

City Council Questions

November 10, 2020 Council Meeting

ITEM 3.1 AccessMV: Comprehensive Modal Plan

1. How does the “corridor serves disadvantaged residents” criterion in the Equity Goal work? Why does the California Street example only score 5 of out 10 points?

CalEnviroScreen is a standard state-wide metric that uses environmental, health, and socioeconomic information to identify communities that are most affected by many sources of pollution and especially vulnerable to environmental effects. An area with a high score is one that experiences a much higher pollution burden than areas with low scores. As this is a state-wide metric, it is likely that the highest score within Mountain View could be less than 10. If this is the case, the scores could be normalized so that the maximum score for this item is scaled up to 10 points. This scaling process could occur after all corridor segments have been evaluated.

2. Can any of the Citywide Transportation Impact fees be used on this study, or used for shuttle operations?

Use of the Transportation Impact Fees is restricted to projects and items listed in the Multimodal Improvement Plan.

3. Where either of the 3 schools district involved with the discussion of busing or how to reduce school morning traffic?

Schools input was provided as part of the Shuttle Study, which proposed extending shuttle service hours, which would in turn provide additional morning service for students.

4. On table 2 under Equity is mention “pedestrian accessibility”, should bikes be included in that? Is “safe routes to schools” included this Plan?

Yes, General Plan Policy MOB 1.2 calls for safely accommodating the needs of pedestrians, bicyclists, transit riders, motorists, and persons of all ages and abilities.

The City has a separate Safe Routes to School program which includes updating the suggested routes to school. That information has been used as an input to this work.

5. Is Grant RD considered an Avenue for table 3?

Yes. Based on the General Plan street typology map presented in Figure 2, Grant Road is an avenue.

6. Page 11 footnote 1- does the City of Mountain View have any areas that fall under that description?

CalEnviroScreen provides scores so different areas can be compared. While the metric is often used as a binary screening tool for disadvantaged communities, this work utilizes the raw score to provide an understanding of the level to which a community may face equity and environmental justice concerns.

7. Page 13- Why the example of California street not go from Castro to San Antonio?

Figure 3 provides information on corridor segmentation for this work. The segments have been selected to reflect shifts in land use and meaningful (half mile to one mile) segments for project implementation.

8. Attachment 1- Page 4 -Waverly Park, were there any discussion of how to provide transit options to get residents to San Antonio shopping area or Downtown?

VTA currently provides service along Grant Road as well as El Camino Real, and the nearest Community Shuttle bus stop is located at Grant/Eunice, which provides access to both Downtown and the San Antonio area. Transit access in this area was not raised as a significant concern during the extensive community engagement conducted as part of the Shuttle Study.

9. Page 13 - Figure 9 what does all the red mean? No color code on my copy.

Each color on the “bikeable islands” map represents the bikeable range for people who choose to ride only on low-stress facilities. Each island has a different color.

10. Page 15- Figure 10- does not show VTA service to the High School.

This will be corrected to match Figure 11 on page 20 of the [Shuttle Study](#). This figure includes the VTA network changes per their “2019 New Transit Service Plan”.

11. Page 21- Network Gaps- will AccessMV identify operating expansion of Shuttle or other transit options?

The AccessMV report will refer to the [Shuttle Study](#), which includes the options presented at the February 25, 2020 [Study Session](#).

12. To what extent did individual plans take into consideration existing plans? For example, did the pedestrian master plan take into consideration the bicycle transportation plan?

Individual plans are based on policy direction from the General Plan and take into account content of other previous plans to the extent that the plans overlap. For example, street typologies and cross sections in precise plans are based on General Plan policies and street designations, as well as facilities envisioned under the existing 2014 Pedestrian Master Plan (PMP) and 2015 Bicycle Transportation Plan (BTP). On the other hand, since the existing BTP and PMP focused on the network perspective and did not assess street cross sections or project level feasibility, they do not account for inconsistencies that would arise from competing use of public rights-of-way between different modes along the same roadways. Providing for and balancing the competing uses occurs as part of precise plans or feasibility studies.

13. How is pedestrian and bike infrastructure currently defined? Does it include shade trees? Wider sidewalks? Landscaped buffers between streets and sidewalks or bike paths? Road diets to allow these things?

AccessMV aims to provide high-level view of citywide facilities and the analysis focuses on elements for which we have information at a Citywide scale. For this reason, the analysis does not currently include more granular information on items such as shade trees, sidewalk width, and landscaping buffer.

14. I seem to remember that as we added more bike infrastructure to N. Bayshore the percentage of bike commutes dropped. Can you tell us whether that has been the case or not and provide some additional and updated detail on bike path use statistics?

Below is the annual average bike mode share for commuting into the N. Bayshore area (4% is approximately 1,000 bike commuters):

2015 - 5.8%
2016 - 6.0%
2017 - 4.2%
2018 - 4.0%
2019 - 3.0%
2020 - 4.0%

Staff is continuing to monitor the area to understand commuting patterns. It should be noted that much of the planned bicycle infrastructure for North Bayshore is not yet built and therefore, users are not yet able to benefit from a completed, connected, low-stress network. The apparent drop in bicycle commuters between 2016 and 2017 also occurred when the City shifted from one count vendor to another and it is unclear whether different methodologies or assumptions were used. It is also possible that construction activities affecting the roadways in North Bayshore may have temporarily discouraged bicycle use in recent years.

ITEM 4.3 Electric Vehicle Charging Parking Ordinance (Second Reading)

1. What happens if the vehicle is fully charged and stays park all day? Is there way to identify a vehicle is fully charged?

The ordinance introduced on October 27 allows the City to designate parking spaces for the exclusive purpose of electric vehicle (EV) charging. The City already has the authority to enforce posted time limits at all public parking spaces, including EV charging spaces. Currently, EV chargers at the Civic Center and 850 California Street parking garages have a posted 4-hour time limit. Analysis of data from the City's EV chargers shows that 98 percent of charging sessions at these facilities were within the posted four-hour time limit.

The City would be able to see if a charger is plugged in, but would not have a way of knowing if the vehicle parked is fully charged. As long as the vehicle is plugged in to the charger and has not exceeded the posted time limit, it would not be in violation of the posted restrictions. Compliance with time limits is generally encouraged through overstay fees rather than citations. The City's fee structure for EV charging, approved in February 2020, uses an "overstay fee" of \$3/hour to discourage drivers from leaving their vehicles plugged in after they are fully charged. This fee applies after a 20-minute grace period once the vehicle finishes charging. Vehicle owners can choose to be notified via a phone app that their car has finished charging so they can avoid the fee.

ITEM 4.5 Golden State Finance Authority PACE Programs

1. How many property owners participate in PACE programs in Mountain View right now?

As noted in another response, the City does not have currently have records of participants in the PACE programs. We are seeking this information from the program providers and hope to provide an update soon. Ygrene, the administrator of the proposed new PACE program, has indicated that they have

spoken to several small businesses that are interested in Commercial PACE financing but have been unable to participate in existing programs due to the higher minimum financing amount.

2. Some consumer protection advocates have expressed concerns about PACE programs, and there have been problems in other communities. What consumer protections exist for Mountain View property owners who participate in PACE programs? (See, for example: <https://www.latimes.com/homeless-housing/story/2020-05-21/la-fi-pace-home-improvement-loans-la-county>)

There are a number of new consumer protection requirements that have been enacted in California in response to concerns over early issues with PACE programs, such as those cited in the article. The most important element is requiring an assessment of the consumer's ability to repay the loan. Following are summaries of PACE-related consumer protection legislation adopted since 2016:

- AB 2693 required enhanced disclosures to homeowners participating in PACE programs, and guarantees the right to cancel PACE financing within three business days of execution. AB 2693 also prohibits marketing promises of monetary or percentage increased value to a property owner regarding the effect the financed improvements will have on the market value of the property, unless the market value is estimated using one of the specified methods.
- SB 242 requires a recorded telephone call to residential consumers to confirm key terms of the agreement in plain language (in the language of their own choice – translation available). This call and contractual documents must be available in one of five enumerated non-English languages as necessary. SB 242 also prohibits kickbacks to contractors for steering consumers into a particular program and any misrepresentation as to tax deductibility of a PACE assessment contract. Under this law, PACE providers are prevented from disclosing to contractors the amount of funds the property is eligible for under a PACE assessment.
- AB 1284 establishes state oversight for California's PACE programs (through the regulator – Department of Business Oversight – DBO) and requires PACE administrators that are not local governments to obtain a license under California Financing Law. The administrators are also held accountable for screening, training, and monitoring the contractors and sales reps enrolled in their programs. PACE providers also have to determine a consumer's ability to repay, including income verification, before entering into a PACE assessment.

Attached is a document provided by Ygrene ("Putting the Customer First") that lists their consumer protections in more detail. It includes information about their process for screening, vetting, and training contractors that participate in their program as well as ongoing monitoring for issues.

3. Has staff conducted an audit or review of existing PACE loans? How many property owners have experienced financial difficulty as a consequence of participating? How effective have the existing PACE programs been in achieving Mountain View's environmental sustainability goals?

Staff has not conducted an audit or review of existing PACE loans, and therefore doesn't know whether and how many property owners may have experienced financial difficulty as a consequence of participating. Not having conducted an audit, staff is not certain how effective PACE programs have been toward achieving the City's sustainability goals.

4. Any projects in MV or past?

Since the City does not administer the PACE programs, we do not have records of existing PACE-funded projects. Staff has contacted existing PACE providers in Mountain View, OpenPACE and HERO to obtain this information and we hope to be able to provide an update soon.

ITEM 6.1 Adopt a Resolution Awarding a Construction Contract to Syserco Energy Solutions for HVAC Replacement at City Hall/CPA and Fire Station No. 1

1. How much funding is available from the Construction/Conveyance Tax and from the CIP Reserve?

According to the fund balances available as of Sept 30, 2020, there is \$3.4 million in Construction/Conveyance Tax and \$1.7 million in CIP Reserve. These fund balances are planned to be allocated to the Fiscal Year (FY) 2021-22 CIP projects. The \$1.6 million in Construction/Conveyance Tax recommended for allocation to the HVAC projects will come from this fund balance.

2. Will another project get pushed to 2021-22 if the appropriations for this project are pulled into this fiscal year?

No projects will get pushed from this fiscal year to next year. As noted in the answer above, there is sufficient fund balance to advance the Construction/Conveyance Tax to fund Phase 2 of the City Hall/CPA HVAC project this year rather than waiting to fund it in FY 2021-22 as originally indicated in the 5-Year CIP.

ITEM 7.1 Fiscal Year 2020-21 Budget Update and Approving Use of an Equity Lens in the Fiscal Year 2021-22 Budget Development Process

1. Is staff recommending a particular allocation of CARES Act funds for each COVID response program? Will the Council need to appropriate specific amounts for specific programs, or is staff seeking flexibility for how to use the \$1 million?

Staff is seeking direction on Council's priorities. Given the various interests and programs underway, the appropriation can be specified for the greatest need or split between efforts. The various options for funding include the rent relief program, small business resiliency efforts, or other priorities identified by Council, which may include funding for efforts underway through community partners (like CSA) including food distribution/senior assistance/child care, etc. The decision to appropriate CARES Act funding may also be deferred to the mid-year budget update in February 2021.

2. Will the Budget 101 workshop be provided in multiple languages?

The workshop will be structured in English with translation service available in Spanish and Chinese. The planning and logistics of the workshop are not yet completed. The workshop will be provided in 2021.

The City will also embark upon a new Strategic Plan and Goal-Setting process in 2021, which will involve considerable community engagement with community focus groups in multiple languages. The planning for that new process is underway.

3. What is the difference between the Human Rights analysis and the Equity Lens analysis? Staff did examine several projects under the Human Rights criteria and found that there was very minor benefit. What would the cost be to do this Equity Lens process that is not already done with current city policies?

The Human Rights analysis was a pilot program and was applied to a fixed number of policy/legislative matters, whereas the equity lens would be applied during the annual budget development process as part of the departmental budget requests for new funding or programs, or service level changes. The equity lens incorporates two questions that would be asked of departments when they are submitting their annual budget requests and examined by the Budget Review Team and City Manager. The questions relate to whether a requested program addition or change may or may not burden communities of color or lower income residents. It is intended to be way to examine the community-wide impact of budgetary decisions for new programs or changes to programs; this would not apply to the entire existing budget.

There is no cost beyond usual staff time necessary to prepare the annual departmental budget request to the Budget Review Team/City Manager.

4. I was under the impression that our rent relief program has always provided for full rent, not 25% rent. When did it change to 25% rent? And when did it change back to full rent?

On August 31, the State legislature passed AB 3088, known as the Tenant, Small Landlord, and Homeowner Relief Act of 2020, which went into effect immediately. AB 3088 provides various tenant protections, including the following requirements for nonpayment of rent due to hardship related to COVID-19:

- 25% of rent originally due between September 1, 2020 and January 31, 2021 is due no later than January 31, 2021. Nonpayment of 25% of the rent by January 31, 2021 is a basis for eviction.
- All rent originally due between September 1, 2020 and January 31, 2021 is due no later than March 1, 2021, but nonpayment is not a basis for eviction as long as 25% of the rent due is paid by January 31, 2021.

CSA, who implements the City's COVID-19 Rent Relief Program and has provided full rent since the beginning of the program, evaluated whether the program might be modified to assist renters given AB 3088 provisions regarding 25% payment of rent. CSA determined that the rent relief program should continue to provide full rent.

5. Is it possible to do small business grants, rather than loans?

In March 2020, the City of Mountain View created a Small Business Resiliency Loan Program to help local businesses deal with the financial impacts from the pandemic. The goal was to distribute funds quickly to businesses using a revolving loan fund structure which could be replenished by loan repayments and continue to support small businesses. The loans provided \$7000 per business, charged no interest and required payment in three years. The City selected Main Street Launch to administer the loan program since they had extensive experience doing so for several communities and agencies in the state.

The Los Altos Community Foundation accepted corporate donations of \$500,000 and distributed the funds along with the City's donation of \$500,000 to Main Street Launch for the loan program.

There is a total of \$277,000 left in the program. Staff is working with MSL to launch the loan program next week with the following new parameters:

- Increase the loan amount to \$15,000 per business (a total of 18 loans would be available).
- Focus on businesses that were not helped before through PPP, EIDL or previous City loan.
- Focus on small businesses that sell goods and services to the general public -restaurants, retail and services that do not have the ability to provide their services in an online format.
- Businesses with a total annual revenue of \$2M or lower and 20 or fewer employees.

There are a number of reasons why it would be difficult to convert the current funding into a grant program at this time and why the recommendation is to continue with the current format for the existing funds:

1. There are narrow parameters for use of the grant funds. Staff had a meeting with the Los Altos Community Foundation to understand the terms that govern use of the funds. Because the corporate donations were given to a charitable foundation for which the donor companies took a deduction, use of the funds as grants has the following restrictions:
 - a. Funds cannot be used for expenses covered by other relief programs (such as the SBA's PPP loan program).
 - b. Funds cannot be used for payroll or rent or to repay loans.
 - c. Funds can cover expenses to keep the business from closing (which could contribute to blighted conditions in the community which is a public purpose).
 - d. The use of funds for these expenses must be documented, which would create a large burden on small businesses, whose time and resources are already stretched thin.
2. Trying to separate the City's funds from the LACF donated funds would require considerable time to undo because of the paperwork involved.
3. Timing of getting the funds out to businesses is critical.
4. Main Street Launch cannot administer a new grant program at this time because of the organization's current workload. It would take time to find another program administrator and the availability of administrators is scarce.
5. Additionally, staff does not have the expertise or capability to administer the program.

Staff is researching the ability to find additional funding using County, State or Federal funds. At that point, we will be looking at creating a grant program and finding a program administrator.

Lastly, staff is aware that the County of Santa Clara is considering a \$100 million small business loan program, the logistics and administration of which will be discussed during the County's budget hearings on November 18 and 20.

6. What percent of the budget is typically additions, reductions or reallocations?

We don't track this as a measure; however, there have been very few reductions in recent years. The amount of additions and/or reallocations can vary significantly from year to year—there is no typical year.

7. The staff reports say, “Strengthen or Enhance Community Engagement Efforts and Equitable Access. An important component in equity-based budgeting is to be proactive in communicating with residents about the budget and receiving feedback on how the City can achieve more equitable outcomes with respect to providing programs and services, as well as promoting participation. Education about the budget process, parameters, and tradeoffs is key in successful community engagement.” Does staff have any specific examples of how we might do that?

As previously mentioned, we will be holding a Budget 101 workshop to engage the community about the City’s budget process and financial decisions, and we will also launch a Budget Blog. The City will also embark upon a new Strategic Plan and Goal-Setting process in 2021, which will involve considerable community engagement with community focus groups in multiple languages. As this is our initial year of rolling out equity budgeting, and we have limited resources, the focus this year is on applying an equity lens for new or modified departmental budget requests.