



**MINUTES OF THE REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF LOS ALTOS
TUESDAY, NOVEMBER 24, 2020**

HELD VIA VIDEO/TELECONFERENCE

MEETING CALLED TO ORDER

Mayor Pepper called the meeting to order.

ESTABLISH QUORUM

Present: Mayor Pepper, Vice Mayor Fligor, Council Members Bruins, Enander and Lee Eng
Absent: None

REPORT ON CLOSED SESSION

1. Public Employment: City Manager
Pursuant to Government Code Section 54957

Mayor Pepper reported that the City Council met in closed session prior to this meeting. She stated that there was no action taken and nothing to report. She also announced that the Closed Session would be continued following adjournment of the Regular City Council meeting.

SPECIAL ITEMS

- Proclamation in honor and memory of Maria Gonzalez, owner of longtime Los Altos business, Tom's Depot
- Proclamation declaring November as Lung Cancer Awareness Month in Los Altos

Mayor Pepper said a few words regarding Maria Gonzalez and presented the above noted proclamations.

CHANGES TO THE ORDER OF THE AGENDA

None

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following members of the public commented: Frank Martin, Jasmine, Addy Kopp and Teri Couture.

CONSENT CALENDAR

Mayor Pepper removed from the Consent Calendar Items # 4 *Los Altos Debt Policy* and #6 *Police Records Management System (RMS)*.

Council Member Enander removed from the Consent Calendar Item # 5 *Resolution No. 2020-35: Approving a Cost of Living Adjustment.*

1. Council Minutes: Approve the Minutes of the November 10, 2020, 2020 Regular Meeting and amended minutes of the October 27, 2020 Regular Meeting.
2. Quarterly Investment Portfolio Report: Receive the Investment Portfolio Report through September 30, 2020.
7. Professional Service Agreement for Fremont Avenue Pedestrian Bridge Re-habilitation Project, TS-01055: Authorize the City Manager to execute a professional services agreement between City of Los Altos and Dewberry Engineers, Inc., with the amount not to exceed \$193,234.00 for design, bidding and construction support, construction inspection, and optional engineering and arborist services for unforeseen conditions for CIP project TS-01055.
8. Subdivision Improvement Agreement - Final Map Approval – 425 First Street Authorize the City Manager to execute the Subdivision Improvement Agreement and move to approve the Final Map for Tract Map #10544 425 First Street
9. City Manager Separation Agreement – Appointment of Acting City Manager: Approve Separation Agreement and General Release between the City of Los Altos and City Manager Chris Jordan and Appoint Deputy City Manager Jon Maginot as Acting City Manager

Council Member Enander moved that the City Council approve Consent Calendar Items 1, 2, 3, 7 and 8. The motion was seconded by Council Member Bruins and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

4. Los Altos Debt Policy: Adopt Resolution No. 2020-39 Approving Revised Debt Management Policy In Compliance With SB 1029

City consultants Craig Hill of NHA Advisors and Attorney Scott Fergusson of Jones Hall answered questions from the Council regarding the proposed policy.

The Council provided feedback relative to the proposed policy.

Council Member Bruins moved to adopt Resolution No. 2020-39 Approving the Revised Debt Management Policy In Compliance With SB 1029. Further direction was given that staff should provide to the Council Members the policy in a word version format to collect their input for edits to the policy to be reviewed by the Finance Commission for its recommendations to be brought to the Council at a future date for consideration and incorporation into the policy to create a more comprehensive policy. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

-
5. Resolution No. 2020-35: Adopt Resolution No. 2020-35 approving a Cost of Living Adjustment for Regular, Full-time, Non-Represented, Management and Executive Staff

Council Member Enander suggested the item be tabled until further budget information is available.

City Manager Jordan provided a brief staff report and answered questions from the Council.

Mayor Pepper called for public comment.

Roberta Phillips commented on agenda items 4 and 5.

Council Member Bruins moved to adopt Resolution No. 2020-35 approving a Cost of Living Adjustment for Regular, Full-time, Non-Represented, Management and Executive Staff. The motion was seconded by Vice Mayor Fligor and the motion passed 3-2 with the following roll call vote:

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

Council Member Lee Eng stated that she voted No based on her concerns relative to the budget and at a time when other entities are cutting back.

6. Police Records Management System (RMS): Approve additional funding of \$187,028.58 to the original CIP and approve the use of \$350,000 from the IT reserve (Technology Fund) to fund the RMS project and approval for a one-time additional budget of \$27,505.15 from the Technology Fund.

Police Chief Andy Galea and Judy Maloney, Police Services Manager, provided a staff report and answered questions from the Council.

Council Member Enander moved the City Council approve additional funding of \$187,028.58 to the original CIP and approve the use of \$350,000 from the IT reserve (Technology Fund) to fund the RMS project and approval for a one-time additional budget of \$27,505.15 from the Technology Fund. The motion was seconded by Council Member Bruins and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS -None

DISCUSSION ITEMS

3. Policing Task Force Final Report and Recommendations: Receive the final recommendations from the Citizens' Police Task Force and discuss next steps to further Task Force members, stakeholders, and the community in analyzing the recommendations

Judge LaDoris Cordell, consultant and task force moderator, provided information to the Council. Task Force Members Jeanine Valadez and Renee Rashid provided presentations to the Council on the task force's work and recommendations and answered questions from the Council.

At 9:22 p.m., Mayor Pepper called for a brief recess. At 9:27 p.m., the meeting resumed.

The following individuals provided comments: Kiyoshi. John Fennel, Maria, Kevin Ma, Katherine Yen, Tanya Maluf, Jill W., Brian Jones, Anthony Chau, Ishaan Parmar, Kathleen Lytle, Leah, Kalinda Price, Seth Donnelly, Karina Halevy, Patrice Pepa, Jennifer Denebein, Megan Blach, Ella Maluf, Kenan Moos, Cindy Sidaris, Evelyn, Leslie Zeiger, Teri Couture, Janet Corrigan, Amanda Martin, John Corrigan, Roberta Phillips, Ana, Sharmila Acharya, Sebastian Brisbois.

At this point Mayor Pepper paused the public comments and noted the late hour, the remaining number of people wanting to speak and the remaining items on the agenda. She inquired if the Council wanted to defer some of the matters.

Council Member Enander moved to defer the following agenda items to the December 15, 2020 City Council meeting:

- Discussion Item #10. Bocce Ball/Grant Park Master Plan
- Informational Items - Climate Action Plan Update-Consultant Selection and Planned Schedule
- Community Center Monthly Report (October)

The motion was seconded by Council Member Bruins and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

Public Comment on Policing Task Force Final Report and Recommendations resumed and the following additional individuals commented: Curtis Cole, Salim, Ellie Green, Roni Zeigler, Enola Talbert, Maya Acharya, Jasmine, Dawn Scott, Suzanne Guo, Kevin, Jeffie Khalsa, Marian, Eva Tang, Maureen Griffin, Freddy Sarco, Joe Beninato, Ludka, Ovelman(re Bocce Ball), Moira Huang and Jeanine Valadez.

Council discussion commenced. There was Council consensus to replace the term "third party auditor" with "independent intake portal" and that the independent intake portal would not be involved or tasked with any part of the resulting complaint investigations. The Council took the following actions

Mayor Pepper moved that the Council direct staff to implement an online complaint/commendation submission form, submitted to both the Police Department and an independent intake portal. The motion was seconded by Vice Mayor Fligor. The motion passed 3-2 with the following roll call vote:

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

Mayor Pepper moved that in addition to the Police Department, submissions of hard-copy, online complaints and phone calls may be made to the intake portal and that the Police Department and independent intake portal will, within a reasonable amount of time, share complaints received with the other. The motion was seconded by Vice Mayor Fligor. The motion passed 4-0-1 with the following roll call vote:

AYES: Council Member Bruins, Enander, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: Council Member Lee Eng

Council Member Lee Eng stated that she abstained for the reason of wanting additional information.

Mayor Pepper moved that the City have a tracking data base that would track both formal and informal complaints. An independent intake portal will be retained by the City to do intake for informal and formal complaints about Los Altos Police Officers. The independent intake portal will share all informal and formal complaints received with the Police Department within a reasonable amount of time and will also receive informal and formal complaints that are initiated at the Police Department. This independent intake portal will track all informal and formal complaints according to the list recommended by the Task Force presented in the staff report. All formal complaints (investigation and resolution) shall not exceed one-year from the submission date or within the time frame set forth by current law. The independent intake portal will receive copies of all reports from the Police Department of the results of their investigation, and produce an annual report of informal and formal complaints to the City Council and the information deemed appropriate for public disclosure be made available online including demographic information. The Police Department will collect additional data about the complainants and the nature of their complaints. The motion was seconded by Vice Mayor Fligor the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

Council Member Bruins moved that ~~the Council~~ direct staff to consider modifications to the complaint brochure per the following Task Force recommendations

- a. Recommend that the City Attorney and police department review the language in the "Civilian Complaint & Commendation Procedure" brochure to determine whether or not it is appropriate to change "may" to "will" in the following sentences under the heading

"The Complaint Procedure":

- i. "An investigator will be assigned to investigate the complaint."
- ii. "If the investigation proves that the employee violated any laws or policy of the Los Altos Police Department, he/she may (will?) be subject to the Department's discipline process*. In addition, investigations that disclose potential criminal activity may (will?) be referred to the District Attorney for criminal prosecution." (*explanation of why behavior would not be subject to discipline)

Vice Mayor Fligor seconded the motion and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

Council Member Enander moved that the Council direct staff to provide outreach education to the community on how to file a complaint and prominently display information on how to file a complaint as outlined below:

- a. Deliver information/education about the existing complaint process to LAHS students, parents, staff, and faculty
- b. Prominently display of information on the complaints procedure in all police premises, particularly in custody areas
- c. Display of information in non-police public spaces: city hall, community center, library, high school
- d. Display clearly on the city website the complaint process with a flow chart of all of the steps involved in different circumstances
- e. At every traffic stop and pedestrian stop, officers are strongly encouraged to give information about how to file a complaint/commendation on a business card and/or brochure.

The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

Vice Mayor Fligor moved to eliminate the School Resource Officer program from Los Altos High School by the end of the 2019/2020 school year and direct staff to inform the school administration of the Council action in order to determine and start the appropriate termination process; and direct staff to inform the school district that the City is ready to partner with the school administration to develop an alternative program to foster overall student well-being and create a safe and equitable environment preferably by the start of the 2021/2022 school year; and form a Council/Mountain View Los Altos Union High School District task force.

The motion was seconded by Mayor Pepper and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor, and Mayor Pepper.
NOES: None
ABSENT: None
ABSTAIN: None

INFORMATIONAL ITEMS ONLY

- Copy of Letter to be sent by Los Altos to ABAG regarding RHNA process

Council commented on the letter and requested staff send the letters to ABAG with copies to the California Department of Housing and Community Development, Santa Clara County Cities Association, League of California Cities, , League of California Cities – Peninsula Division, Senator-elect Josh Becker and Santa Clara County Supervisor Joe Simitian

- Tentative Council Calendar -added items noted.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

- Status Report From Council Ad Hoc Subcommittee Regarding Reporting Of City Financial Information (Council Members Bruins and Enander)

Council Members Enander and Bruins reported that work continues on this matter and will be completed by December 8th.

Council Member Lee Eng express a desire for a Council review of the discretionary funds included in the City budget along with a list identifying details on the anticipated use of the discretionary fund.

ADJOURNMENT

At 1:54 a.m., November 25, 2020, Mayor Pepper adjourned the Regular meeting. Council went back into Closed Session continued from earlier.


Andrea M. Chelemengos MMC, CITY CLERK


Janis C. Pepper, MAYOR