

## City Council Questions

### January 25, 2022 Council Meeting

#### **ITEM 4.3 Resolution Declaring Property Owned by the City of Mountain View as Surplus Land-Parking Lot C at Shoreline Amphitheatre**

1. Could this action impact or interfere with the Live Nation lease and possible extension?

The recommended actions to declare the land surplus and authorize staff to issue the notice of availability would only affect the Live Nation lease and option to extend to December 31, 2030 if the new Lot C ground lease commencement date is set to begin before January 1, 2031. If an eligible entity that submits a letter of interest to lease the land would like to negotiate a lease commencement date that is before January 1, 2031, Live Nation would have to agree to amend its lease with the City. As noted in the Council report, staff has discussed this possibility with Live Nation representatives and they have indicated a willingness to discuss a lease amendment should the City continue to move forward with a separate ground lease for Lot C.

#### **ITEM 4.6 Housing Element Update Scope Amendment**

1. Why is staff recommending a more robust community outreach program for the R3 Update than for the Housing Element?

The R3 Zoning update has more potential to affect change of character within neighborhoods, which lends itself to targeted neighborhood meetings. By design, the Housing Element, particularly the site inventory, is an account of land suitable and available for residential development generally within existing capacities.

2. The BAE memo indicates that “it has become evident that the original expectation that the City would fully accommodate the RHNA for all income levels within a few large precise plan areas is not realistic and a much higher level of effort will be required to screen and analyze a much greater number of sites to determine how the City can accommodate its RHNA.” What is the shortfall/deficit staff and consultants are estimating as a result of these new findings?

We are not currently anticipating a shortfall in identifying RHNA sites. However, rather than relying on the housing projections in North Bayshore and East Whisman alone, we need additional site-specific analysis citywide. This is due to the fact that the majority of the sites in these areas have proposed projects that will deliver above-moderate units and the City cannot rely on the sites to deliver only lower and moderate income units. Additionally, there is increasing scrutiny from HCD regarding the inventory and its supporting analysis, which will require identifying additional sites.

3. Can staff provide an update regarding outreach efforts targeting “traditionally underrepresented groups and populations with special housing needs?” Which groups have staff and consultants met with?

Outreach is ongoing and as of date we have received feedback from stakeholders from these organizations: DELAC, Community Action Team (CAT), Balanced MV, League of Women Voters of Los Altos-Mountain View, Mountain View Justice Coalition, and Mountain View Coalition for Sustainable Planning.

We have also held group meetings with the Spanish Leadership Academy, and Cafecito and awaiting response from Day Worker Center, Solidarity Fund, and DELAC.

4. Could the Housing Element EIR serve as a starting-point for a General Plan update?

No. The Housing Element EIR may provide more-recent background information that could inform an upcoming General Plan update, if commenced in the next few years.

5. Can the Seifel Consulting financial constraints analysis also include the impact of lengthy development review processes, including cost impacts (or savings) associated with the conventional process compared with streamlined review, such as SB35?

The City has accepted two SB35 projects, so the data is limited, but a high-level review of time and cost impacts can be included within the budgeted scope of work.

6. How much did the City of Mountain View spend on the Planning Collaborative? And what were the results that benefitted Mountain View of having the Planning Collaborative?

The Cities Association of Santa Clara County (CASCC) was established in 1990 to promote cooperation among the cities of Santa Clara County by consolidating separate meetings attended by the same groups and provide a coordinated approach to working on issues across the county. The City's annual cost to be a member of the Cities Association is \$10,856.89, and a separate cost of \$13,333 was spent on the Planning Collaborative. In 2019, the CASCC Board of Directors approved the formation of the Santa Clara County Planning Collaborative to specifically focus coordination among staff in addressing housing and homelessness challenges (<https://citiesassociation.org/planning/>). The Planning Collaborative works with ABAG and coordinates with HCD to provide member cities updates on grants, legislation and advocacy efforts and provides consulting resources such as trainings and products, including templates and presentation materials for SB9, consulting RFPs, and comparative studies. They also facilitated discussions with ABAG during the RHNA process.

#### **ITEM 6.1 Legislative Program Priorities for 2022**

1. Why does this include only state priorities? Is there any value in adopting a federal legislative platform, which may also extend to development of rules and regulations governing funding opportunities and programs that affect municipal operations and affairs? (Notably, the state legislative program includes regulatory agencies as well as the legislature.)

The Council provided direction on shifting the City's legislative advocacy efforts to regional and State legislative priorities in the Fiscal Year 2019-2020 and Fiscal Year 2020-21 Major Goals Work Plan. It affirmed this direction with the adoption of the Legislative Program Priorities for 2021. The Council can provide input to staff to develop a federal legislative platform for Council consideration and adoption.

2. The policy statements in the proposed Platform are sometimes vague and subject to discretion. Who ultimately will decide whether a specific bill or regulatory measure is consistent with or in opposition to a given policy statement? Will Council have the final say on whether to support or oppose a specific bill?

The City Manager in coordination with departments, and the Mayor will weigh the pros and cons of engagement (including timing and urgency to engage) in the context of the specifics of a given piece of legislation and how it relates to Mountain View's adopted Legislative Platform and existing policy direction and make a determination. As referenced above, staff follows the policy set forth in City Council Policy A-16 when analyzing legislative positions to ensure that legislative advocacy efforts adhere to City Council priorities and interests.

3. These statements appear to conflict: "Oppose measures that reduce local control over employee relations issues or mandate new or enhanced local government employee benefits" and "Support legislation that would increase accountability and transparency for law enforcement agencies and personnel." Can staff provide information about how conflicting measures may be interpreted or "weighed" against each other?

These statements are not intended to conflict with one another. The first statement concerns state-sponsored legislation that unilaterally reduces management discretion to manage City operations or enhance pensionable benefits which can impact the costs, levels and effectiveness of City services..

The second statement concerns law enforcement striving to be more transparent and accessible to the public.

If there is a concern where two different platform statements appear to conflict with one another it may be appropriate to oppose one of the measures unless amended to address the part that is in conflict with another City policy priority. If this is not an option, staff would work with RPPG to assess the relative impacts to Mountain View of both measures and recommend to the City Manager whether to take or forego action on either or both measures. In coordination with the Mayor, the City Manager may determine that more Council input is appropriate.

4. Can staff include the following: "Support legislation and funding that facilitates the implementation of slow, green, and shared use street network in Mountain View" – or is there a reason not to include a similar sentiment?

Yes. Staff will add this policy statement to the Legislative Platform.

5. Will there be a page on the city's website that lists the bills, provides a brief description, and the city's position on those bills?

Yes. Staff will work with the Communications division to develop a new page on the City's website that will include the Council's adopted legislative Platform, a description of the bills, and the City's position on those bills.

6. Realistically, how many of the items listed on the Legislative Platform Statements will come up during the year?

The Legislature typically introduces over 2,500 measures each year. While a precise estimate is not possible, many of the legislative issue areas or policy statements included in the proposed Legislative Platform could arise during the legislative year. Proactive adoption of Legislative Platform statements help the City be prepared to advocate for a policy position when an appropriate opportunity arises.

7. How was the list of items in the last point on page 6 developed? Why exclude things like e-cigarettes, firearms, etc.?

This question refers to the following policy statement under Housing & Community Development: *Monitor and evaluate alcohol, tobacco, and cannabis proposals that impact the regulation of land use provisions pertaining to the sale, use, or regulation of alcohol, tobacco, and cannabis.*

The above list was developed based on the land use regulation implemented by the Community Development Department through zoning requirements. An expanded list of potential safety issues could be included in a policy statement, which may be better suited under Public Safety, Emergency Services, and Law Enforcement. Staff can modify this policy statement following Council input.

8. In the 3rd point in the Environment, Climate Change and Sustainability section, why do the benefits need to be combined benefits? Is this saying that if there is something that just benefits, for example, air quality, we would not support it?

This question refers to the following policy statement: *Support policies, guidelines, incentives, and funding for programs with combined benefits to air quality, water quality, housing, infrastructure (including multi-modal transportation systems) and public health.*

Staff drafted this statement in a way that was intended to be broad and is reflective of the State's goal to tie housing and transportation accessibility to public health and is not intended to exclude individual benefits. If the phrase "combined benefit" causes concern, staff can modify the statement to enumerate each benefit following Council input.

9. Referring to the 3rd point in the Water Quality and Water Supply section, the Hetch Hetchy water system that serves most of Mountain View has very high-quality water. Is water quality an issue?

This question refers to the following policy statement: *Support measures to increase water supply and improve water quality in the region, including drought relief legislation.*

The potable water supply in Mountain View is high quality. This policy statement was intended to capture a range of potential water related issues, including stormwater runoff.

10. In the 4th point in the Recreation and Parks section, what is the thinking behind needing policies that recognize the benefits of parks and recreation facilities?

This question refers to the following policy statement: *Promote local agency control over policies that recognize the benefits of parks and recreation facilities.*

This policy statement reflects a general statement supporting local discretion over the priorities for parks and related facilities in our community. Funding opportunities for parks often have strings attached that give the State more control over how funds are used.

11. What is the specific process that will be used to take a position on a bill? Will the Council weigh in on bills before a position is taken on them?

There is significant coordination and staff engagement between the City Manager's Office, departments, the Mayor and City Council, and RPPG to ensure that legislative advocacy efforts adhere to City Council priorities and develop appropriate communications of the City's interests.

In accordance with City Council Policy A-16, Staff will work with RPPG to identify and assess bills related to the statements in the Legislative Platform adopted by Council. Based on this assessment, staff will recommend positions as appropriate and will work with RPPG to prepare letters or other communications and coordinate with the City Manager and Mayor for concurrence, input, and signature. Additional steps may be taken if the City Manager or Mayor feel more analysis or input from the Council is needed.

Additionally, the Mayor and City Council can request staff to analyze bills and their impacts and advise on a position to be taken by the City if it is consistent with existing City Council policy or past action.

12. What is Bradley-Burns?

The Bradley-Burns tax imposes a statewide rate of 1.25 percent, of which 1 percent is allocated to counties or incorporated cities to use at their discretion. The remainder is distributed to county local transportation funds to support transportation programs.

13. What is a safety shutoff event? Is that related to electricity cutoffs for wildfires, etc.?

A Public Safety Power Shutoff, or PSPS, is a planned power outage scheduled by PG&E to protect public safety and prevent major wildfires during severe weather. Some conditions that could lead to a PSPS include low humidity levels, a forecast of sustained, high winds and a large amount of dry material on the ground, and low moisture content in live vegetation.

14. What does Policy A-16 mean with respect to local measure such as the one the School Board is proposing?

City Council Policy A-16 can be applied to determine whether the Council wishes to take a City position on a local measure. This policy states that the City Council should only consider taking a position on local or State measures/ propositions if the measure/ proposition:

- Would directly impact the City's finances, responsibilities, legal authority, or operations; AND
- The measure/ proposition has been referred to staff for analysis by majority vote of the City Council. The guiding principles listed in 2.a.i below shall be used to inform the Council's consideration of whether to refer a measure/ proposition to staff for analysis.

### **ITEM 8.1 School Resource Officer Program Update**

1. Approximately how many hours per year do SROs spend on private school campuses? How many times have SROs gone onto private school campuses without an explicit invitation?

SROs spend approximately 120 hours per year at the different private school campuses in Mountain View, with St. Francis being the most frequently visited. For context, SROs may visit St. Francis up to four hours per month while visits to the other private schools in Mountain View are estimated to amount to 3-10 hours per year.

The vast majority of SRO time at private schools are through invitations to present or meet with staff or students. Staff does not specifically track when SRO visits are invited/or not invited but PD staff estimates SROs spend 6-12 hours per year on visits that were not initiated by an explicit invitation.

2. Will the final MOU and YSU Procedural Manual go to Council for final approval?

Typically, MOUs are executed by the City Manager and procedure manuals are developed by staff without Council approval. The Council could direct that this additional step be taken for the SRO MOUs and Procedure Manual.

3. Will the final metrics used in the periodic evaluations be approved by Council?

Staff planned to work at the staff level to develop appropriate metrics, collaborating with the school districts and seeking input from SRO Program stakeholders. The Council could direct that there be Council approval of the final metrics.

4. Table 3 is the report to the PSAB shows that 27% of students are Negative and 30% of students are positive. Is this 3% difference statistically significant?

The findings are informative regarding the perspectives of those who participated in the survey. However, it was not possible for PSAB and staff to conduct the survey with the rigor to create a random and representative survey and generate statistically significant findings with specific standards of error. In general, however, a difference of 3% would not be considered significant.

5. There is some legal opinion/law that allows police officers to carry guns anytime. Please explain this rule and how it pertains to SRO's carrying guns.

SROs are required to wear their guns as part of their safety equipment. This equipment is considered essential and needs to be readily accessible to police officers in the event of an active shooter or threat on campus. Officers are legally allowed to carry guns onto campus and are exempted from any local ordinances or laws that may prohibit others from carrying weapons on campus.

6. The staff report says, "In response to a survey question about how students feel about having SROs on their campus: • Nearly one-third of high school students (30%) were positive or very positive, 43% were neutral, and just over one-quarter (27%) were negative or very negative." Can we have those responses broken down by race/ethnicity?

Staff is not able to provide survey responses by subgroup at this time. Not all respondents answered the question related to race/ethnicity and not all who provided this information also answered the question rating how they feel about having SROs on campus. More fine-tuned analysis to see difference across race/ethnicity is a challenge for Black/African American high school students in particular, as only six high school student respondents and one middle school student respondents answered that they identified as Black/African American. In addition to these data constraints, there are also time constraints related to additional analysis due to the transition of the PSAB Liaison who conducted the original analysis.

7. The staff report says, "the PSAB Chair met with a group of parents from Cafecito and Castro and Mistral Elementary Schools to learn about their perspectives..." Can you share a summary of their perspectives?

The perspectives shared during those conversations include: it is good to have officers on campus for safe, supervised interaction with kids; these positive interactions can leave lasting positive impressions on kids; structured programs, not random interactions, may feel safer for kids; police information for parents and kids about drugs, gangs, behaviors to look out for are important and helpful; SROs are another trusted adult that can help raise a good kid; afterschool PAL programs give kids access to sports and teamwork; PAL sports needs more funding; some SROs have been too aggressive in dealing with kids; kids need to know why SROs are on campus; and not every parent knows/understands how to advocate for kids to be enrolled in SRO programs.