



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

MEMORANDUM

DATE: 6/28/22

TO: Councilmembers

FROM: City Manager

SUBJECT: COUNCIL Q&A FOR JUNE 28, 2022 CITY COUNCIL REGULAR MEETING

Item 2. Adopt CalRecycle Local Assistance Grant:

Question: Remove the “and” after the last “WHEREAS” in the resolution.

Answer: The resolution has been revised to reflect the deletion of the “and” after the last “WHEREAS”. The revised resolution was sent to the interim City Clerk.

Item 3. Project Acceptance: Annual Street Resurfacing and City Alley Resurfacing Project:

Question: Agenda item 3, page 2 of staff report, please correct the agenda so that the minutes will be correct: the word “that” is missing a “t” and there is a duplicate “of” (“in tha the project consists of of ...”). See below for full text.

“Environmental Review:

The acceptance of the work is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) (Existing Facilities) in tha the project consists of of the operation, repair, and maintenance of existing facilities such as streets.”

Answer: Staff Report corrected and updated

Item 4. Project Acceptance: Fremont Avenue Pavement Rehabilitation:

Question: footnote to the table on p.2 of staff report: “*Engineering Services Department operating budget is still under use.” What does this mean?

Answer: \$12,394 of the \$70,000 budgeted from the FY-21/22 Operating Budget were not spent and will be available for other uses through the end of the fiscal year (i.e., 6/30/22). However, since there is insufficient time to encumber those funds for another use by 6/30/22, they will be returned to the General Fund.

Question: The Resolution on page 25 appears to be the same as the Resolution in Item 3 on page 20, so the correct Resolution needs to be added for Item 4.

Answer: The correct resolution has been uploaded.

Item 5. Approve Professional Services Agreement Amendment No. 3 with NBS:

Question: The following is confusing:

“On July 12, 2017, the City of Los Altos entered into an agreement in the amount of \$99,790 with NBS to perform the Sewer Rate Structure Analysis, the Administration of the Proposition 218 Process, and the Annual Administration of the City of Los Altos Sewer Service Charge. Amendment No. 1 was executed on December 17, 2019, in the amount of \$27,518.50 for an additional year of sewer service charge administration. Amendment No. 2, executed on November 6, 2020, added \$26,515.50 for annual sewer service charge administration. However, this amount is not sufficient to cover the services for FY 2021-22 and the budget rollovers from FY2020-21. Therefore, Amendment No. 3 is needed in the amount of \$22,000 to cover the budget shortfall for NBS’ professional services for the annual sewer service charge administration through FY2022. NBS has satisfactorily performed the Annual Sewer Service Charge Administration for the City of Los Altos for over four years.”

Can you please give the amounts for each period – and define the period? Why is there a “shortfall” if we are doing an annual amendment for a single-year period (as it appears the past two have been)? Was the amount approved in November 2020 intended for FY 20-21 but was greater than the actual? Please explain the “budget rollover.”

Answer:

- 2017 executed agreement: \$99,790 for FY17/18 and FY18/19
- 2019 executed amendment#1: \$27,518.50 for services with the term starting Oct 1, 2019, through Sept 30, 2020.
- 2020 executed amendment#2: \$26,515.50 for services with the term starting Oct 1, 2020, through Sept 30, 2021.

The 2019 executed amendment #1 in the amount of \$27,518.50 was not enough to cover NBS services for the term starting Oct 1, 2019, through Sept 30, 2020. A portion of the 2020 executed amendment #2 for the services with the term starting on Oct 1, 2020, was used to pay for the pending invoices resulting from the insufficient funds from the 2019 executed amendment #1.

Question: Why was the original contract amount (and the first amendment thereto) insufficient?

Answer:

The original contract amount of \$99,790 for FY17/18 and FY18/19 services was sufficient. However, the 2019 executed amendment #1 in the amount of \$27,518.50 for services with the term starting Oct 1, 2019, through Sept 30, 2020, was not sufficient. Please refer to the explanation above.

Question: No itemization is necessary in the “NOW THEREFORE” section of the resolution. (I.e., eliminate the number “1” and bring the text up so that it follows “hereby.”

Answer:

The resolution has been revised to reflect the deletion of the “1” and bring the text up so that it follows “hereby.”

Item 6. Approve Financial System Purchase:

Question: What are the direct annual cost savings of discontinuing the systems mentioned: Financial Enterprise (Finance), ADP (Payroll), E-Tools (CALPERS reporting), and Consultants to prepare regulatory reports on payroll, CAPERS, and state (Finance)?

Answer: Financial Enterprise \$42,000, ADP \$120,000, E-tools \$6,000, Consultants \$30,000-\$50,000.

Question: What are the fiscal years for which the annual fee is payable (does it begin July 1, 2023, after we expect the system to go live, or does the annual fee begin as soon as we've purchased the software)? In short, if council approves this expenditure, including five years of fees, does that carry us to June 30, 2027 or 2028?

Answer: The Annual fee will start on the day we install the software, this is anticipated to be in Mid-August of 2022

Question: - p. 5 of the quote lists a number of “**Optional Tyler SaaS and Related Services**” and the last line item is “**Tyler Detect.**” Yet the comments at the end of the quote (seventh paragraph) state “As a new Tyler client, you are entitled to a 30-day trial of the Tyler Detect cybersecurity service. Please reference <https://www.tylertech.com/services/tyler-detect> for more information on the service and contact CybersecuritySales@tylertech.com to initiate the trial.” So, it is unclear, based only on this example, whether we are purchasing the “Optional...Services”. As cybersecurity is of special concern, is it included in the purchase and fees in tonight’s resolution, or would we need to pay extra for it?

Answer: The new system will be hosted by Tyler. The Cyber risk management of protecting data will be with Tyler as part of the cloud service.

Tyler Detect is an optional service that helps expand the security to end point windows workstations, our IT department is currently working on a Cyber security plan and can review the need of this service when the system is implemented.

Question: - What is the cost of the hardware that is to be acquired through Quatred, and how is that budgeted?

Answer: This is for additions only, such as additional printers or cash drawer, etc. We do not anticipate the need at this time. These items are usually purchased as part of the operating budget

Question The staff report (top of page 2) is unclear: Is the five year total \$844, 182 or \$8 million + ?

Answer: \$844,182 the first comma is a typo.

Question What measures/assurances does the City have for the security of our system if it is cloud based? What other cities have moved to a cloud based system? Have any other jurisdictions had security issues once they moved to a cloud based financial management system?

Answer: The City will rely on Tyler for cyber and data security the Subcommittee of the Financial Commission reviewed the security protocols currently being used by Tyler and feel they are adequate. Most cities are finding the cost of hosting and protecting systems very

expensive and are moving towards cloud-based solutions. Cities that are currently hosting the Software internally are looking at passing on the risk and moving to a cloud-based approach.

Question Does the City need to obtain new hardware to run the Tyler software? If so, what are those anticipated costs? What other attendant costs will the City incur to allow us to use the Tyler system as intended?

Answer: No. There is no hardware needed besides a few peripheral items like special check printers for AP and payroll. Current scanners used will be able to be maintained for the new system.

Question Was IT also consulted as to the security of the City's data in the cloud?

Answer: Yes. IT recommend the option

Question: Does this quote include ongoing technical support? What is Tyler's reputation in terms of technical support (speed of responsiveness, etc.)?

Answer: Yes. The annual maintenance includes Tyler support, which is available "Live" for critical functional areas like payroll. For Technical support Tyler has a comprehensive case management system where clients can report their problems, case specialists usually respond within 24 hours. Tyler also maintains a knowledge base and a self-help link on every screen of the software.

Question: Does this quote include training? If not, how much does staff anticipate that it will cost to train the staff to use the software?

Answer: The cost includes implementation and training. It is anticipated that once the Finance staff complete implementation, they will train the rest of the organization on use of software. Tyler Online help is available at no additional cost as part of the annual maintenance fee

Item 7. Award of Contract for Custodial Cleaning Services:

Question: What was originally budgeted for custodial services?

Answer: \$401,366

Question: From where are the funds coming to pay this contract?

Answer: Facility Maintenance Operating (General Fund)

Question: What are the terms for additional years (annual percentage increase, etc.)?

Answer: Additional years are discussed before the expiration of this first year and negotiated, taking into consideration labor and supply increases with the possibility of locking in multiple years.

Item 8. FY 21/22 Final Budget and FY 22/23 Mid Term Budget:

Question: Resolution adopting the Mid-Term budget:

I would be more comfortable with an introductory "Whereas" that explains that the budget was originally adopted as part of the 2-year budget cycle and this is an adoption of changes to that budget. Is there a reason not to do so?

Answer: amended

Question: Resolution on UUT and the one for the TOT: third Whereas on both resolutions says budget was adopted on June 14, 2022; that should be changed to June 28, 2022 on both.

Answer: amended

Question: Park-in-Lieu resolution. I do not believe the Council is conducting or planning to conduct a feasibility study. Therefore, the second Whereas is a mis-statement of the situation. There is no mention in this resolution that these funds are to be paid to a non-profit to support THEIR conducting a feasibility study. It is on the public record that this is NOT a Council-driven action (per discussion of Council Priorities). Would City attorney please correct the language?

Answer: Jolie will address at the meeting

Question: Resolution re theater feasibility study: The first whereas should read “. . . the City Council to ~~conduct a~~ contribute to the funding of a feasibility study. . . .”

Answer: Jolie will address at the meeting

Item 9. Wireless Telecommunications Facilities Ordinance:

Question: Page 22: There is no place to record the Mayor’s vote.

Answer: This has been corrected.

Item 11. 355 1st St LLC:

Question: Traffic Study:

- Has the cumulative number of developments been calculated in this traffic safety?
- Is the information from this study pre-COVID data?

Answer:

Question: In the Resolution the 7th Whereas states that the code allows for 45 feet and that the applicant is requesting 56 feet. Doesn’t our code allow for 35 feet and not 45 feet? Please explain.

Answer:

Question: In accordance to the California Density Bonus Law, does the developer need to provide BMRs that are 2 and 3 bedroom units. Or is he allowed to only provide smaller units of his choice?

Answer:

Question: Is it possible to have a larger setback on the 4th floor?

Answer:

Question: Is the material board available for viewing at City Hall?

Answer:

Question: What type of material is the window frames made of?

Answer:

Question: It is unclear by the diagram if the planters have been replaced by continuous walls. Please clarify.

Answer:

Question: What is the current percentage of green space?

Answer:

Question: Are there any breaks on the rooftop wall? The rendering on page 7 does not appear to demonstrate that there is a continuous protective enclosure.

Answer:

Question: The applicant originally proposed 6 below-market-rate, and feedback resulted in increasing that to 7. Unfortunately, the staff report is inconsistent and confusing with respect to the number of affordable units, probably as a result of the change. The Summary says there are 7 below market rate, but the text then says 3 at moderate and 3 at very-low income. Elsewhere (p. 10) it states the required 15% of base density of 39 units, with at least half at moderate, results in a requirement for 4 moderate units. P. 11 then says the project has "... proposed 44 market rate..." whereas the table clearly shows 50 units (a difference of 6 units, where there is confusion as above as to whether there are 6 or 7 below market rate units). For the record, the staff report should be corrected.

Answer:

Question: p. 12 of staff report has a typo: in the first paragraph re: Concessions, which says the maximum height under code is 45 feet. This is incorrect; the maximum height for this zone is 35 feet, not 45 feet. Therefore, if the applicant is seeking height (excluding the elevator) to 56 feet, they are seeking an OFF menu height increase of 22 feet. It is unfortunate that the actual height exceptions sought, which are one incentive/concession and one waiver, are not described together to make better sense of this.

Answer:

Question: Resolution

-- Third "Whereas" should indicate Planning Commission recommended approval **with additional conditions**.

Answer:

Question: Resolution

-- Seventh "Whereas" is incorrect: the maximum height in this zone is 35 feet (14.52.100). Therefore, the requested incentive is NOT on menu and is NOT 11 feet. It is, apparently 22 feet. However, it seems there are two requests for height (one of 11 feet as on menu and a separate waiver for additional height dealing with the elevator). See the Resolution, page 6 of 24, paragraph 5 b. which CORRECTLY shows the incentive sought would be 11 feet (to 46 feet). This confusion should be remedied.

Answer:

Question: Resolution

-- Eighth "Whereas" is incorrect: 35% of 39 base units would be 13.65 (round to 14). $39 + 14 = 53$, but the project is for 50 units. However, the table in our muni code indicates the percentage density bonus for 8% very low income is 27.5%. Please clarify. In the event that the muni code is incorrect and if the right percentage is 35%, then the applicant may be eligible for 53 units, although applicant is choosing to ask for less than the 35% density bonus. If applicant is eligible for 35% but is actually asking for 28.21% density bonus, the resolution should be amended to reflect that.

Answer:

Question: Resolution

Page 22 of 24 of the Resolution references "5150 El Camino Real" instead of the correct project address.

Answer:

Question: Resolution

It seems the resolution needs to be re-paginated. Right now we end up with page "37 of 24" at the end. This is apparently the result of adding the mitigation plan without re-paginating.

Answer:

Question: Resolution

Table (attachment 4) – item 36 – is there a materials board available at City Hall? How can we arrange to see it?

Answer:

Question: Finding 3.b reads: "*The proposal has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design; Building mass is articulated to relate to the human scale, both horizontally and vertically.*" Are these standards objective, or subjective? How should we determine whether the proposed building has "an appropriate relationship," or "mass is articulated to relate to the human scale?"

Answer:

Question: The staff report page 1 (pg 135 of the PDF) seems to be incorrect when it says that the City's special revenue funds will get:

- "Park in-Lieu Fees: **\$195,200** (\$48,800/multiple-family dwelling unit)", but calculating based on 50 units should result in \$2.44M.
- Similarly, "Traffic Impact Fees: **\$16,636** (\$4,159/multiple-family dwelling unit)", for 50 units should yield \$207,950.

Answer:

Question: On page 2, the report states "The Project proposes seven (7) dedicated below market rate units **with three (3) at the moderate-income level** and three (3) at the very low-income level." This totals six BMR units, and it's supposed to be four units at the moderate income level for seven units total.

Answer:

Question: Although more explicitly explained in Attachment 4, items 1-33 on Page 3-5 of the staff report list a number of discussion topics but most were not "... direction to explore the following" by the majority of Council and in some cases the items were not direction by even a single Council member. This is a list of Council discussion items which are covered in depth in Attachment 4.

- For example, #1 says that Council "Recommends the creation of a subcommittee of the Planning Commission to work through the Commission's recommendation. After subcommittee work is done, it will be returned to Council." Although Council discussed this, our ultimate decision was to recommend that applicant work with staff per the City Attorney's recommendation.

Answer:

Question: On page 10 of the staff report, it has a different interpretation of how many BMRs are required (the report says that 5.85, rounded up to six, are required). In February we said that seven were required because a majority of units provided need to be moderate BMR units but the applicant only wanted to provide six BMRs. The report should be consistent about how it describes the number of BMR that must be provided, especially since the applicants' plans still seem to indicate six BMRs, at least on the top of page T3 (pg 581 of the packet).

Answer:

Question: I believe that this is an SB330 application, what meeting number out of five allowed is this meeting, the 3rd or the 4th?

Answer:

Item 12. This item has been removed from the Agenda:

Question: Why was this item removed from the June 28, 2022 agenda?

Answer: The Open Government Subcommittee has not held a meeting since this item was continued. The agenda item should not have been scheduled until after the Open Government Subcommittee met and was able to discuss the answers provided by staff.

Question: Please provide the answers staff prepared to the open government subcommittee's questions.

Answer: The answers will be included as part of the agenda for the next Open Government Subcommittee meeting.

Question: Please provide the draft staff report which had been prepared for this agenda item.

Answer: There was no draft staff report prepared for this item.

Minutes

- item 7: This statement is not correct "A third substitute motion was made by Vice Mayor Meadows to appoint Council Member Fligor to the remaining term for Santa Clara County Cities Association Board of Directors to a date uncertain until the litigation matter reaches a full resolution, seconded by Mayor Enander." There is no "litigation." I do not believe that term was used in the motion.

- item 11. “questions” not “question” : “Council Members Lee Eng, Fligor and Mayor Enander asked clarifying question to Mr. Zola.”
- - asked “clarifying questions” not “a clarifying question”
- See Minutes with edits, attached pdf.
- Top of page 9 on Item 5, “A **third substitute motion** was made by Vice Mayor Meadows” but it was a third motion, second substitute motion.
- Later on page 9, it says "PUBLIC HEARINGS - **None**", which is incorrect, there were four public hearings (items 8-11). Therefore also, **DISCUSSION ITEMS** should be deleted because the next four items are all Public Hearings and Discussion Items show up later on the agenda.
- Item 8, says “... the Resolution approving Sewer Service Charges for FY 2022/23, and **Consider a Finding that the Adoption ...**”, delete “Consider a”.
- Page 13, when the minutes get to the Discussion Items, items 12 and 13 were both not covered during the meeting and the minutes should reflect that.

Answer: Noted