



JOINT CITY COUNCIL AND COMPLETE STREETS COMMISSION STUDY SESSION

TUESDAY, MARCH 27, 2018 – 5:30 P.M.

Community Meeting Chambers
Los Altos City Hall
One North San Antonio Road, Los Altos, California

1. Role of Complete Streets Commission: Meet with the Complete Streets Commission to discuss the role of the Commission (S. Chan)

ADJOURNMENT

SPECIAL NOTICES TO THE PUBLIC

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Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>. Council Meetings are televised live and rebroadcast on Cable Channel 26.

On occasion the City Council may consider agenda items out of order.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the City Clerk at (650) 947-2720 for the final document.

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For other questions regarding the City Council meeting proceedings, please contact the City Clerk at (650) 947-2720.

Complete Streets Commission Strategic Goals and Work Items

DRAFT

| Goals | | Tasks and Assignments | Key Milestones/Actions | Priority |
|---------------------------------------|---|--|---------------------------------------|----------|
| 1 | DEVELOPMENT PROJECTS REVIEW | <i>Review development projects and act in an advisory capacity to the City Council on bicycle, pedestrian, parking and traffic matters</i> | | |
| | Development projects review | Review development projects in accordance with the City general plan, pedestrian/bicycle master plans, and other relevant guidance documents | As needed | 1 |
| 2 | ADVISE ON MULTIMODAL SOLUTIONS TO TRANSPORTATION | <i>Help to create multi-modal transportation solutions and policies that enable safe, attractive, comfortable and independent access and travel for pedestrians, bicyclists, transit users, and motorists of all ages and abilities, including connectivity across jurisdictional boundaries. Include projects related to school commutes (SRTS) - maps, school and neighborhood-specific traffic challenges and opportunities, neighborhood traffic issues (as identified by impacted community members), and general traffic flow, speed, and management issues. Review and advise on all CIPs related to traffic, transportation, pedestrian infrastructure, and school commutes. Reviews will be guided and informed by Vision Zero principles as well as relevant City, State, and other regulatory guidelines.</i> | | |
| | Annual Transportation CIP Review | Review proposed transportation projects during budgeting process and advise the Council on projects and budget priorities for transportation-related capital improvements. | Annually | 2,3 |
| | In-plan CIP or County requested projects | Review projects per Vision Zero principles and relevant City, State, and other regulator guidelines | As directed by specific projects/plan | 2,3 |
| | Safe routes to schools | Monitor school route improvements project implementation as approved by City Council | On-going | 3 |
| | | Cupertino elementary & middle schools support continued City Staff collaborative and inter-agency efforts to resolve SRTS issues along Foothill/Homestead/Grant corridor | As directed by staff/Council | 3 |
| | | Annual review of all SRTS maps for pending updates/changes | Fall | 4 |
| | | Stay informed of potential new school sites and traffic impact, pedestrian and bicycle access routes | TBD | 4 |
| MVLA pursued grant ITS + improvements | TBD | 4 | | |
| 3 | GENERAL TRAFFIC CALMING AND MITIGATION | <i>Advise the Council on proposed traffic calming projects and existing and proposed City policies related to traffic calming and traffic enforcement.</i> | | |
| | Collector traffic calming | Review traffic calming projects and requests for collector streets consistent with the Collector Traffic Calming Plan | As needed | 2,3,4 |
| | Neighborhood traffic calming | Review traffic calming requests on local streets consistent with the Neighborhood Traffic Management Plan | As needed | 2,3,4 |
| | LAPD Report | Receive report from LAPD on traffic patterns, trends and incidents | Biannually | 4 |
| 4 | POLICY REVIEW & DEVELOPMENT / VISION ZERO | <i>Help to create multi-modal transportation solutions and policies that enable safe, attractive, comfortable and independent access and travel for pedestrians, bicyclists, transit users, and motorists of all ages and abilities, including connectivity across jurisdictional boundaries.</i> | | |
| | General Plan Update | Support City's General Plan update efforts (if any) | As directed by Council | 4 |
| | Pedestrian master plan update | Review and identify scope of plan update (if any) | As directed by Council | 4 |
| | Bicycle transportation plan update | Review and identify scope of plan update (if any) | As directed by Council | 4 |
| | Neighborhood Traffic Management Plan Update | Review and identify scope of plan update (if any) | As directed by Council | 4 |
| | Application for Bike Friendly Community | Assist City Staff with preparation, review and submission of application for "bike Friendly community" status | September (check LAB deadlines) | 4 |
| | Vision Zero policy development and implementation | Source and review from various transportation agencies relevant approaches to meet Vision Zero | As directed by Council | 3,4 |

Complete Streets Commission Strategic Goals and Work Items

DRAFT

| Goals | | Tasks and Assignments | Key Milestones/Actions | Priority |
|-------|---|--|------------------------|----------|
| 5 | PLANNING | <i>Advise the Council on projects and budget priorities for transportation-related capital improvements.</i> | | |
| | Downtown visioning | Preliminary review of current plan and identify scope of update (if any) | As needed | 3 |
| | Community Center | Review, comment - circulation, parking, bicycle and pedestrian access. | May 2018 | 1,2,3 |
| | Parking Plan (downtown) | Review and comment | TBD | 3 |
| | Affordable Housing/Density changes | Review and comment from a traffic impact and routes to school impact | As directed by Council | 3 |
| | Loyola Corners Specific Plan | Review projects within the Specific Plan area | As needed | 3 |
| 6 | EDUCATION & OUTREACH | <i>Provide for community engagement and serve as a conduit for community input.</i> | | |
| | Community Outreach | As needed; Farmer's Market, selected study session, community meetings | | 3 |
| | VTA BPAC liaison | Attend regular meetings; report back to CSC on relevant topics | Monthly | 4 |
| | Traffic Safe Communities Network (TSCN) | Attend regular meetings; report back to CSC on relevant topics | Monthly | 4 |
| | Bike to Work Day | Host annual Bike to Work Day event; Los Altos station | May | 4 |

| Priority | Description |
|----------|---|
| 1 | Development Projects Review |
| 2 | Planned CIP Projects Review (aligned with Council Priorities) |
| 3 | Council Priorities/Initiatives |
| 4 | CSC/Staff/Community Initiatives |
| 5 | Information/Education |

2018 Execution Plan

DRAFT

| CSC Meeting Date | Tasks and Assignments | Actions | Priority |
|---|---|--------------------|----------|
| January 24, 2018 | Miramonte Avenue Path | Review and Comment | 2 |
| <u>Special Meeting</u> February 12, 2018 | Safe Routes to School (SRTS) Crosswalk and Intersection Improvement Projects | Review and Comment | 2 |
| February 28, 2018 | Foothill Expressway Improvements between El Monte & San Antonio | Review and Comment | 2 |
| | Downtown Vision project update (special presentation) | Information | 3 |
| <u>March 27, 2018</u> | City Council/CSC Study Session | | N/A |
| March 28, 2018 | Traffic Calming Plan for Cuesta between El Monte and Springer | Review and Comment | 3 |
| | VTA's Complete Streets Policy | Information | 5 |
| | VTA's Pedestrian Access to Transit Plan | Information | 5 |
| | Bike to Work Day | CSC Initiative | 4 |
| April 25, 2018 | 389 First Street Mix Use Development | Review and Comment | 1 |
| | FY 2018/19 CIP Review | Review and Comment | 2 |
| | SRTS Projects Update/Review | Review and Comment | 2 |
| May 23, 2018 | Downtown Stop Sign Analysis | Review and Comment | 3 |
| | New Community Center Project | Review and Comment | 1,2,3 |
| <u>Special Meeting</u> in early June | 4856 El Camino Real Residential Development | Review and Comment | 1 |
| June 27, 2018 | Intersection Improvements at Foothill Expressway/Eidth & Main | Discussion | 4 |
| | General Plan & Circulation Element | Information | 5 |
| | LAPD report on existing traffic patterns, trends and incidents | Information | 4 |
| July 25, 2018 | Grand Boulevard Initiative | Information | 5 |
| | El Camino Land Use/Density Update (input for traffic and school commute impact) | Information | 5 |
| August 22, 2018 | Homestead Crossing/Trader Joes' Driveway Access Control Feasibility Study | Review and Comment | 3 |
| | St. Joseph Bike Facility Feasibility Study | Review and Comment | 3 |
| September 26, 2018 | San Antonio/W Portola Intersection Improvements | Review and Comment | 2 |
| October 24, 2018 | Annual Route to School Map Review and Update | Review and Comment | 4 |
| November-Dec 2018 | SB 743 (LOS to VMT) Update | Information | 5 |

| Priority | Description |
|----------|---|
| 1 | Development Projects Review |
| 2 | Planned CIP Projects Review (aligned with Council Priorities) |
| 3 | Council Priorities/Initiatives |
| 4 | CSC/Staff/Community Initiatives |
| 5 | Information/Education |



REGULAR CITY COUNCIL MEETING

TUESDAY, MARCH 27, 2018 – 7:00 P.M.

Community Meeting Chambers

Los Altos City Hall

1 North San Antonio Road, Los Altos, California

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

Presented by Junior Girl Scouts, Troop 60799

CLOSED SESSION ANNOUNCEMENT

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. Please complete a "Request to Speak" form and submit it to the City Clerk. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "the Brown Act") items must first be noticed on the agenda before any discussion or action.

CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

1. Council Minutes: Approve the minutes of the March 13, 2018 study session and regular meeting (J. Maginot)
2. Ordinance No. 2018-442: Smoke-Free Environments: Adopt Ordinance No. 2018-442 replacing Chapter 6.28 of the City of Los Altos Municipal Code with a new Chapter 6.28 to further restrict smoking in the City of Los Altos with certain exceptions (S. Henricks)
3. Disaster Council and Emergency Preparedness Program: Adopt Ordinance No. 2018-443 of the Los Altos Municipal Code to reestablish the Los Altos Disaster Council and related additions to the Code; adopt Resolution No. 2018-07 agreeing to abide by the California Disaster and Civil Defense Master Mutual Aid Agreement; and adopt Resolution No. 2018-08 relative to Workers' Compensation Benefits for registered Disaster Service Worker Volunteers (A. Hepenstal)
4. Resolution No. 2018-09: Commercial Wayfinding Sign Program, Project CD-01002 acceptance: Adopt Resolution No. 2018-09 accepting completion of the Commercial Wayfinding Sign Program, Project CD-01002; and authorize the Public Works Director to record a Notice of Completion as required by law (C. Lamm)

Jeannie Bruins
Councilmember

Lynette Lee Eng
Vice Mayor

Jean Mordo
Mayor

Jan Pepper
Councilmember

Mary Prochnow
Councilmember

5. Resolution No. 2018-10: City Hall HVAC System Upgrades, Project CF-01007 (04-08A) acceptance: Adopt Resolution No. 2018-10 accepting completion of the City Hall HVAC System Upgrades, Project CF-01007 (04-08A); and authorize the Public Works Director to record a Notice of Completion as required by law (A. Fairman)
6. Contract Amendment: Structural Reach Replacement, Project WW-01002: Authorize the City Manager to execute an amendment on behalf of the City with Bellecci & Associates in the amount of \$71,723 to provide additional consulting and inspection services as required by the Streambed Alteration Agreement that was issued by the Cal. Dept. of Fish and Wildlife for the Structural Reach Replacement, Project WW-01002 (A. Fairman)
7. Contract Change Order: Traffic Signal Control Upgrade, Project TS-01049: Authorize the City Manager to execute Change Order #1 for the P.O. #C2018115 to procure traffic signal coordination software Synchro Green in the amount of \$156,800 from Trafficware Group Inc. for Traffic Signal Control Upgrade, Project TS-01049 (A. Bodduna)

DISCUSSION ITEMS

8. Diamond Court: Authorize the City Manager to enter into an agreement with residents of Diamond Court to share the cost to reconstruct Diamond Court and ultimately accept maintenance responsibility as public right of way (C. Lamm)

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

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Written comments may be submitted to the City Council at council@losaltosca.gov. To ensure that all members of the Council have a chance to consider all viewpoints, you are encouraged to submit written comments no later than 24 hours prior to the meeting.

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If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

**MINUTES OF THE STUDY SESSION OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, MARCH 13, 2018,
BEGINNING AT 6:00 P.M. AT LOS ALTOS CITY HALL, 1 NORTH SAN
ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Mordo, Vice Mayor Lee Eng, Councilmembers Bruins, Pepper and Prochnow

ABSENT: None

ITEM FOR CONSIDERATION

1. Potential Revenue Measures: Consider the possible measures and determine a course of action that would lead to further consideration by the Council in early Summer 2018

City Manager Jordan introduced the item.

Direction: Councilmembers generally supported exploring ballot measures to establish a cannabis tax and to increase the Transient Occupancy Tax.

ADJOURNMENT

Mayor Mordo adjourned the meeting at 6:48 p.m.

Jean Mordo, MAYOR

Jon Maginot, CMC, CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, MARCH 13, 2018,
BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL, 1 NORTH SAN
ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Mordo, Vice Mayor Lee Eng, Councilmembers Bruins, Pepper and Prochnow

ABSENT: None

PLEDGE OF ALLEGIANCE

Daisy Girl Scouts, Troop 60762 led the Pledge of Allegiance to the flag.

CHANGES TO THE ORDER OF THE AGENDA

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Pepper, the Council unanimously remanded item number 4, Accessory Dwelling Units, to staff and the Planning Commission.

SPECIAL PRESENTATION

Jim Yoke, representing the Silicon Valley Chapter of the American Red Cross presented on the efforts of the Red Cross and Mayor Mordo issued a proclamation recognizing American Red Cross Month.

SPECIAL ITEM

A. Commission appointments: Appoint individuals to fill vacancies on the Complete Streets, Design Review, Environmental, Financial, Parks and Recreation, Public Arts, and Senior Commissions

Action: By written ballot, the Council unanimously appointed Barrie Levinson and Nadim Maluf to terms on the Complete Streets Commission expiring in March 2022.

Action: By written ballot, the Council appointed Stacy Banerjee to a term on the Complete Streets Commission expiring in March 2022, with the following submitting ballots in favor: Bruins, Lee Eng, Mordo and Pepper.

Action: By written ballot, the Council appointed Frank Bishop to a term on the Design Review Commission expiring in September 2018, with the following submitting ballots in favor: Bruins, Lee Eng and Prochnow.

Action: By voice vote, the Council unanimously appointed Michael Ma to a term on the Design Review Commission expiring in September 2020.

Action: By written ballot, the Council unanimously appointed David Klein, Don Weiden and Lei Yuan to terms on the Environmental Commission expiring in March 2022.

Action: By written ballot, the Council unanimously appointed Christopher Roat to a term on the Financial Commission expiring in September 2021.

Action: By written ballot, the Council appointed Stuart Eckmann to a term on the Parks and Recreation Commission expiring in September 2019, with the following submitting ballots in favor: Bruins, Lee Eng and Prochnow.

Action: By written ballot, the Council unanimously appointed Alison Biggs and Anita Wu to terms on the Public Arts Commission expiring in September 2019.

Action: By written ballot, the Council unanimously appointed Janet Harding, Tracie Murray and Kevin O'Reilly to terms on the Senior Commission expiring in March 2020.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individual provided comments on items not on the agenda: Los Altos resident Walter Chapman.

CONSENT CALENDAR

Vice Mayor Lee Eng pulled item number 3.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Pepper, the Council unanimously approved the Consent Calendar, with the exception of items number 3 and 4, as follows:

1. Council Minutes: Approved the minutes of the February 13, 2018 regular meeting and February 27, 2018 study session and regular meeting.
2. Ordinance No. 2017-437: Historic Preservation Code Amendments: Adopted Ordinance No. 2017-437 amending Chapter 12.44 of the Los Altos Municipal Code.
3. Accessory Structure Zoning Code Amendments: Adopt Ordinance No. 2018-440 to amend Title 14 of the Los Altos Municipal Code pertaining to accessory structures in residential districts – *Pulled for discussion (see page 4).*
4. Accessory Dwelling Units: Adopt Ordinance No. 2018-441 amending the accessory dwelling unit regulations – *Remanded to staff and Planning Commission (see page 1).*
5. Friends of Stevens Creek Trail funding request: Appropriated \$5,000 from the General Fund to contribute towards a grant project intended to remove upstream barriers in Stevens Creek contingent upon receipt of grant funds from Santa Clara Valley Water District.

DISCUSSION ITEMS

6. Hillview Community Center Schematic Design: Receive the Hillview Community Center Schematic Design documents and direct Noll & Tam Architects to proceed with design

Project Manager Yee introduced the item and Janet Tam of Noll & Tam Architects presented the schematic design.

Public Comments

The following individuals presented public comments: Los Altos residents Gary Hedden, Jonathan Weinberg, Nancy Phillips, Suzanne Ambiel, Maria Lonergan, Lei Yuan and Roberta Phillips.

Direction: Councilmembers generally supported the schematic design, provided feedback and direction for further exploration of elements within the schematic design and directed Noll & Tam Architects to proceed with design.

Mayor Mordo recessed the meeting at 9:35 p.m. The meeting resumed at 9:43 p.m.

7. Ordinance No. 2018-442: Smoke-Free Environments and Breathe California of the Bay Area MOU: Introduce and waive further reading of Ordinance No. 2018-442 replacing Chapter 6.28 of the City of Los Altos Municipal Code with a new Chapter 6.28 to further restrict smoking in the City of Los Altos with certain exceptions; and authorize the City Manager to sign Memorandum of Understanding with Breathe California of the Bay Area

Management Analyst Fellow Henricks presented the report.

Public Comments

The following individuals presented public comments: Los Altos residents Roberta Phillips, Tom Glynn and Genevieve Monsees, Michelle Lam (representing Breathe California of the Bay Area), Pat Kapp (representing the Los Altos Chamber of Commerce), Suhas Kotha, Scott Hunter (representing the Los Altos Village Association) and Don Tran (representing Silicon Valley Leadership Group).

Action: Motion made by Mayor Mordo, seconded by Vice Mayor Lee Eng, to introduce and waive further reading of Ordinance No. 2018 replacing Chapter 6.28 of the City of Los Altos Municipal Code with a new Chapter 6.28 to further restrict smoking in the City of Los Altos with certain exceptions, with the following amendments: 1) remove Section 6.28.010.F “Common area;” 2) remove Section 6.28.010.M “Multi-Unit residence;” 3) remove Section 6.28.020.A.4; 4) remove Section 6.28.030.A.7; and 5) modify Section 6.28.060.B to state that fines will be a warning for the first violation, \$100 for a second violation and \$200 for a third violation; and authorize the City Manager to sign Memorandum of Understanding with Breathe California of the Bay Area.

Councilmember Bruins offered an amendment, which was accepted, to add further clarification of what constitutes City facilities. The motion, as amended, passed unanimously.

8. Disaster Council and Emergency Preparedness Program: Introduce and waive further reading of Ordinance No. 2018-443 of the Los Altos Municipal Code to reestablish the Los Altos Disaster Council and related additions to the Code; and receive report on Community Emergency Preparedness Program and provide direction as needed

Community Emergency Preparedness Coordinator Hepenstal presented the report.

Public Comments

The following individuals presented public comments: Los Altos residents Sherie Dodsworth and Harry Guy.

Action: Upon a motion by Vice Mayor Lee Eng, seconded by Councilmember Bruins, the Council unanimously introduced and waived further reading of Ordinance No. 2018-443 of the Los Altos Municipal Code to reestablish the Los Altos Disaster Council and related additions to the Code.

9. Sanitary Sewer Rate Study: Approve the Sewer Rate Study Report prepared by NBS

Engineering Services Manager Lamm presented the report and Carmen Narayanan of NBS presented the Rate Study Report.

Action: Upon a motion by Councilmember Pepper, seconded by Councilmember Bruins, the Council unanimously approved the Sewer Rate Study Report prepared by NBS.

ITEM PULLED FROM CONSENT CALENDAR

3. Accessory Structure Zoning Code Amendments: Adopt Ordinance No. 2018-440 to amend Title 14 of the Los Altos Municipal Code pertaining to accessory structures in residential districts

Vice Mayor Lee Eng expressed the opinion that this ordinance should proceed together with the ordinance on accessory dwelling units.

Public Comments

The following individuals presented public comments: Los Altos residents Cheryl Reicker, Nancy Phillips, Roberta Phillips, Teresa Morris and Kate Disney.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Prochnow, the Council adopted Ordinance No. 2018-440 to amend Title 14 of the Los Altos Municipal Code pertaining to accessory structures in residential districts, with the correction of changing the word “none” to “not applicable in Table 1 under minimum setback for Main structure’s building envelope, by the following vote: AYES: Bruins, Mordo, Pepper and Prochnow; NOES: Lee Eng; ABSTAIN: None; ABSENT: None.

Direction: Councilmembers directed staff to explore further potential amendments to accessory structure regulations including increasing setbacks, establishing size limits and inclusion of underground buildings in the overall square footage.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Councilmember Bruins reported she attended the 20th anniversary of the foreign affairs class sponsored by the City of Los Altos on March 2, 2018.

Mayor Mordo announced he would be meeting with fifth graders from Loyola Elementary School on March 14, 2018.

Councilmember Pepper reported she attended meetings of the Cities Association of Santa Clara County Board and Legislative Action Committee on March 8, 2018, a meeting of the City/Cupertino Union School District/City of Sunnyvale Issues Committee with Vice Mayor Lee Eng on March 7, 2018 and a meeting of the North County Library Authority with Mayor Mordo on March 7, 2018.

Councilmember Prochnow reported she attended the Senior Commission meeting on March 5, 2018 and the Public Arts Commission meeting on March 8, 2018.

City Manager Jordan announced the City had received the Government Finance Officers Association award for the Popular Annual Financial Report.

ADJOURNMENT

Mayor Mordo adjourned the meeting at 11:54 P.M.

Jean Mordo, MAYOR

Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: March 27, 2018

Subject: Ordinance No. 2018-442: Smoke-Free Environments

Prepared by: Sarah Henricks, Management Analyst Fellow

Reviewed by: J Logan, Assistant City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Ordinance No. 2018-442- redline
2. Ordinance No. 2018-442- clean

Initiated by:

City Council

Previous Council Consideration:

December 12, 1979; July 26, 2017; August 23, 2017; October 24, 2017; March 13, 2018

Fiscal Impact:

The adoption of this ordinance will result in a fiscal impact for the cost and installation of “No Smoking” signs. In addition, the City will need to replace or modify trash receptacles that also serve as ashtrays in locations where smoking is proposed to be prohibited. Estimated project costs are not to exceed \$5,000.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Do the amendments clarify where smoking is prohibited or permitted within the City of Los Altos and do they incorporate the direction provided by the City Council at its March 13, 2018 meeting?
- Shall the City Council introduce an ordinance that repeals Chapter 6.28 of the Los Altos Municipal Code in its entirety and replaces it with a new Chapter 6.28 that increases the number of smoke-free environments in Los Altos?

Summary:

- The attached, redline ordinance incorporates the changes made by the City Council at its March 13, 2018 meeting when the ordinance was introduced.

Staff Recommendation:

Move to adopt Ordinance No. 2018-442 replacing Chapter 6.28 of the Los Altos Municipal Code with a new Chapter 6.28 to further restrict smoking in the City of Los Altos with certain exceptions



Subject: Ordinance No. 2018-442: Smoke-Free Environments

Purpose

Adopt Ordinance No. 2018-442 to repeal Chapter 6.28 of the Los Altos Municipal Code in its entirety and replace it with a new Chapter 6.28 to increase the number of smoke-free environments in Los Altos.

Background

On March 13, 2018 the City Council introduced and waived further reading of Ordinance No. 2018-442 with amendments clarifying some language and reducing the number of smoke-free environments. Council's action included that enclosed and unenclosed common areas of multi-unit residences be removed from the ordinance; fines be reduced to include a warning upon the first violation, up to \$100 on the second violation, and up to \$200 on the third violation; and that clarification regarding smoking on or near City facilities be added. The Ordinance has been updated to reflect these changes.

Discussion/Analysis

This Ordinance will go into effect 31 days after adoption. Staff will partner with Breathe California of the Bay Area to begin an educational campaign to inform the community of the new prohibitions and to provide guidance to the business community on how to obtain compliance.

Options

- 1) Adopt Ordinance No. 2018-442

Advantages: Smoking restrictions increase the environments wherein smoking is prohibited thereby providing greater health protection to the public from effects of secondhand smoke. Action supports Santa Clara Healthy Cities Initiatives. Actions provides certain exceptions that permit smoking in areas that are the least harmful to others. Action is responsive to the business community.

Disadvantages: Restrictions to those who desire to smoke may inhibit their ability to participate in outdoor activities and dine outdoors, as well as their use of public spaces, which may curb attendance and their ability to purvey establishments in Los Altos. Likewise, an ordinance that prohibits smoking near establishments may deter current or potential employees from continuing or seeking employment in the City.

- 2) Do not adopt Ordinance No. 2018-442

Advantages: None



Subject: Ordinance No. 2018-442: Smoke-Free Environments

Disadvantages: The existing smoking prohibitions, which prevent smoking anywhere on the Civic Center Campus and in all recreation areas and their associated parking areas will remain in effect.

Recommendation

The staff recommends Option 1.

ORDINANCE NO. 2018-442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS REPEALING CHAPTER 6.28 OF THE CITY OF LOS ALTOS MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 6.28 DEFINING “SMOKE FREE ENVIRONMENTS” IN LOS ALTOS

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the nation’s leading cause of preventable death; and

Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths; and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke; and

The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure; and

The California Environmental Protection Agency (EPA) included secondhand smoke on the Proposition 65 list of chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm; and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts and exposure to secondhand smoke occurs at significant levels outdoors, as evidenced by the following:

Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on direction and amount of wind and number and proximity of smokers; and

To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 23 feet away from the source of the smoke, about the width of a two-lane road; and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

Since 1964, approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke; and

Secondhand smoke is responsible for an estimated 41,300 deaths related to heart disease and lung cancer among adult nonsmokers each year in the United States; and

Exposure to secondhand smoke increases the risk of coronary heart disease by about 25 percent to 30 percent and increases the risk of stroke by 20 percent to 30 percent; and

WHEREAS, laws restricting use of electronic smoking devices also have benefits to the public as evidenced by the following:

Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm, such as formaldehyde, acetaldehyde, lead, nickel, and toluene, in electronic smoking devices; and

The State of California's Tobacco Education and Research Oversight Committee (TEROC) "opposes the use of e-cigarettes in all areas where other tobacco products are banned;" and

WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:

In an observational study of nearly 10,000 individuals, after cigarettes were smoked, 45 percent of cigarettes ended up as litter; and

In 2011, 22.6 percent of all debris collected from beaches and coastal areas are smoking related products; and

Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean; and

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

In 2012, American poison control centers received 8,648 reports of poisoning by the ingestion of cigarettes, cigarette butts, and other tobacco products and 84.5 percent of these poisonings were in children ages five and younger; and

Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging; and

WHEREAS, despite limited research on the long-term effects of secondhand exposure to cannabis smoke, it is considered an irritant to the throat and lungs and contains levels of volatile chemicals and carcinogens that are similar to tobacco smoke, raising concerns about the risk for cancer and lung disease; additionally, some research suggests that cannabis smoke

is more harmful to the circulatory system than tobacco smoke; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions, including authority to completely ban smoking (Health & Safety Code §118910); and

WHEREAS, there is broad public recognition of the dangers of secondhand smoke and support for smoke free air laws, as evidenced by the following:

A 2008 survey of California voters found that 97 percent thought that secondhand smoke was harmful, 88 percent thought secondhand smoke was harmful even outdoors, 65 percent were bothered by secondhand smoke, and 73 percent support laws restricting smoking in outdoor public places; and

WHEREAS, as of January 2015, there are at least 348 California cities and counties with local laws restricting smoking in recreational areas, 129 with local laws restricting smoking in outdoor dining places, and 48 with local laws restricting smoking on sidewalks in commercial areas; and

WHEREAS, there is no Constitutional right to smoke; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco and cannabis use around non-users of either substance, especially children; by protecting the public from exposure to secondhand smoke where they live, work, and play; by reducing the potential for children to wrongly associate smoking and tobacco and cannabis use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City of Los Altos.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 6.28 of the Los Altos Municipal Code entitled “Smoke Free Recreation Areas” is hereby repealed in its entirety and replaced with a new Chapter 6.28 entitled “Smoke-Free Environments” to read as follows:

6.28.010 DEFINITIONS. The following words and phrases, whenever used in this Chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “Bar” or “tavern” means any business licensed or required to be licensed by the Department of Alcoholic Beverage Control for alcoholic beverage on-sale privileged as a “public premise” as defined by California Business and Professions Code section 23039.

- B. “Business” means any sole proprietorship, partnership, joint venture, corporation, associations, landlord, or other entity formed for profit-making purposes.
- C. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For purposes of this Chapter, the term “cannabis” shall include “cannabis,” “cannabis concentrate” and “cannabis products” as those terms are defined by California Business and Professions Code section 26001, and specifically includes hashish, dabs, or similarly mildly euphorogenic and hallucinogenic drugs are prepared from the plant genus *Cannabis*.
- D. “City” means the City of Los Altos.
- E. “Civic Center Campus” means the publicly owned property bounded by San Antonio Road and Hillview Avenue, including the Hillview Community Center, Los Altos Library, Los Altos Police Department, Los Altos History Museum, Los Altos Apricot Orchard, Los Altos City Hall, and all recreation and parking areas on this property.

~~F. “Common area” means every enclosed or unenclosed area of a multi-unit residence that residents of more than one unit of that multi-unit residence are entitled to enter and/or use, including but not limited to, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.~~

~~G.F.~~ “Dining area” means any area, including streets and sidewalks, that is available to or customarily used by the general public or an employee, and which is designed, established, or regularly used for consuming food or drink.

~~H.G.~~ “Downtown Triangle” means the geographic area bordered by W. Edith Avenue, S. San Antonio Road, and Foothill Expressway and includes streets, sidewalks, and public plazas.

~~H.H.~~ “Electronic Smoking Device” means an electronic or battery-operated device that can be used to deliver an inhaled dose of nicotine, cannabis, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vape pen, or any other product name or descriptor.

~~F.I.~~ “Employee” means any person who is employed or retained as an independent contractor by any employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers his or her services for an employer.

~~K.J.~~ “Employer” means any business or nonprofit entity that retains the services of one or more employees.

~~L.K.~~ “Enclosed Area” means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has

- (1) Any type of overhead cover whether or not that cover includes vents or other openings and at least three (3) walls or other vertical constraint to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
- (2) Four (4) walls or other vertical constraints to airflow including, but not limited to vegetation that exceeds six (6) feet in height, whether or not those boundaries include vents or other openings.

~~M.~~ “Multi-Unit Residence” means property containing two (2) or more dwelling units, including, but not limited to, apartment buildings, condominium complexes, senior and assisted living facilities, and long-term health care facilities. Multi-unit residences do not include the following:

- (1) a single family home; or
- (2) a single family home with a detached or attached in-law, second unit, or accessory dwelling unit permitted pursuant to California Government Code sections 65852.1, 65852.150, 65852.2 or an ordinance of the City adopted pursuant to those sections.

~~N.L.~~ “Nonprofit Entity” means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a “Nonprofit Entity” within the meaning of this Chapter.

~~O.M.~~ “No smoking sign” means a sign containing the words “no smoking” or the international “no smoking” symbol (consisting of a pictorial representation of a burning cigarette in a red circle or red heart with a red bar across it).

~~P.N.~~ “Open space” means any lot or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

~~E.O.~~ “Person” means any natural person, individual, partnership, employer, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

~~R.P.~~ “Place of employment” means any area under the legal or de facto control of an employer that an employee or the general public may have cause to enter in the normal course of operation, regardless of the hours of operation, including, but not limited to, vehicles used in employment or for business purposes, taxis, employee cafeterias, lounges and restrooms, hotels, conference and banquet rooms – or other dining areas, warehouses, long-term health care facilities, and lobbies and hallways. A private residence is not a “place of employment” unless it is used as a day services center or a child care, health care, board and care, or community foster care facility, licensed by the State of California.

~~S.Q.~~ “Public event” means any event which is open to and may be attended by the general public, including but not limited to such events as farmers’ markets, parades, craft fairs, festivals, concerts, performances or other exhibitions, regardless of any fee or age requirement.

~~F.R.~~ “Public place” means any area publicly or privately owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not and regardless of any age requirement. Examples of “public places” include but are not limited to places of business or employment, restaurants, restaurant/bar combinations, bars, outdoor dining or seating areas, offices, waiting rooms, entryways and exits, lobbies, service areas, theatres, museums, hotels, recreation areas, sports arenas, parks, city facilities, plazas, parking lots and garages, and open spaces.

~~U.S.~~ “Reasonable Distance” means a distance of twenty-five (25) feet in any direction from an area in which smoking is prohibited.

~~V.T.~~ “Recreational Area” means any area that is publicly owned, controlled, or used by the City and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, open spaces, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. For the purposes of this Chapter, “recreational area” also includes any associated parking lot or other area designated or primarily used for parking vehicles of persons accessing a recreational area.

~~W.U.~~ “Service Area” means any publicly or privately-owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “Service Area”

includes but is not limited to areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.

~~V.~~ Y. “Smoke” means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine or cannabis or other controlled substances *and* the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoke” includes, but is not limited to, tobacco smoke, electronic smoking device vapors, and cannabis smoke or vapors.

~~W.~~ W. “Smoking” means inhaling, exhaling, emitting, burning, possessing, holding, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, any other smoke or vapor inhalation device, lighted smoking equipment, or accessory used for burning or vaporizing any tobacco product, cannabis, plant, or other combustible substance. “Smoking” includes smoking cannabis or marijuana for medical purposes.

~~X.~~ X. “Sports arena” means enclosed or unenclosed sports pavilions, gymnasiums, health spas, swimming pools, roller and ice rinks, baseball stadiums, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

~~Y.~~ Y. “Tobacco Product” means:

- (1) any substance containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
- (2) any electronic smoking device, and
- (3) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, including but not limited to cartridges for electronic cigarettes or electronic smoking devices.
- (4) Notwithstanding any provision of subsections (1), (2), and (3) to the contrary, “Tobacco Product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco Product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

~~BB.Z.~~ “Unenclosed area” means any area that is not an enclosed area, defined in this section.

6.28.020 PROHIBITION OF SMOKING IN ENCLOSED ~~PLACES~~AREAS

A. Smoking is prohibited in the enclosed areas of the following places within the City of Los Altos:

- (1) Public places;
- (2) Places of employment in accordance with California Labor Code section 6404.5, as may be amended;
- (3) Other businesses that have a common or shared air space with an enclosed area in which smoking is prohibited by law, such as, without limitation, openings, cracks, air ventilation systems, doorways, hallways, and stairways. Notwithstanding any other provisions, the fact that smoke enters one enclosed area from another enclosed area is conclusive proof that the areas shared a common or shared air space; and
~~(4) Common areas of multi-unit residences; and~~
~~(5)~~(4) City-owned vehicles and facilities.

B. Smoking is prohibited by this Chapter in all enclosed places of employment exempted by the California smoke-free workplace law (Labor Code section 6404.5 (e), as that section may be amended from time to time) except as provided below:

- (1) Smoking inside a tobacco shop is not prohibited by this subsection if (a) the tobacco shop does not sell edible products, including, for example, food, water, or drinks, or allow such products to be consumed on the premises; (b) the tobacco shop prohibits minors from entering the store at all times; and (c) the premises of the tobacco shop is an independent freestanding building unattached to any other building, establishment, or use. For the purposes of this exception, “Tobacco Shop” means any tobacco retailer that derives more than seventy-five percent (75%) of gross sales receipts from the sale or exchange of tobacco products and tobacco paraphernalia.
- (2) Smoking in a theatrical production by the actors is not prohibited by this subsection if smoking is an integral part of the story and the use of a fake, prop, or special effect cannot reasonably convey the idea of smoking in an effective way to a reasonable member of the anticipated audience.

6.28.030 PROHIBITION OF SMOKING IN UNENCLOSED AREAS

A. Smoking is prohibited in the unenclosed areas of the following places within the City of Los Altos:

- (1) Recreational areas and associated parking areas
- (2) Service areas
- (3) Dining areas
- (4) Bar or tavern areas
- (5) Civic Center Campus

(6) Downtown Triangle

- i. Exception. The prohibition in this subsection (6) shall not apply to the ten (10) City-owned parking plazas located within the Los Altos Downtown Triangle, provided that smoking permitted by this subparagraph (i) may not occur within the reasonable distances required by Section 6.28.040 of this Chapter.

~~(7) Common areas of multi-unit residences, provided, however, that a person with legal control over a common area may designate a portion of an unenclosed common area as a designated smoking area if the designated smoking area meets all of the following criteria:~~

- ~~i. the area must be located a reasonable distance from any unit or enclosed area where smoking is prohibited by this Chapter or other law;~~
- ~~ii. the area must not include, and must be a reasonable distance from, unenclosed areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, school campuses, and sandboxes;~~
- ~~iii. the area must be no more than ten percent (10%) of the total unenclosed area of the multi-unit residence for which it is designated;~~
- ~~iv. the area must have a clearly marked perimeter; and~~
- ~~v. the area must be identified by conspicuous signs.~~

~~(8) City facilities~~

~~(7) Unenclosed facilities owned or controlled by the city, such as corporation yards, service yards, and parking lots, and including streets and sidewalks. The grounds of any building owned, leased, or controlled by the City, including service, corporation, or maintenance yards~~

~~(8) Public events~~

- B. Nothing in this Chapter prohibits any person or employer, with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area.

6.28.040 REASONABLE SMOKING DISTANCE REQUIRED

- A. Smoking in all unenclosed areas shall be prohibited within a reasonable distance from any doorway, window, opening, crack, or vent into an enclosed area in which smoking is prohibited by this Chapter or state or federal law.
- B. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any unenclosed areas in which smoking is prohibited by this Chapter or state or federal law.

- C. The prohibitions in subdivisions (~~a~~A) and (~~b~~B) shall not apply to unenclosed areas of private, residential properties including single-family dwellings and multi-unit residences.

6.28.050 OTHER REQUIREMENTS AND PROHIBITIONS.

- A. No person, employer, or nonprofit entity shall knowingly permit smoking in an area which is under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law.
- B. No person, employer, or nonprofit entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law, including, without limitation, within a reasonable distance required by this Chapter from any area in which smoking is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this Chapter.
- C. A person, employer, or nonprofit entity that has legal or de facto control of an area in which smoking is prohibited by this Chapter shall post a clear, conspicuous and unambiguous “No Smoking” or “Smoke-free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the reasonable distance requirement set forth in Section 6.28.040. For purposes of this section, the City Manager or his / her designee shall be responsible for the posting of signs in regulated facilities owned or leased by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this Chapter.
- D. No person, employer, business, or nonprofit entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this Chapter.
- E. Each instance of smoking in violation of this Chapter shall constitute a separate violation.
- F. This Chapter shall not be interpreted or construed to permit smoking, including smoking cannabis, where it is otherwise restricted by other applicable laws.

6.28.060 PENALTIES AND ENFORCEMENT.

- A. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity. Enforcement of this Chapter shall be the responsibility of the City. In addition, any peace officer or any enforcement officer designated by the City Manager also may enforce this Chapter.
- B. Each incident of Smoking in violation of this Chapter is an infraction subject to the following ~~fn~~penalties:

- (1) A verbal and written warning for the first violation;
- ~~(1)(2)~~ up to one hundred dollars (\$100) for the ~~first~~ second violation;
- ~~(2)(3)~~ up to two hundred dollars (\$200) for a ~~second~~ third violation within one year.;
- ~~(3) up to five hundred dollars (\$500) for a third violation within one year.~~

C. Violations of this Chapter are subject to a civil action and/or administrative citation brought by the City in accordance with Chapter 1.30 of the City Code as applicable.

D. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.

Except as otherwise provided, enforcement of this Chapter is at the sole discretion of the City. Nothing in this Chapter shall create a right of action in any person against the City or its agents to compel public enforcement of this Chapter against any party.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2018 and was thereafter, at a regular meeting held on _____, 2018 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

ORDINANCE NO. 2018-442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS REPEALING CHAPTER 6.28 OF THE CITY OF LOS ALTOS MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 6.28 DEFINING “SMOKE FREE ENVIRONMENTS” IN LOS ALTOS

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the nation’s leading cause of preventable death; and

Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths; and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke; and

The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure; and

The California Environmental Protection Agency (EPA) included secondhand smoke on the Proposition 65 list of chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm; and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts and exposure to secondhand smoke occurs at significant levels outdoors, as evidenced by the following:

Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on direction and amount of wind and number and proximity of smokers; and

To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 23 feet away from the source of the smoke, about the width of a two-lane road; and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

Since 1964, approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke; and

Secondhand smoke is responsible for an estimated 41,300 deaths related to heart disease and lung cancer among adult nonsmokers each year in the United States; and

Exposure to secondhand smoke increases the risk of coronary heart disease by about 25 percent to 30 percent and increases the risk of stroke by 20 percent to 30 percent; and

WHEREAS, laws restricting use of electronic smoking devices also have benefits to the public as evidenced by the following:

Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm, such as formaldehyde, acetaldehyde, lead, nickel, and toluene, in electronic smoking devices; and

The State of California's Tobacco Education and Research Oversight Committee (TEROC) "opposes the use of e-cigarettes in all areas where other tobacco products are banned;" and

WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:

In an observational study of nearly 10,000 individuals, after cigarettes were smoked, 45 percent of cigarettes ended up as litter; and

In 2011, 22.6 percent of all debris collected from beaches and coastal areas are smoking related products; and

Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean; and

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

In 2012, American poison control centers received 8,648 reports of poisoning by the ingestion of cigarettes, cigarette butts, and other tobacco products and 84.5 percent of these poisonings were in children ages five and younger; and

Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging; and

WHEREAS, despite limited research on the long-term effects of secondhand exposure to cannabis smoke, it is considered an irritant to the throat and lungs and contains levels of volatile chemicals and carcinogens that are similar to tobacco smoke, raising concerns about the risk for cancer and lung disease; additionally, some research suggests that cannabis smoke

is more harmful to the circulatory system than tobacco smoke; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions, including authority to completely ban smoking (Health & Safety Code §118910); and

WHEREAS, there is broad public recognition of the dangers of secondhand smoke and support for smoke free air laws, as evidenced by the following:

A 2008 survey of California voters found that 97 percent thought that secondhand smoke was harmful, 88 percent thought secondhand smoke was harmful even outdoors, 65 percent were bothered by secondhand smoke, and 73 percent support laws restricting smoking in outdoor public places; and

WHEREAS, as of January 2015, there are at least 348 California cities and counties with local laws restricting smoking in recreational areas, 129 with local laws restricting smoking in outdoor dining places, and 48 with local laws restricting smoking on sidewalks in commercial areas; and

WHEREAS, there is no Constitutional right to smoke; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, it is the intent of the City Council, in enacting this Ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco and cannabis use around non-users of either substance, especially children; by protecting the public from exposure to secondhand smoke where they live, work, and play; by reducing the potential for children to wrongly associate smoking and tobacco and cannabis use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City of Los Altos.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 6.28 of the Los Altos Municipal Code entitled “Smoke Free Recreation Areas” is hereby repealed in its entirety and replaced with a new Chapter 6.28 entitled “Smoke-Free Environments” to read as follows:

6.28.010 DEFINITIONS. The following words and phrases, whenever used in this Chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “Bar” or “tavern” means any business licensed or required to be licensed by the Department of Alcoholic Beverage Control for alcoholic beverage on-sale privileged as a “public premise” as defined by California Business and Professions Code section 23039.

- B. “Business” means any sole proprietorship, partnership, joint venture, corporation, associations, landlord, or other entity formed for profit-making purposes.
- C. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For purposes of this Chapter, the term “cannabis” shall include “cannabis,” “cannabis concentrate” and “cannabis products” as those terms are defined by California Business and Professions Code section 26001, and specifically includes hashish, dabs, or similarly mildly euphorogenic and hallucinogenic drugs are prepared from the plant genus *Cannabis*.
- D. “City” means the City of Los Altos.
- E. “Civic Center Campus” means the publicly owned property bounded by San Antonio Road and Hillview Avenue, including the Hillview Community Center, Los Altos Library, Los Altos Police Department, Los Altos History Museum, Los Altos Apricot Orchard, Los Altos City Hall, and all recreation and parking areas on this property.
- F. “Dining area” means any area, including streets and sidewalks, that is available to or customarily used by the general public or an employee, and which is designed, established, or regularly used for consuming food or drink.
- G. “Downtown Triangle” means the geographic area bordered by W. Edith Avenue, S. San Antonio Road, and Foothill Expressway and includes streets, sidewalks, and public plazas.
- H. “Electronic Smoking Device” means an electronic or battery-operated device that can be used to deliver an inhaled dose of nicotine, cannabis, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vape pen, or any other product name or descriptor.
- I. “Employee” means any person who is employed or retained as an independent contractor by any employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers his or her services for an employer.
- J. “Employer” means any business or nonprofit entity that retains the services of one or more employees.

- K. “Enclosed Area” means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has
- (1) Any type of overhead cover whether or not that cover includes vents or other openings and at least three (3) walls or other vertical constraint to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
 - (2) Four (4) walls or other vertical constraints to airflow including, but not limited to vegetation that exceeds six (6) feet in height, whether or not those boundaries include vents or other openings.
- L. “Nonprofit Entity” means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a “Nonprofit Entity” within the meaning of this Chapter.
- M. “No smoking sign” means a sign containing the words “no smoking” or the international “no smoking” symbol (consisting of a pictorial representation of a burning cigarette in a red circle or red heart with a red bar across it).
- N. “Open space” means any lot or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
- O. “Person” means any natural person, individual, partnership, employer, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- P. “Place of employment” means any area under the legal or de facto control of an employer that an employee or the general public may have cause to enter in the normal course of operation, regardless of the hours of operation, including, but not limited to, vehicles used in employment or for business purposes, taxis, employee cafeterias, lounges and restrooms, hotels, conference and banquet rooms – or other dining areas, warehouses, long-term health care facilities, and lobbies and hallways. A private residence is not a “place of employment” unless it is used as a day services center or a child care, health care, board and care, or community foster care facility, licensed by the State of California.
- Q. “Public event” means any event which is open to and may be attended by the general public, including but not limited to such events as farmers’ markets, parades, craft fairs,

festivals, concerts, performances or other exhibitions, regardless of any fee or age requirement.

- R. “Public place” means any area publicly or privately owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not and regardless of any age requirement. Examples of “public places” include but are not limited to places of business or employment, restaurants, restaurant/bar combinations, bars, outdoor dining or seating areas, offices, waiting rooms, entryways and exits, lobbies, service areas, theatres, museums, hotels, recreation areas, sports arenas, parks, city facilities, plazas, parking lots and garages, and open spaces.
- S. “Reasonable Distance” means a distance of twenty-five (25) feet in any direction from an area in which smoking is prohibited.
- T. “Recreational Area” means any area that is publicly owned, controlled, or used by the City and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, open spaces, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. For the purposes of this Chapter, “recreational area” also includes any associated parking lot or other area designated or primarily used for parking vehicles of persons accessing a recreational area.
- U. “Service Area” means any publicly or privately-owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “Service Area” includes but is not limited to areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.
- V. “Smoke” means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine or cannabis or other controlled substances *and* the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoke” includes, but is not limited to, tobacco smoke, electronic smoking device vapors, and cannabis smoke or vapors.
- W. “Smoking” means inhaling, exhaling, emitting, burning, possessing, holding, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, any other smoke or vapor inhalation device, lighted smoking equipment, or accessory used for burning or vaporizing any tobacco product,

cannabis, plant, or other combustible substance. “Smoking” includes smoking cannabis or marijuana for medical purposes.

- X. “Sports arena” means enclosed or unenclosed sports pavilions, gymnasiums, health spas, swimming pools, roller and ice rinks, baseball stadiums, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.
- Y. “Tobacco Product” means:
 - (1) any substance containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
 - (2) any electronic smoking device, and
 - (3) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, including but not limited to cartridges for electronic cigarettes or electronic smoking devices.
 - (4) Notwithstanding any provision of subsections (1), (2), and (3) to the contrary, “Tobacco Product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco Product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- Z. “Unenclosed area” means any area that is not an enclosed area, defined in this section.

6.28.020 PROHIBITION OF SMOKING IN ENCLOSED AREAS

- A. Smoking is prohibited in the enclosed areas of the following places within the City of Los Altos:
 - (1) Public places;
 - (2) Places of employment in accordance with California Labor Code section 6404.5, as may be amended;
 - (3) Other businesses that have a common or shared air space with an enclosed area in which smoking is prohibited by law, such as, without limitation, openings, cracks, air ventilation systems, doorways, hallways, and stairways. Notwithstanding any other provisions, the fact that smoke enters one enclosed area from another enclosed area is conclusive proof that the areas shared a common or shared air space; and
 - (4) City-owned vehicles and facilities.

B. Smoking is prohibited by this Chapter in all enclosed places of employment exempted by the California smoke-free workplace law (Labor Code section 6404.5 (e), as that section may be amended from time to time) except as provided below:

- (1) Smoking inside a tobacco shop is not prohibited by this subsection if (a) the tobacco shop does not sell edible products, including, for example, food, water, or drinks, or allow such products to be consumed on the premises; (b) the tobacco shop prohibits minors from entering the store at all times; and (c) the premises of the tobacco shop is an independent freestanding building unattached to any other building, establishment, or use. For the purposes of this exception, "Tobacco Shop" means any tobacco retailer that derives more than seventy-five percent (75%) of gross sales receipts from the sale or exchange of tobacco products and tobacco paraphernalia.
- (2) Smoking in a theatrical production by the actors is not prohibited by this subsection if smoking is an integral part of the story and the use of a fake, prop, or special effect cannot reasonably convey the idea of smoking in an effective way to a reasonable member of the anticipated audience.

6.28.030 PROHIBITION OF SMOKING IN UNENCLOSED AREAS

A. Smoking is prohibited in the unenclosed areas of the following places within the City of Los Altos:

- (1) Recreational areas and associated parking areas
- (2) Service areas
- (3) Dining areas
- (4) Bar or tavern areas
- (5) Civic Center Campus
- (6) Downtown Triangle
 - i. Exception. The prohibition in this subsection (6) shall not apply to the ten (10) City-owned parking plazas located within the Los Altos Downtown Triangle, provided that smoking permitted by this subparagraph (i) may not occur within the reasonable distances required by Section 6.28.040 of this Chapter.
- (7) The grounds of any building owned, leased, or controlled by the City, including service, corporation, or maintenance yards
- (8) Public events

B. Nothing in this Chapter prohibits any person or employer, with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area.

6.28.040 REASONABLE SMOKING DISTANCE REQUIRED

A. Smoking in all unenclosed areas shall be prohibited within a reasonable distance from any doorway, window, opening, crack, or vent into an enclosed area in which smoking is prohibited by this Chapter or state or federal law.

- B. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any unenclosed areas in which smoking is prohibited by this Chapter or state or federal law.
- C. The prohibitions in subdivisions (A) and (B) shall not apply to unenclosed areas of private, residential properties including single-family dwellings and multi-unit residences.

6.28.050 OTHER REQUIREMENTS AND PROHIBITIONS.

- A. No person, employer, or nonprofit entity shall knowingly permit smoking in an area which is under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law.
- B. No person, employer, or nonprofit entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law, including, without limitation, within a reasonable distance required by this Chapter from any area in which smoking is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this Chapter.
- C. A person, employer, or nonprofit entity that has legal or de facto control of an area in which smoking is prohibited by this Chapter shall post a clear, conspicuous and unambiguous “No Smoking” or “Smoke-free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the reasonable distance requirement set forth in Section 6.28.040. For purposes of this section, the City Manager or his / her designee shall be responsible for the posting of signs in regulated facilities owned or leased by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this Chapter.
- D. No person, employer, business, or nonprofit entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this Chapter.
- E. Each instance of smoking in violation of this Chapter shall constitute a separate violation.
- F. This Chapter shall not be interpreted or construed to permit smoking, including smoking cannabis, where it is otherwise restricted by other applicable laws.

6.28.060 PENALTIES AND ENFORCEMENT.

- A. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity. Enforcement of this Chapter shall be the responsibility of the City. In addition, any peace officer or any enforcement officer designated by the City Manager also may enforce this Chapter.

- B. Each incident of Smoking in violation of this Chapter is an infraction subject to the following penalties:
 - (1) A verbal and written warning for the first violation;
 - (2) up to one hundred dollars (\$100) for the second violation;
 - (3) up to two hundred dollars (\$200) for a third violation within one year.
- C. Violations of this Chapter are subject to a civil action and/or administrative citation brought by the City in accordance with Chapter 1.30 of the City Code as applicable.
- D. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.

Except as otherwise provided, enforcement of this Chapter is at the sole discretion of the City. Nothing in this Chapter shall create a right of action in any person against the City or its agents to compel public enforcement of this Chapter against any party.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2018 and was thereafter, at a regular meeting held on _____, 2018 passed and adopted by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Jean Mordo, MAYOR

Attest:

 Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: March 27, 2018

Subject: Disaster Council and Emergency Preparedness Program

Prepared by: Ann Hepenstal, Emergency Preparedness Coordinator

Reviewed by: J Logan, Assistant City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Ordinance No. 2018-443
2. Resolution No. 2018-07 California Disaster and Civil Defense Master Mutual Aid Agreement
3. Resolution No. 2018-08 Workers' Compensation Benefits for Registered Disaster Service Workers

Initiated by:

Staff

Previous Council Consideration:

March 15, 1955: Disaster Service Worker Resolution and establishment of Disaster Council, Ordinance No. 64

April 11, 1967: Emergency Ordinance amended Disaster Council, Ordinance No. 67-16

September 22, 1987: Los Altos Emergency Plan adopted and Disaster Council repealed, Ordinance No. 87-176

March 22, 2016: Approved the City of Los Altos Emergency Operations Plan. Prior policy was the 2009 Emergency Operations Plan (updated annually with last prior update in October 2015)

March 13, 2018 Introduction of Ordinance No. 2018-443

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt an Ordinance that will reestablish the Los Altos Disaster Council and accompanying Resolutions, and thereby, qualify volunteers for the State Disaster Service Worker (DSW) Program benefits?



Subject: Disaster Council and Emergency Preparedness Program

Summary:

- Adoption of Ordinance 2018-443 (Attachment 1) to amend Chapter 2.28 of the City of Los Altos Municipal Code will reestablish the Los Altos Disaster Council and related additions to the code and thereby, the City of Los Altos can apply for reimbursement for provisions afforded under the Labor Code §4351 and the DSW Volunteers in the City, if eligible, can qualify for benefits as specified in California Labor Code §4351 and §8657
- Adoption of Resolutions No. 2018-07 (Attachment 2) and Resolution No. 2018-08 (Attachment 3) as required by the State of California to accompany Ordinance No. 2018-443

Staff Recommendation:

Adopt Ordinance No. 2018-443 amending Chapter 2.28 of the City of Los Altos Municipal Code to reestablish the Los Altos Disaster Council and related additions to the Code; adopt Resolution No. 2018-07 agreeing to abide by the California Disaster and Civil Defense Master Mutual Aid Agreement; and adopt Resolution No. 2018-08 relative to Workers' Compensation Benefits for registered Disaster Service Worker Volunteers



Subject: Disaster Council and Emergency Preparedness Program

Purpose

Adopt Ordinance No. 2018-443 to amend Chapter 2.28 of the City of Los Altos Municipal Code and thereby, reestablish the Los Altos Disaster Council; adopt Resolution No. 2018-07 and Resolution No. 2018-08 as required by the State of California to accompany Ordinance No 2018-443.

Background

On March 13, 2018 the City Council introduced and waived further reading of Ordinance No. 2018-443 to amend Chapter 2.28 of the City of Los Altos Municipal Code thereby reestablishing the Los Altos Disaster Council. In addition to this action, Resolution No. 2018-07 and Resolution No. 2018-08 need to be adopted by Council to accompany Ordinance 2018-443 pursuant to State of California requirements.

Discussion/Analysis

This Ordinance will go into effect 31 days after adoption.

Options

- 1) Adopt Ordinance No. 2018-443 and associated Resolution No. 2018-07 and Resolution No. 2018-08

Advantages: By reestablishing a Disaster Council and the associated Resolutions, the City is able to qualify its CERT and Ham volunteers under the State of California's DSW program, which provides benefits from the State of California for liability protections and Workers' Compensation coverage to City DSW Volunteers. This enables the City to transfer the risk of Workers' Compensation claims to the State of California program, thereby reducing the City's potential liability. City DSW Volunteers gain protection from claims from personal injury or property damage sustained by a third party while carrying out their volunteer duties during an event as properly registered DSW Volunteers and will enjoy the same immunities as officers and employees of the State and its political subdivisions. Having these DSW protections is anticipated to help in recruitment efforts for emergency preparedness volunteers.

Disadvantages: Although City must adhere to the requirements for State certified local Disaster Councils and associated Resolutions, no disadvantages to the City are identified.



Subject: Disaster Council and Emergency Preparedness Program

2) Do not adopt Ordinance No. 2018-443 and associated Resolutions

Advantages: None.

Disadvantages: City of Los Altos CERT and Ham volunteers will not qualify under the State of California's DSW program. This exposes the City to potential Workers' Compensation claims. This also leaves City volunteers exposed to potential liability should they injure a third party while carrying out their volunteer duties during an event. Lacking these DSW protections may negatively impact recruitment of emergency preparedness volunteers.

Recommendation

The staff recommends Option 1.

ORDINANCE NO. 2018-443

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 2.28 OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO EMERGENCY ORGANIZATION AND THE DISASTER COUNCIL

WHEREAS, on March 15, 1955, the City Council adopted Resolution No. 47, which adopted a Mutual Aid Agreement, and Resolution No. 71, which declared persons in the Civil Defense program to be covered under Workman’s [sic] Compensation; and

WHEREAS, on March 15, 1955, the City Council also adopted Ordinance No. 64, which established a Plan of Civil Defense, a Disaster Council, and participation of the City in a program of Civil Defense of the City of Los Altos; and

WHEREAS, on April 25, 1967, the City Council adopted Ordinance No. 67-16, which amended the Disaster Council and appointed the Chief Administrative Officer as the Director of Civil Defense; and

WHEREAS, on September 22, 1987, the City Council adopted Ordinance No. 87-176, which adopted the City of Los Altos Emergency Plan (“1987 Emergency Plan”) and repealed the Disaster Council; and

WHEREAS, on March 22, 2016, the City Council approved the City of Los Altos Emergency Operations Plan (“Emergency Operations Plan”)

WHEREAS, the City’s adoption of the 1987 Emergency Plan, and other provisions related to emergency response, are codified in Los Altos Municipal Code Chapter 2.28; and

WHEREAS, the City now desires to amend Los Altos Municipal Code Chapter 2.28 to re-establish the Disaster Council and Mutual Aid Agreement; to adopt the Emergency Operations Plan; and to provide for (1) the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency, (2) the direction of the emergency organization, and (3) the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: The title of Chapter 2.28 of the Los Altos Municipal Code, “EMERGENCY PLAN” is hereby amended as follows:

CHAPTER 2.28 ~~EMERGENCY PLAN, DISASTER COUNCIL AND CITY~~
EMERGENCY ORGANIZATION

SECTION 2. AMENDMENT OF CODE: Section 2.28.20 in Chapter 2.28 of the Los Altos Municipal Code is hereby amended as follows:

2.28.020 – Emergency Plan Adopted.

The Los Altos Disaster Council shall be responsible for the development of the Emergency Plan, which plan shall provide for the effective mobilization of all the resources of this jurisdiction, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. The City of Los Altos Emergency Operations Plan, ~~dated September, 1987, as amended,~~ is hereby adopted by reference as if fully set forth in this chapter and shall have the full force and effect of law for the purposes set forth therein.

SECTION 3. AMENDMENT OF CODE: Chapter 2.28 of the Los Altos Municipal Code is hereby amended to add new Sections 2.28.040-2.28.100 to the end of the Chapter, to read as follows:

2.28.040 – Definition

As used in this ordinance, “emergency” shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this jurisdiction caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities, requiring the combined forces of other political subdivisions to combat.

2.28.050 – Disaster Council Membership

The Los Altos Disaster Council is hereby created and shall consist of the following:

- A. The Director of Emergency Services, who shall be chair.
- B. The Assistant Director of Emergency Services who shall be vice chair.
- C. The Chief of Police.
- D. The Director of Public Works.

- E. The Mayor or City Council designee.
- F. Such other persons appointed by the Director.

2.28.060 – Disaster Council Powers and Duties

It shall be the duty of the Los Altos Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet at least once per year, upon call of the chair or, upon call of the vice chair (in the absence of the chair). The Disaster Council shall comply with the California Emergency Services Act and abide by the California Disaster and Civil Defense Master Mutual Aid Agreement. The Disaster Council agrees to follow established rules and regulations relating to the various classes of Disaster Service Workers, scope of duties of each class, and manner of registration pursuant to the provisions of Government Code §8585.5.

2.28.070 – Director and Assistant Director of Emergency Services

- A. There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.
- B. There is hereby created the office of Assistant Director of Emergency Services. The Assistant City Manager or an individual appointed by the Director of Emergency Services shall be the Assistant Director of Emergency Services. When the Director of Emergency Services is not available, the Assistant Director of Emergency Services shall become Acting Director and assume the duties of the Director.

2.28.080 – Powers and Duties of the Director and Assistant Director of Emergency Services

- A. The Director is hereby empowered to:
 - (1) Request the City Council to proclaim the existence or threatened existence of a “local emergency” if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.
 - (2) Request the Governor to proclaim a “state of emergency” when, in the opinion of the Director, the circumstances are beyond the

City's capacity to adequately respond to or recover from the emergency.

(3) Control and direct the effort of the City of Los Altos emergency organization for the accomplishment of the purposes of this ordinance. This responsibility will include the registration, supervision and direction of Disaster Service Worker Volunteers within the City.

(4) Direct cooperation between and coordination of services and staff of this emergency organization; and resolve questions of authority and responsibility that may arise between them.

(5) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(6) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor, or the existence of a "state of war emergency," the Director is hereby empowered:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

(b) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the jurisdiction for the fair value thereof and, if required immediately, to commandeer the same for public use;

(c) To require emergency services of any officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency," to command the aid of as many residents of this community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered Disaster Service Workers;

(d) To requisition necessary personnel or material of the departments or agencies; and

(e) To execute all ordinary power as City Manager, all of the special powers conferred by this ordinance or by

resolution or emergency plan pursuant hereto adopted by the governing body, all powers conferred by any statute, by any agreement approved by the governing body, and by any other lawful authority.

B. The Assistant Director is hereby empowered to:

(1) Under the supervision of the Director and with the assistance of emergency service chiefs, to develop emergency plans and manage the emergency programs of this jurisdiction;

(2) Act on behalf of the Disaster Council to approve Los Altos Disaster Service Worker Volunteer training and exercises and to coordinate with the appropriate agencies and organizations;

(3) Have such other powers and duties as may be assigned by the Director.

2.28.090 – Emergency Organization

All officers and employees, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of 2.28.080 A. (6) (c) of this ordinance, be charged with duties incident to the protection of life and property during such emergency, shall constitute the emergency organization of the city of Los Altos.

2.28.100 – Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2018 and was thereafter, at a regular meeting held on _____, 2018 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

RESOLUTION NO. 2018-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AGREEING TO ABIDE BY THE CALIFORNIA DISASTER AND CIVIL
DEFENSE MASTER MUTUAL AID AGREEMENT**

WHEREAS, EARL WARREN, Governor of the State of California, on the 15th day of November, 1950, executed the California Disaster and Civil Defense Master Mutual Aid Agreement on behalf of the State of California and all its Departments and Agencies; and

WHEREAS, on March 15, 1955, the City Council adopted Resolution No. 47, which adopted a Mutual Aid Agreement; and

WHEREAS, on September 22, 1987, the City Council adopted Ordinance No. 87-176, which adopted the City of Los Altos Emergency Plan (“1987 Emergency Plan”) and repealed the Disaster Council; and

WHEREAS, on _____, the City Council adopted Ordinance 2018-443 to reestablish the Los Altos Disaster Council; and

WHEREAS, it is deemed of vital importance that the City of Los Altos be a party to said California Disaster and Civil Defense Master Mutual Aid Agreement.

NOW, THEREFORE, the City Council of the City of Los Altos does, by resolution, hereby approve and agree to abide by said California Disaster and Civil Defense Master Mutual Aid Agreement; and the City Clerk is hereby authorized and directed to send a certified copy of this resolution to the California Governor’s Office of Emergency Services.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves and agrees to abide by said California Disaster and Civil Defense Master Mutual Aid Agreement; and the City Clerk is hereby authorized and directed to send a certified copy of this resolution to the California Governor’s Office of Emergency Services.

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 _____, 2018 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK
Resolution No. 2018-07

RESOLUTION NO. 2018-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
RELATIVE TO WORKERS' COMPENSATION BENEFITS FOR
REGISTERED DISASTER SERVICE WORKER VOLUNTEERS**

WHEREAS, on March 15, 1955, the City Council adopted Resolution No. 71, relative to Workmen's [sic] Compensation Insurance for Registered Volunteer "Disaster Service Workers;" and

WHEREAS, on September 22, 1987, the City Council adopted Ordinance No. 87-176, which adopted the City of Los Altos Emergency Plan ("1987 Emergency Plan") and repealed the Disaster Council; and

WHEREAS, on _____, 2018, the City Council adopted Ordinance 2018-443 to reestablish the Los Altos Disaster Council; and

WHEREAS, Section 8585.5 of the Government Code provides:

The California Governor's Office of Emergency Services (Cal OES) shall establish by rule and regulation various classes of Disaster Service Worker (DSW) Volunteers and the scope of the duties of each class. Cal OES shall also adopt rules and regulations prescribing the manner in which DSW Volunteers of each class are to be registered. All of the rules and regulations shall be designed to facilitate the payment of Workers' Compensation; and

WHEREAS, Cal OES adopted rules and regulations establishing classes of DSW Volunteers, the scope of duties of each class, and the manner of registration; and

WHEREAS, Section 8612 of the Government Code provides:

Any Disaster Council which both agrees to follow the rules and regulations established by Cal OES pursuant to the provisions of Section 8585.5 and substantially complies with those rules and regulations shall be certified by the office. Upon that certification, and not before, the Disaster Council becomes an accredited Disaster Council; and

WHEREAS, the City of Los Altos has registered and will hereafter register DSW Volunteers; and

WHEREAS, the City of Los Altos desires to become an "accredited Disaster Council" organization in order that injured DSW Volunteers registered with it may benefit by the provisions of Chapter 10 of Division 4 of Part 1 of the Labor Code.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby agrees to follow the rules and regulations established by Cal OES pursuant to the provisions of Government Code Section 8585.5, and the City Clerk is hereby authorized and directed to send a certified copy of this resolution to the California Governor's Office of Emergency Services.

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 ____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: March 27, 2018

Subject: Resolution No. 2018-09: Commercial Wayfinding Sign Program, Project CD-01002 acceptance

Prepared by: Christopher Lamm, Engineering Services Manager

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachment:

1. Resolution No. 2018-09

Initiated by:

City Council, CIP Project CD-01002

Fiscal Impact:

The following table summarizes the final costs of this project:

| | Project Budget | Final Cost |
|----------------------------|-----------------------|-------------------|
| Design | \$ 25,000 | \$ 25,000.00 |
| Construction | \$ 123,671 | \$ 125,651 |
| Contingency (12%) | \$ 15,329 | \$0 |
| Printing/Advertising/Misc. | \$ 1,000 | \$561 |
| Total | \$165,000 | \$151,212 |
| Project Budget | \$ 165,000 | |

Environmental Review:

Categorically Exempt pursuant to CEQA Section 15301, Improvements of Existing Facilities.

Policy Question(s) for Council Consideration:

None

Summary:

- Adopt Resolution No. 2018-09 accepting completion of the Commercial Wayfinding Sign Program, Project CD-01002
- Authorize the Public Works Director to record a Notice of Completion as required by law

Staff Recommendation:

Move to adopt Resolution No. 2018-09 accepting completion of the Commercial Wayfinding Sign Program, Project CD-01002; and authorize the Public Works Director to record a Notice of Completion as required by law



Subject: Resolution No. 2018-09: Commercial Wayfinding Sign Program, Project CD-01002 acceptance

Purpose

Accept completion of the Commercial Wayfinding Sign Program, Project CD-01002

Background

Wayfinding signs are directional signs that guide people to key destinations and help them locate important resources within the area. The City of Los Altos currently has a commercial wayfinding sign system made up of a collection of different sign types and styles that have been developed over the course of several years. Implementing a consistent wayfinding program was a priority for the Economic Development program in order to foster long-term viability of the City's commercial districts. The development and intent of this project was to update and organize a new sign program that beautifies and simplifies wayfinding to the commercial districts of Los Altos for both visitors and residents.

On December 8, 2015, five (5) bids were opened for CIP Project CD-01002. On January 26, 2016 VKK Signmakers, was awarded the Commercial Wayfinding Sign Program, Project CD-01002 in the amount of \$123,671.31. The bid was structured with a Base Bid and one add alternate included in included to furnish and install two Gateway Signs located at the intersections of San Antonio Road and Main Street; and Foothill Expressway and Main Street. One change order was executed on the project such that the total final cost for construction was \$125,651.17.

Additionally, Council requested that parking wayfinding signage be added to the project at the entrance to Safeway at the intersection of State Street and First Street and for staff to continue to review signage during construction to eliminate signage "clutter"

Discussion/Analysis

Including changes to the original scope approved by Change Order Number 1, VKK Signmakers has completed the construction for Commercial Wayfinding Project per plans and specifications.

A summary of the project signs installed are as follows:

Type-A, Primary Auto Directional signs serve the purpose to direct patrons from the major thoroughfares on El Camino Real and Foothill Expressway to the Downtown and Commercial Districts. Five (5) existing signs on Foothill Expressway are to be replaced with the new sign program. Two (2) new signs on both Foothill Expressway and El Camino Real are to be installed.

Type-B, Collector Auto Directional signs serve the similar purpose to direct patrons to the commercial districts along collector streets (San Antonio Road and El Monte Avenue). The Type-B signs proposed in the project replace three (3) existing signs to match the proposed Wayfinding Program aesthetic.

Type-D, Downtown Gateway signs serve as key destination markers. These monuments include a new downtown identity sign within the landscaped median on Main Street at the San Antonio Road



Subject: Resolution No. 2018-09: Commercial Wayfinding Sign Program, Project CD-01002 acceptance

entrance and a replacement identity sign at the intersection of Main Street and Foothill Expressway. Staff has successfully coordinated with the development at 400 Main Street to share costs of construction of the City sign in lieu of requiring additional signage at the development identifying 'Downtown.'

Type-E, Post-Mounted Auto Directional signs serve as additional auto directional signs where ground-mounted signs cannot be accommodated. Type-E signs are located along Foothill Expressway, Miramonte Avenue, and San Antonio Road directing patrons to Downtown and Loyola Corners.

Type-PD, Parking Directional signs serve as directional signs to assist drivers in locating the parking plazas. These signs match the look and feel of the program re-assuring patrons as they navigate through Downtown. The nine (9) parking direction signs are mounted to existing street light poles Downtown

One Change Order was executed through the course of this project. Change Order No. 1 was executed in the amount of \$1,979.86 to encompass all changes on the project. All changes on the project were made with approval of the Design Consultant, Transportation Services Manager, Engineering Services Manager, and when filled, Economic Development Manager. Changes to the scope included:

- Addition of Parking Wayfinding Sign at Safeway Entrance (located at State Street and First Street) to match existing parking entrance sign
- Laminate coverings were installed on Foothill Expressway signs addressing policy related comments encountered during encroachment permitting with Santa Clara County. Signs planned with "Retail District", "Business District", or "Shopping Center" would not be permitted as originally designed and constructed. This change affected signs A7, A8, A9, A10, A11, and A12
- Relocation of Sign A12 (Originally located near Homestead Road to be closer to Arboretum Road due to visibility)
- Signs E3, E10, E11, and E9 were co-located onto existing signs or poles to reduce signage clutter
- Side 1 (of 2) of sign B4 was removed and reinstalled as a Type E sign due to visibility. Side 1 of sign B4 is located in the median of San Antonio Road directing southbound traffic to the Library and History Museum
- "University Avenue" added to back of sign B8 (located on El Monte Avenue between Foothill Expressway and University Avenue). Existing median located wooden signage was remove as part of installation



Subject: Resolution No. 2018-09: Commercial Wayfinding Sign Program, Project CD-01002 acceptance

Options

- 1) Adopt Resolution No. 2018-09 accepting completion of the Commercial Wayfinding Sign Program, Project CD-01002; and authorize the Public Works Director to record a Notice of Completion as required by law

Advantages: The 5% retention to the Contractor will be released 35 days after the Notice of Completion is recorded.

Disadvantages: None

- 2) Do not adopt Resolution No. 2018-09 accepting completion of the Commercial Wayfinding Sign Program, Project CD-01002; and do not authorize the Public Works Director to record a Notice of Completion as required by law

Advantages: None.

Disadvantages: The recordation of the Notice of Completion and the release of the 5% retention would be delayed.

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2018-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ACCEPTING COMPLETION OF AND DIRECTING THE PUBLIC WORKS
DIRECTOR TO FILE A NOTICE OF ACCEPTANCE OF COMPLETION OF
THE COMMERCIAL WAYFINDING SIGN PROGRAM, PROJECT CD-01002**

WHEREAS, the Public Works Director has filed with the City Clerk of the City of Los Altos an Engineer's Certificate as to completion of all the work provided to be done under and pursuant to the contract between the City of Los Altos and VKK Signmakers on March 8, 2016; and

WHEREAS, it appears to the satisfaction of this City Council that said work under the contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. The acceptance of completion of said work be, and it is hereby, made and ordered.
2. That the Public Works Director is directed to execute and file for record with the County Recorder of the County of Santa Clara, notice of acceptance of completion thereof, as required by law.

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 27th day of March 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: March 27, 2018

Subject: Resolution No. 2018-10: City Hall HVAC System Upgrades, Project CF-01007 (04-08A) acceptance

Prepared by: Aida Fairman, Senior Civil Engineer

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachment:

1. Resolution No. 2018-10

Initiated by:

City Council, CIP Project CF-01007 (04-08A)

Fiscal Impact:

The following table summarizes the final costs of this project:

| | Project Budget | Final Cost |
|----------------------------------|-----------------------|-------------------|
| Design | \$ 76,152.50 | \$ 76,152.50 |
| Construction | \$ 648,000.00 | \$ 701,196.48 |
| Inspection and testing services | \$ 20,000.00 | \$ 9,408.00 |
| Printing/Environmental Doc/Misc. | \$ 2,000.00 | \$ 5,355.01 |
| Construction contingency (15%) | \$ 97,200.00 | \$ 0 |
| Total | \$ 843,352.50 | \$ 792,111.99 |
| Project Budget | \$ 946,157.53 | |

Environmental Review:

Categorically Exempt pursuant to CEQA Section 15301, Improvements of Existing Facilities.

Policy Question(s) for Council Consideration:

None

Summary:

- Adopt Resolution No. 2018-10 accepting completion of the City Hall HVAC System Upgrades, Project CF-01007 (04-08A)
- Authorize the Public Works Director to record a Notice of Completion as required by law

Staff Recommendation:

Move to adopt Resolution No. 2018-10 accepting completion of the City Hall HVAC System Upgrades, Project CF-01007 (04-08A); and authorize the Public Works Director to record a Notice of Completion as required by law



Subject: Resolution No. 2018-10: City Hall HVAC System Upgrades, Project CF-01007 (04-08A) acceptance

Purpose

Accept completion of the City Hall HVAC System Upgrades, Project CF-01007 (04-08A).

Background

Major Heating, Ventilation and Air Conditioning (HVAC) components in City Hall had reached the end of their useful life and required replacement. The aging infrastructure had become increasingly difficult to maintain as replacement components are no longer manufactured.

On April 20, 2017, one bid was opened for this project. On May 23, 2017, Omni Construction Services, Inc., was awarded the City Hall HVAC System Upgrades, Project CF-01007 (04-08A) in the amount of \$648,000.00. A total of eight change orders were executed throughout the project such that the total final cost for construction was \$701,196.48.

Discussion/Analysis

Omni Construction Services, Inc. completed the construction for City Hall HVAC System Upgrades, Project CF-01007 (04-08A) per plans and specifications. This project included upgrades to the existing City Hall building HVAC system including related demolition, electrical and structural work. Work completed includes replacement of existing air handler and return air fans with new air conditioning units, re-balance of air distribution system, replacement of heating hot water boiler and pump, and installation of direct digital control (DCC) panel.

Eight Change Orders were executed through the course of this project. Change Order No. 1 was executed on October 2, 2017 in the amount of \$28,450.03 for the replacement of 21 hot water valves. The existing hot water valves were old and in bad condition. Replacement at the time of the project was more cost-efficient than replacing them at a later date due to mobilization costs and rebalancing of the system.

Change Order No. 2 was executed on October 30, 2017 in the amount of \$15,947.71 for the relocation of the fence around the new equipment due to unforeseen conflicts with previously unknown utilities. Upon initial excavation, the original fence design location was found to overlap with other utilities, in addition to the sanitary sewer line. These conflicts were not originally identified despite Underground Service Alert (USA) markings.

Change Order No. 3 was ultimately voided as it was determined to be unnecessary.

Change Order No. 4 was executed on December 6, 2017 in the amount of \$4,538.06 due to additional utility conflicts identified. During the excavation for the new fence post locations, further utility conflicts emerged. This change order amount of \$4,538.06 covered further labor and materials required to finalize the construction of the fence in addition to the \$15,947.71 that was added to the contract per executed Change Order No. 2.



Subject: Resolution No. 2018-10: City Hall HVAC System Upgrades, Project CF-01007 (04-08A) acceptance

Change Order No. 5 was executed on December 15, 2017 in the amount of \$3,325.58 for the additional costs of construction of an exterior wall infill along the two mechanical rooms instead of cutting and replacing existing louvers.

Change Order No. 6 was executed on January 23, 2018 in the amount of \$663.08 for the chemical treatment of the boiler system water.

Change Order No. 7 was executed on January 31, 2018 in the amount of \$725.22 as a credit to the City for not installing the HVAC condensate drain, which was no longer needed due to replacement with an alternative.

Change Order No. 8 was executed on February 7, 2018 in the amount of \$997.24 for the service call by subcontractor Mechanical Technologies (MTech) to restore gas to the boiler system after an earthquake triggered valves to shut off automatically. Labor included checking the boiler, purging the gas line, resetting the unit, and confirming supply temperature at registers.

Options

- 1) Adopt Resolution No. 2018-10 accepting completion of the City Hall HVAC System Upgrades, Project CF-01007 (04-08A); and authorize the Public Works Director to record a Notice of Completion as required by law

Advantages: The 5% retention to the Contractor will be released 35 days after the Notice of Completion is recorded.

Disadvantages: None

- 2) Do not adopt Resolution No. 2018-10 accepting completion of the City Hall HVAC System Upgrades, Project CF-01007 (04-08A); and do not authorize the Public Works Director to record a Notice of Completion as required by law

Advantages: None.

Disadvantages: The recordation of the Notice of Completion and the release of the 5% retention would be delayed.

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2018-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ACCEPTING COMPLETION OF AND DIRECTING THE PUBLIC WORKS
DIRECTOR TO FILE A NOTICE OF ACCEPTANCE OF COMPLETION OF
THE CITY HALL HVAC SYSTEM UPGRADES, PROJECT CF-01007**

WHEREAS, the Public Works Director has filed with the City Clerk of the City of Los Altos an Engineer's Certificate as to completion of all the work provided to be done under and pursuant to the contract between the City of Los Altos and Omni Construction Services, Inc. on May 23, 2017; and

WHEREAS, it appears to the satisfaction of this City Council that said work under the contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. The acceptance of completion of said work be, and it is hereby, made and ordered.
2. That the Public Works Director is directed to execute and file for record with the County Recorder of the County of Santa Clara, notice of acceptance of completion thereof, as required by law.

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 27th day of March 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 6

AGENDA REPORT SUMMARY

Meeting Date: March 27, 2018

Subject: Contract Amendment: Structural Reach Replacement, Project WW-01002

Prepared by: Aida Fairman, Senior Civil Engineer

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachments:

None

Initiated by:

City Council, CIP Project WW-01002

Previous Council Consideration:

August 23, 2016

Fiscal Impact:

\$71,723 (There are sufficient funds in the Project Budget for FY 2017/18 in the Sanitary Sewer Fund)

Environmental Review:

Categorically Exempt pursuant to CEQA Section 15301 (b)

Policy Question(s) for Council Consideration:

Not Applicable

Summary:

- A proposal was submitted by Bellecci & Associates to provide consulting services to ensure construction adheres to the requirements in the Streambed Alteration Agreement (SAA; Notification No: 1600-2017-0508-R3) from the California Department of Fish and Wildlife for the sanitary sewer replacement work at the Foothill College site.
- Authorize the City Manager to execute an amendment on behalf of the City with Bellecci & Associates in the amount of \$71,723 to provide additional consulting and inspection services as required by the Streambed Alteration Agreement that was issued by the Cal. Dept. of Fish and Wildlife for the Structural Reach Replacement, Project WW-01002.

Staff Recommendation:

Authorize the City Manager to execute an amendment on behalf of the City with Bellecci & Associates in the amount of \$71,723 to provide additional consulting and inspection services as required by the Streambed Alteration Agreement that was issued by the Cal. Dept. of Fish and Wildlife for the Structural Reach Replacement, Project WW-01002



Subject: Contract Amendment: Structural Reach Replacement, Project WW-01002

Purpose

Execute an amendment for additional consulting and inspection services to adhere to the Streambed Alteration Agreement from the Cal. Dept. of Fish and Wildlife for the Structural Reach Replacement, Project WW-01002.

Background

The 2013 Sanitary Sewer Master Plan Update recommended replacement of segments of pipe at various locations throughout the City. These are locations that typically have multiple moderate to severe structural defects. This project consists of replacing twelve sewer segments at various locations throughout the City. Segments are located at:

- Solana Drive
- Edith Avenue
- Mt. Hamilton Ave
- Civic Center to San Antonio Road
- Easement to N. Springer Road
- Fremont Avenue (two segments, North, South)
- Easement from Beechwood under Foothill Expressway to Grant Road
- Easement near Barley Hill Road
- Easement to Mimosa Court
- Easement to Morningside Road
- Easement at Foothill College Community College

Some of the sewer segments will be replaced using the open cut method and some of the sewer segments will be replaced using a trenchless method.

The City executed an agreement with Bellecci & Associates on September 14, 2016 in the amount of \$99,712 to provide professional design services and construction support for the Structural Reach Replacement, Project WW-01002. The City executed an amendment (for the additional service of potholing and redesigning two sewer mains based on the results of the potholing data) in the amount of \$6,500 on April 25, 2017. The City executed a second amendment (for the additional services of preparing a plat and a legal description for a new sewer easement for the realignment of a sewer main at Foothill College) in the amount of \$5,500 on January 3, 2018.

Due to the proximity of Adobe Creek to the work site for the sewer replacement at Foothill College, the City obtained a permit from the California Department of Fish and Wildlife (CDFW), referred to as the Streambed Alteration Agreement. This agreement includes requirements for geotechnical bore data collection as well as biological construction monitoring and training, which is to be conducted by a CDFW-approved qualified biologist.

Discussion/Analysis

The original plan for the work at Foothill Community College was to perform in-place sewer replacement using a trenchless method. However, based on the existing pipe material, a trenchless method was determined to be infeasible. Instead, the contractor will abandon the existing pipe and



Subject: Contract Amendment: Structural Reach Replacement, Project WW-01002

construct a new, realigned sewer pipe. This unforeseen change necessitated the City to obtain a Streambed Alteration Agreement not anticipated in the original scope of the project.

A proposal to provide consulting services for the Streambed Alteration Agreement was submitted by Bellecci & Associates on March 5, 2018. The proposal from Bellecci & Associates includes plans to work with the environmental consulting firm Rincon Consultants to provide the biological construction monitoring services and with the geotechnical firm Cleary Consultants to provide the geotechnical bore data as required in the Streambed Alteration Agreement. In addition, Bellecci & Associates will provide a person to monitor the construction activity of the sewer at Foothill College site on a full-time basis to verify that the contractor hired by the City complies with the terms of the Streambed Alteration Agreement.

Options

- 1) Authorize the City Manager to execute the amendment to Bellecci & Associates' agreement for the additional services.

Advantages: The bid documents for this project would be advertised soon after the agreement is executed and the construction of this project would not be delayed. Bellecci & Associates will monitor the work to ensure construction activity adheres to the requirements of the Streambed Alteration Agreement issued by the Cal. Dept. of Fish and Wildlife.

Disadvantages: None

- 2) Do not execute amendment to Bellecci & Associates' agreement.

Advantages: None

Disadvantages: The replacement of the sewer main at Foothill Community College would have to be postponed until a biologist is retained to provide the specific services that are required by the Streambed Alteration Agreement that was issued by the Cal. Dept. of Fish and Wildlife.

Recommendation

The staff recommends Option 1.



CONSENT CALENDAR

Agenda Item # 7

AGENDA REPORT SUMMARY

Meeting Date: March 27, 2018

Subject: Contract Change Order for Traffic Signal Control Upgrade, Project TS-01049

Prepared by: Aruna Bodduna, Transportation Services Manager

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachment(s):

None

Initiated by:

Staff

Previous Council Consideration:

November 15, 2016

Fiscal Impact:

\$156,800 – Funded by CIP project TS-01049

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- None

Summary:

- The City of Los Altos was awarded \$415,000 in Vehicle Registration Fee-Intelligent Transportation Systems (VRF-ITS) Grant funds toward signal operations improvements.
- On November 15, 2016, Council authorized CIP project TS-01049 Traffic Signal Control Upgrade project to be funded by a portion of this grant funds.
- Purchase Order (P.O.) C2018115 in the amount of \$11,683.50 was approved on March 6, 2018 to procure traffic signal controllers for three intersections.
- Change Order #1 in the amount of \$156,800 is needed to procure Synchro Green traffic signal coordination software for ten intersections.

Staff Recommendation:

Authorize the City Manager to execute Change Order #1 for the P.O. #C2018115 to procure traffic signal coordination software Synchro Green in the amount of \$156,800 from Trafficware Group Inc. for Traffic Signal Control Upgrade project TS-01049



Subject: Contract Change Order for Traffic Signal Control Upgrade, Project TS-01049

Purpose

To improve traffic signal operations around downtown Los Altos.

Background

The City of Los Altos was awarded \$415,000 in Vehicle Registration Fee – Intelligent Transportation Systems (VRF-ITS) Grant funds toward signal operations improvements. A portion of this funding is allocated for El Monte Signal Improvements which includes design and installation of fiber optic cable to connect signals along El Monte corridor. This work will be incorporated as part of the County's Foothill Expressway Improvement project between San Antonio and El Monte. The remaining grant funds will be used to upgrade the existing traffic signal controllers and provide adaptive traffic signal timing software to better coordinate signals in the vicinity of the Downtown.

Discussion/Analysis

The intersections of Main Street and First Street, First Street and Los Altos Avenue/W. Edith Avenue, San Antonio Road and First Street/Cuesta, and El Monte and Covington/Giffin Road are owned by the City of Los Altos, but are coordinated by Santa Clara County with Foothill Expressway. These intersections currently operate with a traffic responsive plan. This area has experienced an increase in traffic and both the City and County have received increased complaints regarding signal timing and congestion. The implementation of adaptive traffic signal timing software will help the County and City ease the transition of timing plans and reduce congestion and delay. The existing signal controllers at three locations will need to be replaced with NAZTEC traffic signal controllers that support the use of adaptive signal timing software, Synchro Green. This equipment was chosen to comply with County guidelines. Staff recently issued a purchase order in the amount of \$11,683.50 to procure signal controllers from Trafficware Group Inc. The cost to procure adaptive signal timing software Synchro Green, also provided by Trafficware Group Inc. is \$156,800, which requires Council approval.

The following locations will receive new Synchro Green Adaptive Signal Timing Software:

1. Foothill/W. Edith
2. W. Edith/First/Los Altos Ave
3. San Antonio/Main/ W. Edith
4. Foothill/Main
5. Foothill/First
6. San Antonio/First/Cuesta
7. Foothill/San Antonio
8. Foothill/El Monte
9. El Monte/University
10. El Monte/Summerhill



Subject: Contract Change Order for Traffic Signal Control Upgrade, Project TS-01049

Options

- 1) Authorize the City Manager to execute Change Order #1 for the P.O. #C2018115 to procure traffic signal coordination software Synchro Green in the amount of \$156,800 from Trafficware Group Inc.

Advantages: The implementation of Synchro Green software will help to better coordinate the closely spaced signals and reduce congestion and delay. Project will comply with the VRF-ITS grant award.

Disadvantages:

- 2) Do not approve Change Order #1.

Advantages: None

Disadvantages: Project would not comply with the VRF-ITS grant award. Improved signal coordination cannot be achieved.

Recommendation

The staff recommends Option 1.



DISCUSSION ITEMS

Agenda Item # 8

AGENDA REPORT SUMMARY

Meeting Date: March 27, 2018

Subject: Diamond Court

Prepared by: Christopher Lamm, Engineering Services Manager

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Memorandum from consulting City Surveyor regarding history in creation of Diamond Court

Initiated by:

Diamond Court Residents, assisted by City staff

Previous Council Consideration:

October 10, 2017

Fiscal Impact:

\$100,000 and ongoing street maintenance

Environmental Review:

Not applicable at this time

Policy Questions for Council Consideration:

- Should the City consider adding Diamond Court to the City's public street network?
- Should the City consider partnering with homeowners in sharing costs on reconstruction costs?

Summary:

- Diamond Court is a private street off Berry Avenue with no current ownership
- Residents of Diamond Court are requesting to partner with the City on reconstruction of the poor condition street and for the City to take on maintenance responsibilities

Staff Recommendation:

Authorize the City Manager to enter into an agreement with residents of Diamond Court to share the cost to reconstruct Diamond Court and ultimately accept maintenance responsibility as public right of way.



Subject: Diamond Court

Purpose

Diamond Court is a private street off Berry Avenue. The homeowners along Diamond Court have requested assistance and are willing to partner with the City on the reconstruction of Diamond Court if the City will take on maintenance responsibility as a City owned and maintained street.

Background

There are 41 private streets located within the City limits. Private streets are streets that have either never been offered or accepted by the City as public right of way. Many are separate parcels within planned developments or are parcels with definitive ownership to an adjacent parcel.

Diamond Court is a small street (roughly 50' wide by 466' long) off Berry Avenue. The court has been listed as a private street since the City's incorporation. After conducting research with our City Surveyor and a local title company it has been confirmed that the court is still owned by private entity, Robert H. Diamond. Mr. Diamond was the original owner of the adjacent parcels, which before City incorporation were developed into single family homes along Diamond Court. Mr. Diamond to the best of our knowledge no longer exists and the homeowners have not been able to contact any next of kin about transfer of ownership.

Diamond Court is a unique situation amongst the City's private streets list in that it is still owned by the underlying developer and not by any adjacent parcel or separate home owner's association. Diamond Court itself is in very poor condition due to over 60 years of neglect necessitating full reconstruction at an estimated cost of \$200,000. The homeowners have requested the City to take on the maintenance responsibility of Diamond Court as a regular City street.

There are utilities (storm, sewer, water, gas, and overhead electric) in Diamond Court and garbage collection is performed. Under California easement law the City currently has no requirement to perform street maintenance on Diamond Court. The homeowners along Diamond Court have requested assistance and are willing to partner with the City on the reconstruction of Diamond Court if the City will take on maintenance responsibility as a City owned and maintained street. The homeowners are willing to participate in a 50 percent cost share for the reconstruction of the street if the City is willing to claim ownership of Diamond Court as public right of way and perform regular street maintenance.

Engineering staff have prepared a cost estimate for the repair and reconstruction of Diamond Court. It is expected to cost approximately \$200,000 to bring Diamond Court up to current City standards for a residential street.

The inclusion of Diamond Court would add 0.17 lane miles to the existing 227 lane miles managed by the City, or an increase of 0.075%. This would constitute an approximately \$1,500 per year increase for ongoing maintenance to the City's \$2M pavement management program.



Subject: Diamond Court

Diamond Court was discussed at the October 24, 2017 Council meeting with the following two items requested to be brought for further discussion:

1. Provide additional history in the determination of how Diamond Court was created;
2. Legal options, costs, and timeline for acquiring Diamond Court

Discussion/Analysis

Creation of Diamond Court

Further information on the determination of how Diamond Court was created can be found in the November 22nd memo (attachment 1) from consultant City Surveyor, Mark Helton PE, PLS. Diamond Court was created via a Record of Survey in 1949 establishing the limits of Diamond Court's, however, this action did not offer the land for dedication as public right of way. Subsequent creation and sales of lots fronting the land known to be Diamond Court denote its existence as a street, but do not specify public or private ownership.

Legal Options / Costs

- Eminent Domain - The City would need to adopt a resolution of necessity after which state laws would be followed including appraising and fairly compensating any heirs (or depositing the compensation with the Court while the heirs are sought). This is not the process that the City staff or City Attorney recommend.
- Quiet Title Action w/ Implied Dedication – There has never been a formal dedication of Diamond Court to the public or any acceptance of a dedication by the City. Nonetheless, there has likely been an implied dedication of Diamond Court.

While it is likely that a court would conclude that there has been an implied dedication, it is not clear that the City has standing to directly assert the claim. There appears no published authority holding that a City (or even a County) has the ability to compel an adjudication that Diamond Court has been dedicated to the public. Accordingly, it is recommended that any action seeking an implied dedication at least join the affected owners as Plaintiffs. The City could seek declaratory relief in conjunction with the owners, stating its intent to accept maintenance obligations for the road. The owners would be named as Plaintiffs in the quiet title and declaratory relief action for Diamond Court.

If the City wishes to take over maintenance obligations for Diamond Court, then the owners should bring an action for quiet title and declaratory relief against Robert Diamond and his successors arguing that Diamond Court was impliedly dedicated for public use. Prior maps and deeds support this theory. Further, the lawsuit may be unchallenged since Robert Diamond's successors may be difficult to locate and serve. Once the property owners obtain a judgment for dedication, then the City could thereafter accept the maintenance obligations for the road.



Subject: Diamond Court

It is expected that a quiet title action with Implied Dedication would take approximately six (6) months to complete at a cost of \$15K-\$20K pending due diligence requirement required by the court. Staff suggests that this expense be borne by the homeowners.

Options

- 1) Authorize the City Manager to enter into an agreement with residents of Diamond Court to perform a quiet title action with implied dedication (at the expense of the residents), reconstruct Diamond Court with 50% of the cost paid by the City, and ultimately accept maintenance responsibility as public right of way

Advantages: The street will be repaired to City standards and the roadway can be added to the City's street maintenance list for regular maintenance. Poor conditions which pose safety concerns for pedestrians and cyclists who use Diamond Court will be remediated. This option would be the quickest solution to the issue be presented to the City by the residents of Diamond Court. The City would not expend any of its resources until after the street is deemed public

Disadvantages: While ongoing maintenance of the street will minimally add to the City's overall pavement management program, initial capital costs of approximately \$100,000 to reconstruct Diamond Court are not currently budgeted

- 2) Require full repair of the street before consideration of acceptance of public right of way. Similar to annexation requirements, the City could require full reconstruction of Diamond Court to current City standards as a condition of acceptance

Advantages: The street will be repaired to City standards and the roadway can be added to the City's street maintenance list for regular maintenance. Poor conditions which pose safety concerns for pedestrians and cyclists who use Diamond Court will be remediated. The City would not incur capital costs associated with the repair and reconstruction of Diamond Court

Disadvantages: Excessive costs for repair and reconstruction may prohibit the homeowners from agreeing to this option

- 3) Do not consider acceptance of Diamond Court as public right of way. The homeowners along Diamond Court could be required to repair Diamond Court on their own and seek legal opinions on their options for the creation of a home owner's association (HOA) and ultimately claiming of ownership of Diamond Court as a private street to be managed by the HOA.



Subject: Diamond Court

Advantages: The City would not incur capital costs associated with the repair and reconstruction of Diamond Court and would not incur ongoing maintenance responsibilities and costs.

Disadvantages: Excessive costs for repair and reconstruction may prohibit the homeowners from considering this option.

Recommendation

The staff recommends Option 1.

November 22, 2017

San Jose - Oakdale - Auburn

Christopher Lamm
City Engineer
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

Subject: Job # 03119 - Diamond Court, Los Altos

Dear Chris:


This letter is in response to your request that we try to determine how and who approved Diamond Court.

It appears to me that Diamond Court came into existence through a Record of Survey which established the future Diamond Court, (said right of way being shown merely as a right of way), which was prepared in 1949, for George and Margaret McPheeters. This was done before most of the lots along Diamond Court came into existence. This seemed to established Diamond Court's alignment, at least un-officially. (It should be noted that current Records of Survey are reviewed and approved by the County Surveyor, not for dividing land, but to document the locations of property lines, right of way lines, and sometimes easement lines. However, back in 1949, I believe that this map was approved as a "de-facto" subdivision map, as the County Board of Supervisors passed a Resolution approving this map, but there was never any dedication for the right of way, nor did the County accept such a dedication. So it is my opinion that this "Right-of-Way" was merely a private road at this point.)

Mr. Robert H. Diamond then acquired a good amount of the land along this access Right of Way in 1952, and subsequently sold the lots to various parties, with a notation that the lots were served via this access right of way, (later to be called Diamond Court). Mr. Diamond appears to never have sold the actual access right of way, now called Diamond Court, which is why we, (including Old Republic Title Company), believe he still owns this land.

There was never a subdivision map that we can find, (which showed Diamond Court), which actually was approved by any entity, (County or City), until 1977, (when the City of Los Altos approved a Parcel Map for three lots on the East side of Diamond Court). And even this map showed Diamond Court as being an already established street. (This map did not state whether Diamond Court was a Private or Public Street, but merely showed that it was in existence.).

If you have any questions or comments regarding this matter, please do not hesitate to contact our office.

Sincerely,
GIULIANI & KULL, INC.

Mark A. Helton, PE, PLS
Consulting City Surveyor for the
City of Los Altos, California

