



JOINT REPORT

DATE: June 24, 2025

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Authorization for Administrative Actions for Public Works Projects through August 31, 2025**

RECOMMENDATION

1. Acting in its capacity as the Board of Directors (Board) for the Shoreline Regional Park Community, authorize the Community Manager or designee to take the following actions if needed between the dates of June 25, 2025, and August 31, 2025, with ratification by the Board of Directors of the Shoreline Regional Park Community at their next meeting:
 - A. Transfer and appropriate up to \$300,000 from the Shoreline Regional Park Community Fund to Shoreline Landfill Master Plan Study Update, Project 25-33, increasing the total project budget up to \$1,020,000, of which 100% is from the Shoreline Regional Park Community Fund.
 - B. Execute a professional services agreement with the most qualified engineering firm for Shoreline Landfill Master Plan Study Update, Project 25-33, in an amount not to exceed \$955,000.
2. Authorize the City Manager or designee to take the following actions if needed between the dates of June 25, 2025, and August 31, 2025, with ratification by the City Council at their next meeting:
 - A. Execute the Interagency Recycled Water Service Agreement with the City of Sunnyvale to provide recycled water services to the LinkedIn Middlefield Campus in Mountain View.
 - B. Accept Rengstorff Park Aquatics Center Replacement, Project 18-38, and negotiate and authorize a final contract payment.

BACKGROUND

The City Council and the Shoreline Regional Park Community Board's first scheduled meeting for Fiscal Year 2025-26 is on September 9, 2025, which is 11 weeks after the final meeting for Fiscal

Year 2024-25 on June 24, 2025. Due to the Council and Board's summer recess time frame, staff annually requests limited delegated authority to ensure that time-sensitive project actions proceed without delay. This practice supports maintaining project schedules and ongoing coordination with engineering firms, developers, contractors, and partner agencies.

Staff has identified three critical City projects requiring timely progress to execute agreements and accept construction of a City project. Delaying action on these items until the September 9, 2025 Council and Board Meeting could hinder project advancement. Therefore, staff requests the Council authorize the City Manager or designee to act on behalf of Council, and also requests that the Board authorize the Community Manager or designee to act on behalf of the Shoreline Regional Park Community Board if action is needed for these three projects prior to the end of August. Any actions taken pursuant to this delegated authority would be presented to the Council and/or Board for ratification at their next meeting on or before September 9, 2025.

The three projects and the requested authority are described below.

ANALYSIS

Execute Professional Services Agreement for Shoreline Landfill Master Plan Study Update, Project 25-33

The Shoreline Landfill Master Plan Study was initially developed to prepare a comprehensive, 30-year road map for the ongoing operation, maintenance, monitoring, and regulatory compliance of the landfill under current conditions and future scenarios, including potential catastrophic events such as floods or earthquakes. This road map will ensure continuous compliance with all local, state, and federal regulations and to ensure the Shoreline Regional Park Community has a sound financial plan to support it.

Shoreline Landfill Master Plan Study Update, Project 25-33, was created to identify deficiencies, recommend systems and practice improvements, and provides cost estimates to support implementation, addressing both expected expenditures and long-term financial obligations and liabilities related to major natural disaster or catastrophic system failure. The scope of professional services includes reviewing landfill infrastructure, regulatory permits, operational records, environmental monitoring data, and other relevant documentation to assess Shoreline Landfill's long-term needs.

On May 16, 2025, the City issued a Request for Proposals (RFP) for professional engineering services to prepare the master plan update with proposals due on June 11, 2025. Due to the highly specialized nature of landfill master planning, requiring in-depth knowledge of landfill infrastructure, environmental monitoring, regulatory compliance, and risk assessment, only a small number of firms possess the necessary technical expertise and experience to undertake

this work. The City's recent landfill engineering-related RFPs for other projects attracted just two proposals each, which demonstrated the limited pool of qualified consultants and the potential for higher-than-expected costs. This level of specialization means that competitive pricing is often more challenging to secure.

The request for delegation of authority will allow appropriation of up to \$300,000 in additional funds and execution of a professional services agreement in an amount not to exceed \$955,000 during summer 2025 if staff receives a favorable consultant proposal that is higher than the current project budget. Upon full execution of the agreement, the master planning effort is anticipated to start in late September 2025.

Execute Recycled Water Services Agreement with the City of Sunnyvale

Recycled water is an integral component of the City's water supply portfolio. The City currently receives recycled water from the City of Palo Alto's Regional Water Quality Control Plant (RWQCP), which treats the City's wastewater. Recycled water is primarily used for irrigation, toilet flushing, and cooling towers.

To strengthen the City's plan for water supply reliability and meet future demands, the City completed the 2022 Recycled Water Feasibility Study ([Study](#)), which was presented to the City Council on [March 22, 2022](#). Currently, the City's recycled water serves over 60 customers in North Bayshore. The Study outlined system expansion alternatives to serve additional customers within North Bayshore, NASA, and potential future customers in the East Whisman Precise Plan Area, adjacent to the City of Sunnyvale (Sunnyvale). Based on the Study findings, Council directed staff to proceed with full build-out of the recycled system in North Bayshore and to evaluate future expansion to East Whisman.

In 2019, the LinkedIn Middlefield Campus in East Whisman completed construction of an office development at 700-800 East Middlefield Road with four dual-plumbed buildings and campuswide recycled water irrigation. Due to LinkedIn's strong interest in using recycled water, the City of Mountain View (City of Mountain View) and City of Sunnyvale (Sunnyvale) negotiated a temporary recycled water service arrangement to supply recycled water from Sunnyvale's system until the Mountain View recycled water system extends into East Whisman.

This *Interagency Recycled Water Services Agreement* governs the provisions of Sunnyvale providing recycled water to LinkedIn. The agreement provides indefinite duration, establishes specified rates, and delineates the respective responsibilities of the parties. Under this agreement, Sunnyvale will supply LinkedIn's estimated annual demand of approximately nine million gallons of recycled water and invoice the City for the recycled water delivered, until the City's recycled water system expansion in East Whisman is completed and operational. The

agreement is scheduled for Sunnyvale’s City Council consideration in summer 2025. Execution of this agreement will support regional water conservation and sustainability objectives.

Following execution of the interagency agreement, LinkedIn will install the necessary recycled water improvements through the City’s excavation permitting process. Upon final inspection and approval of the work, ownership of the recycled water infrastructure located within Sunnyvale’s right-of-way as well as infrastructure with Mountain View’s right-of-way will transfer to the City in the respective permit requirements.

Rengstorff Park Aquatics Center Replacement, Project 18-38—Accept Construction

“Acceptance” of a construction contract is a legal event recognized by State Law when the City verifies that the contractor has satisfactorily completed a public project. Once accepted, the work on the public project is complete and other actions occur, such as final payment to the contractor and the release of bonds obtained by the contractor that ensure completion of the project. Following acceptance, the City becomes responsible for maintenance of the public project.

On [October 26, 2021](#), Council approved the plans and specifications for Rengstorff Park Aquatics Center Replacement, Project 18-38, approved the prequalified bidder list, and authorized staff to advertise the project for monetary bids and to award the project if bids were within the available budget.

On December 15, 2021, three bids were received, of which one bidder requested a relief of bid due to clerical error. On [February 8, 2022](#), Council granted the relief of bid request and awarded the construction contract for Rengstorff Park Aquatics Center Replacement, Project 18-38, to Bobo Construction, Inc., (Bobo) for \$21,488,000, including a \$1,954,000 construction contingency.

On [December 5, 2023](#), Council authorized an amendment to the construction contract with Bobo Construction, Inc., for Rengstorff Park Aquatics Center Replacement, Project 18-38, to add \$300,000 for a not-to-exceed amount of \$21,788,000.

Construction of the new aquatics center began in April 2022 and was planned to be completed in fall 2023. The construction completion was delayed until spring 2025. The facility was opened for limited public use on March 4, 2025, and a grand opening ceremony and dedication was held on March 29, 2025.

The delayed completion date is attributed to the combined impact of various factors, including inclement weather, COVID-19 supply chain disruptions, and unforeseen change order work. In addition, the complexity of implementing an all-electric pool facility, including new pool heating

technology with complicated mechanical, electrical, and plumbing systems, has required significant supplementary time and effort.

While all work is nearly fully completed, staff is currently evaluating the extent of any contractor-caused delays and determining the applicable number of delay days and potential for associated liquidated damages, in accordance with the provisions of the contract terms. This analysis involves a detailed review of project records, project correspondence, and scheduling documentation. This analysis is ongoing and requires additional time to complete. This will also require discussions with the contractor.

Given the additional time needed and to avoid delays in project closeout once an agreed to final contract payment is identified, staff is requesting Council authorization for the City Manager or designee to:

- Formally accept the project on behalf of the City Council once the evaluation is complete; and
- Negotiate and authorize a final contract payment.

The final construction cost of \$21,788,000 reflects the Council-approved contract amount, which includes the construction contingency. Prior to acceptance, all work will be completed in accordance with the approved plans and specifications.

FISCAL IMPACT

Shoreline Landfill Master Plan Study Update, Project 25-33, is currently funded with \$720,000 from the Shoreline Regional Park Community Fund. As the last master plan update was completed in 2013, and given the increased infrastructure needs due to the aging landfill systems and evolving landfill regulatory compliance requirements, staff is uncertain regarding the cost of the consultant's work for the master plan update. Therefore, staff is requesting an additional appropriation of up to \$300,000 for Project 25-33, contingent upon receiving a responsive and favorable consultant proposal that includes a fee exceeding the current project budget. Sufficient funds are available in the Shoreline Regional Park Community Fund to support this request.

No appropriation is being requested at this time for the recycled water services agreement with the City of Sunnyvale. Sunnyvale will provide recycled water to the City at a wholesale rate which is subject to annual rate increases consistent with other wholesale customers.

Rengstorff Park Aquatics Center Replacement Design, Project 18-38, is funded with \$29 million from the Park Land Dedication Fund. The total project expenditure is estimated to be approximately \$28,590,000, pending final contract payment, and is within the allotted budget, including design, project administration, construction management, inspection, and other costs. Any remaining funds will be returned to the Park Land Dedication Fund once the project is closed.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

Contract or franchise agreement

CONCLUSION

Staff expects to select a consultant for the Shoreline Landfill Master Plan Study Update, Project 25-33, in June 2025. Staff is seeking the potential for an increase in appropriation to the project up to \$300,000 and authorization for the approval of contract award to the selected consultant up to \$955,000.

The City of Sunnyvale is partnering with Mountain View to provide recycled water to LinkedIn’s campus at 700-800 Middlefield Road in Mountain View. Staff is seeking authorization to approve the recycled water service agreement with the City of Sunnyvale. This agreement would allow Sunnyvale to serve recycled water to LinkedIn in advance of the City’s recycled water system expansion to the East Whisman Area.

Rengstorff Park Aquatics Center Replacement, Project 18-38, provides a new 8,200 square foot aquatics building with new lap and recreational pools and all new site amenities. Construction of the project has been substantially completed within the City Council-approved contract amount, and staff recommends acceptance of the project, pending staff’s final evaluation and analysis, to allow the final payment and the release of bonds.

ALTERNATIVES

1. Do not authorize the Community Manager or designee to take the recommended action.
2. Do not authorize the City Manager or designee to take one or more of the recommended actions.
3. Do not authorize the City Manager or designee to accept Rengstorff Park Aquatics Center Replacement, Project 18-38, and authorize a final contract payment and direct staff to hold these actions until after Council reconvenes on September 9, 2025.
4. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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TT-NG/LL/4/CAM
933-06-24-25CR
205157

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