

**DATE: 10/24/23**

**TO: COUNCILMEMBERS**

**FROM: CITY MANAGER**

**SUBJECT: COUNCIL Q&A FOR OCTOBER 24, 2023 CITY COUNCIL REGULAR MEETING**

**Agenda Item 1 (Minutes):**

- See accompanying pdf.  
**Answer: Edited.**
- Laura Tekslar, not Texler  
**Answer: Edited.**
- Lindsey Hernandez, not Lindsay  
**Answer: Edited.**

**Agenda Item 3 (Annual Street Sweeping Services):**

- Is there a cost savings to entering into this contract as opposed to continuing to pay for services on a month-to-month basis? How much has the City paid annually for these services in the years since the expiration of the last contract?  
**Answer: The City could not continue to pay the current contractor month-to-month without going out with a request for proposal (RFP). The annual cost of the street sweeping services after the last contract expired was \$114,777. Since the last contract, all the proposals received from contractors (including the current contractor) have increased significantly.**
- What is the annual, year-over-year, increase in fees over the life of the proposed contract?  
**Answer: The proposed annual price increase for year two of the contract would be an annual price increase of 3% of the total of the first year's total contracted amount. Any services that are contracted at an hourly rate of service, those hourly rates will have a 3% increase over the previous year.**

**Each subsequent contracted year of services would see a 3% increase over the previous year's total contract amount and hourly rates of service for emergencies or as needed services.**

- Can either party to the proposed contract terminate it early? If so, under what circumstances can either party terminate the contract?  
**Answer: The City may terminate the contract at any time by giving ten (10) days written notice to the contractor. In the event the contractor fails to provide services set forth in**

the agreement due to the fault of the contractor, the City shall have the right to either do the work itself or hire an outside contractor to perform those services.

**Agenda Item 5 (Flag Policy):**

- For the Policy Question(s) for Council Consideration, the question is not defined, "Does the Council wish to ... ?"

**Answer:** The question should read, "Does City Council wish to adopt the Flag Raising Policy as a permanent program now that the pilot period has elapsed?"

- In the summary, the discussion and the resolution, it would be more clear if explained as shown in the highlighted phrase, "The City has received only two applications, both from a Council member, to fly ...".

**Answer:** Noted. City staff can make that change in the resolution if adopted on the Consent Calendar.

**Agenda Item 6 (Dark Skies Ordinance):**

- Please explain this language in the staff report, and how it applies to the law/conditions under which the City can/must consider a dark skies policy:

*Existing law also requires the commission to adopt standards for minimum levels of operating efficiency and other cost-effective measures to promote the use of certain energy- and water-efficient appliances.*

**Answer:** The language included within the Agenda Report is from the statute that created the California Energy Commission (CEC). As a local jurisdiction all action we take must be within the legal limits of what is allowed for energy efficiencies. As noted in the Agenda Report, the California Electric Code/Building Codes only regulate the efficiency of the application or fixture, but it does not regulate the brightness or the operation requirements; these two components are what the City of Los Altos is allowed to further regulate by local ordinance.

- Are there model dark skies ordinances or other established best practices with respect to establishing dark skies ordinances?

**Answer:** The most common feedback that has been provided to staff during research has been that the ordinance should be as simple as possible and easy to understand. Any proposed ordinance should limit its scope to actual and measurable outcomes post adoption and refrain from casting too large of a net for something that takes time to operatively see the effects. Lastly, enforcement has been conveyed to be difficult as this is an after-hours ordinance in which must be enforced by a Community Services Officer as Code Enforcement Officers do not work after hours.

- The staff report notes that unless a significant number of other jurisdictions in the Bay Area also adopt dark skies ordinances, any effort by Los Altos is likely to have negligible consequences. Is there a regional body or board that is looking to coordinate dark skies ordinances throughout the Bay Area? Is this topic appropriate for consideration by the SCCCA's?

**Answer:** Staff has not found a regional board or agency that is taking this topic up, which further will limit the cumulative effects seen in Los Altos.

- Will Los Altos' dark skies ordinance be compatible with other jurisdictions' DSO's regardless of their approach, or is it possible that different approaches might be incompatible and lead to inefficient results?

**Answer:** Varying approaches to the implementation of a Dark Skies Ordinance will most likely yield inefficient results at the local and regional level.

- Does staff have the expertise to draft a DSO, or will a consultant be required? If a consultant is required, what would be the estimated costs?

**Answer:** Staff does not recommend the use of any consultants for the writing of this ordinance as this is conceptually a newer regulatory tool that has been deployed in some communities however, there has not been enough deployment of ordinances to provide indicators that would justify the use of consultant services or "specialists". The concept of Dark Skies is simple if left simple, less artificial light at night results in greater night sky visibility.

- Is there a cost to the City to operate with a DSO?

**Answer:** Future fiscal impacts could be incurred with any technical analysis necessary for ordinance development. Additionally, depending on final ordinance the City may require specialized Plan Check (Permit Review) and Inspection assistance which would result in directly increased costs to property owners. Additionally, because this ordinance is an after-hours ordinance meaning it would be enforced after normal business hours the reliance on a Community Services Officer would be required as the City of Los Altos Code Enforcement Officer does not work after-hours. The Los Altos Police Department does not have a Community Services Officer that works in the evenings, this would necessitate an additional FTE to the Police Department if the Ordinance were expected to be regularly enforced.

- Does the City's public safety department have any concerns about the adoption of a DSO?

**Answer:** After consultation with the Police Department the impact on staff during evening hours is a significant area of concern as the city does not have a Community Services Officer to respond to this type of violation after-hours. Sworn Officers do not have the capacity to enforce this sort of violation. Additionally, the lack of well-lit areas is a significant area of concern for the Los Altos Police Department, decreased lighting of an already rural type of community does pose potential law enforcement issues.

- Correction: Originally initiated - Council members Lee Eng, Fligor, and former Mayor Enander.

**Answer:** Noted. This was based upon the City Council Tentative Calendar.

- Can we include a bird safe element to be part of this ordinance?

**Answer:** The City Council may direct staff to research an ordinance that includes bird safe elements. This was not something that was contained within the majority of ordinances researched to date.

- Do we plan to conduct outreach? What method of outreach is planned?  
**Answer: Outreach will be consistent for the development of the ordinance based on what staff is directed to incorporate into local regulations.**
- Some cities have established a curfew to prevent unnecessary lighting. Can we set a curfew?  
**Answer: A light curfew is one of the main components identified in the staff report.**
- How do we plan to address existing lighting to be adjusted and not just focus on commercial and/or new developments.  
**Answer: The City Council would need to advise on how they vision conversion of the existing fixtures in the city. Most jurisdictions make this a requirement after a certain type of building permit is pulled for a parcel or business.**

### Closed Session

#### Agenda 1 (Threat to Services):

- I have had many inquiries regarding the threat to public services or facilities. People would like clarification regarding what this means. This will better help individuals know if they would like to make a comment. How will the public receive better notification of this item?  
**Answer: The language provided on the closed session agenda is what is required by State law. The wording is intentionally general so as to not compromise the integrity of the closed session while allowing Council to discuss the potential threat to public services or facilities. Providing more information than is required by State law may compromise this or future closed sessions.**