

RESPONSE TO COUNCIL QUESTIONS RE: 2/23/21 CITY COUNCIL AGENDA

Agenda Item #2.A (21-257)

Action on Council & Authorities Concurrent Meeting Minutes of December 15, 2020, Special Council & Authorities Concurrent Meeting Minutes of December 16, 2020, and Special City Council Meeting Minutes of December 18, 2020 & January 11, 2021

Council Question: There is no mention of the ADA issue nor the website being down in the minutes for Dec 15. I think that is very important since it forced us to essentially postpone the meeting to Dec 16.

Staff Response: The proposed minutes do reflect that Assistant City Clerk Pimentel read a statement into the record regarding ADA Compliance. The statement is included in the permanent record as Post Meeting Materials. The below statement can be included in the minutes after the motion and action from Council:

“The December 15, 2020 meeting was continued to December 16, 2020 after a discussion regarding ADA noticing compliance as well as the intermittent issues accessing the City’s website.”

Council Question: I would like to see Bob O’Keefe’s email included in the minutes.

Staff Response: The Post Meeting Materials are uploaded to Granicus and are available on the City website for public download. Bob O’Keefe’s email was noted under Public Speakers as Assistant City Clerk Pimentel read it into the record. [Bob O’Keefe’s email](#) amongst the other emails are all included in the permanent record as Post Meeting Materials and are available for download from the City website. In general, minutes do not contain attachments. Although not recommended, staff may include Mr. O’Keefe’s email as part of the record, however there were many other public comment emails read into the record and would not be attached.

Council Question: I think it was very important to include in the minutes that Kevin Park said, “Robert Rubin says there is something that we might want to take action on in closed session”. I personally think that our City Council minutes are too brief and don’t convey what happened in the meeting.

Staff Response: On January 23, 2018, the City Council took action to move the Meeting Minutes from Summary minutes to Action minutes as the City transitioned to Granicus – our Agenda/Meeting Management System which includes availability of the video and complete caption notes. Thus, the City Clerk’s Office does not record individual Councilmember comments and thus does not recommend that Councilmember Park’s comments be singularly noted in the minutes. Action minutes are recordings of the legislative body’s actions and does not include individual comments. If we depart from this practice to migrate to summary minutes, more resources would be needed.

Council Question: Also the first vote moved by Kathy Watanabe was incorrectly stated. Instead of “A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to continue the meeting with the Closed Session for discussion as scheduled this evening,

I THINK IT SHOULD BE: A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to continue the meeting with the Closed Session for discussion **ONLY** as scheduled this evening,

BECAUSE WHAT PASSED WAS: A motion was made by Vice Mayor Hardy, seconded by Councilmember Jain, to (1) continue with the **Closed Session discussion & consideration to whether take action,**

Staff Response: Staff reviewed the recording from the December 15, 2020 meeting and determined the minutes accurately reflect Councilmember Watanabe’s motion. The word ONLY was not reflected in the motion stated by

Councilmember Watanabe. The best practice is to record the motion as its stated except for grammatical corrections.

Agenda Item #2.C (21-137)

Action on Monthly Financial Status and Investment Reports for December 2020 and Approve Related Budget Amendments

Council Question: My understanding of this is that we have spent staff time on Related Santa Clara but are waiting to be reimbursed when there are shovels in the ground. How long has this reimbursable expense been outstanding and do we charge interest on this?

Expendable Trust Fund (079)			
Department/Item	Source of Funds	Use of Funds	Explanation
City Manager's Office	438,300		Increases the revenue estimate for Related Santa Clara to reflect costs not yet reimbursed.

Staff Response: The City has two separate agreements regarding staffing costs which are paid on a six month basis. These payments are current. There are certain administrative/management staff costs which are not reimbursed by Related.

In addition, the Disposition and Development Agreement requires Related to fund the City's third party costs. The Agreement provides for a budgeting, invoicing and reconciliation process. The amount noted in the pending budget amendment is for the difference between what was budgeted and what was actually expended as of June 30, 2020. Staff has been diligently working with Related on the reconciliation process to catch up the accounting/payment of these third party costs and on a going forward basis to receive an advance of funds on a six month basis.

Agenda Item #2.D (21-273)

Action on Appointments to City Committees and Area Wide/Outside Agency Committees for the 2021 Calendar Year

Council Question: I will be pulling item 2D. I would like for staff to be able to show Vice Mayor Hardy's email of assignment requests.

Staff Response: Please find attached email from Councilmember Hardy regarding Council Committee assignments which will also be available for sharing during the Council meeting.

Agenda Item #2.H (21-1069)

Action on an Agreement with KONE, Inc. for Citywide Elevator Maintenance and Repair Services

Council Question: Is the City paying for elevator maintenance at the Convention Center from general funds? I see: " Maximum compensation of the agreement is \$495,161, which includes preventative maintenance, as-needed repairs, and contingency. These costs are covered by the maintenance budgets for various buildings."

		Ave	Days Wk.	WIND - Passenger		
Basic Plan	Santa Clara Convention Center	5001 Great America Parkway	24 Hours/7 Days Wk.	Passenger-Hydro	83179	Quarterly
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Staff Response: The proposed Agreement with KONE includes maintenance for the elevators in the City-owned Convention Center Garage (not the elevators within the Convention Center). The portion of the KONE agreement for the Convention Center garage is funded through the Convention Center Maintenance District #183 which includes funding from the City, Techmart Office Center and the Hyatt Hotel.

Spectra has a separate contract with Schindler Elevator Corporation for the preventative maintenance of the elevators and escalators in the Convention Center. The annual cost is \$46,800 and is included in Spectra’s operating budget. Prior to the COVID-19 pandemic, the Convention Center operating budget supported its expenses through the revenue generated by activities in the Convention Center. The operating losses due to the lack of activity at the Convention Center are currently being absorbed through reserves in the Convention Center Fund, not the General Fund.

Council Question: Also we have an as-needed budget of \$50,000 per year. Historically have we averaged that much repair costs on our 18 elevator locations?

Description	Initial Term (Year 1)	Initial Term (Year 2)	Initial Term (Year 3)	Initial Term (Year 4)	Initial Term (Year 5)	Initial Term Total
Preventative Maintenance Services	\$32,632.20	\$32,632.20	\$32,632.20	\$32,632.20	\$32,632.20	\$163,161.00
As-Needed Repair Services	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$250,000.00
Annual Total	\$82,632.20	\$82,632.20	\$82,632.20	\$82,632.20	\$82,632.20	\$413,161.00
					Contingency*	\$82,000.00
MAXIMUM NOT-TO-EXCEED COMPENSATION						\$495,161.00

*Contingency amount is for unanticipated repairs, price adjustments, and potentially adding additional elevator locations during the initial term of the agreement.

Staff Response: The as-needed budget was based on past repairs over the last three years which averaged a bit under \$40,000. The City will only be spending money from as-needed services if necessary. If not all the money is necessary, it will not be spent. All of the City’s elevators are aging and some will continue to require various repairs throughout the year and that is why \$50,000 has been budgeted. This budget will cover repairs that are identified through the annual preventative maintenance service, state inspections, or any other issues that arise including after-hours service calls at the Senior Center, Police Department and Tasman Garage. It is an estimate only and this is included in the contract so if repairs are needed, they can be quickly completed by the contractor.

Agenda Item #2.N (21-143)

Action on a Report on the Noise Monitoring Equipment at Levi's Stadium

Council Question: We got a hundred pages of noise data which is pretty much unusable to me. I plan to pull this item to discuss what useful data would look like and where it should be posted.

Staff Response: The City’s contract to maintain noise monitors in proximity to Levi’s Stadium was recently renewed at the October 13, 2020 City Council meeting. At that meeting, the City Council, per a request from Councilmember Chahal, directed staff to explore the possibility of providing a summary report for data collected at the noise monitoring stations to make it readily possible to identify instances where recorded noise levels exceed the City's noise standards. In response to this Council direction, the tables attached to the report provide a monthly summary of noise levels on a single page with instances that those noise levels exceeded the City standards highlighted in yellow. Two tables are provided for each month, one highlighting instances where noise

levels exceeded the standards established for operations at Levi's Stadium within the permit that governs stadium operations, and one highlighting noise levels that exceed the otherwise governing general City standard. Additional data, including recordings of specific noise events, is available on the City's website: <https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/environmental-review-ceqa/noise-monitoring-data>

Council Question: I would also like to get a list of largeish events at the Stadium to see if there is any correlation of noise measurements with events.

Staff Response: Attached is a list containing the following:

- NFL games held at Levi's Stadium since 2018 NFL Season
- Major Events held at Levi's Stadium (25,000+ or more attendance) since March 2018
- Ticketed Non-NFL events held at Levi's Stadium since the start of FY 2019/20
- Non-ticketed events held at Levi's Stadium exceeding 1,000 attendees since the start of FY 2019/20

Agenda Item #3 (21-43)

FY 2020/21 Budget Rebalancing Actions to Address COVID-19 Pandemic Impacts

Council Question: There is \$218K cost to be postponed/saved for a Sergeant responsible for the drone program in SCPD. It seems like all the cities around us have these drones. I have the following questions:

1. Is there still a problem getting non-Chinese drones?

Staff Response: The local company we were purchasing the drones from, before COVID, is back up and running. They would be the best option for a drone.

2. Will this drone make it safer for police to surveil a location rather than sending in an officer?

Staff Response: A drone would assist the police with open air surveillance. When the program is fully implemented, it would also be used to arrive at priority calls ahead of officers and provide officer safety updates to responding units.

3. Will the same trained operator (Sergeant) manage our RC car robots used to go inspect inside homes when we have a search warrant?

Staff Response: The original plan for the "Drone Sergeant" position was direct supervision of Drone Operations, covering all training, and liaison for reporting to the FAA. Though additional duties could be added to this position, the operation of the Tactical Robot is primarily operated by members of the tactical team.

Because of the vacancies in the Police Department, they have shifted the Police Sergeant that would have been dedicated to developing a drone program to higher priority needs in Patrol, Investigations, and the Traffic Unit. The dedicated Sergeant would have been responsible for developing the program including procurement of the equipment, community engagement, and operational policies around the drone. Until a time when vacancies can be filled, it is recommended that Drone Program activities be suspended in order to staff Patrol, Investigations and other higher priority needs. In addition, it should be noted that in order for a fully developed program to be operational, it would require additional staffing beyond the Police Sergeant.

Agenda Item #4 (21-806)

Review of Sanitary Sewer Services in the City and Discussion of Private Sewer Lateral Responsibilities

Council Question: Can I please have info from Community Development Department: how many lower laterals have been replaced by residents in 2018-2019, 2019-2020 and YTD for the year 2020-21.

Staff Response: Because the City's current Building Permit system does not specifically track private sewer lateral connections, we are not able to provide this information in the required timeframe.

From: [Nora Pimentel](mailto:Nora.Pimentel@SantaClaraCA.gov)
To: [Simrat Dhadli](mailto:Simrat.Dhadli@SantaClaraCA.gov)
Subject: FW: Committee Assignments
Date: Monday, February 22, 2021 12:50:31 PM

From: Sudhanshu Jain <SJain@SantaClaraCA.gov>
Sent: Wednesday, February 10, 2021 5:28 PM
To: Nora Pimentel <NPimentel@SantaClaraCA.gov>; Robyn Sahid <RSahid@SantaClaraCA.gov>
Subject: FW: Committee Assignments

Nora and Robyn,

As you can see in this email from Karen, all she listed was water in her priority list.

-- Suds

From: Lisa Gillmor <LGillmor@SantaClaraCA.gov>
Sent: Wednesday, February 10, 2021 5:26 PM
To: Sudhanshu Jain <SJain@SantaClaraCA.gov>
Subject: Fwd: Committee Assignments

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From: Karen Hardy <KHardy@SantaClaraCA.gov>
Sent: Thursday, December 17, 2020 1:42 PM
To: Lisa Gillmor
Subject: Committee Assignments

Lisa,

I am fine with the assignments I have now. If any other council member feels strongly I can be flexible. I don't want to give up BPAC (I am hopefully doing some good there)

I noticed there are some vacancies and some alternates positions on water and water treatment concerns. That is a strong interest of mine.

#2 BA water supply

#12 Water policy (alt)

#16 water treatment (alt)

#23 water (alt)

I hope this is clear, thank you

Karen

Sent from my iPad

Date	Event	Paid Attendance	Scanned Attendance	Non-ticketed Attendance	Type of Event
3/23/2018	Mexico vs Iceland Soccer	61,334	64,368	NA	Major Event
4/28/2018	Monster Jam	35,302	37,294	NA	Major Event
5/11/2018	Taylor Swift Concert I	29,333	49,802	NA	Major Event
5/12/2018	Taylor Swift Concert II	50,503	52,074	NA	Major Event
7/22/2018	Earthquakes Soccer	22,281	29,342	NA	Major Event
8/4/2018	Champions Cup Soccer	43,393	44,922	NA	Major Event
9/29/2018	Beyonce/Jay-Z Concert	47,325	48,806	NA	Major Event
1/7/2019	CFP Championship Football	65,547	58,386	NA	Major Event
3/26/2019	Mexico vs Paraguay Soccer	42,259	47,549	NA	Major Event
4/13/2019	Monster Jam	37,235	39,701	NA	Major Event
4/19/2019	Bay Area Wedding Fairs	381	781	NA	Ticketed Event less than 25,000 Attendance
5/12/2019	USWNT vs South Africa	20,195	20,464	NA	Ticketed Event less than 25,000 Attendance
6/20/2019	Non-ticketed Special Event	NA	NA	1,136	FY 2019/20 Non-ticketed Special Event Exceeding 1,000 Attendance
7/20/2019	ICC: Chivas vs Benfica	14,945	15,575	NA	Ticketed Event less than 25,000 Attendance
8/18/2019	Rolling Stones Concert	48,544	47,442	NA	Major Event
9/6/2019	High School Football	4,754	4,625	NA	Ticketed Event less than 25,000 Attendance
12/6/2019	PAC-12 Championship Game	27,012	28,769	NA	Major Event
12/7/2019	Non-ticketed Special Event	NA	NA	2,000	FY 2019/20 Non-ticketed Special Event Exceeding 1,000 Attendance
12/8/2019	Non-ticketed Special Event	NA	NA	1,400	FY 2019/20 Non-ticketed Special Event Exceeding 1,000 Attendance
12/13/2019	Non-ticketed Special Event	NA	NA	1,200	FY 2019/20 Non-ticketed Special Event Exceeding 1,000 Attendance
12/13/2019	Non-ticketed Special Event (Different event from above)	NA	NA	1,200	FY 2019/20 Non-ticketed Special Event Exceeding 1,000 Attendance
12/30/2019	Redbox Bowl	30,152	24,021	NA	Ticketed Event less than 25,000 Attendance
1/25/2020	Non-ticketed Special Event	NA	NA	4,000	FY 2019/20 Non-ticketed Special Event Exceeding 1,000 Attendance
1/31/2020	Non-ticketed Special Event	NA	NA	1,600	FY 2019/20 Non-ticketed Special Event Exceeding 1,000 Attendance
2/28/2020	Non-ticketed Special Event	NA	NA	3,000	FY 2019/20 Non-ticketed Special Event Exceeding 1,000 Attendance