



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 21-0153, Version: 1

REPORT TO COUNCIL

SUBJECT

Approval of Final Park Design at One Redwood Place - Previous AMD Site and Authorize the City Manager to Execute the First Amendment to the Park Agreement by and Between the City of Sunnyvale and 1090 East Duane Avenue LLC

SUMMARY OF COMMISSION ACTION

The Parks and Recreation Commission considered the final park design on October 13, 2021.

The Parks and Recreation Commission voted 5-0 to approve the final design of AMD Park described in Attachment 6 with decomposed granite surfacing for the dog park.

REVISIONS FOLLOWING THE PARKS AND RECREATION COMMISSION

In the Discussion Section of the Parks and Recreation Commission RTC (RTC No. 21-0201) (Attachment 1), the Irvine Company estimated the replacement cost of the dog park synthetic turf in ten years to be between \$305,000 and \$340,000. The consultant later revised the estimate to approximately \$141,000. This information was provided verbally to the Parks and Recreation Commission when they considered this item.

The Park Agreement originally executed by and between the City of Sunnyvale and 1090 East Duane Avenue LLC on May 14, 2019 ("Park Agreement") calls for the Developer to construct and dedicate to the City a community park. Under the Park Agreement, the project budget is capped at \$12 million, and the City is obligated to contribute up to \$8 million. The amendments to the Park Agreement below are recommended to allow the new park to be completed as designed, even if the total cost of design and construction exceeds the agreed-upon \$12 million budget.

The Amendments would require the Developer to pay any additional costs to complete the project and retain the \$8 million cap on the City's contribution. The amendments would also allow the park to open sooner by authorizing the Developer to utilize contractors already mobilized at the site or available to start work immediately, rather than requiring a bidding process; and removing the requirement that the Developer remain responsible to maintain the completed improvements for six months prior to dedication and public use. The requested Amendments to the Park Agreement (Attachment 4) are summarized as follows:

Section	Existing	Amendment
2(c)	Calls for the project to not exceed \$12 million consisting of a \$4 million community benefit credit from Developer and up to \$8 million in City contribution	Allows the project to exceed \$12 million but retains the \$8 million cap on the City's contribution; requires Developer to pay any additional costs to complete the project
3(a)	Requires Preliminary Budget not exceed \$12 million; caps design at 10% of total budget and contingency at 10% of total budget	Allows the project to exceed \$12 million; requires Developer to pay any costs above \$12 million; acknowledges that the Preliminary Budget was approved prior to this Amendment
3(c)	Requires Final Budget not exceed \$12 million; caps contingency at 10% of total budget	Allows the project to exceed \$12 million; requires Developer to pay any costs above \$12 million; adds reference to DIR Determination Letter 2017-025 to explain that the Project is not a "public work" that requires prevailing wages be paid, but that Developer has agreed to voluntarily require pay prevailing wages in its construction contracts
3(d)	Requires Developer to receive at least 3 bids for the construction of the park improvements	Removes the bidding requirement; Developer can utilize existing or otherwise available contractors but must provide copies of construction contracts to the City
3(e)	Requires City approval of large change orders	City will not review or approve change orders that are consistent with the Construction Documents/design; City will review and approve any change orders not consistent with the approved Construction Documents
3(g)	Requires the project to be complete by December 31, 2021	Moves required completion date to June 30, 2022; requires Developer to reasonably schedule plantings and turf installation to allow plantings as much time as possible to establish

3(h)	Requires Developer to maintain the park improvements for at least six months prior to dedicating those improvements to the City for public use	Removes the requirement that Developer maintain the improvements for six months; requires Developer to provide the Parkland Deed for City's review and approval;
4	Requires Developer to maintain the park improvements for at least six months and provide a one-year warranty bond in the amount of \$3 million	Removes the requirement that Developer maintain the improvements for six months but retains the requirement that Developer warranty the improvements for one year, secured by \$3 million warranty bond; requires Developer to reimburse actual costs, up to \$50,000, for watering the Parkland for the first six months after City's acceptance
5(a)	Requires a "true-up" of costs upon completion of the project	Added language to specify that the City's contribution shall be 2/3 of the total project cost at or below \$12 million; total City contribution is capped at \$8 million if project costs exceed \$12 million

PUBLIC CONTACT

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

ALTERNATIVES

1. Approve the final design of AMD Park described in Attachment 6 of this report with decomposed granite surfacing for the dog park and Authorize the City Manager to sign the First Amendment to the Park Agreement, in substantially the same form as in Attachment 2 of this report, by and between the City of Sunnyvale and 1090 East Duane Avenue LLC.
2. Approve the final design of AMD Park described in Attachment 6 of this report with an alternative surfacing other than decomposed granite for the dog park, direct staff to return to Council with budget modification to fund the alternative surfacing and upon approval of the budget modification Authorize the City Manager to sign the First Amendment to the Park Agreement, in substantially the same form as in Attachment 2 of this report and reflecting the increased funding, by and between the City of Sunnyvale and 1090 East Duane Avenue LLC.
3. Do not approve the final design of AMD Park described in Attachment 6 and the First Amendment to the Park Agreement by and between the City of Sunnyvale and 1090 East Duane Avenue LLC and provide other direction

STAFF RECOMMENDATION

Alternative 1: Recommend that City Council approve the final design of AMD Park described in Attachment 6 to the report with decomposed granite surfacing of the dog park and Authorize the City Manager to sign the First Amendment to the Park Agreement, in substantially the same form as in Attachment 2 of the report, by and between the City of Sunnyvale and 1090 East Duane Avenue LLC.

Staff recommends decomposed granite surfacing due to ease of maintenance and lower initial cost. Decomposed granite surfacing withstands heavy public use and allows for easy identification and cleanup of dog waste. Decomposed granite surfacing has been used successfully at Las Palmas Park and Seven Seas Park. Synthetic turf is more expensive to install, would require a budget modification for approximately \$350,000 or a reduction in scope of the final design, has a higher maintenance cost and has an estimated \$141,000 replacement cost every 10 years.

Prepared by: Jim Stark, Superintendent of Parks
Reviewed by: Chip Taylor, Director of Public Works
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Report to Parks and Recreation Commission No. 21-0201, October 13, 2021 (without attachments)
2. Draft First Amendment to Park Agreement
3. Report to Parks and Recreation Commission No. 20-0236, March 11, 2020 (without attachments)
4. Park Agreement
5. Conceptual Park Design
6. Final Park Design
7. Policy 7.3.23 Naming - Renaming Parks & Recreation Facilities

Additional Attachments for Report to Council

8. Excerpt of Final Minutes of the Parks and Recreation Commission Meeting of October 13, 2021