

Council Questions

March 14, 2023 - City Council Meeting

ITEM 4.4 Resolution Opposing the Taxpayer Protection and Government Accountability Act

1. Will there be some sort of campaign to defeat this initiative? If so, are any details available?

The Cal Cities Board has not formally joined or formed a campaign to oppose the CBRT Measure. The Board will meet in early April, and they may decide to launch a campaign at that time. For now, Cal Cities is requesting that local governments, labor, public safety, education, and infrastructure advocates adopt resolutions strongly opposing the initiative. Staff will provide Council with an update when more information is available.

ITEM 4.7 HOME-ARP Allocation Plan and Funding

The Needs Assessment and Gaps Analysis also highlighted the following gaps:

- Current Shelter and Housing Inventory: Gaps have been identified within the current affordable rental housing inventory; availability and utilization of rental assistance; and non-congregate shelter facilities, particularly confidential emergency shelters for persons fleeing/attempting to flee domestic violence and supportive housing options.
- Service Delivery System: The current supportive services system highlighted the need for improved coordination between service providers at the local and regional level. In addition, gaps related to nonprofit capacity, such as high staff turnover, insufficient training opportunities, and high workloads were identified as impacting nonprofits' ability to effectively meet the needs of the populations served.

1. Is this Needs Assessment and Gaps Analysis included also in the Housing Element draft? If not, why not?

While the priority programs in the Housing Element address much of the need identified in the HOME-ARP, the HOME-ARP includes programs in addition to the Housing Element. The reasons are noted below.

The Housing Element includes a Needs Assessment per HCD requirements, which includes analysis of homelessness and special needs. The HOME-ARP was conducted according to HUD requirements and included very specific consultation/outreach and data analysis requirements focused on four specific populations noted below.

- Individuals experiencing homelessness.
- Individuals at risk of homelessness.
- Persons fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; and
- Other populations for which providing supportive services or assistance would prevent homelessness or would serve those at greatest risk of housing instability.

Therefore, there is overlap between Housing Element and HOME-ARP required analysis, with additional analysis requirements by HUD for HOME-ARP.

Additionally, the housing options identified in HOME-ARP may or may not count towards meeting RHNA, such as non-congregate shelter facilities, and are targeted to meeting HUD requirements.

Finally, the timing of the HOME-ARP process came after most of the Housing Element was completed. The HOME-ARP analysis was completed in January 2023 and the draft allocation plan was not released until end of February 2023.

2. Does the Housing Element draft include programs that address these gaps, especially the need for “confidential emergency shelters for persons fleeing/attempting to flee domestic violence?”

Staff’s recommendation is that the HOME-ARP funding be allocated to the city’s affordable housing pipeline, including city-owned sites, for permanent affordable housing. This aligns with the priority housing programs in the Housing Element, related to the production of affordable housing that align with the needs identified in the HOME-ARP. In addition, there are programs in the draft Housing Element related to the other gaps to: allow emergency shelters by right in the El Camino Real Precise Plan, develop partnerships for shelters for persons fleeing domestic violence, and improve the City’s various programs preventing and mitigating displacement.

ITEM 4.11 Amendment of Contract with Netto Planning Services, LLC, for On-Call Planning Consulting Services

1. How many Planning positions are vacant? How long has each of those positions been vacant?

The dates below indicate when the 8 positions were vacated within the Planning Division:

- Assistant Community Development Director – 10/2022 (In Recruitment)
- Deputy Zoning Administrator – 9/2022 (Recruitment Opening April)
- Senior Planner (2 - Limited Term) – 3/2017. These positions were added to the budget because of funded provided by Google. They are limited term because the contract with Google had a limited term. The limited-term positions have been extremely difficult to recruit because qualified planners with the background and experience needed have other options for regular positions.
- Senior Planner – 3/2022 Staff is moving forward with this recruitment in early *Fall*. *The timeline allows existing Associate Planners to qualify for the recruitment, which creates an opportunity for succession planning.*
- Associate Planner – 11/2022 (In Recruitment)
- Assistant Planner – 3/2022 (In Recruitment)
- Junior Planner – Created in 7/1/22 (In Recruitment)

2. For how many years has the City contracted with Netto Planning Services, LLC? What is the aggregate/total cost to the City?

Contract planners have helped the Planning Division manage a heavy workload which consists of development applications, operational duties and advance planning projects that are either state-mandated or part of the Council workplan. Contract planners are typically assigned to review development projects which not only have state mandated deadlines but are a lot more complex and require the necessary background and experience due to gamut of state law changes in the past five years. Even though staff in HR and CDD are working on recruitments to fill positions, the projects have to be assigned in order to process them within state mandated timelines and the department cannot wait to recruit and fill the positions before beginning processing the applications.

Netto Planning Consulting has been contracted with the City since 2018, for which Council has authorized the following contracts.

Fiscal Year	Total Contract Amount	Cost to City for tasks that are not covered by development fees
2017-2018	\$50,000	\$25,000
2018-2019	\$100,000	\$50,000
2019-2020	\$130,000	\$35,000
2020-2021	\$155,000	\$25,000
2021-2022	\$150,000	\$27,000
2022-2023	\$100,000 to date \$50,000 requested \$150,000 total	\$20,000 (to date) \$10,000 (estimated) \$30,000 total
Total	\$735,000	\$192,000

Eighty percent (80%) of Netto Planning Services are funded by applications through cost-recovery deposits, as she is the assigned planner to their project with the balance paid by the City for tasks that are not covered by application fees. Additionally, the hourly rate of Netto Planning Services is within the hourly rate listed in the Master Fee Schedule of a Senior Planner with the City.

3. In response to a Council question submitted May 5, 2020, staff indicated that “the City’s administrative policy requires an RFP for professional services agreements such as this one.” Then, in response to a question submitted April 27, 2021, staff indicated that “the City’s administrative policies are silent on renewal but best practices for ongoing projects and what most agencies typically do is contract for three years with an option to renew for additional two years’ term for a total of five years.” (See attached responses to Council questions.) **Since the inaugural contract was approved (without an RFP) on March 6, 2018, will the City pursue a competitive bidding process for contracted planning services moving forward?**

On July 1, 2021, the Community Development Department released a Request for Qualifications for Planning Consulting Services, which included services for project management/entitlements, advanced planning, management of environmental documents prepared per the California Environmental Quality Act, and special studies (e.g., urban design, economic development, transportation, etc.).

We received responses from 15 individual groups/firms. Netto Planning Consultants LLC is one of the 15 respondents on the qualification list. Two additional firms applied for planning services and are on the list. One firm did not have available planners. Staff will interview planners in the other firm as the need arises.

The Community Development Department is committed to updating this qualification list every 3-5 years per industry standards.

ITEM 6.1 1020 and 1040 Terra Bella Avenue-Affordable Housing Projects and Public Storage

1. It looks like San Rafael and Terra Bella are included in the Safe Routes to School to elementary school and middle school. What plans exist to make these streets more pedestrian and bike friendly? What will the intersection of Shoreline and Terra Bella look like in the future with the reversible transit lane?

The Active Transportation Plan is currently reviewing the citywide street network and will prioritize projects on segments designated as Safe Routes to School, including on San Rafael and Terra Bella Ave. Additionally, the City's CIP project to construct the reversible bus lane on Shoreline includes a protected intersection at Shoreline and Terra Bella, which will improve safety for pedestrians and bicyclists by installing pedestrian refuge islands, a 2-way cycle track, and high visibility crosswalks. In fall 2023, Public Works staff will also begin the Terra Bella Bikeway Feasibility Study.

The Terra Bella Avenue frontage for the affordable housing site will have a widened, streetscape design to encourage walking, including a 7' detached public sidewalk, a 5' continuous landscape strip with street trees (along the street) and landscaped front setback providing trees/other landscaping and pedestrian amenities.

In addition to physical improvements, the Alta Housing project will also have a range of bicycle/pedestrian related facilities and programs aimed at making biking and walking more convenient and/or comfortable such as secure bike parking with free bike repair equipment for residents; a bicycle share program with loaner/shared bicycles, helmets, and lights; posting of Safe Routes to School materials to resident bulletin boards and notifying families of Safe Routes resources during move-in and as events/resources occur in the area; and coordinating a bike train and/or walking school bus for residents with school-aged children.

2. Besides parking on the streets around these developments, what is the backup plan if there is not enough onsite parking for the Alta Housing development?

The Alta Housing development includes a State Density Bonus concession request for reduced parking, as detailed in the Council report, which must be granted by the City as it yields actual project cost savings. The State Density Bonus concession limits the City from requiring the development provide for more than the proposed parking spaces. Additionally, the project includes a TDM Plan, with annual monitoring, which includes strategies designed to reduce the need for a vehicle and demand for parking. Measures updated or swapped out over the life of the project to meet the needs of residents and respond to fluctuations in available programs and services over time. The TDM Plan includes measures such as: onsite amenities (e.g., secure bike parking, shared bikes, and bike repair tools, etc.); other operational programs like a peer-to-peer carshare and CSA/Farmers Market Partnership; and transit subsidies.

3. Why is the Santa Clara County Airport Land Use Commission not listed in Section 2.5 (b) of the Development Agreement?

The Development Agreement is an agreement between the City and Public Storage, and the City only has authority to vest applicability of the City's adopted regulations, requirements, and standards through this DA. As such, Section 2.5(b) specifically highlights City standards and requirements applicable to the project, which the Airport Land Use Commission (ALUC) has determined is consistent with their applicable comprehensive land use plan. Section 2.5 (d) addresses the applicability of new laws or regulations by "any governmental entity or agency other than City" enacted after the effective date of the DA, which would include the ALUC; the project would not be vested against such new enactments by other governmental agencies through the DA.

4. In the Development Agreement, section 3.1 (b) iii starts with "Four (4) years from the Effective Date." This does not seem connected to the rest of the section. Does this mean that the deadline for the actions in this section is four years from the effective date?

Section 3.1(b) of the Development Agreement (DA) is intended to provide greater certainty around the deadline for Public Storage to complete the Lot Line Adjustment (LLA) and land swap/land donation with Alta Housing, which is being provided by Public Storage as a public benefit and is also a prerequisite for Alta Housing to receive certain outside funding sources, if awarded to the affordable housing project.

As such, Section 3.1 (b) establishes a deadline for Public Storage to complete the LLA and property conveyance by the soonest of:

1. Public Storage proceeding with their redevelopment,
2. In sufficient time for Alta Housing to proceed with the affordable housing project, or
3. (No later than) four years from the DA's effective date.

5. What would be the cost of undergrounding the utilities on Terra Bella and San Rafael if the city paid for the work?

To meet OSHA clearance requirements (10') between the electrical distribution lines and the new buildings, the applicant will be undergrounding all of the San Rafael Avenue Street frontage and approximately an additional 100 feet south of the project site along San Rafael Avenue. It is difficult to determine the cost of undergrounding the Terra Bella Avenue overhead utilities without an engineering study due a variety of unknown factors, but a rough order of magnitude for the project's Terra Bella Avenue Street frontage could range from \$500,000 to \$750,000.

There are many areas of the City with overhead utility lines and the City does not have any funding sources or ability to recover costs from ratepayers for undergrounding these utilities because they are not City utilities. The City has used the following two avenues for undergrounding overhead utility lines:

- Utilize PG&E's Rule 20 program to fund the design and construction (via PG&E credits provided to the City) of undergrounding utilities on corridors meeting the program's criteria, which include corridors that are heavily traveled, are impacted by utilities, where fire protection is needed, and/or meet the equity lens. The City has a current project identified with the Rule 20 program for California Street. This will be the City's last Rule 20 program project as the State Public Utilities Commission has discontinued it.

- Based on City Ordinance, developments proposing subdivision of land are conditioned to underground overhead utilities. This project is not proposing a subdivision, but the applicant is undergrounding the San Rafael Avenue Street frontage for other reasons as noted above.

6. Can phone poles, etc. in the area be undergrounded?

Please see above response.

7. Why are sidewalks adjacent to a multi-story apartment building that will generate a lot of foot traffic slated to measure only five feet, which is the minimum for a sidewalk and most often used adjacent to single-family homes?

Along the project frontage, the proposed pedestrian improvements include a 7' sidewalk and a 5' landscape stripe along Terra Bella Avenue, and a 5' sidewalk and 5' landscape stripe along San Rafael Ave. The primary pedestrian access to the project is on Terra Bella Avenue. San Rafael Avenue serves as a secondary frontage, providing access for solid waste collection and vehicular access into the parking garage.

With new development, staff looks for opportunities to widen sidewalks as conditions allow. Proposed street improvements are constrained by the existing right-of-way, applicable street standards, and a goal to maximize buildable area for the affordable housing project. The wider sidewalk and landscape strip along Terra Bella Avenue and standard sidewalk and landscape strip along San Rafael Avenue does significantly improve both street frontages from the existing 5' wide sidewalk without any street adjacent landscape.

ITEM 7.1 Shoreline Wildlife Management Plan

1. What does EEC stand for on pdf page 10 of Attachment 1?

Engineering and Environmental Compliance Section of the Public Works Department is responsible for the design and permitting of all landfill post closure systems and meeting regulatory guidelines for landfill maintenance, and Shoreline Sailing Lake water monitoring and other Public Services programs. This section also administers capital improvement and miscellaneous engineering projects for City's water, recycled water, wastewater, and stormwater infrastructure.

2. What organization is the Local Enforcement Agency cited on pdf page 10 of Attachment 1?

The Local Enforcement Agency (LEA) for the County of Santa Clara is the County Environmental Health. On behalf of CalRecycle (state agency responsible for the State waste management programs), LEA permits, inspects and enforces State and specific local standards, restrictions, and regulations for solid waste facilities, including landfills and transfer stations and various recycling facilities.

3. What is involved, and what resources are needed, to not only stop the erosion of the Sailing Lake Island, but also restore it to its original size, besides doing the work outside of the nesting season? Why is this considered a long-term project?

There is a FY22-23 CIP, Project 23-44 for water control structures improvements at Sailing Lake, which includes funding to explore options for erosion control of the Sailing Lake Island. After a consultant assesses the island and potential erosion control options, staff will have a better idea of the needed resources. The project is considered a long-term project because it is anticipated that the erosion control will likely require extensive design and permitting process for the potential earth work in the lake, also the construction schedule needs to accommodate the bird nesting season and recreational use at the lake.

4. When the SWMP says things like “the city will consider” does this mean the city will take action? If not, what does the council need to do to have the recommendations implemented?

The language in the SWMP was intentionally used to provide flexibility. This flexibility enables the SWMP to be adaptable in responding to changing conditions, new best practices, or updated regulations. In addition, the SWMP is a guiding document that is not requesting funding or resources. This language reflects that resources and prioritization of specific projects are not being committed as part of the SWMP and will be addressed through other City process such as the annual budget process, 5-year CIP Plan process or Council goal setting process.

5. Does Section 8 of the SWMP cover all of the recommendations in earlier sections, or is it a subset of the recommendations? Is there a chart or table with all of the recommended projects, including their proposed timing, partners that need to be involved, etc.?

Section 8 of the SWMP does not cover the maintenance or operations practices that are considered in the earlier sections. This section only addresses the larger enhancement projects that are being considered at the time of adoption of the SWMP. The consultant and staff anticipate this section to be updated periodically as enhancement projects are completed or other opportunities arise. Adding a table for these projects was considered. However, due to the amount of information that needs to be conveyed for each project, the table would have been very cumbersome and less effective than the current layout of Section 8.

6. If we want to prioritize recommended projects, do we do that on Tuesday, or at a later date?

If Council indicates that particular projects should be acted on prior to other projects, that can be conveyed to staff when adopting the SWMP. However, because the SWMP is not requesting funding or resources to pursue any of the projects, staff would take that input and return through the budget or CIP process to request resources to act on the various projects. The SWMP is meant to serve as a guiding document for regulations, maintenance, and projects rather than an action plan with requests for resources.

7. When individuals or organizations want to volunteer to do projects, maintenance, etc. within the boundaries of the SWMP, how do they coordinate with city staff? Do they always coordinate with city staff? What requirements, if any, does the city have for volunteers (individuals or groups)?

Typically, an individual will reach out to staff via AskMV or email and inquire about volunteer projects for a teambuilding, Eagle Scout Project, or Girl Scout Gold/Silver Award. If there is a project available, staff will coordinate with the point of contact to organize their volunteer group and get the appropriate paperwork such as waivers for each participant. Staff schedule these projects to ensure appropriate supervision and guidance to the volunteers.

8. Is smoking permitted in any of the areas covered by the SWMP? If not, how is no smoking enforced?

Smoking is prohibited at Shoreline except for designated areas that are a certain distance from rental facilities. Our Parks and Open Space Workers (Rangers) patrol Shoreline and educate the public on appropriate locations for smoking.

9. Are some dead trees needed to support some insects, etc.?

Dead trees are not “needed” but they are beneficial to supporting wildlife, including insects. If a tree or shrub dies, staff assess whether it can be left or turned into a brush pile without impacting operations or causing a safety concern. In addition, staff also create brush piles and rock piles to benefit similar wildlife species, including insects, that would utilize a dead tree.

10. What, if anything, is the impact of sound from Shoreline Amphitheater on wildlife within the plan area?

Most urban species can tolerate high levels of noise as they have adapted to it over time. More sensitive species found at Shoreline are rarely located directly adjacent to the Amphitheatre where they would be most impacted.

11. Are private drones prohibited in the plan area? If so, how is this enforced, and what are the consequences?

Drones have been prohibited at Shoreline due to the impacts on wildlife. Shoreline staff plan to update the City Code pertaining to drone usage in conjunction with other departments to clarify the restrictions around drone usage at Shoreline.

12. What plans are there to educate visitors to the area as to the sensitive nature of the area, and provide rules on what to do and what not to do, and the rationale for those rules, while there?

Currently, there are four methods of educating the public on the nature at Shoreline.

1. Interpretative and educational signage can be found located around Shoreline. There is a CIP in the five-year plan to review and update signage at Shoreline. Part of this will include updating and expanding the educational and interpretive signage about wildlife and habitats that can be found.
2. Our Park and Open Space Workers (Rangers) patrol Shoreline and educate patrons on the rules and environmental considerations as needed.

3. Nonprofits will host events or tours at Shoreline that focus on the importance of the wildlife and habitats that are found here. The most active is Santa Clara Valley Audubon Society that provides tours to youth around Shoreline and has partnered with the Friends of “R” House to host events at the Rengstorff House.
4. As part of every volunteer project or volunteer workday, staff include an educational aspect explaining the impact of their project and the importance of biodiversity, especially at Shoreline.

Upon adoption of the SWMP, staff will explore ways to improve or expand these programs and the necessary resources to do so.

13. There’s a lot of golf course here. Has there ever been talk of converting all or in part to a naturally landscaped “Scottish golf course” like they’ve done in Palo Alto?

The playable area of Shoreline Golf Links is considered grassland that is more extensively covered in the Burrowing Owl Preservation Plan than the Shoreline Wildlife Management Plan. Within the long-term budget forecast, staff has identified renovation of the golf course. This renovation is expected to be needed in approximately 10 years and staff need to explore the specific steps necessary to complete renovation.

City Council Questions

April 27, 2021 Council Meeting

ITEM 4.3 Professional Services Contract for Planning Services

1. For how long have the two limited-term Planning positions been vacant?

The dates below indicated when the positions were vacated.

- Senior Planner (Limited Term) – 3/2017
- Associate Planner (Limited Term) – 10/2015

However, staff has been able to fill this position with contract planners, at least partially, on a consistent basis in order to manager the workload.

2. This contract was first approved in March 2018 without an RFP because “Planning staff reached out to several contract planners at that time to gauge their interest and qualifications for contract planning work, and there was no other qualified contract planners/firms who replied with interest at that time.” Have staff reached out to gauge interest and qualifications recently, in anticipation of the expiration of this contract?

Yes, staff has reached out to contract planners since 2018 and interviewed a few who had the level of experience necessary to manage the projects we had identified for contract assistance. However, we did not ultimately select any. In addition to meeting the qualifications and experience levels, contract planners work with a number of agencies and it is preferable to work with one who is knowledgeable in the City’s review process. The level of training required is very extensive and takes the same time as it does permanent employees. As a result, it continues to be a challenge to continually recruit and train contract planners who are not only willing to work consistently with the City and train them.

3. In response to a Council question submitted May 5, 2020, staff indicated that “the City’s administrative policy requires an RFP for professional services agreements such as this one.” Can a contract be extended indefinitely without an RFP, or is there a limit to the number of extensions that could occur?

The City’s administrative policies are silent on renewal but best practices for ongoing projects and what most agencies typically do is contract for three years with an option to renew for additional two years’ term for a total of five years.

4. When the Council extended this contract in May 2020, a scope of work was provided and attached to the agenda packet. Can staff provide the proposed scope of work for this extension?

Please see [attached](#).

ITEM 6.1 Strategic Roadmap Action Plan for Fiscal Years 2021-22 and 2022-23

1. The staff report for the April 2019 CFC item regarding appointment of the City Auditor indicates that previous work plan items included “Fair Labor Standards Act (FLSA) compliance review” and “Gatekeeper time reporting review.” Can staff provide information about these “reviews,” including why they were conducted at the time?

For a number of years going back to 2009, the City performed a compliance review of Fair Labor Standards Act (FLSA) overtime calculations for various bargaining groups. The procedures included reviewing City MOUs with bargaining groups, interviewing City staff, selecting a sample of 30

employees that worked overtime from each group, recalculated the overtime rates and compared to the applicable FLSA rule to determine whether the calculations were correct. For the Gatekeeper project costs review, which was only done in 2008, the review was to determine how staffing costs were charged to these projects, that they were allowable costs per terms of developer agreements and that they were accurately charged through the timekeeping system.

2. What does equitable in the priority on access to housing, transportation, and other programs and services really mean? What actions would the city take to provide equitable access?

The Community for All strategic priority includes the sentence: "Engage and protect vulnerable populations through equitable access to housing, transportation, and other programs and services." This refers to the City engaging marginalized groups/vulnerable populations in decision making processes, considering how policy decisions impact different community members, and promoting efforts that mitigate any disparities/inequities.

3. What difference between subsidized and affordable housing is staff trying to convey?

Subsidized housing is a type of affordable housing. Subsidized housing is distinct in that subsidized units include City funding, whereas affordable housing is a broader set of strategies that may not include City funding.

4. Project 25 – How many councilmembers supported deferring any activity on the AGT at the March 16 council meeting? How many supported dropping this project?

Three councilmembers said to defer the project, two councilmembers wanted to remove the project and two said they would like the scope of the project to be clarified. Council may choose to take this project off the workplan.

5. Project 31 – Gas-powered landscape equipment – how does this project differ from that in the SAP-4? If it is similar, why is it broken out from other projects in the SAP-4?

Following Council input from the December 1, 2020 study session, this project was discussed as part of the Strategic Roadmap Action Plan as a project that would consider an ordinance prohibiting gas powered leafblowers. Council input on March 16, 2021 clarified that an ordinance is not desired, but the City should focus on incentives rather than an ordinance with prohibitions. Such a project is consistent with what is in the SAP-4. Sometimes specific SAP-4 projects are highlighted as part of the Council priority workplan (as are certain CIP projects, for example). However, this project could continue in SAP-4 and not be specifically called out in the Council workplan.

6. Does the Transit Center Master Plan project as proposed include ideas around the proposed parking structure, retail, office, housing, etc.? How would Urban Design experts be selected to get involved? Please provide more details on what staff is proposing.

The Transit Center Master Plan approved by the Council in 2017 described some preliminary concepts for parking, transit, and land use on the land owned by Caltrain. However, the City and Caltrain had previously agreed that a further planning effort is needed to better identify land use and transportation options, evaluate financial feasibility, and formally adopt a preferred plan for the development of their property. That study will be a major planning effort involving significant time from Community Development and Public Works as well as Caltrain as the property owner. It has been deferred for now due to workloads for both agencies and would not be addressed in this proposed Urban Design

study. The proposed Urban Design study would focus on the linkages between the existing Transit Center, the grade separation project, and the Downtown, looking primarily at the Castro Street/Evelyn Avenue intersection area as a gateway into Downtown. We expect to leverage and coordinate with the work already done by consultants working on the Grade Separation and Access Project and the Castro Pedestrian Mall project. The selection of the Urban Design consultant would follow the standard City RFP process for awarding consultant contracts.

7. Has the RHC addressed expenses related to a select number of capital investments in terms of new policies and/or procedures that enable recovery of some or all of the cost? If so, what actions did the RHC take?

On March 22, 2021, the RHC adopted amendments to Chapter 6 of the Regulations, introducing an expedited petition process for certain capital improvements, defined as Specified Capital Improvements. Specified Capital Improvements are generally major capital improvements that significantly extend the useful life of the property, and are necessary to bring or maintain the property into compliance with applicable codes and cannot include costs that could have been avoided by the exercise of reasonable diligence in maintaining the property. Landlords would be required to complete a petition that includes documentation on the type and cost of Specified Capital Improvement installed. Landlords would also be required to provide limited information regarding the property. Staff is currently implementing this new expedited petition process and further details, including forms and guidelines, are expected to be available in the fall.

8. What is our current "Vision Statement"?

The City does not have a Vision Statement, but does have a Mission Statement. The City's existing Mission Statement is: The City of Mountain View provides quality services and facilities that meet the needs of a caring and diverse community in a financially responsible manner.

9. The Salt Pond Project should be under Sustainability & Climate Resilience

Yes. The Salt Pond project was inadvertently placed under the Mobility and Connectivity strategic priority and should be categorized under the Sustainability and Climate Resilience strategic priority.

10. Moffett Plan- How will this impact other work? What about the need for a Precise Plan for TerraBella?

Based on the current workload, CDD is anticipating starting this project during the latter part of the FY 21-22 work plan period. Staff is currently working on several other large projects such as the Gateway Master Plan, Google Master Plans in East Whisman and North Bayshore, downtown Precise Plan, R3/Displacement Strategy, and will also begin the Housing Element during this period. Regarding a Precise Plan for Terra Bella, the City Council reviewed the Terra Bella Draft Vision Plan in 2019 but did not authorize moving forward with this following the visioning process. If Council desires to move forward with a Terra Bella Precise Plan, staff would need additional direction on the scope of the project and can come back with recommendations on the timing and resources required for the project.

11. "Expand access to broadband across communities" Please remind us about what happened with Google's plan about 5 yrs. ago. A community member wrote that Google would be willing to assist us with this. What do we know about their willingness to assist us at this time? Have we reached out to the Chamber about this? Silicon Valley Leadership Group? Joint Venture Silicon Valley?

The City was interested in Google's plan to distribute fiber throughout Mountain View. The City entered a "hut agreement" with Google, which allowed installation of several stations across the city where the fiber is distributed, which the City had to provide at very low rental rates. The City also offered the same programs to other carriers, like AT&T. The agreement did not lead to Google installing fiber. Google appears to have scaled back their plans.

There were several challenges to deploying fiber in Mountain View. California regulations require any broadband vendor to manage environmental impacts of deploying something as massive as fiber across the city. Also, the City doesn't own many utility poles (just street lights). AT&T owns most poles in Mountain View and negotiations would have to take place between AT&T and Google to hang fiber, which is the cheapest way to deploy it. Google also wanted to micro trench the buried fiber, which the City did not support.

Staff have not followed up with Google to gauge whether they have a renewed interest in deploying fiber nor engaged in conversations with other organizations at this point.

ITEM 7.1 Draft Fiscal Year 2021-22 Annual Action Plan and Funding Recommendations

1. If Council decided to supplement funding for the Eviction Prevention and Defense Program, would the Annual Action Plan need to be amendment? Or is the scope of the Annual Action Plan sufficient?

The Annual Action Plan (AAP) would typically include only the public services that applied through the NOFA process. However, staff can include information on the eviction prevention and defense program in the AAP if Council decides to provide supplemental funding. The AAP will need to be modified anyway, pending Council approval of staff's funding recommendations, so including the eviction prevention program can easily be included as part of the subsequent modifications to provide additional context regarding the multiple programs the City is supporting to address local needs and that support AAP goals.

2. When was the GF budget of \$171,000 adopted/implemented?

\$171,000 has been in the "base" budget since FY15-16, a combination of GOF and General Housing Funds (currently \$163,600 GOF and \$7,500 General Housing Funds). Additionally, Limited Period funding has been used to supplement this base budget amount over this timeframe to fund HRC recommendations.

3. For all of the applicants, what percent of their activity is in Mountain View? Is their funding request equal to the percent of their activity in Mountain View?

Staff does not have a breakdown of the percentage of activities in Mountain View relative to the overall geographies served by the applicants. However, all of the recommended funding will be only for activities that are provided in Mountain View.

4. The staff report says, “Unlike in the past, this NOFA cycle did not include capital projects. For various reasons, it has been difficult to find capital projects to fund.” Why have they been difficult to find recently and do you expect that to change with changing land use priorities post-pandemic?

Some of the primary reasons that capital projects have been difficult to find in the past include:

- Capital projects often need much larger amounts than what the City receives annually for both CDBG and HOME.
- CDBG/HOME reporting requirements can be an administrative impact for a sub-recipient, especially if the organization is not familiar with the requirements.
- The timing of projects does not always line up with the Annual Action Plan/NOFA timing.
- Projects might not meet the Consolidated Plan/Annual Action Plan goals.

Staff does not expect these reasons to change much if at all post-pandemic, and may continue to recommend to fund capital projects outside of the NOFA process in the future as appropriate or advantageous to do so.

ITEM 8.1 Fiscal Year 2020-21 Third Quarter Budget Status Report, Fiscal Year 2021-22 Preliminary General Operating Fund Forecast Update, and American Rescue Plan Act Funding Update

1. Can staff provide the list of the 79 vacant positions, as well as the length of time each position has been vacant?

Attached is the vacancy list as of today. We have 78 current vacancies and have underlined the positions in the attached document that are currently in some phase of recruitment.

- The City’s turnover statistics have been consistent since FY 2015-16 and have been below 10%.
 - Turnover for FY 20-21 is at 4.59% in the midyear reporting compared to 4% last year and we are below the average for the past 6 years.
 - The number of vacancy events in 2019 (101) and 2020 (100) were lower than in 2018 (142). Vacancy events include resignations, retirements, release from probation, positions vacated as a result of promotion or internal movement, etc.
 - Recruitment activity: From Jan-April this year compared to the prior 4 years, we are above the average in recruitments running and positions in recruitment, but also in vacancies.
 - Looking at the calendar year annuals, we filled fewer positions in 2020 than in prior years due to COVID (73 compared to a prior 3-year average of 122). Shelter in place and the decrease in recruitment activities in March 2020 to July/August 2020 may have been the largest contributing factor to the backlog of recruitments that we have not been able to eliminate as we restarted recruitments. HR also continues to focus staff resources to COVID related responses, regulations and recovery efforts.
2. Can staff provide more information about this proposed expenditure of ARP funds? “Technology equipment, hardware, and IT contracts to support online services/remote work/Zoom conference rooms/hybrid meetings.”

A number of technology needs have been identified related to the COVID-19 pandemic. Technology equipment, software applications, and consultant contracts are needed to support new methods of delivering service to the community and changing internal operations to more effectively and securely implement City processes. These changes will enable staff to work both onsite and remotely. These needs include: enabling hybrid public meetings, implementing a paperless permitting system, adding closed captioning for public meetings, adding "Zoom Room" capabilities for all City conference rooms,

migrating employees from desktop to laptop computers with additional IT support systems, continued deployment of enhanced cyber security, and back up virus scanning and malware protection.

3. Is the \$750,000 for “Unpaid utility bills for residents/small business” based on existing utility debt? If not, where does the \$750,000 figure come from?

This amount is based on 658 existing unpaid accounts and represents only that portion of the account balance that is delinquent (i.e., >90 days past due). It is a combination of residential and commercial accounts, however, not all of the commercial accounts are small businesses. Therefore, additional analysis is still needed on an account-by-account basis to further ascertain which of those accounts qualify as small businesses. In addition, depending upon if and when this is approved by Council, the final delinquency amount will depend on the date used for cutoff.

4. On page 32 in the discussion on the Ameswell Hotel and the Police/Fire Admin Building, is it possible to hold the funds in a reserve for the new building rather than use it for limited period expenditures?

The funds are transferred to the Budget Contingency Reserve (about \$4.5M thru 6/30/21), not currently being used for LP expenditures, but available for LP items if needed.

5. Wouldn't that reduce the amount of debt needed? What would be the downside of doing this?

Yes. Less funds in the Budget Contingency Reserve (would reduce balance to about \$5M).

6. The last few updates on the rent relief program at CSA seem to show that fewer funds are being expended. Is that the case? Is there a reason why?

CSA has expended the City funds it had already received from the City. However, it has not yet received a final round of funding that had been approved by Council. The CSA agreement needed to be amended to include these additional funding amounts. The agreement has been amended and the funds are being disbursed this week to CSA. In the meantime, CSA has been utilizing other rent relief funds it has raised to assist Mountain View residents.

7. How is CSA handling the state's rent relief effort in terms of paying 80% of the rent, conditioned on forgiveness of 20% of the rent?

The State launched a Rent Relief Program for landlords and tenants and it is accepting applications. This State program covers past-due rent and utility payments for tenants who qualify. There will also be a Program for our most vulnerable tenants through the County. At this time, the County is requesting all tenants go to the State website to start the application process through the State's portal at housingiskey.com. The website is available in Spanish. Questions regarding the State program should be directed to the Mountain View Rental Housing Helpline (Project Sentinel) by emailing mvrent@mountainview.gov or calling 650-282-2514. CSA is not handling the State rent relief program or any part of its implementation/administration. City of Mountain View Rent Stabilization Program staff have included this information in its outreach material to both tenants and landlords regarding rent relief programs.

8. The staff report says, “A study to update the impacts of Sea Level Rise is currently under way and is expected to be completed by fiscal year-end. It is anticipated additional reserves will be needed to provide for increased mitigation over that which was recommended by the initial study.” Why don’t the tech companies located in N Bayshore pay for some of this infrastructure given that they own a large portion of the land?

The City and/or Shoreline Community is responsible for maintaining and providing for the needs of the Community pursuant to the enabling legislation which includes Sea Level Rise. Although it is conceivable a portion of the cost could be passed through to property owners in the Community, it is presumed that such costs are primarily the responsibility of the Community and would be funded primarily from property tax revenues generated by the Community.

9. The staff report says, “The EPA water transfer agreement was approved in 2017, and this \$5.0 million is reserved to use toward future minimum water purchase penalties when insufficient water services charges are collected. A penalty of \$2.0 million is currently estimated for Fiscal Year 2020-21.” When the recycled water comes online will our penalty fees go up?

The “Penalty” is from the SFPUC because we have a minimum water purchase requirement in our agreement. Recycled water comes from the Palo Alto Treatment Plant. It is possible, all other things remaining the same, that once recycled water use expands to other parts of the City, less potable water will be used, thus, increasing the minimum usage penalty. However, the City is expecting significant population growth increasing demand for potable water. Staff currently projects that the City’s use of potable water will exceed the annual minimum water purchase volume in a few more years, at which time the penalty would no longer be a factor even with increases in recycled water users.

10. I understand that cutoffs of water have been suspended during the pandemic which is good. On the national level, I have heard that water cutoffs have been a serious problem for low income residents. Is this a problem in Mountain View? How many cut offs do we have in a normal year?

Yes, water shutoffs are a problem especially for lower income residents which is why none have been made for lack of payment since the pandemic began. The City does not have information regarding shutoffs by income levels. However, for the three years’ prior the pandemic (2017-2019), the number of shutoffs averaged 286 per year. Currently, there are approximately 658 delinquent residential and commercial accounts. Staff has recommended using approximately \$750,000 of the American Rescue Plan Act funding to offset the delinquent accounts.

Netto Planning LLC Scope of Work and Budget

Netto Planning LLC will continue to be responsible for providing project management on planning entitlement projects and environmental review process as requested by the City's Planning Manager. Services also include managing planning projects through the post entitlement building permit and inspection phases.

Current Development Projects Include:

Objective: Provide contract planning services.

Description:

- Provide contract staff support services for projects including but not limited to those identified below (see Development Project list for project description):

1920 Gamel Way
400 Logue Avenue
465 Fairchild Avenue
198 Easy Street
1555 Middlefield Road
881 Castro Street
756 California Street

Meetings:

Attendance at City staff meetings, Zoning Administrator Hearings, Design Review Committee Meetings, Environmental Planning Commission Meetings, and City Council Meetings, as deemed appropriate by the Planning Manager.

Deliverables:

Prepare staff reports and make presentations.

Environmental Compliance

Objective:

Provide environmental review in compliance with California Environmental Quality Act (CEQA).

Description:

Compliance Assistance with CEQA Entitlement processing services may also include:

Conducting public scoping meetings as necessary.
Preparation and/or review of environmental documents
Reviewing technical studies to comply with CEQA.
Circulating the document for review.
Reviewing/preparing the mitigation monitoring program.

Meetings:

Attendance at City staff meetings, Zoning Administrator Hearings, Design Review Meetings, Environmental Planning Commission Meetings, and City Council Meetings, as deemed appropriate by the Planning Manager.

Deliverables:

Environmental document, as determined by the characteristics of the project and City policy.

Post Planning Entitlement

Objective:

Provide project management through post entitlement phase.

Description:

Building Plan Checks.
Planning Inspections.
Compliance with Project Conditions of Approval.
Compliance with Mitigation Monitoring and Reporting Programs.

Meetings:

Attendance at post entitlement meetings.

Deliverables:

Post entitlement management, as determined by the type of project and phase.

Budget Estimate

Fiscal year 2021-2022- \$150,000

Vacancy List
as of 4/26/21

Department	Job Code	#	Dept/Class	Vacant As Of (MONTH/YR)
CMO	<u>158</u>	<u>001</u>	<u>CHIEF SUSTAINABILITY & RESILIENCE OFFICER</u>	<u>SAP4, 2/2020</u>
CMO	<u>379</u>	<u>LP1</u>	<u>ANALYST II</u>	<u>SAP4, 2/2020</u>
ITD	<u>615</u>	<u>001</u>	<u>IT DESKTOP TECHNICIAN II</u>	<u>6/2020</u>
FASD	<u>70</u>	<u>OH1</u>	<u>ASST FINANCE & ADMIN SERVICES DIRECTOR</u>	<u>NEW, 2/2021</u>
FASD	247	001	PRINCIPAL FINANCIAL ANALYST	3/2021
FASD	<u>259</u>	<u>OH1</u>	<u>SENIOR PAYROLL ACCOUNTANT</u>	<u>NEW, 2/2021</u>
FASD	306	002	SENIOR MANAGEMENT ANALYST	3/2020
FASD	<u>306</u>	<u>003</u>	<u>SENIOR MANAGEMENT ANALYST</u>	<u>1/2021</u>
FASD	476	001	DOCUMENT PROCESSING SUPERVISOR	11/2020
FASD	590	001	DOCUMENT PROCESSING TECHNICIAN III	8/2020
FASD	675	501	DOCUMENT PROCESSING TECHNICIAN II	7/2019
CDD	<u>93</u>	<u>001</u>	<u>HOUSING & NEIGHBORHOOD SERVICES MANAGER</u>	<u>10/2020</u>
CDD	TBD	001	DEPUTY BUILDING OFFICIAL	SAP4, 2/2020
CDD	256	LP1	SENIOR PLANNER	3/2017
CDD	266	001	DEVELOPMENT SERVICES COORDINATOR	11/2020
CDD	306	001	SENIOR MANAGEMENT ANALYST	NEW MIDYEAR 20-21
CDD	342	LP1	ASSOCIATE PLANNER	10/2015
CDD	357	003	BUILDING INSPECTOR II	4/2020
CDD	<u>357</u>	<u>006</u>	<u>BUILDING INSPECTOR II</u>	<u>NEW FY 19-20</u>
CDD	379	004	ANALYST I/II	SAP4, 2/2020
CDD	467	002	ASSISTANT BUILDING INSPECTOR	11/2020
CDD	650	LP1	SECRETARY (0.50 FTE)	6/2019

Vacancy List
as of 4/26/21

<u>CDD</u>	<u>650</u>	<u>003</u>	<u>SECRETARY</u>	<u>1/2020</u>
<u>PWD</u>	<u>157</u>	<u>002</u>	<u>TRANSPORTATION PLANNER</u>	<u>3/2020</u>
<u>PWD</u>	<u>157</u>	<u>003</u>	<u>TRANSPORTATION PLANNER</u>	<u>SAP4, 2/2020</u>
<u>PWD</u>	<u>162</u>	<u>001</u>	<u>SOLID WASTE PROGRAM MANAGER</u>	<u>4/2021</u>
PWD	250	010	ASSOCIATE CIVIL ENGINEER	4/2021
PWD	250	LP2	ASSOCIATE ENGINEER	6/2020
PWD	298	001	WATER QUALITY SUPERVISOR	2/2021
PWD	394	001	POSTCLOSURE ENVIRONMENTAL SYSTEMS SPECIALIST	6/2020
<u>PWD</u>	<u>447</u>	<u>001</u>	<u>SENIOR UTILITIES SYSTEMS TECH</u>	<u>12/2020</u>
<u>PWD</u>	<u>480</u>	<u>001</u>	<u>ENGINEERING ASSISTANT II</u>	<u>1/2020</u>
PWD	526	LP1	ADMINISTRATIVE AIDE	12/2020
PWD	585	002	HEAVY EQUIPMENT OPERATOR	12/2019
<u>PWD</u>	<u>607</u>	<u>LP1</u>	<u>FACILITIES MAINTENCE WORKER II</u>	<u>SAP4, 2/2020</u>
PWD	657	002	STREET MAINT. WORKER II	4/2021
PWD	657	004	STREET MAINT. WORKER II	5/2020
PWD	700	001	OFFICE ASSISTANT III	11/2020
<u>CSD</u>	<u>74</u>	<u>001</u>	<u>ASSISTANT COMMUNITY SERVICES DIRECTOR</u>	<u>8/2019</u>
<u>CSD</u>	<u>127</u>	<u>001</u>	<u>SHORELINE MANAGER</u>	<u>10/2019</u>
CSD	557	007	PARKS MAINTENANCE WORKER III	4/2020
CSD	613	002	TREE TRIMMER II	12/2020
<u>CSD</u>	<u>655</u>	<u>018</u>	<u>PARK MAINTENANCE WORKER II</u>	<u>12/2020</u>
CSD	745	001	OFFICE ASSISTANT II	3/2020
CSD	795	701	RECREATION LEADER II	7/2020
LSD	469	001	SENIOR LIBRARIAN	4/2020
LSD	469	002	SENIOR LIBRARIAN	3/2020

Vacancy List
as of 4/26/21

<u>LSD</u>	<u>533</u>	<u>001</u>	<u>EXECUTIVE ASSISTANT</u>	<u>11/2020</u>
LSD	653	002	LIBRARY ASSISTANT III	6/2020
<u>LSD</u>	<u>695</u>	<u>701</u>	<u>LIBRARY ASSISTANT II</u>	<u>12/2020</u>
FD	212	009	FIRE CAPTAIN	4/2021
FD	202	003	HAZ MAT SPECIALIST NON-SAFETY	NEW FY 19-20
<u>FD</u>	<u>353</u>	<u>001</u>	<u>FIREFIGHTER/PARAMEDIC</u>	<u>1/2021</u>
<u>FD</u>	<u>353</u>	<u>005</u>	<u>FIREFIGHTER/PARAMEDIC</u>	<u>2/2021</u>
<u>FD</u>	<u>353</u>	<u>011</u>	<u>FIREFIGHTER/PARAMEDIC</u>	<u>1/2021</u>
<u>FD</u>	<u>353</u>	<u>017</u>	<u>FIREFIGHTER/PARAMEDIC</u>	<u>4/2021</u>
FD	397	002	ENVIRONMENTAL AND SAFETY PROTECTION INSPECTOR	4/2020
FD	428	002	PUBLIC EDUCATION/FIRE SAFETY SPECIALIST	NEW FY 19-20
<u>PD</u>	<u>227</u>	<u>OH/LP</u>	<u>SENIOR SYSTEMS SPECIALIST</u>	<u>NEW FY 19-20</u>
PD	220	003	POLICE SERGEANT	12/2020
<u>PD</u>	<u>365</u>	<u>002</u>	<u>POLICE OFFICER</u>	<u>2/2021</u>
<u>PD</u>	<u>365</u>	<u>005</u>	<u>POLICE OFFICER</u>	<u>1/2021</u>
<u>PD</u>	<u>365</u>	<u>010</u>	<u>POLICE OFFICER</u>	<u>10/2020</u>
<u>PD</u>	<u>365</u>	<u>011</u>	<u>POLICE OFFICER</u>	<u>2/2021</u>
<u>PD</u>	<u>365</u>	<u>029</u>	<u>POLICE OFFICER</u>	<u>12/2020</u>
<u>PD</u>	<u>365</u>	<u>032</u>	<u>POLICE OFFICER</u>	<u>1/2021</u>
<u>PD</u>	<u>365</u>	<u>055</u>	<u>POLICE OFFICER</u>	<u>6/2020</u>
<u>PD</u>	<u>365</u>	<u>OH2</u>	<u>POLICE OFFICER</u>	<u>1/2020</u>
<u>PD</u>	<u>365</u>	<u>OH3</u>	<u>POLICE OFFICER</u>	<u>12/2012</u>
<u>PD</u>	<u>365</u>	<u>LP1</u>	<u>POLICE OFFICER</u>	<u>11/2019</u>
PD	411	LP2	POLICE OFFICER TRAINEE	11/2019

Vacancy List
as of 4/26/21

<u>PD</u>	<u>374</u>	<u>001</u>	<u>PUBLIC SAFETY DISPATCHER III</u>	<u>10/2020</u>
<u>PD</u>	<u>437</u>	<u>005</u>	<u>PUBLIC SAFETY DISPATCHER II</u>	<u>8/2020</u>
<u>PD</u>	<u>437</u>	<u>008</u>	<u>PUBLIC SAFETY DISPATCHER II</u>	<u>1/2021</u>
<u>PD</u>	<u>437</u>	<u>009</u>	<u>PUBLIC SAFETY DISPATCHER II</u>	<u>1/2021</u>
<u>PD</u>	<u>437</u>	<u>LP2</u>	<u>PUBLIC SAFETY DISPATCHER II</u>	<u>NEW IN FY 18</u>
PD	670	OH1	COMMUNITY SERVICE OFFICER	11/2020
PD	673	003	POLICE RECORDS SPECIALIST	3/2021

78 Current Vacancy Count

Note: Classifications underlined are currently in the recruitment process.

City Council Questions

May 5, 2020 Council Meeting

ITEM 3.3 3 COVID-19 UPDATE BY CITY MANAGER KIMBRA MCCARTHY

1. Can we have an update on how visual and performing arts organizations are faring in this emergency situation? I would like to hear about the Pear Theater, the Community School or Music and Art and other like organizations that contribute to the cultural life of our city.

Pear Theater applied for the small business assistance program, so they are, in fact, in the queue. We are giving the rent deferment to CSMA.

ITEM 4.3 PROFESSIONAL SERVICES AGREEMENT FOR PLANNING SERVICES

1. Was there an RFP prior to the inaugural contract approved by the Council on March 6, 2018? What other planning firms were under consideration?

No. Planning staff reached out to several contract planners at that time to gauge their interest and qualifications for contract planning work, and there was no other qualified contract planners/firms who replied with interest at that time.

2. Will there eventually be a competitive bidding process for contracted planning services?

Yes, if there are newly interested contract planners/firms available and qualified for this work, then a formal RFP can be issued.

3. When is an RFP required? Why is an RFP not required in this case?

The City's administrative policy requires an RFP for professional services agreements such as this one. However, the City's policy allows a modified or abbreviated RFP process if there are circumstances that do not support a competitive bidding process. For this specialized work, a competitive bidding process was not feasible as there has not been qualified and available/interested contract planners.

The contract planner for this agreement has worked for the City for several years and has provided quality work on a wide range of planning projects and is available/interested to continue working for the City. Additionally, the contract planner is currently managing several complex planning projects and approval of this contract will allow continuity of project management which would prevent disruptions in the entitlement process for these projects.

ITEM 4.4

1. I did not see anything about public art. Will that be part of the contract and will it include meeting with the Visual Art Committee? With a project cost of \$ 2,225,000, the funds available would be \$22,000, is that correct?

There will be a public art component to the project. City staff and the Visual Arts Committee manage and implement the public art process; and will involve the park designers as appropriate. The public art budget is 1% of the project's construction budget. The construction cost is estimated to be around \$1.5 million, which would equate to an art budget of \$15,000. A higher art budget (e.g., up to 2 percent) could be considered by Council as part of concept approval scheduled for spring 2021.

ITEM 4.7 LIVE NATION RENT DEFERRAL DUE TO COVID-19

1. Since Live Nation is unable to use the land, is the City able to access and use the land for its own purposes? (COVID response, COVID-appropriate recreational activity, etc.?)

The lease agreement with Live Nation for use of the Amphitheatre includes language that allows for the City to utilize the property.

Two sections of the lease provide the City access to the property:

- The City has the ability to utilize all parking areas for the Amphitheatre for its own purposes, so long as such use does not damage the parking facilities, and the use does not interfere in any way with Lessee's operation and use of the Amphitheater.
- The City may use the amphitheater space with the consent of Live Nation. The City would be expected to bear all costs and expenses of operating the Amphitheatre including, but not limited to, insurance premiums, traffic/crowd control and clean-up.

Should there be a desire by City to utilize areas of the Amphitheatre, it is expected that Live Nation will work in good faith to work with the City.

Overall Live Nation has been a good partner with the City to find solutions to benefit the community. For example, in order for the Safe Parking Program to go to 24/7, Live Nation made concessions to the agreement that reduced the overall number of parking spaces available for concert parking.

ITEM 6.1 NEW RESIDENTIAL DEVELOPMENT AT 355-365, 401 AND 415 EAST MIDDLEFIELD ROAD

1. On page 18 of the staff report, a footnote highlights a distinction between the East Whisman Community Benefits Fund and the General Fund. Can staff provide more detail on the rules and restrictions governing the East Whisman Community Benefits Fund?

East Whisman community benefits support implementation of the East Whisman Precise Plan, and may be used for affordable housing, transportation improvements, open space improvements, community or non-profit facilities or other public improvements/programs that serve the East Whisman area. They are not intended for other parts of the City, and they should not be used for operational costs (such as salaries). The General Fund, on the other hand, may be used anywhere and may be applied to operational costs.

2. Does the City have the ability to dictate the use of the voluntary contribution made to the school district? In other words, can the City require that any funding provided to the school district must be in used in a specific way or by a specific time?

The agreements are typically between the developer and the school districts. The City has not had a role in regulating terms in such agreements. However, if the City contributes funds to the school district from the community benefit contributions as part of the Citywide school strategy, there may be a separate agreement between the City and school district, through which the City may set terms.

3. Page 173 of the East Whisman Precise Plan stipulates that “Projects may not apply community benefit contributions to satisfy the requirements of the Local School District Strategy or the Jobs/Housing Linkage Program.” (6.1.2 General Bonus FAR Standards, 3(c), Relationship to the Local School District Strategy and Jobs/Housing Linkage.) What does this mean?

This language reflects an earlier protocol, to establish separate requirements for School Strategy, Community Benefits and Jobs/Housing Linkage. However, as part of an upcoming discussion on the Citywide School Strategy, the Council may choose to include school strategy contributions as part of the community benefits. In that case, staff will return with minor amendments to the North Bayshore and East Whisman Precise Plans, to reflect the change.

However, the Jobs/Housing Linkage Program is still separate. For example, if an office project proposes to dedicate land for an affordable housing developer, they may be allowed additional Bonus FAR under the Jobs/Housing Linkage Program. However, they cannot also consider that community benefits.

4. The Southern Multi-Use Path does not appear on the identified Transportation Improvements map in the Precise Plan (p 197). Is this path required by the City, or is it voluntarily provided?

The Improvements map on page 197 is for public improvements. New multi-use paths and paseos on private property are not considered public improvements pursuant to that map (even though they are publicly accessible), since they are not implemented by the City. It is a development requirement pursuant to pages 80 and 129, so it is not voluntarily provided (though the width and facilities provided are greater than the Precise Plan minimum).

5. Page 192 of the Precise Plan requires the City to “periodically conduct market analysis to update the value per square foot [of the Community Benefits Contribution], if necessary, to address market changes.” In light of the significant shift in the economy due to COVID, will staff be conducting a market analysis?

The extent of COVID-19’s disruption to the economy is not yet clear. After sometime the City and our consultants may have some data about how inputs to the previous market analysis may or may not have changed. If staff finds they have changed significantly, staff can recommend updates to the market analyses for East Whisman, San Antonio and El Camino Real community benefits.

6. Can staff provide a chart showing the total tax and fee stack associated with this project? There are several different numbers floating between the report and other materials, and it would be helpful to have them all in one location.

Staff would need additional time to provide a comprehensive table of all the fees.

7. Did Summerhill sell the development rights to the 84,905 sf of existing office?

No, they have not yet sold this as far as staff is aware. However, an office development cannot use that floor area unless SummerHill starts construction or otherwise provides certainty that their project will be built.

8. Is the project's financial viability calculated before or after the sale of the 84,905 sf of office development rights?

Staff is not privy to a developer's proforma and what makes a project economically viable to them.

9. I watched the EPC meeting and heard the EPC request native, large trees not just recycled-water friendly trees. Is staff working with the applicant to use native, large trees? Should this be added as a condition?

As a result of the discussions at EPC, the applicant revised the plans to preserve some of the significant trees along East Middlefield Road, and are now relocating/ preserving a mature Coast Live Oak tree which will become a focal point for the project along East Middlefield Road. Additionally, staff will be working with the applicant with the Building Permit submittal to evaluate the tree species in the landscape plan to identify opportunities for alternative tree species where appropriate.

10. Where is the loading zone for the townhouses?

Loading for the overall project is designed to be shared from the space(s) shown along the internal u-shaped loop street, between the different components of the overall project. There is not a designated area for just the townhome portion of the project.

11. I'd like to compare the 53 foot proposed separation between the condo building and the townhouses to an existing development. What is the separation between the apartment buildings in the Merlone Geier project at San Antonio center where there is a street?

Distances between buildings at the Merlone Geier project and the projects are generally similar. The buildings in the Merlone Geier project are slightly taller than the proposed SummerHill project (eight stories versus seven stories and four stories) and the building separation ranges from 40-60 feet.

12. What is the ground floor height of the townhomes for which an exception is being requested as stated on page 10 of the staff report?

The proposed ground floor height is approximately 9-feet where the EWPP requires the ground-floor height of a residential building to be a minimum of 12' above the sidewalk.

13. Are the BMR rental units affordable in perpetuity or for 55 years?

The BMR units would be deed restricted as affordable for 55 years.

14. How many people board light rail in the morning at the Whisman and Middlefield stations separately?

Staff does not have individual light rail station ridership information.

15. Do we have any data on the utilization of bicycle parking spaces in developments?

Staff does not track bicycle parking space utilization in developments.

16. What do you estimate would be the additional per square foot contribution to the schools if Council allowed the schools to sell TDRs as Summerhill has suggested?

SummerHill estimates proceeds from reselling the TDR to be \$400,000 - \$750,000, which they would donate to MVWSD and MVLHSD. Their floor area (for the purpose of calculating school contributions) is 627,000. This comes out to \$0.64 to \$1.20 per square foot.

17. Page 6 - Why is staff recommending that it is ok to have a Residential Bonus FAR up to 2.91 exceeding the base FAR of 1.0?

The East Whisman Precise Plan allows Bonus FAR, which creates opportunities for community benefits and incentives for higher-density, sustainable residential development. The Precise Plan's vision of a mixed-use, walkable and sustainable neighborhood would be more difficult to achieve if all residential developments were constructed at 1.0 FAR.

18. Why is light rail considered a major transit system, when VTA states ridership is low and has been decreasing over the years?

Although ridership on the light rail is not being utilized at its peak capacity due to a number of factors, the light rail system itself is considered a major transit system due to its ability to transport a large number of people throughout the transportation network.

19. Page 10 - Building Separation - What information are we using to determine if the height of the building are going to create a tight building corridor?

The building separation requirements are intended to create distances between buildings which feel comfortable to people and is a qualitative metric that has been developed into a quantitative standard. Development of these standards for the precise plan were based on studies of built projects in the context of Mountain View's development landscape.

20. At Merlone Geier phase 2, the building separation appears close and causing a canyon affect. How do not that happen here?

Staff has concluded that the proposed building separations, building articulation and massing conditions particularly at the ground-floor level, and juxtaposition between the condominium building and the townhome units will create a comfortable pedestrian environment.

21. Page 11 - Jobs-Housing linkage - If the city is working to build more housing then why are we allowing 84,905 sq ft of office to be transferred to another development? Does it defeat the intent?

The Jobs-Housing linkage was an important component of the East Whisman Precise Plan, and facilitates a mix of uses, as well as an incentive for conversion of land from low-intensity industrial uses such as those on this site to residential uses, such as those proposed by the project developer. The intent of the Jobs/Housing Linkage Program is that office growth be associated with residential growth. Demolishing and rebuilding the existing floor area is not necessarily growth (ie, there is no net new floor area created). In addition, it provides an asset for the residential developer to help them compete with new office developments when bidding on land.

22. Diverse Housing - Why is the city not requiring Summerhill to comply with the 15% affordable units requirements?

At a Study Session in 2018, Council considered and was supportive of SummerHill's proposed BMR program which includes 10% of the units at rents affordable to low-income households and 15% of the units at moderate income levels only the rental portion of the project, in lieu of providing any affordable ownership units or paying an in-lieu fee. Council was supportive of this alternative because it provides the greatest number of affordable units on-site and includes moderate-income units to address the needs of the "missing middle."

23. Page 14 - Service Street Width - Summerhill is not complying with the Street width, "indicated would significantly impact project feasibility", did any one validate that statement?

Staff analyzed project implications of a compliant street width and concluded that it would result in a reduction in units due to a reduction in the building size necessary to provide the additional street widths. The applicant has indicated a reduction in the number of units below what is currently proposed would impact the financial viability of the project.

24. Page 15 - Key Corner - What makes the Condominium building a "key corner"?

The "key corner" is a concept that is identified in the East Whisman Precise Plan and represents an area where an architectural or other site feature should be provided due to its location and visibility. The particular application of a suitable "key corner feature" will vary depending on the context of the project and the location of the corner.

25. Traffic - Help me understand, that there is going to be 463 new units, approximately 517 bedrooms, and that the new net trips are going to only be 108 morning and 146 in the evening, and that this is based on the use of light rail, and other TDM.

108 am peak period and 146 pm peak period trips are the net new trips for the project after consideration of the trips associated with the existing commercial buildings on the site and a 9%

proximity to light rail reduction. It should be noted these are just the net new peak hour trips and do not represent the total daily trips for the project.

26. How many trips are happening now with the office complex?

The buildings are currently vacant. However, traffic reports assume occupancy of vacant buildings as they can be re-occupied at any time. The traffic report assumed 242 daily trips for the existing buildings.

27. How many employees are working at the current facilities?

Minimal employees necessary for maintenance and security of the vacant buildings.

28. How much is light rail going to decrease travel?

VTA provides for a 9% reduction in trips for housing near light rail stations.

29. Are there any current studies that validate that Light Rail reduces travel by a certain percentage?

The trip reductions attributed to residential projects near light rail are derived from the VTA based on surveys conducted by them along the light rail network.

30. I did read Table 5 in the EPC FEB 19 staff report - still need to explain.

See answer to question #25 above.

31. Page 16 - Parking - Why are parking requirement more stringent for Townhouses than for a 2 or 3 bedroom condo or apartment? Isn't a bedroom a bedroom regardless of the type of housing? EPC was concerned about the Parking ratio per housing type also.

The townhouse units have a private garage accessible by one unit, while the condo and apartment units have a shared parking garage with assigned spaces. The shared parking garage allows more opportunity for parking to be reassigned, or "freed up" if needed based on use, unlike the private garages in the townhome units.

32. How was the number for guest parking determined?

The project is proposing 8%, or 47 spaces, of the total parking to be made available to guests. These spaces are distributed with 13 spaces along the service street, 19 spaces in the condo building, and 15 spaces in the apartment building. The EWPP does not have a separate guest parking, so the total parking proposed for a project is inclusive of guest parking. The amount of parking for the project, including guest parking, was reviewed by a transportation and parking consultant (Hexagon), who concluded that the amount of parking proposed for the project was sufficient based on the proposed type of development and by utilizing studies from similar development projects within the region as a point of comparison.

33. Page 18 - Community/Public benefit & School Strategy. If the city cannot legally compel Summerhill to pay a certain amount, what are we being asked to determine?

Council may determine how much of the total community benefit contribution dollars would go to East Whisman improvements or local schools.

34. Page 20 - Other applicant requests. Granting of the gatekeeper, gave the applicant a “financial gain”, can that amount be determined and what would it be?

Granting the gatekeeper gave SummerHill several benefits, for which it would be difficult to quantify. Those benefits include: start of development review prior to adoption of the Precise Plan; and a special BMR program, partially related to their early start of development review.

35. Was granting of the Gatekeeper based on Summerhill purchasing TDR?

Yes.

36. Know that Summerhill is not proposing to use the TDR, is the Gatekeeper still valid, even though they are paying LASD the \$1.3 million dollars?

Yes.

37. If Summerhill is not using the 10,000 sq ft of TDR, what happens to it?

The options for the TDR units would be either to land the TDR units on the site regardless of utility of them in the project or allow the applicant to sell them to another developer.

38. If the 10k of SGF was not used, then should the Community benefit be higher by \$50k?

Yes.

39. I did notice that the above question could require clarification from Council.

40. Transportation Impact Fee - How fewer TIF could there be?

The applicant has requested that Council consider extending the deadline associated with this fee, to allow them time to obtain the necessary Building Permits. If the Council decides to consider this, the lost TIF would be approximately \$820,000, though this was already considered lost when the Council adopted the Fee.

41. Page 21 - Park land Dedication Credit - Wasn't this item allowed only for North Bay Shore projects?

Council previously only authorized certain parkland dedication credits in the North Bayshore Area. However, parkland dedication ordinance revisions which may include allowable credits for projects outside the North Bayshore Area are scheduled to come to Council for consideration later in the year. If revised, the applicant/project developer could return to Council with a request that

their project and its conditions of approval be modified based on the parameters of the revised ordinance.

42. #13-What improvements would be made to adjacent property and wouldn't that require permission from the other property owner?

The improvement is required because the project currently shares an improvement (ie., driveway with the adjoining property), and in order to bring it up to City Standards for safe circulation, improvements are necessary on the adjoining property, to make it a functional and safe access.

43. #34-What happens to the parking spaces if no car share uses them - guest or tenants?

The EWPP requires developments to offer a right of first refusal of parking stalls to carshare companies. If none are taken, they revert to normal parking stalls.

44. #78a- How proactive has the city been in reviewing compliance with requirement to submit a TDM report. Ie Merlone Geier, Madra, etc?

TDM programs are part of development project requirements and annual monitoring and reporting are required as part of the project conditions of approval.

45. # 119 How many elevators are there going to be in each building?

There are three elevators in the apartment building, two in the condominium building and none in the townhomes.

46. #144 Where does the fee go?

Water and Sewer Capacity charges are placed in a separate fund and during the budgeting process these funds are allocated to CIPs.

47. #145 How much is charged and what is being done to increase capacity?

The proposed project impacts three sanitary sewer pipe segments that were previously identified in the General Plan and East Whisman Precise Plan EIRs as flowing above design capacity in the cumulative condition. This project contributed under 5% additional flows to those pipes. The developer will pay their fair share towards the upsizing of these pipes which will be approximately \$6,000. The projects to replace these pipes will be scheduled through the CIP process.

48. #164 How long is the Middlefield Road frontage? Why can't cars and bikes coexist?

The project's frontage on East Middlefield Road is approximately 665 feet. Dedicated bike lanes are recommended for streets with higher traffic volumes and speeds as opposed to residential streets where bikes and cars can more safely share the same lane.

49. #178 is purple pipe required on this project?

The project site is in an area planned to be served by recycled water, and therefore, purple pipe will be required per this Condition.

ITEM 7.1 FISCAL YEAR 2019-20 GENERAL OPERATING FUND (GOF) BUDGET STATUS UPDATE REPORT ON THE IMPACTS OF COVID-19

1. Is the Shoreline Amphitheater payment deferral included or excluded per the reference on page 7 of the staff report in the Rents and Leases section?

The Shoreline Amphitheatre rent payments April through June have been excluded from the estimated revenues for Fiscal Year 2019-20, i.e., we will not receive those payments this fiscal year and that revenue loss is factored into our estimates.

2. What is the estimated sales tax revenue decline if the shelter-in-place order lasts through the end of the fiscal year?

Our Sales Tax consultant provided an estimated additional loss of approximately \$840,000 for FY20, \$2 million for FY 21 and \$1.6 million for FY 22 should SIP continue through June. It should be noted that these estimates are preliminary since they are based primarily on assumptions that continue to change and not on actual returns.

3. Are any reimbursements from FEMA factored into the budget?

No reimbursements from FEMA are included in any revenue estimate.

4. If I remember correctly, the Business License Tax as codified by Measure P, specifies that 80% of the tax should go to transportation, 10% to affordable housing and 10% to the General Fund, but that is advisory only and in case of emergencies changes can be made to that allocation. Is that accurate?

Correct, the Business License Tax is a general tax for general governmental purposes. It can be used for any purpose in the General Fund. Attached is the Resolution approved by City Council which outlined the intended (advisory) use of the revenues generated by the Business License Tax.

5. What percent of Business License Tax revenues come from our largest businesses? I have read that the larger tech businesses are doing as well or better now than they were before Covid-19. Given that, do we estimate that the Business License Tax revenue from our largest businesses will go up, down or remain relatively steady over the next year?

Based on the number of employees, the revenues from the top ten businesses are approximately 67% of the total revenues derived from this tax. For Fiscal Year 2020-21, the assumption is that Business License Tax revenues will decrease in total by 3% based on historical unemployment rates.

ITEM 7.2 ALLOCATION OF ADDITIONAL FUNDING FOR RENT RELIEF PROGRAM

1. If the Successor Agency Fund must be expended by June 30, 2020, how can \$450,000 be kept for current projects in future years? Doesn't it all have to be spent by the end of June this year?

Not all funds must be spent by the end of the fiscal year. The state law requires that once the Successor Agency Fund balance exceeds \$1M, essentially any unencumbered funds exceeding the \$1M balance must be spent within a certain timeframe or those funds would need to be returned to the state. By expending \$1M, it will bring the City below the \$1M threshold and therefore those remaining funds would not be subject to the time requirement. Those funds could be used for homeless services or affordable housing development in the future.

2. How much have rent's gone up in Mountain View over the past 10 years?

Over the past ten years, the average asking rents for all units in Mountain View have increased from \$1,656/unit to \$2,987/unit (80% increase). Note that this average includes all rental units in apartment buildings with three or more units and across different unit sizes. The overall variation of rents is wide, with asking rents for specific units below the average for older, less amenitized units and asking rents that are significantly higher for newer, more amenitized rentals.