



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: August 22, 2017

Subject: Resolution No. 2017-33: Open Government Policy

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2017-33
2. Revised Story Pole Guidelines

Initiated by:

City Council

Previous Council Consideration:

August 26, 2014; September 9, 2014; December 9, 2014; January 13, 2015; March 24, 2015; May 26, 2015 and May 23, 2017

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council concur with the recommendations of the Open Government Standing Committee?

Summary:

- The Open Government Standing Committee has recommended clarifications to the requirements for story poles

Staff Recommendation:

Move to adopt Resolution No. 2017-33 adopting the amended Open Government Policy



Subject: Resolution No. 2017-33: Open Government Policy

Purpose

To adopt the amended Open Government Policy

Background

On May 23, 2017, the City Council received an annual update from the members of the Open Government Standing Committee, Councilmembers Lee Eng and Pepper. At that time, the Council directed the members of the Committee to clarify the requirements for the use of story poles.

Discussion/Analysis

The Open Government Standing Committee met on July 27, 2017 with City staff to discuss the use of story poles.

The Committee recommends the following clarifications to the requirements for story poles:

- Story poles should reflect the outline of the proposed building
- No project application shall have a hearing until proper story poles are installed
- Council must approve any waivers to the story pole requirements

The recommended changes will be incorporated into either the Open Government Policy or the Story Pole Guidelines as appropriate.

Options

- 1) Adopt Resolution No. 2017-33 adopting the amended Open Government Policy

Advantages: Clarifies the expectation for project story poles

Disadvantages: None identified

- 2) Do not adopt Resolution No. 2017-33 – the current Open Government Policy would remain in effect

Advantages: None identified

Disadvantages: May lead to continued confusion over the regulations surrounding story poles

Recommendation

The Open Government Standing Committee and staff recommend Option 1.

RESOLUTION NO. 2017-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE OPEN GOVERNMENT POLICY**

WHEREAS, transparency in decision making is a cornerstone of democracy; and

WHEREAS, elected officials, commissions, and other policy bodies of the City undertake the people's business and in so doing commit themselves to the highest principles of transparency so that every citizen can know and participate in democracy at the local levels; and

WHEREAS, California has a long tradition of laws designed to protect the public's access to the workings of government, and each generation of elected officials and municipal employees should commit themselves to the principles of transparency and seek to implement new approaches that keep the public informed about policy decisions. Experience teaches that as government evolves, so must the laws designed to ensure that the workings of local government remain visible to all; and

WHEREAS, transparency in governmental policy decisions is paramount and only in rare and unusual circumstances should decisions made on behalf of the people take place out of public view. Those circumstances should be carefully and narrowly defined; and

WHEREAS, openness in government is the basis for accountability, improved decision-making, public trust and informed participation; and

WHEREAS, the City Council enacts this Policy to affirm and expand on a culture of open, transparent and collaborative government in the City of Los Altos; and

WHEREAS, private entities, individuals, employees and officials of the City have rights to privacy that must be respected. However, when a person or entity is before a policy body, that person and the public have the right to an open and public process; and

WHEREAS, on January 13, 2015, the City Council adopted Resolution No. 2015-02 establishing the Open Government Policy and on May 26, 2015, adopted Resolution No. 2015-12 amending the Open Government Policy.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby adopts the "Policy of the City of Los Altos Regarding Openness in City Government" attached hereto as Exhibit A and incorporated by this reference, as amended.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mary Prochnow, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

A POLICY OF THE CITY OF LOS ALTOS REGARDING OPENNESS IN CITY GOVERNMENT

Section 1 The Brown Act

All meetings of city policy bodies (City Council, Commissions, and Committees) shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.). The Brown Act serves as a floor, not a ceiling, for transparency and openness. Policies are provided here that go beyond the minimum requirements of law to instill public confidence and increase transparency.

The City will maintain an “Open Government” page on the City website. This policy will be available on that site as well as a brief summary of the Brown Act.

Section 2 Posting of Agendas

At least eight (8) calendar days before a regular City Council meeting, a final agenda and accompanying materials shall be posted on the City’s website. The agenda will be provided to the media. This final agenda shall contain a meaningful description of each item of business to be transacted or discussed at the meeting and all related items, including staff reports, proposals and contracts that will be considered for action. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. The agenda shall also be made available for public inspection and copying at both public libraries and City Hall during normal business hours.

Agendas for Special Meetings, including Study Sessions and Closed Sessions, shall be posted in accordance with the Brown Act.

Section 3 Public Noticing

Notices for single-family residential design reviews shall be provided in accordance with Los Altos Municipal Code Section 14.76. In addition, notices posted on the project site shall be no smaller than 11” x 17” and shall include a graphic representing the proposed project.

Notices for multiple-family, commercial and mixed-use design reviews shall be provided in accordance with Los Altos Municipal Code Section 14.78 and shall be sent to all properties within 500 feet of the proposed development 14 days in advance of the meeting. In addition, notices posted on the project site shall be no smaller than 4’ x 6’ and shall include a graphic representing the proposed project. Multiple-family, commercial and mixed-use projects shall erect story poles which reflect the outline of the proposed building on the site.

Story poles complying with the City's specifications must be erected at least 20 days in advance of the first public hearing for the project. No project shall have a hearing until proper story poles are installed.

Section 4 Recording of Meetings and Retention of Recordings

All Regular and Special Meetings of the City Council and Planning and Transportation Commission that are held in the Community Chambers shall be video recorded. All regular meetings of Commissions and Committees shall be audio recorded. All other public meetings of the City Council and other Commissions and Committees meetings shall be audio recorded as practical. Each such video and audio recording shall be a public record subject to inspection pursuant to the California Public Records Act. The video recording of meetings of the City Council and Planning and Transportation Commission shall be made available within one week of the meeting by webcast on the City's website and shall remain on the City's website permanently. The audio and video record of all meetings under this section shall be kept permanently.

Section 5 Index of City Records

The City shall maintain a public records index that identifies the types of information and documents maintained by the City and its departments, agencies, task forces, commissions and elected officers. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention. The City Clerk shall be responsible for the preparation and maintenance of this records index. The index shall be continuously maintained on the City's website and the two Los Altos libraries.

Section 6 Public Records Requests

Requests for public records, including a brief description of the request, identification of the requester, the date requested, whether the request was granted, partially granted or denied, and the date the request was fulfilled, shall be posted on the City's website. This list shall be updated at least quarterly.

Section 7
Open Government Standing Committee

The Mayor shall appoint two City Council members to serve on an ad hoc Open Government Committee during the piloting of this Open Government policy. Upon adoption of a final policy or an ordinance, the Mayor shall appoint two City Council members to serve on a standing Open Government Committee. The term of each appointed member shall be two years. The Committee shall advise the City Council and provide information to the City Manager on potential ways in which to implement the Open Government Policy. The Committee shall develop appropriate goals to ensure practical and timely implementation of this Policy. The Committee shall propose to the City Council amendments to this Policy. The Committee shall report to the City Council at least once annually on any practical or policy problems encountered in the administration of this Policy.

Section 8
Open Government Policy Annual Review

This Open Government Policy will be reviewed by the City Council at the first meeting in May each year. The review may also be called earlier at the request of the Open Government Committee. The review will include discussion about the cost and impact on City staff of implementing this policy, consideration of additional open government and transparency sections to the policy, and a determination as to when it might be appropriate to adopt the policy as a City ordinance.



CITY OF LOS ALTOS STORY POLES POLICY

Purpose

In accordance with City Council direction on March 24, 2015, all commercial, multiple-family and mixed-use development projects subject to Planning and Transportation Commission and City Council review must have story poles erected as part of the application process. The purpose of this policy is to help show the development's height, massing and profile in the context of the actual environment and to help provide a visual notice of a project.

Procedure

1. For projects that require story poles, the applicant's architect or engineer must prepare a Story Pole Plan to indicate the locations where the poles will be installed.
2. A Story Pole Plan shall be approved by the Community Development Director prior to the placement of the poles on the site. Once approved, the applicant shall inform the Community Development Director when the placement of the story poles is complete and submit photographs showing the installation in context.
3. The story poles shall be installed prior to the public noticing of the project at least twenty (20) before the first public hearing on the project and shall be kept in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the story poles shall remain until final action is taken. If final consideration of the project is substantially delayed, or the project is substantially modified, the Community Development Director may require the removal or the modification of the story poles.
4. Failure to install story poles in compliance with these standards and/or timelines will result in the continuance of the public hearing on the project until compliance with the standards and/or timelines is achieved.

Plan Requirements

1. The Story Pole Plan must be at an appropriate scale and include: a) a site plan showing the location of any existing structure, the outline of any proposed structures and the location of the story poles; b) elevation views of the story poles; and c) any materials, means of installation and structural requirements.
2. The story poles shall be of sufficient number and location to adequately demonstrate the height, mass, and bulk of the project. At a minimum, story poles shall be placed at all outside building corners of the building wall (excluding eaves) and along the main rooflines (ridges, hips and valleys) of the proposed structure(s) or addition. Architectural elements such as towers, spires, elevator and mechanical penthouses, cupolas, mechanical equipment

screening and similar elements that are visible from the streetscape must be represented by the story poles.

3. A licensed surveyor or civil engineer shall submit written verification that the location and height the poles and netting accurately represents the height, profile and location of the proposed structure(s) or addition.
4. The Community Development Director may waive or amend the requirements of the Story Pole Plan at the Director's discretion. A waiver or amendment to these requirements may only be granted by the City Council.

Materials and Methods

1. Story poles shall be constructed of lumber, metal poles, or other sturdy building material, acceptable to the Community Development Director. Such materials shall be designed to withstand the wind and weather. At least two-foot wide orange brightly colored woven plastic fencing (or netting) must be used to represent the rooflines of the proposed structure(s) or addition. One of the story poles on each elevation must be clearly marked and labeled in five-foot increments measured from the proposed finished grade and consistent with the approved Story Pole Plan.
2. All story poles shall be placed, braced and supported to ensure the health, safety and general welfare of the public. Applicants shall sign an agreement that holds the City harmless for any liability associated with the construction of, or damage caused by the story poles. If at any time, the City determines the story poles to be unsafe, they shall be repaired and reset immediately by the applicant or, at the City's discretion, removed. Depending on the scope of the poles, building permits and inspections may be required at the discretion of the Community Development Director.

Exceptions

1. The City Council Community Development Director may grant exceptions to the Story Pole Policy due to: a) a public health and/or safety concern, or b) that such an installation would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the existing business and/or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project may be required, even if an exception is granted.
2. The Story Pole Plan may be limited in scope at the discretion of the City Council Community Development Director. In such cases, such as where there are multiple detached structures proposed and where identifying the locations of key structures would suffice, the story poles may be limited to the outline(s) of key structures and/or showing a structure(s) greatest height and mass.
3. In granting an exception, the City Council Community Development Director may require additional digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the story pole requirements.