



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS, HELD ON TUESDAY, AUGUST 25, 2020,  
BEGINNING AT 7:00 P.M. HELD VIA VIDEO/TELECONFERENCE**

**MEETING CALLED TO ORDER**

At 7:40 p.m., Mayor Pepper called the meeting to order.

**ESTABLISH QUORUM**

Present: Mayor Pepper, Vice Mayor Fligor, Councilmembers Bruins, Enander and Lee Eng  
Absent: None

**REPORT ON CLOSED SESSION**

1. Public Employment: City Manager Performance Review  
Pursuant to Government Code Section 54957 (b) and 54957.6
2. 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*
3. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *Satish Ramachandran v. Best, Best and Krieger, a limited liability Partnership; Christopher Diaz; Christina Hickey; Kirk Ballard; David Kornfield; Christopher Jordan; Pamela Jacobs, and Does 1-20 United States District Court, Northern California District Case number: 5:20-cv-03963-*
4. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *California Renters Legal Advocacy and Education Fund, San Francisco Bay Area Renters Federation, Victoria Fierce, and Sonja Trauss v. City of Los Altos, et al. Sixth District Court of Appeal Case No HO48270, County of Santa Clara Case No. 19CV350422*
5. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *40 Main LLC v City of Los Altos et al. Sixth District Court of Appeal, Case Number H048270 County of Santa Clara Case No. 19CV349845*
6. Conference with Legal Counsel – Anticipated Litigation  
Pursuant to Government Code Section 54956.9(d)(2)

Mayor Pepper reported that the City Council had met in closed session prior to this meeting and on August 24, 2020. She stated that no action had been taken at either meeting and there was nothing to report.

## **SPECIAL PRESENTATIONS**

- Presentation of Proclamation of the City Council Honoring Jane Reed, Recipient of the 2020 Los Altos Historic Preservation Award
- Presentation of Proclamation of the City Council Designating August 26, 2020, as Women's Equality Day

Mayor Pepper presented the above Proclamations.

## **CHANGES TO THE ORDER OF THE AGENDA**

Council Member Lee Eng moved to reorder the agenda to allow for Agenda Item #8. Changing the Zoning and/or General Plan Land Use Designation for Civic Center Lands: be considered following to Agenda Item # 6. The motion was seconded by Council Member Enander and the motion passed (5-0) with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.  
NOES: None  
ABSENT: None  
ABSTAIN: None

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

The following members of the public provided comments: Carol Dabb, Michelle Mann, Juno, Roberta Phillips, Jim Jolly, Moira Huang, Ellen, Damerджи, Elisabeth, Ishaan Parmar Ludka Koskova Nesbit, and Sarafina Smith.

## **CONSENT CALENDAR**

1. Council Minutes: Approve the minutes of the July 7, 2020 Special Meeting and July 14, 2020 Regular Meeting (J. Maginot, A. Chelemengos)
2. Los Altos Community Center Furniture Purchase: Approve purchase of new fixtures, furnishings and equipment at the new Community Center with One Workplace, Interior Motions and KBM-Hogue
3. Budget Adjustment for Cuesta Drive Traffic Calming Project TS-01022: Approve Allocation of the necessary funds from Traffic Impact Fees to fully implement the project
4. Effluent Transfer Agreement: Authorize the City Manager to execute the Effluent Transfer Agreement with the City of Palo Alto (A. Fairman, J. Sandoval)

Vice Mayor Fligor moved to approve Consent Calendar. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

---

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.  
NOES: None  
ABSENT: None  
ABSTAIN: None

## PUBLIC HEARINGS

5. Appeal of Design Review Commission (DRC) Approval of a New Two-Story House at 126 Mount Hamilton Avenue – Appellant E. Hyman: Hold Public Hearing to consider appeal of Design Review Commission’s approval of application SC19-0010 for construction of a new, two-story house at 126 Mount Hamilton Avenue and adopt Resolution No. 2020-32 upholding the Design Review Commission’s approval of Design Review Application SC19-0010 subject to the recommended findings and conditions.

Assistant Planner Niday provided a staff report and answered questions from the Council.

Appellant Eugene Hyman presented his appeal to the Council.

Eugene Sakai, architect, and Todd Williams, attorney, spoke on behalf of the property owners of 126 Mount Hamilton Avenue and answered questions from the Council.

Mayor Pepper opened the Public Hearing and the following members of the public commented: Phoebe Bressack, Sam Harding, Jon Baer, and Ann Hambly.

In addition, Los Altos Design Review Commissioner Jude Kirik spoke and answered questions from the Council.

Since there was no one else wishing to speak, Mayor Pepper called for the appellant closing comments

Mr. Hyman commented, and Mayor Pepper closed the public hearing.

Following Council discussion, Mayor Pepper moved that the Council direct staff to revise Resolution to reflect the Council action to uphold, in part, the appeal, and to direct Planning Department staff to work with project architect to achieve a reduction in the appearance of bulk and mass of the second story by reducing the number of wall planes that face the street, moving the second story towards the back of the house and further away from the front of the structure, and simplifying the roof design and that the final design be brought back before the City Council for final review and approval. The motion was seconded by Council Member Bruins and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.  
NOES: None  
ABSENT: None  
ABSTAIN: None

At 10:38 p.m., Mayor p.m., Mayor Pepper called for a brief recess. At 10:43 p.m. Mayor Pepper reconvened the meeting.

Discussion commenced regarding deferment of agenda items.

Council Member Enander moved to defer Agenda Items 7,8, 9, and 10 to the meeting of September 8 and Item # 7 to the meeting of September 22, 2020. The motion died for lack of a second.

Following additional discussion, Council Member Lee Eng moved to defer Agenda Items -

7. Police Town Hall Follow Up: Discuss information gathered from July 28, 2020 Police Town Hall Meeting and provide direction to staff (A. Galea, C. Jordan)
8. Changing the Zoning and/or General Plan Land Use Designation for Civic Center Lands: Direct staff to proceed with developing a zoning or General Plan land use designation change for Civic Center lands with the goal of protecting park and open space (J. Biggs and J. Houston)

to the September 8, 2020 City Council meeting and defer Agenda Items -

9. Emergency Measures for Addressing COVID-19: Receive an update from the City Manager and provide direction (C. Jordan)
  - a. Discuss Mandatory Face Covering Regulations
10. Legislative Update: Discuss pending legislation and direct staff accordingly (C. Jordan)

to the September 22, 2020 City Council meeting. The motion was seconded by Mayor Pepper and the motion passed 4-1 with the following roll call vote:

AYES: Council Members Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.  
NOES: Council Member Bruins,  
ABSENT: None  
ABSTAIN: None

6. Appeal of Administrative Determination of Structure at 714 Arroyo Road - Appellants K. and R. Heley: Hold Public Hearing and consider appeal of the administrative determination that a structure located near the rear property line at 714 Arroyo Road is an accessory structure and must comply with accessory structure site standards for properties in a residential zone district. The property owners (appellants) contend that the subject structure should be classified as a tree house or play structure and should not be subject to accessory structure site standard in light of proposed modifications to the structure.

Community Development Director Biggs provided a staff report and answered questions from the Council.

Appellant Heley provided a presentation to the Council and answered questions relative to the subject structure.

---

Mayor Pepper opened the public hearing and the following members of the public commented:

Antonio Martinez, Eric Schmidt, Alice Kwei, Heather, Sam Harding, Michelle Mann, Chris, Harry Price, Meri-Beth Bird, Damerdji, David Webster, Jon Baer, Jude Kirik, Kate Disney, Shabnam Gholezadeh. Since there was no one else wishing to speak, Mayor Pepper closed the public hearing.

Katie and rich Heley, appellants provided closing comments.

Council discussion commenced.

Council Member Enander moved that he Council deny the appeal and affirm the Administrative Determination that the subject structure is an accessory structure and provide the applicant with the opportunity to redesign this accessory structure so that it complies with the site development standards for accessory structures so long as plans reflecting compliance are completed and submitted within 45 days of the date of this Council meeting to the Community Development Director for review and approval and that the modifications reflected in the approved plans are completed within 4 months from the date of this Council meeting, with the provision that the Community Development Director may grant an extension to this completion deadline if necessary due to delays caused by inclement weather. The motion was seconded by Council Member Bruins and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, and Mayor Pepper.  
NOES: Vice Mayor Fligor  
ABSENT: None  
ABSTAIN: None

Vice Mayor Fligor stated that City standards for the construction of tree houses should be developed so that residents wanting to build or place a treehouse on their property be provided with clear regulations.

### **COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS**

A majority of the Council expressed interest in a clear criterion for play structures such as tree houses be either developed or clarified.

Council Member Enander and Lee Eng requested that the Legislative Update be placed on the September agenda to allow Council to act in a timely manner

Council Member Bruins expressed concern with the Council completing is work plan prior to the end of the upcoming Council terms. Mayor Pepper requested that the Council Member send to the city clerk their top work priorities by the end of the week for the City manager to schedule on upcoming agenda.

In response to Council inquiry City Manager Jordan stated that the quarterly Financial Report would be placed on the agenda late October early November following the close of the first fiscal quarter.

City Manager Jordan provided an update on administrative matters.

## ADJOURNMENT

At 12:47 a.m., August 26, 2020, Mayor Pepper adjourned the meeting.

---

Janis C. Pepper, MAYOR

---

Andrea M. Chelemengos MMC, CITY CLERK

DRAFT