

DATE: 12/10/2024

TO: COUNCILMEMBERS

FROM: CITY MANAGER'S OFFICE

SUBJECT: COUNCIL Q&A FOR DECEMBER 10, 2024 CITY COUNCIL REGULAR MEETING

Agenda Item 1 (Minutes):

- Please see the accompanying pdf.
Answer: Response sent to requestor.
- The wording in the minutes for both the Special and Regular meetings of Nov 12 would be best to be consistent with the statement I read at the beginning of the meeting: "Pursuant to AB2449, Sally Meadows, Councilmember, requested to attend the meeting remotely because she was unable to attend in person due to a physical disability which qualifies under the Americans with Disabilities Act."
Answer: The minutes have been updated.

Agenda Item 2 (Certificate of Election Results):

- Please check the certificate. The staff report says that 37,342 votes were cast but the chart indicates that 37,351 were cast. Please ensure that all figures are correct for the resolution.
Answer: The staff report has been updated. The figures in the resolution were provided by Santa Clara County ROV as part of Exhibit A.
- Resolution: Please convert everything from the third "WHEREAS" to the end of the document to Times New Roman font.
Answer: Updated.
- At the top of page 2 of the staff report, it should say, "A total of 37,351 votes were counted ... " not 37,342
Answer: The staff report has been updated.

Agenda Item 3 (Amendment to Prof. Svcs. Agreement with NBS):

- According to the staff report, the scope of this amendment is "to provide additional funds to cover the annual administration of the City of Los Altos' sewer services charge, that includes the annual sewer service charge mailer for the notice of sewer

adjustment FY 2025-26.” Can’t the mailer be handled by staff in house? Why do we need a consultant to do this?

Answer: The mailer of the notice of sewer adjustment for the 12,000+ accounts cannot be handled by staff in-house. Preparing a mailer of that size would impact the staff’s daily tasks, priorities, and other responsibilities.

Agenda Item 4 (Bear Electric Contract Amendment):

- If the funds are coming from TS01057, does that mean other upgrades to the “up to 18 intersections” (as described in the budget) won’t be funded? Will funds be transferred from the general fund to ensure that other projects in TS01057 will be accomplished? Will additional funds be allocated to this CIMMP next year to account for this expense?

Answer: No, the eighteen (18) locations will still be upgraded. Since the existing systems are still in operation, there is no immediate need to replace them. When a system fails, Bear Electric upgrades the existing flashers to the latest rapid flash beacon systems (RRFBs) as intended by the budget allocations. Also, seven (7) out of the eighteen (18) locations identified in the budget are located on San Antonio Road between Foothill Expressway and El Camino Real. Those seven locations will be evaluated, and any advance warning device that may be needed will be installed as a part of the San Antonio Road dedicated bike lane project. For this reason, TS-01057 will not need to address any upgrade along San Antonio. Bear Electric will only be responsible for the maintenance and repairs associated with any failure until the San Antonio construction project starts.

Agenda Items 5 (Design Agreement with Sanbell):

- Why is only a 10% contingency requested? Isn’t it now the staff’s policy to seek a 15% - 20% contingency? How is the contingency amount determined by staff for any given ask to the Council?

Answer: There is no policy regarding setting the contingency amount for a project. The contingency is based on the complexity of the project. In addition to the complexity of a project, if there is a lot of uncertainty and unknowns, it is common for staff to request 15-20% contingency. The annual street resurfacing project is usually straightforward since staff can generally anticipate what needs to be done on the project. Additional contingency may be needed on a project if major design changes occur due to different factors. Based on the scope of work proposed by the Consultant, the proposed fee is properly budgeted, and the contingency that is being requested seems to be adequate at this time. If there are any unforeseen conditions that may arise, and additional funding is necessary for the project, staff will bring the item before the Council to request an additional funding allocation.

- Page 2 (last ¶) says “If the public resists implementation of the Complete Street Master Plan recommendation. . . .” Does this mean a recommendation of the CSC? Or does this mean a street improvement informed by the CSMP, even if not specifically identified in the master plan? Is this to say that if residents on a street don’t like what the City plans to do to improve their street, then those residents will have to wait at least another year to get street improvements? This language does not seem resident friendly; we are here to serve the public, not punish them if they don’t like planned changes.

Answer: The CSC requested the projects that were approved have all of the elements of the Complete Street Master Plan (CSMP) implemented if it is feasible. Staff need to ensure that projects go through the public process before implementing a change that will impact the residents and other stakeholders. For this reason, if there is a street that its design will take longer due to different factors, the rehabilitation of that street will be rescheduled to be included in the scope of a future project (e.g., an item may need more time for the CSC to make a recommendation because staff needs to come back with a different design due to different factors). The window of time for construction is from April 1 to October 1 since that is the time when the weather and temperature are favorable for placing asphalt on the ground.

- If a neighborhood “resists,” then will we pay Sanbell less than \$239,614, or are we committed to that expense regardless of whether every street improvement contemplated in the contract is actually improved?

Answer: The list of projects was clearly identified in the scope of work, so the consultant is aware of the challenges associated with the project. The proposed fee is a not-to-exceed fee, and the consultant will only be paid for the actual professional services performed. If there is an addition to the scope of services and/or the work is more than anticipated, staff will need to utilize the contingency that has been authorized by the City Council.

Agenda Item 7 (Foodware):

- Should restaurants be exempt from being required to charge for bags?

Answer: The Environmental Commission recommendation was to charge restaurants for the usage of plastic bags, this recommendation was introduced and accepted by the City Council. Expanding bag fees to include restaurants, as many California cities have already done, can further help reduce the environmental impact of takeout food.

- If people order and pay electronically, how do they know how many bags will be needed? Restaurants typically bag the food as it is prepared. Is it food safe to reuse bags for orders?

Answer: Food establishments can adopt strategies like allowing customers to specify if they need a bags during the ordering process.

- If someone rents a Los Altos facility, does their caterer have to abide by the new rules?

Answer: Yes, the caterer should comply with the ordinance requirements, as they are providing food service within the city's jurisdiction. However, Catering off site (within the City of Los Altos) falls under the “Off-premises dining” definition and would therefore follow the take-out requirements for prepared food.
- When served onsite, Is it considered takeout, or eat-in?

Answer: See above answer.
- Are the rules different if the caterer prepares the food in another city?

Answer: The rules may vary depending on the specific ordinances of the city where the food is prepared. However, if the food is served within Los Altos, the city's rules would apply.
- Will facility renters be advised of these requirements before they rent a facility here?

Answer: Facility rentals of City property are already informed of the requirements in place, in the future as the regulations change the vendors will be informed.
- What about the reception following this event next year? (Reusable only?)

Answer: City sponsored events and events within city facilities are required to adhere to these requirements.
- Same two questions above for food prepared in our Community Center kitchen.

Answer: City sponsored events and events within city facilities are required to adhere to these requirements.
- Will the City allocate money to purchase dishes etc for the Community Center kitchen?

Answer: reuseable dishware was purchased for the Los Altos Community Center in 2023.
- Would the Grant Park facility be exempt since it does not have dishwashing, etc?

Answer: City sponsored events and events within city facilities are required to adhere to these requirements.
- If the food is catered by a business from another city...which rules apply?

Answer: Both.
- Is it different if the event is at a rented or public facility, vs at a private home?

Answer: The regulations are the same throughout the city.

Agenda Item 10 (HPA for 236 Elanor Avenue):

- Why is this resolution for Mayor Dailey's signature when the other proposed resolutions in the packet are for Mayor Weinberg's signature?

Answer: This was Planning Staffs error in drafting of the resolution.