

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, April 15, 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 6:16 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/Interim Engineering Services Manager Zachary Dahl, Administrative Services Director Sarina Revillar, Community Services Supervisor Sarah Robustelli, Assistant Engineer Christine Hoffman, Management Analyst Cody Einfalt, City Clerk Deborah Padovan

AGENDA REVIEW

2. APPOINTMENTS AND PRESENTATIONS

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

City Clerk Deborah Padovan presented the application of **Kejun (Ben) Xu**.

Ben Xu, Los Altos Hills, introduced himself to the City Council and expressed an interest in serving on the committee.

The Council asked questions of **Mr. Xu** and received his responses.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to appoint **Kejun (Ben) Xu** to the Los Altos Hills Parks and Recreation Committee for a four-year term. 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

B. Presentation by Community Health Awareness Council (CHAC)

Marsha Deslauriers, Executive Director of CHAC provided the City Council with an update on the activities of CHAC.

Council discussion ensued. No action was taken.

3. 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.*

Robert Sandor, Los Altos Hills, said the City Manager has created a toxic work environment and discussed recent staff turnover and the tractor port item. He advised the Council not to approve the resolution approving the tractor port.

4. CONSENT CALENDAR

MOTION MADE AND SECONDED: Councilmember **Mok** moved to approve the **CONSENT CALENDAR** with the exception of Items 4.B and 4.H. 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

A. Approval of Special City Council Meeting Minutes: March 18, 2021

B. Approval of Regular City Council Meeting Minutes: March 18, 2021

Councilmember Swan said she wanted the two goal setting items (the green sheets and review of the town hall expansion) included in the City Council goals.

Council discussion ensued.

City Attorney Mattas said that **Councilmember Swan** raised both issues during her comments at the March 18th meeting. However, when the vote took place, the two items were not included. She is asking them to be included now. He advised that it is a policy determination to be decided by the City Council.

MOTION MADE AND SECONDED: Councilmember **Swan** moved to approve the Regular City Council Meeting Minutes of March 18, 2021 as amended to include the two

items requested by Councilmember **Swan**. The motion was seconded by Councilmember **Mok**.

MOTION FAILED 2-3:

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

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to approve the Regular City Council Meeting Minutes of March 18, 2021 as presented. The motion was seconded by Councilmember **Schmidt**.

MOTION PASSED 3-2:

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

- C. Review of Disbursements: February 1-28, 2021 \$705,504.75
- D. Review of Disbursements: March 1-31, 2021 \$1,325,084.48
- E. **Resolution 19-21** of the City Council of the Town of Los Altos Hills Condemning Anti-Asian Hate and Violence (Staff: D. Padovan)
- F. Request by the Community Relations Committee for Approval of Budget for a TEDx Event (Community Relations Committee)
- G. Notification of Fast Track Approval: 25900 Springhill Drive; File #SD20-0082; Lands of Goel; Site Development Permit for a 436 square-foot first floor addition and a new 552 square-foot second floor addition to an existing 3,333 square-foot, one-story single-family dwelling. CEQA review: Categorical Exemption per Section 15301(e); (Staff: Z. Dahl/K. Yost) **Appeal Deadline: Thursday, April 22, 2021 at 5:00 p.m.**
- H. Resolution Accepting the Public Works Corporation Yard Tractor Port Project as Complete (Staff: C. Cahill)

Councilmember Swan pulled the item and said she thought the matter needed to be examined in more detail.

City Manager Cahill presented the staff report. He said that he was changing his recommendation and was not seeking approval, just that the City Council receive the report.

Council discussion ensued regarding policies and procedures going forward. All projects that have a cost of \$25,000 or more must come to the City Council and not be done in a piecemeal manner.

MOTION MADE AND SECONDED: Councilmember **Swan** moved to reprimand the City Manager for not getting prior Council approval and not following city procedures and possibly creating a huge mess. The motion was seconded by Councilmember **Mok**.

City Attorney Mattas said that the topic to reprimand the City Manager is not on the agenda and the Council would have to separately agendaize that for any consideration of action. The only action the Council could take at this time is to consider accepting the report. Alternatively, the Council could continue the item to another meeting, but either action would require a majority vote of the City Council

Public Comment

Allan Epstein, Los Altos Hills, said there are a couple of policy related issues that do need to be addressed. He thinks the municipal code should be clarified as it relates to purchasing authority for a single project.

Mayor Tankha suggested bringing back to the Council a clarification of the municipal code and budget policy considerations.

Further Council discussion ensued.

MOTION MADE AND SECONDED: Councilmember Schmidt moved to accept the report. The motion was seconded by Vice Mayor **Tyson**.

MOTION PASSED 3-1-1:

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

5. ONGOING BUSINESS

- A. Resolution Authorizing the City Manager to Negotiate and Enter Into an Agreement with Flock Safety for Forty (40) Automatic License Plate Reader (ALPR) Cameras not to exceed \$120,000.00 Annually and Appropriate \$120,000.00 from the Unreserved General Fund in Fiscal Year 2020-2021 for ALPR Expenses (Staff: C. Einfalt)

Management Analyst Cody Einfalt presented the staff report.

Council discussion ensued.

Public Comment

Robert Sandor, Los Altos Hills, said that before any money is spent, the Council should have a data policy in place with the County.

Rajiv Bhateja, Los Altos Hills, said he appreciated the Council moving quickly. The interior cameras were added at the request of the sheriff. He said the Council should contact the Board of Supervisors to support our requests. The Council should be aware that this could include an additional cost from the sheriff.

Jim Waschura, Los Altos Hills, said the privacy issues do not seem to be addressed fully to reflect how important they are to the residents. Reluctantly he is in favor of the proposal.

Anand Ranganathan, Los Altos Hills, said the committee who selected the cameras was not made public and public input should be required. He suggested there was a Brown Act violation.

City Manager Carl Cahill replied and said there was no formal committee. He said that residents helped Town staff gather data, understand the intricacies of the contract, and they also interviewed other cities.

City Attorney Mattas said the group would not have required noticed meetings and the Council has considered the policy and the contract at open, public meetings, where the Council has taken extensive input on it.

Essy Stone, Los Altos Hills, she is against the cameras as the crime rate in Town is really low and there is not a lot of evidence that they work. The message is pretty unwelcoming.

Ameesh Divatia, Los Altos Hills, said data privacy is in the adopted ALPR policy and checks and balances are in place for reviewing the data.

John Swan, Los Altos Hills, said this is a perfect example where residents identified an issue, came forward, and found a solution. This is a classic example where residents come forward with an issue and are proactive.

Shyamoli Banerjee, Los Altos Hills, assured Ms. Stone said that the cameras will only capture scanned license plates. She said that she supports the cameras and thanked the Council for moving on it quickly.

Council discussion ensued.

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to adopt **Resolution 20-21** Authorizing the City Manager to Negotiate and Enter Into an

Agreement with Flock Safety for Forty (40) Automatic License Plate Reader (ALPR) Cameras not to exceed \$120,000.00 Annually and Appropriate \$120,000.00 from the Unreserved General Fund in Fiscal Year 2020-2021 for ALPR Expenses; with the understanding that the Town will bring back an ordinance addressing penalties in the case of improper use. 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

- B. Resolution Authorizing the City Manager to Execute the Third Amendment to the Maintenance Services Agreement Between the Town of Los Altos Hills and West Bay Sanitary District for Operation and Maintenance of Los Altos Hills Sanitary Sewer System (Staff: J. Chen/Z. Dahl)

Planning Director Zach Dahl presented the staff report.

Council discussion ensued.

Wan Chan, Los Altos Hills, asked about the resolution on Asian hate. The Mayor explained the entire Council supported the resolution and it was passed earlier in the meeting.

Allan Epstein, Los Altos Hills, said West Bay does an excellent job for the Town, but from time to time we should look around to review pricing from other companies.

MOTION MADE AND SECONDED: Councilmember **Mok** moved to adopt **Resolution 21-21** Authorizing the City Manager to Execute the Third Amendment to the Maintenance Services Agreement Between the Town of Los Altos Hills and West Bay Sanitary District for Operation and Maintenance of Los Altos Hills Sanitary Sewer System. 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

- C. Resolution Awarding a Contract for the Construction of the Town Hall Addition Project – Phase 1 (Staff: C. Hoffman/Z. Dahl)

Assistant Engineer Christine Hoffman presented the staff report.

Council discussion ensued.

MOTION MADE AND SECONDED: Councilmember **Schmidt** moved to adopt **Resolution 22-21** Awarding a Contract for the Construction of the Town Hall Addition Project – Phase 1. The motion was seconded by Vice Mayor **Tyson**.

MOTION PASSED 4-1:

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

The meeting went into recess at 8:21 p.m.

The meeting reconvened to Open Session at 8:28 p.m.

6. PUBLIC HEARINGS

➤ City Council Ex Parte Contacts Policy Disclosure

Ex Parte Communications: **Vice Mayor Tyson** reported that the topic to prohibit remote controlled cars and drones in Byrne Preserve was discussed at an Open Space Committee (OSC) meeting. There were no other ex parte communications.

- A. Introduction of an Ordinance (First Reading) Amending Title 12, Chapter 1 “Parks, Preserves and Public Areas”, Section 12-1.04 “Powered Model Vehicles Prohibited” to Include a Prohibition on Remote Control Cars and Drones in Byrne Preserve (Staff: S. Robustelli) **Motion to Waive Reading and Introduce the Ordinance**

Community Services Supervisor Sarah Robustelli presented the staff report.

Council asked questions of staff and received responses.

Mayor Tankha opened the Public Hearing.

Sue Welch, Los Altos Hills, said she is disappointed that the OSC recommendations to include all three preserves were not included in the ordinance.

Mayor Tankha closed the Public Hearing.

MOTION MADE: Councilmember **Swan** moved to waive reading and introduce Ordinance 593 Amending Title 12, Chapter 1 “Parks, Preserves and Public Areas”, Section 12-1.04 “Powered Model Vehicles Prohibited” to Include a Prohibition on Remote Control Cars and Drones in Byrne Preserve.

Councilmember Schmidt suggested an amendment to the motion to include direction for other relevant committees to review and provide input on whether or not to include all open spaces in Town, not just Byrne Preserve. **Councilmember Swan** did not accept the amendment.

The motion **FAILED** due to lack of a second.

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to waive reading and introduce **Ordinance 593** Amending Title 12, Chapter 1 “Parks, Preserves and Public Areas”, Section 12-1.04 “Powered Model Vehicles Prohibited” to Include a Prohibition on Remote Control Cars and Drones in Byrne Preserve; and direct that relevant committees review other open spaces and return to Council. 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

7. NEW BUSINESS

- A. Introduction of an Ordinance (First Reading) of The Town of Los Altos Hills Amending Article 1 of Chapter 1 of Title 2 (Meetings) of the Los Altos Hills Municipal Code to Confirm that City Council Meeting Procedures Set Forth in the Municipal Code Comply with California Government Code Requirements Related to Meeting Procedures (Staff: S. Mattas) **Motion to Waive Reading and Introduce the Ordinance**

City Attorney Mattas presented the staff report.

Council discussion ensued.

City Attorney Mattas clarified that the ordinance provides that Council members can place items on the agenda under “Council-Initiated” items. This allows the Council to weigh in and they have the option to direct staff to review an item further.

Public Comment

Allan Epstein, Los Altos Hills, said it is a good time to make clear who has the right to place items on the agenda. It is advantageous for the public to know in a clear way who has the right to put items on the agenda.

Further Council discussion ensued.

John Swan, Los Altos Hills, encouraged the ability for one council person to put an item on the agenda be considered.

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to waive reading and introduce **Ordinance 594** of the Town of Los Altos Hills Amending Article 1 of Chapter 1 of Title 2 (Meetings) of the Los Altos Hills Municipal Code to Confirm that City Council Meeting Procedures Set Forth in the Municipal Code Comply with California Government Code Requirements Related to Meeting Procedures; and further direct staff to document the process used for bringing items to the City Council for review at a future meeting. 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

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

A. Report by the Undergrounding Subcommittee (Vice Mayor Tyson)

Vice Mayor Tyson presented the utility undergrounding report.

Council discussion ensued.

Public Comment

Allan Epstein, Los Altos Hills, asked about the timing of the matching/reimbursement funds. **Vice Mayor Tyson** responded that the Town has to front the money before the Town is reimbursed.

No action was taken.

B. Report by the Fire Taskforce Subcommittee (Councilmember Schmidt)

Councilmember Schmidt presented the Fire Taskforce update.

Council discussion ensued. No action was taken.

C. Status Reports from All Councilmembers on Subcommittee and Outside Agencies Activities

There were no reports.

9. **STAFF REPORTS**

- A. City Manager – No report.
- B. City Attorney

City Attorney Mattas said that the City Council met in closed session earlier this evening. The Council had a thoughtful conversation, and the Council is proceeding with the evaluation and anticipates completing it next month.

- C. City Clerk
 - i. Report on Town Website

City Clerk Padovan provided a background on the current Town website. She also reported that Town staff is always open to receive feedback on the website. The goal is transparency and to make information available to residents as timely as possible. No action was taken.

Public Comment

Allan Epstein, Los Altos Hills, said that anything that we can do to improve the search feature in Civic Clerk would be appreciated.

- D. Administrative Services Director – No report
- E. Public Works Director
- F. Planning/Building Director
 - i. Report on Fire Department Review & Access
 - ii. Report on WUI Map

Director Dahl reported on the Fire Department review and access. He reported that he met with the Fire Marshal with the Santa Clara County Fire Department (SCCFD) specifically to address the concerns on timing and plan review delays and to keep things moving. They have gone through a few years of staff turnover. The Fire Marshal recognizes there has been challenges in getting clear and legible comments.

Jitze Couperus, Los Altos Hills, said he have tried for the last two years to get the Council's attention about the Fire Department's procedures. He would like an update and a written status report on exactly what the Fire Marshal allow us to do.

Director Dahl replied and said the issue at hand is about the 12 vs. 14 driveway width requirements and the turnaround for Accessory Dwelling Units (ADU's). The Town requirement now is the 12-foot minimum width, not the 14-foot minimum width. The handout will be updated shortly. For projects moving forward in the Town, a 12-foot driveway is in force. With regard to the turnarounds, state fire code requires that certain dimensions are required for turnarounds. SCCFD has expressed a willingness to work with property owners and will look at items on a case-by-case basis. Turnarounds are a health and safety requirement.

Mayor Tankha requested that this topic be agendized for discussion at a future meeting as she believes we need to have to a uniform set of metrics. She also requested a written report from the Fire Department.

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to continue the meeting past 10 p.m. 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

F. Planning/Building Director

ii. Report on WUI Map

Director Dahl reported that the State is getting ready to update fire hazard maps statewide that will include updated criteria. Staff's recommendation would be to bring back a resolution to reestablish the Wildland-Urban Interface (WUI) townwide and look at establishing a boundary between moderate and high fire danger.

Council discussion ensued.

Public Comment

Allan Epstein, Los Altos Hills, asked the Council not to be arbitrary, that there are real pros and cons to determine what is in the WUI area. He urged the Council to not make the decision based upon opinions, but with all the factors involved with it before a decision is made.

Jitze Couperus, Los Altos Hills, said this started a few years ago because the Planning Commission had to regularly review the WUI. He said leaving the WUI, meant that people could not get insurance.

DIRECTION: Refer the WUI matter to the Planning Commission and then return to the Council with a recommendation.

10. COUNCIL INITIATED

A. Discussion and Possible Action on Next Steps on Opposing SB9 (Mayor Tankha)

Mayor Tankha proposed the next steps on items SB 9 and 10. She informed the Council that there was a Town Hall on the subject and many residents expressed concerns about the two bills. A petition is being circulated and they are looking to see what else can be done. She asked for further recommendations from the Council.

Council discussion ensued. The Council asked that the Mayor keep the Council apprised of the situation. No action was taken.

B. Discussion and Possible Action to Place Public Record Requests and Responses on the Town's Website (Councilmember Swan)

Councilmember Swan presented the item and thought it could save staff time to post responses to public records requests online.

There was no council discussion. No action was taken.

C. Direction and Possible Action to Consider Establishing a City Council Ad Hoc Committee to Establish Procedures for Improved Transparency, including Evaluating the Size, Compensation and Bonus of Town Staff, Formulating Exit Interview Procedures/Policies for Departing Staff Members and Establishing procedures for Negotiating Major Upcoming Service Agreements (Mayor Tankha)

Mayor Tankha presented the item. She said was not intending to look in the past, but looking forward.

Council discussion ensued.

Public Comment

John Swan, Los Altos Hills, said the private sector looks at mistakes and try and determine what to do in the future to not repeat the mistakes. He talked about staff turnover.

No action was taken.

11. ADJOURN

The meeting adjourned at 10:35 p.m.

Respectfully submitted,

Deborah Padovan

Deborah Padovan
City Clerk

The minutes of the April 15, 2021 regular City Council meeting were approved as presented at the May 20, 2021 regular City Council meeting.