

RESPONSE TO COUNCIL QUESTIONS RE: 2/23/2021 CITY COUNCIL AGENDA

Agenda Item #: 1.D

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

Council Question: I see the Kirby Canyon fee is \$778K. Is this on par with last year at this time? (or is it much larger; with people working from home and allowing additional pickups). Have we seen an increase in material going to landfill during COVID? Has Kirby Canyon fee per ton increased?

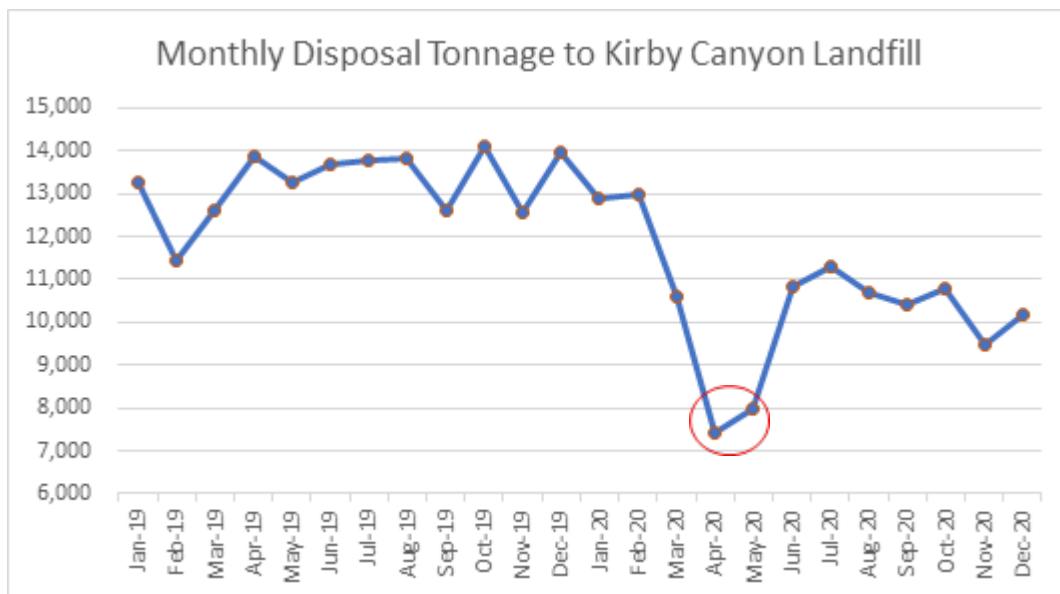
Staff Response: Disposal Tonnages have dropped since December 2019. In December 2019, 13,983 tons were disposed and \$1,017,707 was paid to Kirby. Whereas, in December 2020, 10,162 tons were disposed, and we paid \$778,908 to Kirby.

Comparing data from July-December 2020 to the same period in 2019 shows total Sunnyvale garbage sent to Kirby Canyon Landfill down 21%.

The overall reduction in landfill tons is the net result of:

1. Residential garbage collections increased 9%
2. Commercial garbage collections decreased 20%
3. Roll-off waste (construction & demolition, commercial compactors) collections decreased 12%
4. SMaRT Station diversion increased 50%

The SMaRT Station saw a significant drop in disposal tonnages during March/April 2020 at the beginning of COVID. Disposal tonnage has gradually increased since then.



The Kirby Canyon fee increased on July 1, 2020 by CPI (per our disposal agreement) from \$72.78 (FY 2019/20) to \$74.12 (FY 2020/21).

Agenda Item #: 2

Title: Introduce an Ordinance Awarding an Exclusive Franchise to Bay Counties Waste Services, Inc. for Collection of Solid Waste, Recyclables, and Organic Materials; Authorize the Mayor to Execute a Franchise Agreement; and Find that these Actions are Exempt from CEQA Pursuant to CEQA Guidelines Section 15301 and 15308

Council Question: There is a freeze on executive compensation and facility rent charges for Contract Years One through Four, what happens at Year Five and going forward?

Staff Response: Executive compensation and facility rent charges will both be annually adjusted by CPI beginning in Year Five, a continuation of current practice.

Agenda Item #: 3

Title: Discussion and Direction on Ordinance Establishing a Public Process for Redistricting

Council Question: Since this is a discussion/direction item only I would appreciate any thoughts Staff might have prior to Tuesday's meeting regarding the draft ordinance (Attachment 2):

[Page 2] What is Staff's thinking regarding the definition of "supermajority" in this case? Majority-plus-one? Two-thirds? And, just in case, would it be possible in a future draft of the ordinance to specify the number of "yes" votes required to achieve said supermajority in each case where there are 4, 5, 6 or 7 Councilmembers voting?

Staff Response: This wording reflects the Council's direction at the last meeting; it can be changed if the Council prefers a number. The Council addresses the issue of a supermajority vote in Council Policy 7.3.19 (Council Meetings) when setting forth the process for hearing a new agenda item after 12:30 a.m. It states:

For purposes of this rule, a supermajority shall mean one more vote than a simple majority (for example, if seven members are present a supermajority is five; if five members are present a supermajority is four).

Council Question: [Page 3] What is Staff's thinking regarding the use of alternates and specifically the definition of "unable to serve"? Would that mean missing a single meeting? Or something longer, like resigning from the Commission?

Staff Response: Unable to serve typically does not mean missing one meeting; under the boards and commissions policy it would include resignation, missing more than 25% of scheduled meetings, and ceasing to be a resident. The Council can further define "unable to serve" if it prefers.

Council Question: [Page 4] When it says "elective office of the local jurisdiction" does that mean Sunnyvale City Council, in this case?

Staff Response: Yes. The Council discussed certain issues related to commissioner eligibility and restrictions at the last meeting but did not provide specific direction. In the interest of providing a starting point for discussion, the provisions for ineligibility to serve and restrictions during and after

service (pages 4-5) in this draft are the provisions in current state law (Elections Code sections 23000 et seq.) that apply to General Law cities.

Council Question: [Page 4] What is Staff's thinking regarding the definition of "political party central committee"? Can Staff provide examples of this?

Staff Response: See [https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual 4/Manual 4 Ch 14 Political Party Committees.pdf](https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual%204/Manual%204%20Ch%2014%20Political%20Party%20Committees.pdf) for detail. The Council can decide whether to include this.

Council Question: [Page 4, Section 5] Does Staff envision that Commissioners would have to file an FPPC Form 700?

Staff Response: Yes. As commissioners would be making, or participating in the making of a governmental decision, then they would be required to File a FPPC form 700.

Council Question: [Page 5] What is Staff's thinking regarding the definition of "appointment to an office of the city"? Can Staff provide examples of this?

Staff Response: See Charter sections 900-901. Appointed officers of the City are the City Manager, City Attorney, and department heads.