

RESPONSE TO COUNCIL QUESTIONS RE: 4/25/2023 CITY COUNCIL AGENDA

Agenda Item #: 1.D

Title: Adopt a Resolution Amending the Classification Plan and the City's Salary Resolution to Add the Classification of Homeless Services Manager and Update the Schedule of Pay

Council Question: Will the job description and duties of Homeless Services Manager be available for comments before the start of hiring?

Staff Response: The Homeless Services Manager job description was developed by the Human Resources, City Manager, and Community Development Departments, and reviewed by the applicable bargaining unit. Based on City policy, the City Manager will approve new job descriptions, or changes to salaries and titles for City Council review and adoption. City Council does not provide comment on proposed job descriptions. After City Council approval to establish the job classification, the job description will be posted to the City's website. Human Resources will coordinate the recruitment process for Homeless Services Manager with the Community Development Department.

Agenda Item #: 1.G

Title: Award a Contract to Storm Water Inspection & Maintenance Services Inc. for Manufacturing and Installing 350 Full Trash Capture Devices (F23-116)

Council Question: How many more Full Trash Capture Devices (F23-116) need to be installed throughout the city?

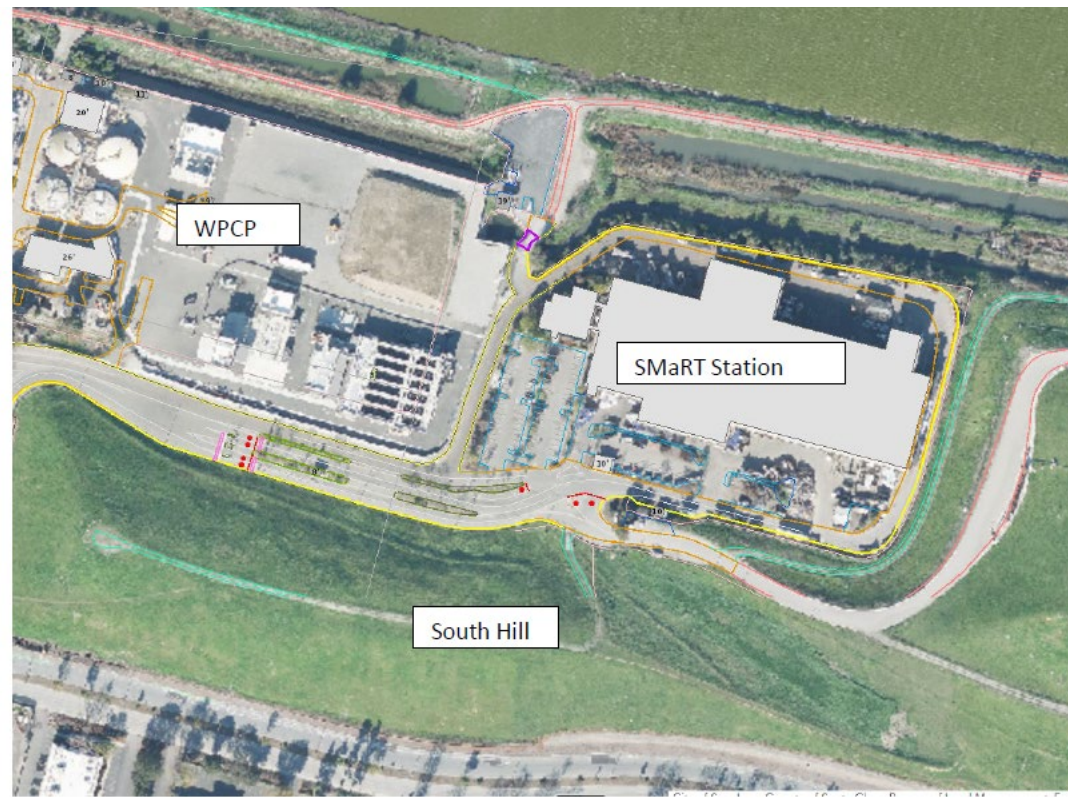
Staff Response: Staff will continue to evaluate where additional locations within the trash management areas merit installation of inlet-based devices. The projected need is for up to 400 more inlet-based trash control devices.

Agenda Item #: 1.I

Title: Reject all Bids Received for South Hill Slope Repair project (F23-060)

Council Question: Can you clarify the South Hill location for Council and where the stormwater is flowing?

Staff Response: The South Hill of the Sunnyvale Landfill is on the south side of the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®) on Carl Road (see figure below). When the landfill was closed in 1993, the South Hill was constructed with a drainage berm traversing its steep northern slope. The berm was designed to capture stormwater on the slope and divert it to a storm drain inlet located near the southeast corner of the Borregas Avenue/Carl Road intersection. Currently, stormwater runoff drains northward onto Carl Road, with a significant portion flowing into the SMaRT Station's drainage area.



Council Question: Currently, the South Hill discharge is added to the SMarT Station industrial runoff and processed at the WPCP. Since this total runoff is within limits, please clarify the benefit of the South Hill project on environmental impact. Or is there a possibility that an expanded SMarT Station would have too much run-off and in total would surpass ability/requirements?

Staff Response: Total runoff is within the permitted limits and processed at the WPCP. As such, there may be no additional benefit of the South Hill project. We will confirm this with more detailed analysis. The currently planned expansion of the SMarT Station only includes equipment upgrades and replacement of existing infrastructure.; hence it will not impact the total runoff quantity.

Council Question: Does the current solution meet the requirements of the 2014 BayKeeper settlement or is this implementation required by terms of the previous agreement?

Staff Response: The 2014 BayKeeper settlement agreement required the City to take mitigation measures at the SMarT Station and the Concrete Recycling Facility located at the East Hill location. It does not have any requirements specified for the South Hill.

Settlement requirements for the SMarT Station and the Concrete Recycling Facility included: (1) identifying likely source(s) of the pollutants(s), (2) new or improved interim non-structural and/or structural Best Management Practices (BMPs) that will be implemented for the SMarT Station and the Concrete Recycling Facility during the 2013-2014 Wet Season to address the likely source, and (3) a schedule for implementation of the interim BMPs identified. In May 2015, Baykeeper approved a plan and timeline for the implementation of SMarT Station Stormwater Management System Upgrade project which addressed the above issues. This project diverts the industrial portion of the

stormwater from the SMaRT Station, and the entrance road to the SMaRT Station and the entry/exit truck scales to the Water Pollution Control Plant (WPCP).

The project was completed in 2019/20.

Agenda Item #: 2

Title: Introduce an Ordinance to Add Chapter 19.71 of Title 19 of the Sunnyvale Municipal Code Creating a Residential Tenant Protections Program (Study Issue)

Council Question: Could staff provide data indicating the order of magnitude or estimates as support for proposed two-month relocation assistance due to substantial relocation costs which is above the one-month relocation cost requirement for the California no-fault just cause eviction tenant protections?

Staff Response: Based on outreach surveys and outreach meetings, the majority of tenants supported the extra relocation support due to a no fault, just cause eviction. When surveyed, 69% of tenants felt that additional relocation assistance would positively impact them. Tenants in outreach meetings verbally commented that the additional relocation would support them in finding new housing in a competitive housing market. Landlords surveyed responded with 88% stating the additional relocation would negatively impact them; and verbally stated that it would cause hardship to smaller landlords who do not have that type of financial flexibility.

Council Question: Why was two months chosen as a recommendation by staff over a fixed amount that increases with the Consumer Price Index (CPI) like other local cities have done, or two months as opposed to 3 months like another city?

Staff Response: When analyzing neighboring jurisdictions, looking at moving expense data, and identifying standard security deposit data, it was determined that the most straight forward approach for all involved (City, landlords, and tenants) was the base the relocation payments off of the rent amount identified in the lease agreement. This leaves less open to interpretation and is easier to calculate what you would receive when looking for a new living opportunity. CPI metrics can be challenged and misinterpreted easily, and the rental market can substantially ebb and flow. Two months was recommended, rather than 3 compared to other cities, because the City wanted to strike a balance between benefit for tenants and hardship for landlords, based on Sunnyvale market conditions and competition for housing.

Council Question: In what way is the staff recommendation being “cognizant of the landlords and property owners who already provide affordable housing in terms of affordable market rate rent”?

Staff Response: The ordinance is not modifying cost of monthly rent, therefore there is no direct impact (positive or negative) based on the price a landlord charges for rent. The ordinance only impacts landlords who may require evicting a tenant at no fault of the tenant, in which relocation would apply in certain circumstances. For landlords who charge a rent that is lower than other

similarly size units (affordable market rate rent) the payment to the tenant is scaled to the rent in place.

Council Question: Does staff have any comments on the advantages or disadvantage to adding to the ordinance the text that Planning Commission recommended in their motion "... if temporary relocation of a tenant becomes necessary, the tenant and their property owner may sign a written agreement that will allow the tenant to waive their right to relocation assistance equal to two months of rent in exchange for other accommodations provided by the property owner (i.e., storage for their household items, differential rental payment for temporary lodging) until they may return to their unit under the same lease terms..."?

Staff Response: While there may be advantages, it would be nearly impossible to enforce the negotiations/agreements were completed fairly and that the return to the unit was actually offered. Staff is recommending an ordinance which is straight forward, easy to enforce, and easy to interpret.

Council Question: Does staff have any comments about the advantages or disadvantages of adding to the ordinance the text that Housing and Human Services Commission recommended in their motion that "Relocation assistance only for those named on the lease"?

Staff Response: Staff has no direct comments on the HHSC recommendation. The Council may find that recommendation of only providing relocation, as required, to those named on the lease an appropriate modification to ensure fairness for landlords and that change is within the purview of the Council. In any case, the total payment is based on the monthly rent and not the number of tenants.

Council Question: Based on public comments, is the eviction for non-payment of rents and other causes, treated as "for cause eviction" and will not be eligible for additional rental assistance?

Staff Response: Correct. Any direct action of the tenant that would be grounds for eviction would not be subject to relocation as that is not considered "no fault." The ordinance requires relocation for tenants only being evicted for no fault of their own, as outlined in existing state law. "At fault" evictions are not modified in any way by this ordinance and landlords still have eviction rights for those scenarios.

Council Question: If passed, how will this be noticed to the landlords and both the existing/potential tenants?

Staff Response: The City staff will conduct outreach to the best of our ability to rental property owners, landlords, and leasing agencies. Outreach will also be conducted using social media and utility bill inserts to reach tenants. A sample Lease Addendum will be prepared by the City which can be used by landlords. City will continue funding Project Sentinel to handle tenant landlord mediation and fair housing services.

Council Question: Is it within the City’s right to permanently require the posting of the new requirements (right to lease and relocation expenses) in all leased apartments in the city? If a complex didn’t display the posting, would it be within the right of the City to have a fine for the apartment complex?

Staff Response: Yes, it would be within the City’s police powers to require landlords to permanently post the new requirements. Regarding the imposition of fines, the Council would need to adopt an ordinance, which would include a fine schedule, prior to imposing any fines; this is not proposed at this time due to lack of enforcement ability. For smaller developments (e.g. 4-plex, 6-plex) there may not be a centralized location for such a posting, other than within the unit which is being offered; posting within a unit would be more difficult to monitor.

Council Question: Does staff have concerns about the tenant lack of understanding of the protections provided by AB1482? If we would require posting of any new requirements, could we also require a post for AB1482 education? Or would Staff conceivably come up with a “standard posting” requirement for education of tenants?

Staff Response: Yes, there is a concern that tenants and landlords are not aware of the law as it exists today. Staff will do outreach to the fullest extent possible, and provide updated lease addendums to landlords. Landlords failure to provide these notices does not mean the unit is not subject to these laws though, and if a tenant felt they were being treated unfairly, legal support (whether private or City sponsored like Project Sentinel) could properly guide a tenant through legal remedies. The City can also require landlords to post notices re AB 1482 education.

Agenda Item #: 3

Title: Evaluation of Wi-Fi Installation in the Community Center Grounds Renovation Project (PR-21-05)

Council Question: Since Wi-Fi installation for Common Area Coverage is a recommendation, then approximately what is the estimated maximum number of people that could be in the common areas so that they could use the Wi-Fi at the same time, and what is the maximum number of people that can access the Wi-Fi system at the same time?

Staff Response: There is no maximum number of concurrent users. However, as a rule of thumb, the more people using the wifi at the same time the more performance will be affected. There are several factors which affect performance: available bandwidth, usage and coverage. If users are not streaming (video, movies, etc.), 80-100 concurrent users on average could be connected.

Council Question: For the Wi-Fi Installation in the Community Center Grounds Renovation, a proposal to seek funding from the Park Dedication Fund Revenue is suggested; therefore, how does this impact the other budgeted items that the Park Dedication Fund Revenue is planned to fund?

Staff Response: The ending fund balance in the Park Dedication Fund for FY 2022/23 is \$58.7M. There is enough funding to cover additional Wi-Fi installation costs and there will be no impact to other items budgeted in the Park Dedication Fund.

Council Question: Are there Wi-Fi technology considerations to prevent hackers from causing problems for the users of this public Wi-Fi system?

Staff Response: This is an open solution that is separate from any City system/operations network. Firewalls are typically used to prevent access to malicious sites such as adult and gambling sites. However, public Wi-Fi which is not monitored or filtered will be exposed to possible hacks. We would be unable to prevent a user from providing their information, but can provide a warning before they connect.

Council Question: Why is AT&T selected? Will the City incur additional charges if the service provider is changed?

Staff Response: AT&T is the city's current carrier, while Lumen is the city's Internet Service Provider (ISP). There should be no additional charges incurred if the city changes providers, it would be based on the provider's cost for the service.

Council Question: Can additional boosters (generic – non service provider) be used to improve the coverage and strength?

Staff Response: Internet or Wi-Fi boosters is typically used for indoor systems. While this option can be explored for the outdoor Community Center Grounds Renovation project, the better solution to increase coverage would be to add more WAP's (wireless access points) to improve coverage and signal strength.

Council Question: The installation of Wifi for either plan would come from the Park Dedication fund. Would the on-going costs also be from the Park Dedication or from the General Fund?

Staff Response: Ongoing Operating and Maintenance costs would come from the General Fund.

Council Question: How much is currently in the Park Dedication Fund?

Staff Response: The ending fund balance in the Park Dedication Fund for FY 2022/23 is \$58.7M.