

RESPONSE TO COUNCIL QUESTIONS RE: December 3, 2024 AGENDA

Agenda Item 2.H RTC 24-1596: Action on an Agreement with Kimley-Horn and Associates, Inc. for Design Professional Services for the Uncontrolled Crosswalks Improvements - Phase II Project

Council Question:

I noticed that there were several vendors that bid on this RFP but I don't see the monetary value of their bids in the packet.

This has been common in Santa Clara packets and uncommon in VTA packets. I've been pushing VTA to be more transparent and understand that this information can be released for RFPs but not for RFQs.

Staff Response:

The Agreement with Kimley-Horn and Associates, Inc. (Kimley-Horn) being brought forward to Council tonight for approval is for design professional services, and it is not a low bid contract. Pursuant to State laws governing procurement of architectural and engineering services, the City follows a Qualifications Based Selection Process (QBSP). Under this process, proposers are evaluated based on their demonstrated experience and qualifications, and the most qualified proposer is selected, subject to the negotiation of fair and reasonable compensation.

The selection of Kimley-Horn was done following the RFP process because a clear project scope was identifiable. Kimley-Horn did provide a cost estimate as part of the RFP process and that was reviewed and negotiated with the City, however, since the City follows a QBSP, cost is not a main driver for awarding the Agreement. The City occasionally utilizes a Statement of Qualifications (SOQ) process when procuring services without a defined scope. Through the SOQ process costs estimates are not provided from proposing firms. Both the RFP and SOQ process are different from the process utilized for bidding and awarding Public Works Construction Projects in which the award is done by low bid.

Agenda Item 2.R RTC 24-1193: Authorize the Mayor to Sign the Final Version of the Responsible AI Pledge at the upcoming GovAI Coalition Summit

Council Question:

I have a question regarding the City's policy regarding employees using ChatGPT or any AI tool. Does the City have a prohibition on employees using ChatGPT to review internal documents because I got this answer to a Google Query:



can i give confidential information to chatgpt



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◆ AI Overview

No, you should not enter confidential information into ChatGPT:

Data is saved

ChatGPT saves all user inputs, which can be used to generate responses for other users.

Developers may review entries

Developers may review entries to improve the model.

Data leakage

Users may accidentally enter sensitive information, which can be accessed by third parties.

Confidentiality restrictions

Professionals may have confidentiality restrictions that prohibit them from entering confidential information into ChatGPT.

Data can be used for scams

Information like Social Security numbers and contact information can be used by scammers.

OpenAI may have difficulty identifying and removing personal information

OpenAI may have difficulty identifying and removing personal information due to ChatGPT's rapid growth.

Staff Response:

Per our draft CMD/Policy, "Input of sensitive or proprietary data into generative AI tools is prohibited."

With that said, to clarify, and related to your query, not all "internal" documents would fall under this prohibited use using ChatGPT or any AI tool to review. Some "internal" documents might not be sensitive or proprietary (e.g., asking ChatGPT to review and edit a draft administrative policy or an email among staff).

Agenda Item 5 RTC 24-831: Action on FY 2023/24 Budget Year-End Report and Approve the Related Budget Amendments

Council Question:

I see that we are increasing the BSR to \$70M which is 24% of our expenditures of \$291M in which case the BSR will be essentially replenished. Is that correct?

Also I can't make any sense of this:

Are we spending \$62.8K and if so, for what?

I've always found these reports to be extremely confusing: Source of Funds? Use of Funds?

**FY 2024/25 Budget Amendments
Special Revenue Funds and Other Funds**

Downtown Parking Maintenance District Fund (025)

Item	Source of Funds	Explanation
Beginning Fund Balance / Ending Fund Balance Reconciliation - Unrestricted	62,804	62,804 This action changes the Unrestricted Beginning Fund Balance and Ending Fund Balance as a result of the FY 2023/24 year-end actuals reconciliation (majority affirmative Council votes required).
Beginning Fund Balance / Ending Fund Balance Reconciliation - Reserve for Maintenance	1,226	1,226 This action changes the Beginning Fund Balance and Ending Fund Balance Reserve for Maintenance as a result of the FY 2023/24 year-end actuals reconciliation (majority affirmative Council votes required).
	64,030	64,030

Staff Response:

Budget Stabilization Reserve: yes, the recommended actions in the year-end report would increase the BSR to \$70 million, or 24% of our current year budgeted expenditures. This is close to the Council policy of 25% but less than the pre-Covid peak of \$80 million.

Downtown Parking Maintenance Fund: the budget amendments report reflects changes to the budgeted Source and Use of Funds (the Use of Funds header is missing). At the start of each fiscal year, the budgeted source of funds match the budgeted use of funds for all City funds. When we bring forward any budget amendment, we show the changes to Sources and changes to Uses to ensure the funds always remain in balance - the total change in Sources must match the total changes in Uses.

For the Downtown Parking Maintenance Fund as well as many of the other funds in this report, the recommended budget actions are truing up the FY 2024/25 fund balances based on actual FY 2023/24 year-end performance. When the FY 2024/25 budget was adopted, we estimated how much fund balance would be available at the end of FY 2023/24 in each fund to be carried over as the starting point for FY 2024/25. Now that the actual FY 2023/24 ending fund balances are known, we adjust the FY 2024/25 fund balances to align with these actuals.

In the Downtown Parking Maintenance Fund, FY 2023/24 ended the year with additional unrestricted fund balance of \$62,804 and additional reserve for maintenance of \$1,226 above the amounts assumed in the FY 2024/25 Adopted Budget. As part of this report, these amounts are carried over to FY 2024/25 as additional Beginning Fund Balance and Reserve for Maintenance (Source of Funds) and allocated to the Unrestricted Ending Fund Balance and Reserve for Maintenance (Use of Funds).

