



CITY COUNCIL MEETING

AGENDA

TUESDAY, OCTOBER 12, 2021 – 7:00 P.M.

Please Note: Per California Executive Order N-29-20, the City Council will meet via Telephone/Video Conference only.

Members of the Public may join and participate in the Council meeting at <https://webinar.ringcentral.com/j/1486627540>

TO PARTICIPATE VIA THE LINK ABOVE - Members of the public will need to have a working microphone on their device and **must have the latest version of Ringcentral available at this link <http://www.ringcentral.com/download.html>**. To request to speak please use the “Raise hand” feature located at the bottom of the screen.

TO PARTICIPATE VIA TELEPHONE - Members of the public may also participate via telephone by calling 1-650-242-4929 (Meeting ID: 148-662 7540). Press * 9 on your telephone to indicate a desire to speak.

Public testimony will be taken at the direction of the Mayor and members of the public may only comment during times allotted for public comments.

TO SUBMIT WRITTEN COMMENTS, prior to the meeting, on matters listed on the agenda email PublicComment@losaltosca.gov with the subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE.

Emails sent to the above email address are sent to/received immediately by the City Council.

Correspondence submitted in hard copy/paper must be received by 2:00 p.m. on the day of the meeting to ensure it can be distributed prior to the meeting. Correspondence received prior to the meeting will be included in the public record.

[Please follow this link for more information on submitting written comments.](#)

CALL MEETING TO ORDER

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

REPORT ON CLOSED SESSION

SPECIAL PRESENTATION

- Presentation of Proclaiming October Domestic Violence Awareness Month – Presentation of Los Altos City Council Grant to WomenSV (Mayor Fligor)

- Presentation of Proclamation Proclaiming October as Breast Cancer Awareness Month (Mayor Fligor)
- Presentation of Proclamation Proclaiming October 17-24 Flood Preparedness Week (S. Golden)

SPECIAL ITEM

- Introduction of John Furtado, Finance Director (I. Silipin/G. Engeland)

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA - Members of the audience may bring to the Council's attention any item that is not on the agenda. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "the Brown Act") items must first be noticed on the agenda before any discussion or action.

CONSENT CALENDAR - These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

1. City Council Minutes: Approve the Minutes of the September 21, 2021, Regular Meeting (A. Chelemengos)
2. Contract Extension and Additional Budget for Traffic Signal Maintenance Services: Authorize the City Manager to execute a contract amendment with Bear Electrical Solutions, Inc. to extend the term for FY 21/22 and add funds in the amount of \$75,000 for a total not to exceed project budget of \$306,000 for on-call traffic signal maintenance services. (G Watanabe)
3. Contract Award: On-Call City Wide Tree Maintenance Services: Authorize the City Manager to execute a not-to-exceed contract with West Coast Arborist in the amount of \$110,000 to provide on-call city wide tree maintenance services. (M. Hernandez)
4. Ordinance No. 2021-481 Firearm Safe Storage Ordinance: Adopt an ordinance of the City Council of the City of Los Altos amending the Los Altos Municipal Code by adding a new Chapter 7.29 entitled "Safe Storage of Firearms" in the City of Los Altos and making findings pursuant to California Environmental Quality Act that this ordinance is categorically exempt from environmental review. (A Galea)
5. Emergency Declaration Resolution: Adopt Resolution No. 2021-51 extending the declaration of a local emergency due to the COVID-19 pandemic (J. Maginot)
6. Professional Services Agreement for Various Engineering Services: Authorize the City Manager to execute an Agreement with Bellecci and Associates, Inc. to provide funds for assistance with Various Engineering Services for FY2021-2022 and to annually execute an Amendment to that Agreement for Various Engineering Services through FY 2023-2024. (A. Trese)

-
- 6A. Contract Award: Sanitary Sewer Video Inspection, Project WW-01011- Award the Base Bid and Add Alternate Bid No. 1 for the Sanitary Sewer Video Inspection, Project WW-01011 to Pipe and Plant Solutions, Inc. in the amount of \$397,385.65 and authorize the City Manager to execute a contract in the amount of \$397,385.65 and up to 15% contingency on behalf of the City (A. Trese) Item added 10.5.2021

PUBLIC HEARINGS - None

DISCUSSION ITEMS

7. Proposed Amendments to City of Los Altos Guidelines for Public Art: Review and approve the proposed amendments, as recommended by the PAC, to the City of Los Altos Guidelines for Public Art. (J. Chew)
8. City Council Member Censure Policy: Consider Draft City Council Censure Policy; provide direction to staff (Council Initiated)
9. Formation of City Council Summer Intern Subcommittee: Discuss formation of a City Council Summer Intern Program Subcommittee; appoint no more than two Council members; and provide direction to the Subcommittee on its role and scope. (Mayor Fligor)
10. Council Legislative Subcommittee Update And Potential Council Action: Receive update from the City Council Legislative Subcommittee; discuss pending legislation including, but not limited to: AB 14, AB 68, SB 215, AB 339, AB 473, AB 682, AB 989, AB 1401, AB 1322; SB 4, SB 6, SB 9, SB 10, SB 15, SB 16, SB 278, SB 477, SB 478, SB 556, SB 612, SB 640, SB 785. (Vice Mayor Enander; Council Member Weinberg)

INFORMATIONAL ITEMS ONLY

- Tentative Council Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body. If you wish to provide written materials, please provide the City Clerk with **10 copies** of any document that you would like to submit to the City Council for the public record.



Proclamation

of the Mayor
of the City of Los Altos, California

WHEREAS, 1 in 3 women worldwide will be severely beaten or raped during her lifetime; and

WHEREAS, acts of violence towards women produce more death, disability, mutilation than cancer, malaria and traffic accidents combined; and

WHEREAS, children growing up in a home with an abusive family member are more at risk of developing life-threatening, chronic health issues, and becoming abusers or victims of abuse themselves; and

WHEREAS, coercive control is a form of domestic violence and a pattern of threatening, isolating and controlling behavior ranging from emotional and financial abuse to strangulation; and

WHEREAS, coercive control legislation as of January 2021, has passed into law in California Family Court as part of FC 6320; and

WHEREAS, coercive control poses a lethality risk, transcends economic, professional, racial, religious and cultural boundaries and impinges on every citizen's fundamental human right to be free and safe in their own home; and

WHEREAS, the Los Altos City Council and the Los Altos Police Department in partnership with 501 (c) 3 Women of Silicon Valley or WomenSV all support the right of every man, woman and child to live in peace, safety and freedom in their own home.

THEREFORE, I, Mayor Neysa Fligor, and the Los Altos City Council do hereby proclaim October as

“Domestic Violence Awareness Month”

in Los Altos, and recognize the need to offer ongoing support, education, resources and protection to domestic abuse survivors in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the city of Los Altos this 12th day of October 2021.

Neysa Fligor, MAYOR



Proclamation

of the Mayor
of the City of Los Altos, California

WHEREAS, 1 in 8 women in the United States will be diagnosed with breast cancer in her lifetime; and

WHEREAS, in 2021, in the U.S. alone, an estimated 281,550 new cases of invasive breast cancer, as well as 49,290 new cases of non-invasive (in situ) breast cancer, will be diagnosed, and an estimated 43,600 women will die; and

WHEREAS, although rare, men also get breast cancer and in 2021, an estimated 2,650 men in the U.S. will be diagnosed with breast cancer and approximately 530 will die; and

WHEREAS, over the last few years there has been a gradual reduction in female breast cancer incidence rates among women aged 50 and older and death rates from breast cancer overall have been declining since about 1990, in part due to better screening, early detection, increased awareness, and continually improving treatment options and access to treatments options; and

WHEREAS we applaud the advocates, medical professionals, researchers, and caregivers who dedicate their lives to making progress toward cures; and

WHEREAS, even with all the new and effective treatments, we must continue to stand alongside those stricken with and survivors of breast cancer in a united effort to seek out better, more effective treatments or ultimately a cure for the many forms of breast cancer.

NOW THEREFORE, I, Neysa Fligor, Mayor of the City of Los Altos, and on behalf of the entire Los Altos City Council, do hereby proclaim October 2021 as:

“Breast Cancer Awareness Month”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Los Altos this 12th day of October 2021.

Neysa Fligor, MAYOR



Proclamation
of the
Mayor of the City of Los Altos, California

Declaring the Week of October 17-24 to be Flood Preparedness Week

WHEREAS, California Flood Preparedness Week brings together state, federal and local agencies to inform residents about risks associated with flooding and tools that citizens can use to prepare for flooding; and

WHEREAS, several creeks pass through the City of Los Altos including Adobe, Hale, Permanente, and Stevens Creek; and

WHEREAS, Climate change and warming is causing more extreme weather events. In particular, with more evaporation, there is more water in the air, so storms can produce more intense rainfall events in some areas and exacerbate flooding; and

WHEREAS, the City of Los Altos maintains an extensive storm drainage network, a sandbag station, Engineering, Planning and Maintenance Staff working to reduce flood risks; and

WHEREAS, in addition to storm drainage network, flood protection is provided to the City of Los Altos by the Valley Water District and its maintenance of the creeks that convey storm-generated runoff north to the San Francisco Bay; and

WHEREAS, the City of Los Altos wishes to support building resilience and emergency preparedness in our community, including flood preparedness. While no one knows when or where disasters and emergencies may strike, each of us can work to be prepared for the unexpected. Taking steps to prepare ahead of time can help individuals and communities respond better and stay safer during crisis; and

WHEREAS, the time and effort invested now in assessing flood risk and in preparing will help Los Altos residents and communities navigate through and recover quickly from whatever may come. The time to act is now, before the rainy season sets in; and

WHEREAS, individuals can help to prepare themselves by registering their cell phones and home addresses to receive emergency alerts at the website www.AlertSCC.org, sign up for alerts by texting their zip codes to 888-777, and learn more about flood preparedness by going to <https://www.valleywater.org/floodready>.

NOW, THEREFORE, I, Neysa Fligor, Mayor of the City of Los Altos, on behalf of the Los Altos City Council do hereby declare October 23 to 30, 2021 to be Flood Preparedness Week in the City of Los Altos. I call upon all community members to join together to understand their flood risk and take steps to be prepared.

Presented: October 12, 2021

Neysa Fligor, Mayor



PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following is public comment received by the City Clerk's Office. Members of the public may bring to the Council's attention any item that is not on the agenda. Please be advised that, according to State law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period.

Individual contact information has been redacted for privacy.

From: [Freddie Park Wheeler](#)
To: [City Council](#); [Public Comment](#)
Subject: Public Comments On Items Not On The Agenda
Date: Sunday, October 10, 2021 6:28:49 PM

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

I wrote to you in February 2021 when supporters of Keenan Moos were calling to make public comments on items not on the agenda. These comments consumed an inordinate amount of time at the beginning of Council Meetings for approximately six months. The time required for these comments forced people who had business before the Council or were attending for items on the agenda to wait until much later in the evening than was reasonable, sometimes until 1:00am the next morning, before their item was taken up for consideration. It became apparent that the Council Meetings were completely out of control.

At that time I suggested that you limit the amount of time for public comments on items not on the agenda to 1/2 hour at the beginning of the meeting and then hear any remaining comments at the end of the meeting.

Had you enacted this policy you would have been able to maintain control over the Council Meetings. And you would have allowed people with business before the Council to be heard at a reasonable hour. Unfortunately it seemed that the majority of the Council were intent on encouraging the commentary no matter how much time it consumed rather than establishing control of the meetings.

I bring this to your attention again because other governmental bodies have enacted similar policies in order to maintain control of their meetings and prevent them from being hijacked by multiple speakers recruited to comment.

The City of Sunnyvale has enacted such a policy:

“ORAL COMMUNICATIONS

This category provides an opportunity for members of the public to address the City Council on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Mayor) with a maximum of up to three minutes per speaker.”

https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/6064bf72cb445442e8fed7bd/1617215346436/MPSP_CC_StudySession_Agenda.pdf

Very recently VTA enacted this policy in response to ongoing disruptions of their meetings.

> <https://sanjosespotlight.com/vta-considers-limiting-public-comments-upsetting-san-jose-advocates-public-transit-transportation/>

I believe enacting this policy would allow future mayors to maintain control of Council Meetings and ensure that people with business before the Council are treated with the respect they are due which includes having their items heard at a reasonable hour. In addition, it will prevent city staff who are required to attend for items on the agenda from spending their valuable time waiting for the items to be brought up for consideration.

I respectfully request that you reconsider enacting such a policy in order to maintain control of Council Meetings and prevent public comments on items not on the agenda from disrupting future meetings.

Sincerely,

Freddie Wheeler

[Sent from Yahoo Mail for iPhone](#)



**MINUTES OF THE REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF LOS ALTOS
7:00 P.M., TUESDAY, SEPTEMBER 21, 2021**

Held Via Video/Teleconference Per California Executive Order N-29-20.

MEETING CALLED TO ORDER

At 7:04p.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

Catherine Zaretski, Girl Scout Troop 61427, led the Council in the Pledge.

REPORT ON CLOSED SESSION

Mayor Fligor reported that the Council held a closed session earlier in the evening and that there was no action taken and nothing to report. City Attorney Houston was not present during the closed session.

CHANGES TO THE ORDER OF THE AGENDA

There were no changes.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

CONSENT CALENDAR

1. City Council Minutes: Approve the Minutes of the September 14, 2021, Regular Meeting
2. Design Contract Award: CIPP Corrosion Rehabilitation, Project WW-01005: Authorize the City Manager to execute an agreement on behalf of the City with Freyer & Laureta, Inc. in the amount of \$151,100 to provide design and consulting services for the CIPP Corrosion Rehabilitation Project WW-01005

Council Member Lee Eng requested that Consent Calendar Item #1 *City Council Minutes* be removed from the Consent Calendar.

There were no members of the public wishing to comment on the Consent Calendar.

Mayor Fligor stated that Item #1 would be heard following Item #6.

Council Member Meadows moved to approve the Consent Calendar Item #2. The motion was seconded by Council Member Weinberg 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

PUBLIC HEARINGS

- 3. City of Los Altos – Title 14, Zoning Amendment – Public Land Protection Ordinance**
Introduce and hold First Reading, as read by title only and waive further reading of An ordinance adding a Public Land Protection (PLP) overlay district to Title 14, Zoning, of the Los Altos Municipal Code that will provide for the protection of City owned property by requiring voter approval of the sale or transfer of title of any City-owned land to which the PLP overlay designation is applied and voter approval to remove the PLP designation once it has been applied. The proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment.

Community Development Director Biggs provided a staff report and answered questions from the Council, as did City Attorney Houston.

The following members of the public commented: Penny Lave, Teresa Morris, Ann Paulson, Roberta Phillips, Gene, Jeanine Valadez, Joe Beninato, Ginny, and South Los Altos Resident.

Following Council discussion, Council Member Lee Eng moved that the Council introduce the Ordinance, with the amendment that a vote of a 4/5 of the City Council may repeal the Public Land Protection Overlay designation, and direct staff to return to the Council with a separate action plan to apply the PLP overlay to the entire Civic Center properties, including Hillview. The motion was seconded by Vice Mayor Enander and the motion failed 3-2 with the following roll call vote:

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

Council discussion commenced. Direction was given, with support of Mayor Fligor, Vice Mayor Enander and Council Member Lee Eng, for staff to bring back information on the various options and process required to apply a public land protection overlay district that solely focuses on Hillview (City owned) property and provide information on the process involved to implement an open space/park land district. They also directed staff to bring back an Ordinance that provides protections for only the Civic Center site.

Staff clarified that depending on the conditions/criteria contained within a potential overlay other properties with similar conditions may be encompassed in the overlay. City Attorney Houston provided clarifying information.

DISCUSSION ITEMS

4. Update on American Rescue Plan Act Allocation: Accept the deposit of the entirety of American Rescue Plan Act dollars into the City's General Fund as lost revenue replacement and provide direction on if any alternative uses should be considered using General Fund dollars

Deputy City Manager Maginot provided a report and answered questions from the Council, as did City consultant Barry Foster of Hinderliter de Llamas & Associates (HdL).

Roberta Phillips provided public comment.

Council Member Weinberg moved to accept the deposit of the entirety of American Rescue Plan Act dollars into the City's General Fund as lost revenue replacement. 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

5. Extending The Off-Leash Pilot Program At The Hillview Baseball Field: Adopt Resolution No. 2021-50 extending the Off-Leash Pilot Program at the Hillview Baseball Field and making findings pursuant to CEQA that the Resolution is categorically exempt from Environmental Review

Maintenance Services Director Hernandez provided a report and answered questions from the Council as did City Manager Engeland.

At 8:54 p.m., Mayor Fligor called for a short recess. The meeting was reconvened at 9:02 p.m.

The following members of the public commented: Call in speaker identified as 1650 996 7989, Wes, Lisa Deegan, Teresa Morris, Gene, Jeanine Valadez, and Roberta Phillips.

Following discussion, Vice Mayor Enander moved to amend the Resolution, where applicable to insert extension dates of “September 28, 2021 until November 14, 2021”, and removal of language “and until such time that the City Council receives a recommendation from the PARC and Council takes action” and adopt Resolution No. 2021-50 extending the Off-Leash Pilot Program at the Hillview Baseball Field from September 28, 2021 until November 14, 2021, and make the findings pursuant to CEQA that the Resolution is categorically exempt from Environmental Review. The motion was seconded by Council Member Weinberg and the motion passed 4-1 with the following roll call vote:

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

Staff answered follow up questions relative to the matter and Council indicated a desire to receive the recommendation from the Park and Recreation Commission as soon as possible.

6. In-Person City Council Meetings: Discuss logistics and protocol of In Person City Council Meetings

Deputy City Manager Maginot provided a report and answered questions of the Council

Mayor Fligor opened the floor for public comment. Roberta Phillips commented.

Following discussion, Vice Mayor Enander moved that the Council direct staff to continue holding virtual meetings at this time due to the Emergency Order and to revisit the matter on a monthly basis going forward. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

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

1. City Council Minutes: Approve the Minutes of the September 14, 2021, Regular Meeting

Council Member Lee Eng stated that she had removed the minutes due to lack of detail in the changes relative to Agenda Item #9 City Council Norms and Procedures specifically relative to the Section 6.8 ii.

Council discussion commenced.

Roberta Phillips provided public comment.

Council Member Weinberg moved to approve the Minutes of September 14, 2021, as presented. The motion was seconded by Council Member Meadows and the motion passed 4-1 with the following roll call vote:

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

7. Council Legislative Subcommittee Update And Potential Council Action: Receive update from the City Council Legislative Subcommittee; discuss pending legislation including, but not limited to: AB 14, AB 68, SB 215, AB 339, AB 473, AB 682, AB 989, AB 1401, AB 1322; SB 4, SB 6, SB 9, SB 10, SB 15, SB 16, SB 278, SB 477, SB 478, SB 556, SB 612, SB 640, SB 785. (Vice Mayor Enander; Council Member Weinberg)

There was nothing to report and no action taken. There were no members of the public wishing to speak.

INFORMATIONAL ITEMS ONLY

- Tentative Council Calendar

No comments/No action taken.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Council Member Lee Eng, with support from Vice Mayor Enander, requested that an item be placed on a future Council agenda to discuss other options relative to a dog park including, the Cuesta annex area, and exploring a possible partnership with the City of Mountain View, by sending a letter to the Mayor of Mountain View.

Mayor Fligor, with support from Vice Mayor Enander, requested a legal memo to Council and Commissioners relative to implementation of Objective Development Standards.

Vice Mayor Enander, with the support of Mayor Fligor and Council Member Lee Eng, requested the Council direct staff, following the issuance of the legal memo, to place on a future agenda of the Planning Commission and the Design Review Commission a review of and recommendations of any simple or obvious changes needed to the Objective Development Standards.

Mayor Fligor, with the support of the four other Council Members, requested a future agenda item, prior to the mid-year budget report, to discuss how to use the funds provided to the City

from the American Rescue Plan Act Allocation. She also reported on various upcoming City events.

City Manager Engeland addressed questions having to do with various administrative matters.

ADJOURNMENT

At 10:43 p.m., Mayor Fligor adjourned the meeting.

Neysa Fligor, MAYOR

ATTEST:

Andrea M. Chelemengos MMC, CITY CLERK

DRAFT



CONSENT CALENDAR

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: October 12, 2021

Subject: Bear Electrical Solutions, Inc. Contract term extension and additional budget for Traffic Signal Maintenance Services.

Prepared by: Gaku Watanabe, Assistant Engineer

Reviewed by: James Sandoval, Engineering Services Director

Approved by: Gabriel Engeland, City Manager

Attachment(s): None.

Initiated by:
Staff initiated

Previous Council Consideration:

- City Council Contract Award on July 10, 2018.
- Amendment #1 on September 22, 2020.

Fiscal Impact:

Bear Electrical Solutions provides as-needed traffic signal and streetlight maintenance services to the City of Los Altos. The City completed its third year of a three-year contract term with Bear to provide these services as of June 30th, 2021. The City would like to extend the term and add \$75,000 to FY 21/22. The original contract term was \$52,000 per year over three years, the first amendment to the contract added \$75,000 to its third year, and this proposed second amendment to add \$75,000 to FY21/22 would result in a grand total of \$306,000.

Budget Summary:

- Breakdown of contract budget adjustment:
 - **Original Contract: \$156,000** – Total for a 3-Year Contract Value with Bear Electrical Solutions. \$52,000 per year for FY 18/19, FY 19/20, and FY 20/21
 - **Amendment #1: \$75,000** addition to FY 20/21
 - **Amendment #2: \$75,000** – Extend contract term through FY 21/22 and add funds to contract budget
 - **Total: \$306,000**
- Funding Source: General Fund Operating Budget – Traffic Control/Equipment Repairs. \$125,000 is allocated for FY21/22.
- Amount already included in approved budget: Yes

Reviewed By:

City Manager
GE

City Attorney
JH

Finance Director
JM



Subject: Bear Electrical Solutions, Inc. Contract term extension and additional budget for Traffic Signal Maintenance Services

Environmental Review:
Categorically exempt

Policy Question(s) for Council Consideration:

Does the Council support the project budget amendment to allow for the expanded traffic signal maintenance services?

Summary:

- Staff is requesting a one-year term extension, as the approved contract allows, and a \$75,000 budget increase to the on-call traffic signal maintenance contract with Bear Electrical Services for FY 21/22. This would lead to a total of \$306,000 for the four-year maintenance service.
- The City is currently in the fourth year of a three-year contract term. The original contract allows for one year extension.
- The budget increase is required to ensure on-going maintenance operations through the FY 21/22 term while the City plans to rebid the on-call contract for the next three-year period.

Staff Recommendation:

Authorize the City Manager to execute a contract amendment with Bear Electrical Solutions, Inc. to extend the term for FY 21/22 and add funds in the amount of \$75,000 for a total not to exceed project budget of \$306,000 for on-call traffic signal maintenance services.

Background

Bear Electrical Services, Inc. provides the City with scheduled maintenance and on-call maintenance for the City's traffic signal and streetlight infrastructure. The current Bear Electrical Solutions, Inc. contract was executed in 2018 for a \$52,000 per year, three-year term totaling \$156,000. The term includes FY 18/19 – FY 20/21, with the option of a one-year contract extension, which would include the current FY 21/22. Last year Council authorized Amendment 1, executed in September 2020, which added \$75,000 to the FY20/21 contract budget to cover a heavier load of traffic signal and streetlight maintenance than anticipated.

Bear Electrical has been very responsive to the City's maintenance needs and is very familiar with the transportation infrastructure.



Subject: Bear Electrical Solutions, Inc. Contract term extension and additional budget for Traffic Signal Maintenance Services

Options

- 1) Authorize the City Manager to execute a contract amendment with Bear Electrical Solutions, Inc. to extend the term for FY 21/22 and add funds in the amount \$75,000 for a total not to exceed project budget of \$306,000 for on-call traffic signal maintenance services.

- 2) Do not approve contract budget amendment with Bear Electrical Solutions, Inc.

Recommendation

The staff recommends Option 1.



CONSENT CALENDAR

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: October 12, 2021

Subject: Contract Award: On-Call City Wide Tree Maintenance Services

Prepared by: Manny A. Hernandez, Maintenance Services Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. None

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

The following project will cost \$110,000 and is budgeted in the Maintenance Services 2021/22 operating budget.

- Breakdown of funds to be used:
 - o \$110K General Fund
- Amount already included in approved budget: Yes
- Amount above budget requested: 0

Environmental Review:

Categorically exempt pursuant to CEQA Section 15301: Class 1 (b) "existing facilities"

Policy Question(s) for Council Consideration:

- None

Summary:

- On-Call City Wide Tree Maintenance Services will enable the City to provide tree maintenance services in locations throughout the City consistent with International Society of Arboriculture (ISA) best practices.
- Through the use of a qualified tree maintenance contractor, large city trees can be accessed and maintained where City staff may be limited.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



Subject: Contract Award: On-Call City Wide Tree Maintenance Services

Staff Recommendation:

Authorize the City Manager to execute a not-to-exceed contract with West Coast Arborist in the amount of \$110,000 to provide on-call city wide tree maintenance services.

Purpose

Award a contract to a certified tree maintenance contractor to maintain City-owned trees on-call under a not-to-exceed contract.

Background

Each year the Parks Division of the Maintenance Department utilizes contracted on-call tree maintenance services to properly maintain all City-owned trees. Each year on-call tree maintenance services supplement the Parks Division tree crew with:

- Maintenance of large trees
- Removal of dead trees
- Emergency response for downed trees
- Arborist reports and tree evaluations

Discussion/Analysis

The City's Maintenance Department is responsible for maintaining all City-owned trees in Los Altos. The Parks Division tree crew has a large number of trees to evaluate and maintain City-Wide. Contracted tree services allow the Maintenance Department to properly maintain all city trees in addition to having access to arborist and urgent response services that the department may not have the in-house ability to do.

Through an RFP process (open August 16 – September 16) three qualified proposals were received and at the September 24 opening and review, West Coast Arborist (WCA) was determined to be the lowest responsive and responsible proposal. WCA has been in business for 48 years and has performed similar maintenance services for the cities of Palo Alto, Newark and Monterey, just to name a few. WCA has also been working with the City of Los Altos in the past and performed satisfactorily and been very responsive.

Options

- 1) Award the annual not-to-exceed contract for \$110,000 for On-Call City Wide Tree Maintenance Services to West Coast Arborist and authorize the City Manager to execute a contract on behalf of the City.

Advantages: The City Maintenance Department will be able to provide complete maintenance services on all City-owned trees.



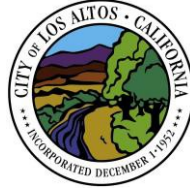
Subject: Contract Award: On-Call City Wide Tree Maintenance Services

2) Do not award not-to-exceed contract for On-Call City Wide Tree Maintenance Services.

Disadvantages: City Maintenance will not have immediate access to on-call tree maintenance services and will be subject to unknown pricing when using tree maintenance services.

Recommendation

The staff recommends Option 1.



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: October 12, 2021

Subject: Firearm Safe Storage Ordinance

Prepared by: Andy Galea, Chief of Police

Approved by: Jon Maginot, Deputy City Manager

Attachment(s):

1. Firearm Safe Storage Ordinance

Initiated by:

City Council

Previous Council Consideration:

April 27, 2021 / September 14, 2021

Fiscal Impact:

No significant fiscal impact is anticipated

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt an ordinance that requires a person in possession of a firearm in a residence in Los Altos to safely store the firearm by placing the firearm in a locked container, or to disable the firearm with a trigger lock, or to have the firearm in their close possession and control?

Summary:

- Firearm fatalities and injuries are of epidemic proportions in Santa Clara County and across the country, and that unsecured weapons in the home pose a threat to public health and safety.
- When firearms are left unsecured in homes, children are at risk of injury or death
- Studies have found that the risk for suicide increases when firearms are kept loaded and/or unlocked.
- According to the FBI, over half of female victims of intimate partner homicide in the United States are killed with a gun.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE

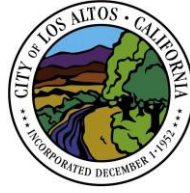


Subject: Firearm Safe Storage Ordinance

-
- There is a wide consensus that applying trigger locks or using lock boxes to store unsupervised firearms in the home promotes health and safety.
 - Keeping unsecured firearms in the home increases the flow of illegal guns into the community.

Staff Recommendation:

Adopt Ordinance No. 2021-481 amending the Los Altos Municipal Code by adding a new Chapter 7.29 entitled "Safe Storage of Firearms"



Subject: Firearm Safe Storage Ordinance

Purpose:

The proposed ordinance generally requires a person in possession of a firearm in a residence in the City of Los Altos to either store the firearm by placing the firearm in a locked container, or to disable the firearm with a trigger lock, or to have the firearm in their close possession and control.

Background / Discussion / Analysis:

California law does not have a requirement that owners of firearms store them safely. The proposed ordinance would apply only to a firearm while they are inside of residences in the City of Los Altos and not apply whenever firearms are carried outside of residences.

At the April 27, 2021, city council meeting, Council Member Weinberg provided information on safe firearms storage. Following public comments and Council comments Council Member Weinberg moved that the Council direct staff to prepare a safe storage ordinance for the Council's consideration. The ordinance is substantially in accord with Santa Clara County Ordinance No NS-644 and includes the following provisions.

No person shall keep a loaded or unloaded firearm in any residence unless the firearm is (1) carried on their person;(2) in proximity and control of a person who is authorized to carry the firearm in accordance with all applicable laws, or (3) is stored in a locked container or disabled by a trigger lock approved by the DOJ.

Each day that a firearm is improperly stored shall constitute a separate violation.

The first violation shall be an infraction punishable by fine of \$500 and each violation thereafter shall be a fine of \$1,000.

Nothing in our ordinance shall affect a person's obligation to report a lost or stolen firearm.

Options:

- 1) Adopt a firearms storage ordinance

Advantages: The ordinance will require the safe storage of firearms.

Disadvantages: No ordinance will exist that will require the safe storage of firearms.

- 2) Decline to adopt a firearms storage ordinance.

Advantages: No change to municipal code ordinance.

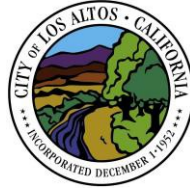
Disadvantages: Safe storage of firearms will not be required.



Subject: Firearm Safe Storage Ordinance

Recommendation:

The staff recommends Option 1



Subject: Firearm Safe Storage Ordinance

Advantages: The ordinance will require the safe storage of firearms.

Disadvantages: No ordinance will exist that will require the safe storage of firearms.

3) Decline to adopt a firearms storage ordinance.

Advantages: No change to municipal code ordinance.

Disadvantages: Safe storage of firearms will not be required.

Recommendation:

The staff recommends Option 1.

ORDINANCE NO. 2021-481

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE BY ADDING A NEW CHAPTER 7.29 ENTITLED “SAFE STORAGE OF FIREARMS” IN THE CITY OF LOS ALTOS AND MAKING FINDINGS PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT THAT THIS ORDINANCE IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

THE CITY COUNCIL OF THE CITY OF LOS ALTOS FINDS AS FOLLOWS:

- (a) Firearm fatalities and injuries are of epidemic proportions in Santa Clara County and across the country, and that unsecured weapons in the home pose a threat to public health and safety:
1. According to statistics from the County of Santa Clara Public Health Department, in 2016, 11 percent of injury deaths within the County were due to firearms.
 2. According to the United States Centers for Disease Control and Prevention, in 2017, in the United States 39,773 people lost their lives in firearm-related incidents including homicides, suicides, and unintentional shootings. Of those deaths, 23,854 (60%) were due to suicide, and 486 were due to accidental discharge of weapons.
 3. According to a study published in the New England Journal of Medicine, in 2016, firearms were the second-highest cause of death among youth aged 1 to 19. The rate of firearm deaths among youth in the United States is more than 35 times higher than the rate in other high-income Countries.
 4. According to the United States Centers for Disease Control and Prevention, from 2013 to 2017, on average more than 1,000 children and teens in the United States committed suicide using firearms annually.
 5. Studies have found that the vast majority of guns used in youth suicides, unintentional shootings among minors, and school shootings perpetrated by minors are acquired from the minor’s home, or the homes of relatives or friends.
 6. When firearms are left unsecured in homes, children are at risk of injury or death:
 - a. In October of 2020, in Merced, California, a young boy shot and killed his 5-year-old sister with a firearm he found loaded and unsecured in a bag laying on the floor of his house.
 - b. In June of 2019, a San Bernardino, California, a 12-year-old boy gained access to an “unsecured firearm” and shot and killed his twin brother.

ATTACHMENT 1

- c. In January of 2019, in San Jose, California, an 11-year-old was fatally shot by a 14-year-old after the teenager got a hold of two handguns that belonged to the grandfather of a friend.
- d. In April of 2019, in Fallbrook, California, a 12-year-old shot his 12-year old cousin in the shoulder after the children came across his uncle's gun.
- e. In March of 2019, in Miami Gardens, Florida, a 6-year-old fatally shot himself after coming across an unsecured firearm in his grandmother's home.
- f. In December of 2018, in Madera, California, a 5-year-old shot a 9-year-old in the back with an unsecured rifle at a family gathering.
- g. In July of 2018, a two-year-old toddler shot and killed himself with a loaded firearm he found on an entertainment center.
- h. In June of 2018, in Yakima, Washington, a 14-year-old shot his 14-year-old friend in the chest after the boys found an unsecured firearm in the shooter's home.
- i. In February of 2018, in Los Angeles, California, a 12-year-old brought a gun to school and injured four classmates after accidentally discharging the gun.
- j. In January of 2018, in Benton, Kentucky, a 15-year-old student opened fire on classmates, killing 2 and injuring 14 others, with a firearm he had found unsecured in his stepfather's closet.
- k. In August of 2017, in Syracuse, New York, a 9-year-old fatally shot his 8-year-old brother after finding their father's unsecured gun.
- l. In July of 2017, in Oakland, California, a 17-year-old boy visiting a relative's home fatally shot himself in the head while playing with an unsecured handgun.
- m. In July of 2016, in Lemoore, California, a 3-year-old who was visiting an apartment with her family fatally shot herself in the head after coming across an unsecured gun.
- n. In January of 2016, in Kokhanok, Alaska, an 11-year-old accidentally shot and killed a 5-year-old after finding an unsecured rifle.
- o. In May of 2015, in Gilroy, California, a 13-year-old accidentally shot herself in the leg with her stepfather's gun.

- p. In May of 2015, in Perris, California, a 14-year-old accidentally shot and killed his 9-year-old brother after the boys came across their stepfather's unsecured handgun.
 - q. In March of 2014, in Nuevo, California, a 5-year-old fatally shot himself after finding an unsecured firearm in his home.
 - r. In January of 2013, in Taft, California, a 16-year-old opened fire on his classmates, critically injuring one, after gaining access to his older brother's firearm.
7. Studies have found that the risk for suicide increases when firearms are kept loaded and/or unlocked.
 8. According to the FBI, over half of female victims of intimate partner homicide in the United States are killed with a gun. And, also according to FBI data, gun-related domestic killings increased by 26% from 2010 to 2017. Safely storing weapons may decrease the chances of a domestic dispute culminating in firearm related injury or death.
 9. There is a wide consensus among medical professionals, police chiefs, and gun rights advocates that applying trigger locks or using lock boxes to store unsupervised firearms in the home promotes health and safety:
 - a. The International Association of Chiefs of Police recommends that state and local governments mandate safe storage of firearms.
 - b. The American Academy of Pediatrics recommends that if families must have firearms in their homes, the firearms should be stored locked, unloaded, and separate from locked ammunition.
 - c. The National Rifle Association, the nation's leading gun rights advocacy organization, advises on its "NRA Family" website, that gun owners "[s]tore guns so they are inaccessible to unauthorized persons. What does this really mean? It means you need to take all possible steps to make sure that only you and trusted family members are able to get to your firearm."
 10. Keeping unsecured firearms in the home increases the flow of illegal guns into the community. According to the Center for American Progress, hundreds of thousands of firearms are stolen each year in the United States and many are subsequently sold illegally. The Center recommends that gun owners store firearms securely to help protect against theft.

(b) While government at all levels has an important, substantial, and compelling interest in protecting the public from firearm-related injuries and death, local governments are the entities primarily responsible for the protection of public health, safety, and welfare in their communities. The Los Altos City Council, therefore, has a responsibility to ensure that it protects public health and safety.

1. Our regional health care system incurs costs associated with treating and caring for those injured by firearm-related incidents. According to a 2018 analysis by the County of Santa Clara Public Health Department, the economic cost associated with firearm deaths, hospitalizations, and emergency department visits in Santa Clara County amounts to over \$126,000,000 annually, including the cost of medical bills and lost work. According to the Santa Clara Valley Medical Center, from January 1, 2016 to December 31, 2017, there were over 100 firearm injuries treated in the trauma center.
2. The City of Los Altos and its City Council respects the right of Los Altos residents to possess and lawfully use firearms. This ordinance applies only to firearms that are not being carried or in the close proximity and control of their lawful owners or other authorized users. Further, secure gun storage does not preclude swift access to firearms in the home by authorized users. The National Rifle Association notes that a modern gun lock box can be opened by its owner in less than two seconds, even in the dark.
3. Requiring firearms to be stored with trigger locks or in locked containers does not substantially burden a person's right and ability to use firearms for self-defense in the home.

(c) For the foregoing reasons, the City Council of the City of Los Altos wishes to protect the health, safety, and wellbeing of residents in the City of Los Altos, and the broader community, by reducing the potential for firearm related fatalities and injuries, including suicides, and diminishing the risk of theft by requiring gun owners to store their firearms in locked containers or with a disabling trigger lock except when being carried by or within the close proximity and control of an authorized person.

NOW THEREFORE, the City Council of the City of Los Altos does ordain as follows:

SECTION 1. The foregoing recitals are incorporated herein by this reference and made a part thereof.

SECTION 2. Los Altos Municipal Code is hereby amended by adding a new Chapter 7.29 entitled "Safe Storage of Firearms" to read as follows:

7.29.010 Definitions.

For purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. “*Firearm*” means any gun, pistol, revolver, rifle, or any device that is designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. “Firearm” does not include imitation firearms, BB guns, or air rifles as defined in Government Code section 53071.5 or any successor legislation.
- B. “*Close proximity and control*,” as used here, means within arm’s reach of a person who is actively paying attention to the firearm such that they could gain control of the weapon before an unauthorized person could access the weapon.
- C. “*Locked container*” means a locked container as defined in Penal Code section 16850, as amended from time to time and as listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.
- D. “*Residence*” means any structure intended or used for human habitation, including but not limited to houses, condominiums, rooms, in-law units, motels, hotels, single room occupancies, time shares, accessory dwelling units, and recreational and other vehicles where human habitation occurs, whether on a temporary or permanent basis, and whether owned, leased, rented, or used with or without compensation, and regardless of the lawful status of the structure or its occupancy. Notwithstanding the foregoing, “Residence” shall not include a seasonal hunting lodge when used by an individual with a valid hunting license from the state Department of Fish and Wildlife and when no child who does not also hold a valid hunting license from the state Department of Fish and Wildlife is present. A “seasonal hunting lodge” for the purposes of the previous sentence must be lawfully used for temporary human habitation, used by a given individual less than 90 days in a calendar year, and not located in an Urban Residential, Commercial, or Industrial District as defined by the Zoning Ordinance.
- E. “*Trigger lock*” means a trigger lock that is listed on the California Department of Justice’s roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the device under Penal Code section 23655(d).

7.29.29 Prohibition on keeping firearms in a residence unless in locked container, disabled with a trigger lock, carried by an authorized user, or in immediate control or possession of an authorized user.

- A. Except when carried on the person of an individual in accordance with all applicable laws or when in the close proximity and control of a person who is authorized to carry a firearm in accordance with all applicable laws, in the City of Los Altos no person shall keep a firearm in any residence unless the firearm is stored in a locked container or the firearm is disabled with a trigger lock. This provision does not apply to the storage or use of a firearm outside of a residence.
- B. Each day that a firearm is improperly stored shall constitute a separate violation of this Section.
- C. The first violation of this Section shall be an infraction punishable by a fine not to exceed \$500.00.
- D. All additional violations of this Section beyond the first violation shall constitute an infraction punishable by a fine not to exceed \$1,000.00.

7.29.30 Reporting theft or loss to law enforcement.

Nothing in this ordinance affects a person’s obligations under California Penal Code §25250 to report that a firearm has been lost or stolen to local authorities within five days of the time he or she knew or reasonably should have known that the firearm had been lost or stolen.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA. The City Council finds and determines that the proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on September 14, 2021 and was thereafter, at a regular meeting held on _____, 2021 passed and adopted by the following vote:

AYES:

ATTACHMENT 1

NOES:
ABSENT:
ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

ORDINANCE NO. 2021-481

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE LOS ALTOS MUNICIPAL CODE BY ADDING A NEW CHAPTER
7.29 ENTITLED “SAFE STORAGE OF FIREARMS” IN THE CITY OF LOS ALTOS
AND MAKING FINDINGS PURSUANT TO CALIFORNIA ENVIRONMENTAL
QUALITY ACT THAT THIS ORDINANCE IS CATEGORICALLY EXEMPT FROM
ENVIRONMENTAL REVIEW**

THE CITY COUNCIL OF THE CITY OF LOS ALTOS FINDS AS FOLLOWS:

- (a) Firearm fatalities and injuries are of epidemic proportions in Santa Clara County and across the country, and that unsecured weapons in the home pose a threat to public health and safety:
 - 1. According to statistics from the County of Santa Clara Public Health Department, in 2016, 11 percent of injury deaths within the County were due to firearms.
 - 2. According to the United States Centers for Disease Control and Prevention, in 2017, in the United States 39,773 people lost their lives in firearm-related incidents including homicides, suicides, and unintentional shootings. Of those deaths, 23,854 (60%) were due to suicide, and 486 were due to accidental discharge of weapons.
 - 3. According to a study published in the New England Journal of Medicine, in 2016, firearms were the second-highest cause of death among youth aged 1 to 19. The rate of firearm deaths among youth in the United States is more than 35 times higher than the rate in other high-income Countries.
 - 4. According to the United States Centers for Disease Control and Prevention, from 2013 to 2017, on average more than 1,000 children and teens in the United States committed suicide using firearms annually.
 - 5. Studies have found that the vast majority of guns used in youth suicides, unintentional shootings among minors, and school shootings perpetrated by minors are acquired from the minor’s home, or the homes of relatives or friends.
 - 6. When firearms are left unsecured in homes, children are at risk of injury or death:
 - a. In October of 2020, in Merced, California, a young boy shot and killed his 5-year-old sister with a firearm he found loaded and unsecured in a bag laying on the floor of his house.

- b. In June of 2019, in San Bernardino, California, a 12-year-old boy gained access to an “unsecured firearm” and shot and killed his twin brother.
- c. In January of 2019, in San Jose, California, an 11-year-old was fatally shot by a 14-year-old after the teenager got a hold of two handguns that belonged to the grandfather of a friend.
- d. In April of 2019, in Fallbrook, California, a 12-year-old shot his 12-year old cousin in the shoulder after the children came across his uncle's gun.
- e. In March of 2019, in Miami Gardens, Florida, a 6-year-old fatally shot himself after coming across an unsecured firearm in his grandmother’s home.
- f. In December of 2018, in Madera, California, a 5-year-old shot a 9-year-old in the back with an unsecured rifle at a family gathering.
- g. In July of 2018, a two-year-old toddler shot and killed himself with a loaded firearm he found on an entertainment center.
- h. In June of 2018, in Yakima, Washington, a 14-year-old shot his 14-year-old friend in the chest after the boys found an unsecured firearm in the shooter’s home.
- i. In February of 2018, in Los Angeles, California, a 12-year-old brought a gun to school and injured four classmates after accidentally discharging the gun.
- j. In January of 2018, in Benton, Kentucky , a 15-year-old student opened fire on classmates, killing 2 and injuring 14 others, with a firearm he had found unsecured in his stepfather’s closet.
- k. In August of 2017, in Syracuse, New York, a 9-year-old fatally shot his 8-year-old brother after finding their father’s unsecured gun.
- l. In July of 2017, in Oakland, California, a 17-year-old boy visiting a relative’s home fatally shot himself in the head while playing with an unsecured handgun.
- m. In July of 2016, in Lemoore, California, a 3-year-old who was visiting an apartment with her family fatally shot herself in the head after coming across an unsecured gun.

- n. In January of 2016, in Kokhanok, Alaska, an 11-year-old accidentally shot and killed a 5-year-old after finding an unsecured rifle.
 - o. In May of 2015, in Gilroy, California, a 13-year-old accidentally shot herself in the leg with her stepfather's gun.
 - p. In May of 2015, in Perris, California, a 14-year-old accidentally shot and killed his 9-year-old brother after the boys came across their stepfather's unsecured handgun.
 - q. In March of 2014, in Nuevo, California, a 5-year-old fatally shot himself after finding an unsecured firearm in his home.
 - r. In January of 2013, in Taft, California, a 16-year-old opened fire on his classmates, critically injuring one, after gaining access to his older brother's firearm.
7. Studies have found that the risk for suicide increases when firearms are kept loaded and/or unlocked.
8. According to the FBI, over half of female victims of intimate partner homicide in the United States are killed with a gun. And, also according to FBI data, gun-related domestic killings increased by 26% from 2010 to 2017. Safely storing weapons may decrease the chances of a domestic dispute culminating in firearm related injury or death.
9. There is a wide consensus among medical professionals, police chiefs, and gun rights advocates that applying trigger locks or using lock boxes to store unsupervised firearms in the home promotes health and safety:
- a. The International Association of Chiefs of Police recommends that state and local governments mandate safe storage of firearms.
 - b. The American Academy of Pediatrics recommends that if families must have firearms in their homes, the firearms should be stored locked, unloaded, and separate from locked ammunition.
 - c. The National Rifle Association, the nation's leading gun rights advocacy organization, advises on its "NRA Family" website, that gun owners "[s]tore guns so they are inaccessible to unauthorized persons. What does this really

mean? It means you need to take all possible steps to make sure that only you and trusted family members are able to get to your firearm."

10. Keeping unsecured firearms in the home increases the flow of illegal guns into the community. According to the Center for American Progress, hundreds of thousands of firearms are stolen each year in the United States and many are subsequently sold illegally. The Center recommends that gun owners store firearms securely to help protect against theft.

(b) While government at all levels has an important, substantial, and compelling interest in protecting the public from firearm-related injuries and death, local governments are the entities primarily responsible for the protection of public health, safety, and welfare in their communities. The Los Altos City Council, therefore, has a responsibility to ensure that it protects public health and safety.

1. Our regional health care system incurs costs associated with treating and caring for those injured by firearm-related incidents. According to a 2018 analysis by the County of Santa Clara Public Health Department, the economic cost associated with firearm deaths, hospitalizations, and emergency department visits in Santa Clara County amounts to over \$126,000,000 annually, including the cost of medical bills and lost work. According to the Santa Clara Valley Medical Center, from January 1, 2016 to December 31, 2017, there were over 100 firearm injuries treated in the trauma center.

2. The City of Los Altos and its City Council respects the right of Los Altos residents to possess and lawfully use firearms. This ordinance applies only to firearms that are not being carried or in the close proximity and control of their lawful owners or other authorized users. Further, secure gun storage does not preclude swift access to firearms in the home by authorized users. The National Rifle Association notes that a modern gun lock box can be opened by its owner in less than two seconds, even in the dark.

3. Requiring firearms to be stored with trigger locks or in locked containers does not substantially burden a person's right and ability to use firearms for self-defense in the home.

(c) For the foregoing reasons, the City Council of the City of Los Altos wishes to protect the health, safety, and wellbeing of residents in the City of Los Altos, and the broader community, by reducing the potential for firearm related fatalities and injuries, including suicides, and diminishing the risk of theft by requiring gun owners to store their firearms

in locked containers or with a disabling trigger lock except when being carried by or within the close proximity and control of an authorized person.

NOW THEREFORE, the City Council of the City of Los Altos does ordain as follows:

SECTION 1. The foregoing recitals are incorporated herein by this reference and made a part thereof.

SECTION 2. Los Altos Municipal Code is hereby amended by adding a new Chapter 7.29 entitled “Safe Storage of Firearms” to read as follows:

7.29.010 Definitions.

For purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. “*Firearm*” means any gun, pistol, revolver, rifle, or any device that is designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. “Firearm” does not include imitation firearms, BB guns, or air rifles as defined in Government Code section 53071.5 or any successor legislation.
- B. “*Close proximity and control*,” as used here, means within arm’s reach of a person who is actively paying attention to the firearm such that they could gain control of the weapon before an unauthorized person could access the weapon.
- C. “*Locked container*” means a locked container as defined in Penal Code section 16850, as amended from time to time and as listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.
- D. “*Residence*” means any structure intended or used for human habitation, including but not limited to houses, condominiums, rooms, in-law units, motels, hotels, single room occupancies, time shares, accessory dwelling units, and recreational and other vehicles where human habitation occurs, whether on a temporary or permanent basis, and whether owned, leased, rented, or used with or without compensation, and regardless of the lawful status of the structure or its occupancy. Notwithstanding the foregoing, “Residence” shall not include a seasonal hunting lodge when used by an individual with a valid hunting license from the state Department of Fish and Wildlife and when no child who does not also hold a valid hunting license from the state Department of Fish and Wildlife

is present. A “seasonal hunting lodge” for the purposes of the previous sentence must be lawfully used for temporary human habitation, used by a given individual less than 90 days in a calendar year, and not located in an Urban Residential, Commercial, or Industrial District as defined by the Zoning Ordinance.

- E. “*Trigger lock*” means a trigger lock that is listed on the California Department of Justice’s roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the device under Penal Code section 23655(d).

7.29.029 Prohibition on keeping firearms in a residence unless in locked container, disabled with a trigger lock, carried by an authorized user, or in immediate control or possession of an authorized user.

- A. Except when carried on the person of an individual in accordance with all applicable laws or when in the close proximity and control of a person who is authorized to carry a firearm in accordance with all applicable laws, in the City of Los Altos no person shall keep a firearm in any residence unless the firearm is stored in a locked container or the firearm is disabled with a trigger lock. This provision does not apply to the storage or use of a firearm outside of a residence.
- B. Each day that a firearm is improperly stored shall constitute a separate violation of this Section.
- C. The first violation of this Section shall be an infraction punishable by a fine not to exceed \$500.00.
- D. All additional violations of this Section beyond the first violation shall constitute an infraction punishable by a fine not to exceed \$1,000.00.

7.29.030 Reporting theft or loss to law enforcement.

Nothing in this ordinance affects a person’s obligations under California Penal Code §25250 to report that a firearm has been lost or stolen to local authorities within five days of the time he or she knew or reasonably should have known that the firearm had been lost or stolen.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA. The City Council finds and determines that the proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on September 14, 2021 and was thereafter, at a regular meeting held on October 12, 2021 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Aditi Goel](#)
To: [Public](#)
Subject: [Public Comment](#) CONSENT AGENDA ITEM #4 Ordinance No. 2021-481 - 10/12
Date: Thursday, October 7, 2021 9:44:08 AM

I am writing in support of CONSENT AGENDA ITEM #4 Firearm Safe Storage Ordinance No. 2021-481.

Thank you city council members for taking this first step to start conversations about safe gun ownership.

A recent study conducted by Everytown for Gun Safety found that households that locked both firearms and ammunition were associated with a 78 percent lower risk of self-inflicted firearm injuries and an 85 percent lower risk of unintentional firearm injuries among children and teens. We also have data that shows that 5.2 million children live in a home with a firearm that isn't stored properly.

Thank you for taking this step to making our community safer.

From: [Indu](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT CONSENT AGENDA ITEM #4 Ordinance No. 2021-481 - 10/12
Date: Thursday, October 7, 2021 9:52:40 AM

As a volunteer with Moms Demand Action, I am writing in support of CONSENT AGENDA ITEM #4 Firearm Safe Storage Ordinance No. 2021-481.

Thank you city council members for taking this first step to start conversations about safe gun ownership.

A recent study conducted by Everytown for Gun Safety found that households that locked both firearms and ammunition were associated with a 78 percent lower risk of self-inflicted firearm injuries and an 85 percent lower risk of unintentional firearm injuries among children and teens. We also have data that shows that 5.2 million children live in a home with a firearm that isn't stored properly.

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT CONSENT AGENDA ITEM #4 Ordinance No. 2021-481 - 10/12
Date: Thursday, October 7, 2021 11:51:48 AM

As a volunteer with Moms Demand Action, I am writing in support of CONSENT AGENDA ITEM #4 Firearm Safe Storage Ordinance No. 2021-481.

Thank you city council members for taking this first step to start conversations about safe gun ownership.

A recent study conducted by Everytown for Gun Safety found that households that locked both firearms and ammunition were associated with a 78 percent lower risk of self-inflicted firearm injuries and an 85 percent lower risk of unintentional firearm injuries among children and teens. We also have data that shows that 5.2 million children live in a home with a firearm that isn't stored properly.

Thank you again,

Jan Russo
1084 Parma Way

From: [Stephen Lazarus](#)
To: [Public Comment](#)
Subject: Subject line: PUBLIC COMMENT CONSENT AGENDA ITEM #4 Ordinance No. 2021-481 - 10/12
Date: Friday, October 8, 2021 2:31:34 PM

Thanks you for considering gun safety. I know/hope that others are vying you this statistic from Mom's Demand Action

A recent study conducted by Everytown for Gun Safety found that households that locked both firearms and ammunition were associated with a 78 percent lower risk of self-inflicted firearm injuries and an 85 percent lower risk of unintentional firearm injuries among children and teens. We also have data that shows that 5.2 million children live in a home with a firearm that isn't stored properly.

Passing this ordinance should not be controversial .

Steve Lazarus
2062 Cynthia Way
94024



CONSENT CALENDAR

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: October 12, 2021

Subject: Emergency Declaration Resolution

Prepared by: Jon Maginot, Deputy City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution No. 2021-51

Initiated by:

Staff

Previous Council Consideration:

March 12, 2020 (Declaration of Emergency); March 17, 2020; August 24, 2021

Fiscal Impact:

None. However, a local emergency declaration is a prerequisite for requesting state or federal assistance.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to renew its existing declaration by adopting a resolution declaring a local emergency to emphasize the need for continued adherence to public health guidance?

Summary:

- Resolution No. 2021-46 directs staff to report back on the state of the local emergency within 60 days of adoption
- AB 361 requires the City to adopt a resolution every 30 days extending a local emergency declaration to continue to allow legislative bodies to meet virtually

Staff Recommendation:

Adopt Resolution No. 2021-51 extending the declaration of a local emergency due to the COVID-19 pandemic

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JM



Subject: Emergency Declaration Resolution

Purpose

To adopt a resolution extending the existing declaration of emergency

Background

On March 12, 2020, the City Manager issued an Emergency Declaration in response to the COVID-19 pandemic. On March 17, 2020, the City Council adopted Resolution No. 2020-08 ratifying the Emergency Proclamation. On August 24, 2021, the City Council adopted Resolution No. 2021-46 continuing the declaration of the existence of a local emergency due to the COVID-19 pandemic.

The threat posed by COVID-19 continues to pose a serious risk to the public health and safety of the City of Los Altos.

Discussion/Analysis

Resolution No. 2021-46, adopted on August 24, 2021, states that the Director of Emergency Services (City Manager) is to report to the City Council within sixty (60) days on the need for further continuing the local emergency.

AB 361, signed into law on September 15, 2021, allows a public agency to continue to hold virtual City Council and Commission meetings while under a declaration of emergency without complying with certain elements of the Ralph M. Brown Act. The bill requires that a legislative body renew the declaration of emergency every 30 days in order to continue meeting in this matter.

Recommendation

The staff recommends Council adopt the attached resolution extending the declaration of emergency due to the COVID-19 pandemic.

RESOLUTION NO. 2021-51

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO
THE COVID-19 PANDEMIC**

WHEREAS, on March 4, 2020, the Governor issued a proclamation of a state of emergency relating to the respiratory illness known as COVID-19, which is caused by the novel corona virus SARS-CoV-2; and

WHEREAS, on March 11, 2020, the World Health Organization declared the existence of a pandemic due to the global spread of COVID-19; and

WHEREAS, on March 12, 2020, the Los Altos City Manager, in his capacity as the City’s Director of Emergency Services, proclaimed a local emergency in response to the escalation of COVID-19 to a pandemic, and on March 17, 2020, the City Council adopted Resolution 2020-08 ratifying and continuing the proclamation of local emergency; and

WHEREAS, on March 16, 2020, the Santa Clara County Health Officer issued the first of successive orders requiring all individuals residing in the County to shelter in their places of residence as specified, to socially distance, and to take other measures to prevent community spread of COVID-19; and

WHEREAS, on March 19, 2020, the Governor issued a statewide shelter-in-place order; and on August 28, 2020, the Governor announced a “Blueprint for a Safer Economy,” which provided protocols for slowly reopening the state’s economy following the initial shelter-in-place mandate; and

WHEREAS, on August 24, 2021, the City Council adopted Resolution No. 2021-46 extending the declaration of a local emergency; and

WHEREAS, by the beginning of October 2021, over 1,775 Santa Clara County residents had died of COVID-19; and

WHEREAS, due to the diligence of Los Altos residents in complying with health guidance Los Altos has one of the lowest rates of reported incidence of COVID-19 infection in Santa Clara County; and

WHEREAS, vaccines provide proven protection against COVID-19; and

WHEREAS, by the beginning of October 2021, approximately 84 percent of Santa Clara County residents over the age of 12 had been vaccinated, and statewide vaccination rates were higher than the national average; and

WHEREAS, the Governor lifted the Blueprint for a Safer Economy on June 15, 2021, and local health restrictions have also been lifted due to sharp declines in COVID-19 case counts since vaccines first became available; and

WHEREAS, despite progress in addressing the pandemic, not all eligible individuals are fully vaccinated, and new, more virulent variants of the SARS-CoV-2 virus are spreading in California and throughout the world; and

WHEREAS, according to the California Department of Public Health, by July 21, 2021, nearly 85 percent of new COVID-19 cases in California were caused by the highly contagious “delta” variant; and

WHEREAS, although breakthrough infections are rare for fully vaccinated individuals, available COVID-19 vaccines have proven less effective against the delta variant than against prior strains of the SARS-CoV-2 virus; and

WHEREAS, due to the spread of the delta variant and because not all eligible persons are vaccinated yet, the incidence of COVID-19 infection is again on the rise in Santa Clara County; and

WHEREAS, according to the Santa Clara County Health Department, by July 1, 2021, the 7-day average of new COVID-19 cases reported in Santa Clara County was down to 37 cases per day, but three weeks later on July 22, 2021, the 7-day average was up to 188 cases per day; and

WHEREAS, as a result of rising case counts, on August 2, 2021, the Santa Clara County Health Officer issued a new health order requiring the use of face coverings indoors by all persons; and

WHEREAS, despite significant progress, COVID-19 remains a threat to public health and safety in the Los Altos community; and

WHEREAS, throughout the pandemic, the City of Los Altos has taken steps to address the health crisis, for example, by facilitating outdoor dining within the City; and

WHEREAS, AB 361 requires the City Council make findings every thirty (30) days reaffirming the existence of a local emergency; and

WHEREAS, in view of the ongoing health crisis, the City Council now desires to affirm its existing declaration of local emergency.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Altos that:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ___ day of ____, 2020 by the following vote:

1. The City Council has reviewed the need for continuing the declaration of local emergency and finds, based on substantial evidence, that the foregoing recitals are true and correct and that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Los Altos.
3. The Director of Emergency Services is hereby directed to report to the City Council within thirty (30) days on the need for further continuing the local emergency and, if deemed appropriate, the City Council may take further action.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ___ day of ____, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 6

AGENDA REPORT SUMMARY

Meeting Date: October 12, 2021

Subject: Professional Services Agreement with Bellecci & Associates, Inc. for Various Engineering Tasks

Prepared by: Andrea Trese, Associate Civil Engineer

Reviewed by: Aida Fairman, Engineering Services Manager
James Sandoval, Engineering Services Director

Approved by: Jon Maginot, Deputy City Manager

Attachment:

None

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

The Professional Services Agreement will be in the not-to-exceed amount of \$70,000 for FY 2021-2022.

- Also requesting authorization to execute an amendment to the agreement in the amount of an additional \$70,000 each year for up to five years beginning FY 2019-2020 (i.e., through FY 2023-2024)
- The proposed amendment for FY 2022-2023 will cause the total contract value to exceed the \$75,000 limit, which requires authorization by Council
- The funds for this Agreement for FY 2021-2022 are already included in the approved Engineering Services Department Operating Budget for FY 2021-2022

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

None

Summary:

- This Agreement would provide funds for various engineering tasks and for assistance with this year's construction site stormwater pollution prevention inspections

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: Professional Services Agreement with Bellecci & Associates, Inc. for Various Engineering Tasks

-
- Staff anticipates similar needs for assistance with such tasks on an annual basis in upcoming years and is requesting authorization to execute this agreement for FY 2021-2022 as well as authorization for a future amendment each year, if needed, to continue with an additional \$70,000 annually from FY 2022-2023 through FY 2023-2024

Staff Recommendation:

Authorize the City Manager to execute an Agreement with Bellecci and Associates, Inc. in the amount of \$70,000 for consulting and support services for various engineering tasks for FY 2021-2022 and to execute future Amendments to that Agreement in the amount of an additional \$70,000 annually for FY 2022-2023 and FY 2023-2024



Subject: Professional Services Agreement with Bellecci & Associates, Inc. for Various Engineering Tasks

Purpose

Authorize the City Manager to execute an Agreement with Bellecci and Associates, Inc. in the amount of \$70,000 for consulting and support services for various engineering tasks for FY 2021-2022 and to execute future Amendments to that Agreement in the amount of an additional \$70,000 annually for FY 2022-2023 and FY 2023-2024.

Background

On June 9, 2020, the City entered into an agreement with Bellecci & Associates, Inc. for Various Engineering Services in the amount of \$30,000. Earlier in 2020, the City shortlisted Bellecci & Associates, Inc. through the Request for Qualifications process. Bellecci & Associates, Inc. was selected from the shortlist of firms to provide various engineering services, which have included assistance with a structural feasibility study relating to work near a City storm drain pipe, design and related services for repair of a storm drain outfall, and assistance with inspections of active construction sites for compliance with stormwater pollution prevention requirements. On September 9, 2020, the City executed Amendment No. 1 to the agreement in the amount of \$40,000 to provide additional services for the projects described above.

The proposed agreement would be for similar services to those successfully completed under the previous agreement with Bellecci and Associates for various engineering tasks. Various tasks may be related to utilities such as sewer or storm drain work or to traffic such as street resurfacing or transportation improvements. These services would be utilized when highly technical engineering skills that staff do not have are required or when the City experiences capacity issues (i.e. when staff vacancies occur or when there is a high volume of projects underway).

Discussion/Analysis

The proposed Agreement with Bellecci & Associates, Inc. may include assistance with various engineering tasks including, but not limited to, tasks for CIP projects or tasks that are related to required activities for ongoing compliance programs. Under the proposed agreement, Bellecci and Associates, Inc. may assist in inspecting construction sites for compliance with stormwater pollution prevention requirements. This is considered an annual task for compliance with the Municipal Regional Stormwater Permit. The proposed Agreement with Bellecci & Associates, Inc. is in the not-to-exceed amount of \$70,000 for FY 2021-2022. The City anticipates similar needs for FY 2022-2023 and FY 2023-2024 and is requesting authorization to execute a future amendment in the amount of an additional not-to-exceed amount of \$70,000 annually for FY 2022-2023 and FY 2023-2024 (for a total of \$140,000 over the two additional years). Bellecci & Associates, Inc. has been in business for more than 30 years and has satisfactorily completed similar work for the City of Los Altos and other municipalities in the Bay Area.



Subject: Professional Services Agreement with Bellecci & Associates, Inc. for Various Engineering Tasks

Options

- 1) Authorize the City Manager to execute an Agreement with Bellecci and Associates, Inc. to provide funds for assistance with Various Engineering Services for FY2021-2022 and to annually execute an Amendment to that Agreement for Various Engineering Services through FY 2023-2024.

Advantages: The consultant can provide assistance with various engineering tasks, including inspections for compliance with stormwater pollution prevention requirements at active construction site and other tasks that are not included in CIP projects.

Disadvantages: None

- 2) Do not authorize the City Manager to execute the Agreement and future Amendments with Bellecci and Associates, Inc.

Advantages: None

Disadvantages: Studies, designs, or inspections related to the City's storm drainage system or to other various engineering tasks may be delayed.

Recommendation

The staff recommends Option 1.



CONSENT CALENDAR

Agenda Item # 6A

AGENDA REPORT SUMMARY

Meeting Date: October 12, 2021

Subject: Contract Award: Sanitary Sewer Video Inspection, Project WW-01011

Prepared by: Andrea Trese, Associate Civil Engineer

Reviewed by: Aida Fairman, Engineering Services Manager

Jim Sandoval, Engineering Services Director

Approved by: Gabriel Engeland, City Manager

Attachment:

1. Bid Summary for Sanitary Sewer Video Inspection, Project WW-01011

Initiated by:

City Council, CIP Project WW-01011

Previous Council Consideration:

None

Fiscal Impact:

Based on the low responsive and responsible bid, the estimated project costs are as follows. Any remaining project funds will be rolled over into the next year's CIP project for Sanitary Sewer Video Inspection.

Project Item	Project Budget
Design	NA (in house)
Construction	\$397,385.65
Inspection and testing services	\$10,000
Printing/Environmental Doc/Misc.	\$3,000
Construction contingency (15%)	\$59,607.85
Estimated Total Cost	\$469,993.50
WW-01011 Available Funds Total	\$880,000

Environmental Review:

Categorically Exempt pursuant to CEQA Section 15301 (b), involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public sewerage involving negligible or no expansion of existing or former use.

Policy Question(s) for Council Consideration:

Not applicable.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: Contract Award: Sanitary Sewer Video Inspection, Project WW-01011

Summary:

- The project includes cleaning and television inspection of approximately 108,171 linear feet of sanitary sewer lines throughout the southern part of Los Altos
- Although APS Environmental, Inc. initially appeared to be the low bidder, upon verification of bid requirements, Pipe and Plan Solutions, Inc. was determined to be the lowest responsible, responsive bidder

Staff Recommendation:

Award the Base Bid and Add Alternate Bid No. 1 for the Sanitary Sewer Video Inspection, Project WW-01011 to Pipe and Plant Solutions, Inc. in the amount of \$397,385.65 and authorize the City Manager to execute a contract in the amount of \$397,385.65 and up to 15% contingency on behalf of the City



Subject: Contract Award: Sanitary Sewer Video Inspection, Project WW-01011

Purpose

Award the Base Bid and Add Alternate Bid No. 1 for the Sanitary Sewer Video Inspection, Project WW-01011 to Pipe and Plant Solutions, Inc. in the amount of \$397,385.65 and authorize the City Manager to execute a contract in the amount of \$397,385.65 and up to 15% contingency on behalf of the City.

Background

Video inspection of the City's sanitary sewer pipes provides the City's engineers with valuable information for each pipe segment, such as the structural integrity of pipe walls or the presence of fats, oils, and grease buildup within the system. The City's Sanitary Sewer Master Plan recommends video inspection on a schedule of approximately one fifth of the City's sanitary sewer mains per year. The City has recently completed the first one fifth of the City's sanitary sewer mains, and this is the second project on the video inspection schedule in the current five-year cycle.

Discussion/Analysis

On August 3, 2021, and on August 4, 2021, a total of five (5) bids were opened for CIP Project WW-01011. The bid results are included as Attachment 1. The project consists of performing cleaning and television inspection of approximately 108,171 linear feet of various sanitary sewer lines ranging in size from 6 inches to 20 inches. The scope of work of the approximate total quantity of 116,115 linear feet includes cleaning and television inspection of approximate 108,171 linear feet from the Base Bid and approximate 7,944 linear feet from the Add Alternate Bid No. 1. The locations of these inspections are at various locations throughout the southeastern part of Los Altos.

It is recommended to award the Base Bid and Add Alternate Bid No. 1 to Pipe and Plant Solutions, Inc., which was determined to be the lowest responsible, responsive bid in the amount of \$397,385.65 for the total bid. The determination of the lowest bid was based upon the total bid, which includes the Base Bid and Add Alternate Bid No. 1. Initially, APS Environmental, Inc. had the apparent low bid. However, upon verification of bid requirements, Pipe and Plant Solutions, Inc. was determined to be the lowest responsible, responsive bidder.

Pipe and Plant Solutions, Inc., has no deficiencies against its General Contractor's license. There are no open violations for Pipe and Plant Solutions, Inc. listed in the Federal Government's Occupational Safety and Health Administration (OSHA) database. The Company has been in business for ten years and has satisfactorily completed similar projects for the City of Los Altos, City of Santa Clara, San Francisco (SFPUC), and the City of San Jose.



Subject: Contract Award: Sanitary Sewer Video Inspection, Project WW-01011

Options

- 1) Award the Base Bid and Add Alternate Bid No. 1 for the Sanitary Sewer Video Inspection, Project WW-01011 in the amount of \$397,385.65 to Pipe and Plant Solutions, Inc. and authorize the City Manager to execute a contract on behalf of the City.

- 2) Reject the bids for Project WW-01011 and re-bid the project.

Recommendation

The staff recommends Option 1.

Bid Summary
Tuesday, August 3 and Wednesday August 4, 2021
Sanitary Sewer Video Inspection
Project WW-01011

Engineer's Estimate

Base Bid:	\$432,684.00
Add Alternate Bid No. 1:	<u>\$ 31,776.00</u>
Total Bid:	\$464,460.00

Contractor	Base Bid	Add Alternate Bid No. 1	Total Bid
Pipe and Plant Solutions, Inc.	\$369,581.65	\$27,804.00	\$397,385.65
Pro-pipe, Inc.	\$386,927.39	\$28,598.40	\$415,525.79
Express Plumbing (EPS, Inc.)	\$396,098.50	\$23,832.00	\$419,930.50
AIMS PVIC, LLC	\$441,017.10	\$19,065.60	\$460,082.70
APS Environmental, Inc.	Non-responsive	Non-responsive	Non-responsive



DISCUSSION ITEM

Agenda Item # 7

AGENDA REPORT SUMMARY

Meeting Date: October 12, 2021

Subject: Proposed Amendments to City of Los Altos Guidelines for Public Art

Prepared by: Jaime Chew, Recreation Manager

Reviewed by: Donna Legge, Recreation & Community Services Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Current City of Los Altos Guidelines for Public Art
2. Donation Policy Amendment
3. Proposed Partnership Program Amendment
4. Redline of City of Los Altos Guidelines for Public Art

Initiated by:

Public Arts Commission

Previous Council Consideration:

October 23, 2018

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Will Council support the proposed amendments to the Los Altos Guidelines for Public Art as recommended by the Public Arts Commission?

Summary:

- At the regular meeting of July 26, 2018, the Public Arts Commission (PAC) unanimously approved to recommend the Guidelines for Public Art to be approved by City Council.
- At the regular meeting of October 23, 2018, City Council unanimously adopted the City of Los Altos Guidelines for Public Art with direction that was provided during the October 23, 2018, joint meeting with the PAC.
- At the regular meeting of July 22, 2021, PAC discussed amending the guidelines to incorporate a section on partnerships.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: Proposed Amendments to City of Los Altos Guidelines for Public Art

-
- At the special meeting of September 2, 2021, PAC unanimously approved amendments to the guidelines which included the addition of a partnership section, and minor changes to the donation section to be recommended to City Council for adoption.

Staff Recommendation:

Review and approve the proposed amendments, as recommended by the PAC, to the City of Los Altos Guidelines for Public Art.



Subject: Proposed Amendments to City of Los Altos Guidelines for Public Art

Purpose

Review and approve the proposed amendments, as recommended by the PAC, to the City of Los Altos Guidelines for Public Art.

Background

On July 26, 2018, the PAC unanimously approved to recommend the Guidelines for Public Art to be approved by City Council. The Guidelines contained the following elements:

1. An overview of the Public Art Program in Los Altos
2. The role and responsibilities of the PAC
3. Procedures for the donation of Public Art to the City
4. Procedures for the maintenance of Public Art
5. Procedures for decommissioning and removing Public Art

On October 23, 2018, City Council unanimously adopted the City of Los Altos Guideline with direction that was provided during the October 23, 2018, joint meeting with the PAC.

On July 10, 2018, City Council adopted Ordinance No. 2018-446: Public Art Development Fee establishing a development fee of 1% for public art, creating a Public Art Fund and establishing requirements for inclusion of public art in development projects. In May 2021, the City received \$166,127 for the Public Art Fund.

This installment of Public Art funding motivated the PAC to establish a clear process to facilitate partnerships between the PAC, local artists, and/or organizations. Over the next 2 months, the PAC created procedures for partnering, in addition to refining their procedures for donations of Public Art to the City.

Discussion/Analysis

Outlined below are the proposed amendments to the City of Los Altos Guidelines for Public Art.

Proposed Amendments to Section 3:

Procedures for the donation of Public Art to the City

- Role of the Sponsor or Supporting Artist
 - Add – If a member of City Council, City Staff, or the Los Altos Public Arts Commission has requested a work of art, they will be recused from voting to accept their own donation.
- Donation Proposal Procedures



Subject: Proposed Amendments to City of Los Altos Guidelines for Public Art

-
- Add #8 – Note that the City will only accept 1 donation from the same organization per calendar year.

Proposed Section 6:

Community Collaborations: Strengthening Participation in the Arts through Local Partnerships

Overview

Public art has the power, over time, to transform the image of Los Altos. The Los Altos Public Arts Commission (LAPAC) envisions our city to be one with artwork that celebrates the diversity and history of our community. Partnering with complementary arts organizations supports this vision and is an effective way of further developing our community’s interest and participation in public art and placemaking. Arts collaborations also support LAPAC’s goal of using the arts to create awareness and enhance the quality of our lives.

As a Commission, our work with other groups should be true collaborations, including but not limited to researching and deciding together on an idea, site selection, artist(s) / artwork selection, joint funding, and media outreach.

LAPAC’s goal for all sponsored or co-sponsored public art programs is to:

- Shape the quality of life and spirit in our community;
- Build a stronger sense of place and identity;
- Enhance pride and community collaboration;
- Enrich the community experience; and
- Increase economic vitality by creating interesting and “visit worthy” public spaces.

Program Operating Guidelines

- Art that the LAPAC co-sponsors as part of this program must adhere to the policies outlined in the [*Guidelines for Public Art in Los Altos, rev. August, 2018*](#). Artists must be Los Altos residents; arts educational organizations must be based in Los Altos.
- Equal contribution of funds from each partner organization is required. This includes art search fees, artist stipends, art insurance, installation, maintenance, signage, media expenses, and other costs associated with the successful exhibition of artwork.
- Once per year, the LAPAC will provide a \$1,000.00 “stipend” to partially sponsor an underfunded artist or arts education organization that is interested in partnering (see the **Sponsored Artist Program** below).
- To keep our arts program fresh and not reliant on a single group, partnerships with the same organization will be limited to once every 36 months.



Subject: Proposed Amendments to City of Los Altos Guidelines for Public Art

-
- As part of the annual budget process, Calls for Art, “fixed expense” public arts priorities (art maintenance, signage, installation, and insurance costs), community-focused art programs, Community Center art, and other Commission priorities are decided upon and budgeted, prior to committing to partner or sponsorships.
 - Co-sponsored program dates (with milestones) will be agreed upon prior to launching a partnership with a local arts organization.
 - During initial planning, LAPAC and the potential partner/sponsor will agree on a promotional/media plan, identify required promotional materials, and all associated costs.
 - Payment by the City or reimbursements by the co-sponsor will be paid by the agreed upon method (by milestone, activity, or on completion).
 - Partnership / sponsorship communications will reflect the joint nature of the venture. Signage for any joint artwork, project, program or activity will comply with the “look and feel” of the Los Altos Public Arts Commission’s existing signage style and typeface. The “Los Altos Public Arts Commission” will always be listed first on signage and publicity, including: press releases, web pages entries and social media posts Partner logo, color, specialized type, or tagline are not permissible on either signage or publicity activities; partner names will be shown in the standard typeface consistent with all LAPAC promotional materials. All partnership activities will be positioned as: “sponsored by the Los Altos Public Arts Commission and XXX Partner.”

Los Altos Public Arts Commission Sponsored Artist Program

The LAPAC Sponsored Artist Program offers **one** \$1,000.00 “stipend” each year to help a potential artist or arts education organization fund participation in a LAPAC co-sponsored event. This pilot program is intended to make it more affordable for artists or Los Altos-based arts education organizations with limited or no funding to partner with LAPAC. The decision to pay this stipend to any artist or group is at the discretion of the LAPAC. Artists or arts education organizations must adhere to all Partnership Program guidelines and the *Guidelines for Public Art in Los Altos, rev. August, 2018.*

- Sponsored Artists Partnerships signage and publicity will be branded consistent with the following example (Kim Jones, artist, sponsored by the Los Altos Public Arts Commission).

Identifying Potential Partners

- During the Commission’s workplan development discussions, an activity may be identified that will benefit from the participation of another Los Altos or County arts group. Following our Program Operating Guidelines, a designated subcommittee will identify a group that may be interested in supporting the proposed program.
- LAPAC will draft a proposal outlining project scope, proposed dates, expected cost (marketing, art installation, signage, etc.) commission and staff requirements, benefits to



Subject: Proposed Amendments to City of Los Altos Guidelines for Public Art

the community and LAPAC, calendar conflicts with other City events, and potential co-sponsors.

- The subcommittee will finalize the proposal and City Staff will post on the City's website so that we are able to promote and attract a diverse source of participants.
- Projects must comply with the City's requirements where an RFP (Request for Proposal) may be necessary.
- Organizations submitting proposals will be vetted by the subcommittee and then presented during a scheduled LAPAC meeting.
- If a proposal is complementary with the LAPAC's plan, the LAPAC will determine through our standard Commission approval process.

Options

- 1) Approve the proposed amendments, as recommended by the PAC, to the City of Los Altos Guidelines for Public Art.
- 2) Do not approve the proposed amendments, as recommended by the PAC, to the City of Los Altos Guidelines for Public Art.

Recommendation

The staff recommends Option 1.

City of Los Altos: Guidelines for Public Art



The City of Los Altos

Public Arts Commission

August, 2018

Section 1:

City of Los Altos Public Art Program Overview

Mission and Vision

The mission of the Public Arts Commission is to advise the City Council on incorporating public art that improves the aesthetic quality of public spaces and “brands” the City of Los Altos as a unique and vibrant community.

The vision of the Los Altos Public Arts Program is to enrich the lives of all Los Altos citizens through honoring our City’s history, celebrating its diverse culture and creating rich experiences for residents and visitors through art in city planning, initiatives, public spaces and infrastructure.

These goals and guiding principals were established to guide the future of our public art and enable us to find a common ground that defines how we see ourselves. In fact, the story of our community can be told by public art. Our civic infrastructure should embody our communal desire to ensure our city is safe, prosperous and welcoming to all. Public art extends our reach and tells our story to current and future residents and business owners who want to know what Los Altos represents.

The following plan is a result of collaboration between the Public Arts Commission, City of Los Altos and most importantly, the City’s residents and business owners. By the end of the development process, more than 1,000 Los Altans shared their vision about the future of public art in our City.

Focus and Strategy

These guidelines are intended to provide strategic and tactical direction for public art throughout the City.

Goals & Guiding Principles

- Enhance community’s diverse character and solidify attachment to place
- Pursue excellence in urban design and public arts to enhance the aesthetic environment of our public spaces
- Create community “brand”
- Shape the quality of life and spirit
- Build a stronger sense of place and identity
- Represent pride and community collaboration
- Create economic vitality by invigorating public spaces
- Enrich the community experience

WHAT IS PUBLIC ART IN LOS ALTOS?

“Works of art” shall mean all forms of originally created visual art, whether contemporary or traditional. The creator of the work of art shall be a practitioner in the visual arts who is recognized as a professional of serious intent and who is not a member of the project architect or landscape architect firm.

Works of public art may include:

- **Sculpture:** free-standing, wall supported or suspended; kinetic, lighted, electronic; in any appropriate material or combination of materials;
- **Murals or portable paintings:** in any appropriate material or variety of materials, with or without collage or the addition of non-traditional materials or means;
- **Photography:** original works of graphic art, limited edition prints, works on/of paper, original paintings;
- **Waterworks, neon, glass, mosaics,** or any combination of forms of media including sound, literary elements, holographic images, or hybrids of media and new genres;
- **Furnishings or fixtures,** including but not limited to gates, railings, streetlights or seating, if created by artists as unique elements.

Ineligible Works of Art:

- Directional elements (including “way finders”) such as super graphics, signage or color coding except where these elements are integral parts of an overall design created by a professional visual artist;
- "Art objects" which are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist;
- Reproductions by mechanical or other means, of original works of art;
- Decorative, ornamental, architectural or functional elements which are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose;
- Landscape architecture and landscape gardening except where these elements are designed by a professional visual artist and/or are an integral part of the artwork by the artist;
- Art that signifies a political or religious statement.

Section 2: Public Arts Commission Roles and Responsibilities

MISSION AND RESPONSIBILITIES

The Los Altos Public Arts Commission, established in 2011, advises the Los Altos City Council in all matters pertaining to city-sponsored public arts programs. The Commission's primary goal is to increase the public's awareness of all visual arts including, but not limited to, exhibition of sculpture, paintings, mosaics, photography and video.

As a decision-making body within the Los Altos city government, the Los Altos Public Arts Commission is responsible for interpreting and reviewing proposed public art projects based on the criteria identified in these policies and procedures, and making recommendations to the Los Altos City Council based on the following criteria:

- Determining the “appropriateness” of a piece of art for our City;
- Project site selection;
- Conservation and maintenance of artworks;
- Gifts and loans;
- Deaccession and removal.

MEMBERSHIP

The Los Altos Public Arts Commission is comprised of seven Los Altos residents, each serving a four-year term with an option for a renewable, one-time additional term. Commission members are appointed by the Los Altos City Council.

PROCEDURES

All Commission meetings are public. Meetings are typically held the 4th Thursday of every month; dates, times and locations are posted on the City's website. Decisions made during the meeting are based on a simple majority vote of the Commission.

CONFLICTS OF INTEREST

Commissioners will declare any and all conflicts of interest for all projects and artwork under consideration at the beginning of their meetings. A conflict of interest exists if a Commissioner, an organization the Commissioner is associated with, as a staff or board member, or a Commissioner's family member has the potential to gain financially from the project under consideration by the Commission. In order to promote public confidence in this process, a Commissioner may also consider declaring a conflict if he/she thinks there may be a perception that they have a conflict. If a Commissioner has a conflict, he/she must not participate in the Commission's discussion or decision regarding the project. They must also refrain from discussion about the project and from influencing fellow Commissioners.

LOS ALTOS PUBLIC ARTS COMMISSION STAFF LIAISON

The Public Arts Commission Staff Liaison oversees the Public Arts Program and participates in the planning, purchasing, commissioning, donation, placement, handling, conservation and maintenance of public artwork under the jurisdiction of all City departments.

CITY DEPARTMENTS

City departments may recommend projects for possible funding or staff support by the Public Arts Program. They may also include side proposals and funding in their own Capital Improvement Plans. City departments are also accountable to the City's public art policies and procedures. Public art projects under the jurisdiction of any City department must be reviewed and approved according to the public art policies and procedures contained within this document.

CITY INDEPENDENT BOARDS AND COMMISSIONS

Independent Boards and Commissions may recommend their projects for possible support by the Public Arts Program. Public art projects developed in partnership with these entities must be reviewed and approved according to the public art policies and procedures contained within this document. City staff coordinating public art projects will work closely with the staff of these Boards and Commissions when working in partnership with them or placing projects on their property. Agreements with these Boards and Commissions will reflect and include the policies and procedures of all partners.

MAYOR AND CITY COUNCIL

The Mayor and City Council are tasked with the following:

- The approval of the budget for the Public Arts Program, as well as for any other budgets for public art;
- The appointment of Los Altos Public Arts Commissioners;
- The approval of all contracts in excess of \$75,000.00.

ARTISTS

Artists may be invited to submit Requests for Proposals (RFPs) for the creation of works of public art.

PRIVATE SITE OWNERS AND DEVELOPERS

Private site owners and developers must also comply with the City's public art policies and procedures when working in partnership with the Los Altos Public Arts Program. City staff coordinating public art projects will work closely with the representatives of these private sites and adhere to their policies when working in partnership or placing projects on their property. Agreements entered into with private site owners must reflect and include the policies and procedures of all partners.

Section 3:

Policies and Procedures for the Donation of Public Art

OBJECTIVE

All public art pieces donated to the City of Los Altos must come with a plan that specifies the funding and delivery of ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.

DONATION REQUIREMENTS

The City will consider donations on the following basis:

- The donation contributes to and enhances the City's public art collection;
- The donation meets a high standard of quality and is appropriate and meaningful to the community;
- The donation follows required City procedures including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in this policy.
- The requirements for the Maintenance Plan can be found in the Los Altos Public Arts Program Policy and Procedure for Maintenance proposed policy;
- The donation is made with the understanding that no City funds will be required for production, site placement, installation or ongoing operations and maintenance of the work without prior approval of the City of Los Altos;
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance;
- The donation proposal is reviewed and endorsed by the Los Altos Public Arts Commission and City department accepting the art and approved by the City Council.

The City will not accept a donation of artwork until all funds for its development, fabrication, site location and installation have been secured. The City will consider the following types of donation proposals for artworks on City-owned property:

- An already completed work of art;
- A commissioned artwork by a specific artist or artists to be created especially for a City-owned property;
- Donations of creative or innovative public art projects.

ROLE OF THE SPONSOR OR SUPPORTING ARTIST

A donation of artwork must have a sponsor or co-sponsors who will prepare and present a donation proposal. The sponsor's principal roles are to state the intent of the donation and be responsible for raising or providing the funding for its production, acquisition, installation and maintenance. Community groups or corporations can act as a sponsor, provided that they can demonstrate community support for the proposal. Demonstrating community support reinforces the public nature of the proposal.

DONATION PROPOSAL PROCEDURES

All offers of artwork proposed for property under City jurisdiction must be made in writing and submitted by the sponsor to the Los Altos Public Arts Commission. The donation proposal must contain the following for an already completed work, a commissioned artwork, or a creative/innovative public art project:

1. Rationale for the intent, purpose, and added value to the City of the proposed gift;
2. Brief statement about the artwork or project and biographical information about the artist, including resume and supporting materials;
3. Project timeline;
4. Site plan that shows the proposed location of the artwork, a photograph of the proposed installation site, and surrounding environment;
5. Visual presentation of the artwork on the proposed site(s), including drawings, photographs, and models of the proposed work with scale and materials indicated;
6. Maintenance plan, including operations and maintenance information citing requirements for ongoing maintenance and associated costs;
7. Documentation of artwork ownership and statement of authority and intent to transfer ownership to the City.

The following additional information must be provided for a commissioned artwork or a creative/innovative project to be created specifically for a City-owned property:

8. Detailed budget, with costs for the project including site preparation, installation, and insurance that meets City requirements; and
9. Funding committed to date and proposed source(s) of funds.

DONATION PROPOSAL REVIEW PROCESS

All proposals for donations of artwork must follow a three-stage review process:

1. Review by the Los Altos City Staff and the Los Altos Public Arts Commission utilizing the Donation Review Criteria below;
2. Evaluation by a qualified professional public art conservator and/or arts professional such as a museum director, curator, historian, or writer/critic;
3. Recommendations and findings from the conservator and/ or arts professional to be presented to both City Staff and the Los Altos Public Arts Commission, who will prepare a report and request to be submitted to the City Council for approval.

If a donation is made that is valued at \$10,000.00 or less, the Los Altos Public Arts Commission may recommend acceptance of the donation by the City Manager. If the donation is valued in excess of \$10,000.00, the acceptance of the donation must be decided upon by the Los Altos City Council. If the Los Altos Public Arts Commission decides against accepting the proposal, City Staff, in collaboration with the Los Altos Public Arts Commission, will notify and provide a rationale to the sponsor and the artist.

DONATION PROPOSAL REVIEW CRITERIA

The donation review process will include, but will not be limited to, the following:

- City-owned Property – Donated public artwork must be located on City-owned or City-managed property;

- Relevance and Site Context – Works of art must be appropriate for the proposed location and its surroundings, and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed;
- Artist and Artwork Quality – The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience. The artwork must enhance the City's public art collection;
- Physical Durability – The artwork will be assessed for long-term durability against theft, vandalism, and weather;
- Public Safety and Liability – The artwork will be assessed for any public safety concerns, as well as for any potential liabilities for the City;
- Sustainability – Consideration will be given to the environmental impact and sustainability of the proposed artwork, including its operations and maintenance requirements/costs;
- Legal – Proposed terms of donation, legal title, copyright authenticity, artist's right to reproduce, liability, and other issues as deemed appropriate will be considered.

Memorial Gifts

Memorial gifts will have an additional review process, which will include, but will not be limited to, the following:

- Timeframe – The person or event being memorialized must be deemed significant enough to merit such an honor. The person so honored will have been deceased for a minimum of twenty-five years. Events will have taken place at least twenty-five years prior to consideration of a proposed memorial gift;
- Community Value and Timelessness – The person or event being memorialized represents broad community values and will be meaningful to future generations;
- Location – The location under consideration is an appropriate setting for the memorial; generally, there should be some specific geographic justification for the memorial being located at a specific site.

ACCEPTANCE OF THE ARTWORK

If the proposal is accepted by the City of Los Altos, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, location site, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of Los Altos will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990. Any changes will be made in consultation with the artist and sponsor(s).

The completed and installed artwork will be accessioned and added to the City's inventory list and master database with all accompanying documentation.

Section 4:

Policies and Procedures for the Maintenance of Public Art

OBJECTIVE

The Los Altos Public Art Maintenance Program will use monies in the Los Altos Public Art Fund. This account will be funded by monies collected through the Public Art Fund Ordinance.

The Public Art Maintenance Program will be administered by the City of Los Altos in collaboration with the Los Altos Public Arts Commission through yearly evaluation and planning for maintenance of the existing collection.

The Program addresses:

- Accessioning and inventorying the City's collection of public art;
- Conducting semiannual Survey and Condition Assessments of all work in the collection, both historic and contemporary;
- Preparing a semiannual Public Art Maintenance Plan;
- Overseeing routine maintenance and special conservation treatment of the City's public art collection.

Every five years, the Los Altos Public Arts Commission will conduct an assessment of the condition of all public art with a qualified professional conservator and develop a prioritized list of works in need of conservation or maintenance. This list will be the basis of the semiannual Public Art Maintenance Plan.

Under this plan, trained City maintenance staff, with the approval and direction of the Los Altos Public Arts Commission, may carry out routine maintenance. For work in need of a higher level of maintenance, specialized care, or conservation treatment, the Program will utilize the maintenance funds available under the Ordinance held in the Public Arts Administrative Account.

MAINTENANCE IN ADVANCE OF CREATION

Installation, maintenance and care of public art begin before an artwork is created. During the design phase or when a donation is initiated, the City, artist or sponsor will review and analyze their design proposal and advise on maintenance and operations of the artwork.

On behalf of the City, artist or sponsor, the appropriate party will submit a Maintenance Plan to the City of Los Altos and the Los Altos Public Arts Commission, who will review and then catalogue any tasks associated with maintenance of the artwork.

The Maintenance Plan will enable the City, in collaboration with the Los Altos Public Arts Commission, to:

- Evaluate the quality and sustainability of the proposed or existing public artwork;

- Establish maintenance requirements, assign schedules and identify potential costs;
- Determine if the City of Los Altos should accept or decline the design proposal and/or public artwork.

To produce the Maintenance Plan, the artist should examine and render an opinion on the following:

- Durability;
- Type and integrity of materials;
- Construction/fabrication technique;
- Internal supports, anchoring and joining, and footings;
- Landscaping;
- Vulnerable and delicate elements;
- Drainage of artwork;
- Potentially dangerous elements;
- Security;
- Location;
- Environment;
- Whether the design encourages/discourages interaction;
- Effects of skateboarding, graffiti and any other potentially damaging activities.

The Maintenance Plan includes:

- A record of the artist's intentions for the work of art;
- Recommendations to mitigate potential problems discovered during the examination;
- Notes about how the artist would like the work of art to age;
- An itemization of long-range considerations and care, highlighting maintenance and the anticipated needs for periodic conservation treatment or repairs;
- Identification of the life span of the artwork and a prognosis of its durability in consideration of that life span.

LIFESPAN OF ARTWORK

This life span will be selected from one of four categories:

- 1) Temporary: up to 5 years
- 2) Mid-term: 5–25 years
- 3) Long-term: 25+ years
- 4) Permanent or Site-Integrated: part of the site and/or structure and cannot be removed.

UTILIZATION OF THE MAINTENANCE PLAN

The Maintenance Plan will be used:

- To advise Los Altos Public Arts Commission, City Department Directors, and others who must review and approve design proposals or accept or decline donated public artwork;
- To troubleshoot the production of construction drawings, the fabrication of the artwork and the preparation of the site;
- To follow-up on the artist's recommendations;

- As reference during the post-fabrication/post-installation inspection to prepare a final report and a punch list to complete the project.

The City of Los Altos and the Los Altos Public Arts Commission, professional conservators and public artists will strive to address the recommendations in the Maintenance Plan without unduly interfering with the aesthetic intent of the proposed public art.

PROCEDURES DURING THE PUBLIC ART MAINTENANCE PROGRAM

The Public Art Maintenance Program becomes actively involved with the Capital Project's public artwork and the Los Altos Public Arts Commission at the end of the Commission phase. The City of Los Altos, in collaboration with the Los Altos Public Arts Commission, participates in the Post- Fabrication Inspection and/or Post-Installation Inspection that is led by the Los Altos Public Arts Commission.

POST-FABRICATION/POST-INSTALLATION INSPECTION

The Post-Fabrication/Post-Installation Inspection will be based upon and follow-up on the Maintenance Plan that was carried out during the design phase to include the following:

- Ensure that recommendations made in the Maintenance Plan and during fabrication were followed;
- Confirm that the artwork is executed as proposed and agreed upon;
- Confirm that there are no missing or incomplete elements;
- Establish that materials quality and stability are acceptable;
- Establish that fabrication quality and stability are acceptable;
- Confirm that installation is stable and secure;
- Confirm that stainless steel is fully and properly "passivated";
- Confirm that, if required, protective coatings have been applied;
- Ensure that warranties for electronic and other media are submitted as necessary;
- Identify any remaining vulnerabilities;
- Confirm no new damage resulted from installation process;
- Ensure that the maintenance and operations plan is accurate and amend as needed;
- Confirm that the plaque/public notice meets program guidelines and is properly installed.

Section 5:

Policies and Procedures for Artwork Decommissioning and Removal

OBJECTIVE

Maintain an artwork decommissioning and removal program that supports and continues to refresh our high-quality, City-owned public art collection.

- Eliminate artworks that are unsafe, not repairable, or no longer meet the needs of the City of Los Altos.
- Respect the creative rights of artists.
- Implement an artwork decommissioning process that is straightforward and simple.
- Support an efficient workload for staff.

DEFINITIONS

The term *Decommission* means to remove a work from the City's collection by selling, donating or destroying it.

LIFE SPANS

- *Temporary* means up to 5 years.
- *Medium-Term* means 5 to 25 years.
- *Long-Term* means 25+ years.
- *Permanent or Site-Integrated* means part of the site and/or structure and cannot be removed.

GENERAL POLICIES

Integrity of Artworks

The goal of the Los Altos Public Arts Program is to maintain the ongoing integrity of the artwork as well as the sites for which they were created, to the greatest extent feasible, in accordance with the artist's original intentions, and consistent with the rights afforded by the 1990 Visual Artists Rights Act.

Access to Artworks

The City provides the public with access to artworks however; the City may limit availability due to circumstances such as funding, public safety, display space and decommissioning processes.

Artwork Life Span

Life spans have been assigned to the work during the acceptance/installation process. These will be taken into consideration as part of any request for decommissioning or removal. For artworks that have not been assigned a life span, the Staff Liaison to the Public Arts Commission may engage experts to assist in assigning

the artwork a life span, based on the life expectancy of the artwork's materials, fabrication methods and location of installation.

ART DECOMMISSIONING APPLICATION PROCESS

Preliminary Request

Permanent artworks must be in place for a minimum of five years before decommissioning or removal requests will be considered. Decommissioning or removal requests may be submitted by one of the following groups:

- Neighborhood organization
- City Department
- City Independent Board or Commission
- City Council Member
- Public Arts Commission Member

The Public Arts Commission reviews a preliminary decommissioning or removal request from the applicant. If the Commission votes in favor of considering the request, the Staff Liaison will then work with the applicant to bring a full proposal before the Los Altos Public Arts Commission.

DECOMMISSIONING AND REMOVAL FORM

The Staff Liaison to the Los Altos Public Arts Commission will provide applicants with an application form which will serve as the applicant's formal request for consideration by the Los Altos Public Arts Commission.

REVIEW PROCESS

The Los Altos Public Arts Commission will review requests and make a decision regarding the decommissioning and removal of the specific artwork.

PUBLIC MEETING

The Los Altos Public Arts Commission will hold at least one public meeting for the purpose of gathering community feedback on a proposed decommissioning or removal. The Commission may also decide to hold additional public meetings or gather community input through other methods.

ARTIST INVOLVEMENT

If artwork decommissioning or removal is recommended, the artist (if available) will be contacted and invited to provide input to the Los Altos Public Arts Commission.

RECOMMENDATION

The Los Altos Public Arts Commission's recommendation may include dismissing the request and/or modifying, moving, selling, donating, disposing or storing the artwork.

PROCEEDS OF SALE

If the Public Arts Commission recommends that the retired artwork be sold, any net proceeds from the sale shall be returned to an appropriate Public Art Program account to acquire (through the standard public art processes) or maintain other artworks for the City Public Art Collection.

COSTS

If decommissioning accommodates the applicant's personal interests or project, they may be required to cover the costs of decommissioning.

COMPLIANCE WITH APPLICABLE POLICIES AND REGULATIONS

Decommissioning and removal of artwork will be done in a manner that complies with all other applicable City, State and Federal procedures, policies, and regulations. For example, decommissioning and removal actions must comply with applicable procedures and laws relating to the disposition of City property and with laws protecting artists' rights. In addition, when artwork is to be removed for relocation or repair, only authorized representatives or contractors of the City are to handle the artwork.

REVIEW CRITERIA

The following criteria will be used for evaluating requests for decommissioning or removal.

Stimulate Excellence in Urban Design and Public Arts

- Is the artwork of inferior quality in concept or construction compared to other artwork commissioned by the City?
- Is the artwork fraudulent or not authentic?
- Is the artwork not unique and/or a reproduction?
- Is the artist over-represented in the City's collection?
- Does the applicant wish to replace the artwork with a more appropriate work by the same artist?
- Does the artist lack a significant or engaging body of work?

Enhance Community Identity and Place

- Is the artwork significantly less appropriate given changes in the function or character of the setting or the community?
- Does the artwork lack historical value?
- Is the artwork contrary to adopted policy and historic use or master plans?
- Is the artwork incompatible with the current site design and function and/or the design and function of other possible sites?
- Is the site going to be demolished or adapted, or is it not possible to successfully incorporate the artwork into redevelopment of the site?
- Is no suitable new site available for the artwork?

Contribute to Community Vitality

- Is the site no longer publicly accessible?
- Has the artwork been the source of significant adverse public reaction over at least five years?
- Has the artwork failed to contribute to the overall community dialogue about civic issues?
- Is the artwork unsafe?

Involve a Broad Range of People and Communities

- Has the applicant gathered input from various people and groups in considering removal of the artwork?
- Does a broad range of people support the removal of the artwork?
- Does the current artwork or site fail to meet ADA regulations and is it impossible to modify the artwork or site to do so?
- Is the artwork a source of contention among various cultural communities?
- Has the artwork failed to generate interest as a gathering place?

Value Artists and Artistic Processes

- Does the artist have an inappropriate cultural, geographic or artistic perspective?
- Is the original artistic integrity of the artwork no longer intact or can it no longer be maintained?
- Does continued display of the artwork undermine the artist's intention or reputation?
- Has the artist been involved in discussions about removal of the work?
- Did someone other than a practicing artist create the artwork?

Use Resources Wisely

- Does the artwork require excessive maintenance or repair, have faults of design or workmanship, or is repairing or securing the artwork impractical or unfeasible?
- Are the terms of the original contracts unfulfilled?
- Is the cost of repair or conservation more than fifty percent of the original commission costs or current appraised value?
- Can the City no longer meet the donor's restrictions (for gifts) or other obligations?
- Does removal of the artwork provide an opportunity for a new project that could be supported privately?
- Is another governmental or nonprofit agency better suited to provide care and maintenance?

<Note that this section was copied from the existing [Guidelines for Public Art in Los Altos, rev. August, 2018.](#)

We would like to make the following addition to this section,

Section 3: Policies and Procedures for the Donation of Public Art

OBJECTIVE

All public art pieces donated to the City of Los Altos must come with a plan that specifies the funding and delivery of ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.

DONATION REQUIREMENTS

The City will consider donations on the following basis:

- The donation contributes to and enhances the City's public art collection;
- The donation meets a high standard of quality and is appropriate and meaningful to the community;
- The donation follows required City procedures including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in this policy.
- The requirements for the Maintenance Plan can be found in the Los Altos Public Arts Program Policy and Procedure for Maintenance proposed policy;
- The donation is made with the understanding that no City funds will be required for production, site placement, installation or ongoing operations and maintenance of the work without prior approval of the City of Los Altos;
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance;
- The donation proposal is reviewed and endorsed by the Los Altos Public Arts Commission and City department accepting the art and approved by the City Council.

The City will not accept a donation of artwork until all funds for its development, fabrication, site location and installation have been secured. The City will consider the following types of donation proposals for artworks on City-owned property:

- An already completed work of art;
- A commissioned artwork by a specific artist or artists to be created especially for a City-owned property;
- Donations of creative or innovative public art projects.

ROLE OF THE SPONSOR OR SUPPORTING ARTIST

A donation of artwork must have a sponsor or co-sponsors who will prepare and present a donation proposal. The sponsor's principal roles are to state the intent of the donation and be responsible for raising or providing the funding for its production, acquisition, installation and maintenance. Community groups or corporations can act as a sponsor, provided that they can demonstrate community support for the proposal. Demonstrating community support reinforces the public nature of the proposal.

If a member of City Council, City Staff, or the Los Altos Public Arts Commission has requested to donate a work of art, they will be recused from voting to accept their own donation.

DONATION PROPOSAL PROCEDURES

All offers of artwork proposed for property under City jurisdiction must be made in writing and submitted by the sponsor to the Los Altos Public Arts Commission. The donation proposal must contain the following for an already completed work, a commissioned artwork, or a creative/innovative public art project:

1. Rationale for the intent, purpose, and added value to the City of the proposed gift;
2. Brief statement about the artwork or project and biographical information about the artist, including resume and supporting materials;
3. Project timeline;
4. Site plan that shows the proposed location of the artwork, a photograph of the proposed installation site, and surrounding environment;
5. Visual presentation of the artwork on the proposed site(s), including drawings, photographs, and models of the proposed work with scale and materials indicated;
6. Maintenance plan, including operations and maintenance information citing requirements for ongoing maintenance and associated costs;
7. Documentation of artwork ownership and statement of authority and intent to transfer ownership to the City.
8. Note that the City will only accept 1 donation from the same organization per calendar year.

The following additional information must be provided for a commissioned artwork or a creative/innovative project to be created specifically for a City-owned property:

- Detailed budget, with costs for the project including site preparation, installation, and insurance that meets City requirements; and
- Funding committed to date and proposed source(s) of funds.

DONATION PROPOSAL REVIEW PROCESS

All proposals for donations of artwork must follow a three-stage review process:

1. Review by the Los Altos City Staff and the Los Altos Public Arts Commission utilizing the Donation Review Criteria below;
2. Evaluation by a qualified professional public art conservator and/or arts professional such as a museum director, curator, historian, or writer/critic;
3. Recommendations and findings from the conservator and/or arts professional to be presented to both City Staff and the Los Altos Public Arts Commission, who will prepare a report and request to be submitted to the City Council for approval.

If a donation is made that is valued at \$10,000.00 or less, the Los Altos Public Arts Commission may recommend acceptance of the donation by the City Manager. If the donation is valued in excess of \$10,000.00, the acceptance of the donation must be decided upon by the Los Altos City Council. If the Los Altos Public Arts Commission decides against accepting the proposal, City Staff, in collaboration with the Los Altos Public Arts Commission, will notify and provide a rationale to the sponsor and the artist.

DONATION PROPOSAL REVIEW CRITERIA

The donation review process will include, but will not be limited to, the following:

- City-owned Property – Donated public artwork must be located on City-owned or City-managed property;
- Relevance and Site Context – Works of art must be appropriate for the proposed location and its surroundings, and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed;

- Artist and Artwork Quality – The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience. The artwork must enhance the City’s public art collection;
- Physical Durability – The artwork will be assessed for long-term durability against theft, vandalism, and weather;
- Public Safety and Liability – The artwork will be assessed for any public safety concerns, as well as for any potential liabilities for the City;
- Sustainability – Consideration will be given to the environmental impact and sustainability of the proposed artwork, including its operations and maintenance requirements/costs;
- Legal – Proposed terms of donation, legal title, copyright authenticity, artist’s right to reproduce, liability, and other issues as deemed appropriate will be considered.

Memorial Gifts

Memorial gifts will have an additional review process, which will include, but will not be limited to, the following:

- Timeframe – The person or event being memorialized must be deemed significant enough to merit such an honor. The person so honored will have been deceased for a minimum of twenty-five years. Events will have taken place at least twenty-five years prior to consideration of a proposed memorial gift;
- Community Value and Timelessness – The person or event being memorialized represents broad community values and will be meaningful to future generations;
- Location – The location under consideration is an appropriate setting for the memorial; generally, there should be some specific geographic justification for the memorial being located at a specific site.

ACCEPTANCE OF THE ARTWORK

If the proposal is accepted by the City of Los Altos, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, location site, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of Los Altos will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990. Any changes will be made in consultation with the artist and sponsor(s). The completed and installed artwork will be accessioned and added to the City’s inventory list and master database with all accompanying documentation.

<Note that this section would be added to the Los Altos Public Arts Guidelines as Section 6>

Community Collaborations: Strengthening Participation in the Arts through Local Partnerships

Overview

Public art has the power, over time, to transform the image of Los Altos. The Los Altos Public Arts Commission (LAPAC) envisions our city to be one with artwork that celebrates the diversity and history of our community. Partnering with complementary arts organizations supports this vision and is an effective way of further developing our community's interest and participation in public art and placemaking. Arts collaborations also support LAPAC's goal of using the arts to create awareness and enhance the quality of our lives.

As a Commission, our work with other groups should be true collaborations, including but not limited to researching and deciding together on an idea, site selection, artist(s) / artwork selection, joint funding, and media outreach.

LAPAC's goal for all sponsored or co-sponsored public art programs is to:

- Shape the quality of life and spirit in our community;
- Build a stronger sense of place and identity;
- Enhance pride and community collaboration;
- Enrich the community experience; and
- Increase economic vitality by creating interesting and "visit worthy" public spaces.

Program Operating Guidelines

- Art that the LAPAC co-sponsors as part of this program must adhere to the policies outlined in the [Guidelines for Public Art in Los Altos, rev. August, 2018](#). Artists must be Los Altos residents; arts educational organizations must be based in Los Altos.
- Equal contribution of funds from each partner organization is required. This includes art search fees, artist stipends, art insurance, installation, maintenance, signage, media expenses, and other costs associated with the successful exhibition of artwork.
- Once per year, the LAPAC will provide a \$1,000.00 "stipend" to partially sponsor an underfunded artist or arts education organization that is interested in partnering (see the **Sponsored Artist Program** below).
- To keep our arts program fresh and not reliant on a single group, partnerships with the same organization will be limited to once every 36 months.
- As part of the annual budget process, Calls for Art, "fixed expense" public arts priorities (art maintenance, signage, installation, and insurance costs), community-focused art programs, Community Center art, and other Commission priorities are decided upon and budgeted, prior to committing to partner or sponsorships.
- Co-sponsored program dates (with milestones) will be agreed upon prior to launching a partnership with a local arts organization.
- During initial planning, LAPAC and the potential partner/sponsor will agree on a promotional/media plan, identify required promotional materials, and all associated costs.
- Payment by the City or reimbursements by the co-sponsor will be paid by the agreed upon method (by milestone, activity, or on completion).

- Partnership / sponsorship communications will reflect the joint nature of the venture. Signage for any joint artwork, project, program or activity will comply with the “look and feel” of the Los Altos Public Arts Commission’s existing signage style and typeface. The “Los Altos Public Arts Commission” will always be listed first on signage and publicity, including: press releases, web pages entries and social media posts. Partner logo, color, specialized type, or tagline are not permissible on either signage or publicity activities; partner names will be shown in the standard typeface consistent with all LAPAC promotional materials. All partnership activities will be positioned as: “sponsored by the Los Altos Public Arts Commission and XXX Partner.”

Los Altos Public Arts Commission Sponsored Artist Program

The LAPAC Sponsored Artist Program offers **one** \$1,000.00 “stipend” each year to help a potential artist or arts education organization fund participation in a LAPAC co-sponsored event. This pilot program is intended to make it more affordable for artists or Los Altos-based arts education organizations with limited or no funding to partner with LAPAC. The decision to pay this stipend to any artist or group is at the discretion of the LAPAC. Artists or arts education organizations must adhere to all Partnership Program guidelines and the [Guidelines for Public Art in Los Altos, rev. August, 2018](#).

- Sponsored Artists Partnerships signage and publicity will be branded consistent with the following example (Kim Jones, artist, sponsored by the Los Altos Public Arts Commission).

Identifying Potential Partners

- During the Commission’s workplan development discussions, an activity may be identified that will benefit from the participation of another Los Altos or County arts group. Following our Program Operating Guidelines, a designated subcommittee will identify a group that may be interested in supporting the proposed program.
- LAPAC will draft a proposal outlining project scope, proposed dates, expected cost (marketing, art installation, signage, etc.) commission and staff requirements, benefits to the community and LAPAC, calendar conflicts with other City events, and potential co-sponsors.
- The subcommittee will finalize the proposal and City Staff will post on the City’s website so that we are able to promote and attract a diverse source of participants.
- Projects must comply with the City’s requirements where an RFP (Request for Proposal) may be necessary.
- Organizations submitting proposals will be vetted by the subcommittee and then presented during a scheduled LAPAC meeting.
- If a proposal is complementary with the LAPAC’s plan, the LAPAC will determine through our standard Commission approval process.

City of Los Altos: Guidelines for Public Art



The City of Los Altos

Public Arts Commission

AugustOctober, 20182021

Section 1:

City of Los Altos Public Art Program Overview

Mission and Vision

The mission of the Public Arts Commission is to advise the City Council on incorporating public art that improves the aesthetic quality of public spaces and “brands” the City of Los Altos as a unique and vibrant community.

The vision of the Los Altos Public Arts Program is to enrich the lives of all Los Altos citizens through honoring our City’s history, celebrating its diverse culture and creating rich experiences for residents and visitors through art in city planning, initiatives, public spaces and infrastructure.

These goals and guiding principals were established to guide the future of our public art and enable us to find a common ground that defines how we see ourselves. In fact, the story of our community can be told by public art. Our civic infrastructure should embody our communal desire to ensure our city is safe, prosperous and welcoming to all. Public art extends our reach and tells our story to current and future residents and business owners who want to know what Los Altos represents.

The following plan is a result of collaboration between the Public Arts Commission, City of Los Altos and most importantly, the City’s residents and business owners. By the end of the development process, more than 1,000 Los Altans shared their vision about the future of public art in our City.

Focus and Strategy

These guidelines are intended to provide strategic and tactical direction for public art throughout the City.

Goals & Guiding Principles

- Enhance community’s diverse character and solidify attachment to place
- Pursue excellence in urban design and public arts to enhance the aesthetic environment of our public spaces
- Create community “brand”
- Shape the quality of life and spirit
- Build a stronger sense of place and identity
- Represent pride and community collaboration
- Create economic vitality by invigorating public spaces
- Enrich the community experience

WHAT IS PUBLIC ART IN LOS ALTOS?

“Works of art” shall mean all forms of originally created visual art, whether contemporary or traditional. The creator of the work of art shall be a practitioner in the visual arts who is recognized as a professional of serious intent and who is not a member of the project architect or landscape architect firm.

Works of public art may include:

- **Sculpture:** free-standing, wall supported or suspended; kinetic, lighted, electronic; in any appropriate material or combination of materials;
- **Murals or portable paintings:** in any appropriate material or variety of materials, with or without collage or the addition of non-traditional materials or means;
- **Photography:** original works of graphic art, limited edition prints, works on/of paper, original paintings;
- **Waterworks, neon, glass, mosaics,** or any combination of forms of media including sound, literary elements, holographic images, or hybrids of media and new genres;
- **Furnishings or fixtures,** including but not limited to gates, railings, streetlights or seating, if created by artists as unique elements.

Ineligible Works of Art:

- Directional elements (including “way finders”) such as super graphics, signage or color coding except where these elements are integral parts of an overall design created by a professional visual artist;
- "Art objects" which are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist;
- Reproductions by mechanical or other means, of original works of art;
- Decorative, ornamental, architectural or functional elements which are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose;
- Landscape architecture and landscape gardening except where these elements are designed by a professional visual artist and/or are an integral part of the artwork by the artist;
- Art that signifies a political or religious statement.

Section 2: Public Arts Commission Roles and Responsibilities

MISSION AND RESPONSIBILITIES

The Los Altos Public Arts Commission, established in 2011, advises the Los Altos City Council in all matters pertaining to city-sponsored public arts programs. The Commission's primary goal is to increase the public's awareness of all visual arts including, but not limited to, exhibition of sculpture, paintings, mosaics, photography and video.

As a decision-making body within the Los Altos city government, the Los Altos Public Arts Commission is responsible for interpreting and reviewing proposed public art projects based on the criteria identified in these policies and procedures, and making recommendations to the Los Altos City Council based on the following criteria:

- Determining the “appropriateness” of a piece of art for our City;
- Project site selection;
- Conservation and maintenance of artworks;
- Gifts and loans;
- Deaccession and removal.

MEMBERSHIP

The Los Altos Public Arts Commission is comprised of seven Los Altos residents, each serving a four-year term with an option for a renewable, one-time additional term. Commission members are appointed by the Los Altos City Council.

PROCEDURES

All Commission meetings are public. Meetings are typically held the 4th Thursday of every month; dates, times and locations are posted on the City's website. Decisions made during the meeting are based on a simple majority vote of the Commission.

CONFLICTS OF INTEREST

Commissioners will declare any and all conflicts of interest for all projects and artwork under consideration at the beginning of their meetings. A conflict of interest exists if a Commissioner, an organization the Commissioner is associated with, as a staff or board member, or a Commissioner's family member has the potential to gain financially from the project under consideration by the Commission. In order to promote public confidence in this process, a Commissioner may also consider declaring a conflict if he/she thinks there may be a perception that they have a conflict. If a Commissioner has a conflict, he/she must not participate in the Commission's discussion or decision regarding the project. They must also refrain from discussion about the project and from influencing fellow Commissioners.

LOS ALTOS PUBLIC ARTS COMMISSION STAFF LIAISON

The Public Arts Commission Staff Liaison oversees the Public Arts Program and participates in the planning, purchasing, commissioning, donation, placement, handling, conservation and maintenance of public artwork under the jurisdiction of all City departments.

CITY DEPARTMENTS

City departments may recommend projects for possible funding or staff support by the Public Arts Program. They may also include side proposals and funding in their own Capital Improvement Plans. City departments are also accountable to the City's public art policies and procedures. Public art projects under the jurisdiction of any City department must be reviewed and approved according to the public art policies and procedures contained within this document.

CITY INDEPENDENT BOARDS AND COMMISSIONS

Independent Boards and Commissions may recommend their projects for possible support by the Public Arts Program. Public art projects developed in partnership with these entities must be reviewed and approved according to the public art policies and procedures contained within this document. City staff coordinating public art projects will work closely with the staff of these Boards and Commissions when working in partnership with them or placing projects on their property. Agreements with these Boards and Commissions will reflect and include the policies and procedures of all partners.

MAYOR AND CITY COUNCIL

The Mayor and City Council are tasked with the following:

- The approval of the budget for the Public Arts Program, as well as for any other budgets for public art;
- The appointment of Los Altos Public Arts Commissioners;
- The approval of all contracts in excess of \$75,000.00 as recommended by the Public Arts Commission and executed by City staff.

ARTISTS

Artists may be invited to submit Requests for Proposals (RFPs) for the creation of works of public art.

PRIVATE SITE OWNERS AND DEVELOPERS

Private site owners and developers must also comply with the City's public art policies and procedures when working in partnership with the Los Altos Public Arts Program. City staff coordinating public art projects will work closely with the representatives of these private sites and adhere to their policies when working in partnership or placing projects on their property. Agreements entered into with private site owners must reflect and include the policies and procedures of all partners.

Section 3: Policies and Procedures for the Donation of Public Art

OBJECTIVE

All public art pieces donated to the City of Los Altos must come with a plan that specifies the funding and delivery of ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.

DONATION REQUIREMENTS

The City will consider donations on the following basis:

- The donation contributes to and enhances the City's public art collection;
- The donation meets a high standard of quality and is appropriate and meaningful to the community;
- The donation follows required City procedures including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in this policy.
- The requirements for the Maintenance Plan can be found in the Los Altos Public Arts Program Policy and Procedure for Maintenance proposed policy;
- The donation is made with the understanding that no City funds will be required for production, site placement, installation or ongoing operations and maintenance of the work without prior approval of the City of Los Altos;
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance;
- The donation proposal is reviewed and endorsed by the Los Altos Public Arts Commission and City department accepting the art and approved by the City Council.

The City will not accept a donation of artwork until all funds for its development, fabrication, site location and installation have been secured. The City will consider the following types of donation proposals for artworks on City-owned property:

- An already completed work of art;
- A commissioned artwork by a specific artist or artists to be created especially for a City-owned property;
- Donations of creative or innovative public art projects.

ROLE OF THE SPONSOR OR SUPPORTING ARTIST

A donation of artwork must have a sponsor or co-sponsors who will prepare and present a donation proposal. The sponsor's principal roles are to state the intent of the donation and be responsible for raising or providing the funding for its production, acquisition, installation and maintenance. Community groups or corporations can act as a sponsor, provided that they can demonstrate community support for the proposal. Demonstrating community support reinforces the public nature of the proposal.

If a member of City Council, City Staff, or the Los Altos Public Arts Commission has requested to donate a work of art, they will be recused from voting to accept their own donation.

DONATION PROPOSAL PROCEDURES

All offers of artwork proposed for property under City jurisdiction must be made in writing and submitted by the sponsor to the Los Altos Public Arts Commission. The donation proposal must contain the following for an already completed work, a commissioned artwork, or a creative/innovative public art project:

1. Rationale for the intent, purpose, and added value to the City of the proposed gift;
 2. Brief statement about the artwork or project and biographical information about the artist, including resume and supporting materials;
 3. Project timeline;
 4. Site plan that shows the proposed location of the artwork, a photograph of the proposed installation site, and surrounding environment;
 5. Visual presentation of the artwork on the proposed site(s), including drawings, photographs, and models of the proposed work with scale and materials indicated;
 6. Maintenance plan, including operations and maintenance information citing requirements for ongoing maintenance and associated costs;
 7. Documentation of artwork ownership and statement of authority and intent to transfer ownership to the City.
- 7-8. Note that the City will only accept 1 donation from the same organization per calendar year.

The following additional information must be provided for a commissioned artwork or a creative/innovative project to be created specifically for a City-owned property:

- Detailed budget, with costs for the project including site preparation, installation, and insurance that meets City requirements; and
- Funding committed to date and proposed source(s) of funds.

DONATION PROPOSAL REVIEW PROCESS

All proposals for donations of artwork must follow a three-stage review process:

1. Review by the Los Altos City Staff and the Los Altos Public Arts Commission utilizing the Donation Review Criteria below;
2. Evaluation by a qualified professional public art conservator and/or arts professional such as a museum director, curator, historian, or writer/critic;
3. Recommendations and findings from the conservator and/ or arts professional to be presented to both City Staff and the Los Altos Public Arts Commission, who will prepare a report and request to be submitted to the City Council for approval.

If a donation is made that is valued at \$10,000.00 or less, the Los Altos Public Arts Commission may recommend acceptance of the donation by the City Manager. If the donation is valued in excess of \$10,000.00, the acceptance of the donation must be decided upon by the Los Altos City Council. If the Los Altos Public Arts Commission decides against accepting the proposal, City Staff, in collaboration with the Los Altos Public Arts Commission, will notify and provide a rationale to the sponsor and the artist.

DONATION PROPOSAL REVIEW CRITERIA

The donation review process will include, but will not be limited to, the following:

- City-owned Property – Donated public artwork must be located on City-owned or City-managed property;
- Relevance and Site Context – Works of art must be appropriate for the proposed location and its surroundings, and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed;
- Artist and Artwork Quality – The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience. The artwork must enhance the City’s public art collection;
- Physical Durability – The artwork will be assessed for long-term durability against theft, vandalism, and weather;
- Public Safety and Liability – The artwork will be assessed for any public safety concerns, as well as for any potential liabilities for the City;
- Sustainability – Consideration will be given to the environmental impact and sustainability of the proposed artwork, including its operations and maintenance requirements/costs;
- Legal – Proposed terms of donation, legal title, copyright authenticity, artist’s right to reproduce, liability, and other issues as deemed appropriate will be considered.

Memorial Gifts

Memorial gifts will have an additional review process, which will include, but will not be limited to, the following:

- Timeframe – The person or event being memorialized must be deemed significant enough to merit such an honor. The person so honored will have been deceased for a minimum of twenty-five years. Events will have taken place at least twenty-five years prior to consideration of a proposed memorial gift;
- Community Value and Timelessness – The person or event being memorialized represents broad community values and will be meaningful to future generations;
- Location – The location under consideration is an appropriate setting for the memorial; generally, there should be some specific geographic justification for the memorial being located at a specific site.

ACCEPTANCE OF THE ARTWORK

If the proposal is accepted by the City of Los Altos, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, location site, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of Los Altos will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990. Any changes will be made in consultation with the artist and sponsor(s).

The completed and installed artwork will be accessioned and added to the City’s inventory list and master database with all accompanying documentation.

|

|

Section 4:

Policies and Procedures for the Maintenance of Public Art

OBJECTIVE

The Los Altos Public Art Maintenance Program will use monies in the Los Altos Public Art Fund. This account will be funded by monies collected through the Public Art Fund Ordinance.

The Public Art Maintenance Program will be administered by the City of Los Altos in collaboration with the Los Altos Public Arts Commission through yearly evaluation and planning for maintenance of the existing collection.

The Program addresses:

- Accessioning and inventorying the City's collection of public art;
- Conducting semiannual Survey and Condition Assessments of all work in the collection, both historic and contemporary;
- Preparing a semiannual Public Art Maintenance Plan;
- Overseeing routine maintenance and special conservation treatment of the City's public art collection.

Every five years, the Los Altos Public Arts Commission will conduct an assessment of the condition of all public art with a qualified professional conservator and develop a prioritized list of works in need of conservation or maintenance. This list will be the basis of the semiannual Public Art Maintenance Plan.

Under this plan, trained City maintenance staff, with the approval and direction of the Los Altos Public Arts Commission, may carry out routine maintenance. For work in need of a higher level of maintenance, specialized care, or conservation treatment, the Program will utilize the maintenance funds available under the Ordinance held in the Public Arts Administrative Account.

MAINTENANCE IN ADVANCE OF CREATION

Installation, maintenance and care of public art begin before an artwork is created. During the design phase or when a donation is initiated, the City, artist or sponsor will review and analyze their design proposal and advise on maintenance and operations of the artwork.

On behalf of the City, artist or sponsor, the appropriate party will submit a Maintenance Plan to the City of Los Altos and the Los Altos Public Arts Commission, who will review and then catalogue any tasks associated with maintenance of the artwork.

The Maintenance Plan will enable the City, in collaboration with the Los Altos Public Arts Commission, to:

- Evaluate the quality and sustainability of the proposed or existing public artwork;

- Establish maintenance requirements, assign schedules and identify potential costs;
- Determine if the City of Los Altos should accept or decline the design proposal and/or public artwork.

To produce the Maintenance Plan, the artist should examine and render an opinion on the following:

- Durability;
- Type and integrity of materials;
- Construction/fabrication technique;
- Internal supports, anchoring and joining, and footings;
- Landscaping;
- Vulnerable and delicate elements;
- Drainage of artwork;
- Potentially dangerous elements;
- Security;
- Location;
- Environment;
- Whether the design encourages/discourages interaction;
- Effects of skateboarding, graffiti and any other potentially damaging activities.

The Maintenance Plan includes:

- A record of the artist's intentions for the work of art;
- Recommendations to mitigate potential problems discovered during the examination;
- Notes about how the artist would like the work of art to age;
- An itemization of long-range considerations and care, highlighting maintenance and the anticipated needs for periodic conservation treatment or repairs;
- Identification of the life span of the artwork and a prognosis of its durability in consideration of that life span.

LIFESPAN OF ARTWORK

This life span will be selected from one of four categories:

- 1) Temporary: up to 5 years
- 2) Mid-term: 5–25 years
- 3) Long-term: 25+ years
- 4) Permanent or Site-Integrated: part of the site and/or structure and cannot be removed.

UTILIZATION OF THE MAINTENANCE PLAN

The Maintenance Plan will be used:

- To advise Los Altos Public Arts Commission, City Department Directors, and others who must review and approve design proposals or accept or decline donated public artwork;
- To troubleshoot the production of construction drawings, the fabrication of the artwork and the preparation of the site;
- To follow-up on the artist's recommendations;

- As reference during the post-fabrication/post-installation inspection to prepare a final report and a punch list to complete the project.

The City of Los Altos and the Los Altos Public Arts Commission, professional conservators and public artists will strive to address the recommendations in the Maintenance Plan without unduly interfering with the aesthetic intent of the proposed public art.

PROCEDURES DURING THE PUBLIC ART MAINTENANCE PROGRAM

The Public Art Maintenance Program becomes actively involved with the Capital Project's public artwork and the Los Altos Public Arts Commission at the end of the Commission phase. The City of Los Altos, in collaboration with the Los Altos Public Arts Commission, participates in the Post- Fabrication Inspection and/or Post-Installation Inspection that is led by the Los Altos Public Arts Commission.

POST-FABRICATION/POST-INSTALLATION INSPECTION

The Post-Fabrication/Post-Installation Inspection will be based upon and follow-up on the Maintenance Plan that was carried out during the design phase to include the following:

- Ensure that recommendations made in the Maintenance Plan and during fabrication were followed;
- Confirm that the artwork is executed as proposed and agreed upon;
- Confirm that there are no missing or incomplete elements;
- Establish that materials quality and stability are acceptable;
- Establish that fabrication quality and stability are acceptable;
- Confirm that installation is stable and secure;
- Confirm that stainless steel is fully and properly "passivated";
- Confirm that, if required, protective coatings have been applied;
- Ensure that warranties for electronic and other media are submitted as necessary;
- Identify any remaining vulnerabilities;
- Confirm no new damage resulted from installation process;
- Ensure that the maintenance and operations plan is accurate and amend as needed;
- Confirm that the plaque/public notice meets program guidelines and is properly installed.

Section 5: Policies and Procedures for Artwork Decommissioning and Removal

OBJECTIVE

Maintain an artwork decommissioning and removal program that supports and continues to refresh our high-quality, City-owned public art collection.

- Eliminate artworks that are unsafe, not repairable, or no longer meet the needs of the City of Los Altos.
- Respect the creative rights of artists.
- Implement an artwork decommissioning process that is straightforward and simple.
- Support an efficient workload for staff.

DEFINITIONS

The term *Decommission* means to remove a work from the City's collection by selling, donating or destroying it.

LIFE SPANS

- *Temporary* means up to 5 years.
- *Medium-Term* means 5 to 25 years.
- *Long-Term* means 25+ years.
- *Permanent or Site-Integrated* means part of the site and/or structure and cannot be removed.

GENERAL POLICIES

Integrity of Artworks

The goal of the Los Altos Public Arts Program is to maintain the ongoing integrity of the artwork as well as the sites for which they were created, to the greatest extent feasible, in accordance with the artist's original intentions, and consistent with the rights afforded by the 1990 Visual Artists Rights Act.

Access to Artworks

The City provides the public with access to artworks however; the City may limit availability due to circumstances such as funding, public safety, display space and decommissioning processes.

Artwork Life Span

Life spans have been assigned to the work during the acceptance/installation process. These will be taken into consideration as part of any request for decommissioning or removal. For artworks that have not been assigned a life span, the Staff Liaison to the Public Arts Commission may engage experts to assist in assigning

the artwork a life span, based on the life expectancy of the artwork's materials, fabrication methods and location of installation.

ART DECOMMISSIONING APPLICATION PROCESS

Preliminary Request

Permanent artworks must be in place for a minimum of five years before decommissioning or removal requests will be considered. Decommissioning or removal requests may be submitted by one of the following groups:

- Neighborhood organization
- City Department
- City Independent Board or Commission
- City Council Member
- Public Arts Commission Member

The Public Arts Commission reviews a preliminary decommissioning or removal request from the applicant. If the Commission votes in favor of considering the request, the Staff Liaison will then work with the applicant to bring a full proposal before the Los Altos Public Arts Commission.

DECOMMISSIONING AND REMOVAL FORM

The Staff Liaison to the Los Altos Public Arts Commission will provide applicants with an application form which will serve as the applicant's formal request for consideration by the Los Altos Public Arts Commission.

REVIEW PROCESS

The Los Altos Public Arts Commission will review requests and make a decision regarding the decommissioning and removal of the specific artwork.

PUBLIC MEETING

The Los Altos Public Arts Commission will hold at least one public meeting for the purpose of gathering community feedback on a proposed decommissioning or removal. The Commission may also decide to hold additional public meetings or gather community input through other methods.

ARTIST INVOLVEMENT

If artwork decommissioning or removal is recommended, the artist (if available) will be contacted and invited to provide input to the Los Altos Public Arts Commission.

RECOMMENDATION

The Los Altos Public Arts Commission's recommendation may include dismissing the request and/or modifying, moving, selling, donating, disposing or storing the artwork.

PROCEEDS OF SALE

If the Public Arts Commission recommends that the retired artwork be sold, any net proceeds from the sale shall be returned to an appropriate Public Art Program account to acquire (through the standard public art processes) or maintain other artworks for the City Public Art Collection.

COSTS

If decommissioning accommodates the applicant's personal interests or project, they may be required to cover the costs of decommissioning.

COMPLIANCE WITH APPLICABLE POLICIES AND REGULATIONS

Decommissioning and removal of artwork will be done in a manner that complies with all other applicable City, State and Federal procedures, policies, and regulations. For example, decommissioning and removal actions must comply with applicable procedures and laws relating to the disposition of City property and with laws protecting artists' rights. In addition, when artwork is to be removed for relocation or repair, only authorized representatives or contractors of the City are to handle the artwork.

REVIEW CRITERIA

The following criteria will be used for evaluating requests for decommissioning or removal.

Stimulate Excellence in Urban Design and Public Arts

- Is the artwork of inferior quality in concept or construction compared to other artwork commissioned by the City?
- Is the artwork fraudulent or not authentic?
- Is the artwork not unique and/or a reproduction?
- Is the artist over-represented in the City's collection?
- Does the applicant wish to replace the artwork with a more appropriate work by the same artist?
- Does the artist lack a significant or engaging body of work?

Enhance Community Identity and Place

- Is the artwork significantly less appropriate given changes in the function or character of the setting or the community?
- Does the artwork lack historical value?
- Is the artwork contrary to adopted policy and historic use or master plans?
- Is the artwork incompatible with the current site design and function and/or the design and function of other possible sites?
- Is the site going to be demolished or adapted, or is it not possible to successfully incorporate the artwork into redevelopment of the site?
- Is no suitable new site available for the artwork?

Contribute to Community Vitality

- Is the site no longer publicly accessible?
- Has the artwork been the source of significant adverse public reaction over at least five years?
- Has the artwork failed to contribute to the overall community dialogue about civic issues?
- Is the artwork unsafe?

Involve a Broad Range of People and Communities

- Has the applicant gathered input from various people and groups in considering removal of the artwork?
- Does a broad range of people support the removal of the artwork?
- Does the current artwork or site fail to meet ADA regulations and is it impossible to modify the artwork or site to do so?
- Is the artwork a source of contention among various cultural communities?
- Has the artwork failed to generate interest as a gathering place?

Value Artists and Artistic Processes

- Does the artist have an inappropriate cultural, geographic or artistic perspective?
- Is the original artistic integrity of the artwork no longer intact or can it no longer be maintained?
- Does continued display of the artwork undermine the artist's intention or reputation?
- Has the artist been involved in discussions about removal of the work?
- Did someone other than a practicing artist create the artwork?

Use Resources Wisely

- Does the artwork require excessive maintenance or repair, have faults of design or workmanship, or is repairing or securing the artwork impractical or unfeasible?
- Are the terms of the original contracts unfulfilled?
- Is the cost of repair or conservation more than fifty percent of the original commission costs or current appraised value?
- Can the City no longer meet the donor's restrictions (for gifts) or other obligations?
- Does removal of the artwork provide an opportunity for a new project that could be supported privately?
- Is another governmental or nonprofit agency better suited to provide care and maintenance?

Section 6:

Community Collaborations: Strengthening Participation in the Arts through Local Partnerships

Overview

Public art has the power, over time, to transform the image of Los Altos. The Los Altos Public Arts Commission (LAPAC) envisions our city to be one with artwork that celebrates the diversity and history of our community. Partnering with complementary arts organizations supports this vision and is an effective way of further developing our community's interest and participation in public art and placemaking. Arts collaborations also support LAPAC's goal of using the arts to create awareness and enhance the quality of our lives.

As a Commission, our work with other groups should be true collaborations, including but not limited to researching and deciding together on an idea, site selection, artist(s) / artwork selection, joint funding, and media outreach.

LAPAC's goal for all sponsored or co-sponsored public art programs is to:

- Shape the quality of life and spirit in our community;
- Build a stronger sense of place and identity;
- Enhance pride and community collaboration;
- Enrich the community experience; and
- Increase economic vitality by creating interesting and "visit worthy" public spaces.

Program Operating Guidelines

- Art that LAPAC co-sponsors as part of this program must adhere to the policies outlined in the *Guidelines for Public Art in Los Altos*, rev. August, 2018. Artists must be Los Altos residents; arts educational organizations must be based in Los Altos.
- Equal contribution of funds from each partner organization is required. This includes art search fees, artist stipends, art insurance, installation, maintenance, signage, media expenses, and other costs associated with the successful exhibition of artwork.
- Once per year, the LAPAC will provide a \$1,000.00 "stipend" to partially sponsor an underfunded artist or arts education organization that is interested in partnering (see the **Sponsored Artist Program** below).
- To keep our arts program fresh and not reliant on a single group, partnerships with the same organization will be limited to once every 36 months.
- As part of the annual budget process, Calls for Art, "fixed expense" public arts priorities (art maintenance, signage, installation, and insurance costs), community-focused art programs, Community Center art, and other Commission priorities are decided upon and budgeted, prior to committing to partner or sponsorships.
- Co-sponsored program dates (with milestones) will be agreed upon prior to launching a partnership with a local arts organization.
- During initial planning, LAPAC and the potential partner/sponsor will agree on a promotional/media plan, identify required promotional materials, and all associated costs.

- Payment by the City or reimbursements by the co-sponsor will be paid by the agreed upon method (by milestone, activity, or on completion).
- Partnership / sponsorship communications will reflect the joint nature of the venture. Signage for any joint artwork, project, program or activity will comply with the “look and feel” of the Los Altos Public Arts Commission’s existing signage style and typeface. The “Los Altos Public Arts Commission” will always be listed first on signage and publicity, including: press releases, web pages entries and social media posts. Partner logo, color, specialized type, or tagline are not permissible on either signage or publicity activities; partner names will be shown in the standard typeface consistent with all LAPAC promotional materials. All partnership activities will be positioned as: “sponsored by the Los Altos Public Arts Commission and XXX Partner.”

Los Altos Public Arts Commission Sponsored Artist Program

The LAPAC Sponsored Artist Program offers **one** \$1,000.00 “stipend” each year to help a potential artist or arts education organization fund participation in a LAPAC co-sponsored event. This pilot program is intended to make it more affordable for artists or Los Altos-based arts education organizations with limited or no funding to partner with LAPAC. The decision to pay this stipend to any artist or group is at the discretion of the LAPAC. Artists or arts education organizations must adhere to all Partnership Program guidelines and the *Guidelines for Public Art in Los Altos, rev. August, 2018*.

- Sponsored Artists Partnerships signage and publicity will be branded consistent with the following example (Kim Jones, artist, sponsored by the Los Altos Public Arts Commission).

Identifying Potential Partners

- During the Commission’s workplan development discussions, an activity may be identified that will benefit from the participation of another Los Altos or County arts group. Following our Program Operating Guidelines, a designated subcommittee will identify a group that may be interested in supporting the proposed program.
- LAPAC will draft a proposal outlining project scope, proposed dates, expected cost (marketing, art installation, signage, etc.) commission and staff requirements, benefits to the community and LAPAC, calendar conflicts with other City events, and potential co-sponsors.
- The subcommittee will finalize the proposal and City Staff will post on the City’s website so that we are able to promote and attract a diverse source of participants.
- Projects must comply with the City’s requirements where an RFP (Request for Proposal) may be necessary.
- Organizations submitting proposals will be vetted by the subcommittee and then presented during a scheduled LAPAC meeting.
- If a proposal is complementary with the LAPAC’s plan, the LAPAC will determine through our standard Commission approval process.



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [nancy.ell](#)
To: [City Council](#)
Cc: [Andrea.Chelemengos](#)
Subject: Item 7: Los Altos Public Arts Guidelines
Date: Monday, October 11, 2021 12:23:44 PM

Dear Council,

After several years of little or no budget, the **Los Altos Public Arts Commission** is now able to “repopulate” the City with wonderful, new public art. Note that the Commission continues to be mindful of making sure that current City-owned art assets are maintained and that the cadence of delivering community-involved art programs continues.

On September 30, 2021, the Los Altos Public Arts Commission completed its fifth Call for Art—which alerted artists across the country that the City of Los Altos was interested in displaying their art. The response was enthusiastic! As a result, the Commission selected 12 works from different artists representing cities / states, including: Santa Rosa, Boulder Creek, Berkeley, and Martinez, CA; Tempe, AZ; Washington, D.C.; Grand Junction, CO; and Lutherville, MD.

As you know, Arts Commission meetings are open to the public. Art under consideration is posted, prior to selection, for community input and comment. In fact because the Los Altos Public Arts Commission adheres to State and local transparency guidelines (Brown Act), it is significantly more open than other local arts nonprofit groups regarding selection and placement decisions.

Stay tuned for exciting new programs, Community Center (and community) art events, and new public sculptures across Los Altos.

Sincerely,

Nancy Ellickson
Former Los Altos Arts Commissioner



DISCUSSION ITEM

Agenda Item # 8

AGENDA REPORT SUMMARY

Meeting Date: October 12, 2021

Subject: Censure Policy

Prepared by: Jolie Houston, City Attorney

Reviewed by: Jon Maginot, Deputy City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Censure Policy

Initiated by:

At its August 24, 2021 meeting, the City Council requested a Censure Policy for its review.

Previous Council Consideration:

None.

Fiscal Impact:

None.

Environmental Review:

Not applicable.

Policy Question(s) for Council Consideration:

- Does the City Council wish to adopt a Censure Policy?

Summary:

If adopted, the Censure Policy would apply only to the City of Los Altos (City) Mayor, Vice Mayor, and City Councilmembers serving on the Los Altos City Council for improper conduct that could result in admonition or censure.

Staff Recommendation:

None.



Subject: Censure Policy

Purpose

It is the policy of the Council that all its members shall abide by federal and state law, City ordinances, and City policies, including the Council Norms and Procedures (Law or Policy). Violations of such Law or Policy tend to undermine the effectiveness of the Council as a whole and foster distrust from the public.

Adoption of the Censure Policy would provide the Council and members of the public fair and adequate notice of the process and procedures for censuring, admonishing, and addressing situations when a Councilmember may have violated any Law or Policy.

The Town of Los Gatos and the cities of Santa Clara and Stockton have adopted censure policies. Some of these policies contain very detailed and complicated procedures. The attached Censure Policy considered these policies and was drafted to reflect the Council's direction.

Background

On August 24, 2021, Councilmember Weinberg, with support from Councilmember Meadows and Mayor Fligor, requested a future agenda item to discuss development of a policy on censuring, admonishing, and addressing situations when a Councilmember may have violated any Law or Policy.

Discussion/Analysis

If the Censure Policy is adopted and depending on the circumstances of any alleged violation(s) of Law or Policy, the Council may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in the attached Censure Policy. As stated in the Censure Policy, an investigation, however, is not required.

If adopted, the Censure Policy would be effective on the date of adoption by the City Council and shall not be applied retroactively to any conduct occurring before its effective date.

Nothing in the Censure Policy precludes individual Councilmembers from making public statements regarding such alleged conduct. While the Council has broad discretion in deciding certain actions it may choose to take in response to violations of Law or Policy, which would not require the Council to adopt policy, including but not limited to voting to remove a Councilmember from a Committee or Board, or a vote of no confidence in a particular Councilmember, the attached Censure Policy provides definitions and procedures related to two types of actions: admonition and censure.



Subject: Censure Policy

The Council shall only admonish or censure a Councilmember pursuant to the Censure Policy if a Councilmember has violated the Law or Policy more than two times and the Councilmember has been publicly warned about such violations by another Councilmember or Councilmembers(s) and the Councilmember that received the warning continues to violate the Law or Policy.

Recommendation

Since this is a Council policy decision, the City Attorney does not have a recommendation.

ATTACHMENT 1**CENSURE POLICY****PURPOSE**

This policy applies only to the City of Los Altos (City) Mayor, Vice Mayor, and City Councilmembers serving on the Los Altos City Council (“Council”) for improper conduct that could result in admonition or censure.

This policy shall be effective on the date of adoption by the City Council (“Effective Date”) and shall not be applied retroactively to any conduct occurring before the Effective Date.

Any disciplinary action taken by the Council under this policy shall be a final action and is not subject to an appeal or reconsideration.

POLICY

It is the policy of the Council that all its members shall abide by federal and state law, City ordinances, and City policies, including the Council Norms and Procedures (hereinafter referred to as Law or Policy). Violations of such Law or Policy tend to undermine the effectiveness of the Council as a whole and foster distrust from the public.

Depending on the circumstances of alleged violations of Law or Policy, the Council may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in this policy. An investigation, however, is not required.

Nothing in this policy shall preclude individual Councilmembers from making public statements regarding such alleged conduct. While the Council has broad discretion in deciding certain actions it may choose to take in response to violations of Law or Policy, which would not require the Council to adopt policy, including but not limited to voting to remove a Councilmember from a Committee or Board, or a vote of no confidence in a particular Councilmember, this policy provides definitions and procedures related to two types of actions: admonition and censure.

The Council shall only admonish or censure a Councilmember pursuant to this policy if a Councilmember has violated the Law or Policy more than two times and the Councilmember has been publicly warned about such violations by another Councilmember or Councilmembers(s) and the Councilmember that received the warning continues to violate the Law or Policy.

Admonition

An admonition may be informal or formal and is typically directed to a member or members of the Council. An admonition may be issued in response to a particular alleged action or actions in violation of a Law or Policy. An informal admonition may be issued by the Council prior to any findings of fact regarding allegations, and because it is a warning or reminder, it would not require an investigation or separate hearings to determine whether the allegation is true. A formal admonition would follow a public hearing, as further described below. The Council recognizes the right to criticize is protected by the First Amendment, and may be done by an individual

ATTACHMENT 1

Councilmember, or by a Council motion and vote. A Mayor may from time to time remind Councilmembers to comply with any Law or Policy in order to conduct an orderly meeting. Such reminders by the Mayor are not an admonition.

Censure

Censure is an official reprimand or condemnation made by Council in response to specified conduct by one of its own members. Censure is disciplinary in nature and requires the formal adoption of a resolution setting forth the Councilmember's alleged violations of Law or Policy. Although not required, censure could involve an investigation and it must protect the due process rights of the Councilmember being investigated. Censure carries no fine or suspension of the rights of the Councilmember as an elected official, but a censure is a punitive action for a Councilmember's violations of Law or Policy.

PROCEDURE

Informal Admonition

An individual Councilmember can make an admonition at any Council meeting during the Public Presentations or Reports of Councilmembers portion of the meeting. The Councilmember making the informal admonition must first ask the Mayor to make the informal admonition and state on the record the basis for the informal admonition, including the previous two or more times that the Councilmember, who would be subject to the admonition, had been warned. After doing so, the Mayor must allow the Councilmember to make the informal admonition. If the Mayor would like to make an informal admonition, the Mayor is also required to state on the record the basis for the informal admonition.

Formal Admonition or Censure Public Hearing

At a public City Council Meeting, three (3) Councilmembers may request a discussion of a formal censure and/or formal admonition action be placed on a future meeting Council agenda. At the future meeting that the discussion is heard, a vote by three (3) or more Councilmembers is required to agendize a formal public hearing. The City Clerk shall provide a formal notice of the hearing to the Councilmember who is the subject of the action. The notice shall contain the specific allegations and/or charges on which the proposed action is based and the date and time that the matter will be heard. At the hearing, the Councilmembers who requested the hearing shall have a cumulative total time of no more than 10 minutes to state the reason(s) they are requesting the formal admonition or censure, and the Councilmember who is the subject of the action shall have up to 10 minutes to respond. Upon hearing the testimony, the Council may take action setting forth its findings and stating the terms of the disciplinary action.

Disciplinary Action.

ATTACHMENT 1

If, at the close of the hearing, a majority of the entire membership of the Council finds that the subject member's conduct violates any Law or Policy, the Council may take one or more of the following measures:

(1) Formal Admonition. A Formal Admonition can be in the form of a motion and vote, or an adopted Resolution, and can take any or all of the following forms:

- (a) The admonition is directed to one or all members of the Council, reminding them that a particular type of behavior is in violation of law or City policy; and/or
- (b) Direction is given to the subject Councilmember to correct the result of the particular behavior that violated Law or Policy; and/or
- (c) A reprimand is directed to the subject member of the Council based on a particular action (or set of actions) that is determined to be in violation of Law or Policy but is considered by the Council to be not sufficiently serious to require formal censure.

(2) Resolution of Censure. The Council may adopt a resolution of censure that clearly sets forth the facts supporting the allegations of misconduct giving rise to the censure. A resolution of censure requires a majority vote of the entire membership of the Council. A resolution of censure may include the imposition of certain actions against the Councilmember such as removal from a committee or Board.



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [REDACTED]
To: [Public Comment](#)
Subject: No Censure Policy
Date: Tuesday, October 5, 2021 9:12:19 AM

We want the City Council to be examples in our community. Show kindness, collaboration, work toward best for our city and its people-not to censure.

Thank you..June & Aram Darmanian

Sent from my iPhone

From: [REDACTED]
To: [City Council](#); [Public Comment](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021
Date: Tuesday, October 5, 2021 9:17:00 AM

Council

I just heard about a "Censure policy" being proposed by Mr Weinberg and endorsed by Ms Meadows and Ms Fligor. I am simply outraged by their actions considering they were and remain deeply complicit in the endorsement and cover up of racist bigotry, retaliation, and other violations of the 1st Amendment by them and their cohorts formerly on Council and in the City's administration and counsel.

It appears the trio--and those that backed them--need a lesson in civics first. Do they and those they oversee respect the 1st Amendment? other parts of the Constitution and laws of the country, state, and city? Clearly not, as witnessed by the ongoing litigation and decisions by Superior Court Judges concerning the City's routine flouting of the laws and bad faith. And for their violations of law, are they any accountable? No, for it is none other than the public whose tax dollars pay the costs.

Ms Meadows, as Chair of the Planning Commission, was complicit in the cover up of the City's conspiracy to retaliate and maliciously prosecute those who complained about its unequal treatment of homeowners and the unequal enforcement of the laws.

Ms Fligor, as Mayor and Council member, has stonewalled all requests by concerned residents and taxpayers concerning the City's violations of the laws. As did her former cohorts on Council: Ms Bruins, Ms Pepper, Mr Mordo, etc

The trio, led by Mr Weinberg, have shown a penchant to hound and harass Council members who disagree with them, just as their mentor Mr Mordo and Ms Bruins did (see the reporting in the Palo Alto Daily Post). And it continues to this day. Why? Because they are exempt from prosecution under immunity? Because the costs of defending their outrageous conduct are paid by taxpayers?

By even considering this "Censure" policy you are making a mockery of the City and yourself. It's a matter of time before you are held accountable. In matters as unwise as what you are considering it is worth remembering the adage: proceed at your peril for you'd soon be hoist with your own petard.

Sincerely,
Satish Ramachandran

From: [REDACTED]
To: [Public Comment](#)
Subject: Public comment #8 October 12, 2021
Date: Tuesday, October 5, 2021 10:17:32 AM

I am opposed to this needless new proposal regarding City Council actions. Our meetings are already far too long and any action to censor a Council member would just make it worse. The voters already have adequate means to deal with Council members by either the recall process or voting them out at the next election cycle.

Jim Jolly
Panchita Way

Sent from my iPhone

From: [REDACTED]
To: [Public Comment; City Council](#)
Cc: [Andrea Chelemengos](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021
Date: Tuesday, October 5, 2021 10:47:41 AM

I strongly oppose the proposed censure policy. It will not help out divided city come together. Who would decide what actions deserve censure? Council members!?!?! The Council Norms already provide standards of behavior. If a Council Member violates the Norms, let him or her be reminded of what is acceptable and move on. If any official violates the law, we have remedies for that.

This is just a thinly-veiled excuse for continuing your anti-Asian jihad against Council Member Lee Eng. We all know this came about because Lee Eng had her phone on due to a family emergency. Someone sent her some racist tweets that became a six-month soap opera until the City council passed Resolution 2021-24 which was a shameful attempt to appease the woke mob by throwing Council Member Lee Eng under the proverbial bus.

If the council took its Resolution 2021-17, which condemned intimidation, aggression and violence against Asian-Americans, seriously, this would not have happened. There was no need to revise the Los Altos City Council norms and procedures. I doubt the anti-bias training described in section 6.7 will do anything to fix the damage done by this. These new policies will simply allow council to check a box to make it harder to sue the city.

You fail to realize that Resolution 2021-24 continues to spread misstatements and disingenuous statements, and these procedures won't do anything about it. Council Member Lee Eng did not allege that anyone threatened her or mention anybody by name. However, she had every right to be concerned by the texts that were sent to her. Although the final text in the series reads, "I just want to be clear, this is in no way a threat of any kind. This is me expressing my disappointment," one has to ask why this statement was necessary if the texts in question were unambiguously NOT a threat? Considering recent events around the country, it is reasonable to fear doxxing, vandalism or physical harm. Last year, this happened to the mayors of San Jose and Oakland.

A censure policy is sure to invite lawsuits. There is a pending Supreme Court case addressing First Amendment Freedom of Speech vs. Censure Policies. (Wilson vs. Houston Community College System: <https://tinyurl.com/wilsonVhouston>) This case will decide what speech by a Council Member is subject to censure.

Bill Hough
Los Altos

From: [REDACTED]
To: [Public Comment](#)
Subject: Censure Policy
Date: Tuesday, October 5, 2021 10:59:09 AM

Dear Los Altos City Council Members,

Please put your time and effort into governing our wonderful city instead of worrying about censoring each other.

Sincerely,
Teresa Flory
774 Raymundo Avenue
Los Altos

From: [REDACTED]
To: [Public Comment](#)
Subject: Censure Policy
Date: Tuesday, October 5, 2021 10:59:53 AM

Dearest Council Members

Please stop bowing to the BLM Marxist agitators. Please drop the idea of this Censure Policy, it is a violation of our 1st Amendment right to Free Speech.

Free Speech isn't always speech we agree with, but it should be protected.

Thanks

Leo Torreano
1011 Covington Road, Los Altos

From: [REDACTED]
To: [Public Comment](#)
Subject: Censure Policy Item #8 Oct 12 City Council Meeting
Date: Tuesday, October 5, 2021 11:46:09 AM

Dear City Council Members

I am opposed to a Censure Policy in Los Altos. It is meansprited to take punitive action against your colleagues and shows how you don't feel you can work together for the good of the town.

In other towns, Censure Policies require a supermajority to enact, yet the proposal only requires three members of council to censure or take additional punitive action against another council member. At least four members of Council should agree before any punitive action is taken.

The Censure policies in other towns have led to lawsuits, There is a pending suit going to the Supreme Court now. When Sally Meadows and Jonathan Weinberg ran for office they said they wanted fewer lawsuits, yet they are supporting a policy that will invite lawsuits. You are inviting the public to attend Council meetings and ask that a member of Council be censured. At that point, will you fold to the pressures of a special interest group? You don't even require proof of wrongdoing, just opinions.

It appears that the policy will pass, regardless of public input, because you already have the three votes needed, as three of you asked for it to be agendazized, There are many of your constituents that you are ignoring. We are your constituents also and care about the policies that govern Los Altos.

See lawsuit links

https://ballotpedia.org/Braun_v._City_of_Taft

<https://www.edweek.org/policy-politics/supreme-court-to-weigh-when-school-board-censure-of-a-member-violates-the-first-amendment/2021/04>

Earlier this year, when we had the Kenan Moose issue, it was clear that a handful of people wanted to punish Lynette for her legitimate fear when Kenan threatened to put her name all over the newspapers and followed through with his threat. It amazes me that you cannot let this matter drop and you are still looking for ways to punish Lynette Lee Eng.

The day before the Justice Vanguard March in Los Altos, there was a march from San Antonio Rd to Mountain View City Hall by the same group. A close friend of mine who is a senior citizen, was in his car going to the hospital for shoulder surgery, The mob of protesters crossed over to the wrong side of El Camino and attacked him in his car because he was a white male calling him a racist and slamming their protest signs into his car. The police helped rescue him. How scary !! A Police report was filed. I am not sharing his name as he is still afraid.

Rather than trying to bring unity to our town, you are choosing a path which pits one group against another. How sad.

If you can't trust each other, how can we trust you?

Roberta Phillips

[REDACTED]

From: [REDACTED]
To: [Public Comment](#)
Subject: censure policy
Date: Tuesday, October 5, 2021 12:13:03 PM

Dear Council;

I can hardly wait for the next election, when the three liberal Democrat majority will be upset by a new member who is Republican. I'm sure there are several issues that the Dems can be censured for, once the balance is 3-2 Republican.

Richard Blanding
21 Marvin Ave.

From: [REDACTED]
To: [Public Comment](#)
Subject: "PUBLIC COMMENT Item #8, October 12, 2021"
Date: Tuesday, October 5, 2021 1:08:22 PM

I wish to express my disapproval of the censure policy. Like normal adults you need to discuss, debate, agree/disagree with no room for arbitrary policy of censuring each other lest everyone dislikes everyone else over time. What would happen to our city then when council members are constantly looking for opportunities to censure each other?

Besides, some of the censuring acts may invite lawsuits wasting taxpayers' money and causing delays.

Pls. run the council in a civil manner with citizens in mind. Pls. run the council like thousands of corporations with executives & small/large boards where members put their viewpoints, debate and agree on the best course forward at the end.

Hope my comments are taken in good spirit.

Thanks, PK Dubey
Citizen of Los Altos Hills

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021
Date: Tuesday, October 5, 2021 1:17:40 PM

No Censure Policy, please. That will not help get things done. We want our council to communicate and support each other, not attack each other.

Betty Christopher

From: [REDACTED]
To: [Public Comment](#)
Subject: Public Comment #8, Oct. 12, 2021
Date: Tuesday, October 5, 2021 2:50:21 PM

I am definitely against the idea of council members being able to censor other council members. This seems like much too divisive a practice to even consider.

I have been a resident of Los Altos for 40 years.

Sebina Hobson
81 Sunkist Lane

From: [REDACTED]
To: [Public Comment](#)
Subject: "PUBLIC COMMENT Item #8, October 12, 2021"
Date: Tuesday, October 5, 2021 3:24:45 PM

I oppose this measure. I have watched with sadness as our nation becomes so split apart and I would hate to see it in Los Altos.

Anne Connell
608 Spargur Drive

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021
Date: Tuesday, October 5, 2021 4:42:40 PM

Dear Mayor Fligor and Council Members.

We do not need a Censure Policy in Los Altos. We need to unite Los Altos - not divide it.

Our city council needs to work together for the benefit of all Los Altos. We do not need nor want separate factions on our city council, looking for reasons to smear council members that they disagree with. Remember that all council members were duly elected by Los Altos residents.

A Censure Policy is a BAD BAD BAD idea.

Thank you.

Sandra Salinger
Los Altos

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT - AGENDA ITEM 8 - OCTOBER 12, 2021
Date: Tuesday, October 5, 2021 7:04:24 PM

Hello Mayor Fligor, Vice Mayor Enander, Councilmembers Lee Eng, Meadows and Weinberg,

I am strongly in favor of the City Council having the ability to censure Councilmembers who have repeatedly violated laws, ordinances and Council Norms and Procedures without any consequences. I ask you to adopt the proposed Censure Policy.

Without relitigating history, we have seen repeated violations of the Brown Act and Los Altos City Council Norms that have gone without consequence, including electronic communications with others in the middle of a City Council meeting (as documented by multiple public records requests), as well as disrespecting members of the public. It would be great if we could trust all of our Councilmembers to follow the law and the Council Norms, but sadly, that has not been the case.

I believe it's important to have consequences when a Councilmember repeatedly ignores our laws and policies, and this Censure Policy, while only a slap on the wrist, provides some method for the rest of the City Council to hold their peers accountable.

Thank you for your consideration.

Joe

.....

Joe Beninato

[REDACTED]


From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021
Date: Tuesday, October 5, 2021 5:15:06 PM

City Council Persons:

This censure proposal is for the birds. Please vote it down.

Don't focus on censure, focus on working together.

Bill Daley, Los Altos Resident

From: 
To: [Public Comment](#)
Subject: Censure policy
Date: Wednesday, October 6, 2021 8:50:13 AM

This policy is designed to bully each other. It is gross, and it shouldn't be happening in any government. Period.

You should all be deeply ashamed to even have this on the agenda.

With zero respect left for anyone in Los Altos city government,
Liz Roberts
Los Altos

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021"
Date: Wednesday, October 6, 2021 9:28:57 AM

Donna and John Shoemaker of 437 West Portola Avenue, Los Altos strongly oppose this policy. The standards of behavior are avowed... and enough. Please do not waste our time and taxpayer money dividing the people of Los Altos! This proposed policy serves no purpose other than to divide and censure or treasured freedom of speech. What would be next? Stop this NOW!

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021
Date: Wednesday, October 6, 2021 11:28:59 AM

I reviewed the proposed Censure Policy and I think it is a bad idea.

If in one council member's opinion, another council member behavior warrants sanction, what gives you the right to censure?

You are elected to be leaders of this community. Leaders apply influence and negotiate to lead. Leaders rarely use blunt instruments to punish. If a member is acting illegally, you know what to do. If a member is not following established and documented process, kindly remind him/her and make sure the process is understood and/or strengthen the documentation. Whether you find a behavior agreeable or not, you have to assume each council member acts in the interests of citizens. If a behavior unreasonably wasted time and resources, you document this behavior and make sure Los Altos citizens know about it, its impact, and definitely remind them in the next election cycle.

Regards,
Kester Fong
1560 Oak Ave

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT ITEM 8 October 12, 2021
Date: Wednesday, October 6, 2021 11:47:06 AM

Council Members:

The antagonism on our city council is palpable. Now some of you want to make it worse by creating a formal censure policy. It's as if you want to lie in wait for another council member to say or do something you can find fault with so you can attack. It is hardly conducive to a free interchange of ideas and productive discussions.

This proposal is petty and spiteful and reflects poorly on you. It's not what your constituents want you to spend time on when there are so many issues of real importance facing the city.

It's bad enough we have residents – and even commissioners – making snarky comments to and about council members at meetings and in the press. That's free speech and anyone who holds office has to suffer the slings and arrows of public vitriol.

In spite of the divisiveness of today's politics, I would like to think the elected leaders of Los Altos could behave in a more collegial way. You are supposed to be working together for the public good, not looking for flaws in each other. Is it so hard to forgive mistakes or misstatements? To recognize that you each have different personalities, different approaches, different behaviors? Can you not make allowances – and hope others will make allowances for you?

Instead of censure policy, how about operating under the Golden Rule, perhaps the most universal ethical tenet in human history? Is that too much to ask?

Pat Marriott

From: [REDACTED]
To: [Public Comment](#)
Subject: "PUBLIC COMMENT Item #8, October 12, 2021"
Date: Wednesday, October 6, 2021 12:08:20 PM

I am 100% AGAINST our board enacting a censure policy. Why don't you people learn to get along and work things out with each other.

Suzanne Holland

Sent from [Mail](#) for Windows

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021
Date: Wednesday, October 6, 2021 1:04:08 PM

I am embarrassed to be a resident of Los Altos when I see the topic of "censure policy" listed on the agenda for a city council meeting. What were we thinking when we elected these people to serve our city ? Perhaps we should make " tongue removal " part of the swearing in ceremony for new council members. That would both solve the censure problem and shorten the length of the council meetings.

This is really disappointing..... (and maybe you will censure this also)

Michael D. Menning
1318 Rossway Court
Los Altos, California

From: [REDACTED]
To: [Public Comment](#)
Subject: Censure Policy Item #8 Oct 12,2021 Council Meeting
Date: Wednesday, October 6, 2021 6:47:19 PM

Dear Council Members

The Censure policy make absolutely no sense.It puts talented Council Members at a big disadvantage and should not be allowed.

Sincerely

Wally Palmer

Los Altos resident

From: [REDACTED]
To: [Public Comment](#)
Subject: "PUBLIC COMMENT Item #8, October 12, 2021"
Date: Wednesday, October 6, 2021 6:54:59 PM

Dear City Council,

I received an email about council members entertaining the idea of "censoring" fellow members. Open and candid discussion is a hallmark of a democratic society and any attempt to stifle any such discussion is an anathema to a free and open society. The Council already has a "how" someone is to conduct themselves at a meeting but we should never stifle "what" someone says. Remember, we still live a free and democratic society, let's keep it that way.

Thank you.

Steve Schaper

1250 Miraflores Way, Los Altos, CA 94024

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT Item #8, October 12, 2021
Date: Wednesday, October 6, 2021 10:20:09 PM

I would like to express strenuous opposition and vote against the proposed CENSURE POLICY in LOS ALTOS! I am told this is being proposed by Council Member Jonathan Weinberg, supported by Council Member Sally Meadows and Mayor Neysa Fligor.

It is hard to imagine a more divisive and polarizing policy to bring to our town. What is the purpose of something like this except to indulge in adult bullying of people we do not like, and/or avoid civil debate and discussion but instead mob people into submission? How is this useful or healthy for our town? Not only is it against the sentiment of free speech and expression, a foundational element of our democracy, it will lead to a divided town and polity.

I am simply amazed that the mayor of this town would be pushing for something like this. What is the agenda behind something like this? Please defeat this policy and nip such anti-democratic ideas and thoughts in the bud.

Thanks!

Reena Kapoor
1927 Annette Ln
Los Altos, CA 94024

~~~~~

---

*Reena Kapoor*



**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT item #8, Oct 12 2021  
**Date:** Thursday, October 7, 2021 9:01:39 AM

---

**I would like to express strong opposition and vote against the proposed CENSURE POLICY in LOS ALTOS! I am told this is being proposed by Council Member Jonathan Weinberg, supported by Council Member Sally Meadows and Mayor Neysa Fligor.**

Instead of working together, and finding common ground to make policies, elected officials shall now start bullying each other, making us all more divisive and polarizing.

What is the purpose of something like this? It is to avoid civil debate and discussion but instead mob people into submission. Not only is it against the sentiment of free speech and expression, a foundational element of our democracy, it will lead to a divided town and polity.

I am simply amazed that the mayor of this town would be pushing for something like this. What is the agenda behind something like this? Please defeat this policy and nip such anti-democratic ideas and thoughts in the bud.

--

Anurag Wadehra  
1927 Annette Lane  
Los Altos CA 94024



**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item #8, October 12, 2021  
**Date:** Thursday, October 7, 2021 8:35:36 AM

---

*I would like to express strenuous opposition and vote against the proposed CENSURE POLICY in LOS ALTOS! I am told this is being proposed by Council Member Jonathan Weinberg, supported by Council Member Sally Meadows and Mayor Neysa Fligor.*

*It is hard to imagine a more divisive and polarizing policy to bring to our town. What is the purpose of something like this except to indulge in adult bullying of people we do not like, and/or avoid civil debate and discussion but instead mob people into submission? How is this useful or healthy for our town? Not only is it against the sentiment of free speech and expression, a foundational element of our democracy, it will lead to a divided town and polity.*

*I am simply amazed that the mayor of this town would be pushing for something like this. What is the agenda behind something like this? Please defeat this policy and nip such anti-democratic ideas and thoughts in the bud.*

-----

Thanks!

Anu

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Public Comment - Council meeting of October 12, 2021 Item #8: Council Member Censure Policy  
**Date:** Thursday, October 7, 2021 9:39:52 AM

---

Dear Mayor Fligor and Members of the City Council,

*"Accountability  
the quality or state of being [accountable](#)  
especially : an obligation or willingness to accept responsibility or to  
account for one's actions  
//public officials lacking accountability"  
Merriam-Webster*

What is the value of having Codes of Ethics and Values if there is not accountability? Violations of agreed values injure the good name of the City and undermine the effectiveness of the City Council as a whole.

Any number of jurisdictions in California from City of Santa Clara to City of Laguna Beach to Riverside operate under policies of admonition and censure to ensure accountability.

We teach our children that consequences matter. We should expect the same accountability and transparency from our public officials.

The Los Altos Community Voices Steering Committee (LACV) supports the adoption of a censure policy and hopes that current and future City Councils will never have cause to invoke it.

Robin Abrams, Curtis Cole, Kim Cranston, Cathy Lazarus, Bill Sheppard,  
Marie Young

LACV Steering Committee

Sent by  
Kim  
--  
Kim Cranston  
[REDACTED]

**From:** [REDACTED]  
**To:** [bruceb@latc.com](mailto:bruceb@latc.com); [City Council](#); [Public Comment](#)  
**Subject:** Censure yourselves  
**Date:** Thursday, October 7, 2021 11:25:47 AM

---

Dear City Council,

We are disgusted and highly disappointed by this movement to allow the censuring (public shaming) of other council members. **It shows a lack of respect and class from the people we elected to represent us and it is absolutely not how we want Los Altos leadership to be portrayed.**

I was raised to “Praise in public, criticize in private” and have always lived by that rule. As public figures, you most certainly should align with this practice. Unfortunately, I am breaking my rule by writing this very public letter but only because our attempts to privately reach you have failed.

This move to adopt a policy of censure (aka accepted bullying) calls for the retelling of an incident that happened several months ago during an online city council meeting that now needs to be addressed.

Mayor Fligor publicly chastised and shamed Council member Eng for defending her position against being bullied by a resident. Fligor’s demeaning remarks we’re also supported by Council members Meadows and Weinburg. Their attacks were cringeworthy for all who witnessed them.

The Mayor’s lack of professionalism was apparent to all who believe that politeness is the chief sign of culture. It is only those who with low self esteem and prejudice who resort to behavior like this.

*In the 30 years we’ve lived here we’ve never seen anyone speak so poorly to another member of the council, it was a appalling.....and now you want that behavior to become the accepted norm?*

Many of us watching we’re so disgusted by Mayor Fligor’s behavior that we turned off the broadcast and began discussing how we could recall her, along with Council members Meadows and Weinberg. That discussion has amped up with the proposal of this Censure policy.

When you engage in negative behavior, you don’t succeed in making the other person look bad, you only make yourself look bad. All the law degrees or initials after your name cannot give you class and respect. You have earn that.

**Remember, life is a big mirror, what you put out to others bounces right back to**

**you, which is what's happening to you now.**

We will see all three of you removed before we allow you to adopt this policy and drag our city down any further than you already have.

Regards,  
Harrison Family

**From:** [becky sarabia](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item #8, October 12, 2021"  
**Date:** Thursday, October 7, 2021 12:27:15 PM

---

Hello there:

I would like to give my opinion about this censure policy coming up. It is embarrassing to me as a Los Altos resident. We already have 2 processes in place for bad behavior. Censuring is divisive and obviously relates to the Lynette Eng incident. This only keeps dividing residents and I think it is petty to go forward on this. Lynette Eng was elected by the voters of Los Altos. Learn how to work together.

I agree with Pat Marriott: “ make the norms reasonable so they ensure respect for all. If anyone violates them, point it out.” You can read the rest of her comments in the Daily Post of Oct. 7th.

And as Pat said...you guys need more teamwork! Stop wasting time on this and get to work on other important items that need to be addressed.

Thank you,

**From:** [dayita bhat](#)  
**To:** [Public Comment](#)  
**Subject:** Item#8 October 12  
**Date:** Thursday, October 7, 2021 2:13:29 PM

---

I absolutely oppose censure.

There are already codes of conduct that are to be maintained.  
Censuring will create the stifling of voices, put an end to open, honest raising of issues/concerns, and divide our town.

Thank you  
Dayita Bhat  
Sent from my iPad

**From:** [Bill Hough](#)  
**To:** [Public Comment; City Council](#)  
**Cc:** [Andrea Chelemengos](#)  
**Subject:** Fw: PUBLIC COMMENT Item #7, October 12, 2021  
**Date:** Thursday, October 7, 2021 8:49:57 PM

---

I am writing to make sure that your new public art guidelines continue to designate "Art that signifies a political or religious statement" as Ineligible Works of Art. It appears that the redline version does not change that verbiage, but I am writing to make sure.

We do not need any contentious "art" that pushes a political point of view that only inflames and divides the community.

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item 8 October 12, 2021 -- 2nd comment  
**Date:** Thursday, October 7, 2021 2:13:08 PM

---

Council Members:

Councilman Weinberg says “It is necessary for the city to have a logical censure policy in order for the residents ... to know and understand that their elected officials are responsible and accountable.”

There has been no public outcry for this policy. Residents through the years have held our councils to be responsible and accountable without a formal censure policy. When we see problems, we speak up. We don’t need council members to police each other. That’s our role as citizens.

It would be helpful to understand why three council members think this policy is needed. Please provide examples of actions you would “admonish” or “censure.” For instance:

- During the Measure A activities, then-Councilwoman Bruins told seniors they were not allowed to wear a No on A button in the senior center. She was wrong. She apologized. Would she have been censured?
- The senior commission and the parking committee were disbanded several years ago because they supposedly violated the Brown Act. Two council members sat on the parking committee. Would they have been censured?
- Councilman Weinberg and Councilwoman Meadows made false statements about what Scott Spielman had or had not done as a PARC commissioner. Apologies were made, but Spielman lost his seat on the commission because of the allegations. Would they have been censured?
- Councilwoman Lee Eng was genuinely fearful after reading what she perceived as an intimidating text from Keenan Moos during a council meeting. Her reaction was influenced by RACIST stickers defacing her lawn signs, plus news reports of two mayors’ homes vandalized by protestors.





<https://sanjosespotlight.com/protesters-vandalize-san-jose-mayors-house/>

*Protesters vandalized San Jose Mayor Sam Liccardo's downtown home after protesting the police shooting of Jacob Blake. Photo by Luke Johnson.*



<https://www.sfchronicle.com/crime/article/Vandals-cover-Oakland-Mayor-Libby-Schaaf-s-home-15423622.php#photo-19708544>

*A group of people vandalized Oakland Mayor Libby Schaaf's home early Tuesday morning, spraypainting graffiti and setting off fireworks in the street, according to neighbors. Photo by Luke Johnson.*

Lee Eng saw no reason to apologize for her reaction, though she was relentlessly badgered for months to do so. Should she have been censured?

The draft policy says there would be investigations if charges are made. Who would conduct the investigations? The police? Paid consultants? Who would be completely neutral and trustworthy?

This policy is fraught with opportunities for political posturing and baseless challenges to target or cancel someone and create negative publicity – even if the complaints come to nothing. We have already seen examples from council coalitions past and present. The city could also waste time and money “investigating” he said/she said charges. And it could lead to lawsuits.

Weinberg says this policy brings Los Altos in line with other jurisdictions, yet of 101 towns and cities in the Bay Area, only three have censure policies.

Please think carefully about what you're doing, because you have opened a huge can of worms and set residents against one another yet again. Proposing this policy does you no credit. Adopting it would haunt your legacy.

Sincerely,

Pat Marriott



## **PUBLIC CORRESPONDENCE**

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Pat Marriot](#)  
**To:** [Public Comment](#)  
**Cc:** [Jim Jolly](#)  
**Subject:** Public Comment Item 8 Oct 12, 2021 FROM JIM JOLLY  
**Date:** Friday, October 8, 2021 9:19:58 AM

---

*Council Members:*

*Jim Jolly is having computer problems and asked me to send this to you. He has also requested that this be read aloud at the October 12 council meeting during public comment on item 8.*

*Pat Marriott*

I am in complete agreement with Pat Marriot's second Public Comment recently submitted. It appears to me that recently elected Council Member Weinberg wants to use his law degree to solve what he seems to feel is one of our town's most critical issues. As a 44 year resident of Los Altos with significant involvement in city governance issues, I feel that Los Altos has somehow been able to move forward, even though we didn't have a formal censure policy in place.

We have always had a City Attorney and to the best of my knowledge, none of them ever recommended such a policy. Pat Marriot indicates in her most recent Public Comment that only 3 of the 101 Bay Area local governmental units have such a policy. Is Mr. Weinberg making "a mountain out of a molehill" with his censure proposal ?? To me, it seems the more applicable solution is "If it ain't broke, don't fix it."

Please reject this needless policy and focus your time, staff resources and taxpayer funds on issues that are much more important. Thank you

Jim Jolly  
Panchita Way  
Sent from my iPhone

**From:** [Harsha Bhat](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item #8, October 12, 2021  
**Date:** Friday, October 8, 2021 3:06:29 PM

---

I WOULD LIKE TO VOTE NO TO A CENSURE POLICY in  
LOS ALTOS

**From:** [Jill Woodford](#)  
**To:** [Public Comment](#)  
**Subject:** Public comment Item #8 oct 12, 2021 Censure policy proposal  
**Date:** Friday, October 8, 2021 4:47:45 PM

---

I am writing in support of the Censure Policy proposal. Elected officials should uphold the law and model behavior that is respectful, dignified, and representative of community leaders. This means following rules, being accountable, and respecting their fellow council members as well as city staff, residents, and the public at large.

I support holding a high standard for Council member behavior, just as many employers do for their employees. If laws and council norms are difficult for a Council member to follow, then maybe the role is inappropriate for that person and someone else should step in. High ethical and behavioral expectations are widely accepted and applied to most leadership roles, paid and volunteer. There should be no exemption for City council members.

Regards,  
Jill Woodford

**From:** [Al Rooney](#)  
**To:** [Public Comment](#)  
**Subject:** Censure Policy Item #8, City Council Meeting October 12, 2021  
**Date:** Friday, October 8, 2021 4:57:11 PM

---

The Los Altos City Council Norms and Procedures already provide the standards for City Council Member decorum and conduct.

Los Altos has never had or needed a “censure” policy. Indeed, the draft policy acknowledges the City Council already has discretion to take action in response to violations of law or policy. So, why is the City Council considering a censure policy after decades of not having one? The reason is obvious. Mr. Weinberg has made it clear he wants a mechanism to censure his opponents.

Mr. Weinberg’s proposed censure policy requires a mere majority vote – 3 out of 5 members – to subject a member to public shaming. This means that whoever is in the minority of the City Council will need to fear being censured by the majority.

Mayor Fligor, you are in a position to show true leadership by focusing on bringing our community and City Council together. This new policy will perpetuate division by providing future City Councils with a weapon to publicly shame and attack each other. You already have the means to enforce the existing laws and policies under the Norms and Procedures. Please don’t let this ill-advised policy be your legacy especially when you will be seeking re-election.

A. Rooney

**From:** [Carlos Shaw](#)  
**To:** [Public Comment](#)  
**Subject:** I am against your proposed Censure Policy.  
**Date:** Friday, October 8, 2021 5:30:12 PM

---

Council members need to have freedom of speech.

Doesn't Los Altos have enough problems (e.g. fixing roads, improving parks, taking care of seniors, etc) ? I did not elect you to the City Council to find ways to censor each other. Stop this nonsense.

Sincerely, Carlos Shaw

**From:** [Toni Moos](#)  
**To:** [Public Comment](#)  
**Cc:** [Kevin Moos](#); [Toni Moos](#)  
**Subject:** PUBLIC COMMENT - AGENDA ITEM 8 - OCTOBER 12, 2021  
**Date:** Friday, October 8, 2021 6:18:18 PM

---

Dear Mayor Fligor, VM Enander, Councilmember Weinberg, Councilmember Meadows, and Councilmember Lee Eng,

I am writing in support of the proposed Censure Policy that is agendized for the October 12th City Council Meeting. It is imperative that there is a mechanism in place to appropriately censure a councilmember who goes against council norms and procedures, who displays inappropriate behavior or who breaks the law. I understand that this censure would not take place until several warnings are made, eliminating what some fear will be a quick and unwarranted censure of fellow councilmembers. This is, in essence, only to be exercised when the councilmember's behavior fails to change. At this time there is no process in place to appropriately address issues that may arise by a councilmember who fails to follow norms and procedures or who engages in unlawful or undesirable behavior, so it is important that such a process be put in place.

Thank you for your time and attention in addressing this matter.

With appreciation,

Toni and Kevin Moos (Los Altos Residents for 18 years and 50 years, respectively)



**From:** [Frank Martin](#)  
**To:** [City Council](#); [Public Comment](#)  
**Subject:** CITY COUNCIL OCTOBER 12 MEETING - AGENDA ITEM 8  
**Date:** Saturday, October 9, 2021 12:05:11 PM  
**Attachments:** [Censure.docx](#)

---

City Council Members, City Manager, and Staff,

Enclosed are my thoughts about item 8 - a proposal for a censure policy.

In summary this is a step in the wrong direction because it is not needed and is an obvious attempt by the majority of council members to bully the minority. Voters like me that care about good government urge you to VOTE NO.

Frank Martin

October 9, 2011

City Council, City Manager, and Staff,

"Censure is a formal, and public, group condemnation of an individual, often a group member, whose actions run counter to the group's acceptable standards for individual behavior. ... Like a reprimand, a censure does not remove a member from their office so they retain their title, stature, and power to vote." So, why is censure now needed?

Looking back for over 50 years Los Altos has never had or needed a censure policy because our voters instead routinely exercise their right to choose council members they trust just like most other nearby cities and towns. When someone violates our trust we do simply do not re-elect them for another term.

The power to censure can and in my opinion will be abused by any majority of council members that vote in a block like the current cabal of Fligor, Weinberg, and Meadows.

Ironically, by definition a minority of independent council members such as Lee Eng and Anita Enander do not have the same power to censure just because they are a minority.

And, with our current dysfunctional majority; censure is just another way to bully.

If you decide to add a censure policy common sense and fairness would require that certain principals must be included:

- (1) Censure violations must be clearly defined and non vague and transparent.
- (2) To avoid bullying or abuse censure shall require a 2/3 majority of council member votes to start the process and come to a final decision. In our case 4 council member votes.
- (3) The censure process shall be clearly spelled out and include two fully transparent process steps (1) A discussion and later vote by council members to first investigate and (2) only then to vote on censure after hearing the findings.
- (4) The investigation of censure shall be conducted by an independent body and not by the council itself or the city staff or any person or group chosen by the council itself such as an arbitrator or the Los Altos Community Foundation group(s) or the League of Women Voters. I would suggest the Santa Clara District Attorney's office or equivalent independent agency. This investigation source should be spelled out in the process.

- (5) The accused person shall have the right to appeal to another organization in the chain of county or state government before any judgment is final.
- (6) The city shall reimburse the accused for any expenses for self-defense regardless of the outcome. These expenses shall be promptly paid as they occur.
- (7) The city shall be subject to a civil complaint and meaningful fine for any censure vote that fails. For example, a fine up to \$100,000.

Council members in favor of censure should be careful to get what they wish for. For example, in my opinion Weinberg should have been censured for past admitted lies to damage the reputation of Los Altos Parks and Recreation Commissioner Scott Spielman that led to his firing. Indeed, Weinberg apologized afterward, but did not remedy this injustice to Scott and the residents of Los Altos that lost a valuable contributor to our city government. Worse yet was the bullying by Fligor, Meadows, and Weinberg to unfairly reprimand Lee Eng for the Moos incident.

In summary, a censure policy is not needed and can easily allow the majority to bully the minority of independent council members to stifle their opinions like the current cabal of Meadows, Weinberg, and Fligor who almost always vote together.

I hope council members will come to their senses and abandon this horrid policy idea if they wish to avoid the wrath of the vast majority of Los Altos voters. Voters like me that care about good government will remember how every council member votes and what you argue for. I ask you to vote NO on censure!

Thanks for listening,

Frank Martin

**From:** [Gabriele Hilberg](#)  
**To:** [Public Comment](#)  
**Subject:** Censure Policy  
**Date:** Saturday, October 9, 2021 6:34:52 PM  
**Attachments:** [PastedGraphic-12.tiff](#)

---

Hello,

why do you need to create a “Censure Policy”? The polarization is already at a height in this country and we need to move towards cooperation and respectful controversies honoring each person’s dignity.

As a clinical psychologist, I strongly appose to the Censure Policy Mr. Weinberg is proposing.

Sincerely



Gabriele Hilberg, PhD., MFT.



**From:** [Tien Nguyen](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item #8, October 12, 2021  
**Date:** Saturday, October 9, 2021 9:25:24 PM

---

My name is Tien Nguelyn. I live on 659 Springer Terrace, Los Altos. I would like to vote NO TO A CENSURE POLICY in LOS ALTOS. Thank you,

Regards,  
Tien

**From:** [carol little](#)  
**To:** [Public Comment; City Council](#)  
**Subject:** Censure  
**Date:** Sunday, October 10, 2021 8:03:38 AM

---

Dear City Council,

The Los Altos City Council has changed enormously over recent years. The public, by way of voting, moved the council from all male to all female, and back to a mix. We had a point where history was made with the all female council. These shifts and changes are important to recognize. The public sent a message of the desire for a change in leadership and the way things were done.

Censure policies do not support change and most defiantly do not support positive change. It is highly likely that the concepts of censure do not align with what the residents of Los Altos want. Censure policies set a tone of intolerance and a reversal of progress of change. Censure sends the message to not speak one's mind. This intolerance and *sit down and shut up* message is one women and other minorities have lived with for centuries.

Censure does not encourage collaboration. It encourages an authoritarian single message atmosphere.

Censure stifles dialog. When difficult topics rise to the top, we have an opportunity to have tough conversations and to make positive change in our City and world. The most recent incident of racial discord in our City is an example of an opportunity. Certainly the City Council meetings were disrupted and the usual business did not get done, but I felt privileged to hear the concerns and insightful messages from the people speaking up. Some of the participants have never spoken at City Council meetings. What a valuable opportunity the disruption provided us.

If a censure policy were in place, those voices likely would not have been heard. Passion, missteps and tumult are all on the path to change. The positive changes in this country are all built on passion and the need for the repair of injustices.

Censure does not encourage positive changes. Nor does it encourage passion and repair of injustices. As a woman and voter in Los Altos, I vote no to censure in any form. All voices must be lifted and heard. All difficulties within our City must be viewed as an opportunity to hear vital messages that, if handled effectively, lead to positive changes.

Take the time and opportunity to find solutions that lift voices and promote healthy change in our City. Plan for future discord now. Don't try to stifle the tough conversations. Instead, consider alternatives. Perhaps mediation, a grievance board, or perhaps borrow from our wise Native American citizens and form a panel to act as "elders" in finding solutions to difficult conversations.

Do not reverse the progress made in changing the message sent to women and minorities to speak up. Vote no to censure.

Respectfully,  
Teresa Morris

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Censure  
**Date:** Sunday, October 10, 2021 8:05:03 AM

---

Dear City Council,

The Los Altos City Council has changed enormously over recent years. The public, by way of voting, moved the council from all male to all female, and back to a mix. We had a point where history was made with the all female council. These shifts and changes are important to recognize. The public sent a message of the desire for a change in leadership and the way things were done.

Censure policies do not support change and most defiantly do not support positive change. It is highly likely that the concepts of censure do not align with what the residents of Los Altos want. Censure policies set a tone of intolerance and a reversal of progress of change. Censure sends the message to not speak one's mind. This intolerance and *sit down and shut up* message is one women and other minorities have lived with for centuries.

Censure does not encourage collaboration. It encourages an authoritarian single message atmosphere.

Censure stifles dialog. When difficult topics rise to the top, we have an opportunity to have tough conversations and to make positive change in our City and world. The most recent incident of racial discord in our City is an example of an opportunity. Certainly the City Council meetings were disrupted and the usual business did not get done, but I felt privileged to hear the concerns and insightful messages from the people speaking up. Some of the participants have never spoken at City Council meetings. What a valuable opportunity the disruption provided us.

If a censure policy were in place, those voices likely would not have been heard. Passion, missteps and tumult are all on the path to change. The positive changes in this country are all built on passion and the need for the repair of injustices.

Censure does not encourage positive changes. Nor does it encourage passion and repair of injustices. As a woman and voter in Los Altos, I vote no to censure in any form. All voices must be lifted and heard. All difficulties within our City must be viewed as an opportunity to hear vital messages that, if handled effectively, lead to positive changes.

Take the time and opportunity to find solutions that lift voices and promote healthy change in our City. Plan for future discord now. Don't try to stifle the tough conversations. Instead, consider alternatives. Perhaps mediation, a grievance board, or perhaps borrow from our wise Native American citizens and form a panel to act as "elders" in finding solutions to difficult conversations.

Do not reverse the progress made in changing the message sent to women and minorities to speak up. Vote no to censure.

Respectfully,  
Teresa Morris

**From:** [maureen.smith](#)  
**To:** [Public Comment](#)  
**Subject:** Censure of fellow counsel  
**Date:** Sunday, October 10, 2021 2:57:45 PM

---

For heavens sake, to even contemplate passing such proposal of censuring another member of the council without due process is just another hate filled action. There is no circumstance that I would support such a proposal. Be careful what action you pass as it might come back to haunt you  
Sent from my iPhone



**From:** [Gary Carville](#)  
**To:** [Public Comment](#)  
**Subject:** Censure Policy  
**Date:** Sunday, October 10, 2021 4:14:29 PM

---

I am extremely upset with the proposal for censure by the city council. This is a terrible idea and hope it is not approved.

I have lived in Los Altos for 37 years and had an established business here for 27 of those years. In that period of time, I have noticed the quality of the council members deteriorate dramatically and the in fighting increase exponentially.

Gary Carville  
1165 Laureles Drive  
Sent from my iPhone

**From:** [Jolene](#)  
**To:** [Public Comment](#)  
**Subject:** Public comment Agenda Item 8, October 12, 2021 meeting  
**Date:** Sunday, October 10, 2021 5:22:02 PM

---

Council members,

I strongly object to the Censure Policy which has been put forth by a member of our Los Altos City Council. We do not need to encourage division in our council and public shaming. The Norms and Procedures provide guidelines for acceptable conduct of our elected City Council members. The proposed policy discourages public discussion and exchange of ideas. I encourage the Council to reject Agenda Item 8, October 12, 2021 C

Jolene Cole  
Los Altos Resident

**From:** [Pat Sheehan](#)  
**To:** [Public Comment](#)  
**Subject:** Please do not censure Free Speech  
**Date:** Sunday, October 10, 2021 6:07:09 PM

---

Please do not adopt any policy that will censure free speech for any Councilmember. It is incredible to me that there is a proposed policy that will do just that. Council members are elected by the citizens of Los Altos and have the mandate to express options of the people who elected them.

Respectfully,  
Pat Sheehan  
360 Yerba Santa Ave.  
Los Altos CA. 94022

**From:** [Tom Parsons](#)  
**To:** [Public Comment](#)  
**Subject:** Do not implement a censure policy within the City Counsel  
**Date:** Sunday, October 10, 2021 9:12:55 PM

---

I have just read about this policy on next-door neighbor. I pray it is not accurate, but in case it is, I need to express my concern.

Do not implement a censure policy within the City Counsel. This would be an embarrassment to our city and reflect badly on the immaturity of the Counsel.

Please do not consider such an unnecessary and unsound policy. No other city uses such extreme measures to hush opposition and remove healthy debate and expressing of opinions.

Lori Parsons, Los Altos resident and tax payer.

**From:** [Lou Cole](#)  
**To:** [Public Comment](#)  
**Subject:** Public comment Agenda Item B, October 12, 2021 meeting  
**Date:** Monday, October 11, 2021 6:58:18 AM

---

Council members,

I strongly object to the Censure Policy which has been put forth by a member of the Los Altos City Council. We do not need to encourage division in our council and public shaming. The Norms and Procedures provide guidelines for acceptable conduct of our elected City Council members. The proposed policy discourages public discussion and exchange of ideas.

I encourage the Council to reject Agenda item b, October 12, 2021 C.

Louis Cole  
Los Altos Resident

## MEMORANDUM

To: Mayor Fligor; Vice-Mayor Enander;  
Members Lee Eng, Meadows, Weinberg

From: Eric Steinle

Subject: Agenda Item #8: Discussion of Proposed Council Censure Policy

Date: October 12, 2021

I submit this memorandum in my capacity as a resident of Los Altos, and not as a city commissioner. The views expressed here are my personal views. I do not write to represent the views of any other person or persons.

I submit this memorandum in opposition to any proposed policy to authorize either the admonition or censure of a member of the City Council. The grounds are that any such policy would be supererogatory, in that the Los Altos Municipal Code (LAMC) and the California Government Code already provide sufficient protections against misbehavior by a member of the Council; any such policy would intrude into areas that are none of this Council's business; any such policy would accomplish nothing of substance or of value to the city and its residents; and any such policy is, on its face, bad public policy.

For the reasons set forth in this memorandum, I urge this Council to drop the matter and move to its proper business.

Government Code section 36813 provides: "The council may establish rules for the conduct of its proceedings. It may punish a member or other person for disorderly behavior at a meeting." That is the extent of permissible discipline under state law. LAMC 1.20.010(A) enacts this power of discipline: "It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor, unless the violation is expressly specified to be an infraction." LAMC 2.05.030(A) provides: "The

city council may establish rules for the conduct of its proceedings by resolution or an action by the city council in accordance with state law.” More broadly, our Constitution provides, in Article XI, section 7: “A county or city may make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws.” And Government Code section 37112 provides: “In addition to other powers, a legislative body may perform all acts necessary or proper to carry out the provisions of this title.” This refers to Title 4, Government of Cities.

It is clear from all this that the only discipline anticipated by state law includes disruption of legitimate city functions. It does not anticipate discipline beyond what is provided. Even the “necessary and proper” provision of section 37112 is followed by very specific words of limitation.

Censure (and its more lenient cousin, admonition) is the act of properly-constituted legislative bodies. By this, I mean those created by a constitution, such as the Senate and House of Representatives created by the federal Constitution (and which have full power to expel members, see Article I, section 5, a power that this Council lacks), or the California legislature (which also has the power to suspend or expel members, although that last happened in 1905). It is noteworthy that inferior legislative bodies, such as this Council, do not have the same power.

I suggest this difference is due to the simple fact that this Council is entirely a creature of state law. Its existence, power, jurisdiction, and function are defined by the Government Code. While it has the duty to certify elections, it does not have the power to annul their results. I suggest that discipline, such as the kind proposed here, is beyond the scope of what our Constitution and Legislature reasonably intended to provide.

I note that, while disruptive *conduct* is controllable (and controlled), that control is intended to occur at the time of the disruption. It is not intended to refer back to an earlier episode. For instance, if someone disrupts a meeting, that person may be arrested and charged with a misdemeanor. The misdemeanor would not include previous bad behavior.

Of course, the proposed policy does not anticipate criminal sanctions; it may be argued, and I will argue later, that it anticipates no sanctions at all. It also refers to a

violation, not only of law, as above; but also to a violation of city policy as expressed in the Council Norms. The Norms fall under the “necessary and proper” provision of Government Code section 37112, as they are the procedural rules for conducting city business. They are also authorized under LAMC 2.05.303(A), quoted above. These do anticipate certain disciplinary acts, along lines remarkably like what the code provides. For example, section 2.2 provides for removal of the Mayor, and 2.3 for removal of the Vice-Mayor. That is, it provides that they may be removed from those functions, not that they may be removed from the Council. Section 4.5 provides for removal of volunteer commissioners, who serve at the pleasure of the Council and may be removed with or without cause by, in the end, the votes of three members of this Council. Section 11.2 gives the mayor the power to impose ad hoc rules during a meeting, subject only to an objection by a majority of the members of the Council who are present. It is important to note that, even in this kind of extreme situation, the discipline is intended to control present conduct. Finally, section 14 provides, *inter alia*, that “all Councilmembers are required to comply with these Norms and Procedures.” To the extent that the proposed policy provides that a member may be replaced on the various other bodies to which each member is appointed by the Mayor, since that is, like the election of the Mayor and Vice-Mayor, a function of this Council, it may be annulled by this Council. The Norms provide only that, what the Council has the power to grant, it has the power to withdraw.

To sum up, there is no authority clearly permitting this Council to impose any discipline on its members for anything they may do outside a meeting, so long as, in the manner prescribed by the Norms, they account publicly for what they do. Thus, the proposed policy would appear to be beyond the powers of this Council. The current laws of the state and the city protect against any disruptive conduct. The rest appears to be none of anyone’s business, except to the extent an individual member chooses to transmute private affairs into city business. Even then, unless that transmutation includes disruptive behavior that impedes the orderly conduct of city business, it may be many things—rude, ugly, of only prurient interest—but it is not something this Council can control.

It should be noted that nothing anywhere prevents the Mayor from reminding members of this Council of their obligations under the Norms. Thus, it would be entirely appropriate, and perhaps even a good idea, for the Mayor to remind members at the beginning of a meeting that they should shut off all social media, messaging



apps, and the like during the meeting; indeed, they should put away their phones. At the same time, the Mayor could call on the members of the public who are present to join the Council in putting phones away, or at least putting them on silent. As provided, in the event a Councilmember needs to remain in touch with family, because of a medical emergency or the like, it is sufficient to alert the Mayor to this need, and for the Mayor to announce that the Councilmember may have to consult their phone for this limited purpose. This, like the current practice of routinely reminding people of the rules concerning public comment, can and should become a regular feature of Council meetings, and it is squarely within the power of the Mayor as the presiding officer.

The proposed policy, besides lacking an appropriate focus, as I argue above, also does nothing. It, quite properly, does not specify what kind of violation of law or norms would trigger admonition or censure. But it also does not lead to anything but a kind of name-calling.

Here, this takes the form of a resolution voted by at least three members of the Council; whether it be an admonition or censure does not seem to matter, as they come to the same thing. The Council would be on record as not approving something one of its member did. Quite apart from the simple fact that the Council may not—repeat, may not; is not permitted to—make such findings as required for the resolution as envisioned, this proposed policy leaves an important matter entirely within the discretion of individual members of the Council. Thus, one member may “call out” another for what the caller conceives is a violation of law or norms by the callee. When I was younger (I am now old enough to remember when I could remember things), we called this bullying.

That is what this is all about. Any member may, for any reason, seek to “admonish” another member; that admonishment may be pushed to the extreme, with or without investigation, of a formal (*i.e.*, written) admonition or censure, as the member moving the resolution may choose, apparently. We do not need this kind of schoolyard shenanigans at Council meetings. In the end, it will be simply an elaborate kind of objection to something one member of this Council may have done that the one seeking the admonition or censure seeks to call out.

It may be objected that the Council needs to do something if a member violates

the law. Imagine that one of you robbed a bank, was caught and arrested, was tried and convicted. Imagine further that all of this happened within the four years of a Council term. Imagine further that the member refused to abandon their seat, at least until being taken to prison. What could this Council do? At present, it could soldier on; if the accused chose to appear, there would be no way to prevent them from participating in meetings, voting, and otherwise doing the one thing for which they were elected: the city's business. What would admonition/censure add to this? A resolution stating the disapproval of the Council.

The proposed policy, even if it were possible to enact it, is bad public policy. As noted above, it is, baldly-stated, bullying. One member may officially and publicly criticize another and push for this process to go forward. The target would get ten minutes at a later meeting of the Council to meet whatever charges were made. The basis would be vague: a violation of law or policy. Violation of law is uncertain enough—does it require official action by the police (something I believe our code anticipates, as the violation would be a misdemeanor, which, if I am not mistaken, requires an arrest)? An indictment? Conviction? Or “mere suspicion,” which, unless it is “reasonable,” will not even allow a constable to look in the member's pocket? Violation of the Norms is different, as they specifically say that the members are required to follow them, and rightly so. But what constitutes a violation? The devil is always in the details, and nothing about the proposed policy allows for developing a proper record of the “details.”

It is also very bad public policy for this Council to invite controversy, for no gain. While nothing said during a meeting can be the basis for a lawsuit (Cal. Civ. Code, § 47), it is quite easy to anticipate that the kinds of things that might give rise to admonition or censure would, in a different setting, be defamatory. This policy only encourages such speech. That is not good public policy.

The proposed policy seems to go beyond the scope of the Council's authority and certainly encourage excursion into matters that are not this Council's business. Even without that, it would not accomplish anything of substance. It would invite unnecessary, distracting, and inappropriate controversy. It is bad policy and should be rejected.

**From:** [Bee-Ean Kua](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment Item#8, Oct 12, 2021  
**Date:** Monday, October 11, 2021 11:22:47 AM

---

Hi,

I am a Los Altos resident at 1372 Garthwick Ct and I am voting NO to this censure bill. Council members work for the residents and should work together to sort out their differences or resolve issues among themselves. I believe this will be for the best interest of Los Altos residents.

Thank you,  
Bee-Ean Kua

[Sent from Yahoo Mail for iPhone](#)

**From:** [Rj Devincenzi](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item #8, October 12, 2021  
**Date:** Monday, October 11, 2021 12:52:04 PM

---

Los Altos City Council worked as a team, for the most part, in past years. With so many troubling issues facing the community, I think it is a big mistake for council to consider censure and admonition powers among fellow members. It is adversarial and unnecessary. Santa Clara City Council misused it last summer, making themselves look foolish.

Los Altos is home to numerous wounded veterans that fought for all Americans to enjoy civil rights, including the freedoms of expression and speech.

If elected officials are censored or admonished based on arbitrary interpretations, then our citizen's rights may topple too. That cannot happen. It disrespects our veterans.

Ronna Devincenzi  
Palo Alto, CA



**From:** [nancy.ell](#)  
**To:** [City Council](#)  
**Cc:** [Andrea Chelemengos](#)  
**Subject:** Item 8, October 12, 2021  
**Date:** Monday, October 11, 2021 11:05:04 AM

---

Hello Los Altos City Council,

We are writing in regard to Item 8 on your 10/12/2021 agenda.

As Council members, you were elected by the people of Los Altos. If you censure your colleagues, you are essentially negating the results of our election process.

And as your constituents, it is embarrassing to watch how certain Council members gang up on others. Adding public censure would make it worse. Plus, consider long term how other Councils who may (or may not) share your views could use this divisive tactic.

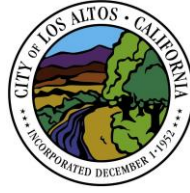
We expect more from those we elected into office like professionalism, collegiality and a desire to add to, not tear down, our community.

The mean-spirited behavior exhibited by some of our current Council members isn't what we voted for and you are not representing our values, ideals or sense of fair play.

Please listen to each other, respect diverse views and try to get along without having to censure another Council colleague with differing views.

Sincerely,

Nancy and Ron Ellickson  
Los Altos residents



**DISCUSSION ITEM**

**Agenda Item # 9**

**AGENDA REPORT SUMMARY**

**Meeting Date:** October 12, 2021

**Subject:** Formation of a City Council Summer Intern Program Subcommittee

**Prepared by:** Andrea Chelemengos, City Clerk

**Reviewed by:** Jon Maginot, Deputy City Manager

**Approved by:** Gabe Engeland, City Manager

**Attachment(s):**

None

**Initiated by:**

City Council

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

This request for appointment of a City Council Summer Intern Program Subcommittee and direction of the City Council to the Subcommittee is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b)(3) (Common Sense Exemption) and 15306 (Information Gathering) in that the proposed activity is intended solely for purposes of information gathering. At this time the City is not adopting, approving, or funding any activity with the potential to result in significant environmental effects, and none of the circumstances described in CEQA Guidelines Section 15300.2 applies.

**Policy Question(s) for Council Consideration:**

- Shall the Council form a Summer Intern Program Subcommittee
- Which members of the Los Altos City Council shall be appointed to serve on this subcommittee?
- What shall be the role or scope of the City Council Summer Intern Program Subcommittee?

---

City Manager

GE

**Reviewed By:**

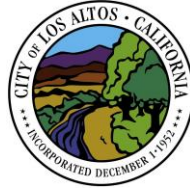
City Attorney

JH

Finance Director

JM

---



**Subject:** Formation of a City Council Summer Intern Program Subcommittee

---

**Summary:**

This item has been agendaized to allow the City Council an opportunity to discuss the formation a Summer Intern Program Subcommittee to be composed of no more than two of its members and provide direction on the role or scope of the subcommittee.

**Staff Recommendation:**

Discuss and appoint no more than two City Councilmembers to serve on this subcommittee and provide direction on the role and scope of the subcommittee.

**Purpose:**

The purpose and scope of the City Council Subcommittee shall be determined by Council.

**Background:**

At its September 14, 2021, meeting, Mayor Fligor, with support from Vice Mayor Enander, requested placement of a discussion item on a future agenda relative to the formation of a Council subcommittee to work with the City Manager to develop a Summer Intern Program for 2022.

**Discussion/Analysis:**

The City Council is being asked whether to form a City Council Summer Intern Program Subcommittee, and if so appoint a City Council Subcommittee having no more than two members and provide direction to the Subcommittee on its role and scope.

**Recommendation:**

Decide whether or not to form a City Council Summer Intern Program Subcommittee, and if so appoint no more than two Council members and provide direction to the Subcommittee on its role and scope.



**DISCUSSION ITEM**

**Agenda Item # 10**

**AGENDA REPORT SUMMARY**

**Meeting Date:** October 12, 2021

**Subject:** Council Legislative Subcommittee Update And Potential Council Action: Receive update from the City Council Legislative Subcommittee; discuss pending legislation including, but not limited to: AB 14, AB 68, SB 215, AB 339, AB 473, AB 682, AB 989, AB 1401, AB 1322; SB 4, SB 6, SB 9, SB 10, SB 15, SB 16, SB 278, SB 477, SB 478, SB 556, SB 612, SB 640, SB 785.

**Prepared by:** Vice Mayor Enander; Council Member Weinberg

---

**Status of Bills Tracked**

**October 12, 2021**

(\* indicates Council has taken a position)

**Bills signed or vetoed by the Governor from the 2020-21 session:**

**AB 14 – signed**

(Aguiar-Curry) Communications: broadband services: California Advanced Services Fund. [expands access to CASF fund to improve broadband infrastructure and service in unserved and underserved communities]

*Positions: CalCities Support CASCC Support*

**AB 68 - signed**

(Salas) Department of Housing and Community Development: California Statewide Housing Plan: annual reports [increases reporting; adds affordability and homelessness-related requirements]

*Positions: CalCities Watch CASCC Watch*

**AB 215\* - signed**

(Chiu) Housing element: regional housing need: relative progress determination [required HCD to determine mid-cycle progress on 6<sup>th</sup> cycle; other requirements and limitations]

*Positions: CalCities Oppose Los Altos Oppose*





**Subject:** Council Legislative Subcommittee Update

---

**AB 339\* - vetoed**

(Lee) Local government: open and public meetings [requires simultaneous electronic and in-person meetings and translation services]

*Positions: CalCities Oppose Los Altos Oppose*

**AB 473 - signed**

(Chau) Reorganize and modify Public Records Act

*Positions: CalCities Watch*

**AB 602 - signed**

(Grayson) Increases requirements for nexus studies and limits use of fees.

*Positions: CalCities Oppose unless amended*

**SB 4 - signed**

(Gonzalez) Communications: California Advanced Services Fund: deaf and disabled telecommunications program: surcharges [similar to AB 14]

*Positions: CalCities Support CASCC Support*

**SB 7 - signed**

(Atkins) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021 [provides streamline CEQA for certain housing projects and changes labor-related requirements for some public projects.

*Positions: CalCities Watch CASCC Watch*

**SB 8 – signed**

(Skinner) Housing Crisis Act of 2019 [amends SB 330 to include single house and makes other clarifications]

*Positions: CalCities Watch*



**Subject:** Council Legislative Subcommittee Update

---

**SB 9\* - signed**

(Atkins) Housing development: approval [by-right lot split and/or additional units in single-family zones]

*Positions: CalCities Oppose unless Amended CASCC Oppose unless Amended  
Los Altos Oppose unless Amended*

**SB 10 - signed**

(Wiener) Planning and zoning: housing development: density [allows local governing body to zone any parcel in jobs- and-transit-rich or in-fill sites for up to 10 units per acre]

*Positions: CalCities Watch CASCC Watch*

**SB 16\* - signed**

(Skinner) Peace officers: release of records [disclosure of use of force incident information, including those within policy]

*Positions: CalCities Oppose Los Altos Support*

**SB 278\* - signed**

(Leyva) Public Employees' Retirement System: disallowed compensation: benefit adjustments [imposes requirements on local government regarding disallowed compensation]

*Positions: CalCities Oppose CASCC Oppose Los Altos Oppose*

**SB 477 - vetoed**

(Wiener) General plan: annual report [adds significant requirements to annual report to HCD on housing]

*Positions: CalCities Watch CASCC Watch*



**Subject:** Council Legislative Subcommittee Update

---

**SB 478 - signed**

(Wiener) Planning and Zoning Law: housing development projects [requires HCD to report to Attorney General on jurisdictions that may not comply with or has violated certain state laws; sets minimum FARs and lot coverage requirements]

*Positions: CalCities Watch CASCC Watch*

**SB 556\* - vetoed**

(Dodd) Street light poles, traffic signal poles: small wireless facilities attachments [reduces local jurisdiction control on poles in ROW for small wireless facilities]

*Positions: CalCities Oppose Los Altos Oppose*

**SB 640\* - signed**

(Becker) Transportation financing: jointly proposed projects [allows cities and counties to propose joint projects that draw on their respective portion of certain state transportation funds]

*Positions: CalCities Support Los Altos: Support*

**Bills active September 10 that did not ultimately pass both houses:**

**AB 989\* - did not pass both houses**

(Grayson) Establish Housing Accountability Committee to hear appeals of locally denied housing projects

*Positions: CalCities Oppose Los Altos Oppose*

**AB 1322 – gut/amend to change to measure re: aviation fuel; did not pass both houses**

(Rivas, Robert) Land use: local measures: conflicts [allows local jurisdictions to review and take procedure action on resident-passed actions that affect housing and that may conflict with state law]

*Positions: CalCities Watch*



**Subject:** Council Legislative Subcommittee Update

---

**Bills previously reported as not moving forward or that may be 2-year bills:**

**AB17** – Public Safety; made 2-year bill

(Cooper) Peace officers: disqualification from employment [disqualifies certain former military and peace officers who have had Peace Officer Standards and Training Certification revoked]

*Positions: CalCities Watch CASCC Support in concept*

**AB 34** – Passed Commun/Conveyance and Privacy/Consumer Protect; to Approp, not scheduled

(Muratsuchi) Broadband for All Act of 2022 [\$10 billion general obligation bonds on Nov. '22 ballot to support projects that expand broadband]

*Positions: CalCities Support in concept CASCC Support in concept*

**AB 115** – Passed Housing 4/15; to Local Govt. ; on hold

(Bloom) Planning and zoning: commercial zoning: housing development [requires by-right housing on commercial-zoned lots with certain affordability requirement]

*Positions: CalCities Watch*

**AB 415\*** – Insurance Committee, no schedule

(Rivas, Robert) Employment: workers' compensation

*Positions: CalCities Oppose Los Altos Oppose*

**AB 617** – Housing; made 2-year bill

(Davies) Planning and zoning: regional housing needs: exchange of allocation [allows cities/counties to shift RHNA]

*Positions: CalCities Watch*

**AB 678** – to Local Govt 3/28; made 2-year bill

(Grayson) Housing development projects: fees and exactions cap [caps fees on housing developments at 12% of county median housing price; allows waivers]

*Positions: CalCities Watch*



**Subject:** Council Legislative Subcommittee Update

---

**AB 1091** – made 2-year bill at author’s request

(Berman) Santa Clara Valley Transportation Authority: board of directors [replace current VTA board of elected officials with 9 appointed residents]

*Positions: CalCities Watch*

**AB 1258** – to Housing, 3/23; made 2-year bill

(Nguyen) Housing element: regional housing need plan: judicial review [restores opportunity for judicial review of HCD and COG determinations]

*Positions: CalCities Watch*

**AB 1401** – In Senate Appropriations Committee

(Friedman) Residential and commercial development: parking requirements [prohibits requiring parking if within ½ mile of transit; exceptions for EV/disability spaces]

*Positions: CalCities Oppose*

**SB 5** – Housing, no schedule

(Atkins) Affordable Housing Bond Act of 2022 [would place \$6.5 billion bond measure for affordable rental housing and homeownership on Nov. '22 ballot]

*Positions: CalCities Watch CASCC Watch*

**SB 6** – Passed Senate; held at Assembly, no assignment (probably will not move)

(Caballero) Local planning: housing: commercial zones [allows housing development on commercial parcels not adjacent to industrial use, with affordability requirements]

*Positions: CalCities Watch CASCC Watch*

**SB 15\*** – Passed Senate; held at Assembly, no assignment (may not move)

(Portantino) Housing development: incentives: rezoning of idle retail sites [provides financial assistance to local governments that zone idle retail sites for affordable housing]

*Positions: CalCities Watch CASCC Watch Los Altos: Support*



**Subject:** Council Legislative Subcommittee Update

---

**SB 55** – Govt/Finance - heard April 15; made 2-year bill

(Stern) Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses [limits development in high-fire hazard zones and increases density and height in other areas]

*Positions: CalCities Watch CASCC Watch*

**SB 210** – Passed Judiciary 3/23; Approp placed on suspense April 5

(Wiener) Automated license plate recognition systems: use of data [requires data not matched to a hot list within 24 hours to be destroyed]

*Positions: CalCities Oppose*

**SB 612\*** – In Assembly Committee on Utilities and Energy – did not move

(Portantino) Electricity rate/ resource allocation

*Positions: CalCities Support Los Altos Support*

**SB 695** – Govt./Finance, no schedule

(Ochoa Bogh) Mitigation Fee Act: housing developments [increases nexus study requirements for mitigation fees imposed on housing; prohibits such from exceeding the amount necessary to maintain the existing level of service for the relevant fee]

*Positions: CalCities Watch*

**SB 765** – Housing, heard 4/15; made 2-year bill

(Stern) Accessory dwelling units: setbacks [would allow jurisdictions to return to minimum ADU setbacks as of Jan. 1, 2020 if set to encourage development of ADUs]

*Positions: CalCities Support CASCC Watch*

**SB 785** – Passed Education 3/24; passed Approp. 5/20; pulled by author

(Glazer) Public postsecondary education: California Promise program: California State University students



City of Los Altos Tentative Council Agenda Calendar

**October 4, 2021**

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda eight days prior to the next Council meeting.

| Date                                                                  | Agenda Item<br>(Date identified by Council)                                                                                                                                                                                                                                                                                                                                                                  | Agenda Section<br>(Consent,<br>Discussion Item -<br>note in red if<br>Public Hearing) | Dept. |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-------|
| October 26, 2021                                                      | STUDY SESSION - RHNAs                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                       |       |
|                                                                       | REGULAR COUNCIL MEETING                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                       |       |
|                                                                       | Fee Schedule                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                       |       |
|                                                                       | Parklet Program Ext. (tent)                                                                                                                                                                                                                                                                                                                                                                                  | Disc. Item                                                                            | AC    |
|                                                                       | D20-0008 - Packard Foundation - 374 Second Street. The project proposes to merge and reconfigure the existing parking lot areas. The project proposes to create two-way drive aisles accessible from Second Street and eliminate the existing ingress/egress to the public alley. A carport structure with photovoltaic panels is proposed to cover a portion of the parking stalls. Project Planner: Golden | PUBLIC HEARING                                                                        |       |
|                                                                       | Tentative Council Calendar.                                                                                                                                                                                                                                                                                                                                                                                  | C C                                                                                   |       |
|                                                                       | SB 1383 – Solid Waste California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance                                                                                                                                                    | Discussion Item                                                                       |       |
| Community Center – Construction – Final Update – Notice of Completion | INFO Item                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                       |       |

|                          |                                                                                                |                       |    |
|--------------------------|------------------------------------------------------------------------------------------------|-----------------------|----|
|                          |                                                                                                |                       |    |
| <b>November 2, 2021</b>  | <b>JOINT WITH COMMISSIONS</b>                                                                  |                       |    |
| <b>November 9, 2021</b>  | <b>STUDY SESSION</b> Complete Streets Master Plan                                              |                       |    |
|                          | <b>REGULAR MEETING</b>                                                                         |                       |    |
|                          | ARPA Potential Uses                                                                            |                       | JM |
|                          | Extension of the Emergency Declaration                                                         |                       |    |
|                          | Financial Commission recommendation related to PERS Reserve Fund                               |                       |    |
|                          | “Amendment to the City’s Purchasing Policy”                                                    |                       |    |
|                          | Fiscal Year End tentative report – (if needed)                                                 |                       |    |
|                          | Park In Lieu Fees (Tent.) Impact Fee                                                           | <b>PUBLIC HEARING</b> |    |
| <b>November 30, 2021</b> | <b>STUDY SESSION #2 - Halsey House</b>                                                         |                       |    |
|                          | <b>REGULAR COUNCIL MEETING</b> – in place of 11/23 mtg the week of Thanksgiving                |                       |    |
|                          | Construction Contract Award: Fremont Avenue Pedestrian Bridge Rehabilitation Project, TS-01055 |                       |    |
|                          | Off-Leash Dog Park Pilot Program -                                                             |                       |    |
| <b>DECEMBER 7, 2021</b>  | <b>COUNCIL REORGANIZATION</b>                                                                  |                       |    |
| <b>December 14, 2021</b> | Budget CIP review                                                                              |                       |    |
|                          | Extension of the Emergency Declaration                                                         |                       |    |
|                          | CAFR and Year End – 1st meeting December                                                       |                       |    |
|                          | 2022 City Council Meeting Calendar                                                             |                       |    |

**Future Agenda Topics**

| <b>To be scheduled</b> | <b>Agenda Item<br/>(Date identified by Council)</b>                       | <b>Agenda Section<br/>(Consent, Discussion/Action - note in red if Public Hearing)</b> | <b>Department</b> |
|------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------|
|                        | Other Dog Park Options- Mtn View Collaborative – Ltr to Mayor of MV       |                                                                                        |                   |
|                        | Discuss ARPA Funds allocation                                             |                                                                                        |                   |
|                        | <b>STUDY SESSION</b> for Community Center Operational Implementation Plan |                                                                                        |                   |



|                  |                                                                                                                                                                                      |                         |                             |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------|
|                  | <b>Study Session - Community Center post construction review (Tent.)</b>                                                                                                             |                         |                             |
|                  | Presentation of Proclamation to Michael Handel Proclamation, Retired Los Altos Firefighter                                                                                           | Special Presentation    |                             |
|                  | discussion regarding anti-bias training                                                                                                                                              |                         |                             |
|                  | <b>City of Los Altos – Title 14, Zoning Amendment – Public Land/Hillview Property Protection Ordinance</b> <i>Project Manager: Community Development Director Biggs</i>              |                         | CD                          |
|                  | policy on use of City land by non-profits.                                                                                                                                           |                         |                             |
|                  | Los Altos EOC Design Review                                                                                                                                                          |                         |                             |
|                  | Proposed City policy that modifies the environmental analysis standard for circulation impacts from a Level of Service (LOS) analysis to a Vehicle Miles Traveled (VMT) analysis.    | Public Hearing          | GP                          |
|                  | COVID Safe Meeting Protocols TBD                                                                                                                                                     |                         |                             |
|                  | Council Strategic Priorities Implementation Plan (Tent.)                                                                                                                             |                         |                             |
| Before end of yr | info on Cuesta speed tables                                                                                                                                                          |                         |                             |
|                  | Council Financial Subcommittee Recommendations: Discuss recommendations of the Council Financial Subcommittee regarding reporting of City financial information (Vice Mayor Enander) |                         |                             |
|                  | Museum's plans for a new main exhibition in our permanent 2nd floor gallery                                                                                                          |                         |                             |
|                  | BMR waitlist process proposal by Alta Housing                                                                                                                                        |                         |                             |
|                  | 5150 El Camino Road - Modification                                                                                                                                                   | Public Hearing?         |                             |
|                  | League of California Cities – Role and Representation                                                                                                                                | Presentation/Discussion | Council Initiated           |
|                  | See Me Flags                                                                                                                                                                         |                         | Engineering                 |
|                  | Pavement Management Program Update – 2019 Pavement Condition Index - The staff recommends Scenario 5 – Increase Current PCI to 75 by 2026                                            | Discussion Item         | James Sandoval, Engineering |

|  |                                                                                                                                                                                     |  |                                 |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------|
|  |                                                                                                                                                                                     |  | Services Director               |
|  | 440 First Street Design Review                                                                                                                                                      |  | Community Development           |
|  | 4350 El Camino Real Design Review                                                                                                                                                   |  | Community Development           |
|  | Healthy Cities Initiative                                                                                                                                                           |  | Recreation & Community Services |
|  | Housing Impact vs. Housing in-Lieu Discussion                                                                                                                                       |  | Community Development           |
|  | BAT/Neighborhood Watch program expansion                                                                                                                                            |  | PD/CMO                          |
|  | Complete Streets Master Plan                                                                                                                                                        |  | Engineering Services            |
|  | Community Engagement program                                                                                                                                                        |  | CMO                             |
|  | Comprehensive multi-modal traffic study (analysis of recent projects projected parking, trip generation, & traffic impacts to actuals; ECR impacts should include adjacent streets) |  | Engr. Svcs/Planning             |
|  | Off-street EV charging stations in front of homes – include in Reach Codes; refer to Environmental Commission?                                                                      |  | Planning                        |
|  | Schedule Joint Los Altos/Los Altos Hills Council meeting (6-9 months: August – October)                                                                                             |  |                                 |
|  |                                                                                                                                                                                     |  |                                 |

|  |                          |  |                            |
|--|--------------------------|--|----------------------------|
|  | San Francisco PUC permit |  | Engine<br>ring<br>Services |
|--|--------------------------|--|----------------------------|