

RESPONSE TO COUNCIL QUESTIONS RE: 6/12/18 CITY COUNCIL AGENDA

Agenda Item #: 1.C**Title: Approve the List(s) of Claims and Bills Approved for Payment by the City Manager**

Council Question: Please provide more information about the following item: \$814,429.63 to INTEGRATED ARCHIVE SYSTEMS, and can Staff please elaborate on the four pairs of offsetting items

Staff Response: The \$814,429.63 is related to purchase and installation of network equipment for the colocation project. The offsetting items resulted from an invoice that staff identified was incorrect. The invoice was reversed and corrected, resulting in a payment of \$814,426.63

Agenda Item #: 1.E**Title: Award of Bid No. PW18-13 for the Federally-Funded Sunnyvale-Saratoga Road Traffic Signal, Bicycle and Pedestrian Safety Project, Finding of California Environmental Quality Act (CEQA) Categorical Exemption and Approve Budget Modification No. 48.**

Council Question: Can Staff please provide a narrative to clarify/elaborate on what is happening with the six increases and decreases of \$471,196 shown in Budget Modification No. 48. Further, can Staff elaborate what is the \$524,000 mentioned at the bottom of page 3 of the staff report and how that number relates, if at all, to the total funding amount of \$1,037,430 discussed earlier in the report.

Staff Response: Staff is moving Gas Tax funding from the Traffic Signal Hardware and Wiring Project to the Sunnyvale-Saratoga Road Pedestrian Safety Signal Project. The following provides an explanation (follows the budget modification table in the RTC):

Capital Projects Fund		
Transfer in from Gas Tax to the Sunnyvale-Saratoga Project	\$471,196	Appropriates the transfer in from the Gas Tax Fund.
Expenditures – Sunnyvale-Saratoga	\$471,196	Appropriates the transfer to the existing project budget to appropriate funding for the full project (\$1,037,430)

Gas Tax Fund		
Transfer to the Capital Projects Fund	\$471,196	Appropriates the transfer out to the Capital Projects Fund to fund Sunnyvale-Saratoga
FY 2019/20 Transfer to the Infrastructure Fund	(\$471,196)	Reduced the planned FY 2019/20 transfer from the Gas Tax Fund to the Infrastructure Fund for Traffic Signal Hardware and Wiring

Infrastructure Fund		
FY 2019/20 Transfer in from the Gas Tax Fund	(\$471,196)	Reduces the planned FY 2019/20 transfer coming from the Gas Tax Fund for Traffic Signal Hardware and Wiring
Expenditures – FY 2019.20 Project – Traffic Hardware	\$(471,196)	Reduces the planned FY 2019/20 expenditure budget for the Traffic Signal Hardware and Wiring project

The \$524,000 is the original grant award that is part of the current budget of \$566,234, with the difference made up by Gas Tax.

Agenda Item #: 1.G

Title: Approve Budget Modification No. 49 to Appropriate \$54,413 of Santa Clara County EMS Data Hardware Funding to an Existing Project (EMS Patient Data Care System)

Council Question: Is it the case that the County requires every jurisdiction to provide an ePCR system, and therefore every city goes through the exact same process we're going through now - funding and acquiring an ePCR? If so, doesn't this create the situation where we have 15 jurisdictions with potentially 15 different ePCRs that the various hospitals have to deal with? Or does "first responder agency" refer to the ambulance company and not the cities?

Staff Response: County EMS requires the use of the electronic Patient Care Reporting for medical calls (ePCR). They currently provide the platform for the agencies from a vendor called Image Trend. Each agency in the county that provides emergency medical services is utilizing a joint platform for the reporting to share the appropriate information on calls for service. As part of the current contract that County EMS has in place with the ambulance provider, AMR, they also provide funding for the equipment necessary for the agency to access the web-based system. The system in the county is a unified system that incorporates with the hospitals to ensure the rapid flow of information. The funding in this RTC is designed to supplement the agency costs for hardware.

Agenda Item #: 1.H

Title: Approve Agreement between the City of Sunnyvale and Airbnb, Inc. for the Collection of the City's Transient Occupancy Tax on Short-Term Rentals

Council Question: Will AirBNB be reminding the home-owners about Sunnyvale's requirement for registration?

Staff Response: Yes, as part of the implementation Sunnyvale will be added to Airbnb's Responsible Hosting Page where Sunnyvale's regulations will be included.

Council Question: Does Staff have any plan to remind residents in general about the requirement for registration (and payment of TOT)?

Staff Response: Staff does not have a current outreach plan in place for educating residents about operating short-term rentals, however, we have established a [Short-Term Rentals Page](#) that includes information on registration and remitting TOT.

Agenda Item #: 1.K

Title: Reject the Sole Bid Received for Storm Pump Station No. 1 Rehabilitation (PW18-15)

Council Question: Am I reading this correctly, in that the one difficulty of getting a bid within estimate for this item is the President's threatened steel tariffs, which are creating uncertainty around the pricing of steel parts? And we're being asked to place this bid process (and therefore the project) on hold until a future date in part so that this uncertainty might get resolved?

Staff Response: When staff reviewed the bid it was identified that the unit cost for the steel piping was higher than staff had been seeing in the market recently. This, coupled with only receiving one bid, resulted in the recommendation to reject the bid and go back to the market.

Agenda Item #: 3

Title: Annual Review of Proposed Fees and Charges for Fiscal Year 2018/19

Council Question: It doesn't seem like we're making a cost recovery argument for the increase in the fine for violations of the city's massage ordinance. Instead, we're relying on 36901 saying we can do this. Does 36901 absolve us of the voting requirement under Props 26 and 218 in some way?

OCA Response: Government Code section 36901 provides the authority for the City Council to impose fines, penalties, and forfeitures for violations of ordinances and imposes a \$1,000 cap. Before the adoption of Proposition 26, "tax" had no fixed meaning, but was understood to include revenues raised through the exercise of a local agency's taxing power. Under Proposition 26, all levies, charges, and exactions "imposed" by state or local governments are taxes, unless they fit into one of the seven stated exceptions for local government. One of the stated exceptions is for a fine, penalty, or other monetary charge imposed by a local government, because of a violation of law. As the City Council is adopting a fine to be imposed on a massage establishment for the violation of a City ordinance, codified in Sunnyvale Municipal Code Chapter 9.41, then it is not subject to either Proposition 218 or Proposition 26.

Council Question: Fees and Charges

- Section 7.12: Administrative Citations

If we want to discourage violations for the Massage Ordinance, why are we not increasing the violation to closer to \$1000 (as opposed to moving from \$250 to \$500)? (e.g. \$900) For an operation that is in violation, is it normally only one violation, or multiple violations at the same time?

Staff Response: There are often multiple violations that result from one inspection, many of which are correctible. It is our hope that doubling the fine will be a sufficient deterrent for

repeat violations. If this is not the case, the fine is subject to review and possible increase in FY 2019/20.

- DPS Deletions: (P8)

I was surprised we are removing beyond the initial review.

- High Rises: An inspection of high rise buildings is required.

Staff Response: The fee that is being deleted is a wrongly placed RENEWAL fee. A building inspection is not renewable. The inspection fee will remain on the schedule (\$413.00 per floor) and will be charged each time the building is inspected. The following is the fee schedule adjustment as it was submitted to Finance:

	FY 2018/19
High Rises. An inspection of high rise buildings is required.	
Per Floor < 40,000 sq feet	
Per Floor < 40,000 sq feet	\$413.00
Renewal	DELETE

- Explosives Permit

I would assume that these were both from a safety standpoint to make sure that there aren't unsafe conditions/storage. Do we have any explosive permits in the city?

Staff Response: One permit is currently in the process of being issued. To the best of our knowledge, it is the only one.