

## RESPONSE TO COUNCIL QUESTIONS RE: 2/4/20 CITY COUNCIL AGENDA

**Agenda Item #: 1.C**

**Title:** Approve the Fiscal Year 2020/21 Sustainability Speaker Series

Council Question: Council allotted \$25K each year in 2016 for the Speaker Series. How much has been spent yearly in the last few years? Do unused funds go back to the general fund?

Staff Response: The Sustainability Speaker Series is funded in Project 832260. Unused funds are returned to the General Fund. The annual expenditures for the first three years of the program are FY 16-17: \$ 6,438; FY 17-18: \$ 18,261; and FY 18-19: \$30,725. The expenditures for FY 18-19 were above the project budget for that year as the series was previously planned on a calendar year basis and included one premium speaker that year. The difference will be made up for in the FY 19-20 expenditures, as the series for FY 19-20 was planned and approved to be conducted from spring 2019 through FY 19-20. The series schedule and planning has been re-aligned from calendar year to fiscal year to better match the City's budget cycle.

The FY 20-21 Series is the last of the five years approved by Council as part of Project 832260. In 2019, Council approved continuation of the program thereafter as part of the Climate Action Playbook, Move 5.D. Funding to continue the program as an ongoing initiative beyond FY 20-21 was included in the FY 19/20 Adopted Projects Budget, Project 831290 – CAP Implementation.

**Agenda Item #: 1.D**

**Title:** Award of Contract to Superion, LLC for Hosted Utility Billing Software and Support (F-20-060)

Council Question: Where in the Solutions Agreement does it state that Superion, LLC will perform the task to host the utility billing system through their cloud-based system?

Staff Response: This information can be found in Exhibit 1, the "Project Cost Summary". This exhibit is referenced in items 2 and 3 on this first page of the agreement. The line item in the Project Cost Summary is called Horizon Cloud Services.

**Agenda Item #: 2**

**Title:** Consider Funding the California Environmental Quality Act (CEQA) Environmental Review for the Orchard Heritage Park Museum Expansion and Approve Budget Modification Number 22 to Appropriate Funding for a New Project

Council Question: In my time as a Sunnyvale public official, I can recall a handful of instances where applicants have "griped" or "complained" that Staff is being too onerous in terms of the degree of CEQA analysis it's requiring for a project. But I cannot recall even a single instance where Council has overridden Staff in terms of what level of CEQA analysis is required. Can Staff recall an instance where Council has overridden Staff in terms of the level of CEQA analysis required?

Staff Response: Staff does not recall a time in which City Council has overridden staff in terms of what level of CEQA analysis is required.

Council Question: The direction provided by Council in this matter last year was patently clear and therefore requires a Motion to Rescind if Council wishes to carry a motion such as Alternative 1. See Sturgis pps. 42-44. Why was this item not noticed and agendized with a Motion to Rescind?

Staff Response: Under Sturgis, a motion that had previously been adopted can also be repealed by implication. When a subsequent motion is adopted by the City Council that “conflicts in whole or in part with another motion or motions previously adopted,” then the first motion is automatically repealed “only to the extent that its provisions cannot be reconciled with those of the new motion. (See page 30.)

Council Question: Would the CEQA report be “looking at the future planning of the orchard”? Or is it only the SHSMA addition? What has been the historical use of the Council Set Aside for the last few years?

Staff Response: The CEQA analysis proposed in the Report to Council is only for the proposed SHSMA addition. The last five years of use of the Council Set Aside is as follows:

**Summary of Council Set-Aside Budget to Actual Expenditures**

Fiscal Year Ending	2015	2016	2017	2018	2019	2020 (YTD)
Budget	35,000	25,000	100,000	100,000	100,000	100,000
Actual	-	9,800	900	11,726	-	30,000

**Agenda Item #: 3**

**Title:** Issuance of Request for Proposal for Solid Waste and Recycling Collection Services to Bay County Waste Services

Council Question: We have been talking about a multi-family food scraps program for a while now (to match the Single Family FoodCycle Program). It’s listed as an Updated service. Does this mean that it would (might?) be implemented over a 7-10 year contract period, or is Staff putting real goal dates/deadlines into the agreement for when these changes will be incorporated into the Trash Collection?

Staff Response: The near-final draft SB 1383 regulations require that programs be in place by January 2022, with enforcement beginning in January 2024. Over the next several months, as part of the annual compensation review staff will be discussing options with Bay Counties for taking the first steps in providing this service during FY 20-21, including a possible pilot. Staff’s intent is to then begin implementation of the program during the first six months of the new agreement (July-December 2021), and to have a full program in place within the first year of the new agreement, with consideration of whether the service should be phased-in for larger complexes. The final agreement will include a detailed schedule for implementation of all services.

Council Question: Similarly, with SB1383, the City needs to handle collection of Yard Waste at multi-family residential, is this an additional container for yard waste for each multi-family (or can the multi-family yard service remove the waste itself)?

Staff Response: With SB 1383, the City will need to put a verification process in place to ensure that multi-family residential properties that generate Yard Waste have a collection service of some form. Property managers may continue to remove Yard Waste via landscaping contractors, and must subscribe to collection service (including use of an additional container) through Bay Counties if they generate Yard Waste that is not otherwise removed from the property.

Council Question: Similarly, are the existing expansion of organics programs at businesses covered with an actual deadline goal?

Staff Response: As noted above, SB 1383 requires that programs be in place by January 2022, with enforcement beginning in January 2024. Similar to the response above for commercial food scraps, staff will also be discussing options with Bay Counties for beginning the expansion of service (as required by SB 1383) during FY 20-21. Staff's intent is to have a full, expanded organics program for businesses in place within the first year of the new agreement. Meanwhile, we continue to add businesses into this program during the current fiscal year as part of the AB 1826 Commercial Organics Mandate.

Council Question: As per our Climate Action Playbook, most of these are focused within the next three years, are these implementation goals captured?

Staff Response: Yes, that is staff's intent. The Climate Action Playbook has three action items related to solid waste (Moves 4.A, 4.B and 4.C). The first, relates to commercial and multi-family food scraps, and will be a key focus for efforts over the next two years. The second item relates to improvements in collection and processing to increase diversion, and is a key focus of ongoing work with Bay Counties with relation to both collection and operation of the SMaRT Station. Waste prevention, the third item, will be an ongoing focus over the next several years, and beyond.

Once staff receives and evaluates Bay Counties' proposal for the new/expanded services, we will meet with Council in a study session format to discuss the proposed approaches and costs associated with the expanded/new services, and to seek direction regarding the timing of implementation of each program to ensure smooth delivery of the new/expanded services.

Council Question: Wouldn't these expanded services **require additional trucks** (for multifamily Foodcycle or business organics). Are we being short-sighted in specifically calling out the five trucks (in case an additional truck is required for expansion of service), or is this covered in the contract?

Staff Response: It is quite possible that additional trucks and/or a repurposing of existing trucks will be required. Bay Counties needs to propose the number of trucks and level of labor it believes will be required to provide the service. The contract will reflect the final agreed approach, including the agreed number of necessary trucks.

<b>Agenda Item #:</b> Information Only <b>Title:</b> Annual Review of New Laws
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Council Question: It would be useful to add to the title line (or just list the bills of signed into law date), if the legislation was passed or continuing into 2020 (to better understand what the City needs to implement policy/administrative change).

Staff Response: The report only cites the Chaptered date for legislation that passed in previous years but has new regulations impacting the City. For pending legislation, there is a short description on the status of the bill. Staff will add the Chaptered date to all new legislation in future staff reports for clarity.

Council Question: Just for accuracy sake, Sunnyvale also wrote an additional letter opposing SB50 in Jan-2020.

Staff Response: Correct. SB 50 failed to pass the State Senate and therefore will no longer move forward. Staff expects a new housing production related bill from Senator Weiner in the coming weeks.

Council Question: I would be interested in getting more info on the two AB1763 projects that Staff are expecting.

Staff Response: Two preliminary review applications were submitted since the new year which are subject to AB 1763. Both projects are 100% affordable apartment developments in very early stages of design.

**245 W. Weddell Drive**

The proposed project would rehabilitate 30 existing affordable housing units and construct 85 new units for a total of 115 deed restricted units affordable to extremely low, very low, and low income households. Project may provide units set aside for formerly homeless residents through Measure A Funding. Council will consider a funding application for this project on February 25th.

**1178 Sonora Court**

New construction of +/- 147 deed restricted residential apartments affordable to extremely low, very low, and low income households. The proposed project would include a mix of one, two, and three bedroom units focusing on families. Council will consider a funding application for this project on February 25th.