



1 North San Antonio Road
Los Altos, California 94022-3087

MEMORANDUM

DATE: 10/26/21

TO: Councilmembers

FROM: City Manager

SUBJECT: COUNCIL Q&A FOR THE OCT 26, 2021 CITY COUNCIL REGULAR MEETING

Minutes:

- Is the Community Center Remaining Budget (\$1,209,678) \$154,139 greater than the final under-budget amount of \$1,055,539 because of the anticipated additional FF&E spending that was mentioned?
- On page 2 of the staff report, the Resolution number should be filled in where it is left blank in two places.
- Report on Closed Session: Need a carriage return between items 2 and 3.
- Report on Closed Session: Jolie was not present for discussion on items 1 and 2.
- Special Item: Line up the bullet point to match the other Preparedness Item points.
- Special Item: The comma after "Furtado" should be a period.
- Item 7: Missing the comma in "\$1,000."
- Item 8: "preamble" is one word.

Noted

Item 2, Community Center:

- Is the Community Center Remaining Budget (\$1,209,678) \$154,139 greater than the final under-budget amount of \$1,055,539 because of the anticipated additional FF&E spending that was mentioned?

The correct Remaining Budget value is \$1,055,539. Staff was asked to add the Remaining Budget column to the Project Cost Table in the draft staff report and they accidentally copied numbers from an older version of the project accounting tracker and did not check the math. An updated staff report with the correct accounting is attached below as Exhibit A and has been replaced in the Council agenda webpage. The total cost to deliver the Community Center Project was \$37,279,861, which was a savings of \$1,055,539 under the \$38,335,400 project budget. The current estimate of \$150-200K for Day 2 expenditures is not included in the \$1,055,539 savings.

- On page 2 of the staff report, the Resolution number should be filled in where it is left blank in two places.

Thanks. Resolution No. 2021-52 is now referenced on page 2 of the staff report.

- Why is it that the project is \$1,055,539 under the final, approved budget, but there is a remaining budget of \$1,209,678?

Please reference the first answer under this set of questions.

Item 3, Packard Foundation Parking Lot:

- If increasing the size of the parking lot does “not expand the use of the building,” then why does the Foundation want to do this? In other words, if the use of the building is the same, then why does the Foundation want additional spaces?

The question is better suited for the applicant to respond.

- Are there any sketches/designs of what the proposed new parking lot will look like from the street as cars turn onto 2nd from San Antonio?

Not specifically, but on Sheet C5.2 see lower left rendering which is a view from 2nd Street just east of the parking lot entrance.

- Will the electric stalls be available to the public? Will the rest of the lot be available to the public?

No, to both questions. This is a private lot.

- Is the Foundation’s agreement with GreenTown in writing? If so, may the Council see a copy?

Staff is unaware of a written/signed agreement between the parties; however, there is a commitment letter from GreenTown Los Altos as contained in the Planning Commission meeting agenda documents (See Attachment D, page 39 of 43 of the meeting packet). In addition, Condition #3 and #26 in the approval resolution would need to be satisfied prior to the completion of the project.

- Why does staff propose that the City release the Foundation from monitoring the effectiveness of the ATMP?

The City already agreed to the release as part of the terms of the original development agreement and subsequent deed restriction. The terms have been satisfied to record the release, so the City should move forward with this action.

- Why does the Foundation want to make this change? Is there insufficient parking for the Foundation? What has changed in ten years to motivate the Foundation to propose this change?

The question is better suited for the applicant to respond.

- Conditions (page 4 of the draft resolution): Item number 1 is repeated, first as “Expiration” and then as “Approved Plans.”

Thanks for catching the numbering error. Seems to be an auto formatting issues with MS Word. We will correct prior to finalizing the resolution for signature.

- Why wasn't the lot merger accomplished in 2010? Why is it needed now but it wasn't then?

The parking lots exist in a similar configuration as they were in 2010 (and I believe for many years before then). There wasn't any proposed buildings on those parcels, so there wasn't a need to merge them. However, the proposed carport structure spans property lines and we can't issue a building permit for a structure that extends over property lines. Utilities should also not cross property lines.

- What resources are necessary to restart the ATMP? Are there grounds to do so?

The Packard Foundation has had a continuing ATMP, however, the Foundation has temporarily halted certain ATMP activities during the Covid pandemic due to less people in the office. Please see Attachment B of the Complete Streets Commission Agenda Report (starting on page 10 of 12). The Foundation is obligated to continue the ATMP per the recorded development agreement.

- What would removing the reserve parking area/parcel mean?

Removing the reserve parking parcel (also called the Parking Reservation Property in the deed restriction) completes the terms that were agreed upon between the City and the Packard Foundation in 2010 when the reserve parking area was established in the recorded Deed Restriction (2010). The terms of that agreement have been met; therefore, the release should be granted. In effect, it would allow the property owner to develop the reserve parking parcel (APN 16740067, adjacent to S San Antonio Rd) subject to the requirements of the zoning ordinance.

- What is the current number of employees now?

The question is better suited for the applicant to respond.

- How many of the current employees own electric vehicles and drive to work?

The question is better suited for the applicant to respond.

- How many employees utilize alternative transportation methods?

The question is better suited for the applicant to respond.

- Are they anticipating an increase in the number of individuals in the Packard building and if so, why? (E.g. - commercial lease agreement, office share)

The question is better suited for the applicant to respond.

- Due to Covid and the hybrid working conditions which will be continued why is 41 charging stations needed?

The question is better suited for the applicant to respond.

- Why do they anticipate an increase in vehicle parking is needed when there are less employees at the office?

The question is better suited for the applicant to respond.

- The Packard Foundation states that they are planting 27 trees within the city, why isn't it on the Packard Foundation site?

The question is better suited for the applicant to respond.

- Please provide the plan as to where the trees will be replanted.

If referring to the 27 replacement trees committed to be planted with GreenTown Los Altos, specific locations have not been identified. The proposed landscape plan L1.01A identifies 14 (or up to 18 replacement trees if the alternative plan L1.01B is approved).

- If you they are meeting current traffic goals why is increased parking needed?

The question is better suited for the applicant to respond. However, please be aware that the reduced parking area was not required as a traffic reduction measure. The Packard Foundation office building was estimated to have a 450 daily vehicle trip reduction as compared to the previous site uses.

Item 4, Implementation of SB 1383:

- Mission Trail has collected organics from residents for more than a decade along with garbage and recycling.

Los Altos (current) Ordinance for ‘organics collection service’ has been in place since 2015 (~6 years).

- What changes will residents see to their services as a result of SB 1383 and Los Altos’ implementing ordinance?

The residents will not really see a difference since they will continue to place the organic waste in their green bins, however SB 1383 will require Commercial and MFDs (Multi-Family Dwellings) to comply and subscribe to service (at no additional cost). The Commercial and MFD will be required to sign up for service or apply for a waiver, waivers will be verified, and approval determined by site visits. Under the current contract with MTWS (Mission Trail Waste Systems) there is no additional cost to participate in the organics service, it is a free service.

- Who is eligible to ask for a waiver?

Waivers are available to Commercial and MFD accounts and the two types are: De Minimis Waiver and Physical Space Waiver.

- What are the criteria staff will use to decide whether to grant a waiver?

Staff will follow the criteria required by SB 1383 regulations which includes a physical space waiver or De Minimis Waiver. The De Minimis Waiver is as follows:

- o **Businesses generating more than 2 cubic yards of solid waste (recycling/trash/organics) and generating less than 20 gallons of organics**

or

- o **Businesses generating less than 2 cubic yards of solid waste (recycling/trash/organics) and generating less than 10 gallons of organics.**

Both De Minimis and Physical Space Waivers will be verified by site visits and the City has established a plan with the consultant for completing site visits prior to the reporting that is due August 2022.

- Is staff’s decision appealable?

No, site visits will determine if they meet the criteria set forth by SB 1383 for a waiver. If approved for the waiver, approval is good for 5 years.

- Does staff anticipate waivers to be filed? From whom?

Yes*, Business and some MDF units.

* 149 businesses have already applied for a waiver (under the current ordinance), out of about 330 businesses and 100 MFDs that are signed up for service with MTWS. The majority of businesses and MFDs in Los Altos already have organics service.

- What does the training SB 1383 Preparedness entail?

The amount was allocated for the consultant to train staff on the many components and requirements of SB 1383 and assist staff with preparing for the upcoming requirements and timelines.

- Is this training something that could be open to include all members of the community?

This item does not include community outreach, it is just for internal staff training. However the budget did allocate for outreach and education to the community. As part of the planning process there were opportunities for the community to attend webinars/presentations that covered SB 1383 – on 8/4/21, 8/9/21, 9/13/21, 9/29/21. Also, Task 5- SB 1383 Waiver Evaluation Site Visits, which is currently underway, includes on-the-ground outreach to certain businesses on SB 1383 requirements as well.

Item 5, Off-leash Dog Pilot:

- There is no mechanism proposed by staff to discontinue the Pilot sooner than November 14 if Council wanted to do so. How could Council end the Pilot immediately if it decided to do that?

At the City Council meeting on September 21 the City Council stated their preference to create a “date certain” to end the Hillview Off Leash Pilot Program and amended Resolution No. 2021-50 accordingly. The City Council selected November 14 as the end date, and because of this, cannot consider terminating the program immediately. The City Council could direct staff to return with an agenda item to repeal or amend the current resolution or ordinance. However, the next regularly scheduled City Council meeting is November 9, which is close to the date Council selected as the end date.

- In the letter of one of the constituents, their attachment attempted to address concerns. No. 7 of the attachment referred to the alcohol bottles. Please clarify the ordinance in which allows individuals to consume alcohol at our parks. Were any permits issued for events at the dog off leash area/ Hillview Baseball Field?

Alcohol is not permitted at the Hillview Baseball Field.

Item 6, Fee Schedule:

- In Attachment 1, page 2 of the Fee Schedule, the very first items in Community Development for Building Permit appear to be in error. The first column says "Minimum valuation for new residential and commercial construction is \$158.00 per square-foot." and the next two columns both say "Minimum valuation for new residential and commercial construction is \$165.00 per square-foot." Shouldn't a minimum valuation sentence NOT be included in the first column and the second column (2018/2019 rates) should be valued at the lower \$158/sq ft and \$165/sq ft applies to the 2021/22 proposed rates? If it is correct as currently shown in the table please explain, or if not correct, please fix as appropriate.

Yes, this is an error. The minimum valuation in column 1 should be \$165.00, not \$158.00. Staff will correct this for the final Resolution.

- Are there grants or other financial aid options for Los Altos residents (or others) that don't otherwise have the means to pay for our camps and other activities? What about financial aid for seniors?

Pre-COVID-19, there were various options for individuals who could not afford various Recreation camps and activities. Staff is in the process of reviewing these programs and formulating a recommendation for Council consideration.

- When will the studies be available for Council to evaluate nexus based fees?

The tentative Council Calendar currently has Park in-lieu Fees scheduled for November 9, 2021. Staff is currently evaluating the Traffic Impact Fee and whether a further study is needed.

- For Community Development Building, what is being "valued?" Are the "total valuation" figures the value of the land? The proposed improvements? Current value or assessed value? Estimated (or actual) cost of construction?

The value being evaluated is for the improvements or the cost to construct what has been permitted and is typically based on the square footage of a project. There is a cost per square foot amount that is used based on the quality of construction. Land is not included in the calculation.

- What is the "electric vehicle charging fee? Is the fee the City charges someone for using of our Chargepoint car chargers?

Yes, this is the charge for using the Chargepoint car chargers.

- What fees does staff propose to charge for the parklets downtown?

Staff is not currently proposing a fee for the Downtown Parklets as this program is still in a temporary pilot stage. Review of the program is currently scheduled for November 9, 2021.

- Why did the fee for a police response to a DUI drop (from \$1,225 to \$1,201.75)?

The majority of fees proposed are based on the Cost Allocation Plan and User Fee Study from 2019. That Plan and Study determined the appropriate fee for services based on what resources were required to provide the service. If the fee dropped or increased, it is because, in 2019, it was determined that the cost to the City to provide the service needed to be adjusted, either up or down. In the case of this fee, it was determined that the actual cost to the City was lower than what the fee was currently set at.

- Why did the "second response call back standard response" drop from \$602 to \$193.25?

See previous answer.

- Why did the business licensing fee almost triple?

See previous answer. In this instance, it was determined that the cost to provide this service was greater than what was being charged.

- Why did the business license duplicate drop by one third?

See previous answer.

- Doesn't California law allow notaries to charge \$15 for jurats and acknowledgments?
Why are we only charging \$10?

This is the fee that was proposed in 2019. If Council wishes to increase this charge to \$15, we can make this change.



AGENDA REPORT SUMMARY

Meeting Date: October 26, 2021

Subject: Resolution No. 2021-52: Acceptance of Los Altos Community Center Project

Prepared by: Andrea Trese, Associate Civil Engineer

Reviewed by: Jim Sandoval, Engineering Services Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution No. 2021-52

Initiated by:

City Council, CIP Project CF-01002

Previous Council Consideration:

October 27, 2020; October 13, 2020; October 22, 2019; July 30, 2019; July 9, 2019; March 12, 2019; September 11, 2018; July 10, 2018; March 13, 2018; December 12, 2017; September 26, 2017; August 22, 2017; April 25, 2017

Fiscal Impact:

The table below summarizes the final costs of the Los Altos Community Center Project. The final approved budget for the overall project (including construction as well as soft costs; furnishings, fixtures & equipment; and respective contingencies) is \$38,335,400. The final overall project cost is \$37,279,861. The project cost is \$1,055,539 less than the final approved budget.

Project Item	Project Budget	Final Cost	Remaining Budget
Soft Costs (Design, Construction Management, Construction Inspections, etc.)	\$ 5,535,443	\$ 5,767,373	\$ (231,930)
Construction	\$ 31,035,400	\$ 30,403,310	\$ 632,090
Furnishings, Fixtures, and Equipment (FF&E) and Expenses	\$ 1,764,557	\$ 1,109,178	\$ 655,379
Total	\$ 38,335,400	\$ 37,279,861	\$ 1,055,539

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- None

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: Resolution No. 2021-52: Acceptance of Los Altos Community Center Project

Summary:

- Adopt Resolution No. 2021-52 accepting completion of the Los Altos Community Center Project, CF-01002
- Authorize the Engineering Services Director to record a Notice of Completion as required by law
- Construction of the new Los Altos Community Center has been completed by Gonsalves and Stronck Construction Company and the building is now open to the public

Staff Recommendation:

Move to adopt Resolution No. 2021-52 accepting completion of the Los Altos Community Center Project, CF-01002; and authorize the Engineering Services Director to record a Notice of Completion as required by law



Subject: Resolution No. 2021-52: Acceptance of Los Altos Community Center Project

Purpose

Accept completion of the Los Altos Community Center Project by construction contractor Gonsalves and Stronck Construction Company.

Background

On Tuesday, April 25, 2017, the City Council approved the creation of a Capital Improvement Project for the design and construction of a new Community Center, originally referred to as the Hillview Community Center Redevelopment Project, CF-01002. The new 24,500 square foot building includes a large community room, three multipurpose rooms, meeting rooms, a catering kitchen, and dedicated spaces for seniors, teens, and the City-run preschool program. The site's amenities and outdoor spaces support learning, play, and community gatherings. The building has been designed to achieve LEED Gold equivalency with photovoltaic (solar) panels, electric vehicle charging stations, water-wise devices, stormwater bioretention areas, and an abundance of natural light. Several avenues of public art are incorporated through murals, gallery exhibits, and sculptures. The project features a pathway connecting the library to the Community Center. The building also includes unique and complex features, such as rain screens and a metal roofing system.

On October 2, 2021, the Los Altos City Council and City staff hosted a ribbon-cutting celebration to unveil the highly anticipated addition to the civic center to the Los Altos community.

Project History

Since April 25, 2017, the project consisted of planning, design and construction of a new Community Center at 97 Hillview Avenue. The design contract was awarded to Noll & Tam Architects & Planners on August 22, 2017. Los Altos community members were extensively involved in the planning and design of the project through the work of the Hillview Community Center Project Task Force. The task force consisted of eleven residents who worked with Noll & Tam to provide Council with a recommended design and layout that align with the character and community values of Los Altos.

The construction contract was awarded to Gonsalves and Stronck Construction Company, on July 30, 2019, at which time a total project budget of \$38,335,400 was approved by Council. A groundbreaking ceremony was held on October 8, 2019.

Construction Management was provided by NOVA Partners through a contract with the City authorized on July 9, 2019. NOVA Partners provided services including design and constructability-review, on-site oversight, project coordination, monitoring of scheduling and budget, validating costs and completion for various construction items, and subcontracting of special testing and inspections. Many unexpected challenges arose during construction due to the



Subject: Resolution No. 2021-52: Acceptance of Los Altos Community Center Project

COVID-19 pandemic and unforeseen conditions. However, the building was substantially completed on June 30, 2021, and received a Temporary Certificate of Occupancy in August 2021. The Final Certificate of Occupancy was approved on September 30, 2021. Construction is complete and the building has been open to the public since October 4, 2021. Despite the unprecedented pandemic, other challenges, and the nearly one-year delay, the project was delivered approximately \$1 million under budget.

As staff settles into the new facility, there are “Day 2” furnishings, fixtures, and equipment (FF&E) that are needed to create a fully functioning and secure operation. Staff estimates approximately \$150-200K in expenditures from the FF&E budget to cover numerous items, including IT and security equipment, office furniture, recycling/trash containers, kitchen supplies, art/décor, plants & planters, bocce ball equipment, window treatments, signage, podiums, teen room supplies, etc.

Discussion/Analysis

Gonsalves and Stronck Construction Company (G&S) completed the construction of the new Los Altos Community Center project. The facility was built in accordance with the plans and specifications. As such, staff recommends that Council authorizes the Engineering Services Director to record a Notice of Completion, as required by law.

The City is required to release retained funds to the contractor 35 days after filing the Notice of Completion with the Santa Clara County Recorder. Given the complexity of the project, the City retained 10% of the construction payments (public projects typically retain no more than 5%). The purpose of the retention is to provide security to the City in the case of contractor non-performance and to provide security in case any potential stop payment notices are filed by G&S’s subcontractors. The release of retained funds allows the general contractor to complete payments to the subcontractors (including those from early stages of the project, such as demolition in Fall 2019), whose payments have also typically been withheld at 10%.

After the project is accepted, the facility is covered by a warranty from the contractor. The warranty acts as a written guarantee from the Contractor that the work will remain free of defects and suitable for its intended use for the duration of the warranty. The contractor will repair or replace any items found to be defective for a period of one (1) year from the date of the Notice of Completion of the project, per the contract. All costs associated with such corrective actions are the responsibility of the Contractor.

Recommendation

The staff recommends that the Council, *Adopt Resolution No. 2021-52 accepting completion of the Los Altos Community Center Project; and authorize the Engineering Services Director to record a Notice of Completion as required by law.*

RESOLUTION NO. 2021-52

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ACCEPTING COMPLETION OF AND DIRECTING THE ENGINEERING
SERVICES DIRECTOR TO FILE A NOTICE OF ACCEPTANCE OF
COMPLETION OF THE LOS ALTOS COMMUNITY CENTER PROJECT**

WHEREAS, the Engineering Services Director has filed with the City Clerk of the City of Los Altos an Engineer's Certificate as to completion of all the work provided to be done under and pursuant to the contract between the City of Los Altos and Gonsalves and Stronck Construction Company, dated August 19, 2019; and

WHEREAS, it appears to the satisfaction of this City Council that said work under the contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. The acceptance of completion of said work.
2. That the Engineering Services Director is directed to execute and file for record with the County Recorder of Santa Clara, notice of acceptance of completion thereof, as required by law.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 26th day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK