

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, May 20, 2021 – 6:00 p.m.

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 6:02 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, 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

There were no changes to the agenda.

2. APPOINTMENTS AND PRESENTATIONS

- A. Reappointment to the Los Altos Hills Environmental Initiatives Committee

City Clerk Deborah Padovan presented the reappointment request of **Aileen Lee**.

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to appoint **Aileen Lee** to the Los Altos Hills Environmental Initiatives Committee for a third, four-year term. 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. Appointment to the Los Altos Hills Open Space Committee

City Clerk Deborah Padovan presented the application of **Hayley Ditzler**.

MOTION MADE AND SECONDED: Vice Mayor **Tyson** moved to appoint **Hayley Ditzler** to the Los Altos Hills Open Space Committee for a four-year term. 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

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.*

There were no presentations from the floor.

4. CONSENT CALENDAR

MOTION MADE AND SECONDED: Councilmember **Swan** moved to approve the **Consent Calendar** with the exceptions of 4.E, 4.N, 4.Q, and 4.S (4.J and 4.T were removed from the agenda and not considered). 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

- A. Approval of City Council Special Meeting Minutes: April 15, 2021
- B. Approval of City Council Regular Meeting Minutes: April 15, 2021
- C. Approval of City Council Special Meeting Minutes: April 28, 2021
- D. Approval of City Council Special Meeting Minutes: April 29, 2021

- E. Review of Disbursements: April 1-30, 2021, \$1,298,718.78

Councilmember Swan pulled the item and asked about the Koff and Associates invoice for \$620.00 for a Los Altos Hills compensation and pay equity study.

Administrative Services Director Sarina Revillar replied that the contract was at the direction of the City Council. It was signed by the City Manager as the amount was within his signing authority. Koff and Associates will be presenting their analysis in June.

MOTION MADE AND SECONDED: Councilmember **Swan** moved to approve Consent Calendar Item #4.E Review of Disbursements: April 1-30, 2021, in the amount of \$1,298,718.78. 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. Receive Quarterly Investment Portfolio Report-Quarter Ending March 31, 2021 (Staff: S. Revillar)

- G. Request by the Open Space Committee to Advertise for a Wildfire Talk with Matteo Garbelotto (Open Space Committee)

- H. Adoption of Ordinance 594 (Second 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 Adopt the Ordinance**

- I. Authorizing the Mayor to Send a Letter to Congressman Portantino Expressing Support for SB-612 Electrical Corporations and other Load-Serving Entities (Staff: C. Einfalt)

- ~~J. Authorizing the Mayor to Send a Letter to Congressmembers Eshoo and Panetta Regarding Airplane Noise in Town and Suggesting the Immediate Implementation of the SERFR Five Amendment (Staff: C. Einfalt) This item was removed from the agenda and not considered.~~

- K. **Resolution 24-21** Renewing Participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) Program (Staff: C. Einfalt)

- L. **Resolution 25-21** Adopting the Town Hall Backup Power Resiliency Capital Project to Include an Electrical Panel Upgrade and to Authorize the City Manager to Enter

into an Agreement with Noll & Tam Architects and O'Mahony & Myer Electrical Engineers for Related Work (Staff: C. Einfalt)

- M. **Resolution 26-21** Accepting as Complete the Work of the "2020 Sanitary Sewer Repair and Rehabilitation Project" and Directing the City Clerk to File Notice of Completion (Staff: J. Chen/Z. Dahl)
- N. Resolution Approving the 2021 Sewer Rate Study Update and Authorizing the City Manager to Execute an Amendment for an Additional \$10,000 to Complete the Rate Study and Sewer Connection Fee Study (Staff: J. Chen/Z. Dahl)

Councilmember Swan pulled the item as she thought the rates were set until 2022.

Planning Director/Interim Engineering Services Manager Zach Dahl responded and provided background on the study.

MOTION MADE AND SECONDED: Councilmember **Swan** moved to adopt **Resolution 28-21** Approving the 2021 Sewer Rate Study Update and Authorizing the City Manager to Execute an Amendment for an Additional \$10,000 to Complete the Rate Study and Sewer Connection Fee Study. 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

- O. Robleda Road Speed Study and Recommended Speed Reduction Measures (Staff: Z. Dahl)
- P. **Resolution 27-21** Approving the Agreement for Countywide Household Hazardous Waste (HHW) Collection Program and Agreement for Countywide AB939 Fee Implementation (Staff: Z. Dahl)
- Q. Resolution Awarding a Contract for Landscaping Services for Town-owned Facilities (Staff: C. Hoffman/Z. Dahl)

Councilmember Mok pulled the item to ask about cost of the contract as this contract is four times more expensive than the last contract.

Director Dahl responded that it was an issue of staff and challenging to meet the prevailing wage requirements. Labor costs in general have gone up significantly.

Mayor Tankha asked that upcoming contracts have a playbook and get that

codified.

Public Comment

Allan Epstein, Los Altos Hills, asked if this work required to be paid on a prevailing wage basis?

Rajiv Bhateja, Los Altos Hills, asked how many person hours a month this work involves>

MOTION MADE AND SECONDED: Councilmember **Mok** moved to adopt **Resolution 29-21** Resolution Awarding a Contract for Landscaping Services for Town-owned Facilities. 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

- R. Notification of Fast Track Approval: 27474 Sunrise Farm Road; Lands of Ziegler; Site Development Permit for a new 4,492 square-foot, two-story residence with an attached 334 square-foot accessory dwelling unit. CEQA review: Categorical Exemption per Section 15303(e). (Staff: J. Loh/Z. Dahl) **Appeal Deadline: Tuesday, May 25, 2021 by 5:00 p.m.**
- S. Resolution to Execute Amendment No. 1 to the Concession Agreement for the Westwind Community Barn Owned by the Town of Los Altos Hills Between the Town and Victoria Dye Equestrian, LLC (Staff: S. Robustelli)

Councilmember Swan had questions about the concession agreement amendment and the formula used.

Community Services Supervisor Sarah Robustelli replied informing the Council that the wording can be amended to match the intent of the Council approved action.

Council asked questions of staff and received responses.

Allan Epstein, Los Altos Hills, said that he wanted to speak on the prior item and say that the analysis of the sewer rate study was flawed as it did not start with the appropriate balance. As far as this item is considered, the Town is responsible for providing a tractor. He said the Town is now asking VDE to buy a tractor and forgiving half of the expense over time. He said the formula is wrong and needs to be corrected.

MOTION MADE AND SECONDED: Councilmember **Swan** moved to adopt

Resolution 30-21 to Execute Amendment No. 1 to the Concession Agreement for the Westwind Community Barn Owned by the Town of Los Altos Hills between the Town and Victoria Dye Equestrian, LLC as amended to state that the amount that is outstanding for the tractor at the end of 5 years would be zero and to the extent the contract is terminated before then, it would be pro-rated based on the remaining time. 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

T. ~~Consideration of a Resolution Approving Amendment No. 12 to Employment Agreement with Carl Cahill to Extend the Term of the Agreement through October 29, 2021~~ (Staff: S. Mattas) *This item was removed from the agenda and not considered.*

5. ONGOING BUSINESS

A. Adoption of Ordinance 593 (Second 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 Adopt the Ordinance**

Community Services Supervisor Sarah Robustelli presented the staff report.

Council discussion ensued.

The Council provided direction to have committees review the other open spaces.

Public Comment

Rajiv Bhateja, Los Altos Hills, asked if we do decide to ban drones, instead of just banning them, suggest where people can go to operate these drones and vehicles. For example, Rancho San Antonio has a space for remote control devices.

MOTION MADE AND SECONDED: Councilmember **Swan** moved to adopt **Ordinance 593** (Second 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. 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

The meeting went into recess at 6:56 p.m.
The meeting reconvened to Open Session at 7:00 p.m.

6. PUBLIC HEARINGS

➤ City Council Ex Parte Contacts Policy Disclosure

Ex Parte Communications: **Mayor Tankha** said she spoke to Allan Epstein on item 6.B. **Councilmember Schmidt** spoke with Steve Schmidt and Peter Evans on item 6.B. **Vice Mayor Tyson** said that he has not met with anyone but has received emails and provided an acknowledgment on item 6.C.

- A. Introduction (First Reading) of an Ordinance adding Chapter 9, “Automatic License Plate Readers (ALPR)”, to Title 4 “Public Safety” in the Los Alto Hills Municipal Code Imposing Penalties on Violators of the Town’s ALPR Policy (Staff: C. Einfalt)
Motion to Waive Reading and Introduce the Ordinance

Management Analyst Cody Einfalt presented the staff report.

Council asked questions of staff and received responses.

Mayor Tankha opened the Public Hearing.

Jim Waschura, Los Altos Hills, he agreed that the fee should be very high fine from the start. His biggest concern is that a corporate entity may use this for another purpose.

Rajiv Bhateja, Los Altos Hills, said there is a provision in the civil code where it allows one to bring a civil action. A high penalty is important, but we are not limited as the Town can use the civil process to bring damages.

Mayor Tankha closed the Public Hearing.

DIRECTION: Staff shall update the ordinance with a higher, tiered violation structure and return to the City Council for approval. It was suggested that the fee be increased as a deterrent to the highest possible legal level.

- B. Resolution to Make Findings Pursuant to Government Code Section 4217.10 et seq. for the Town Hall Backup Power Resiliency Capital Project, and Authorizing the City Manager to Execute an Agreement with Syserco Energy Solutions for the Project and Related Work (Staff: C. Einfalt)

Management Analyst Cody Einfalt presented the staff report.

Council discussion ensued.

Mayor Tankha opened the Public Hearing.

Allan Epstein, Los Altos Hills, said the backup generation is a bi-fuel generator that runs on natural gas. Backup batteries are not an assured power source. It would be unwise to run on batteries alone, and he strongly recommended that the Town maintain a sure power source.

Jim Waschura, Los Altos Hills, said that we will still need to have a natural gas generator in addition to the batteries.

Mayor Tankha closed the Public Hearing.

Further council discussion ensued.

MOTION MADE AND SECONDED: Councilmember **Schmidt** moved to adopt **Resolution 31-21** to Make Findings Pursuant to Government Code Section 4217.10 et seq. for the Town Hall Backup Power Resiliency Capital Project and Authorizing the City Manager to Execute an Agreement with Syserco Energy Solutions for the Project and Related Work. 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. Introduction (First Reading) of an Ordinance Amending Title 4, Chapter 4 “Weapons” of the Los Altos Hills Municipal Code Establishing Regulations for Safe Storage of Firearms in a Residence and Reporting Lost or Stolen Firearms (Staff: C. Cahill)

Motion to Waive Reading and Introduce the Ordinance

Management Analyst Cody Einfalt presented the staff report.

Council discussion ensued.

Mayor Tankha opened the Public Hearing.

Kelly Traver, spoke in strong support of this safe storage ordinance.

Allan Epstein, Los Altos Hills, asked about the definition of a firearm.

The City Attorney paused the item so he could review Mr. Epstein’s question.

After Item 7.D, the Council returned to Item 6.C. **City Attorney Mattas** said that the ordinance incorporates the definition of a firearm under the penal code, which is a standard definition for firearms. Regarding the amount of the fine itself, the Council needs to know a violation would be considered an infraction, not a misdemeanor. The state default amount for infraction is \$250 and the Town's approach is quite common for infractions throughout California. Staff's recommendation is consistent with the level for infractions.

MOTION MADE AND SECONDED: Councilmember **Swan** moved to waive reading and adopt the Ordinance Amending Title 4, Chapter 4 “Weapons” of the Los Altos Hills Municipal Code Establishing Regulations for Safe Storage of Firearms in a Residence and Reporting Lost or Stolen Firearms as amended to set the infraction amount at \$250. 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. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

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

Vice Mayor Tyson presented the report.

Council discussion ensued.

Allan Epstein, Los Altos Hills, asked when we turn the project in to PG&E, they didn't make a determination on which lines were available for 20A funds. Did you turn in all the segments for their review? Why do you think that extending further on Moody would constitute an acceptable 20A project?

Vice Mayor Tyson responded that we have been working with PG&E all along. PG&E has always said all segments were eligible. Moody Road is a key evacuation route and it also has quite a disturbing amount of power lines.

No action was taken.

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

Councilmember Schmidt presented the report. She would like to create an official committee to address emergency preparedness with an emphasis on fire safety.

Council discussion ensued.

Allan Epstein, Los Altos Hills, said the fire district is working in this area as well. He expressed confusion about the coordination between what Councilmember Schmidt is doing and what the fire district is doing.

Councilmember Schmidt responded that the Fire Safe Council cannot act as quickly as a private company. She has been in touch bi-weekly with District Manager J. Logan.

No action was taken.

- C. Consideration of a Proposal from the Community Relations Committee for Classic Car Show Town Gathering (Councilmember Schmidt)

Councilmember Schmidt presented the report requesting that the Community Relations Committee set the date of July 25th from 10:00 a.m. to 2:00 p.m. at Purissima Park for a Classic Car Show. The committee is requesting approval now so they can start advertising the event.

There was Council consensus to move allow the committee to move forward with the proposal as long as the appropriate health orders are followed.

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

Councilmember Mok reported on the law enforcement ad hoc committee. The ALPRs are progressing, and Mayor Tankha's idea about coffee with a sheriff has been well received and encouraged anyone inclined to attend the next meeting.

8. **STAFF REPORTS**

- A. City Manager

City Manager Cahill reported that the LAFCO technical advisory committee is scheduled for Monday, May 24 and he will be attending. He said that we communicated our concerns with regard to efficiency to fire service delivery, means that one size does not fit all.

- B. City Attorney – No report.
- C. City Clerk – No report.
- D. Administrative Services Director – No report.
- E. Public Works Director

Director Dahl reported that we are moving forward with our geotechnical report on E. Sunset. Once the report is final, it will guide how we approach safety improvements and potential widening on that road.

Councilmember Swan asked about the Los Altos Hills Community Fiber request for the Burke Road extension.

Director Dahl responded that the group is not licensed by the California Public Utility Commission as a public utility, so we need to work out the proper legal requirements for public utility easements.

Councilmember Mok requested that the Los Altos Hills Community Fiber extension for Burke Road be agendaized for the June City Council meeting.

F. Planning/Building Director

Director Dahl reported that the Town's public portal GIS map has been updated with the current base map, high resolution ariels, pathway and master path layers, as well as easements, Geotech hazards, and flood zones. Staff worked with the Pathways Committee to confirm all of the alignments. Further, we are experiencing significant permit volumes. In the building department, planning permit submittals are up 29% from a year ago and 42% from two years ago.

9. COUNCIL INITIATED

A. Discussion and Possible Action to Restrict Parking in front of Byrne Preserve and Westwind Barn/Altamont Road Area (Mayor Tankha)

Mayor Tankha presented the report.

Council discussion ensued.

John Lewis, Los Altos Hills, said that he lives on Central Drive and individuals who park at Byrne Preserve and walk the pathways to Foothills Park must cross Page Mill Road on foot; and crossing Page Mill Road is a safety issue.

DIRECTION: Staff shall review to determine if there may be a solution that works as a compromise for the stakeholders by protecting residents and making the preserve accessible to other individuals.

B. Discussion and Possible Action to Adopt a Resolution for a Hybrid Type of City Council Meeting, depending on what the changes may occur to the Brown Act (Councilmember Swan)

Councilmember Swan presented the item.

City Clerk Padovan provided background on the audio video capabilities in the City Council chambers and suggested an upgrade might be needed to allow for a hybrid model.

Mayor Tankha suggested seeing what other cities our size are doing and then maybe we could use those as an example for Los Altos Hills.

Council discussion ensued. No action was taken.

- C. Discussion and Possible Action to Allow the Simplicity App to Demonstrate to the Town Council its use to make the Town website and notifications easier to access. (Councilmember Swan)

Councilmember Swan presented the item.

Council discussion ensued. No action was taken.

- D. Discussion and Possible Action to Record and Archive Planning Commission and Fast Track Meetings (Councilmember Swan)

Councilmember Swan presented the item.

Council discussion ensued. The Mayor suggested that staff do some preliminary work on cost to archive fast track meetings.

Jim Waschura, Los Altos Hills, talked about Planning Commission and very elderly residents who will stay in meetings late. He said that we cannot assume that those people have access to the technology that we all take for granted. We need to preserve a hybrid model so that people who don't have access to technology can participate.

Birgitta Indaco, Los Altos Hills, it is critical to record fast track hearings as they are legally binding meetings. She asked that the meetings be archived so we can refer back to it.

Further Council discussion ensued. No action was taken.

Councilmember Mok shared that there is a group called CALE where you can sign up and say that you support them in their opposition to SB9 and SB10.

Councilmember Swan requested a council-initiated item for the next agenda to request an ad hoc committee be formed to support the planned and approved TEDx presentation.

E. Discussion and Possible Action to Record, Archive and Post Committee Meetings Online (Councilmember Swan)

Councilmember Swan said 9.E was similar to 9.D. **Vice Mayor Tyson** said committees might not rise to the same level for the meetings needing to be archived. No action was taken.

10. ADJOURN

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Deborah L. Padovan

Deborah Padovan
City Clerk

The minutes of the May 20, 2021, regular City Council meeting were approved as presented at the June 17, 2021 regular City Council meeting.