

Town of Los Altos Hills

City Council Regular Meeting Minutes

January 21, 2021

Council Chambers, 26379 Fremont Road, Los Altos Hills, California

Via teleconference according to the Governor's Executive Order N-29-20, **Mayor Tankha** called the City Council Regular Meeting to order at 6:06 p.m.

Present: Mayor Tankha, Vice Mayor Tyson, Councilmember Mok, Councilmember Schmidt, Councilmember Swan
Absent: None
Staff: City Manager Carl Cahill, City Attorney Steve Mattas, Planning/Building Director Zachary Dahl, City Engineer/Public Works Director Nichol Bowersox, Administrative Services Director Sarina Revillar, Principal Planner Steve Padovan, Management Analyst Cody Einfalt, City Clerk Deborah Padovan

CALL TO ORDER (6:00 P.M.)

- A. Roll Call
- B. Pledge of Allegiance

1. AGENDA REVIEW

Mayor Tanka asked for a moment of silence for the 400,000 deaths due to Covid-19.

There were no changes to the agenda.

2. APPOINTMENTS

- A. Appointment to the Los Altos Hills Youth Commission

City Clerk Deborah Padovan presented the Youth Commission applications.

Mena Zambre, Los Altos Hills, introduced herself to the City Council and expressed her interest in serving on the commission.

Alex Randall, Los Altos Hills, was late to the meeting and did not introduce himself.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to appoint **Mena Zambre** and **Alex Randall** to the Los Altos Hills Youth Commission. The motion was seconded by Councilmember **Schmidt**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None

ABSTAIN: None
RECUSE: None
ABSENT: None

B. Reappointments to Los Altos/Los Altos Hills Joint Community Volunteer Awards Committee

City Clerk Padovan presented the reappointment requests.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to reappoint **Lakshmi Ramgopal** for a four-year term and **Ben Gikis** for a one-year term to the Los Altos/Los Altos Hills Joint Community Volunteer Service Awards Committee. The motion was seconded by Councilmember **Mok**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

C. Reappointment to the Los Altos Hills Environmental Initiatives Committee

City Clerk Padovan presented the reappointment request of **Srini Srinivasan**.

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to reappoint **Srini Srinivasan** for a second, four-year term on the Los Altos Hills Environmental Initiatives Committee. The motion was seconded by Councilmember **Schmidt**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

D. Reappointment to Los Altos Hills Pathways Committee

City Clerk Padovan presented the reappointment request of **Judy Nagy**.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to reappoint **Judy Nagy** for a second, four-year term on the Los Altos Hills Pathways Committee. The motion was seconded by Councilmember **Schmidt**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan

NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

E. Appointment to the Los Altos Hills Parks and Recreation Committee

City Clerk Padovan presented the application.

Jasmeen Pombra, Los Altos Hills, introduced herself to the City Council and expressed her interest in serving on the Parks and Recreation Committee.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to appoint **Jasmeen Pombra** for a four-year term on the Los Altos Hills Parks and Recreation Committee. The motion was seconded by Councilmember **Schmidt**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

Items 3.A and 4.A were combined and discussed as one item.

3. COUNCIL INITIATED ITEMS

A. Discussion of Town Safety/Sheriff Services (Mayor Tankha)

Mayor Tankha provided a brief background, including resident complaints with the sheriff's office. She recommended monthly office hours with the sheriff and residents and asked that this item be agendaized for the next meeting.

Captain Urena responded that there was room for improvement. He encouraged any resident who is a victim of a crime, and if the detective doesn't reach out, to please contact him directly.

4. PRESENTATIONS

A. Public Safety Report Presentation by the Santa Clara County Sheriff's Office

Captain Urena provided the year-end public safety report for 2020.

Mayor Tankha thanked the Captain for the presentation. She noted that a 40% increase in burglaries is significantly high.

Public Comment

An unidentified resident asked about license plate readers and said it could be a proactive measure to discourage burglaries in Town.

Dee, Los Altos Hills, said she was concerned by the increase in residential burglaries. She would like the Town to adopt license plate readers.

An unidentified resident said he would like the Town to implement license plate readers. He asked about burglaries; how many are solved, convicted, and prosecuted?

Paul Schechter, Los Altos Hills, thanked Captain Urena and he asked that the report cover the “Who, What, When, Where and Why.” He wondered if LAH is receiving adequate police protection and services that the residents are paying for.

Vara Ramakrishnan, Los Altos Hills, thanked the Town for prioritizing safety and raising these questions. She questioned the statement that crime is very low. Her research shows that it is not accurate when you look at it as a per capita incident.

Ludka Koskova Nesbit, Los Altos Hills, expressed appreciation to the sheriff's office for providing the recent innovations that are being implemented.

Council discussion ensued regarding next steps. **Councilmember Mok** proposed setting up a committee for fact finding to report back with specific recommendations. **Mayor Tanka** suggested a Town Hall meeting with the sheriff where residents can ask the sheriff questions.

City Attorney Steve Mattas advised that the Council could direct a Town Hall meeting with the sheriff. Additionally, if the Council wanted to create a subcommittee, they could agendize the formation of a subcommittee in February.

5. PRESENTATIONS FROM THE FLOOR

*Persons wishing to address the Council on any subject **not** on the agenda may do so now. Please complete a Speaker Card located on the back table of the Council Chambers and submit it to the City Clerk. Comments are limited to two (2) minutes per speaker. California law prohibits the Council from acting on items that do not appear on the agenda. Under a Resolution previously adopted by the Council, such items can be referred to staff for appropriate action, which may include placement on the next available agenda.*

Ludka Koskova Nesbit, Los Altos Hills, asked about safety prevention and asked if the Town is doing any outreach on social issues.

Allan Epstein, Los Altos Hills, said that a committee was formed to investigate the economic negotiations with GreenWaste Recovery. A consultant was hired and he asked that Council to request an update from the City Manager tonight regarding the efforts.

Paul Schechter, Los Altos Hills, proposed that a new volunteer committee of residents be set up for public safety.

Jay Sutaria, Los Altos Hills, said he is a member of Quiet Skies Los Altos Hills and asked about the Santa Clara County Cities Association and the airport noise roundtable and who would be appointed.

6. CONSENT CALENDAR

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to approve the **CONSENT CALENDAR** as stated. The motion was seconded by Mayor **Tankha**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

- A. Approval of City Council Regular Meeting Minutes: December 17, 2020
- B. Approval of City Council Special Meeting Minutes: January 13, 2021
- C. Review of Disbursements: December 1-31, 2021 \$829,488.22
- D. Approval of Change in Regular Meeting Time for the Los Altos Hills Pathways Committee (Staff: D. Padovan)
- E. **Resolution 01-21** Approving First Amendment to Extend the Agreement for Isolation and Quarantine Program until June 30, 2021 between the Town of Los Altos Hills and Santa Clara County for the Benefit of Los Altos Hills Residents (Staff: S. Revillar)
- F. **Resolution 02-21** Authorizing the City Manager to Award the Professional Consultant Services Contract to Provide Engineering Services for the Underground Utility Feasibility Study (Staff: N. Bowersox)
- G. **Resolution 03-21** to Approve and Re-Certify the 2021 Sewer System Management Plan (Staff: N. Bowersox)
- H. **Resolution 04-21** to Approve Sewer Construction and Dedication Agreement for Tapa Way Sewer Extension (Staff: N. Bowersox)

7. PUBLIC HEARINGS

- City Council Ex Parte Contacts Policy Disclosure

Ex Parte Communications: **Vice Mayor Tyson** said that he met with Mr. Linebarger and had one meeting with Town residents via Zoom; Councilmember Schmidt met with Art de Geus, Esther John, Hal and MaryJo Feeney, Karen and David Kehlet, Jim Washcura, Bridget Morgan and Mr. Linebarger; **Councilmember Mok** met with Mr. Linebarger, Art de Geus, David and Laura Kehlet, Mr. and Mrs. Feeney and discussions with Councilmember Swan; **Councilmember Swan** met with Mr. Linebarger and talked to Councilmember Mok; **Mayor Tankha** spoke with Mr. Linebarger.

- A. 10728 Mora Drive - File #APL20-0004 – Lands of Linebarger Appeal of the Planning Commission denial of a Conditional Development Permit (CDP19-0001) and Site Development Permit (SD19-0019) for a new 2,483 square-foot, two-story single-family residence with a 1,447 square-foot basement and Variance (VAR19-0005) for a reduced side yard building setback along the south property line and uncovered parking, patios and basement lightwells within the side yard setbacks. CEQA review: Categorical Exemption per Section 15303(a) (Staff: S. Padovan/Z. Dahl)
- B. 10758 Mora Drive - File #APL20-0005 – Lands of Linebarger Appeal of the Planning Commission denial of a Conditional Development Permit (CDP19-0002) and Site Development Permit (SD19-0020) for a new 2,254 square-foot, two-story single-family residence with a 1,493 square-foot basement and Variance (VAR19-0006) requests for reduced side yard setbacks for the building, uncovered parking, patios and basement lightwells. CEQA review: Categorical Exemption per Section 15303(a) (Staff: S. Padovan/Z. Dahl)

The City Council considered Agenda Items 7.A and 7.B as one item.

Principal Planner Steve Padovan presented a combined staff report for the two property appeals.

The Council agreed on allowing Mr. Linebarger 30 minutes to present both project.

Mr. Linebarger presented the projects for both properties.

Mayor Tankha opened the Public Hearing.

Dave Kehlet, Los Altos Hills, spoke in opposition to the project.

Mary Jo Feeney, Los Altos Hills, spoke in opposition to the project.

Hal Feeney, Los Altos Hills, spoke in opposition to the project.

Esther John, Los Altos Hills, spoke in opposition to the project.

Karen Kehlet, Los Altos Hills, spoke in opposition to the project.

Art de Geus, Los Altos Hills, spoke in opposition to the project.

Kjell Karlsson, Los Altos Hills, spoke in opposition to the project.

Julie Oberweis, Los Altos Hills, spoke in opposition to the project.

An unidentified Los Altos Hills resident, spoke in opposition to the project.

Bridget Morgan, Los Altos Hills, spoke in opposition to the project.

Mayor Tankha closed the Public Hearing.

Council discussion ensued.

Vice Mayor Tyson reassured everyone involved that he took this matter seriously and weighed all the factors. When he ran for office, he said he wanted to preserve the semi-rural environment, support Town committee volunteers, and be fiscally responsible. Based on these premises, he did not support the development of either of these lots.

Councilmember Schmidt said she did not find the arguments about comparable lots compelling at all. She did not support the development on either one of these lots.

Councilmember Mok supports the rural character of the Town. He would like to give Mr. Linebarger a small sliver of development, a reduced size, in order to avoid a lawsuit.

Councilmember Swan said that compromise is the key. She has not seen any compromise with this project from the developer. A lot of the comparisons made between these properties and others were “apples to oranges.” She was not inclined to support these developments.

Mayor Tankha said that what the applicant is trying to build large homes on very small lots. The grading involved is too excessive. None of the substandard lots on Mora Drive have homes that are the same scale and size as the ones proposed. Variances have been granted, but were granted to make the homes more conforming, If the applicant were to choose to develop a smaller structures, she would want to see the second-floor roof deck gone, and the second-floor structure should be set back to reduce the level of variances. Additionally, reducing the lightwells to the minimum in the building code, which would help the grading impact.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to direct staff to incorporate Council comments and additional rationale into the draft resolutions for denial, to bring those resolutions back to Council for further consideration at the February City Council meeting and to note that the applicant had been provided and declined an opportunity to have the matter continued so that further

modifications to the proposed plans could be considered by the applicant to address the Council’s concerns regarding both project applications for Items 7(a) and 7(b). The motion was seconded by Vice Mayor **Tyson**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
 NOES: None
 ABSTAIN: None
 RECUSE: None
 ABSENT: None

8. NEW BUSINESS

A. Council Appointments to Committees and Outside Agencies (Mayor Tankha)

Mayor Tankha presented the annual council appointments. The Council agreed as follows:

<u>Town Standing Committees</u>	<u>2021 Council Liaison</u>
Public Art (2nd Mon/month - 6:00 PM)	Schmidt
Community Relations (4th Tues/month - 7:30 PM)	Schmidt
Education (Feb, May, Aug, Nov 2019 - 7:00 PM)	Mok
Emergency Communications (1st Tues/month - 7:00 PM)	Mok
Environmental Design & Protection (2nd Tues/month - 5:45 PM)	Tankha
Environmental Initiatives (1st Thur/month - 6:30 PM)	Mok
Finance/Investment (1st Mon/month - 4:00 PM)	Tankha/Tyson
History (3rd Tues/month - 3:30 PM)	Swan
LA/LAH Jt. Comm. Vol. Service Awards (As Needed)	Swan
LA/LAH Senior Commission (1st Mon/month - 3:30 PM)	Swan
Open Space (2nd Thur/month - 9:00 AM)	Tyson
Parks & Recreation (3rd Mon/month - 5:30 PM)	Schmidt
Pathways (4th Mon/month - 7:00 PM)	Swan
LAH Emergency Council (Ordinance 550 states: (3) The Mayor, or as an alternate, the Vice Mayor who shall be the Liaison)	Tankha/Tyson
<u>Outside Agencies</u>	<u>2021 Council Liaison</u>
Association of Bay Area Governments (ABAG) (3rd Thur/month every other month)	Tankha
North County Library Authority (no fixed schedule 4X/year)	Schmidt
Joint Powers Authority Board (Library)	Schmidt/Swan (Alt)
Valley Transportation Authority (VTA) Board (Group 2) (1st Thur/month 5:30 PM)	Mok
SCVWD Water Commission (4th Wed/month every quarter 12:00 PM)	Schmidt
Santa Clara County Cities Assn. Board (2nd Thur/month 7:00 PM, no meeting in July)	Mok/Schmidt (Alt)
Los Altos Hills County Fire District (3rd Tues/month 7:00 PM)	Tyson/Tankha
CHAC JPA (4thWed/month 4:30 PM-no meeting July & Dec)	Tyson
Silicon Valley Clean Energy Authority (2nd Wed/month 6:00 PM)	Tyson/Schmidt (Alt)

MOTION MADE AND SECONDED: Councilmember **Schmidt** moved to accept and approve the Council liaison and outside agency appointments. The motion was seconded by Vice Mayor **Tyson**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

9. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

A. Request by the Los Altos Hills Pathways Committee to Limit the Number of Committee Members (Pathways Chair Bob Elson)

As Committee Chair Bob Elson was not present, **Vice Mayor Tyson** suggested that the request was self-explanatory. There was Council consensus to approve.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to limit the total number of Pathways Committee members to nine (9) and direct staff to update the standing committee resolution to reflect that change and place it on the consent calendar in February. The motion was seconded by Councilmember **Swan**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

B. Report by the Undergrounding Subcommittee (Councilmember Tyson)

Councilmember Tyson presented the progress of the undergrounding subcommittee.

Allan Epstein, Los Altos Hills, expressed his concerns about the amount of engineering in the feasibility study.

Council discussion ensued. No action was taken.

C. Status Reports from All Councilmembers on Outside Agencies Activities

Councilmember Tyson reported on CHAC and said the mental health needs in the County continue to be very high. He wanted everyone to be aware that the request for CHAC funding will be going out to cities in the coming weeks.

10. STAFF REPORTS

- A. City Manager – No report.
- B. City Attorney – No report.
- C. City Clerk – No report.
- D. Planning/Building Director – No report.
- E. Administrative Services Director – No report.
- F. Public Works Director reported that the Town was selected to receive funds from the MTC. The funds will be used to update the street report.

11. ADJOURN

The meeting adjourned at 10:02 p.m.

Respectfully submitted,

Deborah Padovan

Deborah Padovan
City Clerk

The minutes of the January 21, 2021 regular City Council meeting were approved as presented at the March 18, 2021 regular City Council meeting.