



**MINUTES OF THE REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF LOS ALTOS
TUESDAY, OCTOBER 27, 2020
HELD VIA VIDEO/TELECONFERENCE**

MEETING CALLED TO ORDER

At 7:20 p.m., Mayor Pepper called the meeting to order.

ESTABLISH QUORUM

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

REPORT ON CLOSED SESSION

1. 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 Fierve, 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*
2. 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*
3. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6(a)
Employee organization: Los Altos Municipal Employee Association (LAMEA)
4. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6(a)
Employee organization: The Los Altos Police Officers Association (LAPOA)

Mayor Pepper reported that the City Council met in closed session prior to this meeting. She stated that there was no action taken and nothing to report.

CHANGES TO THE ORDER OF THE AGENDA

Council Member Bruins moved to removed Item # 3 *Contract Amendment No. 2 to the Agreement between the City of Los Altos and NOVA* from the Consent a Calendar and consider the matter in conjunction with Item #10 *Contract Amendment No. 4 to the Agreement with between the City and Noll & Tam Architects* immediately following agenda Item #8. 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

SPECIAL ITEMS

- A. Commission Appointments: Appoint individuals to fill vacancies on the Complete Streets Commission, Historical Commission, and Planning Commission. (A. Chelemengos)

Complete Streets Commission

Council Member Bruins moved to appoint Tom Gschneider to the Complete Streets Commission for a term ending March 31, 2022. 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

Planning Commission.

Vice Mayor Fligor moved to appoint Susan Mensinger to the Planning Commission for a term ending September 30, 2024. 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

Vice Mayor Fligor moved to appoint Richard Roche to the Planning Commission for a term ending September 30, 2024. The motion was seconded by Council Member Bruins and the motion passed 3-2 with the following roll call vote:

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

Historical Commission

Council Member Bruins moved to appoint Kirk Paige to the Historical Commission for a term ending September 30, 2024. 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: Caltrains Rider, Renee Rashid, and Marko Radajicic.

CONSENT CALENDAR

1. Council Minutes: Approve the minutes of the October 13, 2020 Regular Meeting
2. Ordinance No. 2020-473: Hold Second Reading and Adoption of an Ordinance repealing and replacing Chapter 14.14 of the Los Altos Municipal Code (Accessory and Junior Dwelling Units) by adopting Zoning Text Amendment 20-000.
4. Contract Amendment No. 3 to Professional Services Agreement with Traffic Patterns, LLC for Engineering Support.: Authorize the City Manager to execute an amendment on behalf of the City with Traffic Patterns, LLC in an amount not to exceed \$283,372 to provide additional consulting services for the Engineering Services Department.

Council Member Bruins noted a numbering error on page 5 of the minutes. The City Clerk stated that the correction would be made.

Vice Mayor Fligor noted that Consent Calendar Item 5 was to be deferred to the next meeting and moved the City Council to approve Consent Calendar Items 1, 2 and 4. 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

PUBLIC HEARINGS

6. APPL 20-0002 – 126 Mt Hamilton-Review of Revised Project :Hold Public Hearing and adopt Resolution No. 2020-34 approving the revised application To Demolish An Existing Residence And Construct A New Two-Story House Consisting Of 2,740 Square Feet On The First Story, 1,206 Square Feet On The Second Story And A 2,704 Square-Foot Basement.

Guido Persicone, Planning Services Director, provided a staff report and answered questions from the Council.

Eugene Sakai, project architect, was called upon to answer questions from the Council.

Mayor Pepper opened the Public Hearing.

The following individuals provide comments: Tom Shoup, Jon Baer, Eugene Hyman, Eugene Sakai (project architect) and Ann Hambly.

Since there was no one else wishing to speak, Mayor Pepper closed the Public Hearing.

Council Member Bruins moved adopt Resolution No. 2020-34 approving the revised application To Demolish the Existing Residence at 126 Mount Hamilton And Construct A New Two-Story House Consisting Of 2,740 Square Feet On The First Story, 1,206 Square Feet On The Second Story And A 2,704 Square-Foot Basement with the added language directing the applicant to minimize the mass and bulk of the chimneys located on either end of the proposed residence. The motion was seconded by Vice Mayor Fligor and the motion passed 4-1 with the following roll call vote:

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

7. Ordinance Nos. 2020-470A, 2020-470B, 2020-470C and 2020-471 Building Electrification and Electric Vehicle Infrastructure Reach Codes: Hold Public Hearings, introduce and waive further readings of:
 - Ordinance No. 2020-470A An Ordinance Of The City Council Of The City Of Los Altos Amending Chapter 12.22 Energy Code Of Title 12 Of The Los Altos Municipal Code Relating To Amendments To The 2019 California Energy Code For All-Electric Single-Family Buildings, Multi-Family Buildings Having From Two To Nine Residential Units, And Detached Accessory Dwelling Unit Buildings;
 - Ordinance No. 2020-470B An Ordinance Of The City Council Of The City Of Los Altos Amending Chapter 12.22 Energy Code Of Title 12 Of The Los Altos Municipal Code Relating To Amendments To The 2019 California Energy Code For All-Electric Multi-Family Residential Developments Having Ten (10) Or More Units;
 - Ordinance No.2020-470C An Ordinance Of The City Council Of The City Of Los Altos Amending Chapter 12.22 Energy Code Of Title 12 Of The Los Altos Municipal Code Relating To Amendments To The 2019 California Energy Code For All-Electric Non-Residential Buildings, Scientific Laboratory Buildings, And Public Buildings; and
 - Ordinance 2020-471 - An Ordinance Of The City Council Of The City Of Los Altos Amending Chapter 12.26 Green Building Standards Code Of Title 12 Of The Los Altos Municipal Code Relating To Amendments To The 2019 California Green Building Standards Code For Electric Vehicle (EV) Infrastructure

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

Mayor Pepper opened the Public Hearing. The following members for the public commented:

Angelo De Giuli, Connie Miller, Paula Zeni, Roberta Phillips, Dashiell Leeds, and Diya Gupta.

Council Member Bruins moved that the City Council introduce, as read by title only, and waive further readings of Ordinance No. 2020-470A An Ordinance Of The City Council Of The City Of Los Altos Amending Chapter 12.22 Energy Code Of Title 12 Of The Los Altos Municipal Code Relating To Amendments To The 2019 California Energy Code For All-Electric Single-Family Buildings, Multi-Family Buildings Having From Two To Nine Residential Units, And Detached Accessory Dwelling Unit Buildings. The motion was seconded by Vice Mayor Fligor and the motion passed 3-2 with the following roll call vote:

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

Vice Mayor Fligor moved that the Council Introduce Ordinance No. 2020-470B, as read by title only and waive further reading of An Ordinance Of The City Council Of The City Of Los Altos Amending Chapter 12.22 Energy Code Of Title 12 Of The Los Altos Municipal Code Relating To Amendments To The 2019 California Energy Code For All-Electric Multi-Family Residential Developments Having Ten (10) Or More Units. 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

Council Member Bruins moved that the Council introduce, as read by title only and waive further readings of Ordinance No.2020-470C An Ordinance Of The City Council Of The City Of Los Altos Amending Chapter 12.22 Energy Code Of Title 12 Of The Los Altos Municipal Code Relating To Amendments To The 2019 California Energy Code For All-Electric Non-Residential Buildings, Scientific Laboratory Buildings, And Public Buildings. The motion was seconded by Vice Mayor Fligor 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 9:00 p.m., Mayor Pepper called for a brief recess. The meeting was reconvened at 9:05 p.m.

Following discussion, Vice Mayor Fligor moved to introduce Ordinance 2020-471 - An Ordinance Of The City Council Of The City Of Los Altos Amending Chapter 12.26 Green Building Standards Code Of Title 12 Of The Los Altos Municipal Code Relating To Amendments To The 2019 California Green Building Standards Code For Electric Vehicle (EV) Infrastructure with the following amendments:

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- Revise Section 4.106.4 Exception 2. To read “If no additional parking facilities are provided for Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU).”
 - Throughout the ordinance, replace “a”, “one”, and “two” with “at least one” and “at least two”.
 - Section 4.106.4.2 Exception should include definition of “affordable housing”
 - Direct staff to investigate inclusion of language related to EV charging infrastructure in commercial building parking areas
 - Section 5.106.5.3.2 Add definition of Direct Current Fast Charger to the definition section of the ordinance
 - Delete from Section 4.106.4 and Section 5.106.5.3 the following exception language: Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.
 - Section 5.106.5.3.1 change 1 to read “When 10 or more parking spaces are constructed, 50% of the available parking spaces on site shall be equipped with Level 2 EVCS “
 - Section 5.106.5.3.1 change 2 to read “An additional 20% shall be provided with at least Level 1 EV Ready Spaces.”
 - Section 5.106.5.3.1 change title to Office and Institutional Buildings.
 - Section 5.105.53.1 change the first line to read: “In nonresidential new construction buildings designated primarily for office and nonresidential buildings, such as institutional uses with parking.”

The motion was seconded by Council Member Bruins and the motion passed 4-1 with the following roll call vote:

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

3. Contract Amendment No. 2 to the Agreement between the City of Los Altos and NOVA: Authorize City Manager to execute an amendment to the Agreement for additional Construction Management Services for Hillview Community Center Redevelopment Project (P. Maslo/J. Sandoval)
10. Contract Amendment No. 4: Authorize the City Manager to execute Contract Amendment No. 4 on behalf of the City with Noll & Tam Architects for additional construction services necessary for the Los Altos Community Center construction project in the amount of \$425,863 and up to a 20% contingency amount of \$85,173 on behalf of the City, should additional amendments become necessary to address future unforeseen circumstances that could arise during construction. (CF-01002.) (P. Maslo)

Jim Sandoval Jim Sandoval, Engineering Services Director and Peter Maslo, Project Manager, provided a staff report and answered questions from the Council relative to the Community Center Construction project.

David Mark, Janet Tam and James Gwise of Noll and Tam and NOVA also answered questions from the Council.

Following discussion, Vice Mayor Fligor moved to authorize the City Manager to execute an amendment to the Professional Services agreement with NOVA Partners for additional management services on the Los Altos Community Center construction project in the amount of \$241,768 extending the contract term thru April 30, 2021 and increasing the not to exceed amount of the contract to 1,250, 511. The motion was seconded by Council Member Enander and the motion passed 5-0 by the following roll call vote:

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

Vice Mayor Fligor moved to authorize the City Manager to execute Contract Amendment No. 4 on behalf of the City with Noll & Tam Architects for additional construction services necessary for the Los Altos Community Center construction project increasing the amount of the contract by \$425,863 and extending the contract term thru April 30, 2021 making the total not to exceed amount of the contract \$3,865,041. 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

8. Park-in-Lieu Fees Resolution No. 2020-35 Park In-Lieu Fees: Hold Public Hearing and adopt Resolution No. 2020-35, modifying Park In-Lieu Fee on the FY 2020/21 Fee Schedule for the City of Los Altos. Proposed Los Altos Park In-Lieu Fees were calculated pursuant to Section 13.24.010 of the Los Altos Municipal Code. The updated calculations and the supporting land appraisal report were filed with the City Clerk of the City of Los Altos on September 29, 2020. (J. Sandoval)

Due to the late hour Council Member Enander moved that the Park In lieu Fees be deferred to a future meeting (date to be determined) and public notice reissued. 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

3. 330 Distel Circle-Memorandum of Understanding with the County of Santa Clara: Discuss and Authorize City Manager to Execute a Memorandum of Understanding between the City of Los Altos and the County of Santa Clara for an Affordable Housing Project at 330 Distel Circle

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

Mayor Pepper moved to amend paragraph #2 under Now Therefore to include language reflecting that the Project is anticipated to contain a minimum of 90 units, with 100% of the units restricted to occupants earning 120% or less of the area medium income (AMI), with a minimum of 5% earning 30% or less of the area medium income (AMI), 50% earning 50% or less of the area medium income (AMI), and 45% earning 80% or less of the area medium income (AMI) and a authorize the City Manager to Execute a Memorandum of Understanding between the City of Los Altos and the County of Santa Clara for an Affordable Housing Project at 330 Distel Circle, Los Altos. The motion was seconded by Vice Mayor Fligor 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

11. Finance Subcommittee: Discuss City Council Finance Subcommittee

Council discussion commenced. Council Member Enander moved that the City Council establish an ad hoc committee consisting of Council Member Bruins and Council Member Enander, who will meet with members of staff and the financial commission as needed for information and advice. The purpose is to identify more effective processes to compile, present, and evaluate financial information on both routine and exception bases that will improve the quality and timeliness of financial decision-making for the city. A status report will be presented at the November 24 Council meeting, at which time Council may give further direction or disband the committee. 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

INFORMATIONAL ITEM

- Tentative City Council Calendar

There was no discussion on the informational item.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Council Member Lee Eng expressed an interest in inclusion of a question and answer forum when staff presents month updates on the Community Center Construction project.

Council Member Bruins noted the transition of the Santa Clara County Cities Association to a Joint Powers Authority.

ADJOURNMENT

At 1:17 a.m., October 28, 2020, Mayor Pepper adjourned the meeting.

Janis C. Pepper, MAYOR

Andrea M. Chelemengos MMC, CITY CLERK

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