

## RESPONSE TO COUNCIL QUESTIONS RE: 8/27/19 CITY COUNCIL AGENDA

**Agenda Item #: 1.B**

**Title:** Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Council Question: What are the \$608K Engineering Services that AT&T is providing the city?

Staff Response: That is the engineering and Construction charges for the Fair Oaks Widening Project. AT&T replaced 2 intercept tunnel vaults for this project. Please see RTC 18-0335 for additional information.

**Agenda Item #: 1.C**

**Title:** Award a Contract to Hexagon Transportation Consultants, Inc. for the Preparation of a Transportation Impact Analysis for the Proposed Lawrence Station Area Plan (LSAP) Plan Update (F20-006)

Council Question: Does #21, Wolfe and Reed, also include Wolfe and Old San Francisco?

Staff Response: Yes, study intersection #21 Wolfe/Reed also includes the Old San Francisco leg of the intersection.

**Agenda Item #: 1.D**

**Title:** Authorize the City Manager or His Designee to Destroy Recreation Records Damaged by Sewage Before Completion of the Full Record Retention Period

Council Question: Report incorrect on date of last records resolution (PAGE 1)

*On December 18, 2019, Council adopted Resolution No. 920-18*

I think the correct date was 2018.

Surprised the list of boxes don't have specified dates? (at least as stat date)

Isn't that critical to the records retention policy to have the start date for all records when the box is initiated?

Staff Response: Council adopted Resolution No. 920-18, revising the Records Retention and Destruction Program Policy and Schedule on December 18, 2018. The Report to Council incorrectly listed the date as December 18, 2019.

Library and Community Services Department staff were in the process of inventorying the contents and associated dates of the records stored in the Recreation Center basement when the sewage backup incident occurred. Staff were able to complete the inventory of most boxes following the flood, however, the remaining 11 boxes are contaminated to a point that staff are not able to inventory the contents in greater detail than is provided in Attachment 1.

**Agenda Item #: 2**

**Title:** CONTINUED FROM AUGUST 13, 2019 TO AUGUST 27, 2019. Proposed Project: General Plan Amendment Initiation request to study changing the General Plan designation of the site from Low Medium Density Residential to High Density Residential. Location: 828 Morse Avenue & 560 E. Ahwanee Avenue (APN: 204-08-027 & 204-08-029) File #: 2019-7301 Zoning: R-3/PD Applicant / Owner: FNZ Architects Inc. (applicant) / Sia Vassoughi (owner) Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a). Project Planner: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

Council Question: The last time a General Plan Initiation came before the Council - to was rejected. I believe because of Staff Workload. What has changed with Staff Workload, that Staff could do this GPI?

Staff Response: The time necessary to amend the GP and review a project for the Ahwanee project is significantly less than to amend a Specific Plan. The PPSP update would require hiring a team of consultants, managing those consultants, several public outreach meetings, several study sessions with Planning Commission and City Council, economic and marketing analyses, determining how many new housing units to allow and how much new office square footage. Amending the GP for a small site in an established neighborhood has its issues, but the time to complete and the level of planner needed for the effort is much less and can be accomplished with existing staff.

Council Question: if Staff load has changed that we can do GPI's, how are we managing them? Are we doing First In, First Out?

Staff Response: There are no new other GPI requests pending now. If staff received several at one time for different parts of the city, we would review each individually, and if all were good candidates to study, staff would consider different methods of determining how to process them. This issue has only come up with the downtown GPI's, where we bundled all three requests into one study.

Council Question: What is the status of the last GPI?

Staff Response: There have been a few GPI requests that didn't make it to Council. The most recent of those were two GPI's to amend the PPSP, but were withdrawn after Council denied the Steelwave (Libby can site) request. The last request was for the Sunnyvale Lumber site on Evelyn which was withdrawn after the staff and Planning Commission recommended denial; that site was seen as valuable for the current C-4 zoning. The next to last GPI to go to the Planning Commission was for the church site on Remington Avenue, which was withdrawn after two recommendations for denial by the PC. Active General Plan Amendment requests include three sites in the Downtown Specific Plan Commercial Core being handled through on set of studies and the request for Block 20 on Mathilda Avenue.

Council Question: On page 1 of 3 of the RTC - It says, as part of the Planning Commission motion "direction was given to staff to include study for how to maximize the opportunities for current residents to move on site with the goal of reducing the number of times they would relocate". Is this type of direction normally a GPI Request? Wouldn't this type requirement be included in a different step in the process?

Staff Response: The Planning Commission suggestion to reduce the number of moves a resident need to make comes from the applicant's response to a question about how to ensure the existing residents at the apartment complex is given an opportunity to stay at the property while the new project is built in phases. It is a unique recommendation, but is intended to address the complexity of moving existing residents to new units when the work is being done in phases. The recommendation is less for the GPI and more for direction on the actual project. If the property owner chooses to offer relocation on-site to tenants prior to a decision on the general plan amendment and development agreement, there is not much that the city can do.

Council Question: If this site is already developed as High Density, but it is zoned as Low Medium Density - how did this happen? How was it allowed?

Staff Response: Page 2 of the Planning Commission staff report describes the background of the zoning and General Plan for the property. In 1999, the property was rezoned from R-4/PD (which is the density it is now, and is considered legal non-conforming) to R-3/PD as part of a City-wide rezoning effort. The General Plan land use category was modified in 2012.

Council Question: What is the legal mechanism for the owner to "continue to provide low cost housing in the new development"? Will the existing tenants rent remain the same?

Staff Response: There is no easy mechanism to require a property owner to continue to provide low cost housing to existing residents. This is an important aspect of the GPI request. The applicant has stated an interest in doing so. The best option to ensure this occurs is to require a Development Agreement for the project that grants the changes to the General Plan and zoning in exchange for methods to address affordable housing and impacts to existing residents. The final answer of rents and number of units would be studied as part of the General Plan amendment and specific project.

Council Question: Traffic and parking - how do we think this will be impacted going from 124 units to 193 units? (I know this will be part of the GPI process, but everyone seems to think it will be OK).

Staff Response: The number of trips for the change in unit count has not yet been studied, so it is not yet possible to make that determination.

Council Question: I see the number of units is changing, how about the number of bedrooms? What are the existing and new numbers?

Staff Response: [We don't know the bedroom count for the existing units, however we are following up with the property owner]. The preliminary proposals is for 42 studio units, 100 one bedroom units, 40 two bedroom units, and one three-bedroom unit.

Council Question: If a Development Agreement is needed or created - at what phase or step would it be reviewed and approved by the Council? Can we make the GPI dependent upon an approved Development Agreement?

Staff Response: All development agreements (DA) require approval and adoption by the City Council (they are adopted by ordinance). Staff recommends using the DA as a mechanism to put into place

the affordable housing elements of the project- specifically how to provide maximum opportunity for relocation of existing residents and the number of affordable units, and the construction scheduled anticipated by the applicant where buildings are built more slowly over time in phases. Staff is recommending that a formal GPA application not be accepted unless there is also a Development Agreement application submitted at the same time.

**Agenda Item #: 3**

**Title:** Approve the Schematic Design, the Highly Recommended and Recommended Cost Saving Strategies, and Direct Staff to Proceed with the Design and Construction Procurement for Civic Center Phase 1

Council Question: It would be good to get a better description of all of the cost growth attributions. Specifically what is:

- City Hall Structural Design (Seismic Resilience Enhancement)
- Public Safety Building Redundant System

Staff Response: The City Hall Structural Design (Seismic Resilience Enhancement) changes the building type from the minimum as required by California Building Code (CBC) to a more robust structure. The minimum code requirement, in the event of an extreme event, provides for life safety of the occupants, but may result in significant changes to the building. The more robust structural design allows for the building to be repaired and possible ongoing operations after a major event. City staff believes that this is the more prudent option moving forward to protect the investment of a new City Hall.

The Public Safety Building Redundant System is a requirement due to the Emergency Operation Center (EOC) Building being classified as a mission critical facility; this classification requires that a redundancy to the backup power be provided. This essentially means that there will be two generators provided for the new addition. The addition is separate from the existing DPS building and has independent mechanical, structural and life safety systems.

**Agenda Item #: 4**

**Title:** Award a Contract to Sierra-Cedar, Inc. in the amount of \$4,025,000 for Implementation Services for an Oracle Cloud Enterprise Resource Planning System (F19-221)

Council Question: The new target dates will push the go-live past the end of 2019, which is end-of-life for Windows 10. What measures does staff have in place to handle the impacts of the delay? (This was raised as a concern in the RTC last year.)

Staff Response: Staff will be putting various safeguards in place to keep the existing systems running on Windows 7 and essentially establish a container around them until which time we can decommission the systems. It was in our original plan to put security measures in place with these systems since we will need to keep them online for a short period of time as a fail-safe backup and to accommodate our parallel processing.

Council Question: How much has Sunnyvale paid to Cherry Road under the agreement approved by Council in August 2018?

Staff Response: The City has paid CherryRoad a total of \$1,321,344; not including the Oracle licensing subscription.

**Agenda Item #: 5**

**Title:** Approve amendments to Council Policy 7.2.19 Boards and Commissions as Recommended by the Council Subcommittee on Board and Commission Bylaws

Council Question: 7.2.19.2.A. Would it be possible to correct the policy to read "public access to board and commission meetings" instead of "public access to board and commission meeting"

Staff Response: Yes, the Council may propose changes to the policy by motion.

Council Question: What would it take for Council to change the Teen Advisory Council charter to advise Council? The youth are planning a strike on September 20 and it seems they may have recommendations for Council. When compared to neighboring Cities who have teen councils, which ones provide recommendations to Council and hold public meetings?

Staff Response: Changing the Teen Advisory Council (TAC) charter to allow the TAC to advise Council requires a Council Resolution. TAC can currently approach Council any time with their opinions and recommendations, and have done so periodically. Council members are welcome to attend any TAC meeting. We're not aware of any area TACs that are required to hold public meetings, although they all hold them when needed. Subjecting the youth to the requirements of the Brown Act and making them subject to Public Records Requests and other requirements that would accompany status as an official "advisory" commission (such as regular meetings and attendance reported to Council) would be a challenge to this group whose membership, projects and meeting schedule are more activity-based and fluid as young people move in and out of the group given their other time commitments. Appointing members would become more formal and the TAC would need to develop an annual work plan.

Council Question: 7.2.19.2.B.3 Would it be possible to clarify if the City Managers appointed ex officio member to the planning commission is a voting member? (Sometimes ex officio members can vote.)

Staff Response: Staff may be able to clarify if the City Manager's appointed ex-officio member to the Planning Commission; however, as preliminary research indicates that the Charter amendment added language occurred in 1968. It will require staff to pull historical data to determine what the intent of the voters were at that time. Consequently, staff will need to provide an informational report to Council after concluding the research. At this point, it is difficult to determine how quickly the report will be available for Council review.

Council Question: 7.2.19.2.G.II.f Would it be possible to clarify the intent behind the "they must attend" when "only action minutes" are available to Council?

Staff Response: Action minutes do not provide detailed discussions as to the reasons an action was taken by the board or commission. Through this section of the policy, Council has required the Chair to attend so they may recount the discussion at the commission level. The policy language is also consistent with section 7.2.19.2.J.III.c

Council Question: 7.2.19.2.J.II.b.ii Will the BPAC be reviewing the Active Transportation plan going forward? The Bicycle Plan seems limited in scope

Staff Response: Yes, the BPAC will be involved with the review of the recommended network and spot improvements, setting priority levels for implementation of the plans, and approval of recommendation to City Council of the draft ATP

Council Question: 7.2.19.2.J.II.g.ii In the Parks and Recreation section, would it be possible to change "assure" to "ensure"

Staff Response: Yes, the Council may propose changes to the policy by motion.

Council Question: 7.2.19.2.J.III.e Would it be possible to move this section to 7.2.19.2.Q or add a cross-reference? There is no mention of Council liaison in the communications with City Council section.

Staff Response: Yes, the Council may propose changes to the policy by motion.

Council Question: Also, having Council liaisons goes somewhat against the entire policy as stated in this section, where the first preferred point of contact is the Mayor. Does this mean that, technical, the liaisons should refer questions to the Mayor?

Staff Response: The role of the Council Liaison as defined by section 7.2.19.2.Q is to provide additional information to board members or commissioners, at the request of the chair, when questions fall beyond the scope of staff's expertise. The policy further states that when board or commissioners feel there is an issue with the Council Liaison's conduct, the Mayor should be consulted for possible resolution.

The Council Subcommittee recommends that staff provide more training to board and commissions on utilizing the Mayor as a resource to resolve conflicts. If the conduct issue involves the Mayor serving as a Council Liaison, then the Vice Mayor should be consulted.

Council Question: 7.2.19.2.N At two points in the policy, the possibility of appeals are mentioned, where no appeals process is included in the policy (See 7.2.19.2.G.II.e and 7.2.19.2.H.II). Would it be possible to include an appeals process? There is one in 7.2.19.2.Q which is not called out or cross-referenced in the other sections.

Staff Response: Yes, the Council may propose changes to the policy by motion.

Council Question: 7.2.19 Does the City have a harassment policy posted that is visible to citizens? Harassments is not explicitly called out in the Code of Conduct, nor is there explicit language about how to report an issue. (The Mayor in the Code of Conduct and the Mayor or Vice Mayor in policy 7.2.19.)

Staff Response: Yes, the City's Administrative Policy Prohibiting Harassment, Discrimination, and Retaliation is available on the City's external website with other City Policies at:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=26507>

Section 4 of the policy identifies the complaint process, and Attachment 3.32A provides a copy of the Complaint Form.

Council Question: 7.2.19.2.R Would it be possible to update the span of the Boards and Commissions bylaws limitations to also include section 7.2.19.2.Q? Currently it stops at 7.2.19.2.P.

Staff Response: Yes, the Council may propose changes to the policy by motion.