



## Legislation Details (With Text)

**File #:** 19-1598      **Version:** 1      **Name:**  
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**File created:** 11/29/2018      **In control:** Council and Authorities Concurrent Meeting  
**On agenda:** 1/15/2019      **Final action:** 1/15/2019  
**Title:** Action on Agreement with AN Imports of Stevens Creek, Inc., to Install a HAWK Beacon at the Intersection of Kiely Blvd. and Malabar Ave. and Related Budget Amendment

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Hawk Beacon Installation Agreement (Kiely Malabar).pdf, 2. HAWK beacon location.pdf

Date	Ver.	Action By	Action	Result
1/15/2019	1	Council and Authorities Concurrent Meeting	Approved	

## REPORT TO COUNCIL

### SUBJECT

Action on Agreement with AN Imports of Stevens Creek, Inc., to Install a HAWK Beacon at the Intersection of Kiely Blvd. and Malabar Ave. and Related Budget Amendment

### BACKGROUND

AN Imports of Stevens Creek, Inc., dba Mini of Stevens Creek, operates a large auto dealership on the corner of Stevens Creek Blvd. and Kiely Blvd. On the opposite side of Kiely Blvd, and slightly north of the dealership, is the employee parking lot for the dealership. Employees of Mini frequently use the marked crosswalk at the intersection of Kiely Blvd. and Malabar Ave. to travel between the dealership to the parking lot. In an effort to improve the intersection for its employees Mini has offered to install a HAWK (**H**igh-intensity **A**ctivated cross**W**alk) beacon at that intersection, upon the terms summarized below and in the attached agreement, and dedicate the improvement to the City upon completion.

### DISCUSSION

The City has studied the installation of a HAWK beacon at this particular intersection and concluded that it would not negatively impact safety or traffic.

The principal terms of the agreement (attached) are as follows:

- Mini shall bear all costs (including payment of prevailing wage for labor) related to installation of a HAWK beacon except for permit fees, which will be waived by the City
- Mini shall comply with all permitting and construction standards, requirements and processes of City, and the HAWK beacon shall be designed and installed by Mini to the City's reasonable satisfaction, including approval by the City Engineer
- Once City provides Mini with written acceptance of the installation of the HAWK beacon, Mini

shall dedicate the HAWK beacon to the City

- Mini will warranty incomplete or defective work or materials for 12 months

Because the City is contributing significant monetary value to this agreement (i.e., waiving the associated permit fees and obligating itself to ongoing repair and maintenance expenses), the substance of this agreement does not fall within the City's Council Policy "Donations to the City." Rather, Mini will dedicate the improvement to the City upon completion and, with the exception of the 12 month warranty period, the City will take responsibility for the ongoing repair and maintenance of the beacon.

### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301 "Existing Facilities" as the activity consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities mechanical equipment or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Existing facilities includes streets and pedestrian trails, and similar facilities.

### **FISCAL IMPACT**

The City will obtain the benefit of an improvement to its crosswalk, without expending the associated \$225,000 (approximate) cost of construction. The permit fees being waived by the City under this agreement would be approximately \$27,600. Ongoing repair and maintenance is expected to be approximately \$2,030 per year and will be included in the budget. A transfer of \$27,600 is recommended from the Budget Stabilization Reserve to the Streets and Highways Fund to cover the fees that would otherwise be received by developers for inspection of sidewalk improvements.

#### **Budget Amendment FY 2018/19**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>General Fund</b>			
<u>Transfers Out</u>			
Transfer to the Streets and Highways Fund	\$0	\$27,600	\$27,600
<u>Reserves</u>			
Budget Stabilization Reserve	\$63,243,316	(\$27,600)	\$63,215,716
<b>Streets and Highways Fund</b>			
<u>Transfers In</u>			
Transfer from the General Fund (In Lieu of Developer Contributions)	\$0	\$27,600	\$27,600
<u>Reserves</u>			
Unallocated Ending Fund Balance	\$2,564,384	\$27,600	\$2,591,984

## **COORDINATION**

This report has been coordinated with the Department of Public Works, Finance Department, and the City Manager's Office.

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

## **RECOMMENDATION**

Approve and authorize the City Manager to enter into an agreement with AN Imports of Stevens Creek, Inc., in a form substantially similar to the attached agreement, to install a HAWK Beacon at the intersection of Kiely Blvd. and Malabar Avenue and Approve the Funding of Permit Fees in the amount of \$27,600 through the General Fund Budget Stabilization Reserve

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

## **ATTACHMENTS**

1. HAWK Beacon Installation Agreement
2. Overhead view of crosswalk, HAWK beacon location