

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, APRIL 9, 2019,
BEGINNING AT 7:00 P.M. AT LOS ALTOS YOUTH CENTER, 1 NORTH
SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Lee Eng, Vice Mayor Pepper, Councilmembers Bruins, Enander and Fligor

ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Lee Eng led the Pledge of Allegiance to the flag.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided public comment: Los Altos residents Grace Lilygren, Victoria Hausch, Ryan Brown, Oliver Yu and Phoebe Bressack.

SPECIAL ITEM

- A. 40 Main Street Appeal: Provide direction to staff to return at the next regular City Council meeting with a resolution granting or denying the appeal and making appropriate findings

City Attorney Diaz introduced the item and outlined the appeal proceedings. Community Development Director Biggs presented the report.

Councilmember Fligor disclosed ex parte communications with several residents that reached out to her regarding the project and with Ted Sorensen. Councilmember Bruins disclosed ex parte communications with Bill Maston and Ron Packard. Councilmember Enander disclosed ex parte communications with several residents that contacted her regarding the project. All Councilmembers indicated that those communications did not include information that was not already part of the written record.

Mayor Lee Eng opened the public hearing.

Dan Golub, representing the appellant, presented the appeal.

Public Comment: The following individuals provided public comment: Los Altos residents Lynn Bennion, Karina Nilsen, Robert Moffat, Maria Bautista, Ron Packard and Jon Baer (on behalf of himself, Lou Becker and David Casas).

Dan Golub provided the rebuttal.

Mayor Lee Eng closed the public hearing.

Councilmember Enander stated that though she had served on the Planning Commission during the appellants' previous application process, she was reviewing this item de novo.

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Bruins, the Council unanimously directed staff to prepare a resolution with findings denying the appeal based on Council comments.

Mayor Lee Eng recessed the meeting at 9:06 p.m. The meeting resumed at 9:16 p.m.

CLOSED SESSION ANNOUNCEMENT

1. Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2) – One case
2. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6(a)
Employee organization: Sanitary Truck Drivers and Helpers Local No. 350
Agency designated representatives: Chris Jordan, City Manager
Christopher Diaz, City Attorney
Sharif Etman, Administrative Services Director
Jen Leal, Human Resources Manager
Lisa Charbonneau, Lead Negotiator

Mayor Lee Eng announced that no action was taken during the closed session.

CHANGES TO THE ORDER OF THE AGENDA

The Council moved item number 6 to immediately before item number 5 and removed item number 4 from the agenda as the appointment had previously been made and confirmed by the Council.

CONSENT CALENDAR

Upon a motion by Vice Mayor Pepper, seconded by Councilmember Bruins, the Council unanimously approved the Consent Calendar, as follows:

1. Council Minutes: Approved the minutes of the March 12, 2019 and March 26, 2019 regular meetings.
2. Funding Agreement: Valley Transportation Authority for Measure B Funds: Authorized the City Manager to execute the Funding Agreement between the City of Los Altos and Santa Clara Valley Transportation Authority for acceptance of 2016 Measure B Local Streets and Roads Program sales tax distributions and directed staff to allocate funds towards Street Improvement Program projects within the Capital Improvement Program.

DISCUSSION ITEMS

3. Homestead Road Safe Routes to School Project: Receive an update on the Homestead Road Safe Routes to School – Planning Phase project and provide input on the Concept Plan Line drawing

Interim Engineering Services Director Fairman and Transportation Services Consultant Rodriguez presented the report.

Public Comment: The following individuals provided public comment: Los Altos residents Nanette Jackson, Patricia Steele, Stacy Banerjee, Cathy Lazarus and Stefanie Singer.

Councilmembers provided feedback on the Concept Plan Line drawing.

Direction: Councilmembers generally directed the Mayor to send a letter to Santa Clara County with comments from the City on the proposed project.

STUDY SESSION

6. Housing Accountability Act/Density Bonus/CT Zone: Receive a presentation on the State Housing Accountability Act and Density Bonus laws and the CT Zone and discuss and provide direction as appropriate

Assistant City Attorney Lee, Community Development Director Biggs and City Attorney Diaz presented the reports.

Public Comment: The following individuals provided public comment: Mircea Voskerician, Alex Comsa, and Los Altos residents Sue Russell (representing the League of Women Voters), Matt Hershenson, Lili Najimi, Phan Truong, Eric Steinle, Scott O'Brien, Caroline Bedard, Pierre Bedard and Fred Haubensak.

Direction: Councilmembers generally directed staff to draft amendments to the City's Density Bonus ordinance to clarify that developers are allowed to select an on-menu item once, and to process those amendments as quickly as possible. Councilmembers also directed staff to begin looking at potential amendments to the City's Zoning Code to change subjective development criteria to objective criteria ~~and to explore opportunities to implement Council direction in ways that do not require code amendments, such as recommending conditions of approval to achieve the direction provided by Council.~~

DISCUSSION ITEMS CONTINUED

5. Tentative Council Calendar: Review the Tentative Council Calendar and provide direction on placement of items on the Calendar

The Council continued item number 5 to a future meeting.

COUNCIL/STAFF REPORT AND DIRECTIONS ON FUTURE AGENDA ITEMS

Councilmember Bruins requested the Mayor and City Manager discuss ways to structure a frank conversation regarding the unhealthy political culture, its detrimental impacts and how Council can begin to address it~~address certain types of unacceptable behavior being exhibited by members of the community.~~

ADJOURNMENT

Mayor Lee Eng adjourned the meeting at 12:18 a.m.

Lynette Lee Eng, MAYOR

Jon Maginot, CMC, CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, APRIL 23, 2019,
BEGINNING AT 7:00 P.M. AT LOS ALTOS YOUTH CENTER, 1 NORTH
SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Lee Eng, Vice Mayor Pepper, Councilmembers Bruins, Enander and Fligor

ABSENT: None

PLEDGE OF ALLEGIANCE

Brownie Girl Scouts, Troop 60762 led the Pledge of Allegiance to the flag.

SPECIAL PRESENTATIONS

Mayor Lee Eng presented two proclamations recognizing Cooks Junction and the 1915 Armenian Genocide.

CLOSED SESSION ANNOUNCEMENT

1. Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2) – One case

2. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Casas v. City of Los Altos
Santa Clara County Superior Court
Case No. 18CV333542

3. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *Satish Ramachandran v. City of Los Altos, et al.*
United States District Court, Northern District of California
Case No. 5:18-cv-01223-HRL

Mayor Lee Eng announced that no action was taken during the closed session.

CHANGES TO THE ORDER OF THE AGENDA

The Council continued item number 1 to allow staff time to review the previous Council meeting and to revise the minutes as needed.

SPECIAL ITEM

- A. Planning Commission appointment: Appoint an individual to fill a vacancy on the Planning Commission

This item was continued to provide an opportunity for the Council to interview the two remaining candidates.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided public comment: Mary Jo Kelly, Darwin Poulos and Suzanne Epstein, all representing the Friends of the Library.

CONSENT CALENDAR

Councilmember Fligor pulled item number 8; Councilmember Enander pulled items number 9 and 10; Councilmember Bruins pulled item number 10a.

Upon a motion by Vice Mayor Pepper, seconded by Councilmember Enander, the Council unanimously approved the Consent Calendar, with the exception of items number 8, 9, 10 and 10a, as follows:

1. Council Minutes: Approve the minutes of the April 9, 2019 regular meeting – *Continued to a future meeting.*
2. Resolution No. 2019-16: Authorizing Prequalification of Bidders for Public Works Contracts (Los Altos Community Center): Adopted Resolution No. 2019-16 authorizing prequalification of bidders for public works contracts to streamline the bidding process for construction of the new Los Altos Community Center.
3. Resolution No. 2019-09: Senate Bill 1 funding: Adopted Resolution No. 2019-09 to incorporate a list of projects for funding with Road Maintenance and Rehabilitation Account revenues created by Senate Bill 1 in Fiscal Year 2019-20.
4. Resolution No. 2019-10: Structural Reach Replacement, Project WW-01002: Adopted Resolution No. 2019-10 accepting completion of the Structural Reach Replacement, Project WW-01002 and authorized the Interim Engineering Services Director to record a Notice of Completion as required by law.
5. Ordinance No. 2019-456: Managing PCBs during building demolition: Introduced and waived further reading of Ordinance No. 2019-456 amending the Los Altos Municipal Code by adding Chapter 6.15 and establishing a program for assessing and managing PCBs-containing priority building materials during demolition projects in accordance with the Municipal Regional Stormwater Permit requirements.

6. Silicon Valley Regional Interoperability Authority Equipment Installation License Agreement: Authorized the City Manager to execute the Silicon Valley Regional Interoperability Authority Equipment Installation License Agreement.
7. Approval of Extension of Contract for City Attorney Services: Authorized the City Manager to send a letter to Best, Best & Krieger extending the contract for City Attorney services for an additional year.
8. Resolution No. 2019-13: 40 Main Street Appeal: Adopt Resolution No. 2019-13 denying an appeal and upholding staff's determination that the proposed project is not subject to and does not qualify for streamlined processing pursuant to Government Code Section 65913.4, SB 35 – *pulled for discussion (see page 4)*.
9. Lehigh Hanson and Stevens Creek Quarry: Authorize the Mayor to send a letter to the Santa Clara County Planning Department supporting the requests for prompt action on the violations at Lehigh Hanson and Stevens Creek Quarry outlined in a January 31, 2019 letter from the City of Cupertino – *pulled for discussion (see page 7)*.
10. Resolution No. 2019-15: Making Findings of Substantial Complexity and Authorizing Ten Percent Retention for Construction of the Los Altos Community Center Project: Adopt Resolution No. 2019-15 making findings of substantial complexity and authorizing ten percent retention for construction of the Los Altos Community Center – *pulled for discussion (see page 5)*.
- 10a. City Council Authorization for Mayor to send letter opposing SB 50: Authorize the Mayor to send a letter to the City's State Legislators expressing the opposition of the City Council to SB 50 – *pulled for discussion (see page 7)*.

PUBLIC HEARING

11. Ordinance No. 2019-457: Storm Drainage Fee: Conduct a public hearing and receive written protests for the proposed Storm Drainage Fee; introduce and waive further reading of Ordinance No. 2019-457 adding Chapter 3.52, Storm Drainage Fee to the Los Altos Municipal Code and directing the City Clerk to submit the Storm Drainage Fee to the affected property owners in a mail ballot proceeding in accordance with Article XIII-D of the State Constitution, Section 53755.5 of the Government Code and City of Los Altos Resolution No. 2018-40

Interim Engineering Services Director Fairman and Jerry Bradshaw of SCI Consulting Group presented the report.

Mayor Lee Eng opened the public hearing.

Public Comment: The following individuals provided public comment: Los Altos residents Tami Mulcahy, Roberta Phillips, Michael Thomas, Don Weiden, Robert Greenfield, Jon Baer, Anthony Del Gaudio, Jason Wang, Gary Stoy and Mark (no last name given).

Mayor Lee Eng closed the public hearing.

Deputy City Manager/City Clerk Maginot reported that the City had received 96 written protest letters.

Mayor Lee Eng and Councilmember Enander expressed concerns over establishing a property-related fee for residents.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Fligor, the Council introduced and waived further reading of Ordinance No. 2019-457 adding Chapter 3.52, Storm Drainage Fee to the Los Altos Municipal Code and directing the City Clerk to submit the Storm Drainage Fee to the affected property owners in a mail ballot proceeding in accordance with Article XIII-D of the State Constitution, Section 53755.5 of the Government Code and City of Los Altos Resolution No. 2018-40 and directed staff to conduct extensive public outreach regarding the mailing of the ballots, by the following vote: AYES: Bruins, Fligor and Pepper; NOES: Enander and Lee Eng; ABSTAIN: None; ABSENT: None.

Mayor Lee Eng recessed the meeting at 9:06 p.m. The meeting resumed at 9:16 p.m.

12. Resolution No. 2019-12: 980 Covington Road Historic Landmark Designation and Historic Preservation Agreement: Adopt Resolution No. 2019-12 designating the property at 980 Covington Road as a Historic Landmark and authorizing the City Manager to execute a Historic Preservation Agreement with the property owner

Community Development Director Biggs and Associate Planner Gallegos presented the report.

Mayor Lee Eng opened the public hearing.

Bonnie Bamburg presented the application.

Public Comment: The following individuals provided public comment: Los Altos residents Jon Baer and Hiep Nguyen.

The applicant provided a rebuttal.

Mayor Lee Eng closed the public hearing.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Enander, the Council unanimously denied the Historic Landmark designation application.

ITEM PULLED FROM CONSENT CALENDAR

8. Resolution No. 2019-13: 40 Main Street Appeal: Adopt Resolution No. 2019-13 denying an appeal and upholding staff's determination that the proposed project is not subject to and does not qualify for streamlined processing pursuant to Government Code Section 65913.4, SB 35

Councilmember Fligor proposed a change to the draft Resolution.

Action: Upon a motion by Councilmember Fligor, seconded by Councilmember Bruins, the Council unanimously adopted Resolution No. 2019-13 denying an appeal and upholding staff's determination that the proposed project is not subject to and does not qualify for streamlined processing pursuant to Government Code Section 65913.4, SB 35, as modified to include language from the 11th Whereas in the second finding and determination.

DISCUSSION ITEMS CONTINUED

13. Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road: Adopt Resolution No. 2019-07 to approve subdivision application 18-DL-01 (831 Arroyo Road) subject to the listed findings and conditions

Community Development Director Biggs and Associate Planner Gallegos presented the report.

Rick Hartman, representing the applicant, presented the application.

Public Comment: The following individuals provided public comment: Los Altos residents Anita Siegel, Roberta Phillips, Eric Fischer-Colbrie, Joanna Liu, Jason Guesman, Sue Greathouse, Nancy Ellickson, Carol Stratford, David Blake and Joanne Reed.

The applicant provided a rebuttal.

Motion: Motion made by Councilmember Enander, seconded by Vice Mayor Pepper to adopt Resolution No. 2019-07 to approve subdivision application 18-DL-01 (831 Arroyo Road) as modified to: 1) revise Condition No. 18 to include language that the applicant shall remove and construct a City-specified and approved configuration along the entire front edge increasing visibility and reducing travel speeds; and 2) add a condition to preserve the neighborhood character and the ratio of open space and low-profile buildings in the neighborhood, any structures built on the two parcels shall be limited to single-story as defined in the City's Zoning Code; with direction to the City Attorney that if he deems the added condition is improper under the Subdivision Map Act then the item shall be returned to Council for further consideration. The motion was withdrawn.

Action: Upon a motion by Councilmember Enander, seconded by Vice Mayor Pepper, the Council unanimously continued the item to a future meeting.

ITEM PULLED FROM CONSENT CALENDAR

10. Resolution No. 2019-15: Making Findings of Substantial Complexity and Authorizing Ten Percent Retention for Construction of the Los Altos Community Center Project: Adopt Resolution No. 2019-15 making findings of substantial complexity and authorizing ten percent retention for construction of the Los Altos Community Center

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Bruins, the Council unanimously adopted Resolution No. 2019-15 making findings of substantial complexity and authorizing ten percent retention for construction of the Los Altos Community Center.

DISCUSSION ITEMS CONTINUED

14. Resolution No. 2019-14: 49 Lyell Street appeal: Adopt Resolution No. 2019-14 upholding the Design Review Commission's denial of a variance request at 49 Lyell Street

Community Development Director Biggs and Assistant Planner Hassan presented the report.

Peter Brewer presented the application.

Public Comment: The following individuals provided public comment: Los Altos residents Thomas Barreira and Design Review Commissioner Jude Kirik.

The applicant provided a rebuttal.

Motion: Motion made by Vice Mayor Pepper, seconded by Councilmember Fligor, to approve the variance request and direct staff to return with findings supporting the variance. The motion failed by the following vote: AYES: Fligor and Pepper; NOES: Bruins, Enander and Lee Eng; ABSTAIN: None; ABSENT: None.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Enander, the Council adopted Resolution No. 2019-14 upholding the Design Review Commission's denial of a variance request at 49 Lyell Street, by the following vote: AYES: Bruins, Enander and Lee Eng; NOES: Fligor and Pepper; ABSTAIN: None; ABSENT: None.

Mayor Lee Eng recessed the meeting at 12:11 a.m. The meeting resumed at 12:16 a.m.

15. City Council 2019 Strategic Priorities: Review the draft Strategic Priorities, amend as necessary and either adopt the list of Strategic Priorities or request additional changes

Public Comment: The following individuals provided public comment: Los Altos residents Carl Orta, Susan Holtzapple, Erik Lanzendorf, Jody Glaser, Lakshmi Iyenger, Satya Ramaswamy, Myra Orta, Kim Mosley (representing the Chamber of Commerce), Stacy Banerjee, Roberta Phillips and Sandy Goldstein.

Direction: Councilmembers discussed the draft Strategic Priorities and generally agreed on the seven draft priorities and directed staff to provide an update to Council with staffing capacity for each priority.

16. Discussion of Stanford University General Use Permit: Consider the proposed General Use Permit and determine whether to provide comments to Santa Clara County

This item was continued to a future meeting.

ITEMS PULLED FROM CONSENT CALENDAR

9. Lehigh Hanson and Stevens Creek Quarry: Authorize the Mayor to send a letter to the Santa Clara County Planning Department supporting the requests for prompt action on the violations at Lehigh Hanson and Stevens Creek Quarry outlined in a January 31, 2019 letter from the City of Cupertino

This item was continued to a future meeting.

- 10a. City Council Authorization for Mayor to send letter opposing SB 50: Authorize the Mayor to send a letter to the City's State Legislators expressing the opposition of the City Council to SB 50

This item was continued to a future meeting.

COUNCIL/STAFF REPORT AND DIRECTIONS ON FUTURE AGENDA ITEMS

None

ADJOURNMENT

Mayor Lee Eng adjourned the meeting at 1:33 a.m.

Lynette Lee Eng, MAYOR

Jon Maginot, CMC, CITY CLERK