American consultation, oral history ethnography, and cultural resource project management. Mr. Blount's recent anthropological work in San Luis Obispo County includes assignments as Native American consultation and participation coordinator for the Nacimiento Water Project (North County), the Los Osos Wastewater Project (Los Osos), the DANA Adobe project (Nipomo), and the Eagle Ranch Development (Atascadero). Mr. Blount specializes in Section 106 driven Traditional Cultural Property Studies, NAGPRA process treatment of human remains, SB 18 consultation, and general consultation under the guidelines of the California Native American Heritage Commission. To date he has completed over 10 Traditional Cultural Property studies as part of the Federal Energy Regulatory Commission project relicensing process. He has also conducted major ethnographic inventories for Caltrans. Mr. Blount has a strong record of fostering positive working relationships between Native American groups, agencies, and project proponents. He works frequently with the Native American tribes and groups in San Luis Obispo County, and is fully conversant with specific tribal interests and the various ways in which these groups participate in the environmental review process.

Project Overview & Approach

The City of Sunnyvale owns and operates the existing Storm Pump Station No. 1 located between the Sunnyvale SMaRT Station at 301 Carl Road, and the Sunnyvale Water Pollution Control Plant (WPCP) at 1444 Borregas Avenue, in the City of Sunnyvale. The pump station outfalls via three discharge pipes to a Santa Clara Valley Water District engineered channel (the same channel outfall as the WPCP), and then to Moffett Channel and the San Francisco Bay; see Figure 1 - Area Plan at the end of this Section.

The original station construction dates to the 1960's and includes construction of two engine driven pumps and one electric jockey pump inside a concrete masonry building and inlet structure with trash screens. The engine driven pumps, engines, and gear drives were replaced in 2009, when a new roof was constructed and discharge pipe repairs were also made. The engines use propane stored on the site in an aboveground tank.

Flow enters the station through an existing channel into the pump station inlet structure that includes a manual bar screen. The existing bar screen structure is located at the base of the station and access for cleaning and maintenance is difficult. Once flow passes through the bar screen it enters the wet well. The pumps lift the storm water through 36-inch, 30-inch, and 18-inch diameter discharge pipes to the receiving channel. A summary of the current pumping units at the station is as follows;

Pump	Drive	Brake HP	RPM	Estimated Capacity (GPM)	Pump Model
P1	Engine	175	440	30,100	Johnston 36 PO
P2	Engine	165	440	34,300	Johnston 36 PO
P3	Electric	Unknown	Unknown	7,750	Johnston 18 LS

The City is requesting proposals to perform a condition assessment Feasibility Study Report of the facility to determine cost effective solutions to fully rehabilitate the station. Additionally, upon completion of the Feasibly Study, the proposer will be the Engineer of Record and provide design services to produce bid-ready construction documents, as well as bid and construction phase services as described in the RFP.

PHASE 0 – PROJECT MANAGEMENT AND ADMINISTRATION

The objective of this task is to provide overall project management and administration for the duration of the project to monitor the scope of work, schedule, and budget and report progress to the City.

- A. **Project Schedule:** IEC will prepare a detailed project schedule with tasks, durations and milestones. The project critical path will be clearly identified so progress can be tracked and informed decisions can be made with respect to scheduling. We will review and update schedule monthly for the duration of the project.
- B. **Project Status Reports:** IEC will prepare monthly Progress Status Reports to include schedule, budget, and project issues.
- C. **Meetings:** Hold project meetings with City Staff and other parties, prepare meeting agenda and minutes. Agendas and minutes shall be submitted to the City five working days prior to/after said meetings. For the purposes of this proposal, five (5) meetings are assumed and the IEC Project Manager and Project Engineer shall attend the meetings.
- D. **Quality Assurance/Quality Control (QA/QC):** QA/QC of the design activities shall be implemented throughout the project. IEC's standard Quality Management Plan (QMP) shall be adopted and quality reviews will be initiated at the onset of the project and throughout.

PHASE 1.A-1.C – CONDITION ASSESSMENT AND FEASIBILITY STUDY

The following is a discussion of the key issues to be addressed during the feasibility study and our team's approach to successfully address each key issue to recommend and define the scope of potential improvements. IEC has assembled a highly capable team with each major discipline area led by a specialist who will focus on their specific area of expertise. Our project manager and project engineer will integrate the results of each discipline analysis into a well-organized feasibility study report that clearly defines the project objectives, provides pump station rehabilitation options (including constraints, opportunities, and planning level costs), and discussion of the sequence of future tasks and events to achieve the City's project goals.

A key aspect of our approach to performing the feasibility study will be the involvement of City operations and maintenance (O&M) staff from the onset of the project. IEC believes that operator involvement during this early stage of the project will provide invaluable knowledge and experience concerning specific operational and safety issues at this facility that will assist the project team in evaluation and recommendation of rehabilitation or replacement alternatives. We will provide a technical memorandum for the City's review, describing procedures and schedules for the condition assessment(s) prior to commencement of field work.

Our staff, with City staff, will perform a field review and engineering analysis of the City's existing pump station to assess the physical condition of the station and perform an evaluation of pumping station capacity. The condition assessment will include a review of the mechanical/electrical equipment to evaluate their general physical condition and status. The condition assessment will consist of visual observation of equipment. Physical testing is not anticipated at this time.

Per the RFP, the SCVWD's Sunnyvale East and West Channels Flood Protection Project is mentioned; per available documentation, the easternmost reach of that project will impact the pump station outfall area, see "Figure 3.3-3a: Sunnyvale West Channel Habitat Impacts Map" at the end of this Section. We will coordinate with SCVWD during the feasibility study phase, and incorporate requirements of their levee improvement design into our recommendations. Likewise, we will recommend possible revisions to the SCVWD design to synchronize the two projects. For example, the channel improvement contractor should likely replace the portion of the pump station outfall pipes that lie within the limits of disturbance for the new floodwalls.

MECHANICAL SYSTEMS AND EQUIPMENT

Given that the pumps and engines were recently replaced, it is assumed that the station capacity is adequate, however we will evaluate the existing pumps and motors for basic operation and capacity, including potential implications of the SCVWD's upcoming levee upgrade projects, and recommend options to deal with these potential impacts to the station in the feasibility report.

Buried Discharge Piping: Given the age and material (steel) of the buried discharge piping, we assume that the condition of the piping is likely not suitable for a cured-in-place (CIPP) type lining; therefore we propose to forego a detailed condition assessment of this piping since performing such an assessment will be an added cost and effort, and may require draining a portion of the discharge channel. Instead, we propose to construct new discharge piping, a portion in the same general alignment as the existing piping. The existing piping is quite deep in the area of the levee, in part because the levee has been raised at least once since the station was constructed. Construction of new (non-corrosive PVC or HDPE) piping will allow the opportunity to provide a more shallow burial. Also the two duty pump discharge pipes can be specified as a consistent diameter, providing for identical performance of these pumps. Currently the performance of the two identical pumps is not consistent since the existing discharge pipes are of different

diameters. In order to avoid disturbance of the San Francisco Bay Trail and entering the waterway channel we will evaluate the feasibility of slip-ling that portion of the discharge pipe that extends beneath the Bay Trail and into the channel. Doing so will reduce the environmental clearance required for the project. We will evaluate construction issues and identify regulatory requirements along with mitigating measures in the Feasibility Report. The SCVWD's Sunnyvale East and West Channels Flood Protection Project design includes floodwalls and other levee impacts at the current pump station discharge outfall area; we will review the SDCWD designs and provide recommendations for pump station outfall improvements that are compatible with SDCWD's designs and construction schedule.

Wet Well Condition: A confined space entry inspection of the wet well is included; we will enter the wet well through the existing grated access (with water level inside the wet well assumed to be 3-4 feet, i.e. not requiring a scuba diver). The condition of the wet well structure will be visually assessed, and the buildup of sediment will be documented. Also we will make recommendations for cleaning maintenance procedures. We will provide a narrated video of our inspection on DVD for the City's records.

Pump Station and Wet Well Hydraulics: Our evaluation will include a brief review of the configuration of the inlet and wet well and associated flow conditions at the pump intakes including submergence, velocities, spacing, and compliance with current the latest Hydraulic Institute (HI) standards. The size of the wet well will be evaluated for proper cycling of pump run times. We do not expect that structural modifications to the wet will be required.

Bar Rack: We will evaluate the existing manual bar rack, its operation and accessibility, and alternatives to possibly retrofit it with a mechanically cleaned bar screen and the associated potential benefits and simplification of operation, maintenance, along with improvement to operator safety. Included in this task are recommendations for disposal of waste collected from bar racks, in accordance with NPDES requirements.

Pump Station Piping and Other Mechanical Components: We will qualitatively assess the condition of the existing exposed pump station piping and mechanical components such as gates, couplings, pipe supports, and fittings that are observable during our site visit. In addition to its general condition, we will assess the pipe size versus the required pump station capacity, and whether upsizing is required. Also included is evaluation of the feasibility of adding flow meters to the station discharge piping.

Ventilation System: The existing pump station building appears to be ventilated using penthouse vents. We will determine recommended ventilation rates based on number of air changes per hour and evaluate current ventilation system versus recommended ventilation requirements and provide options for passive or active ventilation systems.

Safety: Our evaluation will include a cursory review existing safety practices and devices, if any, for maintenance personnel and recommendations to include appropriate safety improvements in a future rehabilitation or replacement project. Hand rails, toe boards, confined space procedures, gas alarms, detectors, monitors, ladder up devices, safety cages, tie off points, and other safety related issues will be evaluated to the extent they are present at the existing facility or would be needed in a rehabilitated facility.

Air Quality Regulations: In conjunction with our proposed environmental and regulatory issues approach discussed later, we will evaluate the applicability and potential constraints to continued use of gas-fired engines with respect to Bay Area Air Quality Management City (BAAQMD) regulations and the need for permits.

SITE/CIVIL

Evaluation of site/civil issues will consist of station accessibility during a flood event, accessibility for routine maintenance vehicles such as vacuators for wet well cleaning and cranes for pump removal, security, condition and remaining useful life of paving, discharge pipe horizontal and vertical alignment and potential changes (if necessary based on the hydrologic and mechanical evaluations), standpipes, and other appurtenant site issues. Security issues will also be addressed including assessment of fencing and gates.

STRUCTURAL

The structural evaluation will focus on two primary issues. First, the overall structural condition of the existing pump station structure will be evaluated including qualitative assessment of the wet well as observed from existing access points and from the video record obtained as described above. Secondly, a seismic analysis of the existing pump station structure, equipment supports, and anchorages to assess the facility against current building code requirements. The evaluation shall include a static lateral seismic analysis to assess the adequacy of the primary lateral-force resisting system, pump and major equipment supports.

ELECTRICAL

The electrical evaluation will assess the need for upgrade or replacement of the existing station electrical systems from the incoming power feed to all electrical components. We propose to tour the facility and interview operations personnel, document the facilities, and evaluate existing operational conditions for normal, standby, and emergency scenarios. Specific issues to be reviewed include:

Existing Equipment: An inventory of existing electrical, instrumentation, and control equipment will be compiled and we will provide recommendations for expansion, replacement or repair of related appurtenances.

Power Supply: The feasibility and cost of upgrading the existing electrical power supply to the station will be addressed; the current power supply is believed to be direct buried and we will coordinate with PG&E to determine feasibility of a new service to meet current requirements and codes. Additionally a new natural gas service will be investigated as a new source of fuel for the engine driven pumps. The existing propane tank's condition will be visually assessed, and consideration given to retaining the propane as a backup source of fuel. We will also study the feasibility of providing an emergency electrical generator on site.

Power Distribution: IEC will evaluate the existing power distribution system and make recommendations to modify, upgrade or replace the existing system to meet the current and future operational requirements for electric and engine driven pumps.

SCADA and Control Systems: We will assess and evaluate existing Supervisory, Control, and Data Acquisition (SCADA) and control systems and make improvement recommendations future modifications based on City preferences and current technology.

Recommended Single Line and Process and Instrumentation Diagrams: In connection with the mechanical evaluation and determination of the feasibility of replacement or rehabilitation of the station and number/type of pumps, we will prepare a recommended electrical single line diagram (SLD) and a process and instrumentation diagram (P&ID).

GEOTECHNICAL

The intent of our proposed geotechnical services at this stage of the project will be to provide parameters for use in the seismic analysis of the pump station structure. This will be accomplished via literature search of published U.S. Geological Survey (USGS) and California Geological Survey information to provide generalized seismic parameters. Determination of site specific parameters as well as investigation of the current condition of the existing levees and their susceptibility to failure would require a field investigation, which is depicted in the scope of services and fee estimate as an optional task. The determination of whether or not field investigation is warranted should be more appropriately made once pump station rehabilitation alternatives are more fully developed.

ENVIRONMENTAL REVIEW AND CLEARANCES

Environmental Setting

The Project site is located at the south margin of San Francisco Bay, immediately adjacent to both the Sunnyvale West Channel and former Cargill salt evaporation Pond A4, and proximal to salt ponds included in the regionally extensive South Bay Salt Pond Restoration Project's Alviso Complex.

Habitat mapping conducted for the Santa Clara Valley Water District's Sunnyvale East and West Channels Flood Protection Project – for which the draft EIR was circulated in late 2013 – is consistent with our site reconnaissance in showing tidal brackish marsh habitat on the slopes of area channels, with ruderal (disturbed)/non-native grassland on upper channel slopes and in interchannel areas. The pump station itself is expected to be outside the limits of both federal and state jurisdiction, but the intake and outlet areas will almost certainly be considered federally jurisdictional (as adjacent wetlands with a significant nexus to traditionally navigable waters) and state jurisdictional (as part of the Baylands system).

Based on a search of the California Natural Diversity Database conducted for this proposal, in combination with the recent Sunnyvale East and West Channels Project Draft EIR, a number of special-status species may use habitat in the project area, including California Clapper Rail, California Least Tern, and salt-marsh harvest mouse (*Reithrodontomys raviventris*). The Western Burrowing Owl may also nest and forage in nearby grassland and disturbed areas, and the green sturgeon (*Acipenser medirostris*) and the Central California Coast steelhead (*Oncorhynchus mykiss*) are known to use the tidally influenced portions of the Sunnyvale West Channel, which are included in federally designated critical habitat for both two species.

In addition, based on environmental reports prepared for the SCVWD's East and West Channels Project, several archaeological sites are located within 0.25 mile of the West Channel. This is not surprising, since the South Bay region's waterways, and the Bay margin itself, have yielded numerous finds over the years, and are generally considered highly sensitive for additional archaeological discoveries because of the rich resource they offered to generations of the area's native inhabitants.

In this context, agencies with a potential regulatory interest in the pump station rehabilitation effort are likely to include the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries (National Marine Fisheries Service), California Department of Fish and Wildlife, San Francisco Regional Water Quality Control Board, and Bay Conservation and Development Commission.

Environmental Solutions

Despite its environmentally sensitive and heavily regulated context, the project is a straightforward effort that will have a limited footprint. **Our project approach therefore emphasizes developing a design that avoids regulatory triggers to the extent this is possible while still accomplishing project objectives.** This is an IEC trademark service, and we are uniquely positioned to deliver results in this arena because of the

tradition of partnership and the close working relationship between our engineering and environmental staff. We will also stress **early conversation and good relations with agency staff**; we have found that reaching out early to explain the project approach, share information on the project, and obtain agency input is invaluable in **building the trust that helps to either obtain concurrence that permitting can be avoided, or speed review of permit applications once they are formally submitted**.

For this project, as discussed earlier in our proposal, **we anticipate that incursions into jurisdictional habitat can be avoided by**

- slip-lining the straight reach of pipeline adjacent to the outfall, and
- craning workers over the existing concrete headwall to replace the trash rack

Our hope is that this extremely reduced level of inchannel activity will enable the project to avoid the need for authorization under Section 404 of the federal Clean Water Act and Sections 1600 ff. of the California Fish and Game Code (Streambed Alteration Agreement program); at worst, it will offer substantial streamlining under both regulations. Our approach will also avoid potential habitat loss and direct injury or mortality of special-status species, and may enable us to avoid the need for authorization under the federal and state Endangered Species Acts. However, we note that if federal ESA authorization cannot be avoided, there will be less impetus to avoid triggering Section 404; with Section 404 in play, ESA consultation would proceed via ESA Section 7 (interagency consultation), which is generally more straightforward and less costly than the alternative Section 10 (non-federal) process.

Avoiding the need for inchannel work may also offer the City the option of exemption the project from CEQA, per *CEQA Guidelines* §15301 (Class 1 categorical exemption, which includes repair and maintenance of existing facilities) or §15302 (Class 2 categorical exemption, for replacement or reconstruction of existing facilities), assuming potentially preclusory “unusual circumstances” (*Guidelines* 15300.2[c]) can be shown not to apply. Avoiding the need for Section 404 and federal ESA compliance will avoid the need for compliance with the National Environmental Policy Act (NEPA)

With all of this in mind, **our environmental efforts under Phase 1 will emphasize**

- Clarifying our preliminary understanding of site constraints and regulatory triggers
- Reaching out to resource agency staff to discuss and confirm permit requirements for various project approaches
- Presenting you with the available options, discussing their implications for project configuration, cost, and schedule, and working with you to identify the best-fit solution

Maximizing the use of existing data – including documents prepared for the SCVWD’s Sunnyvale East and West Channels Project, to the extent the District is willing to share them – will help reduce the cost of our Phase 1 effort. We anticipate relying on a combination of existing data, augmented by additional, targeted field and literature studies. Since the District’s willingness to engage in datasharing is unknown at this time, we have provided for a site-specific assessment of biological resources, jurisdictional habitat, and cultural resources constraints.

The matrix below summarizes the primary regulations potentially applicable to the project, with additional thoughts on approach and strategy. The Feasibility Study Report will update and augment this assessment and present our recommendations for completing project environmental clearances. If more than one option is available, we will summarize the pros and cons and assist you in identifying the best-fit approach.

This will include presentation and discussion of costs associated with the various environmental tasks. **The environmental portion of Phase 1 will conclude with a “compliance path” decision milestone. Our hope and anticipation is that Phase 2 environmental work will be very straightforward, limited to preparation and filing of a CEQA Notice of Exemption and authorization by the Bay Conservation and Development Commission.** In the event additional review and authorizations are required, Phase 2 will entail completing them as expeditiously as possible.

Agency with Jurisdiction	Regulation	Triggers	Comments and Potential Approaches
USACE	Clean Water Act, Section 404	Activities below Mean Higher High Water in tidal waters under federal jurisdiction; would likely be triggered by repair of inlet and/or outfall structures	<ul style="list-style-type: none"> May be avoided through design, as discussed above If USACE indicates permitting will be required, the project should qualify for a Nationwide Permit (NWP), substantially streamlining Section 404 authorization. Candidates include NWP 7 (Outfall and Associated Intake Structures) and NWP 18 (Minor Discharges) and NWP 33 (Temporary Construction, Access, and Dewatering). NWP 43 (Stormwater Management Structures) will not apply because it covers only work in non-tidal waters
RWQCB	Clean Water Act, Section 401	Section 401 water quality certification will be required if Section 404 is triggered	
California Department of Fish and Wildlife	<i>California Fish and Game Code Section 1600 ff.</i>	Activities affecting “bed or banks” of state-jurisdictional waters	<ul style="list-style-type: none"> May be avoided through design, unless DFW determines that bolting a new trash rack to the existing concrete headwall qualifies as an activity impacting the “bank” of a state-jurisdictional water
USFWS, NMFS	Federal Endangered Species Act (ESA)	Activities with the potential to result in take of federally listed species and/or impacts on their habitat	<ul style="list-style-type: none"> To substantiate the project’s ability to avoid impacting special-status species and sensitive/jurisdictional habitat resources, our Feasibility Study Report will be supported by a concise and cost-effective “dual-purpose” biological resources technical report that meets the requirements for both federal and state Endangered Species Act consultation as well as supporting CEQA review. As discussed above, we will use this report as a basis for agency dialogue to explore whether the project can avoid triggering ESA/CESA
California Department of Fish and Wildlife	California Endangered Species Act	Activities with the potential to result in take of state-listed species	
Bay Conservation and Development Commission	Federal Coastal Zone Management Act, California McAteer Petris Act	Remodeling or repair of structures within BCDC jurisdiction	<ul style="list-style-type: none"> The project may qualify for exemption as an underground utility serving existing approved development. Alternately, as a project for “routine repair and maintenance of existing currently-used outfall pipes, service lines, and similar facilities” without substantial enlargement, the project should qualify for streamlined authorization under Abbreviated Regional Permit #1

PHASE 1.A AND 1.B: SITE ASSESSMENT AND FEASIBILITY STUDY REPORT

ENVIRONMENTAL DATA REVIEW AND CONSTRAINTS ASSESSMENT

This subphase provides for the IEC team to

- Review relevant inhouse materials developed for other projects in the area
- Obtain and review relevant documentation developed for the SCVWD's Sunnyvale East and West Channels Flood Protection Project
- Conduct literature and field studies to verify and augment information from existing documentation. We anticipate that it will be possible to view the East and West Channels Flood Protection Project wetland delineation mapping, but probably not the detailed cultural resources report, since the locations of cultural resources are generally considered confidential and lead agencies are reluctant to release them. Accordingly, our base scope of work provides for a database search and field reconnaissance for biological resources and jurisdictional habitat, followed by preparation of a technical report to support agency dialogue; and for a full records search and pedestrian reconnaissance for cultural resources, to assess the potential for "unusual circumstances" that would independently trigger the need for CEQA review, followed by a concise email "constraints" download
- Conduct early, informal dialogue with resource agency staff to confirm permit avoidance/requirements
- Present you with the available options, discussing their implications for project configuration, cost, and schedule, itemize their pros and cons, and assist City staff in selecting the best-fit approach. Our options evaluation will include comparative costs for Phase 2

PHASE 2 – DESIGN, BID, AND CONSTRUCTION PHASE SERVICES

In Phase 1 we will study all the items identified in the RFP as described above. Given the level of uncertainty regarding the nature and extent of any improvements which may be recommended for several of those items, we have scoped our design and construction phase services for the most apparent and pressing deficiencies identified in the RFP and our site visit, namely:

- A. Forebay Improvements: Trash Rack replacement, cleaning recommendations
- B. Discharge Pipe Replacement
- C. Electrical Panel Replacement, including SCADA replacements
- D. Limited General Site Work: new electrical service, paving repairs, fence/gate replacement, replacement of propane tank (with similar) etc.

Given the limited nature of these core improvements, we do not anticipate that Survey will be required; we will utilize existing record drawing and GIS level mapping available via GoogleEarth Pro and other sources. Design and construction support services for additional items of work are listed as Optional Services in another section of this proposal.

PHASE 2.A-B – DESIGN DOCUMENTS

We will prepare a complete set of biddable contract documents including technical project specific portions, plans, specifications, and related support materials for the project. Contract documents shall be prepared based on City boilerplate front-end documents and technical specifications shall be prepared

utilizing Construction Specifications Institute (CSI) format. We propose to provide progress submittals to the City at 30%, 75%, and 100% (signed mylar) milestones. The Contract Documents shall address the following major elements:

- A. A complete set of project plans shall be prepared to indicate construction elements, including the pump station mechanical, electrical, telemetry/instrumentation, and site/civil design. Plans will be prepared on "D" size 24"x36" sheets utilizing City standard title blocks with plan and profile sheets prepared at scales of 1"=40' (horizontal) and 1"=4' (profile). The project plan set is expected to include the following:
 - Title sheet including vicinity and location maps
 - Notes, Legend, and Abbreviations including 200 scale index map
 - Existing conditions/removals
 - Site grading, paving and yard piping plan
 - Pump station plan
 - Pump station sections
 - Civil details (2)
 - Mechanical details (3)
 - Electrical standard symbols and abbreviations
 - Single line diagram
 - Electrical plan
 - Building plan
 - Electrical schematics
 - Electrical details
 - MCC and Switchgear Elevations
 - Instrumentation sheets (4)
- B. A complete set of design calculations shall be provided to the City for review as part of the final design development.
- C. Technical specifications shall be prepared utilizing CSI format. Front-end City documents and boilerplate specifications will be reviewed and edited as appropriate. We will also prepare a proposed bid sheet to include bid items and bid item descriptions.
- D. It is assumed that the selected construction contractor will apply for and obtain any required over the counter street cut or encroachment permits for the project and that a City Building Permit will not be required due to the City's self-governance as allowed by the Water Code. However, we will coordinate with appropriate jurisdictions to introduce the project and discuss project issues as necessary and as discussed with the City.
- E. A construction cost estimate shall be provided at each milestone deliverable. The cost estimate shall be based on the anticipated items of work as presented in the Contract Documents.
- F. Our project manager, as a California Registered Civil Engineer and the engineer of record for the project, shall sign and seal each original final mylar sheet of the plan set. In addition, our project manager will sign and stamp the title page of the specifications to be included in the Contract Documents. Where different disciplines are represented in the drawing set, these drawings shall be signed and sealed by a California Registered Engineer registered in the discipline appropriate to the drawing. The engineer of record shall also sign and seal the design calculations for the project.

PHASE 2.C – BID PHASE SERVICES

We will provide the City with services during bidding and will assist the City with responses to questions posed by prospective bidders. We will also assist the City with interpretations of the Contract Documents and prepare one (1) addendum to clarify or amplify aspects of the Contract Documents. We will also attend the pre-bid meeting and bid opening and assist the City with tabulation and review of the bids.

PHASE 2.D – CONSTRUCTION PHASE SERVICES

We will provide the City with services during construction as follows:

- A. Attend and participate in the pre-construction meeting, prepare an agenda, sign in sheet, and minutes and distribute to meeting participants and other stakeholders within five business days of the meeting.
- B. Attend up to five (5) construction meetings at the City offices or project site. It is assumed the IEC Project Manager or Project Engineer shall attend the meetings.
- C. Review up to twenty-five (25) Requests for Information. RFI's responses will be provided in electronic (Adobe pdf) format via e-mail.
- D. Review up to thirty (30) submittals. It is assumed submittals will be sent to us digitally and submittal comments and responses will be provided back to the City or City's construction manager in electronic (Adobe pdf) format via e-mail.
- E. Electrical and Instrumentation Support:
 - Review all electrical and control system submittals.
 - Coordinate SCADA interface requirements with the City
 - Provide Start-up Assistance and Testing (5 days)
 - Provide Installation Inspection/supervision at various stages (5 days)
 - Attend Factory Test (2 days)
 - Attend Pre-Construction Meeting
 - Attend Start-up Meeting
 - Attend SCADA programming meeting
- F. Prepare a set of electronic (Adobe pdf) record drawings for the project based on Contractor-supplied field redline drawings.
- G. Attend a Lessons Learned meeting with City and other stakeholders.

ENVIRONMENTAL REVIEWS AND PERMITTING

PHASE 2.A: ENVIRONMENTAL DESIGN SERVICES

This subphase provides for IEC to complete the following tasks in support of project environmental clearances.

- Prepare and file a CEQA Notice of Exemption
- Obtain permit authorization from the Bay Conservation and Development Commission

PHASE 2.D: ENVIRONMENTAL CONSTRUCTION SUPPORT SERVICES

Mitigation Implementation

IEC will support the City in implementing environmental mitigation during construction such as pre-construction biological surveys, sensitive species exclusion measures, construction monitoring, as required by the CEQA Notice of Exemption and permit conditions.

PHASE 2.E: ENVIRONMENTAL CONSTRUCTION SUPPORT SERVICES

IEC will provide team support for post-construction monitoring and reporting related to contractor supervision and Habitat Mitigation Monitoring Plan.

OPTIONAL DESIGN SERVICES

As previously discussed, the items of study for the Phase 1 Feasibility Study are to some degree complex and multifaceted. The goal of the Phase 1 Feasibility Study is to identify options and costs to provide a fully upgraded pump station and site, within the City's budget. To that end, there is necessarily a degree of uncertainty in the design scope presented herein. The Phase 2 scope accounts for the obvious deficiencies as described above. We have also included, as optional services, scope for typical level of effort for Design, Bid, and Construction phase services for those other items listed in the RFP such as:

- A. Upgrade existing structure to meet seismic requirements
- B. Provide active ventilation improvements, including structural design for added louvers
- C. Provide new natural gas service
- D. Provide means of backup electrical power (excluding engine driven pumps)
- E. Provide flow metering capability, and possibly other SCADA expansions

Accordingly, the associated fee for Optional Services is intended to convey an "upper limit" for typical improvements, but is not necessarily all-inclusive of every possible design scenario that may be required. The final Phase 2 scope should be determined after Phase 1 has been completed.

OPTIONAL ENVIRONMENTAL SERVICES

The following additional activities are provided as optional tasks that can be implemented in the event Phase 1 determines they are necessary: preparation and circulation of a CEQA review document (assumed to be an IS/MND based on the project's limited footprint and impact potential); Clean Water Act Section 404 permitting and Section 401 water quality certification, assuming that Section 404 authorization will be completed via a Nationwide permit, including completion of a jurisdictional habitat delineation in the event the SCVWD's recent existing jurisdictional habitat delineation cannot be reused or does not provide adequate areal coverage; California Streambed Alteration Agreement.

As noted above, we anticipate that take triggers can be avoided through a combination of design and best management practices, and that the project will not require federal or California Endangered Species Act authorization.



FIGURE 1

City of Sunnyvale
Storm Pump Station Number 1 Rehabilitation

AREA PLAN

Infrastructure
14271 Donnellan Street
San Jose, CA 95131
T 858.413.2400 F 858.413.2440
www.infrastructure.com

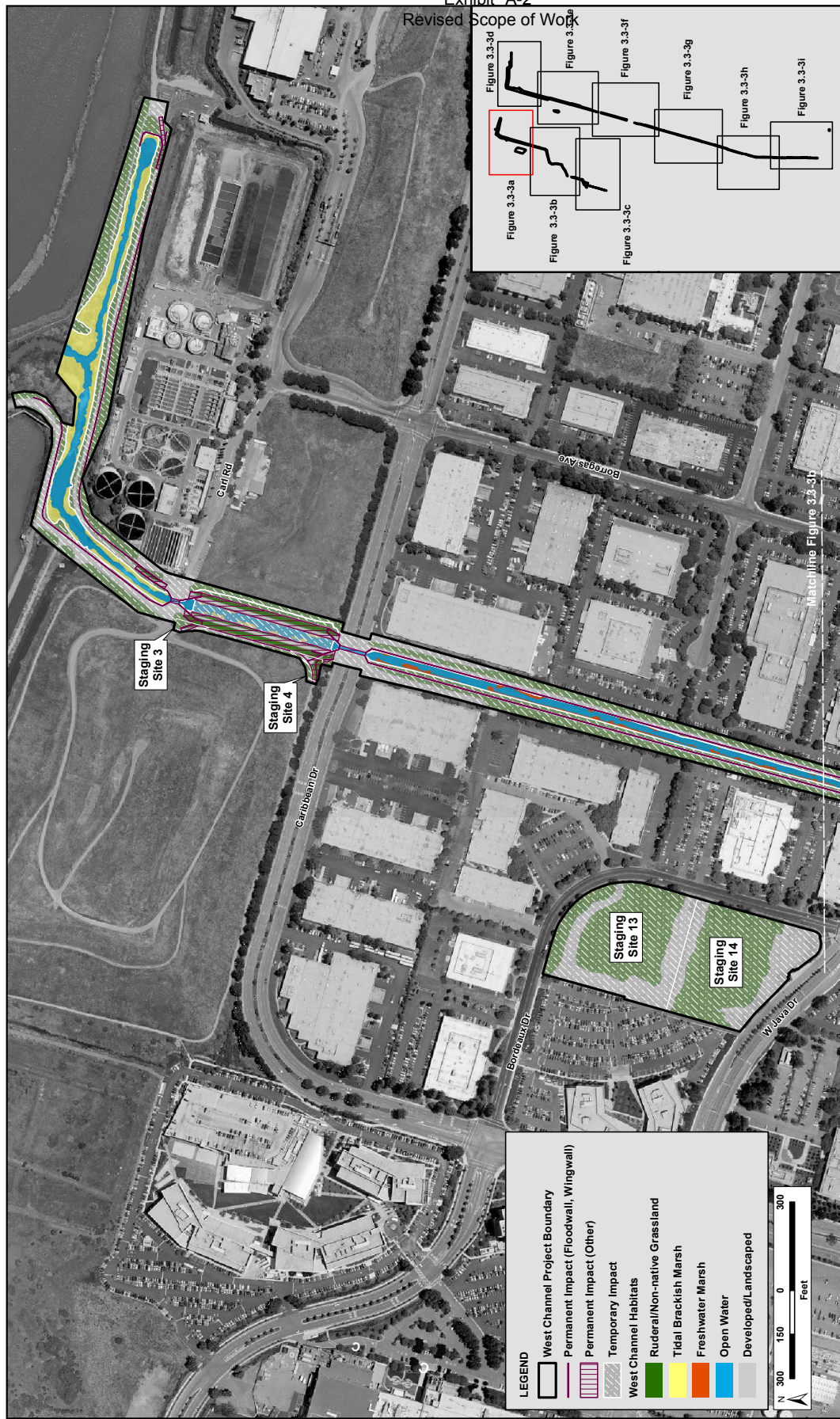


Figure 3.3-3a: Sunnyvale West Channel Habitat Impacts Map
Sunnyvale East and West Channels Flood Protection Project (3392-01)
May 2013

Project Schedule

Project Schedule

A detailed project schedule has been provided on the following page.

Schedule Control

IEC understands that schedule is critical and will conduct our work with a heightened “sense of urgency” regarding the City’s project. Schedule control is achieved through the following methods and techniques:
















- 1. Thorough understanding of the City’s overall goals and objectives for the project.
- 2. Preparation of a through and well-thought out project schedule that is directly correlated with the detailed scope of services where the specific work tasks and deliverables are clearly documented.
- 3. Understanding of the critical path work tasks and the realistic timelines for their completion and anticipating potential pitfalls before they become schedule detractors.
- 4. Recognizing what work needs to be started early and tasks that can be performed concurrently and mobilizing the project team members and subconsultants appropriately.
- 5. Incorporating City and other agency review times and jurisdictional (City Council or other) approvals where needed.
- 6. Aggressive monitoring, tracking, and assessment of schedule and adjustments where necessary.

Staff Availability

The following table identifies our proposed key personnel, their current workload, and how much time will be allocated for each of them on this project.

Proposed Key Personnel	Current Workload	Time Allocated To This Project
Aric Gnesa, PE	70%	15%
Preston "Skip" Lewis, PE	50%	10%
James G. Ashcraft, PE	60%	5%
Patrick Mulvey, PE	60%	25%
Rich Goodman	60%	10%
George Elaro	60%	5%
Anna Busing, PhD, PG	60%	5%

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CITY OF SUNNYVALE																						
STORM PUMP STATION NUMBER 1 REHABILITATION																						
FEASIBILITY STUDY, DESIGN, CONSTRUCTION, AND POST-CONSTRUCTION																						
ID	Task Name	Duration	Start	Finish	Predecessors	'14	'15	2014	'16	'17	'18	'19	'20	2019	'21	'22	'23	'24	'25	2024	'26	'27
1	STORM PUMP STATION NUMBER 1 REHABILITATION	3312 days	6/30/14	3/9/27																		
2	Kick-Off Meeting	0 days	6/30/14	6/30/14		6/30																
3	Data Collection and Review	1 wk	6/30/14	7/4/14	2																	
4	Site Investigation and Condition Assessment Technical Memorandum	2 wks	7/7/14	7/18/14	3																	
5	City Review	1 wk	7/21/14	7/25/14	4																	
6	Phase 1 Feasibility Study	120 days	7/28/14	1/9/15																		
7	Task A Site Investigation and Condition Assessment	6 wks	7/28/14	9/5/14	5																	
8	Task B Feasibility Study Report	89 days	9/9/14	1/9/15																		
9	First Draft	7 wks	9/9/14	10/27/14	7																	
10	City Review	4 wks	10/28/14	11/24/14	9																	
11	Final Report	2 wks	12/1/14	12/12/14	10																	
12	City Review	4 wks	12/15/14	1/9/15	11																	
13	Phase 2 Design Services	1092 days	1/12/15	3/19/19	6																	
14	Task A Design Development	166 days	1/12/15	8/31/15																		
15	Project Management	152 days	1/12/15	8/11/15	11																	
16	Design Scope Review Meeting	0 days	1/20/15	1/20/15		1/20																
17	30% Submittal	8 wks	1/20/15	3/16/15	16																	
18	City Review	4 wks	3/17/15	4/13/15	17																	
19	Finalize Environmental and Permitting	8 mons	1/20/15	8/31/15	16																	
20	75% Submittal	6 wks	4/14/15	5/25/15	18																	
21	75% Submittal Meeting	1 day	5/26/15	5/26/15	20																	
22	City Review	4 wks	5/27/15	6/23/15	21																	
23	100% Submittal	4 wks	6/24/15	7/21/15	22																	
24	100% Submittal Meeting	1 day	7/22/15	7/22/15	23																	
25	City Review	4 wks	7/23/15	8/19/15	24																	
26	Task B Bid Package	0.2 wks	1/4/19	1/4/19	25,19FF																	
27	Task C Bidding Services	52 days	1/7/19	3/19/19	26																	
28	Bidding Services	10.2 wks	1/7/19	3/18/19	26																	
29	City Review	1 day	3/19/19	3/19/19																		
30	Task D Construction Support Services	300 days	3/20/19	5/12/20																		
31	Task E Post-Construction Support Services	1780 days	5/13/20	3/9/27																		
Date: 2/28/19		Task		Inactive Task		Inactive Summary		Manual Summary Rollup		Finish-only												
	Milestone		Inactive Milestone		Manual Task		Manual Summary		External Tasks													
	Summary		Inactive Milestone		Duration-only		Start-only		External Milestone													
Page 1 of 1																						

Tasks			Labor									Subconsultants					ODCs	Total		
Task #	Task Description (Change task titles as detailed in the scope of work)	Principal	Sr. Project Manager - QA/QC	Project Manager	Env. Sr. Technical Staff	Project Engineer	Designer	CADD Designer III	Field Operations Manager	Env. Specialist II	Word Processor	Total Hours	Total Labor Costs	Structural	Electrical/ Instrumentation	Biologist	Ecologist	Environmental	Other Direct Costs	Total Fee
		Preston Lewis, P.E.	Jim Ashcraft, P.E.	Aric Gnesa, P.E.	Lori Trottier	Patrick Mulvey, P.E.	Rich Goodman	David Nguyen	George Elaro	Staff	Staff			Beyaz Patel, Inc.	JSP Automation	S2S	D. Thompson	Albion Environmental		
		\$190	\$185	\$175	\$160	\$135	\$135	\$125	\$125	\$105	\$75			LS	LS	LS	LS	LS		
PH 0	Project Management	8		40		4					8	60	\$9,660						\$500	\$10,160
PH 1	Phase 1: Feasibility Study											289	\$39,475							\$68,512
1-A	Site Investigation and Condition Assessment			24	10	48	4	16	8	25		135	\$18,445	\$9,971	\$1,200	\$5,775		\$2,625	\$1,000	\$39,016
1-B	Feasibility Study Report Draft	2		24	10	48		16	2	20	8	130	\$17,610	\$5,154	\$2,200				\$250	\$25,214
1-C	Final Report		2	6		8	2	4			2	24	\$3,420	\$762					\$100	\$4,282
PH 2	Phase 2: Design Services											683	\$88,295							\$213,734
2-A	Design Development											94	\$12,120							\$12,724
	Design Development		2	8		8		4				22	\$3,350							\$3,350
	CEQA Notice of Exemption				6					20		26	\$3,060						\$79	\$3,139
	BCDC Permitting				16					30		46	\$5,710			\$525				\$6,235
2-A.1	30% Design Submittal											107	\$14,385							\$21,935
	Forebay Improvements			4		8	4	8			1	25	\$3,395							\$3,395
	Pipeline Replacement			8		16		24			1	49	\$6,635							\$6,635
	Electrical/Control Equipment Replacement			2		4		12				18	\$2,390		\$7,550					\$9,940
	Site Improvements			2		4		8			1	15	\$1,965							\$1,965
2-A.2	75% Design Submittal											109	\$14,735							\$23,785
	Forebay Improvements			4		8	4	8			1	25	\$3,395	\$2,500						\$5,895
	Pipeline Replacement			8		16		24			1	49	\$6,635							\$6,635
	Electrical/Control Equipment Replacement			4		4		12				20	\$2,740		\$6,550					\$9,290
	Site Improvements			2		4		8			1	15	\$1,965							\$1,965
2-A.3	100% Design Submittal											48	\$6,480							\$14,530
	Forebay Improvements			2		4	2	2			1	11	\$1,485							\$1,485
	Pipeline Replacement			4		8		8			1	21	\$2,855							\$2,855
	Electrical/Control Equipment Replacement			1		2		6				9	\$1,195		\$8,050					\$9,245
	Site Improvements			1		2		4				7	\$945							\$945
2-B	Bid Package	1		4		8	4	4			4	25	\$3,310						\$500	\$3,810
2-C	Bidding Services			4		8					2	14	\$1,930							\$1,930
2-D	Construction Support Services	1		12	40	24		24		121	4	226	\$27,935		\$8,600	\$39,460		\$6,040	\$250	\$82,285
2-E	Post Construction Support Services				20					40		60	\$7,400				\$45,335			\$52,735
Proposal Total Fee: All Phases		12	4	164	102	236	20	192	10	256	36	1032	\$137,430	\$18,387	\$34,150	\$45,760	\$45,335	\$8,665	\$2,679	\$292,406
Optional Services ¹		Labor											Subconsultants					ODCs	Total	
Design And Construction Support Services ²																				
A	Not Used																			
B	Active Ventilation	1		4		12	4	8			3	32	\$4,275	\$7,600						\$11,875
C	Natural Gas Service			6		16	4	16			3	45	\$5,975							\$5,975
D	Backup Power (Excludes Engine Pumps)	1		6		20	12	12			1	52	\$7,135	\$1,800	\$2,000					\$10,935
E	Flow Meter including SCADA	1		6		20	12	8				47	\$6,560		\$2,000					\$8,560
Environmental Services																				
F	CEQA IS/MND Preparation and Circulation				64					153		217	\$26,305					\$2,504	\$919	\$29,728
G	Clean Water Act Section 4040 Permitting and Section 401 Water Quality Certification				30					40		70	\$9,000			\$840				\$9,840
H	Additional Cultural Resources Activities - Federal NHPA Section 106 Compliance				8							8	\$1,280					\$3,780		\$5,060
I	California Streambed Alteration Agreement				16					30		46	\$5,710			\$840				\$6,550
J	Cultural Resources Inspection				2					3		5	\$635					\$1,661		\$2,296
Total Optional Services		3	0	22	120	68	32	44	0	226	7	522	\$66,875	\$9,400	\$4,000	\$1,680		\$7,945	\$919	\$90,819
Total Fee Including All Optional Services		15	4	186	222	304	52	236	10	482	43	1554	\$204,305	\$27,787	\$38,150	\$47,440		\$16,610	\$3,598	\$383,225
Notes:																				
1	The Optional Services can be included in the Phase 2 tasks if determined necessary during the Phase 1 feasibility study.																			
2	For each task, design and construction support is included.																			



City of Sunnyvale

Agenda Item

19-0347

Agenda Date: 3/26/2019

Tentative Council Meeting Agenda Calendar



City of Sunnyvale

Tentative Council Meeting Agenda Calendar

Tuesday, April 9, 2019 - City Council

Closed Session

- 19-0269** 6:00 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: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager
Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

Study Session

- 19-0373** 5:00 P.M. SPECIAL COUNCIL MEETING ONLY (Study Session)
Personnel Board Interviews

Special Order of the Day

- 19-0223** SPECIAL ORDER OF THE DAY - Fair Housing Month
- 19-0289** SPECIAL ORDER OF THE DAY - National Library Week

Public Hearings/General Business

- 19-0375** Approve Moffett Park Specific Plan Update Work Plan and Guiding Principles
Project Planner:
Michelle King, 408-730-7463, mking@sunnyvale.ca.gov

Tuesday, April 23, 2019 - City Council

Closed Session

- 19-0270** 6:00 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: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager
Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

Special Order of the Day

19-0371 SPECIAL ORDER OF THE DAY - Certificate of Recognition to City Clerk
Upon Her Retirement

Public Hearings/General Business

19-0398 Appoint Applicant to the Personnel Board

19-0200 Proposed Project: Related applications on a 34.7-acre site:
REZONE: Introduction of an Ordinance to rezone the site from Industrial Service/Industrial-to-Residential Medium Density Zoning District (MS/ITRR3) to Industrial Serve/Industrial-to-Residential High Density Zoning District (MS/ITRR4) Zoning District and to Public Facility (PF)
SPECIAL DEVELOPMENT PERMIT: for site and architectural review for a 34.7-acre site to develop 1,051 residential units including 944 apartment units with 6 percent of the units to be reserved for very low-income households (45 units), development of up to 107 three-story, townhome-style dwellings with 12.5 percent affordable units in accordance with the City's Below Market Rate Program (13.38 units), and dedication of a 6.5-acre public park, extension of Indian Wells Avenue to the east to connect with the Duane Avenue/Stewart Drive Intersection and including requests to deviate providing a community room for the townhomes, reductions in private usable open space requirements by reducing or eliminating required balconies, and from front yard setbacks on Indian Wells Avenue and Stewart Drive.
VESTING TENTATIVE MAP: To subdivide two lots into six lots with a condominium map to allow 107 townhomes lots with a common lot.

Location: 1 AMD Place (APNs: 205-22-024, 205-22-025), 975 Stewart Drive (205-22-028)

File #: 2016-8035

Zoning: Industrial Service/Industrial-to-Residential Medium Density Zoning District (MS/ITRR3) and Industrial Serve/Industrial-to-Residential High Density Zoning District (MS/ITRR4) Zoning District

Applicant / Owner: Irvine Company (applicant /owner)

Environmental Review: Environmental Impact Report (EIR)

Project Planner: Gerri Caruso, (408) 730-7591, gcaruso@sunnyvale.ca.gov

19-0208 CONTINUED FROM JANUARY 29, 2019.

Proposed Project: Appeal by the Applicant of a decision by the Planning Commission to deny:

PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT: to consider a high school for 400 students (Summit School). The project includes interior and exterior improvements of an existing industrial building for an educational use, the installation of a tri-level mechanical lift parking structure in the rear serving 22 parking spaces, and a request for adjustment to the minimum parking requirements.

Location: 824 San Aleso Avenue (APN: 204-02-006)
File #: 2017-7986
Zoning: PPSP-NT - Peery Park Specific Plan - Neighborhood Transition
Applicant / Owner: Artik Art & Architecture (applicant) / 824 San Aleso, LLC (owner)
Environmental Review: The project is exempt from additional CEQA review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.
Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

Tuesday, May 7, 2019 - City Council

Closed Session

19-0272 5:00 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: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager
Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

Special Order of the Day

19-0198 6 P.M. SPECIAL COUNCIL MEETING
SPECIAL ORDER OF THE DAY - 2019 Earth Day Video and Poster Contest Winners
Location: Council Chambers

19-0199 SPECIAL ORDER OF THE DAY - Recognition of Green Businesses

19-0312 SPECIAL ORDER OF THE DAY - Teen Awareness Month

19-0313 SPECIAL ORDER OF THE DAY - Older Americans Month

Public Hearings/General Business

19-0220 Public Hearing and Adoption of Resolution to Confirm the Annual Report and Levy and Collect an Annual Assessment for the Downtown Sunnyvale Business Improvement District (BID) for Fiscal Year 2019/2020

19-0172 Green Building Program Update

19-0224 Consider Draft 2019 Housing and Urban Development (HUD) Action Plan

Tuesday, May 14, 2019 - City Council

Study Session

19-0101 6 P.M. SPECIAL COUNCIL MEETING ONLY (Study Session)
Board and Commission Interviews

Wednesday, May 15, 2019 - City Council

Study Session

19-0102 6 P.M. SPECIAL COUNCIL MEETING ONLY (Study Session)
Board and Commission Interviews

Tuesday, May 21, 2019 - City Council

Closed Session

19-0279 4:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section
54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager and City Attorney

Special Order of the Day

19-0093 6 P.M. SPECIAL COUNCIL MEETING
SPECIAL ORDER OF THE DAY - Department of Public Safety Special
Awards
Location: Council Chambers

19-0294 SPECIAL ORDER OF THE DAY - National Public Works Week

19-0314 SPECIAL ORDER OF THE DAY - Municipal Clerks Week

Public Hearings/General Business

19-0095 Agenda Items Pending - to be scheduled

Thursday, May 23, 2019 - City Council

Public Hearings/General Business

19-0103 8:30 A.M. SPECIAL COUNCIL MEETING
Budget Workshop

Tuesday, June 11, 2019 - City Council

Closed Session

19-0271 6:00 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: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager
Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

Public Hearings/General Business

19-0039 Appoint Applicants to Boards and Commissions

19-0356 Annual City Council Public Hearing on FY 2019/20 Budget and Resource Allocation Plan and Establishment of Appropriations Limit and Sunnyvale Financing Authority Public Hearing on FY 2019/20 Budget

19-0357 Annual Review of Proposed Fees and Charges for Fiscal Year 2019/20

19-0376 Proposed Utility Rate Increases for FY 2018/19 Rates for Water, Wastewater, and Solid Waste Utilities for Services Provided to Customers Within and Outside City Boundaries; Finding of CEQA Exemption Pursuant to Public Resource Code Section 21080(b)(8) and CEQA Guidelines Section 15273

Tuesday, June 18, 2019 - City Council

Closed Session

19-0273 6:00 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: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager
Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

Special Order of the Day

19-0075 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and Commission Members

Public Hearings/General Business

19-0362 Report on California Voting Rights Act Community Education and Outreach Phase I and Potential Direction on Substance of a March 2020 Ballot Measure to Amend the City Charter to Implement City Council By-District Elections

Tuesday, June 25, 2019 - City Council**Closed Session**

- 19-0324** 5:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney
- 19-0274** 6:00 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: Tina Murphy, Director of Human Resources; Kent Steffens, City Manager
Employee organization: Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA)

Public Hearings/General Business

- 18-0289** Updates to the Murphy Station Heritage Landmark District Design Guidelines
- 19-0319** FY 2019/20 General Fund Human Services Grant Funding Allocations
- 19-0327** Adopt a Resolution to Approve the Final Engineer's Report, Confirm the Assessment, and Levy and Collect an Annual Assessment for The Downtown Parking Maintenance District for Fiscal Year 2019/20
- 19-0358** City Council Adoption of the FY 2019/20 Budget, Fee Schedule, and Appropriations Limit and Sunnyvale Financing Authority Adoption of the FY 2019/20 Budget

Tuesday, July 16, 2019 - City Council**Special Order of the Day**

- 19-0315** SPECIAL ORDER OF THE DAY - Parks and Recreation Month

Public Hearings/General Business

- 19-0369** Provide a Comprehensive Review and Update of Title 6 (Animals) of the Sunnyvale Municipal Code to Amend, Modernize, and Reorganize Content

Tuesday, July 30, 2019 - City Council**Public Hearings/General Business**

- 19-0108** Agenda Items Pending - to be scheduled

Tuesday, August 13, 2019 - City Council

Study Session

19-0110 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews (as needed)

Public Hearings/General Business

19-0126 2019 2nd Quarterly Consideration of General Plan Amendment Initiation
Requests

Tuesday, August 27, 2019 - City Council

Public Hearings/General Business

19-0230 Appoint Applicants to Boards and Commissions (as needed)

Tuesday, September 10, 2019 - City Council

Special Order of the Day

19-0232 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and
Commission Members (as needed)

19-0316 SPECIAL ORDER OF THE DAY - Senior Initiative - Active Aging Week

Public Hearings/General Business

19-0096 Agenda Items Pending - to be scheduled

Tuesday, September 24, 2019 - City Council

Public Hearings/General Business

19-0112 Agenda Items Pending - to be scheduled

Tuesday, October 8, 2019 - City Council

Special Order of the Day

19-0317 SPECIAL ORDER OF THE DAY - Arts and Humanities Month

Public Hearings/General Business

19-0113 Agenda Items Pending - to be scheduled

Tuesday, October 29, 2019 - City Council

Closed Session

19-0325 6:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section
54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

Public Hearings/General Business

19-0114 Agenda Items Pending - to be scheduled

Tuesday, November 5, 2019 - City Council

Study Session

19-0228 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews (as needed)

Tuesday, November 12, 2019 - City Council

Closed Session

19-0278 6:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section
54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager and City Attorney

Public Hearings/General Business

19-0127 2019 3rd Quarterly Consideration of General Plan Amendment Initiation
Requests

Tuesday, December 3, 2019 - City Council

Closed Session

19-0276 6:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section
54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

Public Hearings/General Business

19-0231 Appoint Applicants to Boards and Commissions (as needed)

Tuesday, December 10, 2019 - City Council

Closed Session

19-0326 5:00 P.M. SPECIAL COUNCIL MEETING (Closed Session)
Closed Session held pursuant to California Government Code Section
54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager and City Attorney

Study Session

19-0234 6:45 P.M. SPECIAL COUNCIL MEETING (Study Session)
Discussion of Upcoming Selection of Vice Mayor for 2020

Special Order of the Day

19-0233 SPECIAL ORDER OF THE DAY - Ceremonial Oath of Office for Board and
Commission Members (as needed)

Public Hearings/General Business

19-0247 Adopt a Resolution Approving the City Council Regular Meeting Calendar for
2020 through February 2021

Tuesday, January 7, 2020 - City Council

Public Hearings/General Business

19-0119 Agenda Items Pending - to be scheduled

Tuesday, January 14, 2020 - City Council

Public Hearings/General Business

19-0120 Agenda Items Pending - to be scheduled

Thursday, January 30, 2020 - City Council

Public Hearings/General Business

19-0123 8:30 A.M. SPECIAL COUNCIL MEETING
Strategic Session - Policy Prioritization Workshop
Location: TBD

Tuesday, February 4, 2020 - City Council

Study Session

19-0229 6 P.M. SPECIAL COUNCIL MEETING (Study Session)
Board and Commission Interviews (as needed)

Public Hearings/General Business

19-0128 2019 4th Quarterly Consideration of General Plan Amendment Initiation
Requests

Tuesday, February 25, 2020 - City Council

Public Hearings/General Business

19-0122 Agenda Items Pending - to be scheduled

Thursday, February 27, 2020 - City Council

Public Hearings/General Business

19-0124 8:30 A.M. SPECIAL COUNCIL MEETING
Study/Budget Issues Workshop

Date to be Determined - City Council

Public Hearings/General Business

18-0416 Eco-district Feasibility and Incentives (Study Issue ESD 13-05C)

18-0653 Approve the Bernardo Avenue Undercrossing Design Options and Selection
of a Preferred Design Alternative



City of Sunnyvale

Agenda Item

19-0348

Agenda Date: 3/26/2019

Information/Action Items

Information/Action Items - Council Directions to Staff

Date	Directive/Action Required	Dept	Due Date	Completed
5/8/18	Provide information report to Council on the findings when the speed survey for Caribbean is complete.	DPW	Mar 2019	
5/25/18	Bring back the sales tax chart by City when the Council considers the El Camino Real Precise Plan update	CDD	Fall 2019	
7/17/18	Staff to work with the Chamber of Commerce in gathering information or making a recommendation on what options may be available to the hotels to encourage occupancy on the weekend.	OCM	Apr 2019	
8/28/18	Staff to provide quarterly updates to Council on ERP implementation progress	OCM	Apr 2019	
12/18/18	Conduct a special audit of the Capital Improvement Project reserves and bring findings back	FIN	May 2019	
2/7/19	Produce quarterly report on staff vacancies and include, actual staff total numbers for each department, including part-time positions.	HRD	Apr 2019	
2/7/19	More data on employee commuting information, can staff provide a map based on employee home addresses.	HRD	Apr 2019	
2/7/19	Once more data is available, would be helpful for Council to receive periodically the Hiring Manager Satisfaction Survey results mentioned on slide 24.	HRD	Jul 2019	
2/7/19	Council to receive annual report on new and closed business	OCM	Mar 2019	
3/5/19	Provide any documentation, that the City already has developed, on the criteria used for green paint for bike lanes.	DPW	Apr 2019	
3/5/19	Provide any data the City has in place on traffic flow on Mary Avenue to identify traffic and bicycle usage both before and after the addition of the bike lanes.	DPW	Apr 2019	

New Study/Budget Issues Sponsored by Council

Date Requested	Study/Budget Issue Topic	Requested By	Dept	Approved by City Manager
N/A	No Items Proposed			



City of Sunnyvale

Agenda Item

19-0349

Agenda Date: 3/26/2019

Board/Commission Meeting Minutes



City of Sunnyvale

Meeting Minutes - Draft Bicycle and Pedestrian Advisory Commission

Thursday, February 21, 2019

6:30 PM

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

CALL TO ORDER

Chair Cordes called the meeting to order at 6:37 p.m.

SALUTE TO THE FLAG

Chair Cordes led the salute to the flag.

ROLL CALL

Present 6 - Chair John Cordes
Vice Chair Susan Bremond
Commissioner Richard Mehlinger
Commissioner Leia Mehlman
Commissioner Timothy Oey
Commissioner Kyle Welch
Absent 1 - Commissioner Scott Swail

Status of an absence: Commissioner Swail (excused)
Council Liaison Member Glenn Hendricks (present)

ORAL COMMUNICATIONS

Council Member, Glenn Henricks, introduced himself as the BPAC Council Liaison for the first half of 2019.

Kevin Jackson, member of the public, commented that the re-timing of the signal lights on Fremont Avenue and Mary Avenue create a long wait time for the side streets and questioned whether or not the re-timing is following the guidelines of the Compete Streets Policy.

Alejandro Marti, member of the public, would like to see bike lanes on North Sunnyvale Avenue and requested BPAC to raise this issue with the City Council.

Commissioner Oey stated that he will be biking from Sunnyvale to Boston, giving 90 presentations in 90 days. One of the topics will be the Energy Innovation and Carbon Divident Act, which is a bipartisan bill currently going to Congress.

CONSENT CALENDAR

- 1.A** [19-0248](#) Approve the Bicycle and Pedestrian Advisory Commission Meeting Minutes of January 17, 2019.

Approve the Bicycle and Pedestrian Advisory Commission Meeting Minutes of January 17, 2019, as submitted.

Vice Chair Bremmond requested a change to the draft minutes.

Commissioner Oey moved and Commissioner Mehlman seconded the motion to approve the Bicycle and Pedestrian Advisory Commission Meeting minutes of January 17, 2019, as amended. The motion was carried by the following vote:

Yes 6 - Chair Cordes
 Vice Chair Bremond
 Commissioner Mehlinger
 Commissioner Mehlman
 Commissioner Oey
 Commissioner Welch

No 0

Absent 1 - Commissioner Swail

PUBLIC HEARINGS/GENERAL BUSINESS

- 2.** [19-0249](#) VTA BPAC Updates

Dave Simons, VTA/BPAC Representative, mentioned that at the last VTA BPAC meeting, they discussed the Transit Service Policy, the Transit Speed Policy and the criteria for the BPAC Capital Projects Competitive Grant. Mr. Simons pointed out that the route to connect Ross Avenue going over SR 237 to Mary Avenue on the South and Moffett Park Drive to the North is not included in the list of Sunnyvale projects to obtain VTA funding and he suggests re-adding it to the list of projects.

- 3.** [19-0250](#) Sunnyvale Annual Children's Art Festival

Bill Rupel, from the Sunnyvale Community Theater, requested to have volunteers

from the BPAC to help valet bike parking at the Hands on the Arts Festival on Saturday, May 18, from 10 a.m. to 4 p.m. at the Sunnyvale Community Center. Mr. Rupel also welcomed any suggestions that would help facilitate bikes at the event.

4. [19-0255](#) Discussion of Utility Bill Concepts

Lillian Tsang, Principal Transportation Engineer, asked the Commissioners to provide their input on the Utility Bill Stuffer. The commissioners discussed several ideas. Ms. Tsang will present the ideas to the graphic designer and submit a draft to the Commissioners at the next BPAC meeting.

Council Member Hendricks suggested to keep it simple, not complex.

5. [19-0256](#) Discussion of TDA Funding

Ms. Tsang provided a list of bicycle and pedestrian project ideas where the Transportation Development Act (TDA) funding could be used.

1. Install Green Bicycle Pavement Markings at 4-5 locations.
2. Install ADA compliant curb ramps at 5 locations.
3. Java Drive Road Diet Project - as matching fund.
4. Active Transportation Plan - as contingency fund.
5. Install a pedestrian crossing on California Avenue at Pajaro Avenue.

Commissioner Mehlinger asked if a 4-way stop at the intersection of Pajaro Avenue and California Avenue had been considered. Ms. Tsang explained that the location was analyzed but it does not meet the warrant to convert the traffic control into a 4-way stop control intersection.

Chair Cordes would like to add: Upgrading Off Street Pathways, to the staff's recommended list to include the following locations:

1. Bicycle Pedestrian Bridge on The Dalles Aveune over SR 85.
2. Bicycle Pedestrian Bridge east of Fair Oaks Avenue over US 101.
3. Bicycle Pedestrian Path on the east end of Evelyn Avenue between Reed Avenue and Cassia Way.
4. Bicycle Pedestrian Path between SR 85 and Bernardo Avenue north of Homestead Road.

Mr. Simons noted that Caltrans District 4 has money allotted for non-ADA

replacement capital projects, on a complaint basis only and that some of these recommended projects may be eligible.

Mr. Jackson noted that TDA funding is best used to pay for things that cannot be funded any other way.

Chair Cordes recommended that the Commissioners give staff a list of projects in the order of priority.

Commissioner Mehlinger moved and Commissioner Oey seconded the motion to rank the projects for the TDA funding in the following order.

1. Upgrade off-street pathways.
2. Install ADA compliant curb ramps at the 5 locations proposed by staff plus an additional ramp at Angel Avenue near Sunnyvale Caltrain Station.
3. Install a pedestrian crossing on California Avenue at Pajaro Avenue.
4. Java Drive Road Diet - as matching fund.
5. Active Transportation Plan - as contingency fund.
6. Install Green Bicycle Pavement Markings at 4-5 locations.

The motion was carried by the following vote:

Yes 6 - Chair Cordes
Vice Chair Bremond
Commissioner Mehlinger
Commissioner Mehlman
Commissioner Oey
Commissioner Welch

No 0

Absent 1 - Commissioner Swail

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

6. [19-0253](#) Improve Bicycle and Pedestrian Access near Sunnyvale Caltrain Station

Commissioner Mehlinger spoke as to why he recommends this Study Issue.

Commissioner Mehlinger moved and Commissioner Mehlman seconded the motion to add Improve Bicycle and Pedestrian Access near Sunnyvale Caltrain Station as a Study Issue. The motion was carried by the following vote:

Yes 6 - Chair Cordes
Vice Chair Bremond
Commissioner Mehlinger
Commissioner Mehlman
Commissioner Oey
Commissioner Welch

No 0

Absent 1 - Commissioner Swail

7. [19-0254](#) Convert Existing Painted Bicycle Lanes into Protected Bicycle Lanes

Mr. Simons gave his recommendations on this topic.

Mr. Marti expressed his concerns with loading trucks stopping in the bike lanes.

Commissioner Oey voiced his thoughts on this topic.

Commissioner Bremmond requested more detailed information on this study issue.

Commissioner Mehlinger would like to brainstorm with other Commissioners to finetune this study issue and present it at the next meeting.

Chair Cordes noted that this issue should be part of the Bicycle Master Plan Update.

Commissioner Bremmond is in favor of the study issues just in case some issues do not make it onto the Bicycle Master Plan.

Commissioner Mehlinger moved to add Bi-Directional Bike Lane on Evelyn Avenue to Mountain View as a study issue. Commissioner Mehlman seconded the motion.

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Commissioner Mehlman suggested to have a BPAC page to increase BPAC

exposure to residents and to add an interactive bike map on the City website.

Commissioner Oey requested an update on the Stevens Creek Trail Feasibility Study.

Commissioner Mehlinger, requested staff to look into loading trucks blocking bike lanes on Wolfe Road and Arques Avenue.

Chair Cordes announced that Bike to Work Day will be held on May 9. Mr. Cordes also indicated that Google is looking for Cities to partner with to explore "no stopping for through bicyclist" at controlled interesections.

-Staff Comments

Ms. Tsang reminded the Commissioners that if they are unable to attend a meeting they must email the Chair, Ms. Tsang and Mr. Gacia indicating the reason for the absence.

Ms. Tsang also requested volunteers for the Bike to Work Day event and announced the following events:

-Homestead Road Corridor Meeting: Monday, February 25, at 6:00 p.m. at Homestead High School.

-Caltrain Electrification Community Meeting: Thursday, March 7, 6:30 p.m. at Washington Park.

-LSAP Sense of Place Community Outreach Meeting: Wednesday, March 6, 6:30 p.m. at Ponderosa Park.

-Fit and Fun Fair: Saturday, April 27, 11:00 a.m. - 3:00 p.m. at Columbia Neighborhood Center.

-Climate Action Playbook: There will be a joint study session with the Sustainability Commission, the Planning Commission and BPAC in March or early April.

-The Lime Bike will stop the Dockless Bike Share Program in Sunnyvale on March 15 due to the change in the company's business focus.

-Per the request of the Commissioners, the Director of Public Works is scheduled to give a brief introduction at the May meeting.

INFORMATION ONLY REPORTS/ITEMS

[19-0251](#) Active Items List-February 2019

[19-0252](#) BPAC 2019 Annual Work Plan

ADJOURNMENT

Chair Cordes adjourned the meeting at 8:50 p.m.



City of Sunnyvale

Meeting Minutes - Draft Arts Commission

Wednesday, February 20, 2019

7:00 PM

Neighborhood Room - Recreation Center,
Sunnyvale Community Center, 550 E.
Remington Dr., Sunnyvale, CA 94087

CALL TO ORDER

Vice Chair Eskridge called the meeting to order at 7:04 p.m. in the Neighborhood Room at the Recreation Center.

SALUTE TO THE FLAG

Vice Chair Eskridge led the salute to the flag.

ROLL CALL

Present: 4 - Vice Chair Dawna Eskridge
Commissioner Jeremie Gluckman
Commissioner Julie Rogers
Commissioner Sue Serrone
Absent: 1 - Chair Susannah Vaughan

Chair Vaughan (excused)
Council Liaison Larsson (absent)

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

1 [19-0150](#) Approve the Arts Commission Meeting Minutes of January 16, 2019

Commissioner Serrone moved and Commissioner Gluckman seconded the motion to approve the Arts Commission meeting minutes of January 16, 2019 as submitted. The motion carried by the following vote:

Yes: 3 - Vice Chair Eskridge
Commissioner Gluckman
Commissioner Serrone

No: 0

Absent: 1 - Chair Vaughan

Abstain: 1 - Commissioner Rogers

Commissioner Rogers abstained due to her absence at the January meeting.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [19-0201](#) Approve Art in Private Development Project - Intuitive Surgical/1050 Kifer Road

Community Services Coordinator, Kristin Dance, introduced Ms. Cynthia Arteaga from Intuitive Surgical to the Commission. Ms. Arteaga gave an overview of Intuitive Surgical and introduced their artist, Mr. Jason Kelly Johnson.

Mr. Johnson provided a presentation on the proposed artwork to be located at 1050 Kifer Road. The presentation reviewed site specifics such as placement, consideration of vehicular/foot traffic and visibility, seating, the use of lighting at night and the surrounding landscape.

Commissioners expressed their appreciation of the artwork and the technical aspect of the fractals.

Commissioners inquired:

- Could the artwork be viewed from above?
- Is the artwork visible from Kifer Road?
- Will there be seating or lighting?
- How is the artwork reflective of Sunnyvale?
- Will there be a description of the artwork?

Mr. Johnson commented:

- The artwork could only be viewed from above by building occupants, not the general public, however, the artwork is a shadow maker and thus will make a reflection on the ground.
- The artwork is viewable from Kifer Road.
- Described how the bench seating and lighting will look.
- The artwork is reflective of Sunnyvale due to the interplay of arts and science.
- A plaque will be added the artwork and will include the name of the artist, the

name of the artwork and a brief description.

Commissioner Gluckman moved and Commissioner Serrone seconded the motion to approve the art with a friendly amendment that the plaque include a brief description of the art. The motion carried by the following vote:

Yes: 3 - Vice Chair Eskridge
Commissioner Gluckman
Commissioner Serrone

No: 1 - Commissioner Rogers

Absent: 1 - Chair Vaughan

Commissioner Rogers spoke towards her vote. She expressed concern with the lack of visibility to the artwork from above.

3 [19-0216](#) Approve Art in Private Development Project - Lane Partners/520 Almanor Ave.

Community Services Coordinator, Kristin Dance, introduced art consultant, Ms. Carol Dabb. Ms. Dabb then introduced, Mr. Gordon Huether, Artist. Mr. Huether provided a presentation on the proposed artwork to be located at 520 Almanor Ave. The presentation reviewed site specifics such as placement of the proposed artwork, consideration of vehicular traffic and visibility as well as the inspiration of the artwork.

The Commissioners inquired:

- Clarification regarding water cutting.
- If there was an example of similar artwork?
- Is artwork visible from the freeway or by pedestrians on the sidewalk?
- Concern on keeping the white artwork clean.
- Confirmation on installation.
- Would parking garage lighting be an issue?
- When would installation take place?

Mr. Huether commented:

- Explained the water cutting process.
- Similar artwork can be found at the Trans Bay Terminal in San Francisco.
- The Mathilda and 101 location ensures it can be viewed from the freeway and by pedestrians walking on the sidewalk.

- Ms. Dance provided a brief overview including how maintenance is part of the Art in Private Development ordinance.
- The art would be installed using bolts.
- The garage lighting would produce a light glow and does not pose an issue.
- Installation is estimated to place May 2020.

Commissioner Gluckman moved and Commissioner Serrone seconded the motion to approve the artwork as proposed. The motion carried by the following vote:

Yes: 4 - Vice Chair Eskridge
Commissioner Gluckman
Commissioner Rogers
Commissioner Serrone

No: 0

Absent: 1 - Chair Vaughan

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Commissioner Serrone inquired how she could access the presentations heard tonight. Staff informed her that they are available on the city's website.

-Staff Comments

Superintendent of Community Services, Damon Sparacino, reminded the commission that there would be a Special Meeting on Monday, February 25.

Commissioner Eskridge asked if attendance to the Special Meeting was mandatory. Superintendent Sparacino encouraged Commissioners to attend as many meetings as possible however, Special Meetings do not go against their attendance requirements.

ADJOURNMENT

Vice Chair Eskridge adjourned the meeting at 8:25 p.m.



City of Sunnyvale

Agenda Item

19-0396

Agenda Date: 3/26/2019

REPORT TO COUNCIL

SUBJECT

Boards and Commissions Semi-Annual Attendance Report, July - December 2018 (Information Only)

DISCUSSION

The semi-annual report of all City boards and commissions displays the attendance of each member at both regular and special meetings. This report includes attendance data for July to December 2018 and for the past 12 months as required by Council Policy 7.2.19, 2.H.(II).

The next attendance report will be provided to Council in July 2019, for the period of January - June 2019.

EXISTING POLICY

Council Policy 7.2.19, 2.H.(II): Council shall take into consideration board and commission member attendance records, including tardiness, when evaluating the overall performance of board and commission members. Unexcused absences from three consecutive regularly scheduled meetings, or from more than 25% of all regularly scheduled meetings over any twelve-consecutive month period, shall result in that member's seat being declared vacant by the City Clerk. The percent of regularly scheduled meetings attended shall only be shown for board and commission members having been in office at least six months.

City Charter Section 1005: If a member of a board or commission has three consecutive absences from regularly scheduled meetings, unless by permission of the board or commission expressed in its minutes, the Council will declare the member's seat vacant.

PUBLIC CONTACT

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

Prepared by: Kathleen Franco Simmons, City Clerk
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENT

1. Board and Commission Semi-Annual Attendance Report (January - December 2018)

Board and Commission Meeting Attendance (Regular and Special Meetings)
January 2018 - December 2018

ATTACHMENT 1

			January 0 June 2018							July 0 December 2018							Total: July 2017 0 June 2018			
Arts Commission	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 5			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		July 0 December 2018 Regular Meetings: 3			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 1		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences
			Pres.	EA	UA			Pres.	Absent	Pres.	EA	UA			Pres.	Absent				
Eskridge, Dawna	7/1/17	2021	4	1	0	1	5	0	0	3	0	0	0	3	1	0	8	88%	0	0%
Gluckman, Jeremie*	10/18/18	2021	0	0	0	0	0	0	0	1	0	0	0	1	1	0	1	100%	0	0%
Kiphuth, Roberta (Terminated 6/30/18)	7/1/14	2018	5	0	0	0	5	0	0	0	0	0	0	0	0	0	5	100%	0	0%
Koppel, David (Terminated 1/19/18)	7/1/15	2019	0	0	1	1	1	0	0	0	0	0	0	0	0	0	1	0%	1	100%
Laird, Darien (Terminated 5/7/18)	7/1/17	2021	3	2	0	2	5	0	0	0	0	0	0	0	0	0	5	60%	0	0%
Rogers, Julie	4/18/18	2019	2	0	0	0	2	0	0	3	0	0	0	3	1	0	5	100%	0	0%
Serrone, Sue*	10/18/18	2022	0	0	0	0	0	0	0	1	0	0	0	1	1	0	1	100%	0	0%
Vaughn, Susannah	7/1/16	2020	2	3	0	3	5	0	0	3	0	0	0	3	1	0	8	63%	0	0%
Bicycle and Pedestrian Advisory Commission	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 5			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		July 0 December 2018 Regular Meetings: 5			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences
			Pres.	EA	UA			Pres.	Absent	Pres.	EA	UA			Pres.	Absent				
Barry, Catherine (Terminated 7/1/17)	7/1/17	2020	2	1	2	3	5	0	0	0	0	0	0	0	0	0	5	40%	2	40%
Bremond, Susan	7/1/17	2021	4	1	0	1	5	0	0	5	0	0	0	5	0	0	10	90%	0	0%
Cordes, John	7/1/14	2018	4	1	0	1	5	0	0	5	0	0	0	5	0	0	10	90%	0	0%
Mehlinger, Richard*	10/16/18	2020	0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	100%	0	0%
Elizabeth L. Mehلمان*	10/16/18	2022	0	0	0	0	0	0	0	2	0	0	0	2	0	0	2	100%	0	0%
Oey, Timothy	7/1/16	2020	4	1	0	1	5	0	0	5	0	0	0	5	0	0	10	90%	0	0%
Rausch, Angela (Terminated 6/30/18)	7/1/14	2018	5	0	0	0	5	0	0	0	0	0	0	0	0	0	5	100%	0	0%
Swail, Scott	7/1/17	2021	4	1	0	1	5	0	0	4	1	0	1	5	0	0	10	80%	0	0%
Welch, Kyle	7/1/15	2019	4	1	0	1	5	0	0	5	0	0	0	5	0	0	10	90%	0	0%
Board of Building Code Appeals	Term Start	Terms Ends	January 0 June 2018 Regular Meetings: 0			Total Absences (EA+UA)	Eligible Regular Meetings	N/A		July 0 December 2018 Regular Meetings: 0			Total Absences (EA+UA)	Eligible Meetings	N/A		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences
			Pres.	EA	UA			Pres.	EA	UA	Pres.	EA			UA					
Grossman, Joshua	7/1/16	2019	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
Ketzel, Marc	11/28/17	2019	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
McNutt, Gregory	7/1/16	2020	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
Michitaka, Mike	7/1/16	2020	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
Shen, Yonghong	7/1/16	2021	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
Board of Library Trustees	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 4			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 1		July 0 December 2018 Regular Meetings: 3			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 1		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences
			Pres.	EA	UA			Pres.	Absent	Pres.	EA	UA			Pres.	Absent				
Bremond, Daniel	7/1/16	2020	4	0	0	0	4	1	1	2	1	0	1	3	1	0	7	86%	0	0%
Fong, Mason	8/23/17	2021	4	0	0	0	4	2	0	3	0	0	0	3	1	0	7	100%	0	0%
Hwang, Tina	7/1/16	2020	3	1	0	1	4	1	1	3	0	0	0	3	1	0	7	86%	0	0%
Isaak, Mark	11/18/15	2019	4	0	0	0	4	1	1	3	0	0	0	3	1	0	7	100%	0	0%
Lai, Carey	7/1/14	2018	3	1	0	1	4	2	0	3	0	0	0	3	1	0	7	86%	0	0%

*New member; attendance percentage shown may be less than 6 months.
**New member; no meetings attended during report period.
Pres.=Present
EA=Excused Absence
UA=Unexcused Absence

Board and Commission Meeting Attendance (Regular and Special Meetings)
January 2018 - December 2018

			January 0 June 2018						July 0 December 2018						Total: July 2017 0 June 2018					
Heritage Preservation Commission	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 4			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		July 0 December 2018 Regular Meetings: 3			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences
			Pres.	EA	UA			Pres.	Absent	Pres.	EA	UA			Pres.	Absent				
Caroompas, Steve**	11/1/18	2020	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	0	0%
Dietrich, Hannalore	9/17/14	2018	4	0	0	0	4	0	0	0	0	0	0	0	0	4	100%	0	0%	
Gaudenti, Shanna**	11/1/18	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	0	0%	
Holthaus, Melanie (Terminated 0 2/28/17)	2/28/17	2020	3	1	0	1	4	0	0	0	0	0	0	0	0	4	75%	0	0%	
Hopkins, Dawn	7/1/15	2019	4	0	0	0	4	0	0	3	1	0	1	4	0	0	8	88%	0	0%
Larsen, Dixie	2/12/14	2021	4	0	0	0	4	0	0	3	1	0	1	4	0	0	8	88%	0	0%
Michitaka, Mike	7/1/16	2020	4	0	0	0	4	0	0	3	0	0	0	3	0	0	7	100%	0	0%
Mouritsen, Dale (Terminated 6/30/18)	7/1/14	2018	3	1	0	1	4	0	0	0	0	0	0	0	0	4	75%	0	0%	
Valenzuela, Kenneth	8/12/15	2019	4	0	0	0	4	0	0	3	0	0	0	3	0	0	7	100%	0	0%
Wu, David	7/1/18	2022	0	0	0	0	0	0	0	3	0	0	0	3	0	0	3	100%	0	0%
Housing and Human Services Commission	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 1			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 3		July 0 December 2018 Regular Meetings: 2			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 3		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences
			Pres.	EA	UA			Pres.	Absent	Pres.	EA	UA			Pres.	Absent				
Evans, Patti	7/1/15	2019	1	1	0	1	2	1	2	2	0	0	0	2	1	2	4	75%	0	0%
Gilbert, Diana	7/1/17	2021	2	0	0	0	2	1	2	2	0	0	0	2	3	0	4	100%	0	0%
Grossman, Joshua	7/1/16	2020	2	0	0	0	2	3	0	2	0	0	0	2	3	0	4	100%	0	0%
Hiremath, Ken	7/1/17	2021	2	0	0	0	2	2	1	2	0	0	0	2	2	1	4	100%	0	0%
Kwok, Minjung	7/1/17	2021	1	1	0	1	2	3	0	2	0	0	0	2	2	1	4	75%	0	0%
Singh, Avanindar (Terminated 6/30/18)	3/1/17	2018	2	0	0	0	2	1	2	0	0	0	0	0	0	0	2	100%	0	0%
Stetson, Elinor	6/15/16	2020	2	0	0	0	2	1	2	2	0	0	0	2	2	1	4	100%	0	0%
Parks and Recreation Commission	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 3			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 3		July 0 December 2018 Regular Meetings: 4			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences
			Pres.	EA	UA			Pres.	Absent	Pres.	EA	UA			Pres.	Absent				
Alexander III, Henry	7/1/16	2020	2	0	1	1	3	2	1	4	0	0	0	4	0	0	7	86%	1	14%
Gabashvili, Irene (Terminated 6/30/18)	10/26/16	2019	2	1	0	1	3	2	1	0	0	0	0	0	0	0	3	67%	0	0%
Giri, Prakash*	10/18/18	2019	0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	100%	0	0%
Kenton, Ralph	7/1/17	2021	3	0	0	0	3	3	0	4	0	0	0	4	0	0	7	100%	0	0%
McCune, Daniel	7/1/17	2021	2	1	0	1	3	1	2	2	0	2	2	4	0	0	7	57%	2	29%
Pasqua, Craig	7/1/15	2019	3	0	0	0	3	2	1	3	1	0	1	4	0	0	7	86%	0	0%
Personnel Board	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 0			Total Absences (EA+UA)	Eligible Regular Meetings	N/A		January 0 June 2018 Regular Meetings: 0			Total Absences (EA+UA)	Eligible Regular Meetings	N/A		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences
			Pres.	EA	UA			Pres.	EA	UA	Pres.	EA			UA					
Brown, Justin	7/1/17	2021	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
Oberman, Traci	7/1/14	2018	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
Reguerin, Ericka	8/23/17	2019	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
Schmidt, Barbara	7/1/16	2019	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%
Selan, Patti	8/23/17	2020	0	0	0	0	0			0	0	0	0	0			0	N/A	0	0%

*New member; attendance percentage shown may be less than 6 months.
**New member; no meetings attended during report period.
Pres.=Present
EA=Excused Absence
UA=Unexcused Absence

Board and Commission Meeting Attendance (Regular and Special Meetings)
January 2018 - December 2018

			January 0 June 2018							July 0 December 2018							Total: July 2017 0 June 2018					
Planning Commission	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 12			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		January 0 June 2018 Regular Meetings: 11			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences		
			Pres.	EA	UA			Pres.	Absent	Pres.	EA	UA			Pres.	Absent						
Harrison, Sue	7/1/14	2018	12	0	0	0	12	0	0	9	2	0	2	11	0	0	23	91%	0	0%		
Howard, Daniel	3/1/17	2020	11	1	0	1	12	0	0	11	0	0	0	11	0	0	23	96%	0	0%		
Howe, John	10/26/16	2020	10	2	0	2	12	0	0	9	2	0	2	11	0	0	23	83%	0	0%		
Olevson, Ken	7/1/17	2021	11	1	0	1	12	0	0	9	2	0	2	11	0	0	23	87%	0	0%		
Rheume, Ken	7/1/14	2018	11	1	0	1	12	0	0	10	1	0	1	11	0	0	23	91%	0	0%		
Simons, David	7/1/15	2019	9	3	0	3	12	0	0	11	0	0	0	11	0	0	23	87%	0	0%		
Weiss, Carol	11/18/15	2019	12	0	0	0	12	0	0	8	3	0	3	11	0	0	23	87%	0	0%		
Sustainability Commission	Term Start	Term Ends	January 0 June 2018 Regular Meetings: 6			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 0		January 0 June 2018 Regular Meetings: 4			Total Absences (EA+UA)	Eligible Regular Meetings	January 0 June 2018 Special Meetings: 1		Total Eligible Meetings	Percentage of Attendance	Total Unexcused Absences	Percentage of Unexcused Absences		
			Pres.	EA	UA			Pres.	Absent	Pres.	EA	UA			Pres.	Absent						
Hafeman, Dan	7/1/15	2019	6	0	0	0	6	0	0	3	1	0	1	4	1	0	10	90%	0	0%		
Imbre, Adriana (Terminated 5/14/18)	8/23/17	2018	3	1	1	2	5	0	0	0	0	0	0	0	0	0	5	60%	1	20%		
Joesten, Stephen	7/1/17	2021	5	0	1	1	6	0	0	4	0	0	0	4	1	0	10	90%	1	10%		
Kunz, Douglas	7/1/18	2022	3	0	0	0	3	0	0	4	0	0	0	4	1	0	7	100%	0	0%		
Padgett, Shana	7/1/18	2022	0	0	0	0	0	0	0	3	1	0	1	4	0	1	4	75%	0	0%		
Paton, Bruce	7/1/17	2021	5	1	0	1	6	0	0	4	0	0	0	4	1	0	10	90%	0	0%		
Srivastava, Amit (Terminated 2/7/18)	7/1/14	2018	1	0	0	0	1	0	0	0	0	0	0	0	0	0	1	100%	0	0%		
Wickham, Kristel	7/1/16	2020	6	0	0	0	6	0	0	4	0	0	0	4	1	0	10	100%	0	0%		
Zornetzer, Steven	7/1/16	2020	4	2	0	2	6	0	0	4	0	0	0	4	1	0	10	80%	0	0%		

*New member; attendance percentage shown may be less than 6 months.
**New member; no meetings attended during report period.
Pres.=Present
EA=Excused Absence
UA=Unexcused Absence



City of Sunnyvale

Agenda Item

19-0397

Agenda Date: 3/26/2019

REPORT TO COUNCIL

SUBJECT

Board/Commission Resignation (Information Only)

DISCUSSION

This report is to inform the Council of the following resignation from a City board.

Justin Brown, who was appointed to the Personnel Board on July 1, 2017 and serving a term to expire June 30, 2021, has submitted a letter of resignation from the Board, effective April 1, 2019.

Recruitment for the Personnel Board vacancy is currently underway.

EXISTING POLICY

Administrative Policy, Chapter 1, General Management, Article 15, Section 2, Subdivision 8 states that when a resignation letter is received, staff shall prepare an Information Only Report to Council that indicates the resignation(s) and specifies the process that staff recommends to fill the new vacancy.

Administrative Policy, Chapter 1, General Management, Article 15, Section 2, Subdivision 1 provides the following guidelines for the administrative recruitment process:

A. The Office of the City Clerk shall conduct a continuous (year-round) campaign to recruit applicants to fill vacant seats on boards and commissions. The Office of the City Clerk will accept board and commission applications from interested eligible individuals at any time during the year, regardless of whether there are current vacancies or not. These applications will be kept for 12 months and considered as vacancies occur.

B. Staff shall use the following guidelines to conduct board and commission recruitments:

- (1) Applicants will be sought from all segments of the community.
- (2) All applicants will be required to complete a standard application form and a supplemental questionnaire and file the application with the Office of the City Clerk. Candidates applying for the same board or commission for which they were previously a member do not need to submit a new application. Candidates who were previously a member of a different board or commission must submit a new application. If and when Council determines it wants to hold interviews (interviews are not required to appoint board and commission members), a deadline for application submittals will be set. Applications that arrive after specified deadlines but before the actual interview date will be identified as "late" but shall be submitted to Council for its consideration along with applications submitted on time and for which interviews are scheduled.

(3) Applicants will be provided information regarding the board or commission's function and responsibility, the selection process for filling vacancies, and the general attributes that Council is looking for in a board and commission member.

C. Staff is encouraged to assist in the recruitment process by identifying potential candidates and referring them or providing their contact information to the Office of the City Clerk. However, staff shall not lobby for or otherwise attempt to influence the selection process beyond the recruitment activity. No recommendation shall be provided by staff for a candidate, with the exception of the Personnel Board as outlined in Council Policy 7.2.19.

D. A Report to Council (RTC) shall be provided when board or commission vacancies occur, outlining Council's options relative to filling said vacancies.

E. Interviews of board and commission applicants by Council shall be conducted as determined by the City Clerk. All new applicants shall be scheduled for an interview with the City Council prior to Council making appointments if they meet the application deadline for the recruitment process and have not been interviewed within the past 12 months. All incumbent applicants shall be scheduled for an interview with Council whether or not they were previously interviewed in the last 12 months. It shall be the prerogative of the Council to consider and/or appoint applicants who fail to meet application deadlines and/or are not interviewed in advance of scheduled appointments.

Council Policy 7.2.19 Section 2. B. (III)(b) provides the following specific membership requirements for the Charter-created Personnel Board:

To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position, nor be a former City employee. (Source: City Charter Section 1007)

No individual shall be eligible to or continue to serve on the Personnel Board who has a spouse, household member, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), employed by the City of Sunnyvale in a position which has the right to have a disciplinary matter heard before the Personnel Board.

Two of the five members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. (Source: City Charter Section 1007)

PUBLIC CONTACT

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

Prepared by: Kathleen Franco Simmons, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



City of Sunnyvale

Agenda Item

19-0290

Agenda Date: 3/26/2019

REPORT TO SUCCESSOR AGENCY

SUBJECT

Approve the Third Amendment to Outside Counsel Agreement with Goldfarb Lipman for Town Center Development Matters

REPORT IN BRIEF

Approval is requested for a Third Amendment to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to assist the Agency Counsel with legal matters pertaining to the former Redevelopment Agency of the City of Sunnyvale (former Redevelopment Agency), the development of the Town Center Project and related real estate matters and other advisory services that may be needed by the Agency Counsel. This Third Amendment is needed to cover the costs associated with the above work and will increase the not-to-exceed amount of the Agreement by \$75,000 for a new not-to-exceed amount of \$275,000, and extended the term to June 2019.

BACKGROUND

Karen Tiedemann, a partner in the law firm Goldfarb Lipman in Oakland, is a lawyer specializing in the areas of redevelopment law, redevelopment dissolution law, real estate transactions, affordable housing, nonprofit organization and environmental law. Ms. Tiedemann and her firm were retained by the Agency Counsel to represent the Successor Agency and provide legal services, consultation and advice concerning matters related to the former Redevelopment Agency, including the Town Center Project. The Agreement was originally entered on June 20, 2013, with an original not-to-exceed amount of \$50,000. In March 2016 and July 2016, a first amendment and second amendment were executed, which increased the not-to-exceed amount by \$50,000, and then by another \$100,000, for a total compensation amount of \$200,000. The term of the Agreement expires June 30, 2019.

DISCUSSION

The Goldfarb Lipman law firm has represented the City and the former Redevelopment Agency since 2001, and with dissolution of the former Redevelopment Agency has represented the Successor Agency pertaining to the redevelopment of the downtown area and related real estate matters and other advisory services that may be needed by the Agency Counsel. This assistance has been particularly valuable in conjunction with the Town Center Project.

The Goldfarb Lipman law firm will continue to provide specialized legal services in the areas of law discussed above and any issues arising from the 2016 Modified and Restated Amended Disposition and Development and Owner Participation Agreement (2016 MRADDOPA).

It is anticipated that the Successor Agency may incur an additional \$75,000 in legal fees for provision of the work discussed above. Therefore, it is necessary to amend the Agreement to increase the not to exceed amount by \$75,000, for a new not-to-exceed amount of \$275,000.

In addition, the term of the Agreement is set to expire on June 30, 2019. As the 1998 Parking Facility Certificates of Participation, which refunded existing debt on the Town Center parking facility, will be paid off on October 1, 2022, it is necessary to extend the term of the Agreement and staff recommends that the term be extended until December 31, 2022.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b) (4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

Funding for the Outside Counsel Agreement for Town Center development matters has been appropriated in the FY 2018/19 Redevelopment and Successor Agency Fund and was previously approved by the Local Oversight Board of the Successor Agency. Funding for FY 2019/20 has been approved by the Countywide Oversight Board of the Successor Agency and will be included in the FY 2019/20 Redevelopment and Successor Agency Fund. Funding for future years will follow the normal Successor Agency funding process upon approval of the Successor Agency's Administrative Budget by the Countywide Oversight Board of the Successor Agency.

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

Redevelopment Successor Agency:

Authorize the Agency Counsel to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$275,000 and extend the term to December 31, 2022.

Prepared by: Nichole Anglin, Paralegal

Reviewed and Approved by: John A. Nagel, Agency Counsel

ATTACHMENT

1. Draft Third Amendment to Outside Counsel Agreement

**THIRD AMENDMENT TO
OUTSIDE COUNSEL SERVICES AGREEMENT
BETWEEN THE SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUNNYVALE AND
GOLDFARB & LIPMAN LLP
(Former RDA Related Issues)**

THIS THIRD AMENDMENT TO OUTSIDE COUNSEL SERVICES AGREEMENT is entered into this ____ day of _____, 2019, by the SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUNNYVALE ("Agency"), a public agency organized and existing under Health and Safety Code section 34173 (g) and GOLDFARB & LIPMAN LLP, engaged in the practice of law in California ("Outside Counsel").

RECITALS

WHEREAS, on June 20, 2013, Agency and Outside Counsel entered into an agreement entitled, "Outside Counsel Services Agreement between the Successor Agency to the Redevelopment Agency of the City of Sunnyvale and Goldfarb & Lipman LLP (Former RDA Related Issues)" ("Agreement"); and

WHEREAS, on March 31, 2016, Agency and Outside Counsel entered into a first amendment to the Agreement extending the term and increasing the compensation by \$50,000 to a total compensation amount of \$100,000; and

WHEREAS, on July 28, 2016, Agency and Outside Counsel entered into a second amendment to the Agreement increasing the amount of total compensation allowed to \$200,000; and

WHEREAS, Agency and Outside Counsel desire to amend the Agreement to extend the term and increase the amount of total compensation allowed to \$275,000.

NOW, THEREFORE, the parties agree to amend the amended Agreement as follows:

1. Section 2.0 is hereby amended to read as follows:
 - 2.0. TIME OF PERFORMANCE.** The term of this Agreement shall from July 1, 2013 to December 31, 2022.
2. Section 3.0 is hereby amended to read as follows:
 - 3.0 COMPENSATION, REIMBURSEMENT AND METHOD OF PAYMENTS.**
 - 3.1 Compensation.** Fees for all legal services provided hereunder shall be charged in accordance with Exhibit "A" which is attached and incorporated by reference. Exhibit

“A” may be amended, from time to time, to alter fees and charges applicable hereto provided that a letter agreement is duly signed and approved by the Agency Counsel. The total amount of fees and expenses shall not exceed \$275,000. Outside Counsel shall notify the City prior to incurring billable costs in excess of 95% of the not-to-exceed amount.

3. Second Revised Exhibit A, “Fee Schedule” is amended to read as shown in Third Revised Exhibit A, attached and incorporated into this Third Amendment.

4. All of the terms and conditions of the amended Agreement not specifically modified by this Third Amendment shall remain in full force and effect.

WITNESS THE EXECUTION HEREOF on the day and year first written above.

SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE
CITY OF SUNNYVALE, a public agency
organized and existing under Health and
Safety Code section 34173 (g)

GOLDFARB & LIPMAN LLP, a professional
corporation

By _____
JOHN A. NAGEL
Agency Counsel

By _____
KAREN M. TIEDEMANN
Partner

Dated: _____

Dated: _____

THIRD REVISED EXHIBIT A

FEE SCHEDULE

HOURLY RATE

Partner	\$295-320
Senior Counsel	\$290-320
Associate	\$200-290
Senior Law Clerk	\$175
Law Clerk	\$140
Litigation Paralegal	\$160
Project Coordinator	\$160



City of Sunnyvale

Agenda Item

19-0292

Agenda Date: 3/26/2019

SUBJECT

Approve the Fifth Amendment to Outside Counsel Agreement with Goldfarb Lipman for Litigation Services Pertaining to the Three Lawsuits Related to the Dissolution of the Redevelopment Agency

REPORT IN BRIEF

Approval is requested for a Fifth Amendment to the Outside Counsel Agreement with the law firm of Goldfarb Lipman for legal services and representation of the City in the matter *Sunnyvale vs. Michael Cohen* (Sac SC #34-2015-80002067) ("Sunnyvale #3"), which concerns a 2012 Re-entered Agreement authorizing the Successor Agency to repay the City approximately \$12.5 million for the 1998 Certificates of Participation issued to refinance the former Redevelopment Agency prior debt for the construction of the downtown parking garage. The estimated costs related to the Fifth Amendment are associated with the briefing and potential oral argument related to the City's and Successor Agency's appeal of the trial court's decision. Consequently, it is necessary to request additional funding in the amount of \$75,000 for these services through the approval of the Fifth Amendment to the Outside Counsel Agreement.

BACKGROUND

Karen Tiedemann, a partner in the law firm Goldfarb Lipman in Oakland, is a lawyer specializing in the areas of real estate transactions, affordable housing, nonprofit organization and environmental law. Ms. Tiedemann and her firm were retained by the City Attorney under Section 908 of the City Charter to represent the City and provide legal services, consultation and advice concerning the above referenced cases in litigation. The Agreement was entered in June 24, 2013, and the First amendment was entered into in March 2016, with a not to exceed amount of \$160,000. The Second amendment was entered in October 31, 2016, with a not to exceed amount of \$200,000. The Third amendment was entered on April 17, 2017, with a not to exceed amount of \$220,000. The Fourth amendment was entered on July 2, 2018, with a current not to exceed amount of \$245,000. The term of the Agreement expires on May 18, 2019.

DISCUSSION

Goldfarb Lipman has represented the City and Successor Agency in many matters concerning the dissolution of the Redevelopment Agency during the past several years. In addition to providing representation in Sunnyvale #3, the firm has provided representation, including appellate review, in Sunnyvale #1 and Sunnyvale #2. The only remaining litigation concerning dissolution is Sunnyvale #3. The estimated costs related to the Fifth Amendment are associated with the briefing and potential oral argument related to the City's and Successor Agency's appeal of the trial court's decision. Consequently, it is necessary to request additional funding in the amount of \$75,000 for these services. through the approval of the Fifth Amendment to the Outside Counsel Agreement, for a new not-to-exceed amount of \$320,000.

In addition, the term of the Agreement is set to expire on May 19, 2019, it is necessary to extend the term and staff recommends that the term be extended for an additional three years or until May 19,

2022.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378 (b) (4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

Funding for RDA Counsel Fees for litigation services has been appropriated in the FY 2018/19 Redevelopment and Successor Agency Fund and was previously approved by the Local Oversight Board of the Successor Agency. Funding for litigation services in FY 2019/20 has been approved by the Countywide Oversight Board of the Successor Agency and will be included in the FY 2019/20 Redevelopment and Successor Agency 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

City Council:

Authorize the City Attorney to execute a Fifth Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$320,000.

Redevelopment Successor Agency:

Authorize the Agency Counsel to execute a Fifth Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Goldfarb Lipman to increase the not-to-exceed amount by \$75,000, for a new not-to-exceed contract amount of \$320,000.

Prepared by: Nichole Anglin, Paralegal

Reviewed and Approved by: John A. Nagel, City Attorney and Agency Counsel

ATTACHMENT

1. Draft Fifth Amendment to Outside Counsel Agreement

**FIFTH AMENDMENT TO
OUTSIDE COUNSEL SERVICES AGREEMENT
BETWEEN THE CITY OF SUNNYVALE AND THE
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
OF THE CITY OF SUNNYVALE AND
GOLDFARB & LIPMAN LLP
(FORMER RDA LITIGATION)**

THIS FIFTH AMENDMENT TO OUTSIDE COUNSEL SERVICES AGREEMENT is entered into this ____ day of _____, 2019, by the CITY OF SUNNYVALE (“City”), a municipal corporation, and the SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUNNYVALE, a public agency organized and existing under Health and Safety Code section 34173 (g) (“Agency”) and GOLDFARB & LIPMAN LLP, a California limited liability partnership (“Outside Counsel”).

RECITALS

WHEREAS, on June 24, 2013, City and Outside Counsel entered into an agreement entitled, “Outside Counsel Services Agreement between the City of Sunnyvale and the Successor Agency to the Redevelopment Agency of the City of Sunnyvale and Goldfarb & Lipman LLP” (“Agreement”); and

WHEREAS, Outside Counsel was retained to assist in the litigation matter of *Successor Agency to Redevelopment Agency of the City of Sunnyvale and City of Sunnyvale v. Matosantos, et al.*, Sacramento County Superior Court Case No. 34-2013-80001499 (Sunnyvale #1); and

WHEREAS, in October 2014, by a unanimous 7-0 vote, the City Council authorized the City Attorney to pursue appellate review, and now includes *Santa Clara Office of Education et al. vs Successor Agency to the Sunnyvale Redevelopment Agency* (Sac SC #34-2013-800001627) (“Sunnyvale #2”); and *Sunnyvale vs. Michael Cohen* (Sac SC #34-2015-80002067) (“Sunnyvale #3”); and

WHEREAS, on April 19, 2016, City and Outside Counsel entered into a First Amendment to the Agreement to extend the term and increase the amount of total compensation to a total not-to-exceed amount of \$160,000; and

WHEREAS, on October 31, 2016, City and Outside Counsel entered into a Second Amendment to the Agreement to increase the amount of total compensation to a total not-to-exceed amount of \$200,000; and

WHEREAS, on April 17, 2017, City and Outside Counsel entered into a Third Amendment to the Agreement to increase the amount of total compensation to a total not-to-exceed amount of \$220,000; and

WHEREAS, on July 2, 2018, City and Outside Counsel entered into a Fourth Amendment to the

Agreement to increase the amount of total compensation to a total not-to-exceed amount of \$245,000; and

WHEREAS, City and Outside Counsel desire to further amend the amended Agreement to extend the term and increase the amount of total compensation allowed by \$75,000, for a total not-to-exceed amount of \$320,000.

NOW, THEREFORE, the parties agree to amend the amended Agreement as follows:

1. Section 2.0 is hereby amended to read as follows:

2.0. TIME OF PERFORMANCE. The term of this Agreement shall be for a period of nine years, commencing May 20, 2013, and ending May 19, 2022.

2. Section 3.0 is hereby amended to read as follows:

3.0 COMPENSATION, REIMBURSEMENT AND METHOD OF PAYMENTS.

3.1 Compensation. Fees for all legal services provided hereunder shall be charged in accordance with Exhibit "A" which is attached and incorporated by reference. Exhibit "A" may be amended, from time to time, to alter fees and charges applicable hereto provided that a letter agreement is duly signed and approved by the City Attorney. The total amount of fees and expenses shall not exceed \$320,000. Outside Counsel shall notify the City prior to incurring billable costs in excess of 95% of the not-to-exceed amount.

3. Fourth Revised Exhibit A, "Fee Schedule" is amended to read as shown in Fifth Revised Exhibit A, attached and incorporated into this Fifth Amendment.

4. All of the terms and conditions of the amended Agreement not specifically modified by this Fifth Amendment shall remain in full force and effect.

WITNESS THE EXECUTION HEREOF on the day and year first written above.

CITY OF SUNNYVALE, a municipal
corporation

GOLDFARB & LIPMAN LLP, a California
limited liability partnership

By _____
JOHN A. NAGEL
City Attorney

By _____
KAREN M. TIEDEMANN
Partner

Dated: _____

Dated: _____

SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY
OF SUNNYVALE, a public agency organized
and existing under Health and Safety Code
section 34173 (g)

By _____
JOHN A. NAGEL
Agency Counsel

Dated: _____

FIFTH REVISED EXHIBIT A

FEE SCHEDULE

HOURLY RATE

Partner	\$295-320
Senior Counsel	\$290-320
Associate	\$200-290
Senior Law Clerk	\$175
Law Clerk	\$140
Litigation Paralegal	\$160
Project Coordinator	\$160