



**MINUTES OF THE REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF LOS ALTOS
7:00 P.M., TUESDAY, FEBRUARY 9, 2021**

HELD VIA VIDEO/TELECONFERENCE

MEETING CALLED TO ORDER

At 7:05 p.m., Mayor Fligor called the meeting to order.

ESTABLISH QUORUM

PRESENT: Mayor Fligor, Vice Mayor Enander, Council Members Lee Eng, Meadows, and Weinberg

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG

Elodie Guy, accompanied by her brother, Julian Guy, led the Council in the Pledge of Allegiance.

REPORT ON CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: New Cingular Wireless PCS, LLC d/b/b AT&T Mobility v. City of Los Altos; *United States District Court, Northern District of California*
Case No. 5:20-CV-294-SVK
2. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: GTE Mobilnet of California Limited Partnership, a California limited partnership d/b/a VERIZON WIRELESS v. City of Los Altos; *United States District Court, Northern District of California*
Case No. 5:20-CV-386-CV
3. Public Employment and Labor Negotiations: City Manager
Pursuant to Government Code Sections 54957 and 54957.6
Employee Name/Title: City Manager
City Negotiators: Mayor Neysa Fligor and Vice Mayor Anita Enander

Mayor Fligor reported that the City Council met in closed session prior to the meeting and had nothing to report.

SPECIAL ITEMS

- Proclamation recognizing February as Black History Month
- Proclamation recognizing House on First.

Mayor Fligor commented on each proclamation and presented the proclamations.

Jean Luc Kayigire, owner of House on First, thanked the Council and provided comments.

CHANGES TO THE ORDER OF THE AGENDA

There were no changes to the order of the agenda.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals commented: Rene Rashid, Salim, Moira Huang, Ludka, Jeanine Valadez, Roberta Phillips, and Toni Moos

CONSENT CALENDAR

1. Council Minutes: Approve the (amended) Minutes of the January 26, 2021 Regular Meeting
2. Award Construction Contract Sewer System Repair Program Project WW0100121 Authorize the Interim City Manager to execute an agreement on behalf of the City with Bellecci & Associates, Inc. for the not-to-exceed amount of \$189,982.00 and up to a 20% contingency amount of \$37,996.40 to provide professional design and consulting services for the realignment and replacement of five sewer main segments located along First Street.
3. Resolution No. 2021-06: Adopt Resolution No. 2021-06 to add authorized users to City of Los Altos' LAIF Account
4. Reaffirmation of Resolution 2017-07 - Reaffirming the City's commitment to a diverse, supportive, inclusive, and protective community and direct staff to distribute a copy of Resolution No. 2017-07 to every City Commission and include in the Commissioner Orientation, Handbook, and reference as a resource whenever appropriate.
5. Ordinance No. 2021- 474 - ZTA 20-0002 – Zoning Code Amendments: Continue to March 9, 20201 - Public Hearing and Introduction of an Ordinance for a Zoning Text Amendment (ZTA 20-0002) modifying Section 14.02.070 (Definitions) and Chapter 14.30 (Short Term Rental) establishing regulations governing boarding houses and short-term rental of residential property within the City of Los Altos. This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3). Adoption of the ordinance will not result in a foreseeable significant environmental effect.
6. Resolution No. 2021-07 Master Contracts for Preparation of California Environmental Quality Act (CEQA) Documents: Adopt Resolution No. 2021-07 Authorizing the Interim City Manager to negotiate and execute agreements between the City of Los Altos and the EMC Planning Group and David J. Powers Inc., for \$220,000 for each firm (a total amount not to exceed \$440,000) for California Environmental Quality Act (CEQA) consulting services.

There was no one wishing to speak on the Consent Calendar.

Council Member Weinberg moved that the City Council approve the Consent Calendar. The motion was seconded by Council Member Meadows and the motion passed 5-0 with the following roll call vote:

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

City Attorney Houston and Mayor Fligor pointed out for the public that Ordinance No. 2021- 474 - ZTA 20-0002 – Zoning Code Amendments, per the Consent Calendar, had been continued to March 9, 2021.

PUBLIC HEARINGS - None

DISCUSSION ITEMS

7. Emergency Measures for Addressing COVID-19: Receive an update from the Deputy City Manager and provide direction on additional potential measures to address COVID-19.

Deputy City Manager Maginot provided a presentation and answered questions from the Council.

Council Member Meadows provided additional information.

Rohan commented.

No action was taken.

8. Ordinance No. 2021 -475 - Hillview Baseball Field Off-Leash Dog Pilot Program: Hold Public Hearing, Introduce, as read by title only, and waive further reading of an ordinance to consider the establishment of an off-leash dog pilot program located at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review. This pilot program allows dog owners to have their dogs off-leash during specific posted days and times.

Recreation Director Legge provided a staff report and answered questions from the Council.

Maintenance Services Director Hernandez also answered questions from the Council and Interim City Manager Kilger provided information and answered questions from the Council.

Mayor Fligor invited public comments.

Jeanine Valadez commented.

Council discussion commenced.

Council Member Weinberg moved to Introduce, as read by title only, and waive further reading of Ordinance No 2021-475 An Ordinance establishing of an off-leash dog pilot program located at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review with the following amendments to the ordinance – Paragraph 6 be amended to clarify that suspension of Los Altos Municipal Code Section 5.08.010 applies only at the Hillview Baseball Field and that language be added to the ordinance directing staff to return to the City Council with an evaluation and recommendations no later than 60 days after the pilot program runs for 181 days. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

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

Additional Council discussion ensued regarding monitoring, evaluation, and rules of the pilot program. Several staff members were called on to answer questions. At the conclusion of the discussion, Mayor Fligor allowed for public comment.

Scott Spielman commented.

Council Member Meadows moved that Council direct staff to modify the Pilot Program rules as follows:

- Change limit from two to three dogs handled by one person with authority to staff to adjust the number of allowable dogs per person should a situation or concern of health and safety arise.
- Change the term “owner” to “handler”

And, with regard to program evaluation, direct staff, and the Commission to gather feedback from residents and users regarding the program by surveying participants as to the following:

- City of residence
- Mode of transportation to Hillview - walk or drive.
- If participant drove name and location of their home park
- If an off-lease program were offered at the participant’s home park, would they use it and what hours.

In addition, staff was directed to include in its program evaluation when brought back to Council the following information:

- Impact of reduced unlawful activity – analyze data before and after pilot program.
- Evaluation of incidents reported to Animal Control and the Police Department
- Evaluation of actual cost vs expected costs.

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- Legal issues
 - Field conditions
 - Attendance

And, finally, that the information gathered be regularly reviewed by both staff and the Dog Park (Pilot Program) Subcommittee.

The motion was seconded by Vice Mayor Enander and the motion passed 5-0 with the following roll call vote:

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

At 9:05 p.m., Mayor Fligor called for a brief recess. At 9:10 p.m., Mayor Fligor reconvened the meeting.

9. Regional Housing Needs Allocation: Discuss and provide direction to staff regarding the City's potential response to the proposed Regional Housing Needs Allocation (RHNA)

Vice Mayor Enander provided a presentation. Mayor Fligor reminded Vice Mayor Enander of the agenzized topic and requested that she keep her presentation on topic.

Mayor Fligor expressed concern with the analysis of the data by the Embarcadero Institute contained in the presentation and disappointment that the data presented to the Council had not been received prior to the meeting.

Mayor Fligor called for Council questions.

Council Member Weinberg moved that the matter be tabled given that the data had not been made available to the public prior to the meeting and therefore members who may have been interested in or wanting to comment on the topic had not had sufficient notice of the information on the matter. Mayor Fligor suggested that Council Member Weinberg delay his motion until Council discussion. The motion died for lack of a second. There were no Council questions at this point.

Mayor Fligor opened the floor for public comment.

The following individuals commented: Kelsey Baines, Gab Layton (Founder of Embarcadero Institute, with time ceded from Freddie Wheeler, Teresa Morris, Scott Spielman, and Jim Jolly), Salim, Roberta Phillips, Pat, Pete Dailey, Ann Paulson.

Mayor Fligor, Council Member Meadows and Council Member Weinberg expressed disappointment in the late distribution of the presentation material and the data analysis from the Embarcadero

included in the presentation after a majority opposed a request for the Embarcadero Institute to present at a Council meeting because a majority of Council was concerned about the credibility and accuracy of the Embarcadero Institute presentation because its analysis had been questioned .

Council Member Lee Eng stated that she was ready to provide her points with regard to appealing the RHNA numbers.

Vice Mayor Enander stated that her presentation was in line with the agenda title, as she interpreted the agenda wording which did not include the word “appeal” and she provided her presentation based on the way she felt would be best possible way to approach a response from the City.

Mayor Fligor moved to table Agenda Item 9. *Regional Housing Needs Allocation* and defer to the co-sponsors (Vice Mayor Enander and Council Member Lee Eng) to determine whether or not they want to bring the item back to a future agenda and, if they do so, it must be properly noticed so that it is very clear from the notice what will be discussed and that any data to be presented be provided ahead of time with the packet material to allow the Council and public to review. The motion was seconded by Vice Mayor Enander.

Council Member Lee Eng stated that it is important for the Council to have a conversation on the RHNA numbers and for the public to understand the numbers, how the numbers are determined, the impact on the City and how the Council should proceed.

Mayor Fligor repeated the motion.

The motion passed 5-0 with the following roll call vote:

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

INFORMATIONAL ITEMS ONLY

- Tentative Council Calendar

Interim City Manager Kilger and Mayor Fligor commented on the Tentative Council Calendar.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Interim City Manager Kilger reported on the City ‘s Finance Division and timeline for prestatation of various City financial reports.

The Council Members reported on attendance at and matters related to their various Commissions, Committees and Boards, as assigned.

Council Member Weinberg requested that the future agenda item to review the “Council Norms” not be a long agenda item and that following initial Council review of the current “Council Norms” a subcommittee be charged with reviewing and bringing forth to the Council, at a later date, recommended modifications.

Vice Mayor Enander noted that past practice has been that the “Council Norms” are reviewed by the Open Governance Committee and their recommended changes are then presented to the Council for review and adoption.

City Attorney stated that she has suggestions for potential modifications to the Norms.

There was consensus that the “Council Norms” would be placed on a future agenda to allow for Council to review staff and City Attorney recommendations and to gather input from Council Member on potential modifications to the “Council Norms” prior to the subcommittee’s work of identifying and recommending changes which would then be presented to the Council.

Council Member Lee Eng requested the addition of discussion of SB 9 and 10 on the agenda.

Mayor Fligor advised the Legislative Committee to bring forth the matter.

In addition, Council Member Lee Eng, with support from Vice Mayor Enander, requested a discussion on the role of the League of California Cities and their representation of the City.

Mayor Fligor, with support from Council Members Lee Eng and Weinberg, requested that a Resolution in support of the upcoming Parcel Tax Measure for the Cupertino Union School District be added to a March agenda. In addition, she requested a matter on Deferring Business Licenses tax for 2021 be placed on the agenda and a staff report be prepared on the impact of deferring the 2021 Business License tax. There was support by three or more Council Members to agendaize the matter.

Council Member Lee Eng requested that the agenda language 2021 Business License tax discussion be broad enough to allow for discussion of various options.

Mayor Fligor, with the support of at least two other Council Members, requested placement on a future agenda a matter to support the formation of a working citizens group to explore the possibility of a community theater.

ADJOURNMENT

At 11:02 p.m., Mayor Fligor adjourned the meeting.

AMENDED 2.23.2021

City Council Minutes

February 9, 2021

Regular Meeting

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Neysa Fligor, MAYOR

Andrea M. Chelemengos MMC, CITY CLERK

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