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Los Altos, California 94022-3087

## MEMORANDUM

**DATE:** 5/23/23  
**TO:** Councilmembers  
**FROM:** City Manager's Office

**SUBJECT: COUNCIL Q&A FOR MAY 23rd, 2023, STUDY SESSION AND CITY COUNCIL REGULAR MEETING**

### Study Session

- 1. We are shown comparisons between last year's survey results and this year's. It usually isn't valid to compare studies to each other over time unless they were prospectively set up to collect longitudinal data and measure change. In this case though, it was the same pollster asking essentially the same questions year over year. Is it valid to compare last year's results vs. this year's, and if so, are these statistically significant different results or were the results within the margin of error and so we can't say the responses are different?**

**Answer:** From Godbe Research: It is very common to "track" survey data over time and we believe that a tracking analysis is appropriate for the questions on slides 5, 6, 7, and 8. Although, the margin of error for each survey applies ( $\pm 4.81\%$  in 2023 survey and  $\pm 5.03\%$  in the 2022 survey), which means there would need to be a 9.1% difference from year to year for there to be a statistically significant difference in the findings – which there is not for any of the 4 questions.

More specifically, it is important to note that the variables to make comparison appropriate are: a) is the wording of the questions the same (in this case it is), b) is the survey methodology the same (again the survey methodology for 2022 and 2023 was the same, email and text invites and cell and landline calls), c) is the sample methodology the same (which it is, namely a stratified voter sample), and d) is the sample universe the same? Items A, B and C were all the same. Although, because we needed to model the upcoming election for each survey respectively, for the 2022 survey we used a "Likely November 2022" voter universe (13,420 voters in Los Altos), while in the 2023 survey we used a "Likely November 2024" voter universe (19,473 voters in Los Altos), both are noted on the slides. While both are general elections the turnout in the presidential election years is always greater than in the gubernatorial election years.

- 2. Page 20 of the Godbe presentation (pg 26 of the PDF), shows "Likely March 25 Final" on the left axis, but this must be a typo and it should say "Likely March 24 Final", correct?**

**Answer:** From Godbe Research: This has been corrected for the presentation.

3. **When will we be discussing what option we would like to pursue for a potential ballot measure to support public safety services and facilities.**

**Answer:** The City Council can schedule this item at their discretion.

4. **If we do not move forward on a bond measure for our public safety facilities, what are our next steps?**

**Answer:** Next steps have not been determined.

### **Item 1. Minutes**

#### **Minutes of the Special Meeting**

1. **We refer to these meetings as Study Sessions in the agendas, but as Special Meetings in the minutes. Shouldn't the minutes include mention of the meeting as a Study Session since the agendas refer to them as that, otherwise the minutes and the agendas use inconsistent terminology?**

**Answer:** Since the meeting was a special meeting (which is what a study session meeting would be), the terminology of "special meeting" throughout the minutes is adequate

2. **Page 1 (pg 4, PDF), the direction provided was referred to throughout the session as 'stand-alone theater' rather than 'single-use' option so the minutes should state, "Consider the stand-alone option" rather than the "single-use option".**

**Answer:** Edited to "stand-alone"

3. **The minutes for the Special Meeting should be reworded because they fail to accurately state the decisions made. The direction given to City staff should clearly articulate what consideration of single-use option means. I do not believe staff were directed to prepare a capital campaign analysis.**

**Answer:** The City Council directed staff to work with the working group, and they would prepare a capital campaign analysis.

4. **Can you please amend the 5/9/23 Special Meeting minutes to add the following as a 3<sup>rd</sup> item under what Council directed?**

- Return to Council with a 1-year term extension to the MOU with the Los Altos Stage Company.

**Answer:** Edited

#### **Minutes of the Regular Meeting**

5. **Page 2, Item 6, I think the public speaker was Don Gardner not Donna but I did not go back to the video to confirm.**

**Answer:** Edited

6. **Page 4, Item 9, top of the page, the motion was to " ... to continue the remaining Senate and Assembly Bills to a future Council meeting date ... ", please insert 'Bills'.**

**Answer:** Edited

### **Item 3. Quarterly Investment Report**

1. What steps can the City take to insulate its investment portfolio from the adverse effects of a federal default?

**Answer:** The City is in communication with the our investment advisor discussing what are the appropriate steps to take to shield the portfolio from potential adverse impacts.

**Item 4. LAYC Conversion**

1. In the NOW THEREFORE sentence of the proposed resolution, the word “adopt” should be plural (“adopts”).

**Answer:** Correction is made.

2. What is the estimated cost of the total project including construction?

**Answer:** The construction cost estimate for this project is \$4,636,964, which is included in the draft budget.

**Item 5. IMPC Adoption**

1. Please provide a link to the IMPC.

**Answer:** The following link takes you to the IPMC online version. The side legend of the code will take you to the specific sections of the code. You do not need a membership or login to view the code.

<https://codes.iccsafe.org/content/IPMC2021P1/preface>

2. What are the fines associated with violating AB838?

**Answer:** AB838 does not establish the requirement of monetary fines. The draft ordinance incorporates the ability to assess fines based on an infraction within the code Pursuant to Chapter 1.20 of the Los Altos Municipal Code.

[https://library.municode.com/ca/los\\_altos/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.20\\_VI](https://library.municode.com/ca/los_altos/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.20_VI)

**Item 6. Nonprofit Donation Request**

1. How much money (in total) have each of our peer cities donated to nonprofits over each of the past five (5) years?

**Answer:** City staff does not have this information at this time. Cities use many different avenues to provide money to nonprofit organizations that are specific for each agency and their departments.

2. For each of the eight (8) nonprofits that have requested donations, what donations have they requested – and how much has the Council agreed to donate – in each of the past five (5) years?

**Answer:** Here is a breakdown of previous funding to all these organizations. From FY19-20 through FY21-22, this funding includes annual payments as well as different grants provided by City Council during the pandemic which explains the different amounts of money during this time period.

Organization	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Arts Los Altos	\$0	\$0	\$0	\$0	\$0

Community Builder Toolbox	\$0	\$0	\$0	\$0	\$0
Community Service Agency	\$0	\$75,000	\$0	\$35,000 (\$35,000 ARPA)	\$0
Community Health Awareness Council	\$42,000	\$64,000	\$49,000	\$124,000	\$55,860
Los Altos Chamber of Commerce	\$8,000	\$34,275	\$75,275	\$60,000 (\$60,000 ARPA)	\$60,000
Los Altos History Museum	\$65,000	\$65,000	\$65,000	\$75,000 (\$10,000 ARPA)	\$65,000
Morning Forum of Los Altos	\$0	\$0	\$0	\$0	\$0
Women SV	\$15,000	\$60,000	\$40,000	\$40,000 (\$20,000 ARPA)	\$25,000

3. Page 2 of the staff report (pg 103, PDF) in the last paragraph says, "The City received non-discretionary funding requests for FY 23-24 under the Non-Profit and Civic Organization Contributions Policy ... " but aren't these discretionary requests?

**Answer:** Yes. This was a typo.

4. Do we know how many cities in the County (or the Bay Area) financially support their Chamber of Commerce, and if so, to what extent?

**Answer:** From a recent survey conducted by the Silicon Valley Economic Development Alliance, 9 of the 13 City respondents financially supported their own Chamber of Commerce through some form of financial support.

5. For multi-year requests, how are we going to confirm these, will we be putting a contract in place?

**Answer:** City staff can create contracts for multi-year requests if City Council directs staff to allocate funding to these organizations for multiple years or City Council can request that these organizations return annually to request their funding. In general, if an approval is across multiple budget years, a contract is preferred.

6. For the current agreement with the LA History Museum, is a CPI adjustment included in the existing agreement?

**Answer:** No.

7. The Financial Commission reviewed the City's 2008 "Gift and Donation Policy" in March 2021. Did it review the current Contributions Policy? If not, why not?

**Answer:** The Finance Commission did not review this policy. The City Council approved it on October 11, 2022.

**8. If not, can we table this agenda item to refer it to the finance commission?**

**Answer:** This policy was approved by City Council on October 11, 2022.

**9. The October 11, 2022 staff report says, “In an effort to increase transparency and budget certainty, the City Council directed staff to recommend a policy for contributions ...” Where will \$367,408 contributions come from? ( i.e., CDBG, general fund?)**

**Answer:** The primary source of funds for approved contributions will come from the General fund. If funding from other sources is available based on the use of funds by the requestor, staff would use the alternative funding source.

**10. Would any items in the budget have to be cut or would fees or taxes have to be increased? (What are the trade offs)**

**Answer:** Fees and taxes will not be increased based on these requests.

Staff included these funds in the draft budget and will adjust based on Council approval of these requests. Funds not approved in the discretionary funding requests could be used to fund the General Fund reserve balance, CalPERS ADP, the proposed Facilities Fund, the Fleet Fund, or other funds or uses where the balance should be increased.

**11. Item 3 in Review and Approval Process says “The City Manager will make recommendations on funding to the City Council based on established Council priorities and funding constraints.” Given our current fiscal constraints, can we afford to make these contributions?**

**Answer:** City staff has included all of the funds in the draft budget, should City Council approve these requests. Please see answer 10, above, for alternative uses of the funds.

**12. Reporting Requirements say “ a. An annual report must be submitted by July 30 for the prior fiscal year from the organization. b. The report shall include a record of the use of City funds and information that provides details on the organization’s impact to the community.” Do we have those reports from each organization requesting a contribution?**

**Answer:** This is the first year of this policy. Organizations would be required to submit the report as part of the funding process at the conclusion of the year.

**13. Many of our constituents would like an explanation as to why would we consider contributing funds to an arts organization when we have a Public Art Commission with Council-appointed qualified commissioners who have a comprehensive workplan and are serving the City well?**

**Answer:** This is a City Council decision.

**14. If we are do not believe that we can pass a bond measure for our public facility infrastructure improvement, then why would we give away the money?**

**Answer:** This is a City Council decision.

**15. How much excess discretionary funds do we have in our budget for this upcoming year?**

**Answer:** The draft budget is adopted, but does not include discretionary funds. These funding requests have been incorporated into the budget planning process for this year should they be approved by Council.

**16. What is the difference in our proposed budget this year vs. last year?**

**Answer:** Staff is still working to finalize the proposed budget for the coming fiscal year.

**17. Do we anticipate having an increase in revenues this coming year and by how much?**

**Answer:** Staff is working to finalize the proposed budget for the coming fiscal year.

**18. Last year we had ARPA funds, how much of the contributions that made came from the ARPA funds last year?**

**Answer:** Please see the answer to Question #2 above.

**19. What items in the CIP list will be deferred based on the funds we give out?**

**Answer:** No items were deferred based specifically on the inclusion of these funds in the draft budget.

**Agenda Item 7 (Los Altos Commissions)**

**1. In the proposed resolution, in each of the WHEREAS clauses, the semicolon and the space should be transposed.**

**Answer:** Noted. Thank you.

**2. Sections 2.08.030.B and D seem to be contradictory. In D, did staff intend to make an exception for the Senior Commission (i.e., a senior commissioner appointed to fill an unexpired term may be eligible to an additional four [not two] terms)?**

**Answer:** A few years ago, the Council changed the term length for Senior Commissioners to two years. At the same time, the Council determined that Senior Commissioners could serve four, two-year terms instead of the standard two, four-year terms, thus Senior Commissioners are eligible to serve eight years (plus any unexpired term they may have been appointed to).

**3. In 2.08.040, did staff intend to use the work “reimbursement” instead of “payment?”**

**Answer:** This is leftover language that was not proposed to be changed. If Council feels the word reimbursement is more appropriate, we can make that change.

**4. In chapter 2.08, all of the subchapter numbers are stricken in the section entitled “[p]owers and duties of the historical commission.” It is staff’s intent to number this subchapter 2.08.100**

**Answer:** Yes, this subsection should be 2.08.100.

**5. Several of the commissions are tasked with providing an annual report to Council. (E.g., the environmental commission is tasked with providing an update on the implementation of the CAAP [proposed subchapter 2.08.120A; see also proposed 2.08.150A]).**

**Answer:** Yes.

**6. For each of the commissions for whom staff recommends a change in the scope of its duties, please describe how the Council’s prior feedback was incorporated into the new, proposed language.**

**Answer:** Staff incorporated feedback when clear direction was given by a majority of Council members.

**7. Why is it necessary for the historical commission to have such a more detailed description as opposed to all of our other commissions?**

**Answer:** Currently, the Historical Commission is defined in a separate chapter from the rest of the Commissions. This would have been done when the Commission was first established by the City. Staff is not proposing to change this.

**8. If the historic commission is only going to have four (4) meetings per year, how can we expect them to provide an annual report? (Proposed section 2.12.030.G).**

**Answer:** Historically, Council has met annually with each commission. It is intended that this will continue and commissions will provide their annual report at these meetings.

**9. Please confirm that the name of the combined PARC + Public Arts commission will be 'Parks, Arts, Recreation, and Culture Commission'; Page 4 of the report (pg 154, PDF) in the first footnote of the table says 'Parks, Recreation, Arts, and Culture Commission'.**

**Answer:** The name of the Commission will be "Parks, Arts, Recreation and Cultural Commission"

**10. Page 4 of the ordinance (pg 158, PDF), it is not clear what the numbering of the Powers and Duties of the Historical Commission should be, it looks like it is 2.08. but perhaps it's supposed to be 2.08.10? And on pages 7-8 of the ordinance, it refers to Section 2.08.030 as the section about the Historical Commission. These numbers should be consistent across the sections they refer to.**

**Answer:** As noted above, the subsection should be 2.08.100. The reference on pages 7 and 8, refers to the appointment and term of the Historical Commissioners and refers to Section 2.08.030 which discusses terms, appointments and vacancies.

**11. In the ordinance, can we include an overall statement that Commissioners may not give direction to staff outside of agreed actions made at a Commission meeting. This would be similar to what it says in '2.08.170 Contract authority' about expenditures.**

**Answer:** If Council chooses, this could be added to Section 2.08.160. This is also currently included in the Commission Handbook.

**12. If the Environmental and Complete Streets Commission met 6 times a year, would that be sufficient to provide stakeholders time to provide public input? Would it be sufficient to support staff's needs?**

**Answer:** At the April 25 meeting, staff recommended the Complete Streets Commission meet 8 times per year with public forums as appropriate and the Environmental Commission meet 6 times per year with public forums as appropriate. Staff feel this is the appropriate number of meetings. Commissions can schedule special meetings as needed, and it is anticipated public forums would be scheduled in addition to the regularly scheduled meetings.

**13. Are the Environmental Commissions powers and duties designed for them to work only on the CAAP or can they work on other items?**

**Answer:** The Powers and Duties of the Environmental Commission is intended to be broad. The CAAP is mentioned specifically as it is the largest body of work completed by the Environmental

Commission. However, it is expected the Environmental Commission will work on items outside of CAAP implementation including as noted in item C of the powers and duties to “...provide recommendations to the council that affect the natural and built environment to inform policy, budget, and CIP prioritization.”

**14. What do the Library Commission’s Power’s and Duties mean in terms of the other community entities, including nonprofits, that support the library?**

**Answer:** The Library has several independent non-profit organizations, Authorities, and stakeholder groups supporting its mission. The Powers and Duties of the Library Commission as proposed do not change the responsibilities or mission of these organizations.

As an example, the Los Altos Library Endowment and Friends of the Library are still free to use their funds as they believe appropriate. The Library Commission, much as it does today, will act as a liaison to these groups to receive information, strengthen relationships, and report back to the community and City Council. The Powers and Duties are intended to make the Library Commission a "One Stop Shop" for information related to the library and its services.

**Agenda Item 8 (Council Norms and Procedures):**

**1. The second paragraph of proposed section 11.13 seems only applicable to teleconferencing under the Brown Act. For instance, I don’t think that a Councilmember participating under the emergency provisions of AB 2449 has to make their location “accessible to members of the public.” Please provide updated language that distinguishes between Brown Act and AB 2449 appearances.**

**Answer:** Staff would propose language that states “At the beginning of a meeting in which a member is participating via noticed teleconference...” Then adding a sentence that states “At a meeting in which a member is participating under AB 2449, the Mayor will ask the member to confirm whether a member of public is present in the room at the remote location with the member and the general nature of the relationship with any such individual.”

**2. Please provide the State Law that addresses the use of electronic communication and data devices as referred in 6.8 i and ii.**

**Answer:** These sections don’t refer to State Law addressing the use of electronic communication and data devices. Rather, the reference is to indicate that during meetings in which a Councilmember is subject to State Law (i.e., a Brown Act meeting), they are subject to the provisions of these sections.

**3. Specifically, how do the changes to the norms promote better “(1) communication (2) understanding (3) fairness, and (4) trust among the members of the City Council, staff, and members of the public” as stated as their goal?**

**Answer:** The changes proposed are either:

1. Changes directed by Council
2. Changes to reflect current practices within the City
3. Changes to remove references to specific State laws which are subject to change at the discretion of the State Legislature.



Should the majority of Council feel the proposed changes do not meet the purpose of the Council Norms and Procedures, Council can provide that direction.

**4. How does it benefit Staff or Council to reduce Notification from 8 days to 72 hours? Will 72 hours give Council members sufficient time to study all the issues in the packet, especially if they have full-time jobs and family issues? Will it give residents sufficient time to provide public input?**

**Answer:** Sometimes reports cannot be completed by the current publishing deadline often for reasons outside of Staff control, needing a consultant's input as an example. Often, staff, consultants, or applicants are working on a project or process up until the time of publishing and many times the information is not available eight days prior to the meeting. When this happens, the Clerk's office publishes 'placeholder' documents to meet the 8-day publishing requirement. This then requires Council and members of the public to check back later in the week for when the item is finalized. Further, often there are reports that are published eight days in advance with errors or missing information that is then clarified or corrected. This leads to different published reports that can cause confusion as to which report is the correct report.

Additionally, given that Council meetings are generally every two weeks, the eight-day publishing requirement restricts staff's ability to respond to issues that arise during a Council meeting. For example, if Council requests changes or corrections to an ordinance or resolution, often these changes cannot be turned around in less than a week as is required now, and so the item is either pushed to a future meeting or is published without the item.

Most surrounding agencies follow State law for publishing of agendas and items and have found this is sufficient time for review. For the City of Los Altos, since meetings are on Tuesdays, 72-hours in advance of the meeting would be Saturday evening. As staff does not work on Saturdays, agendas will be published on either Thursday or Friday in advance of a Tuesday meeting.

**5. In section 8.2, if we are not utilizing the simulcast on the City Government Access Channel what alternative will be used as a replacement?**

**Answer:** The City is currently streaming all Council meetings live on YouTube. Previously, Facebook Live was utilized as well. Also, members of the public may observe the Council meeting through Zoom.

**6. Does the reference to Community Meeting Chambers in 8.2 also apply to alternative locations ( i.e., Community Center)?**

**Answer:** This section could refer to meetings in other locations should Council wish

**7. In 8.5, What does state law say about calling Special Meetings?**

**Answer:** Per California GC Section 54956.a: "A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other

business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.”

**8. If we deny residents the right to pull an item from the consent calendar, how would a person with a genuine issue on such an item ask Council to discuss it?**

**Answer:** Under State law, members of the public may comment on any item that is on the agenda for any meeting of the City Council, including items that are on the Consent Calendar. Members of the public will still be able to comment on these agenda items.

**9. Please provide a copy of the Accountability Policy and make it accessible on the website. It was not part of the packet or on the City website.**

**Answer:** The Accountability Policy can be found at <https://www.losaltosca.gov/CityCouncil/page/Council-norms-and-procedures> on the City website.

**Agenda 10: Flag Raising Policy**

**1. How high is our flagpole?**

**Answer:** The City Hall flag pole is approximately 35-40 feet.

**2. What are the maximum number of flags that we will allow on our flagpole?**

**Answer:** The City policy only allows one commemorative flag at a time because they replace the City flag space under the American and California flags.

**3. Can we install a second flagpole so that the American flag can stand alone?**

**Answer:** Any commemorative flag would replace the City flag below the American and California flags so the American flag would still fly.