

RESPONSE TO COUNCIL QUESTIONS RE: 12/10/19 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: Please provide more information about each of the following payments.

\$173,500 to AECOM TECHNICAL SERVICES INC AND

\$487,593.79 to ATLANTIC MACHINERY INC

Staff Response: The payment to AECOM Technical Services, Inc is pursuant to the close out of a contract approved by the City Council on April 25, 2017 (RTC 17-0376) to conduct a Condition Assessment project for the Sunnyvale Clean Water Program.

The payment to Atlantic Machinery, Inc is pursuant to a purchase order approved by the City Council on August 13, 2019 (RTC 19-0560) to purchase a combination sewer and storm drain cleaning truck.

Agenda Item #: 1.D

Title: Receive and File the FY 2018/19 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Impact Fees (Exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines)

Council Question: Each of the impact fee balances shows some sort of interest income during the year. How are these calculated? Meaning, are the funds comingled in a single account and then total interest is prorated via a formula? Or are the funds for each impact fee kept in a separate account, reflecting interest earned on that separate account?

Staff Response: Interest earnings are allocated each accounting period (month) based on the current cash balance in each fund.

Council Question: This is probably a question for the Recommended Budget, but what is the plan for using up the \$533 thousand of the defunct traffic mitigation fees? Last year, the expenditures from the fund were less than the interest collected and I'm not sure there are any projects where these funds can be used.

Staff Response: Currently approximately \$161,000 is allocated to 816000 - Future Traffic Signal Construction, \$28,000 to 830110 – Sunnyvale-Saratoga Rd. Pedestrian Signal (which is almost complete), and \$34,000 to 832100 – Mathilda and Indio Intersection improvements. The remaining balance is available to match future grants or appropriate to future projects.

Council Question: How does the City keep track of Park Dedication Fees collected under the Quimby Act versus non-Quimby fees?

Staff Response: The City accounts for all Park Dedication Impact Fee Revenue in Fund 141 – Park Dedication Fund. This fund has two sub-funds, one for Quimby Act Fees and one for Non-Quimby Act fees. Deposits are tracked on a development by development basis to ensure the correct accounting for the fees.

Council Question: Please specify where each of the funds is shown in each of: The 2019/20 Adopted Budget; and the 6/30/2019 CAFR. Page number references are very helpful. Specifically:

- Housing Mitigation Fee / Housing Impact Fee \$51,098,336 balance at 6/30/2019
- Park Dedication Fee \$18,527,129 (fees subject to reporting requirement)
- Sense of Place Fee \$5,960,346
- Traffic Mitigation Fee \$533,085
- Transportation Impact Fee \$36,638,610

Staff Response: The FY 2019/20 Budget does not have reconciled FY 2018/19 numbers (as the budget is prepared during the fiscal year). It is also important to note that the numbers are presented on a budgetary basis in the budget, but on an accrual basis in the CAFR. This can lead to large variances between the two approaches. For example in the Housing Fund, the CAFR treats the loans made for housing projects on a full accrual basis as opposed to a budgetary basis. The budget recognizes that a housing loan has been made and the cash is not available for spending. The full accrual approach retains treats the transactions as “Housing Loans Receivable” and includes the loan as an asset in the fund balance. The detail for each of these funds can be found on the following pages of the FY 2019/20 Adopted Budget and the FY 2018/19 CAFR:

FY 2019/20 Adopted Budget

- Housing Mitigation Fund – Page 177
- Park Dedication Fund – Page 187
- Sense of Place Sub-Fund – Page 227
- Traffic Mitigation Sub-Fund – Page 223
- Transportation Impact Fee Sub-Fund – Page 225

FY 2018/19 Comprehensive Annual Financial Report

- Housing Mitigation Fund – Page 38 (includes both Housing Mitigation and Below Market Rate sub-funds)
- Park Dedication Fund – Page 38 (note this includes both Quimby and non-Quimby balances)
- The Traffic Mitigation, Sense of Place, and Transportation Impact Fee Sub-Funds are all part of the City Projects Fund in the CAFR – Page 39

Agenda Item #: 1.E

Title: Award of Contract to MNS Engineers, Inc. for Design Services for the Sanitary Sewer Main Replacement 2019 Project (F19-201)

Council Question: The FY19/20 budget for project 825331 is \$2,473,450. Does that equate to the “Sanitary Sewer Main Replacement 2019 project” referenced in the Staff report? Are we saying that it will cost \$2.5 million to replace or rehabilitate the 9,900 linear feet of sewer mains?

Staff Response: The Department of Public Works breaks both Sanitary Sewer Replacement and Water Main Replacement budget appropriations into detailed “projects” for the purposes of design and construction. Each of these projects includes a set of segments to be replaced or rehabilitated. This set of segments is listed in the staff report. The estimated construction cost for this project is \$3,619,980. The FY 2019/20 Budget of \$2.5 million, combined with a projected carryover from FY 2018/19 of approximately \$2.2 million, is anticipated to be sufficient to complete the identified segments.

Agenda Item #: 1.F

Title: Award of Contract to Peterson Power Systems, Inc. for On-Call Engine Maintenance and Repair (F19-177)

Council Question: This Staff report uses the language “not-to-exceed contract amount within budget appropriation”. The normal language we see (for example, in 1.G) is “not-to-exceed budgeted amounts”. Are these two the same thing or different things?

Staff Response: Yes, these two phrases are synonymous. Staff will use a consistent phrase going forward.

Agenda Item #: 1.I

Title: Modify a Purchase Order with Otis Elevator Company for Elevator Repairs (F20-063)

Council Question: I have heard on-going complaints about the elevator at the Caltrain multi-modal facility. How and what types of vandalism are taking place? If it has become intermittent (and repair more costly), what are we doing to prevent it in the future (cameras/patrol/etc.)?

Staff Response: The vandalism includes reoccurring incidents of people urinating and even spreading feces in the multi-model elevators. More specifically and most damaging is the urine damage to the control panels which has caused multiple outages. Two years ago porta-potties were placed in the area, in an effort to curb this activity, however, it has had limited results.

Staff is in the early stages of a process to install security cameras to see if that will help reduce the problem. The Department of Public Safety has been working with Facilities to increase patrol in the area to address obvious issues as they occur and to provide a visible deterrence. Given that this happens when the elevator is in use, opportunities for enforcement during the event are limited. Public Safety will continue increased security checks and work collaboratively as the cameras are installed to address ongoing acts of vandalism.

Agenda Item #: 3

Title: Eco-district Feasibility and Incentives (Study Issue ESD 13-05C)

Council Question: I understand that Staff wants to rely on targets for Eco-Districts, however, wouldn't the Eco-district implementation set some targets (and make reach goals) within an Eco-District as opposed to the overall city goals?

Staff Response: Yes, an Eco-district could consider targets specific to the implementation area of the district.

Agenda Item #: 4

Title: Award of Contract to Casper Airport Solutions, Inc. for Airplane Noise Monitoring System and Approve Budget Modification No. 14 in the Amount \$258,792 (F20-014)

Council Question: How do we get to the point where we have determined the number and location of the permanent noise monitoring terminals?

Staff Response: Based on an analysis by Casper and their wealth of experience in installing aviation noise monitoring systems at airports across the United States and Europe it is their opinion that the best solution for the City of Sunnyvale is an array of permanent noise monitoring terminals (NMTs). Permanent NMTs will best support the City's goal of continuously measuring aircraft noise levels under the south flow arrival path and establish a baseline which can be used to benchmark against any future changes in airspace management by the FAA which may change the noise environment in Sunnyvale.

Casper recommends deploying two parallel lines of noise monitors that closely mirror the flight path of aircraft arrivals over Sunnyvale. Casper recommends four permanent NMT sites. With two NMTs being deployed under each predominant flight path from southeast to northwest across the City.

To start the project, Casper will complete the in-depth analysis of existing flight activity over Sunnyvale and work with partners to determine potential candidate sites for Noise Monitoring Terminal placement. Casper will then meet with City staff on-site to review the report and narrow down sites to four preferred and four alternative locations, conduct a site visit of all proposed sites to

assess suitability of NMT placement and then finalize Noise and Operations Monitoring System (NOMS) requirements and project schedule. Casper will deliver a final report on the NMT site survey and the City will finalize the site selection, contact property owners, and secure easements if necessary.

Council Question: Can Staff provide additional details on the capabilities of the Casper Airport Solutions equipment, and what information it is able to provide?

Staff Response:

- Permanent Noise Monitoring Terminals – Casper will install and deliver four (4) state-of-the-art airport noise monitors. The NMTs will capture and transmit aircraft noise data to the Casper server utilizing wireless cellular modems in real-time. The data will then be analyzed and pushed out to the public reporting web application and the internal analysis tool. The data will be archived on the server for the length of the contract for historical recall and analysis.
- Casper Noise: Internal flight track, and noise event analysis application. The Casper Noise system will be offered with the following modules:
 - Flight/Tracks module: Analysis and reporting on flight track activity
 - Noise Events module: Analysis and reporting on aircraft noise events
 - Dashboards: Real-time, dynamic reporting on flights, noise levels
 - Reports: Highly customizable data reports for regular reporting of aviation noise topics
- Casper Flight Tracker: Public flight tracking website, which is extremely intuitive for users and highly customizable and configurable. Allows users to self investigate flight activity over their home, educate themselves about the flight paths that affect their community.
- Casper Noise Lab: Public data and reporting portal which pulls data from Casper Noise automatically, on-demand. The portal is completely customizable and allows residents to investigate aircraft noise in their neighborhood and run customizable reports to analyze historical and near-real-time flight activity
- Flight and track data, based on FAA SWIM data enhanced with FlightAware and FlightGlobal flight and aircraft data
- Audio recordings of aircraft noise event are captured, and the audio tagged to the aircraft noise data and can be replayed in Casper Noise

The Casper server first attempts to automatically correlate a noise event to a flight track. All flight tracks are automatically associated, by comparing the noise event timestamp to the timestamp of the closest flight track radar plot. The timestamp is then used to retrieve the measured weather information at the time of the event from the SJC Airport weather station.

Agenda Item #: 8

Title: Adopt an Urgency Interim Ordinance and Introduce an Ordinance Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units and Find that the Action is Exempt from the California Environmental Quality Act

Council Question: Owner occupancy deed restriction has been an on-going barrier for residents building ADUs (and financing). What about residents that just had ADUs (not JADUs) permitted and were required to have a deed restriction?

Staff Response: The property owner would need to request a removal of the deed restriction; staff is working on a simplified program for that type of request. Anyone with a pending ADU has been advised that their ADU can proceed into construction phase without the deed restriction, but that the building cannot be finalized until a new law is in effect.

Council Question: Is there a solution for those people with deed restrictions already imposed by the city? What is the process to remove the deed restriction?

Staff Response: Staff is working on a simplified application to request removal of a deed restriction.

Council Question: Section 19.77.060 states that Council “may adopt by resolution a connection fee or capacity charge”, is Staff proposing that a charge be included?

Staff Response: Staff is not proposing any changes: per our current process, for the purposes of collecting water/sewer connection fees, ADU’s are considered as a “bedroom.” For example, if an existing one- or two-bedroom property (low occupancy) is applying for an ADU, the addition of an ADU would change the property up to standard occupancy. Public Works would then collect the connection fee difference. If the property already has three bedrooms there is no connection fees for an additional bedroom or an ADU.

Council Question: The ordinance excludes impact fees for ADUs smaller than 750 feet. What are the approximate fees for an ADU of 600 feet?

Staff Response: There would be no impact fees for ADUs under 750 square feet. New construction for a detached or attached ADU or converting non-habitable space to ADU: Building and inspection fee would be \$3072. Converting habitable space to an ADU: Building and inspection fee would be \$1866.

Council Question: What would be the approval process if a resident wanted to build a second story ADU (e.g. a unit above their garage)? Or would this be completely disallowed by ordinance?

Staff Response: A second story ADU addition on the main house is permitted and would be subject to the same zoning standards as any other second story addition. A second story on a detached habitable structure would need to meet setback and height standards, which are more restrictive than the main house. A second story ADU on non-habitable accessory buildings (e.g. a garage) are not allowed even if setbacks, etc. are met.