



**REGULAR CITY COUNCIL MEETING  
TUESDAY, JANUARY 22, 2019 – 7:00 P.M.**

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

**ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE**

**CHANGES TO THE ORDER OF THE AGENDA**

**SPECIAL PRESENTATION**

1. Recognition of Santa Clara Valley Science and Engineering Fair Association's 2018 Synopsys Championship Award winners

**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 January 8, 2019 regular meeting (S. Henricks)
2. Resolution No. 2019-02: Authorizing a quitclaim deed at 270 Surrey Place: Adopt Resolution No. 2019-02 authorizing the City Manager to execute a quitclaim deed for the easement at 270 Surrey Place (S. Henricks)
3. Annual Report on the Park in-Lieu Fee and Traffic Impact Fee for Fiscal Year 2018: Receive and approve the Annual Report on the Traffic Impact Fee and the Park in-Lieu Fee for Fiscal Year 2018 (S. Revillar)
4. Appointment to the Association of Bay Area Governments (ABAG): The Mayor requests the Council's affirmation of the appointment of Councilmember Neysa Fligor to the Association of Bay Area Governments, with Councilmember Enander as the alternate (C. Jordan)

Anita Enander  
Councilmember

Jan Pepper  
Vice Mayor

Lynette Lee Eng  
Mayor

Jeannie Bruins  
Councilmember

Neysa Fligor  
Councilmember

## DISCUSSION ITEM

5. Ordinance No. 2019-454: Increasing the Transient Occupancy Tax: Introduce and waive further reading of Ordinance No. 2019-454, increasing the TOT to a maximum of 14%, effective July 1, 2019 (C. Jordan)

## COUNCIL/STAFF REPORT AND DIRECTIONS ON FUTURE AGENDA ITEMS

## ADJOURNMENT

### SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act and California Law, it is the policy of the City of Los Altos to offer its programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact department staff. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City ADA Coordinator can be reached at (650) 947-2607 or by email: [ada@losaltosca.gov](mailto:ada@losaltosca.gov).

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/meetings>. Council Meetings are televised live and rebroadcast on Cable Channel 26. On occasion the City Council may consider agenda items out of order.

If you wish to provide written materials, please provide the City Clerk with **10 copies** of any document that you would like to submit to the City Council for the public record. Written comments may be submitted to the City Council at [council@losaltosca.gov](mailto: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.

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.

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 REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS, HELD ON TUESDAY, JANUARY 8, 2019,  
BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL, 1 NORTH SAN  
ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

**ESTABLISH QUORUM**

PRESENT: Mayor Lee Eng, Vice Mayor Pepper, Councilmembers Bruins, Enander and Fligor

ABSENT: None

**PLEDGE OF ALLEGIANCE**

Mayor Lee Eng led the Pledge of Allegiance to the flag.

**CLOSED SESSION ANNOUNCEMENT**

Mayor Lee Eng reported that the Council took no reportable action in the Closed Session.

**CHANGES TO THE ORDER OF THE AGENDA**

There were no changes to the order of the agenda.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

The following Los Altos residents provided public comment: Fred Haubensak, Paul (no last name provided), Gary Hedden, Mark Goodman (speaking on behalf of himself and Nancy Bremeau, Shahla Aly, Linda Chin, Pam Goodman, and David Russell), Larry J. Gardner, Robert Burdick, Kate Disney, Dave Izant, Sue Russell, Sandra Parkes, and Phan Truong.

**CONSENT CALENDAR**

Councilmember Bruins made a motion to approve the Consent Calendar, seconded by Vice Mayor Pepper.

Councilmember Enander offered an amendment, which was accepted, to approve the Consent Calendar with revisions to the December 11, 2018 regular meeting minutes to reflect her statements on item 5.

The motion, as amended, passed unanimously, as follows:

1. Council Minutes: Approved the minutes of the December 4, 2018 special meeting and December 11, 2018 regular meeting.
2. Construction Contract Award: City Hall Restroom and Lobby Renovation, Project CF-01003: Awarded the construction contract for the City Hall Restroom and Lobby Renovation, Project CF-01003 and authorize the City Manager to execute a contract on behalf of the City.
3. Resolution No. 2019-01: Playground Equipment Replacement, Project CF-0101718: Adopted Resolution No. 2019-01 accepting completion of the Playground Equipment Replacement,

Project CF-0101718 and authorized the Interim Engineering Services Director to record a Notice of Completion, as required by law.

4. Parcel Map for 555 South El Monte Avenue: Approved the Parcel Map for 555 South El Monte Avenue.
5. Professional Services Agreement: City Hall Council Chambers Audio/Visual Upgrade, Project CD-01021: Authorized the City Manager to execute a professional services agreement between the City of Los Altos and the Shalleck Collaborative Inc. in an amount not to exceed \$92,450 for design and construction support services for City Hall Council Chambers Audio/Visual Upgrade, Project CD-01021.
6. Contract Amendment: City Council meeting online streaming service: Authorized the City Manager to execute an amendment to the service agreement with Granicus, Inc. for an 18-month period.

#### **DISCUSSION ITEM**

7. Story Pole Policy Exemption Request: 425 First Street Development: Per the findings specified in Resolution No. 2019-02, staff recommends approval of this request
8. Story Pole Policy Exemption Request: 389 First Street Development: Per the findings specified in Resolution No. 2019-03, staff recommends approval of this request

Planning Services Manager Dahl introduced the item.

Applicant Jeff Warmoth presented the exemption request for 425 First Street Development.

Applicant Jeff Potts presented the exemption request for 389 First Street Development.

Action: Upon a motion by Vice Mayor Pepper, seconded by Councilmember Fligor, the Council unanimously denied the story pole exemption request for 435 First Street Development and directed staff to develop a resolution of denial to come back to the Council on the Consent Calendar for January 22, 2019 Council meeting.

Action: Upon a motion by Vice Mayor Pepper, seconded by Councilmember Enander, Council referred the request for 389 First Street Development back to the applicant to work with staff to address the Council's concerns, which include developing a story pole plan that may include netting and flagging but demonstrates alternate flagging proposals where safety concerns compel modifications, with an explanation of the concerns indicated; follow the story pole policy more closely in terms of showing where the story poles will be placed in relation to the building corners; depict the elevator tower on the project with story poles and netting; provide a photo plan that shows a simulation of the netting and story poles over the existing conditions, either via a photograph taken of the existing site or through Google maps; and develop a better site plan that shows the location of the building footprint and the location of the story poles with netting, by the following vote: AYES: Enander, Fligor, Lee Eng, Pepper; NOES: Bruins; ABSTAIN: None; ABSENT: None.

Councilmember Bruins expressed concerns over ambiguity of the direction.

*Mayor Lee Eng recessed the meeting. Mayor Lee Eng resumed the meeting at 9:26 p.m.*

9. Park in-Lieu Fee Update: Adopt Resolution No. 2019-04 modifying Park in-Lieu Fee on the FY 2018/19 Fee Schedule for the City of Los Altos

City Manager Jordan introduced the item.

Public Comment: Los Altos resident Sue Russell provided public comment.

Action: Upon a motion by Vice Mayor Pepper, seconded by Councilmember Enander, the Council adopted Resolution No. 2019-04 modifying Park in-Lieu Fee on the FY 2018/19 Fee Schedule for the City of Los Altos, by the following vote: AYES: Enander, Fligor, Pepper, Lee Eng; NOES: Bruins; ABSTAIN: None; ABSENT: None.

Councilmember Bruins expressed concerns about not having clarity on the City's ability to exempt affordable housing units or how quickly the City can address below market rate units.

Direction: Council directed the City Attorney to further examine what the law allows and prepare a memorandum to the Council that addresses Council's concerns including: can the City use another metric beside "per unit" as the basis to charge the Park in-Lieu fee; can the City adopt a commercial Park in-Lieu fee; can the City impose either a waiver, process, or exemption for below market rate units and senior housing; clarify definition of "reasonably related to the subdivision from which the fees are being acquired".

10. City Council Discussion of SB-50 – Relating to Housing: This item is for Council discussion only

Discussion: The Council discussed components of SB-50 and the bill's potential impact on development in Los Altos. The Council determined that it may be too early for the Council to formally act on the bill, however, they will convey their concerns to their legislators. The Council also determined that the initial discussion is appropriate for the Cities Association Legislative Action Committee.

11. Tentative Council Calendar: Review the Tentative Council Calendar and provide direction on placement of items on the Calendar

Direction: The Council provided direction on the placement of items on the 2019 Tentative Council Calendar.

12. Appointment to the Legislative Action Committee: The Mayor requests the Council's affirmation of the appointment of Councilmember Anita Enander to the Cities Association Legislative Action Committee, with Mayor Lee Eng serving as the alternate

Action: Upon a motion by Vice Mayor Pepper, seconded by Councilmember Bruins, the Council unanimously affirmed the appointment of Councilmember Enander to the Cities Association Legislative Action Committee, with Mayor Lee Eng serving as the alternate.

Direction: Mayor Lee Eng requested that staff bring a report as a consent item at the January 22, 2019 meeting modifying the 2019 Council Assignments to have Councilmember Fligor serve on the Association of Bay Area Governments with Councilmember Enander as the alternate.

### **INFORMATION ONLY ITEM**

- A. City Manager-approved purchases between \$50,000 and \$75,000 for the period October 1 – December 31, 2018 (C. Jordan)

### **COUNCIL/STAFF REPORT AND DIRECTIONS ON FUTURE AGENDA ITEMS**

Councilmember Enander reported that she attended the Parks and Recreation Commission and Senior Commission and the Los Altos – Los Altos Hills Joint Community Volunteer Awards Committee meetings. Councilmember Enander also reported that she will attend the Community Breakfast session with Assemblymember Berman on Friday, January 11, 2019.

Vice Mayor Pepper reported that she will also attend the Community Breakfast session with Assemblymember Berman on Friday, January 11, 2019.

Councilmember Bruins reported that she attended the MTC Committee, the Caltrain Board of Directors Retreat, and the Cities Association Executive Board meetings.

Councilmember Fligor reported that she attended the Youth Commission meeting.

City Manager Jordan updated the Council on the launch of the City of Los Altos Community Emergency Preparedness Grants Program; the updating of the Zoning map, particularly Village Court; recognized Dennis Young who is being honored by the Town Crier as Los Altan of the year and former Councilmember Mary Prochnow who is being honored by the Chamber of Commerce.

### **ADJOURNMENT**

Mayor Lee Eng adjourned the meeting at 10:51 p.m.

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Lynette Lee Eng, MAYOR

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Jon Maginot, CMC, CITY CLERK



**CONSENT CALENDAR**

**Agenda Item # 2**

**AGENDA REPORT SUMMARY**

**Meeting Date:** January 22, 2019

**Subject:** Resolution No. 2019-02: Authorizing a quitclaim deed at 270 Surrey Place

**Prepared by:** Sarah Henricks, Deputy City Clerk

**Reviewed by:** Jon Maginot, Deputy City Manager/City Clerk

**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

1. Resolution No. 2019-02
2. 1994 Correspondence with property owners
3. Minutes from Council meetings: September 13, 1994; October 11, 1994; November 24, 1998; February 16, 1999
4. Resolution Nos. 94-23; 94-24; 99-4

**Initiated by:**

Property Owners (Edouard A. and Diana V. Garcia)

**Previous Council Consideration:**

September 13, 1994; October 11, 1994; November 24, 1998; February 16, 1999

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the current Council wish to honor previous Councils' recommendations to authorize the City Manager to execute a quitclaim deed for a closed fallout shelter at 270 Surrey Place?

**Summary:**

- Underground fallout shelter was constructed in 1962
- In 1966, the property owner deeded the City an easement for the construction, reconstruction, maintenance, replacement, operation and use of a fallout shelter
- On September 13, 1994, City Council adopted Resolution No. 94-23 intending to vacate the fallout shelter and conduct a public hearing and Resolution No. 94-24 intending to vacate the public service easement and conduct a public hearing

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**Reviewed By:**

City Manager

City Attorney

Finance Director

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**Subject:** Resolution No. 2019-02: Authorizing a quitclaim deed at 270 Surrey Place

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- On October 11, 1994, City Council held a Public Hearing on the vacation of the fallout shelter and easement; there was no one in attendance wishing to speak; Council determined to abandon the fallout shelter, directed staff to proceed with the work of abandonment, and delayed the adoption of the abandonment resolutions until the work was completed and fallout shelter was permanently closed
- On November 24, 1998, the City Council awarded the contract for demolition of the fallout shelter at 270 Surrey Place to the low bidder, C.S. 2 Company
- On February 16, 1999, the City Council adopted Resolution No. 99-4, accepting completion of Fallout Shelter Project 1998-5 and authorized recordation of the Notice of Completion
- There are no Resolutions or minutes on file vacating the fallout shelter and/or easement or authorizing a quitclaim deed
- The property owner has requested the City execute a quitclaim deed to relieve any encumbrances on the property

**Staff Recommendation:**

Adopt Resolution No. 2019-02 authorizing the City Manager to execute a quitclaim deed for the easement at 270 Surrey Place





**Subject:** Resolution No. 2019-02: Authorizing a quitclaim deed at 270 Surrey Place

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### **Purpose**

To authorize the City Manager to execute a quitclaim deed for the easement located at 270 Surrey Place, Los Altos, California.

### **Background**

In 1962 a fallout shelter was built underground in the front yard of the residence at 270 Surrey Place, Los Altos, California. In 1966, the property owner deeded the City an easement for the construction, reconstruction, maintenance, replacement, operation and use of the fallout shelter. The City maintained the shelter for approximately 30 years before the Santa Clara County Health Department provided notice that the underground diesel fuel tank for the shelter was not in compliance with State Regulations and that it would have to be removed or filled. The City contracted for the tank to be filled with a cement grout and the tank was closed to comply with State law. For a more complete history of the shelter construction and eventual closure, see Attachment 2.

On September 13, 1994, the City Council adopted Resolution Nos. 94-23 and 94-24 declaring its intention to vacate the fallout shelter and the public service easement. The City also directed the Director of Public Works to post notice of the Resolutions of Intention and Notice of a Public Hearing conspicuously along the exterior boundaries of said public easement, scheduled for October 11, 1994. The Council held the Public Hearing and hearing no opposition, moved to abandon the fallout shelter, directing staff to proceed with the work of abandonment. At the October 11, 1994 Public Hearing, the City Council also moved to delay adoption of the abandonment resolutions until the work necessary to permanently close the shelter was completed. The minutes from the September 13 and October 11, 1994 meetings are included as Attachment 3.

On February 16, 1999, the City Council adopted Resolution No. 99-4, accepting completion of the fallout shelter's closure and directed the Director of Public Works to execute and file for record with the County Recorder of the County of Santa Clara notice of acceptance of completion.

### **Discussion/Analysis**

There do not appear to be any records on file indicating that the City proceeded with executing a quitclaim deed for the easement in the City's records or in the County of Santa Clara Office of the County Clerk-Recorder.

The property owners are requesting that the City complete the process of executing a quitclaim deed on the easement to ensure there are no encumbrances on the property. This easement has not been used for at least 18 years and there are no public facilities located within the easement.



**Subject:** Resolution No. 2019-02: Authorizing a quitclaim deed at 270 Surrey Place

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### Options

1) Adopt Resolution No. 2019-02

**Advantages:** Authorizes the City Manager to execute a quitclaim deed for the easement at 270 Surrey Place; City does not need to maintain easement

**Disadvantages:** City eliminates easement

2) Do not adopt Resolution No. 2019-02

**Advantages:** City maintains ownership of the easement

**Disadvantages:** City may need to maintain easement

### Recommendation

The staff recommends Option 1.

**RESOLUTION NO. 2019-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING AND AUTHORIZING EXECUTION OF A QUITCLAIM DEED  
FOR THE FALLOUT SHELTER EASEMENT AT 270 SURREY PLACE**

**WHEREAS**, Stephen G. Moore, the former owner of that certain parcel of real property known by Assessor's Parcel No. 167-31-032, commonly referred to as 270 Surrey Place, Los Altos, California ("Property"), granted the City of Los Altos ("City") an easement for construction, reconstruction, maintenance, replacement, operation and use of a fallout shelter ("Easement") pursuant to that certain DEED, dated January 25, 1966, which was recorded on February 17, 1966 in book 7277, page 385-387, of the Official Records of the Santa Clara County Recorder's Office; and

**WHEREAS**, the fallout shelter was constructed in 1962; and

**WHEREAS**, in 1966, the City accepted the Easement pursuant to Resolution No. 1034; and

**WHEREAS**, due to non-use and the deterioration of the shelter and its equipment, on October 11, 1994, the City Council determined to abandon the fallout shelter and directed City Staff to permanently close and remove the fallout shelter; and

**WHEREAS**, on February 16, 1999, the City Council adopted Resolution No. 99-4, accepting completion of fallout shelter closure project (Project 1998-5) and authorized recordation of a Notice of Completion, however, no further steps were taken to eliminate the Easement; and

**WHEREAS**, the fallout shelter has been closed for at least 19 years and there are no other public facilities located within the Easement; and

**WHEREAS**, a quitclaim deed for the Easement has been presented to the City Council, a copy of which is attached hereto as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos as follows:

1. That said quitclaim deed of the Easement, substantially in the form attached hereto as Exhibit A, is approved.
2. That the City Manager is hereby authorized and directed to execute said quitclaim deed to the property owners described therein, with such changes as may be approved by the City Attorney.

**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 22<sup>nd</sup> day of January 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Lynette Lee Eng, MAYOR

Attest:

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Jon Maginot, CMC, CITY CLERK

**EXHIBIT A**

**RECORDING REQUESTED BY:**

**When Recorded Mail Document  
and Tax Statement To:**

Attn: City Manager  
City of Los Altos  
1 North San Antonio Road  
Los Altos, CA 94022

No recordation fee required per  
Government Code Section 27383

APN: **167-31-032**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**EASEMENT QUITCLAIM DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **City of Los Altos, a municipal corporation**

hereby remises, releases and forever quitclaims to **Edouard A. Garcia and Diana V. Garcia, husband and wife as joint tenants**

all rights, title and interest in that certain easement for construction, reconstruction, maintenance, replacement, operation and use of a fallout shelter under, on, or over the following described real property in the **City of Los Altos**, County of **Santa Clara**, State of **California**, as conveyed to the City of Los Altos in that certain DEED, dated JANUARY 25, 1966, and recorded on February 17, 1966 in book 7277, page 385-387, of the Official Records of the Santa Clara County Recorder's Office more fully described in EXHIBIT "A" and depicted in EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

[signatures on following page]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

City of Los Altos

x \_\_\_\_\_  
By: Christopher A. Jordan

Its: City Manager, City of Los Altos

STATE OF CALIFORNIA )  
COUNTY OF )

On \_\_\_\_\_, 2019 before me,  
\_\_\_\_\_, Notary Public,  
personally appeared

\_\_\_\_\_, who  
proved to me on the basis of satisfactory evidence to be the  
person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed  
the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s) acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State  
of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

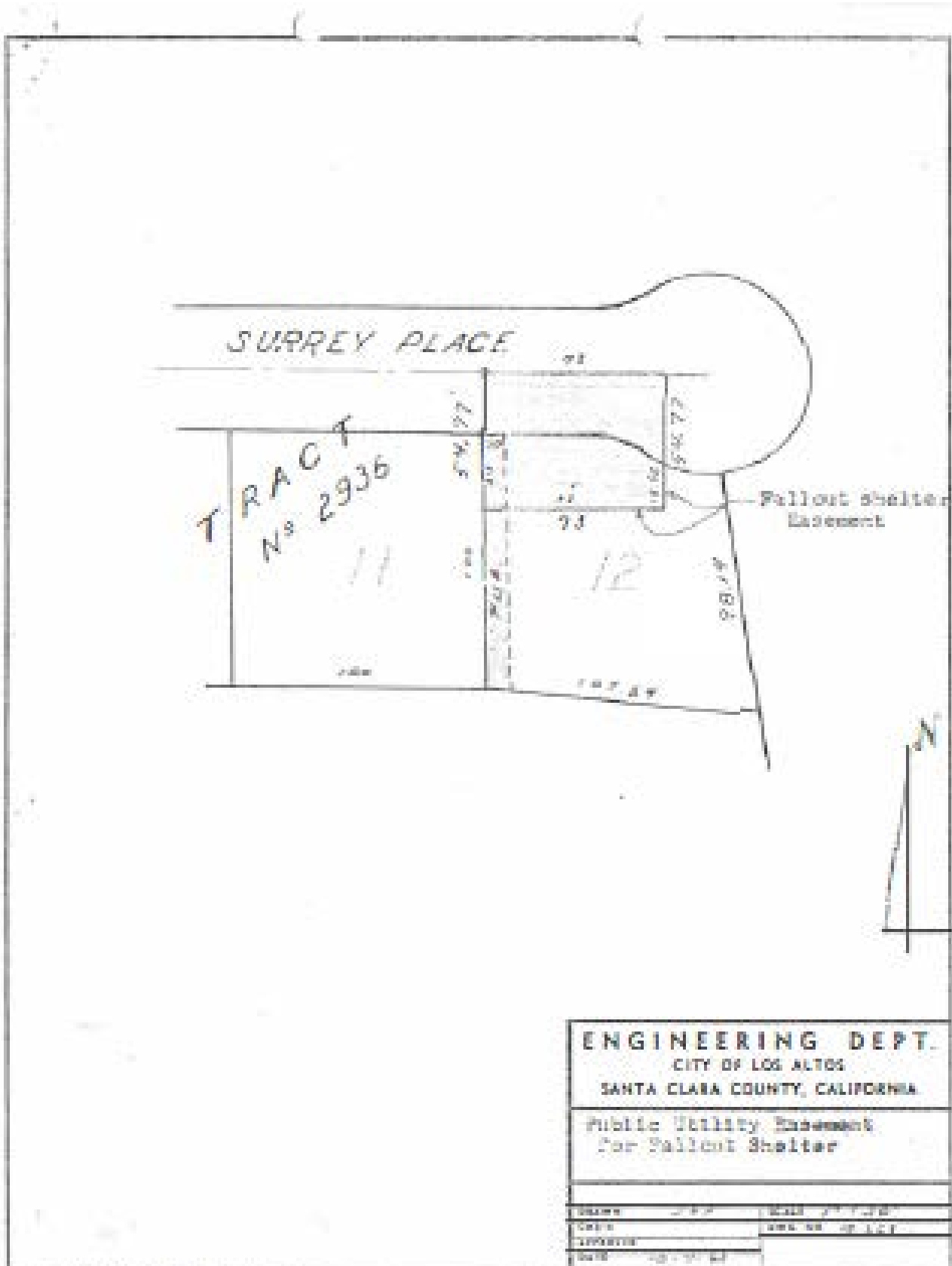
## EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ALTOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING at the point of intersection of the center line of Surrey Place with the Northerly prolongation of the Westerly line of Lot 12, as said center line and westerly line are shown upon the Map hereinafter referred to; running thence along the Northerly prolongation of said Westerly line and along the Westerly line of said Lot 12, S.  $0^{\circ} 03'$  E. 54.77 feet; thence running at right angles to said Westerly line, N.  $89^{\circ} 57'$  E. 73.00 feet; thence running N.  $0^{\circ} 03'$  W. and parallel to said Westerly line of Lot 12, 54.77 feet to the point of intersection thereof with said center line of Surrey Place; running thence along said last named line, S.  $89^{\circ} 57'$  W. 73.00 feet to the point of beginning, and being a portion of Lot 12, and a portion of Surrey Place, as said Lot and Place are shown upon the Map of Tract No. 2936 Windsor Square, which said Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on May 18, 1961 in Book 133 of Maps, at page 2, Santa Clara County Records,

together with a right-of-way on, along and in the hereinbefore described real property.

EXHIBIT "B"



<b>ENGINEERING DEPT.</b>	
CITY OF LOS ALTOS	
SANTA CLARA COUNTY, CALIFORNIA	
Public Utility Easement for Fallout Shelter	
DATE	10-17-50
BY	J. J. J.
PROJECT	
NO.	10-17-50



Fall out Shelter



Received, Reviewed & Acknowledged
Page <u>1</u> of <u>6</u>
Signature _____
Signature _____
Date _____

**CITY OF LOS ALTOS**  
 One North San Antonio Road  
 Los Altos, California 94022-3088  
 Tel: (415) 948-1491  
 Fax: (415) 941-7419

August 29, 1994

Re: Closure of Fallout Shelter in Tract 2936

Dear Property Owner:

As you probably know, an underground fallout shelter was built in your subdivision in 1962 in the front yard of the residence at 270 Surrey Place. Enclosed as Exhibit "A" is a description and history of the shelter. Enclosed as Exhibit "B" is drawing illustrating the location of the underground shelter, public easements, and the residence on the subject lot. The purpose of this letter is to inform you of a plan that will be considered in the near future that would close the shelter structure permanently and the associated public easements would be abandoned.

The shelter's furnishings and equipment have deteriorated over the past 32 years and recently the City was required to close/abandon the underground fuel tank for the shelter's generator as an environmental protection measure. This has resulted in a structure that cannot be used for its original purpose. There appears to be no need for a fallout shelter based on the current state of world affairs. Further, there does not seem to be any other appropriate public use for the underground structure and no public purpose would seem to be served by the continuing existence of the structure.

The shelter closure is being considered in order to eliminate the City's liability for the structure and to eliminate future maintenance costs. The actual physical closure of the structure would be accomplished by filling it with gravel with any remaining voids being filled with a cement grout. The surface fixtures (i.e. vents, door frame, etc.) would be removed below the ground surface and those areas would be filled with earth, essentially returning the front yard of the adjacent residence to a "normal" condition.


It is proposed that the City fund the closure costs and there would be no charges or expenses of any kind paid by the subdivision property owners.

The shelter closure/easement abandonment process and a schedule are illustrated on the attached Exhibit "C".

You will be notified of public meetings and the City Council's actions during the process. The City Council is scheduled to consider the adoption of a Resolution of Intention to close the shelter and abandon the public easements at their regular meeting on September 13, 1994. The meeting will begin a 7:30 p.m. and will be held in the Community Meeting Chambers in City Hall at 1 N. San Antonio Road, Los Altos. A public hearing on the shelter closure/easement abandonment has been tentatively scheduled for October 11, 1994. You will receive a written notice of the public hearing when the date has been confirmed.

If you have any questions, please feel free to call Landy Darrow, Project Engineer, or me at (415) 948-1491.

EXT 230

Sincerely,  
  
 Bruce Bane  
 Director of Public Works

cc: Landy Darrow, Project Engineer

HISTORY AND DESCRIPTION  
of the  
FALLOUT SHELTER, PROJECT 1962-13

In 1962, a 23 lot subdivision was developed in Los Altos that created the streets and adjacent residential lots on Surrey Place, Stratford Place, and the westerly extension of Coronado Avenue. In that era of the "cold war" and nuclear threats, the federal government was actively promoting the construction of "fallout shelters" as part of the Civil Defense Program. The shelters were planned for the survivors of a nuclear attack to live in during the period of nuclear fallout following a bomb explosion.

The developer of the subject subdivision proposed that a fallout shelter be constructed for the residents of the subdivision and that it be financed by an assessment district process involving all the lots of the subdivision. The City agreed to the proposal and, with the developer initiating the process as the property owner, an assessment district was formed to finance the shelter construction costs. Assessment bonds were sold and the shelter was constructed underground in a public easement in the front yard area of one of the lots. Each lot in the subdivision was assessed a share of the shelter construction cost and the assessments became a lien on the individual lots. The individual assessments were then paid by the buyers of the lots, either in cash or annually over a 15 year period along with their property taxes. The total cost of the project was \$42,550 and the typical individual property assessment was \$1,850. No City funding was included in the project construction.

The shelter is 25 x 48 ft. in floor area and is covered by an arch-type steel plate roof that is approximately 12 ft. above the shelter concrete floor and 3 ft. below the ground surface. In many ways, the structure resembles a buried "quonset hut". The shelter was equipped with 96 (24 bunks with 4 levels) canvas/metal frame bunk beds. It included underground water tanks, waste holding tanks, an air circulation system, and an electrical generator with an underground fuel tank. Primary access was through a very heavy steel plate door at the ground surface with a steel circular tunnel descending to the shelter. A secondary emergency exit through a small vertical pipe was provided at the other end of the shelter, along with a periscope arrangement. The shelter was also connected to the regular water system and electrical system in the subdivision and has separate meters.

The original idea was that the property owners of the subdivision would take over the responsibility for the shelter after it was constructed since it was intended for their exclusive use. The acceptance of shelter responsibility by the property owners, however, never happened. As buyers purchased lots from the developer, there was never a majority of new owners that would accept responsibility for stocking and maintaining the shelter as planned.

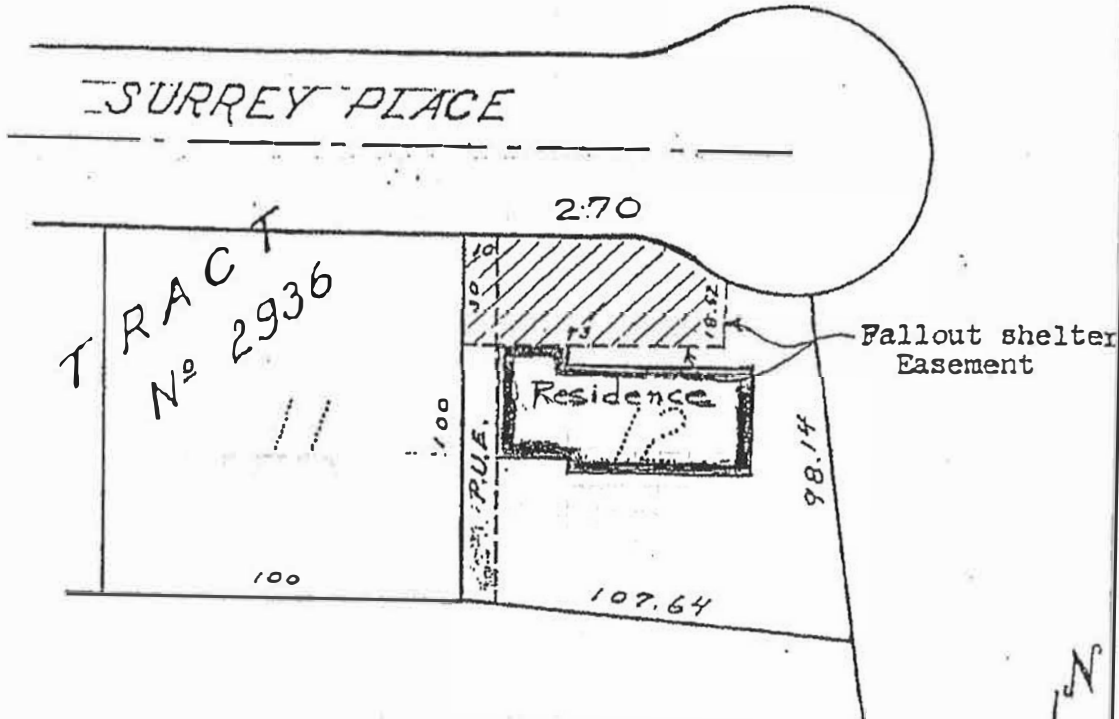
The City, by default, ended up with the responsibility for performing minimum maintenance to preserve the shelter and its contents. For several years, city maintenance workers inspected the shelter monthly and operated the electrical generator briefly to maintain its condition. In the meantime, the damp conditions of the underground shelter caused on-going deterioration of the equipment and furnishings.

Subsequent attempts to encourage the subdivision property owners to take over responsibility for operating and maintaining the shelter were not successful. Eventually, the generator ceased to work and some of the shelter furnishings (i.e. canvas bunks, wood steps and platforms, etc.) had to be removed due to deterioration that caused unsafe conditions. In later years, the City's role was limited to providing periodic inspections to minimize the City's liability for the structure.

In 1992, the City was notified by the Santa Clara County Health Department that the underground diesel fuel tank for the shelter was not in compliance with State Regulations and that it would have to be removed or filled. The City contracted for the tank to be filled with a cement grout and the tank was closed to comply with State law.

In summary, the shelter has never been completely equipped or stocked for its intended use. An agreement for the property owners to take responsibility for operation and maintenance of the structure has never been achieved. The deterioration of the furnishings and equipment over the past 32 years and the required abandonment of the fuel tank has resulted in a structure that cannot be used for its original purpose.

Exhibit "B"



MACROFILMED

DATE: JUN 14 1977  
 ROLL: 3 FRAME: 390

ENGINEERING DEPT. CITY OF LOS ALTOS SANTA CLARA COUNTY, CALIFORNIA	
Public Utility Easement for Fallout Shelter	
DRAWN J.M.P.	SCALE 1" = 50'
CHK'D	DWG. NO. 10,223
APPROVED	
DATE 10-4-63	

**FALLOUT SHELTER CLOSURE PROCESS**

<u>TARGET DATE</u>	<u>DESCRIPTION</u>
Aug. 30, 1994	Staff notifies property owners of shelter closure plan.
Sept. 9, 1994	Staff submits staff report to City Council for Sept. 13 meeting, including copies of resolutions and easement descriptions.
Sept. 13, 1994	City Council: <ul style="list-style-type: none"><li>a. Considers staff report</li><li>b. Considers adoption of Resolution of Intention to close shelter and vacate/abandon public easements, including:<ul style="list-style-type: none"><li>1) Setting public hearing</li><li>2) Requiring posting of notices</li><li>3) Requiring publishing of notice in newspaper</li></ul></li></ul>
Sept. 16, 1994	Staff: <ul style="list-style-type: none"><li>a. Notifies all property owners in original assessment district of public hearing</li><li>b. Posts required notices in subject subdivision not more than 300 ft. apart</li><li>c. Arranges publishing of notice in newspaper</li></ul>
Oct. 11, 1994	City Council: <ul style="list-style-type: none"><li>a. Conducts public hearing.</li><li>b. Considers adoption of Resolutions that:<ul style="list-style-type: none"><li>1) Abandon/vacate public easements, subject to closure project completion.</li><li>2) Authorize City Clerk to record certified copy of order (after physical closure work completed).</li><li>3) Authorize City Manager to execute quit claim deeds (after physical closure work completed).</li></ul></li><li>c. Directs staff to proceed with process for physical closure work.</li></ul>
Oct. 14, 1994	Staff notifies property owners of City Council decision.

Oct. 28, 1994	Staff arranges to have all utilities serving shelter shut off/abandoned.
Nov. 8, 1994	Staff completes plans and specs for physical closure, advertises for bids.
Dec. 6, 1994	Bids received.
Dec. 13, 1994	City Council awards construction contract for physical closure
Jan. 9, 1995	Contractor begins physical closure work.
Feb. 10, 1995	Contractor completes physical closure work.
Feb. 28, 1995	City Council accepts physical closure project as complete
March 1, 1995	City Clerk records certified copy of abandonment order
March 1, 1995	City Manager executes quit claim deed for public easements

MINUTES OF A REGULAR MEETING OF THE LOS ALTOS CITY COUNCIL HELD ON **TUESDAY, SEPTEMBER 13, 1994, 7:30 P.M.**, AT THE LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA

### **ROLL CALL**

PRESENT: Mayor Bruno, Councilmembers Gray, Laliotis, Reeder, Williams  
ABSENT: None (Councilmember Laliotis arrived at 8:10 p.m.)

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance and presentation of the Colors were conducted by the following students from Oak School: Cheryl Tofsrud, Laresa Cervantes, and Perrin Ozdemir.

### **SPECIAL ITEMS**

#### Acceptance of a gift to the City

The Recreation Director reported on the donation of a rose bush by the Los Altos Chamber of Commerce to be planted at the Redwood Grove Nature Preserve in memory of Eleanor Reynolds, mother of former Mayor Penny Lave. Following comments of appreciation, COUNCILMEMBER WILLIAMS MOVED that the Council formally accept the donation, SECONDED BY COUNCILMEMBER GRAY AND PASSED UNANIMOUSLY BY VOICE VOTE.

### **COMMISSION ACTIVITY REPORT**

#### Library Commission

Commissioner Judy Dahl discussed the importance of the passage of Measure A, the library tax measure on the November ballot. She stated that the proposed parcel tax would restore diminished hours at County libraries and help to fund books and reference materials.

### **PUBLIC COMMENTS**

There was no one wishing to speak under "Public Comments".

### **CONSENT CALENDAR**

ON MOTION BY COUNCILMEMBER WILLIAMS, SECONDED BY COUNCILMEMBER REEDER, AND PASSED UNANIMOUSLY BY VOICE VOTE, the following actions were taken:

1. Approved minutes of August 16, 1994
2. Adopted Resolution 94-22, a resolution of intention to vacate a portion of the

public right-of-way at 519 West Portola Avenue and setting a public hearing for October 11, 1994

3. Approved first reading of an ordinance amending Ordinance 93-306 establishing a utility undergrounding district at Loyola Corners
4. **Adopted Resolution 94-23, a resolution of intention to vacate a fallout shelter easement at 270 Surrey Place and setting date of public hearing for October 11, 1994 and Resolution 94-24, a resolution of intention to vacate a public service easement and conduct a public hearing on October 11, 1994**

### **DISCUSSION AND PUBLIC INTEREST ITEMS**

5. Approval of 94-GPA-2, 94-Z-2, 94-PUD/SC-1, and 94-SD-1 - Los Altos Housing Partners (General Plan amendment, rezoning, planned unit development, subdivision, and recertification of the Environmental Impact Report for Parc Regent, a 57-unit senior housing development with a minimum of 6 units affordable to persons of moderate income), Edith Avenue and San Antonio Road

The Senior Planner presented the Planning Commission Report dated September 9, 1994 including a project overview, background, discussion of the marketability of below-market-rate units, and recommendations to approve the project, subject to various conditions. He addressed Council questions concerning the viability of below-market-rate units, park in-lieu fees, mitigation for loss of open space, the turn-around radius, comparisons with the previously approved project, and the proposed landscape plan.

**MAYOR BRUNO OPENED THE PUBLIC HEARING.**

David Boyd, Executive Vice President of EBCO and General Partner, Los Altos Housing Partners, presented an overview of the proposed plans for "Parc Regent", noting that the 57-unit senior housing project would provide no continuing care and would be built in two stages with underground parking and a total of 6 below-market-rate units. He clarified that, while he had previously agreed conceptually to a market analysis on the viability of the below-market-rate units, there was no longer any interest in this approach; Los Altos Housing Partners was seeking a final decision at this meeting.

**COUNCILMEMBER LALLOTIS ARRIVED AT 8:10 P.M.**

Bill Bocoock, Project Architect, described the project setbacks and layout and reported that Los Altos Housing Partners had met with the neighbors to review plans and discuss potential impacts on neighboring properties.

The landscape architect for the project from Jensen Corporation summarized the proposed landscape plan which incorporated existing trees at the Civic Center and in



the downtown area, such as apricot and Chinese pistache. The Council expressed a preference for faster growing, evergreen trees for better screening from the street and adjoining neighbors. There was also Council interest in providing landscape screening during construction and following the first phase of development.

David Boyd, Los Altos Housing Partners, commented on the following conditions of approval: *Exhibit B, Condition 12* - requested that repairs be limited to the project site; *Exhibit B, Condition 23* - clarified that the applicant had not requested the removal of this condition; *Exhibit D, Condition 23* - requested that one of the appraisals be the applicant's February, 1994 appraisal; *Exhibit D, Condition 24* - requested replacement with a condition that the applicant shall donate \$50,000 toward park improvements; *Exhibit D, Condition 25* - requested a waiver of rental fees for use of City land as a staging area during construction; *Exhibit D, Condition 38* - requested removal of this condition due to potential impacts on Parc Regent residents; and *Exhibit D, Condition 52a* - requested closure on the number of below-market-rate units at this meeting.

Carrie Boyd, Marketing Coordinator, Los Altos Housing Partners, explained the methodology and results of a recent local area marketing survey conducted by Los Altos Housing Partners. It was designed to determine the viability of a senior housing project which contained several below market rate units at this site. While the survey was based on slightly erroneous assumptions, there appeared to be interest from qualified buyers in purchasing units within such a development.

While the developer requested an immediate decision on the number of below-market-rate units for which Los Altos Housing Partners would be held responsible, David Boyd distributed a matrix of options for Council consideration to provide incentives to the developer for the creation of additional affordable units.

**MAYOR BRUNO OPENED THE PUBLIC HEARING.**

Michael Hudnall, 69 View Street, spoke in support of the project and urged Council approval, based on finding a reasonable solution to the affordability ratios.

As there was no one else wishing to speak, **MAYOR BRUNO CLOSED THE PUBLIC HEARING.**

**MAYOR BRUNO CALLED A RECESS AT 10:10 P.M. AND THE COUNCIL RECONVENED AT 10:25 P.M.**

Council discussion ensued regarding the possibility of a market analysis for the affordable units, appraisals, liability for damages during construction, parkland mitigation fees, rental of City property by the developer for a staging area, ingress/egress easement at the northeast corner of the project site, and landscaping. There was a preference for planting larger trees which remain green throughout the year in place of the proposed apricot trees and a desire to plant landscaping to screen the project from San Antonio Road beginning with Phase One. There was support for

directing staff to review options for additional affordable units at no increased cost to the developer.

COUNCILMEMBER REEDER MOVED to:

- 1.) ADOPT the following resolutions recertifying the previous Environmental Impact Report (EIR) for the Parkview Village Project with findings and overriding considerations shown in Exhibit "A" and mitigation measures shown in Exhibit "B" of the September 9, 1994 Planning Commission Report:

*Resolution 94-25* recertifying the Final Environmental Impact Report for Parkview Village Senior Housing Project as the environmental document for the Parc Regent Senior Housing Project

*Resolution 94-26* adopting findings relative to certification of the Final Environmental Impact Report for the Parc Regent Senior Housing Project, generally located on the northwest corner of Edith Avenue and San Antonio Road

*Resolution 94-27* adopting statements of overriding consideration pursuant to certification of the Final Environmental Impact Report for the Parc Regent Senior Housing Project

SUBJECT TO THE FOLLOWING AMENDMENTS TO EXHIBIT "B":

*Condition 3:* Amend to state that a vehicle turn-around area with a minimum radius of 30 feet shall be provided above ground unless an alternative design for the turn-around area is approved by the City Engineer.

*Condition 23:* Reinstate this condition which states that payment of the in-lieu fee specified by the City of Los Altos is intended to mitigate the impact of the project on the need for parks and open space in Los Altos.

- 2.) ADOPT *Resolution 94-28* adopting findings relative to and approving an application for a General Plan amendment related to the Parc Regent Senior Housing Project, generally located on the northwest corner of Edith Avenue and San Antonio Road with the findings shown in Exhibit "C" of the September 9, 1994 Planning Commission Report
- 3.) APPROVE first reading of an ordinance approving Zone Change 94-Z-3 adopting findings and changing a portion of the PUD/SC District, as delineated in Zoning Map 94-2, to the PUD District
- 4.) APPROVE Planned Unit Development 94-PUD/SC-1 and Tentative Subdivision Map 94-SD-1 based on the conditions in Exhibit "D" of the of the Planning Commission Report dated September 9, 1994

SUBJECT TO THE FOLLOWING AMENDMENTS TO EXHIBIT "D":

*Condition 23:* Delete reference to appraisals.

*Condition 24:* Amend to read, "The City shall be compensated for the loss of City-owned open space through the contribution of \$50,000 cash toward the improvement of the public open space at the northwest corner of Edith Avenue and San Antonio Road."

*Condition 25:* Reinstate this condition to read, "The City shall be *nominally* compensated for any temporary use of the City's land during construction in a manner approved by the City Engineer."

*Condition 31:* Reinstate this condition regarding payment of the in-lieu parkland fee.

*Condition 38:* Amend to read, "An ingress/egress easement, not to exceed 50 square feet in area, across the northeast corner of the project may be required by the City Council for the benefit of the adjoining fruit stand."

*Condition 49a:* Add - "The landscaping installation shall be phased so as to maintain acceptable off-site views of the property during each phase of construction and shall include the replacement of apricot trees with taller evergreen trees, substantially similar to the original plan."

*Condition 52a:* Amend to read, "A total of six one-bedroom residential units, including a minimum of two units in Phase One, shall be offered for sale at prices which are affordable to a person of moderate income levels as determined by the City."

*Condition 52b:* Amend to read, "An agreement shall be executed between the City and an independent third party to retain all Below-Market-Rate (BMR) units as affordable. The agreement shall be similar to the Chester Circle agreement, shall be reviewed by the City Council, and shall be approved by the City Attorney and Planning Director. The City will consider including, as part of the agreement, alternative strategies for ensuring that the units are occupied by low and/or moderate income households, including offering the units for rent."

**Add:** *Condition 52c:* The City Council will consider providing incentives to the developer to provide additional BMR units. The targeted number of additional BMR units is either two low income units or four moderate income units. The developer shall provide such additional BMR units as may be determined appropriate by the City Council based upon the incentives provided for those units.

THE MOTION WAS SECONDED BY COUNCILMEMBER LALOTIS AND PASSED BY

THE FOLLOWING ROLL CALL VOTE:

AYES: Mayor Bruno, Councilmembers Gray, Laliotis, Reeder, Williams  
NOES: None  
ABSENT: None

Staff was directed to submit recommendations to the Council on October 11, 1994 regarding financing incentives to provide either two additional low income units or four additional moderate income units.

6. Adoption of a resolution endorsing Measure A on the November, 1994 ballot (library funding)

This item was continued to the meeting of September 27, 1994.

7. Community Plaza Project 1993-10

- a. Adoption of a resolution accepting improvements
- b. Approval of budget amendment

The Public Works Director presented the Staff Report dated September 9, 1994 recommending a) Adoption of a resolution accepting the Community Plaza improvements, subject to the one-year guarantee period; and b) Approval of an amendment to the 1994-95 Service and Financial Plan to allocate \$26,800 from the Community Improvement Reserve Fund to pay the balance on the plaza project.

The Public Works Director provided an overview of events leading to initiation of the plaza project and highlighted remaining issues which included cracks in the concrete and the status of Rotary Club's fund raising efforts. The plaza was the result of a joint partnership between Rotary Club of Los Altos, Citibank, and the City. It was stated that the Memorandum of Understanding (MOU) between the City and Rotary Club was unexecuted due to Rotary's concerns over the guaranteed funding provisions; however, the Club had lived up to the spirit of the MOU. Rotary had exceeded the original fund raising estimate through volunteer efforts but, due to necessary changes throughout the construction phase, was unable to raise the remaining \$26,800 against total project costs.

Council discussion followed. The Rotary Club of Los Altos and Citibank were commended for their fund raising efforts, dedication of land/funds, and willingness to participate in the joint partnership necessary for the success of the project. However, there was some Council interest in requiring Rotary to pay the remaining balance on the project. Regarding the cracking of the concrete, which occurred largely around the squares of donor bricks, there was a discussion of responsibility. The plaza appeared to have been built to project specifications; a one-year bond against faulty workmanship and materials had been posted by the contractor. Questions were raised over whether

the project was adequately designed to meet certain structural design standards. Options for correcting the problem were discussed.

Bob Nevin, 189 Marvin Avenue, urged that the Council not accept the project, questioning structural design and strength of the concrete.

Bruce Cann, Rotary Club Treasurer for the Plaza Project, acknowledged the accuracy of staff's presentation of project figures and confirmed that the funds raised were significantly higher than the projected costs. In response to a request by Council, he offered to submit an unaudited financial statement documenting Rotary's project income and related expenses.

COUNCILMEMBER WILLIAMS MOVED to:

- 1.) Adopt Resolution 94-29 accepting improvements the Community Plaza Improvements subject to the one-year guarantee period; and
- 2.) Amend the Service and Financial Plan for fiscal year 1994-95 such that \$26,800 is allocated from the Community Improvement Reserve/Fund to pay for the balance of the Plaza Project
- 3.) Request a financial accounting statement for the Plaza Project from Rotary Club of Los Altos to become a part of the official record for this meeting.

THE MOTION WAS SECONDED BY COUNCILMEMBER REEDER AND PASSED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Mayor Bruno, Councilmembers Laliotis, Reeder, and Williams  
NOES: Councilmember Gray  
ABSENT: None

Councilmember Gray stated, for the record, that his NO vote was based on his belief that Rotary Club of Los Altos should be held responsible for the remainder of the project costs.

Councilmember Reeder asked staff to look into installing removable picnic tables at the community plaza and consider, during the appropriate season, swapping the cherry trees for a species that would eventually grow to form a canopy. There was interest by other Councilmembers in having a plan in place before making additional changes to the plaza.

8. Council and Manager Activity Reports: Liaison reports of activities and events and instruction on matters for future meetings

Councilmember Laliotis reported that, as a member of the Transportation Commission, he had been making presentations to various cities regarding the status of the

Congestion Management Agency. He would address the Los Altos City Council on the matter in October.

Councilmember Gray noted that, as the Council's ABAG representative, he would be requesting Council's input on the ABAG Constitutional amendment recommendations at the September 27 Council meeting.

Councilmember Reeder reported that the Fire Service Alternatives Task Force continues to meet on a regular basis; a report will be coming to Council in the fall.

Councilmember Reeder stated that he had no interest in holding a community meeting with residents of the Cristo Rey Drive area concerning the proposed development of the Diocese of San Jose property.

Councilmember Laliotis reported on a significant personal contribution from Mr. Packard to the Yes on Measure A campaign.

The Police Chief reported on the North County Jail closure which was the direct result of a joint recommendation to the Board of Supervisors from County police chiefs, city managers, and the Cities Association.

### ADJOURNMENT

The meeting was adjourned at 12:35 a.m. to a closed session in the City Hall Conference Room for the purpose of discussing initiation of litigation (one case), pending litigation (Catholic Bishop of San Jose vs. the City of Los Altos) and potential property acquisition (vacant Shell Station site at Main Street and San Antonio Road).

  
MARGARET S. BRUNO, MAYOR

  
CAROL SCHARZ, CITY CLERK

MINUTES OF A REGULAR MEETING OF THE LOS ALTOS CITY COUNCIL HELD ON **TUESDAY, OCTOBER 11, 1994, 7:30 P.M.**, AT THE LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA

### ROLL CALL

PRESENT: Mayor Bruno, Councilmembers Gray, Laliotis, Reeder, and Williams  
ABSENT: None

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance and presentation of the Colors were conducted by the following students from Blach School: Aryn Moran, Neema Yazdani, and Michelle Yu.

### SPECIAL ITEMS

#### Proclamation of "Red Ribbon Week"

Mayor Bruno read excerpts from a proclamation declaring October 23-31, 1994 to be "Red Ribbon Week" in Los Altos. She urged the community to participate in upcoming drug abuse education activities.

#### Acceptance of a gift to the City

Paula Tuerk, Arts Committee member, reported that sculptor Lou Ann O'Rourke had gifted one of her bronze pieces, entitled "Egrets", to the City. It will remain at its current Shoup Park location where it was originally installed as one of the City's loaned sculptures.

Following comments of appreciation to the sculptor and the Arts Committee, COUNCILMEMBER WILLIAMS MOVED ACCEPTANCE of the bronze sculpture, "Egrets", from Lou Ann O'Rourke. THE MOTION WAS SECONDED BY COUNCILMEMBER GRAY AND PASSED UNANIMOUSLY BY VOICE VOTE.

### AMENDMENT TO AGENDA

8. Discussion of incentives for increasing the number of affordable units at the Parc Regent Planned Unit Development, San Antonio Road and Edith Avenue

Mayor Bruno requested a motion to remove Item 8 from the agenda as there appeared to be a consensus to delay any action on the item. A Council study session on the subject had been held prior to the regular meeting. COUNCILMEMBER REEDER MOVED that Item 8 be removed from the agenda and carried over to a future meeting. THE MOTION WAS SECONDED BY COUNCILMEMBER GRAY AND PASSED UNANIMOUSLY BY VOICE VOTE.

**COMMISSION ACTIVITY REPORTS**

Historical Commission

Janet Freeland, Historical Commission representative, reported on a review of the Commission's 1994-95 goals and objectives and noted that the Commission remains on track. She commented on a draft a letter from the Commission to property owners whose properties appear in the Historical Resources Inventory (final draft of the letter to be reviewed by Council before being mailed). She also announced the receipt of grant monies (\$5,500) from the State Office of Historic Preservation to produce a video on the history of Los Altos.

Library Commission

Lindy McLeod, Library Commission representative, reported that the Library Commission had been involved with Measure A (library funding) activities. She announced that another automatic check-out system was being installed at the Main Library (Children's Area). Internet would be available in the near future and docents were being trained to assist the public in its use.

**PUBLIC COMMENTS**

There was no one wishing to speak under "Public Comments".

**CONSENT CALENDAR**

ITEMS 2 AND 4 WERE REMOVED FROM THE CONSENT CALENDAR.

ON MOTION BY COUNCILMEMBER WILLIAMS, SECONDED BY COUNCILMEMBER REEDER, AND PASSED UNANIMOUSLY BY VOICE VOTE, the following actions were taken:

- 1. Approved minutes of September 27, 1994
- 3. Adopted Ordinance 94-325 amending the Los Altos Municipal Code to regulate news racks and similar devices

\* \* \* \* \*

- 2. Second reading and adoption of an ordinance amending Chapter 2 of Title 10 of the Los Altos Municipal Code relating to Commercial Buffer Regulations (94-Z-3 - commercial zoning district, generally located on the south side of El Camino Real)
- 

Mary Skougaard, 1055 Rilma Lane, urged adoption of the ordinance without any reference to sharing costs with adjoining residential neighbors.



COUNCILMEMBER WILLIAMS MOVED ADOPTION of Ordinance 94-324 adding Section 10-2.2006(D) to Article 20 of Chapter 2 of Title 10 of the Los Altos Municipal Code relating to Commercial Buffer Regulations (94-Z-3 - commercial zoning district, generally located on the south side of El Camino Real). THE MOTION WAS SECONDED BY COUNCILMEMBER GRAY AND PASSED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Mayor Bruno, Councilmembers Gray, Reeder, and Williams  
NOES: None  
ABSENT: None  
ABSTAIN: Councilmember Laliotis (not present at first reading)

4. Loyola Corners Business Improvement District
  - a. Approval of Annual Report
  - b. Adoption of a resolution of intention to levy annual assessment for fiscal year 1994-95 and setting date of public hearing

In response to questions from the Council, Kevin Kornigate, Executive Director of the Loyola Corners Business Improvement District, explained several line items in the proposed budget.

COUNCILMEMBER WILLIAMS MOVED APPROVAL of the 1994-95 Annual Report for the Loyola Corners Business Improvement District and ADOPTION OF RESOLUTION 94-32, a resolution of intention to levy the annual assessment for fiscal year 1994-95 and setting date of public hearing for November 1, 1994. THE MOTION WAS SECONDED BY COUNCILMEMBER GRAY AND PASSED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Mayor Bruno, Councilmembers Gray, Laliotis, Reeder, and Williams  
NOES: None  
ABSENT: None

### **PUBLIC HEARINGS**

5. Adoption of a resolution vacating a street right-of-way - Kuhlmann Division of Land, 519 West Portola Avenue

The Public Works Director presented the Staff Report dated October 6, 1994 recommending that the Council conduct a public hearing to receive public input on the abandonment/vacation of a five-foot wide strip of public right-of-way on the north side of West Portola Avenue and adoption of a resolution vacating the subject portion of the street right-of-way. He addressed various issues involving setbacks, utilities, and existing City trees. He also presented a set of draft policies which could be formalized if it were determined that the City would abandon strips of right-of-way on a large scale.

**MAYOR BRUNO OPENED THE PUBLIC HEARING.**

Bud Ratts, 516 West Portola Avenue, stated that, in his opinion, vacating public rights-of-way was not in the public interest. He felt approval would be precedent-setting and could result in higher density with houses being built closer to the street.

Vicki Kuhlmann, 519 West Portola Avenue, the applicant, urged Council approval, noting that the house was built prior to dedicating the 5-foot right-of-way to the County in 1952. The easement was landscaped and maintained by the property owner.

As there was no one else wishing to speak, **MAYOR BRUNO CLOSED THE PUBLIC HEARING.**

Council discussion followed. There was general support for the applicant's request and a consensus that the action would not be precedent setting in nature since there were enough special circumstances surrounding this particular property. There was no interest in considering the draft policies for abandoning excess public rights-of-way at this meeting.

**COUNCILMEMBER LALOTIS MOVED ADOPTION OF RESOLUTION 94-33 vacating the street right-of-way for this property only - Kuhlmann Division of Land, 519 West Portola Avenue. THE MOTION WAS SECONDED BY COUNCILMEMBER WILLIAMS AND PASSED BY THE FOLLOWING ROLL CALL VOTE:**

**AYES: Mayor Bruno, Councilmembers Gray, Lalotis, Reeder, and Williams**  
**NOES: None**  
**ABSENT: None**

**6. Vacation of a fallout shelter easement - 270 Surrey Place**

**The Public Works Director presented the Staff Report dated October 6, 1994 recommending that the Council 1) Conduct the public hearing to receive input on the proposals to abandon both the fallout shelter and the easements which exist solely to support the shelter; 2) Make determination to abandon the fallout shelter; 3) Direct staff to proceed with the physical work of abandoning the fallout shelter; and 4) Delay adopting the abandonment resolutions until the work necessary to permanently close the fallout shelter has been completed. He gave a brief history, noting that the shelter had been constructed in 1962 as an assessment district and at no cost to the City. It was felt that, left in its current state, the shelter could eventually become a hazard.**

**MAYOR BRUNO OPENED THE PUBLIC HEARING.**

**As there was no one wishing to speak, MAYOR BRUNO CLOSED THE PUBLIC HEARING.**

**COUNCILMEMBER WILLIAMS MOVED that the Council make a determination to abandon the fallout shelter, direct staff to proceed with the work of abandoning the fallout shelter, and delay adoption of the abandonment resolutions until the work necessary to permanently close the fallout shelter has been completed. THE MOTION WAS SECONDED BY COUNCILMEMBER GRAY AND PASSED UNANIMOUSLY BY VOICE VOTE.**

## **DISCUSSION AND PUBLIC INTERESTS ITEMS**

7. Adoption of a resolution accepting findings for review of cable television basic service rates

The Community Programs Coordinator presented the Staff Report dated October 6, 1994 recommending adoption of a resolution accepting the review findings on Telecommunications, Inc. (TCI) rates for basic television service for the period September 1, 1993 through July 14, 1994. Council discussion followed regarding the elements of the rate structure, equipment failures, and the method of determining programming. There was strong support for having TCI conduct a survey of Los Altos customers to determine current and future programming needs.

Daryl Henderson, TCI Regional Manager, responded that the company conducts a quarterly review of programming and agreed to relay the request for a survey to the Marketing Department. He introduced Kathy Noe, the new Government Affairs Officer.

**COUNCILMEMBER WILLIAMS MOVED ADOPTION OF RESOLUTION 94-34 accepting findings for review of cable television basic service rates for the period September 1, 1993 through July 14, 1994, SECONDED BY COUNCILMEMBER LALLOTIS, AND PASSED UNANIMOUSLY BY THE FOLLOWING ROLL CALL VOTE:**

**AYES: Mayor Bruno, Councilmembers Gray, Laliotis, Reeder, and Williams  
NOES: None  
ABSENT: None**

8. Discussion of incentives for increasing the number of affordable units at the Parc Regent Planned Unit Development, San Antonio Road/Edith Avenue

This item was removed from the agenda earlier in the meeting. There was no discussion.

9. Council and Manager Activity Reports: Liaison reports of activities and events and instruction on matters for future agendas

Councilmember Reeder stated that he was unable to attend the next meeting of the Fire Service Delivery Alternatives Task Force. He urged that a high priority be given to scheduling a Council study session on fire service delivery alternatives in the near future.

Councilmember Gray reported on a recent Housing and Community Development meeting pertaining to the funding of Community Development Block Grant projects. He stated that Midpeninsula Citizens for Fair Housing was given an extension through June, 1995, since they did not yet have control of the proposed site.

Councilmember Gray stated that the Cupertino Planning Commission had discussed the Diocese development, including access to the site, at its meetings of September 22 and October 6, 1994; the next meeting where it would be discussed was October 26, 1994.

Mayor Bruno stated that she would deliver Resolution 94-31 regarding the Diocese development to the Cupertino City Council on October 19; a copy of the resolution would subsequently be mailed to the County Board of Supervisors.

Mayor Bruno requested that a letter of appreciation be sent to Senator Feinstein for her role in instituting federal telecommunications legislation which addressed local concerns.

Mayor Bruno announced that the Air Quality Management District has made available referral cards containing an air quality information phone number.

Councilmember Laliotis asked the status of the Housing Element Reform Bill. Staff responded that nothing yet has passed.

### ADJOURNMENT

Pursuant to Section 54956.9 of the Government Code, the Council adjourned at 9:10 p.m. to a Closed Session in the City Hall Conference Room for the purpose of discussing potential litigation (one case).

The Council then adjourned to a Study Session in the City Hall Conference Room for the purpose of discussing the Association of Bay Area Governments' Constitutional Amendment Recommendations.

  
MARGARET S. BRUNO, MAYOR

  
CAROL SCHARZ, CITY CLERK

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS HELD ON **TUESDAY, NOVEMBER 24, 1998, AT 7:30 P.M.** AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA

### ROLL CALL

PRESENT: Mayor Becker, Councilmembers Casto, La Poll, and Moss  
ABSENT: Councilmember Lear

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance and presentation of the Colors were conducted by the following students from Loyola School: Bryan Oki, James Nicholson, Eric Olson, Conor Tiffin, and Michael Lange.

### SPECIAL ITEMS

- Presentation of awards to winners of the "1998 Red Ribbon Week" Essay and Poster Contest

Police Chief Lucy Carlton and Crime Prevention Officer Noreen Sorg assisted Mayor Becker in the presentation of awards to 4th, 5th and 6th grade winners of the Red Ribbon Week Essay and Poster Contest. Several students read their essays. Mayor Becker commended the Police Department and local elementary schools for their participation in the annual drug education program.

- Millennium Eve Community Event Update

Gunilla Cook, Executive Director of the Los Altos/Los Altos Hills Millennium Eve Committee, gave an overview of the types of activities envisioned for the event scheduled for December 31, 1999 in downtown Los Altos. It was emphasized that it is the goal of the organization to provide a meaningful event for the two communities that will culminate in an extravaganza at midnight and leave a legacy. The organization is currently qualifying for its 501(c)(3), non-profit status and will be applying to the City for a special event permit. Ms. Cook distributed a letter to the Council detailing plans for the event and the need for early funding in the form of loans to secure entertainment.

Council discussion followed with general support for the concept of such an event. However, there was concern that the group adhere to the existing Special Event Policy adopted by the Council and work closely with City staff to ensure that the proposed plans for the event are possible within the parameters of the policy and available City resources.

## PUBLIC COMMENTS

There was no one wishing to speak under "Public Comments".

## CONSENT CALENDAR

The following items were removed from the Consent Calendar for discussion: Items 3, 5, and 8. It was noted that these items would be considered under Item 12 as Items 12.1, 12.2, and 12.3 respectively on the agenda.

With regard to Item 2 (Council assignments), Councilmember Casto volunteered to represent the Council on ABAG, as it had been deleted from last year's list of assignments.

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ON MOTION BY COUNCILMEMBER LA POLL, SECONDED BY COUNCILMEMBER CASTO, AND PASSED UNANIMOUSLY BY VOICE VOTE (LEAR ABSENT), the following actions were taken:

1. Approved minutes of regular council meetings of October 27 and November 10, 1998
2. Approved Council appointments to various Council subcommittees and local, regional, and state boards for the coming year
4. Allocated \$6,000 of FY 1997-98 revenue to fund an additional 500 hours for the existing Planning Department Intern position
6. Approved a sidewalk encroachment permit fee waiver request for the Loyola Corners Business Improvement District
7. Awarded contract for demolition of the fallout shelter at 270 Surry Place to the low bidder, C. S. 2 Company

## PUBLIC HEARING

9. Single-Family Residential Design Review Notice and Process  
Recommendation from the Planning Commission to approve first reading of an ordinance amending Chapter 2 of Title 10 of the Los Altos Municipal Code to: a) Codify existing policies regarding public notification for single-family residential design review applications; b) codify existing policies for referring two-story residential changes to the Architectural and Site Control Committee

Senior Planner Jim Mackenzie presented the Planning Commission Report dated November 19, 1998 recommending approval of first reading of the ordinance described

above. He noted that the ordinance would codify existing policies and practices for the processing and notification of neighbors of two-story, single-family residential design review applications. Multi-family residential and planned unit developments (PUDs) when adjacent to single-family zoning districts, would also be subject to the notification requirements. The ordinance was placed on the agenda at the request of the Council at its September 22, 1998 meeting.

**MAYOR BECKER OPENED THE PUBLIC HEARING.** As there was no one wishing to speak on this item, **MAYOR BECKER CLOSED THE PUBLIC HEARING.**

Council discussion followed with general support for the ordinance, as proposed.

**COUNCILMEMBER LA POLL MOVED APPROVAL** of first reading of an ordinance amending Section 10-2.2725.1 of Article 27 of Chapter 2 of Title 10 of the Los Altos Municipal Code to set forth notification and processing requirements for single-family residential with the addition of Section a-1 to include planned unit development design review when adjacent to single-family residential districts **AND WAIVED FURTHER READING. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTO AND PASSED UNANIMOUSLY BY VOICE VOTE**

10. 401 Rosita Site - Phase 1 Improvements

Update from staff on design of 401 Rosita site (Phase 1 Improvements) and request for authorization to advertise for bids following completion of plans and specifications by the landscape architect

Public Works Director Bruce Bane presented the Staff Report dated November 17, 1998 recommending that the Council authorize staff to advertise for bids in early December following completion of the project plans and specifications by Jay Beals Landscape.

Council discussion followed regarding existing trees on the site and plans for planting shrubs and trees around the perimeter of the site as screening for adjacent residents. There was an interest in escalating the plantings to take advantage of growing time.

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Ray Torok, 722 La Prenda Drive, urged the Council to consider traffic mitigation measures and to plant sufficient trees around the perimeter of the site, especially at the northeast corner of the site.

Chris Weisett, 1488 Arbor Avenue, urged the Council to retain the classroom buildings to accommodate many needs within the community for meeting space. She also favored planting trees around the perimeter of the site, especially along Rosita Avenue.

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Council discussion followed regarding landscaping and development of the site as open space. There was consideration given to a request to include a Pony Baseball field within the combined playing field space; however, it was noted that inadequate funds were available to include the field in current plans. It was suggested that outside fund raising efforts be undertaken to construct the baseball field at a later date. Staff clarified that the area where a baseball field would be placed would be left undeveloped this time.

COUNCILMEMBER LA POLL MOVED that:

- 1.) staff be authorized to advertise for bids in early December following completion of the project plans and specifications by Jay Beals Landscape
- 2.) the Council Subcommittee on 401 Rosita Avenue be authorized to pursue contributions from Rotary Club of Los Altos and others for a Pony Baseball field at the site
- 3.) staff discuss with Mr. Beals and the neighborhood the need for additional landscaping around the perimeter of the site.

THE MOTION WAS SECONDED BY COUNCILMEMBER CASTO AND PASSED UNANIMOUSLY BY VOICE VOTE (LEAR ABSENT).

11. Joint Use of Public Facilities

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The Council Subcommittee on 401 Rosita Site (Councilmembers La Poll and Casto) presented the Council Report dated November 18, 1998 recommending that the Council:

- a) Approve the concept of developing two full-size indoor recreation courts at Egan and Blach Junior High Schools and authorize staff to develop a draft agreement for the construction, operation, and maintenance of the joint facility; and
- b) Approve the current direction of the Council Committee and staff to develop a joint-use agreement and modifications to the Master Plan for the Covington/Rosita site for Council and School Board review.

Councilmember La Poll noted that the Joint Council/Los Altos School Board committee investigated the cost of building a new facility at the Rosita site versus developing indoor recreation courts through modifications to the existing Egan and Blach gymnasiums. Significant savings would be realized by modifying the existing facilities, estimated to cost approximately \$525,000 each, rather than constructing a new facility. Other joint use options are being explored with regard to the Covington site.



COUNCILMEMBER MOSS MOVED that the Council:

- a) Conceptually approve development of two full-size indoor recreation courts at Egan and Blach Junior High Schools and authorize staff to develop a draft agreement for construction, operation, and maintenance of the joint facility;
- b) Approve the current direction of the Council Committee and staff to develop a joint-use agreement and modifications to the Master Plan for the Covington/Rosita site for Council and School Board review; and
- c) Direct staff to explore the four key areas listed under "Discussion" in the report, including expansion of both Junior High School gyms to provide full-size basketball courts; joint use of the City's Municipal Service Center site; the Master Plan for combined use of open space at Covington School and the 401 Rosita site; and alternatives for land ownership at 401 Rosita and Covington.

THE MOTION WAS SECONDED BY COUNCILMEMBER CASTO AND PASSED UNANIMOUSLY BY VOICE VOTE (LEAR ABSENT).

#### ITEMS REMOVED FROM THE CONSENT CALENDAR

##### 12.1 City Council Regular Meeting Schedule (formerly Item 3)

Councilmember La Poll requested that the Regular Meeting of February 9 be moved to February 23 to accommodate his travel schedule. There was support for his request.

COUNCILMEMBER LA POLL MOVED APPROVAL of the 1999 Regular Council Meeting Schedule as proposed with the exception of moving the February 9 meeting to February 23. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTO AND PASSED UNANIMOUSLY BY VOICE VOTE (LEAR ABSENT).

##### 12.2 First reading of an ordinance amending Chapter 2-5 of the Municipal Code to provide for the Youth Commission (formerly Item 5)

Councilmember La Poll recommended that the requirement to have all members from schools serving the Los Altos area be stricken, since commissioners will already be covered by the residency requirement. He also recommended that reference to recreational interests be stricken from the ordinance so that the focus of the commission would be on general youth interests and concerns.

COUNCILMEMBER LA POLL MOVED APPROVAL of first reading of an ordinance amending Chapter 2-5 of the Los Altos Municipal Code to provide for the Youth Commission with the following amendments:

Section 2-5.03: delete "from schools serving the Los Altos area" so that the section reads, "Youth Commissioners shall be appointed from grades 7 through 12 and shall serve . . ."

Section 2-5.10: delete "recreation" so that the section reads, "The Youth Commission shall act in an advisory capacity to the City Council on matters relating to youth interests, youth concerns, and the need for outreach services."

He also moved that the Council waive further reading of the ordinance. THE MOTION WAS SECONDED BY COUNCILMEMBER MOSS AND PASSED UNANIMOUSLY BY VOICE VOTE (LEAR ABSENT).

It was clarified through further Council discussion that the motion did not preclude the Youth Commission from undertaking recreational activities as a part of their role.

12.3 Recommendation to fill the Economic Development Manager on a half-time basis (formerly Item 8)

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Councilmember La Poll suggested scheduling a Council study session to discuss the role of the Economic Development Manager prior to filling the position in combination with the Administrative Analyst position. The City Manager responded that he is anticipated that the role of the Economic Development Manager will change over time; he believed that the role could adequately be covered by a generalist position. It was noted by one Councilmember that, if a recruitment did not generate the type of candidates necessary for the generalist position, the jobs could be divided into two half-time positions. There was interest in involving the Chamber of Commerce and perhaps Village Association in the development of position objectives.

COUNCILMEMBER CASTO MOVED the filling of the Economic Development Manager on a one-half time basis in combination with a one-half time Administrative Analyst position. Staff will return to the Council with proposed position objectives prior to recruiting for the position. THE MOTION WAS SECONDED BY COUNCILMEMBER LA POLL AND PASSED UNANIMOUSLY BY VOICE VOTE (LEAR ABSENT).

13. Council and Manager Activity Reports: Liaison reports of activities and events and direction on matters for future agendas

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Phil Rose, City Manager, asked if there was Council interest in updating and printing a Los Altos/Los Altos Hills brochure. The cost of the endeavor could be divided among the Chamber of Commerce, the Los Altos Community Foundation, and the City at approximately \$1,500 each. There was support from the Council in proceeding with the brochure. It was suggested that Councilmember Lear might be willing to work on development of the brochure with the other organizations.

Phil Rose, City Manager, noted that the banners along El Camino Real have faded and will be replaced at no cost to the City.

Phil Rose, City Manager, commented on a meeting being requested by the Santa Clara Valley Water District with the Mayor, City Manager, and Public Works Director. There was no Council interest in being included in the meeting.

Councilmember La Poll expressed an interest in developing an ordinance placing limitations on the number of personal service businesses on Main and State Streets. He requested that consideration of an emergency ordinance be placed on an agenda for Council consideration and to obtain public input. There was support for placing the matter on a regular council agenda (no later than two meetings away).

Councilmember La Poll requested that a graffiti removal ordinance be placed on the next council agenda. There was support for his recommendation.

Councilmember Casto reported on a recent meeting of the Joint Day Workers Task Force, commenting that it was productive and caring.

Councilmember Casto noted that the Santa Clara County Cities Association is looking for regional issues in which all member cities might participate.

Councilmember Casto reported on progress of the Residential Design Guidelines Task Force.

Councilmember Casto volunteered to act as the Council liaison to the Challenge Team to reinforce the Council's commitment to teen programs. There was Council support for her involvement.

Councilmember Moss reported on the most recent Cities-Schools meeting at which the Joint Venture Silicon Valley 2010 Vision was discussed. The next meeting is Friday, December 11.

Councilmember Moss reported that he was working on an update of his organizational chart of Council assignments and would be routing it to the Council for comment.

Mayor Becker requested that the matter of the Millennium Event be placed on the next Council agenda for discussion of the City special event permitting process. There was support for his suggestion.

#### ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

  
CAROL SCHARZ, CITY CLERK

  
LOUIS E. BECKER, MAYOR

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS HELD ON **TUESDAY, FEBRUARY 16, 1999, 7:30 P.M.**, AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA .

### ROLL CALL

PRESENT: Mayor Becker, Councilmembers Casto, La Poll, Lear, and Moss  
ABSENT: None

### SPECIAL ITEMS

- Acceptance of a monetary donation to support the Police Department Trading Card Program  
Police Chief Lucy Carlton presented the staff report dated February 16, 1999 recommending acceptance of a check in the amount of \$150 from Alice and Robert Montgomery in support of the City of Los Altos Police Department Trading Card Program. Following comments of appreciation, COUNCILMEMBER CASTO MOVED ACCEPTANCE of the donation, SECONDED BY CONCILMEMBER MOSS AND PASSED UNANIMOUSLY BY VOICE VOTE.
- Acceptance of a gift of two benches from the Veterans Memorial Association of Los Altos and Los Altos Hills  
Recreation Director Bob Rayl presented the staff report dated February 5, 1999, recommending acceptance of a gift of two outdoor benches from the Veterans Memorial Association of Los Altos and Los Altos Hills for placement at the Veterans Memorial in Shoup Park. Following comments of appreciation, COUNCILMEMBER MOSS MOVED ACCEPTANCE of the donation, SECONDED BY COUNCILMEMBER CASTO, AND PASSED UNANIMOUSLY BY VOICE VOTE.

### PUBLIC COMMENTS

Dick Thomas, representing the Los Altos Masters "Swimmers Promoting Los Altos Aquatics, Safety and Health" (SPLASH) presented a letter to the Council in response to a letter from the Los Altos School District notifying them of the closure of the Covington Pool to re-open the Covington School. He requested the Council's assistance in a) identifying a site for a new pool facility; b) finding a way to encourage the School Board to give them more time at Covington Pool and/or find a temporary site to run their programs while the new pool is being built; and c) working together to accelerate the building process once the site has been identified and finding has been secured. Mr. Thomas commented that he would pursue the possibility of staying at the site while the pool remains functional, an option he thought would be available to the Masters from earlier discussions with the District.

Stacy Wagner, representing Assemblyman Ted Lempert, invited the Council and the public to a free pancake breakfast at the Hillview Community Center on Saturday, February 27, from 8:30 to 10:30 a.m.

### ITEM 10 - COUNCIL AND MANAGER ACTIVITY REPORTS

Phil Rose, City Manager, reported on hiring Amy Margolis as the Interim Finance Director.

Mr. Rose also asked the Council to either give direction to staff to proceed with a certain "white wash" treatment of the ceiling of Garden House or to agendaize it for the next meeting for Council discussion. Councilmembers Moss and Lear requested that the item be placed on the February 23 agenda.

Councilmember Lear reported on attending a meeting of the Pen West Government Affairs Committee where the generation of revenues for city improvements was discussed. He indicated he would pass his notes onto the City Manager. He emphasized that he represented himself as an individual and not a Councilmember at the meeting.

Councilmember Lear commented on attending a meeting of the Midpeninsula Open Space District. As a Los Altos resident, he expressed his pride in having their office located in Los Altos. He volunteered to hike the areas within the Open Space District and report back at future Open Space District meetings.

Councilmember Casto reported on a recent meeting of the Citizens' Financial Advisory Committee, noting that the Committee is prepared to work with the Mayor's Blue Ribbon Committee on Service Levels and Funding Options.

Councilmember Casto reported that the Santa Clara County Recreation Commission had voted not to charge for parking at the Rancho San Antonio Open Space Preserve.

Mayor Becker asked staff to report back at the next meeting as to the effectiveness of the new motorcycle traffic enforcement program. The City Manager responded that he will be reporting regularly at Council meetings regarding the status of the program.

Phil Rose, City Manager, requested that the Council move the February 22, 1999 Council Study Session regarding Council goals to Tuesday, March 16. There was a consensus to move the meeting date.

Councilmember Casto announced that the deadline for submitting applications for the Mayor's Blue Ribbon Committee on service levels and revenues had been extended to Friday, February 26. She invited Los Altos residents to apply.

Councilmember Lear asked the status of the report from the joint committee of Mountain View and Los Altos regarding day laborers. The City Manager responded that staff would be coordinating with the staff of Mountain View to take the final report to both City Councils.

Councilmember Moss requested that the matter of term limits for Councilmembers be placed on a future Council agenda. There was support for his recommendation, but no urgency required.

Mayor Becker commented on a letter received from the San Antonio Hills Association concerning annexation to Los Altos Hills. He suggested that the matter of annexation be placed on a future Council agenda. There was support for his recommendation. The City Manager noted that staff would not be doing a full analysis, but would provide some background information to the Council.

## CONSENT CALENDAR

ITEM 1 (MINUTES OF JANUARY 19, 1999) WERE REMOVED FROM THE CONSENT CALENDAR BY COUNCILMEMBER LEAR for discussion. Councilmember Lear requested that the motion concerning Item 5 on the January 19, 1999 agenda be expanded to include the actual points

one through six in Councilmember Lear's "Thoughts on a process to consider a possible revenue ballot measure for 11/99". There was majority support for this expansion and the City Clerk so noted.

ON MOTION BY COUNCILMEMBER MOSS, SECONDED BY COUNCILMEMBER CASTO, AND PASSED UNANIMOUSLY BY VOICE VOTE, the following actions were taken:

1. Approved minutes of Regular Council Meetings of January 12 and 19, 1999 (as amended); Council/ Recreation Commission Study Session of January 12, 1999; Council Study Session of January 21, 1999 re: garbage rates; and Council Study Session of January 25, 1999 re: 401 Rosita Master Plan
2. 401 Rosita Park Improvements – Phase 1  
Awarded contract for 401 Rosita Park Improvements Phase 1, Project 1999-4, to the low bidder, Jensen Corporation; authorized the City Manager to execute the contract on behalf of the City; and re-appropriated the project to reflect expected revenues and expenditures
3. Sanitary Sewer Cleaning and Television Inspection Project 1997-8  
Adopted Resolution 99-3, accepting completion of the Sanitary Sewer Cleaning and Television Inspection Project 1997-8 and authorized recordation of Notice of Completion
4. Fallout Shelter Project 1998-5  
Adopted Resolution 99-4, accepting completion of Fallout Shelter Project 1998-5 authorized recordation of the Notice of Completion
5. Maintenance and Resurfacing Project 1998-1  
Adopted Resolution 99-5, accepting completion of Maintenance and Resurfacing Project 1998-1 and authorized recordation of the Notice of Completion
6. Official Start Time for Regular Council Meetings  
Approved first reading of an ordinance amending Section 2-2.01 of the Los Altos Municipal Code to change the official start time of Regular City Council Meetings to 7:00 p.m.

#### DISCUSSION AND PUBLIC INTEREST ITEMS

7. Policy for Naming Public Parks

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Recreation Director Bob Rayl presented the Recreation Commission's recommendation for adopting a policy on naming City parks, dated February 8, 1999, that had been discussed at the Council/Recreation Commission annual study session on January 12, 1999.

Council discussion followed with suggestions for amending the policy, some of which were substantive and others grammatical. It was agreed that the policy would allow the consideration of park names containing the name of a person. All submittals must be accompanied by the name and address of the person making the suggestion. All proposals received by the City will be sent to the City Council with the Recreation Commission's recommendation. The Recreation Commission will select up to three names to be forwarded to the Council for final consideration.

COUNCILMEMBER CASTO MOVED APPROVAL of the Council Policy for Naming City Parks, as amended by the discussion. THE MOTION WAS SECONDED BY COUCNILMEMBER MOSS AND PASSED UNANIMOUSLY BY VOICE VOTE.

## 8. Residential Design Guidelines Task Force Progress Report

Assistant Planner David Kornfield presented the Residential Design Guidelines Task Force Report dated February 11, 1999, recommending that the City Council provide direction on two issues: whether any additional potential solutions should be considered by the Task Force and whether a community workshop should be hosted prior to public hearings before the Planning Commission and the City Council and, if so, what body or bodies would host the workshop. He indicated that the Task Force feels the main problem is that the existing "Guidelines" lack clarity, definition and rules of application to address compatibility issues with new and remodeled homes. The terms "compatibility" and "consistent character neighborhoods" need definition. Mr. Kornfield summarized the Task Force's consideration of potential solutions, including neighborhood checklists, a change to the noticing requirements for design review, using recognized design references to provide a basis to review the architectural integrity of proposals, single-story overlay zones, other zoning solutions, and private restrictions.

Susan Holtzapple, 1249 Via Huerta, urged the Council to adopt "Guidelines" that are clear, understandable, and acceptable. She favored including a requirement for adequate mature landscaping, the use of overlay zones, and a better definition of setbacks.

Robert Norton, 73 View Street, questioned the viability of overlay zones, noting that there may well be a negative impact on selling price of homes limited to single-story construction.

Council discussion followed. One Councilmember expressed an interest in having some minimum quality building standards to adequately protect existing neighborhoods. Another Councilmember urged staff to do the necessary research to determine what other communities have done with respect to overlay zones and what impact they have had on property values. Staff responded that such an analysis would be difficult as there are so many other variables beyond the overlay zones; the result would be a subjective analysis. One Councilmember saw no benefit to the City creating overlay zones and opposed them, in principle, with respect to taking away rights of property owners. It was noted that the Task Force will be evaluating and voting on the various solutions to improving the "Guidelines"; their challenge will be to balance property owner rights against neighborhood concerns. The need for better defining "neighborhood compatibility" was emphasized. With respect to a public workshop, there was support for having a facilitated meeting conducted by the Task Force.

COUNCILMEMBER LA POLL MOVED that 1) staff be directed to research the possible impacts of overlay zones on property values; and 2) a facilitated community workshop be conducted by the Task Force prior to public hearings before the Planning Commission and City Council. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTO AND PASSED UNANIMOUSLY BY VOICE VOTE.

### ADJOURNMENT

The meeting was adjourned at 8:45 p.m. to a closed session in the Redwood Conference Room for the purpose of conferring with legal counsel regarding anticipated litigation (two cases). The Council reconvened in open session at 9:35 p.m. in the Community Meeting Chambers to announce action taken in closed session.

Mayor Becker announced that the Council had voted unanimously to modify the previous direction given to staff regarding the regulation of debris boxes. The direction to staff as noted in the January

21, 1999 minutes (2d) was modified to delete the phrase "staff be directed to determine whether the regulation of debris boxes can either be discontinued or modified to allow competition. Should this not be possible, . . .".

The meeting was adjourned at 9:45 p.m.

  
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LOUIS E. BECKER, MAYOR

  
\_\_\_\_\_  
CAROL SCHARZ, CITY CLERK



RESOLUTION NO. 94-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LOS ALTOS OF INTENTION OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS TO VACATE A FALLOUT  
SHELTER EASEMENT AND NOTICE OF HEARING  
THEREON

**BE IT RESOLVED**, by the City Council of the City of Los Altos as follows:

It is the intention of said City Council of the City of Los Altos to vacate the public service easement for a fallout shelter on property known and described as 270 Surrey Place in the City of Los Altos, and as more particularly shown on the drawing attached hereto and incorporated herein by reference.

Tuesday, October 11, 1994, at 7:30 p.m. or as soon thereafter as the matter may be heard, in the Community Meeting chambers, One North San Antonio Road, Los Altos, California 94022 is hereby set as the time and place whereby a public hearing on the aforesaid vacation will be held. All persons are invited to appear and provide testimony on said matter, and written comments will be received up to the time upon which said hearing is concluded and closed.

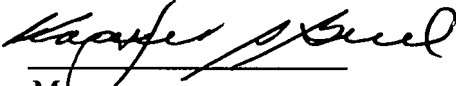
The Director of Public Works is hereby authorized and requested to post notice conspicuously along the exterior boundaries of said public service easement proposed to be vacated, at least three copies, at least two weeks prior to October 11, 1994, each notice to be not more than 300 feet apart. Notice shall be a copy of this Resolution of Intention and Notice of Public Hearing. Furthermore, said Director of Public Works is hereby authorized and requested to cause to be published in the Los Altos Town Crier a copy of this Resolution of Intention and Notice to Vacate.

PASSED AND ADOPTED at a regular meeting of the City of Los Altos held on the 13th day of September, 1994 by the following vote:

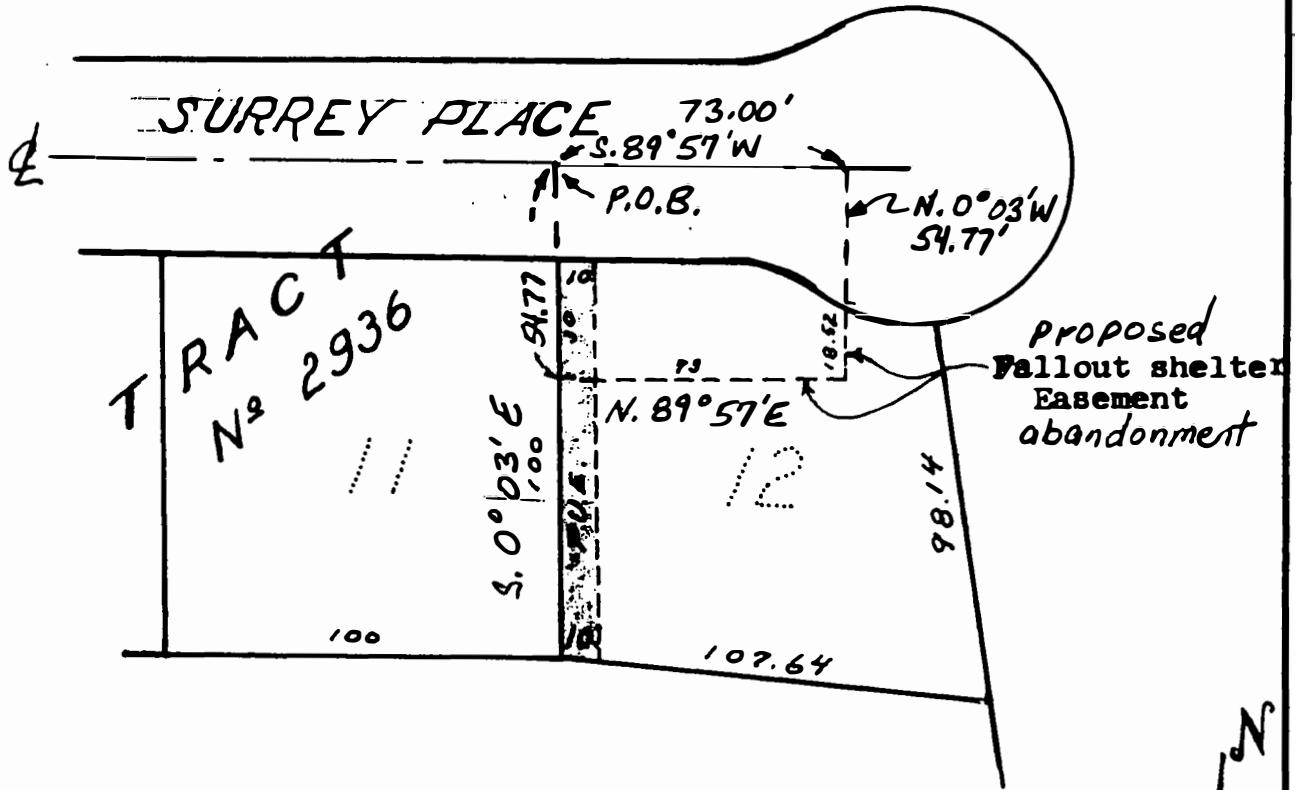
AYES: Mayor Bruno, Councilmembers Gray, Laliotis, Reeder & Williams

NOES: None

ABSENT: None

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk



ENGINEERING DEPT.	
CITY OF LOS ALTOS	
SANTA CLARA COUNTY, CALIFORNIA	
EASEMENT ABANDONMENT	
FALLOUT SHELTER	
LANDS OF CROSSMAN	
DRAWN <i>YOSH</i>	SCALE 1" = 50'
CHK'D <i>RDG</i>	DWG. NO. 10,674
APPROVED <i>BWB</i>	10,223/Cross REP.
DATE <i>SEPT. 2, 1994</i>	

An easement abandonment for a fallout shelter and appurtenances recorded on February 10, 1966 in Book 7277 Page 385 of Official Records described as follows:  
Beginning at the point of intersection of the center line of Surrey Place with the northerly prolongation of the westerly line of Lot 12 as said center line and westerly line are shown upon the map hereinafter referred to; running thence along the northerly prolongation of said westerly line and along the westerly line of said Lot 12, South 0° 03' East 54.77 feet; thence running at right angles to said westerly line, North 89° 57' East 73.00 feet; thence running North 0° 03' West and parallel to said westerly line of Lot 12, 54.77 feet to the point of intersection thereof with said center line of Surrey Place; running thence along said last named line, South 89° 57' West 73.00 feet to the Point of Beginning, and being a portion of Lot 12, and a portion of Surrey Place, as said lot and place are shown upon the map of Tract No. 2936 Windsor Square, which said map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on May 18, 1961 in Book 133 of Maps, at Page 2, Santa Clara County records.

RESOLUTION NO. 94-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LOS ALTOS OF INTENTION OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS TO VACATE A PUBLIC SERVICE  
EASEMENT AND NOTICE OF HEARING THEREON

**BE IT RESOLVED**, by the City Council of the City of Los Altos as follows:

It is the intention of said City Council of the City of Los Altos to vacate the public service easement for a fallout shelter on property known and described as 270 Surrey Place in the City of Los Altos, and as more particularly shown on the drawing attached hereto and incorporated herein by reference.

Tuesday, October 11, 1994, at 7:30 p.m. or as soon thereafter as the matter may be heard, in the Community Meeting chambers, One North San Antonio Road, Los Altos, California 94022 is hereby set as the time and place whereby a public hearing on the aforesaid vacation will be held. All persons are invited to appear and provide testimony on said matter, and written comments will be received up to the time upon which said hearing is concluded and closed.

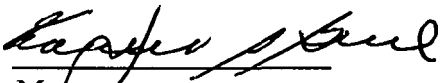
The Director of Public Works is hereby authorized and requested to post notice conspicuously along the exterior boundaries of said public service easement proposed to be vacated, at least three copies, at least two weeks prior to October 11, 1994, each notice to be not more than 300 feet apart. Notice shall be a copy of this Resolution of Intention and Notice of Public Hearing. Furthermore, said Director of Public Works is hereby authorized and requested to cause to be published in the Los Altos Town Crier a copy of this Resolution of Intention and Notice to Vacate.

PASSED AND ADOPTED at a regular meeting of the City of Los Altos held on the 13th day of September, 1994 by the following vote:

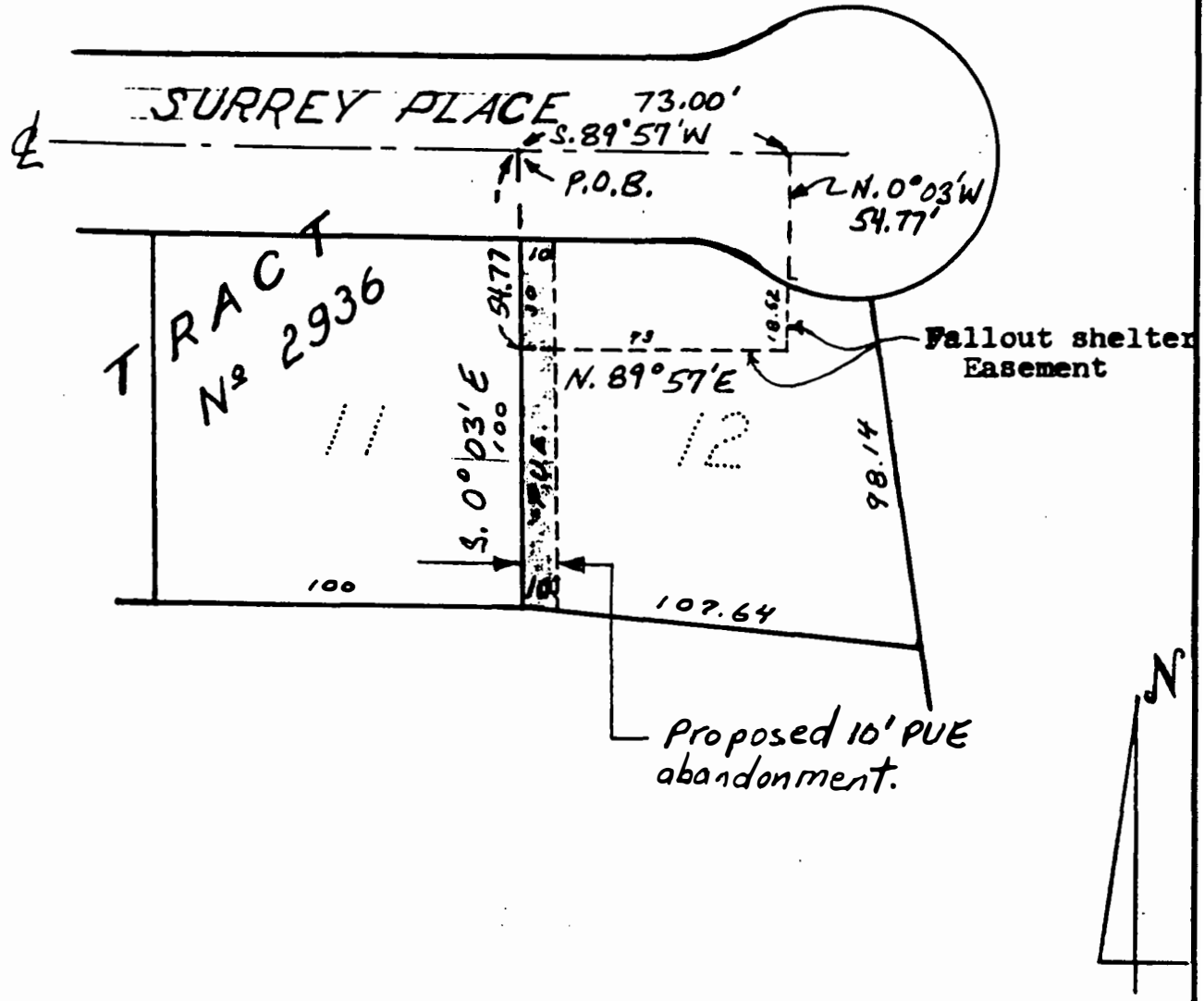
AYES: Mayor Bruno, Councilmembers Gray, Laliotis, Reeder & Williams

NOES: None

ABSENT: None

  
Mayor

  
- City Clerk



ENGINEERING DEPT.	
CITY OF LOS ALTOS	
SANTA CLARA COUNTY, CALIFORNIA	
EASEMENT ABANDONMENT	
10' PUE (Public Utility Easement)	
LANDS of CROSSMAN	
DRAWN VOSH	SCALE 1" = 50'
CHK'D RDB	DWG. NO. 10,675
APPROVED BWB	10,223/Cross ref.
DATE SEPT. 2, 1994	

An abandonment of a 10 foot wide PUE (Public Utility Easement) recorded in Book 6414, Page 475, Official Records described as follows:

A strip of land, 10 feet in width, the westerly line of which is the line common to Lots 11 and 12, Tract No. 2936, Windsor Square, as shown upon the map of said tract filed for record on May 18, 1961, in Book 133 of Maps, at Page 2, in the Office of the County Recorder of Santa Clara County, California.

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

RESOLUTION NO. 99-4  
A RESOLUTION ACCEPTING COMPLETION AND  
DIRECTING ENGINEER TO FILE NOTICE OF  
ACCEPTANCE OF COMPLETION

FALLOUT SHELTER CLOSURE

PROJECT 1998-5

RESOLVED, by the City Council of the City of Los Altos, Santa Clara County, California,  
that

WHEREAS, the Director of Public Works of said City has filed with the City Clerk of said City, an Engineer's Certificate as to the completion of all of the work provided to be done under and pursuant to the contract between said City and CS2 Company, Inc. dated November 10, 1998; and

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

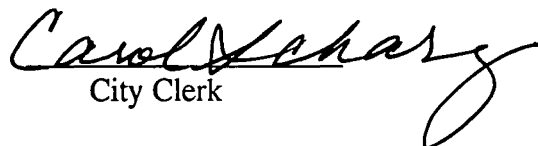
NOW, THEREFORE, IT IS ORDERED, as follows:

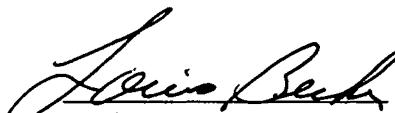
1. That acceptance of completion of said work be, and it is hereby, made and ordered.
2. That the Director of Public Works is directed to execute and file for record with the County Recorder of the County of Santa Clara, notice of acceptance of completion thereof, as required by law.

\*\*\*\*\*

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Los Altos, California, at a meeting thereof held on the 16th of February, 1999, by the following vote of the members thereof:

AYES: Mayor Becker, Councilmembers Casto, La Poll, Lear, and Moss  
NOES: None  
ABSENT: None

  
City Clerk

  
Louis Becker, Mayor



**CONSENT CALENDAR**

**Agenda Item # 3**

**AGENDA REPORT SUMMARY**

**Meeting Date:** January 22, 2019

**Subject:** Annual Report on the Park in-Lieu Fee and Traffic Impact Fee for Fiscal Year 2018

**Prepared by:** Sarina Revillar, Financial Services Manager

**Reviewed by:** Sharif Etman, Administrative Services Director

**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

1. Annual Report on the Traffic Impact Fee and the Park in-Lieu Fee for Fiscal Year 2018

**Initiated by:**

Staff

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- None

**Summary:**

- Receive and approve Annual Report for Park in-Lieu Fee and Traffic Impact Fee for Fiscal Year 2018

**Staff Recommendation:**

Receive and approve the Annual Report on the Traffic Impact Fee and the Park in-Lieu Fee for Fiscal Year 2018

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**Reviewed By:**

City Manager

City Attorney

Finance Director

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**Subject:** Annual Report on the Park in-Lieu Fee and Traffic Impact Fee for Fiscal Year 2018

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### **Purpose**

State law requires the City to make this report available for public inspection at least 15 days before the City Council accepts the report and 180 days after the last day of the fiscal year.

### **Background**

Development impact fees are fees charged by local governmental agencies in connection with development projects. The Mitigation Fee Act (California Government Code §66000 et seq.) regulates how public agencies collect, maintain and spend development impact fees imposed on developers for the purpose of defraying costs of public facilities. The Act includes requirements for accounting, expending and reporting impact fees and related interest earning.

Government Code Section 66006 requires that the City make available to the public the following information regarding development impact fees for each development impact fee fund within 180 days after the end of each fiscal year:

- A brief description of the fee and the fund into which the fee was deposited;
- The amount of the fee;
- The associated fund's beginning and ending balances for the fiscal year;
- The total amount of fees collected, and interest earned;
- Identification of each public improvement on which impact fees were expended and the amount of expenditure on each improvement, including the total percentage of the cost of the public improvement that was funded with impact fees;
- Identification of the approximate date by which construction of a public improvement will commence if the local agency determined that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete;
- A description of each interfund transfer or loan made from an account or fund; and
- The amount of refunds made and any allocations pursuant to subdivision (f) of Section 66001.

Separately, Government Code Section 66001(d) requires that findings describing the continuing need for impact fees be made every five years specifying the intended use of any unexpended impact fees, regardless of whether the fees are committed or uncommitted. Based on the year the development impact fee accounts were created, no Section 66001(d) findings are required for this fiscal year.

### **Discussion/Analysis**

The City of Los Altos collects a Park in-Lieu Fee and a Traffic Impact Fee in connection with development.



**Subject:** Annual Report on the Park in-Lieu Fee and Traffic Impact Fee for Fiscal Year 2018

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Fund balances at the end of June 30, 2018 are:

Fund	Beginning Fund Balance	FY17/18 Revenues Collected	FY17/18 Expenditures	Ending Fund Balance
Park in-Lieu Fee	\$4,403,862	\$1,117,075	\$ 267,602	\$5,253,335
Traffic Impact Fee	\$1,256,171	\$ 110,524	\$ 786,463	\$ 580,232

As explained further below, annual reporting under Section 66006 is only legally required for the Traffic Impact Fee.

For the traffic impact fee, the City requires developers to pay a fee when a new development generates traffic and meets other requirements described in Section 3.48.040 of the City's Municipal Code. The fees collected are to be used for transportation improvements that are identified in the City's Capital Improvement Program and/or in the Traffic Impact Fee report in effect at the time the traffic impact fee is enacted or as subsequently amended.

The City's Park in-Lieu Fee (Los Altos Municipal Code, Ch. 13.24) is authorized by the Quimby Act (Cal. Government Code §66477), which allows cities to require developers to dedicate community parkland or pay a fee in-lieu thereof. Because the Park in-Lieu fee was established under the Quimby Act it is expressly excluded from the requirements of the Mitigation Fee Act pursuant to Government Code Section 66000(b). Thus, the Park in-Lieu fee is not subject to annual reporting under the Mitigation Fee Act. However, for purposes of completeness and public transparency, both the Park in-Lieu Fee and the Traffic Impact Fee are included in this report.

This Annual Report must be reviewed by the City Council at a regularly scheduled public meeting. In addition, notice of the time and place of the meeting shall be mailed at least 15 days prior to the meeting to any interested party who files a written request with the local agency. No such requests were made at the time of this report. The attached Annual Report presents the revenues, expenditures, and fund balances for the Traffic Impact Fee, and on a voluntary basis, for the Park in-Lieu Fee.

**Options**

- 1) Receive and approve the Annual Report for the Traffic Impact Fee and the Park in-Lieu Fee for the Fiscal Year ended June 30, 2018

**Advantages:** To meet the state law requirement to make this report available to public

**Disadvantages:** None

The staff recommends Option 1.



# **City of Los Altos**

**Annual Report  
on  
the Traffic Impact Fee and the Park in-Lieu Fee  
for  
Fiscal Year Ended  
June 30, 2018**

**City of Los Altos  
Park in-Lieu Fees and Traffic Impact Fees  
For Year Ended June 30, 2018**

**Schedule of Park-in-Lieu Fees**

Pursuant to City of Los Altos Municipal Code Chapter 13.24  
Per City Council Adopted Resolution No. 2017-32

New Single-family Residential Home	\$ 56,500 per Home
New Multiple-family Unit	\$ 35,500 per Unit

**Schedule of Traffic Impact Fees**

Pursuant to City of Los Altos Municipal Code Chapter 3.48  
Per City Council Adopted Resolution No. 2017-32

Single-family Housing	\$ 6,152 per Residential Unit
Multiple-family Housing	\$ 3,777 per Residential Unit
Senior Housing	\$ 1,584 per Residential Unit
Commercial	\$ 11,269 per One Thousand Gross Square Feet
Office	\$ 9,076 per One Thousand Gross Square Feet

**City of Los Altos**  
**Park in-Lieu Fees**  
**For Year Ended June 30, 2018**

<b>Fiscal Year</b>	<b>Beg Bal</b>	<b>Fees Collected</b>	<b>Interest Income</b>	<b>Transfers In</b>	<b>FY17/18 Expenditures</b>	<b>Transfers Out</b>	<b>End Bal</b>
2005	\$0	\$ 30,000	\$ 670		\$ 6,500		\$ 24,170
2006	24,170	60,000	2,757		-		86,927
2007	86,927	243,000	7,705		-		337,632
2008	337,632	867,000	23,890		211,780		1,016,742
2009	1,016,742	-	19,684		73,046		963,380
2010	963,380	468,000	7,868		154,257		1,284,991
2011	1,284,991	132,000	7,784		1,136,867		287,908
2012	287,908	756,000	6,027		100,185		949,750
2013	949,750	3636000	4640				4,590,390
2014	4,590,390	1,260,000	21,574				5,871,964
2015	5,871,964	62,708	24,420			56,773	5,902,319
2016	5,902,319	198,500	56,633		145,102	467,476	5,544,874
2017	5,544,874	-	12,414		1,152,527	899	4,403,862
2018	4,403,862	1,092,500	24,575		267,602		5,253,335

**City of Los Altos**  
**Traffic Impact Fees**  
**For Year Ended June 30, 2018**

Fiscal Year	Beg Bal	Fees Collected	Interest Income	Transfers In	FY17/18 Expenditures	Transfers Out	End Bal
2006	\$0	\$ 84,796	\$ 960				\$ 85,756
2007	85,756	-	4,467				90,223
2008	90,223	285,018	7,785				383,026
2009	383,026	24,842	8,974				416,842
2010	416,842	154,644	3,372				574,858
2011	574,858	185,795	5,935		47,793		718,795
2012	718,795	59,964	5,108		23,402		760,465
2013	760,465	651,705	1,758		18,336		1,395,592
2014	1,395,592	692,408	8,083		1,684	95,357	1,999,042
2015	1,999,042	249,589	8,819		320,225		1,937,224
2016	1,937,224	41,531	18,924		7,014	518,398	1,472,267
2017	1,472,267	-	3,867		105,434	114,529	1,256,171
2018	1,256,171	105,359	5,165		346,463	440,000	580,232

**City of Los Altos  
Park in-Lieu Funds Expended  
For Year Ended June 30, 2018**

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
<b>CF01008 Grant Park Comm Ctr Improve</b>	Park-in-Lieu	\$ 142,053	\$ 142,053	100%
<b>CF01009 Annual Pathway Rehab</b>	Park-in-Lieu	\$ 53,665	\$ 53,665	100%
<b>CF01017 Annual Park Improvement</b>	Park-in-Lieu	\$ 71,884	\$ 71,884	100%
	Total	<u>\$ 267,602</u>	<u>\$ 267,602</u>	100%

As June 30, 2018, there were no loans made by the Fund

For fiscal year ending June 30, 2018, there were no fee refunds issued by the Fund

As of June 30, 2018, there were no incomplete public improvements for which sufficient funds have been collected.  
No approximate construction date can be identified at this time for incomplete public improvements.

**City of Los Altos  
Traffic Impact Fee Funds Expended  
For Year Ended June 30, 2018**

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
<b>15-26 Foothill Expressway Improvement</b>	Traffic Impact	\$ 440,000	\$ 512,282	86%
<b>TS01031 Illuminated Crosswalk Replace</b>	Traffic Impact	\$ 344,945	\$ 345,189	100%
<b>TS01007 Neighborhood Traffic Mgmt</b>	Traffic Impact	\$ 1,518	\$ 1,518	100%
	Total	<u>\$ 786,463</u>	<u>\$ 858,989</u>	92%

As June 30, 2018, there were no loans made by the Fund

For fiscal year ending June 30, 2018, there were no fee refunds issued by the Fund

As of June 30, 2018, there were no incomplete public improvements for which sufficient funds have been collected. No approximate construction date can be identified at this time for incomplete public improvements.





**CONSENT CALENDAR**

**Agenda Item # 4**

**AGENDA REPORT SUMMARY**

**Meeting Date:** January 22, 2019

**Subject:** Appointment to the Association of Bay Area Governments (ABAG)

**Prepared by:** Chris Jordan, City Manager

**Attachment(s):**  
None

**Initiated by:**  
Mayor Lee Eng

**Previous Council Consideration:**  
Not Applicable

**Fiscal Impact:**  
Not Applicable

**Environmental Review:**  
Not Applicable

**Policy Question(s) for Council Consideration:**  
Not Applicable – this is an item for discussion

**Summary:**

- The City of Los Altos appoints a member of the City Council to the ABAG General Assembly

**Recommendation:**

The Mayor requests the Council's affirmation of the appointment of Councilmember Neysa Fligor to the Association of Bay Area Governments, with Councilmember Enander as the alternate

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City Manager

**Reviewed By:**  
City Attorney

Finance Director

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**DISCUSSION CALENDAR**

**Agenda Item # 5**

**AGENDA REPORT SUMMARY**

**Meeting Date:** January 22, 2019

**Subject:** Ordinance No. 2019-454: Increasing the Transient Occupancy Tax

**Prepared by:** Chris Jordan, City Manager

**Attachment(s):**

1. Ordinance No. 2019-454, Version 1
2. Ordinance No. 2019-454, Version 2

**Initiated by:**

Voter-approved ballot measure

**Previous Council Consideration:**

- June 12, 2018, Approved Resolution 2018-26

**Fiscal Impact:**

- Version 1: Increases revenues to the City by an estimated \$720,000 annually beginning with FY 2019-2020.
- Version 2: Increases revenues by \$240,000 in FY 2019-2020; \$480,000 in FY 2020-2021; by \$720,000 beginning with FY 2021-2022.

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the City Council wish to increase the transient occupancy tax rate from 11% to 14%, effective July 1, 2019?
- Or, does the Council wish to phase-in the transient occupancy tax rate increase by 1% annually over three (3) years?

**Summary:**

- The City Council placed an increase in the transient occupancy tax before the City's voters in November 2018 (Measure D)
- The Measure allows the Council to increase the maximum TOT rate from 11% to 14%
- Los Altos voters approved the Measure by a vote of 9,141 to 6,369
- Two versions of the implementing ordinance are provided Council's consideration

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**Reviewed By:**

City Manager

City Attorney

Finance Director

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**Subject:** Ordinance No. 2019-454: Increasing the Transient Occupancy Tax

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**Staff Recommendation:**

Introduce and waive further reading of Ordinance No. 2019-454, increasing the TOT to a maximum of 14%, effective July 1, 2019



**Subject:** Ordinance No. 2019-454: Increasing the Transient Occupancy Tax

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**Purpose**

Ordinance No. 2019-454 increases the maximum transient occupancy tax from 11% to 14% effective July 1, 2019.

**Background**

The City Council placed Measure D before the voters on the November 2018 ballot. Measure D allowed the City Council to increase the maximum transient occupancy tax (TOT) rate from 11% to 14%. Measure D was approved by Los Altos voters 59% to 41%.

The City's TOT is authorized in Municipal Code 3.36.020 and currently imposes a maximum tax rate of 11%. In accordance with Measure D, which was approved by the voters, Ordinance No. 2019-454 authorizes the Council to increase the TOT rate from 11% to a maximum 14%, effective July 1, 2019.

Staff has also provided a second version of the Ordinance for Council consideration. This version would phase-in the increase by 1% annually:

- 12% for FY 2019-2020
- 13% for FY 2020-2021
- 14% for FY 2021-2022

Each increase of 1% is estimated to add \$240,000 annually to the City's General Fund.

**Options**

- 1) Approve Version 1 of Ordinance No. 2019-454, increasing the maximum TOT rate to 14%, effective July 1, 2019

**Advantages:** Maximizes the City's revenues from the increase in the TOT

**Disadvantages:** The City's hotels are required to compete with hotels in other cities that may have a lower TOT

- 2) Approve Version 2 of Ordinance No. 2019-454

**Advantages:** By phasing in the increase, the community's hotels may find it less challenging to compete with other hotels in the area

**Disadvantages:** The City foregoes an estimated \$720,000 in General Fund revenues over the next two (2) years



**Subject:** Ordinance No. 2019-454: Increasing the Transient Occupancy Tax

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**Recommendation**

The staff recommends Option 1.

**ORDINANCE No. 2019-454**

**AN ORDINANCE OF THE CITY OF THE CITY OF LOS ALTOS SETTING THE  
TRANSIENT OCCUPANCY TAX RATE AT FOURTEEN (14) PERCENT**

**WHEREAS**, the City of Los Altos Municipal Code chapter 3.36 defines and imposes a tax on transient occupancies in Los Altos hotels; and

**WHEREAS**, currently, the tax is currently set at a rate of 11%; and

**WHEREAS**, at the November 6, 2018 election, the voters of Los Altos approved an increase in the maximum transient occupancy tax rate from eleven (11) percent to fourteen (14) percent (“Measure D”); and

**WHEREAS**, Section 3.36.025 of the Los Altos Municipal Code (approved as part of “Measure D”) authorizes the City Council to adjust the transient occupancy tax rate upwardly or downwardly to any rate within the voter-approved fourteen (14) percent maximum without a further vote of the People; and

**WHEREAS**, pursuant to its authority under the Los Altos Municipal Code, the City Council desires to set the transient occupancy tax at the rate(s) as set forth herein.

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

**SECTION 1. AMENDMENT OF CODE.** As authorized by Los Altos Municipal Code sections 3.36.020 and 3.36.025, the transient occupancy tax rate is set at eleven (11) percent of rent payable by the transient (as defined in the Municipal Code), through June 30, 2019.

**SECTION 2.** Effective July 1, 2019, the transient occupancy tax rate is hereby adjusted to fourteen (14) percent of rent payable by the transient (as defined in the Municipal Code).

**SECTION 3.** Except as otherwise amended herein, all provisions of Chapter 3.36 of the Los Altos Municipal Code shall apply to the imposition, collection and administration of the Los Altos transient occupancy tax.

**SECTION 4.** Pursuant to Section 3.36.025 of the Los Altos Municipal Code, the City Council may, by future ordinance, adjust the transient occupancy tax rate set forth herein, without a further vote of the People; provided that the adjusted rate is no higher than the voter-approved maximum rate set forth in Section 3.36.020.

**SECTION 5. 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 6. PUBLICATION.** This Ordinance shall be published as provided in Government Code section 36933.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect 31 days from the date of adoption.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council held on January 22, 2019, and adopted as an ordinance of the City of Los Altos at a regular meeting of the City Council held on February 12, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Lynette Lee Eng, Mayor

Attest:

\_\_\_\_\_  
Jon Maginot, CMC, CITY CLERK

**ORDINANCE No. 2019-454**

**AN ORDINANCE OF THE CITY OF THE CITY OF LOS ALTOS INCREASING THE  
TRANSIENT OCCUPANCY TAX RATE AT FOURTEEN (14) PERCENT**

**WHEREAS**, the City of Los Altos Municipal Code chapter 3.36 defines and imposes a tax on transient occupancies in Los Altos hotels; and

**WHEREAS**, currently, the tax is currently set at a rate of 11%; and

**WHEREAS**, at the November 6, 2018 election, the voters of Los Altos approved an increase in the maximum transient occupancy tax rate from eleven (11) percent to fourteen (14) percent (“Measure D”); and

**WHEREAS**, Section 3.36.025 of the Los Altos Municipal Code (approved as part of “Measure D”) authorizes the City Council to adjust the transient occupancy tax rate upwardly or downwardly to any rate within the voter-approved fourteen (14) percent maximum without a further vote of the People; and

**WHEREAS**, pursuant to its authority under the Los Altos Municipal Code, the City Council desires to set the transient occupancy tax at the rate(s) as set forth herein.

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

**SECTION 1. AMENDMENT OF CODE.** As authorized by Los Altos Municipal Code sections 3.36.020 and 3.36.025, the transient occupancy tax rate is set at eleven (11) percent of rent payable by the transient (as defined in the Municipal Code), through June 30, 2019.

**SECTION 2:** Effective July 1, 2019, the transient occupancy tax rate is hereby adjusted to twelve (12) percent of rent payable by the transient (as defined in the Municipal Code).

**SECTION 3:** Effective July 1, 2020, the transient occupancy tax rate is hereby adjusted to thirteen (13) percent of rent payable by the transient (as defined in the Municipal Code).

**SECTION 4:** Effective July 1, 2021, the transient occupancy tax rate is hereby adjusted to fourteen (14) percent of rent payable by the transient (as defined in the Municipal Code).

**SECTION 5:** Except as otherwise amended herein, all provisions of Chapter 3.36 of the Los Altos Municipal Code shall apply to the imposition, collection and administration of the Los Altos transient occupancy tax.

**SECTION 6:** Pursuant to Section 3.36.025 of the Los Altos Municipal Code, the City Council may, by future ordinance, adjust the transient occupancy tax rate set forth herein, without a further vote of the People; provided that the adjusted rate is no higher than the voter-approved maximum rate set forth in Section 3.36.020.



**SECTION 5. 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 6. PUBLICATION.** This Ordinance shall be published as provided in Government Code section 36933.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect 31 days from the date of adoption.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council held on January 22, 2019, and adopted as an Ordinance of the City of Los Altos at a regular meeting of the City Council held on February 12, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Lynette Lee Eng, Mayor

Attest:

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Jon Maginot, CMC, CITY CLERK