

RESPONSE TO COUNCIL QUESTIONS RE: 12/3/19 CITY COUNCIL AGENDA

Agenda Item #: 1.B

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

Council Question: Please provide more information about this payment: \$417,831 to REMINGTON LLC

Staff Response: This payment is pursuant to a reimbursement agreement with Remington LLC approved by the City Council on June 26, 2018 (RTC 18-0450) for the design and construction of a right-turn lane at the northeast corner of Remington Drive and Sunnyvale Saratoga Road.

Agenda Item #: 1.F

Title: Adopt a Resolution to Authorize a Priority Development Area in Moffett Park and Find that the action is exempt from CEQA

Council Question: Please specify the amount of funding opportunities that are available. Please provide examples of planning efforts and implementation projects that could be potentially funded.

Staff Response: At this time there is no specific funding that is being requested. Sunnyvale has received PDA related funding from MTC/ABAG for preparation (or update) of plans for Lawrence Station (\$450,000) and El Camino Real (\$565,000). In addition to planning and technical assistance grants, funding is also available for capital funds (e.g. parking strategies, sense of place, wayfinding, infrastructure upgrades and transportation improvements, etc.). There are limited opportunities to apply for PDA designation (Moffett Park Specific Plan area was not eligible in the past as there was previously no intent to study the potential for housing).

Council Question: By designating Moffett Park as a Priority Development Area now, are we presupposing housing in Moffett Park? Does ABAG grant PDA status only to job growth areas? Why apply now rather than when the Moffett Park Specific Plan is further along?

Staff Response: No, there is no presupposition to the final plan land use scenarios. The fact that housing is being studied is sufficient to qualify the area for potential future funding options.

Council Question: There's a typo in 1.F. The 3rd whereas should be "shared concept"

Staff Response: A revised resolution has been prepared (attached).

Agenda Item #: 4

Title: Approve a New Council Policy on Display of Ceremonial and/or Commemorative Flags at City Hall (Study Issue); and Adopt a Resolution in Accordance with Such Policy to Authorize the Annual Display of the Pride Flag at City Hall

Council Question: Would the resolution for a specific flag always need to be an agendized item, or could it be part of consent agenda?

Staff Response: Consent calendar items permit routine matters or non-controversial issues such as resolutions, second reading of ordinances, contracts, etc. to be handled by one motion. A resolution

for approval of flying a particular flag, in accordance with the new policy, can be approved on the consent calendar or as a public hearing.

Council Question: It seems that we have made things too complex.

To fly the Gay Pride Flag - we have to approve a resolution - excellent. We have that covered.

But, what if we wanted to fly the POW/MIA flag? We have to remember to get a Resolution on the Council agenda with enough advance notification?

The Mayor does not need a resolution to write a letter or make a Proclamation. Why couldn't we have copied the same language that gives the Mayor that authority and used that to give the Mayor authority about flying flags.

Then we would have authority and accountability and timeliness.

Would it be possible to draft a Resolution (for a future meeting) that would give the Mayor the power to approve flying flags the same way he approves Proclamations and other things he signs?

Staff Response: The authority being proposed to be granted to the Mayor is an administrative power and not a legislative power. Generally, a city may delegate specific administrative power to subordinate boards or persons subject to imposition of standards that constrain the discretion of the board or person. The City Council has adopted a Statement of Our City Values and Public Service, which is referenced in the proposed City Council Policy (See Policy Statement Number 2). If the City Council determines that this Statement is sufficient to serve as the guiding document for the Mayor to decide on which ceremonial or commemorative flags to display or fly, then the City Council can delegate the authority to the Mayor. The delegation can occur through the amendment of the proposed policy and no resolution would be needed. Policy Statement Number 3 A could be amended to read:

A. Shall be displayed only upon the written approval of the Mayor.

If the City Council determines that this Statement is not adequate, then it is recommended that the City Council discuss and determine what other standards the City Council would desire to impose upon the Mayor and amend the Council Policy accordingly.

If the Council's preference is to grant this authority through the adoption of a resolution, then it is recommended that Council directs staff to return with a resolution that encompasses the purpose and policy statements articulated in the draft Council Policy and with an explicit grant of authority to the Mayor.

If the Council adopts the Policy as drafted and also adopts a resolution granting authority to the Mayor, then the two documents would be in conflict.

Agenda Item #: 5

Title: Award of Bid No. PW20-03 to Hagensen Pacific Construction, Inc. for the Washington Community Swim Center and Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project

Council Question: Surprised that Council didn't get the "standard" Alternatives, and only saw a recommendation in the RTC. Was this an oversight?

Staff Response: This item was originally a consent item that was changed to public hearing. When changed, the alternatives were inadvertently left off, which should have been as follows:

1. Make the findings required by the California Environmental Quality Act as stated in the MND, as Attachment 2 to the report, adopt the Final Mitigated Negative Declaration, as Attachment 3 to this report, and Mitigation Monitoring and Reporting Program, as Attachment 4 to the report, for the project. Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$10,514,165 to Hagensen Pacific Construction, Inc. Authorize the City Manager to execute the contract when all necessary conditions have been met. Approve a 15% construction contingency in the amount of \$1,577,125.
2. Do not award the bid.
3. Take other action as determined by Council.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AUTHORIZING THE FILING OF AN APPLICATION FOR PRIORITY DEVELOPMENT AREA DESIGNATION UNDER THE PLAN BAY AREA 2040 PROGRAM FOR THE MOFFETT PARK SPECIFIC PLAN AREA

WHEREAS, the Association of Bay Area Governments and the Metropolitan Transportation Commission are undertaking a regional planning initiative called Plan Bay Area 2040; and

WHEREAS, Plan Bay Area 2040 program goals support a future regional development pattern that is compact and connected; and

WHEREAS, the regional agencies seek local government partners to create a specific and shared concept of where growth can be accommodated (priority development area) and what areas need protection (priority conservation area) in the region; and

WHEREAS, a priority development area must meet all of the following criteria: (a) within an existing community; (b) near existing or planned fixed transit (or served by comparable bus service); and (c) is planned, or is planning, for more housing and/or employment; and

WHEREAS, local governments in the nine-county San Francisco Bay Area are eligible to apply for designation of an area within their community as a priority development area; and

WHEREAS, the regional agencies are committed to securing incentives and providing technical assistance to designated priority development areas so that positive change can be achieved in communities working to advance focused growth.

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

1. The City Council supports the City's involvement in the Plan Bay Area 2040 process and authorizes the execution and filing of an application for a Priority Development Area Designation.
2. The City Council authorizes submitting an application to designate those areas within the City of Sunnyvale identified in Exhibit A attached hereto as priority development areas including:
 - Moffett Park, a PDA
3. A copy of this resolution will be transmitted to the Association of Bay Area Governments as part of the PDA application process.

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

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

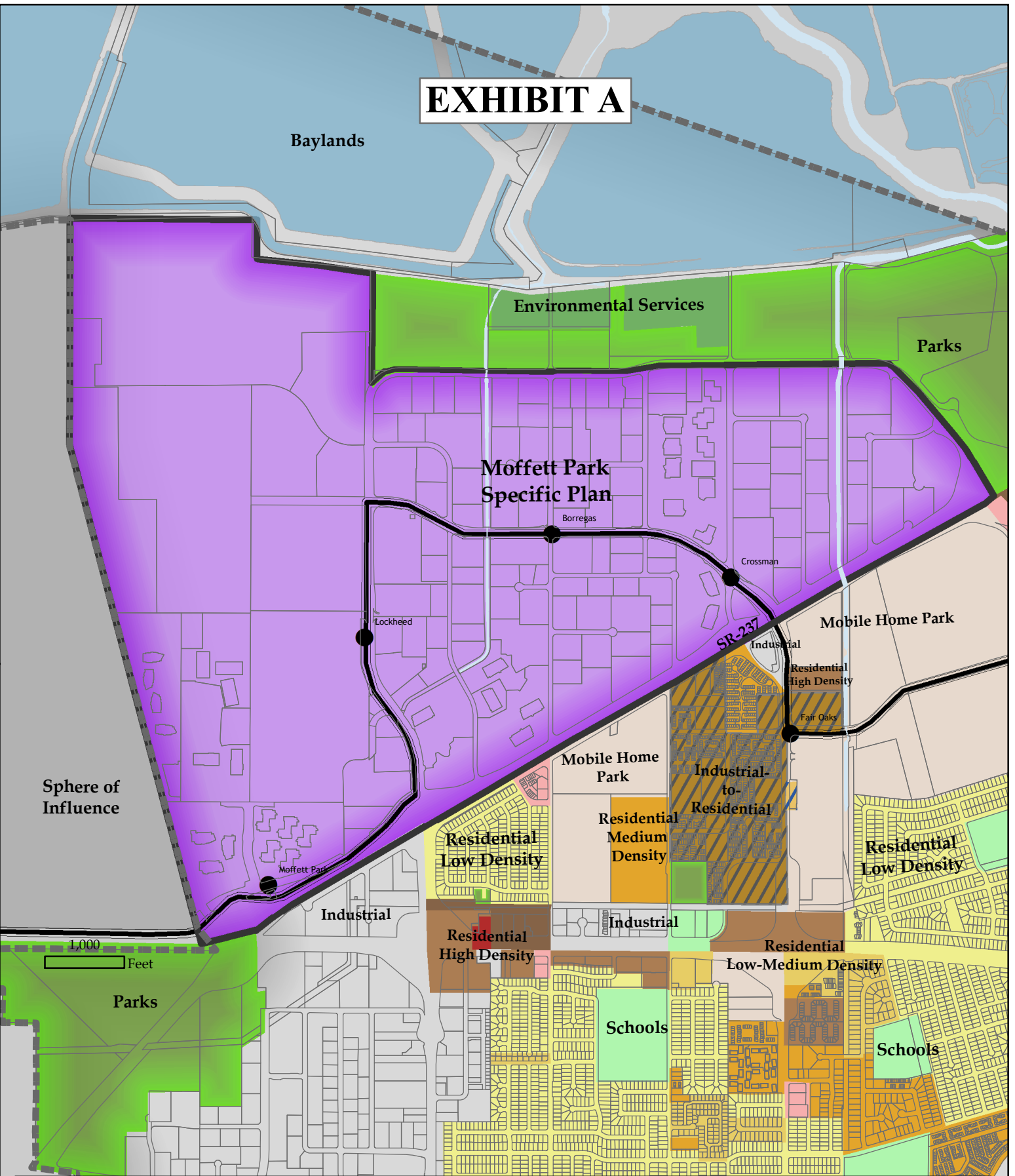
City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A



 **City of Sunnyvale**
Proposed PDA
General Plan
Moffett Park

- City Boundary
- parcel_Dynamic
- Boundary of Moffett Park
- Light Rail Stations
- Light Rail Line